

**MOTOR VEHICLE INSURANCE ON CERTAIN
VEHICLES**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn L. Way

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN MOTOR VEHICLE
INSURANCE PROVISIONS; PROVIDING CERTAIN DEFINITIONS; AND MAKING
TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-17.5, as enacted by Chapter 33, Laws of Utah 1988

41-12a-301, as last amended by Chapter 245, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-17.5** is amended to read:

41-6-17.5. Quasi-public roads and parking areas -- Local ordinances.

(1) As used in this section, "quasi-public road or parking area" means a privately-owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.

~~[(1)] (2) (a) Any municipality or county may by ordinance provide that [privately-owned and maintained roads or parking areas] a quasi-public road or parking area within the city or county[~~, as described in the ordinance, are~~] is subject to this chapter[~~, provided:~~].~~

~~[(i) the roads or parking areas are generally held open for use of the public for purposes of vehicular travel or parking to serve commercial establishments;]~~

~~[(ii) the privately-owned and maintained road is so connected with a highway that the public would not reasonably be able to determine that it is a privately-owned and maintained road; or]~~

~~[(iii) a majority of the owners of the privately owned and maintained road have signed a~~

28 petition and submitted it to the municipality or county, requesting that the road be included in an
29 ordinance enacted under this section.]

30 (b) An ordinance may not be enacted under this [subsection] section without:

31 (i) a public hearing; and [without]

32 (ii) the agreement of [~~the owner~~] a majority of the owners of the [~~privately-owned and~~
33 ~~maintained highway or parking area~~] quasi-public road or parking area involved.

34 [(2)] (3) The department is not required under this section to patrol or enforce any
35 provisions of this chapter on any [~~privately-owned and maintained~~] quasi-public road or parking
36 area, but is required to enforce those provisions of this chapter applicable to private property other
37 than under this section.

38 Section 2. Section **41-12a-301** is amended to read:

39 **41-12a-301. Definition -- Requirement of owner's or operator's security --**

40 **Exceptions.**

41 (1) As used in this section[,]:

42 (a) "highway" has the same meaning as provided in Section 41-1a-102; and

43 (b) "quasi-public road or parking area" has the same meaning as provided in Section
44 41-6-17.5.

45 (2) Except as provided in Subsection (5):

46 (a) every resident owner of a motor vehicle shall maintain owner's or operator's security
47 in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or
48 parking area within the state; and

49 (b) every nonresident owner of a motor vehicle that has been physically present in this
50 state for:

51 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of
52 owner's or operator's security required in his place of residence, in effect continuously throughout
53 the period the motor vehicle remains within Utah; or

54 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or
55 operator's security in effect continuously throughout the period the motor vehicle remains within
56 Utah.

57 (3) (a) Except as provided in Subsection (5), the state and all of its political subdivisions
58 and their respective departments, institutions, or agencies shall maintain owner's or operator's

59 security in effect continuously for their motor vehicles.

60 (b) Any other state is considered a nonresident owner of its motor vehicles and is subject
61 to Subsection (2)(b).

62 (4) The United States, any political subdivision of it, or any of its agencies may maintain
63 owner's or operator's security in effect for their motor vehicles.

64 (5) Owner's or operator's security is not required for any of the following:

65 (a) off-highway vehicles registered under Section 41-22-3 when operated either:

66 (i) on a highway designated as open for off-highway vehicle use; or

67 (ii) in the manner prescribed by Section 41-22-10.3;

68 (b) off-highway implements of husbandry operated in the manner prescribed by

69 Subsections 41-22-5.5(3) through (5);

70 (c) electric assisted bicycles as defined under Section 41-6-1; or

71 (d) motor assisted scooters as defined under Section 41-6-1.

Legislative Review Note

as of 1-8-99 11:59 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel