

1 **AMENDMENTS TO OFF-HIGHWAY VEHICLE PROVISIONS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Scott K. Jenkins**

5 House Sponsor: Brad J. Galvez

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Off-highway Vehicles Code by amending definitions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines class A side-by-side vehicle;
- 13 ▶ amends the definition of an all-terrain type II vehicle to include class A side-by-side
- 14 vehicles; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-22-2**, as last amended by Laws of Utah 2011, Chapter 366

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

25 Section 1. Section **41-22-2** is amended to read:

26 **41-22-2. Definitions.**

27 As used in this chapter:

28 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by
29 the Board of Parks and Recreation.

30 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
31 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
32 tires, having a seat designed to be straddled by the operator, and designed for or capable of
33 travel over unimproved terrain.

34 (3) (a) "All-terrain type II vehicle" means any other motor vehicle, not defined in
35 Subsection (2), [~~(10)~~] (11), or [~~(21)~~] (22), designed for or capable of travel over unimproved
36 terrain.

37 (b) "All-terrain type II vehicle" includes a class A side-by-side vehicle.

38 [~~(b)~~] (c) "All-terrain type II vehicle" does not include golf carts, any vehicle designed
39 to carry a person with a disability, any vehicle not specifically designed for recreational use, or
40 farm tractors as defined under Section 41-1a-102.

41 (4) "Board" means the Board of Parks and Recreation.

42 (5) "Class A side-by-side vehicle" means any motor vehicle 65 inches or less in width,
43 having an unladen dry weight of 2,000 pounds or less, traveling on four or more non-highway
44 tires, and designed for or capable of travel over unimproved terrain.

45 [~~(5)~~] (6) "Cross-country" means across natural terrain and off an existing highway,
46 road, route, or trail.

47 [~~(6)~~] (7) "Dealer" means a person engaged in the business of selling off-highway
48 vehicles at wholesale or retail.

49 [~~(7)~~] (8) "Division" means the Division of Parks and Recreation.

50 [~~(8)~~] (9) "Low pressure tire" means any pneumatic tire six inches or more in width
51 designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating
52 pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

53 [~~(9)~~] (10) "Manufacturer" means a person engaged in the business of manufacturing
54 off-highway vehicles.

55 [~~(10)~~] (11) "Motorcycle" means every motor vehicle having a saddle for the use of the
56 operator and designed to travel on not more than two tires.

57 [~~(11)~~] (12) (a) "Motor vehicle" means every vehicle which is self-propelled.

58 (b) "Motor vehicle" includes an off-highway vehicle.

59 [~~12~~] (13) "Off-highway implement of husbandry" means every all-terrain type I
60 vehicle, motorcycle, or snowmobile that is used by the owner or the owner's agent for
61 agricultural operations.

62 [~~13~~] (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
63 all-terrain type II vehicle, or motorcycle.

64 [~~14~~] (15) "Operate" means to control the movement of or otherwise use an
65 off-highway vehicle.

66 [~~15~~] (16) "Operator" means the person who is in actual physical control of an
67 off-highway vehicle.

68 [~~16~~] (17) "Organized user group" means an off-highway vehicle organization
69 incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
70 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle
71 recreation.

72 [~~17~~] (18) "Owner" means a person, other than a person with a security interest,
73 having a property interest or title to an off-highway vehicle and entitled to the use and
74 possession of that vehicle.

75 [~~18~~] (19) "Public land" means land owned or administered by any federal or state
76 agency or any political subdivision of the state.

77 [~~19~~] (20) "Register" means the act of assigning a registration number to an
78 off-highway vehicle.

79 [~~20~~] (21) "Roadway" is used as defined in Section 41-6a-102.

80 [~~21~~] (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice
81 and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
82 tires.

83 [~~22~~] (23) "Street or highway" means the entire width between boundary lines of every
84 way or place of whatever nature, when any part of it is open to the use of the public for
85 vehicular travel.

86 [~~23~~] (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same
87 meaning as defined in Section 41-6a-102.