

ALL-TERRAIN VEHICLE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to street-legal all-terrain vehicles.

Highlighted Provisions:

This bill:

- ▶ amends the definition of a utility type vehicle;
- ▶ repeals the prohibition on a person operating a street-legal ATV on a street or highway if the highway is under the jurisdiction of a municipality with a population of 7,500 or more people unless the street or highway is designated as open for street-legal ATV use by the controlling highway authority;
- ▶ increases the maximum tire height for a street-legal all-terrain vehicle; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2013, Chapter 140

41-6a-1509, as last amended by Laws of Utah 2010, Chapter 308



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

Section 1. Section **41-6a-102** is amended to read:

41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" has the same meaning as defined in Section [41-22-2](#).

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(5) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(6) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

- 59 (ii) rotaries; and
- 60 (iii) traffic circles.
- 61 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 62 (8) "Controlled-access highway" means a highway, street, or roadway:
- 63 (a) designed primarily for through traffic; and
- 64 (b) to or from which owners or occupants of abutting lands and other persons have no
- 65 legal right of access, except at points as determined by the highway authority having
- 66 jurisdiction over the highway, street, or roadway.
- 67 (9) "Crosswalk" means:
- 68 (a) that part of a roadway at an intersection included within the connections of the
- 69 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 70 (i) (A) the curbs; or
- 71 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 72 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 73 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 74 centerline; or
- 75 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 76 pedestrian crossing by lines or other markings on the surface.
- 77 (10) "Department" means the Department of Public Safety.
- 78 (11) "Direct supervision" means oversight at a distance within which:
- 79 (a) visual contact is maintained; and
- 80 (b) advice and assistance can be given and received.
- 81 (12) "Divided highway" means a highway divided into two or more roadways by:
- 82 (a) an unpaved intervening space;
- 83 (b) a physical barrier; or
- 84 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 85 (13) "Electric assisted bicycle" means a moped:
- 86 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 87 (b) which is not capable of:
- 88 (i) propelling the device at a speed of more than 20 miles per hour on level ground
- 89 when:

- 90 (A) powered solely by the electric motor; and
- 91 (B) operated by a person who weighs 170 pounds; and
- 92 (ii) increasing the speed of the device when human power is used to propel the device
- 93 at more than 20 miles per hour;
- 94 (c) has fully operable pedals on permanently affixed cranks; and
- 95 (d) weighs less than 75 pounds.

96 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
97 with:

- 98 (i) two nontandem wheels in contact with the ground;
- 99 (ii) a system capable of steering and stopping the unit under typical operating
- 100 conditions;
- 101 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 102 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 103 (v) a deck design for a person to stand while operating the device.

104 (b) "Electric personal assistive mobility device" does not include a wheelchair.

105 (15) "Explosives" means any chemical compound or mechanical mixture commonly
106 used or intended for the purpose of producing an explosion and that contains any oxidizing and
107 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
108 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
109 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
110 capable of producing destructive effects on contiguous objects or of causing death or serious
111 bodily injury.

112 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm
113 implement, for drawing plows, mowing machines, and other implements of husbandry.

114 (17) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
115 as determined by a tagliabue or equivalent closed-cup test device.

116 (18) "Freeway" means a controlled-access highway that is part of the interstate system
117 as defined in Section [72-1-102](#).

118 (19) "Gore area" means the area delineated by two solid white lines that is between a
119 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
120 including similar areas between merging or splitting highways.

121 (20) "Gross weight" means the weight of a vehicle without a load plus the weight of
122 any load on the vehicle.

123 (21) "Highway" means the entire width between property lines of every way or place of
124 any nature when any part of it is open to the use of the public as a matter of right for vehicular
125 travel.

126 (22) "Highway authority" has the same meaning as defined in Section [72-1-102](#).

127 (23) (a) "Intersection" means the area embraced within the prolongation or connection
128 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
129 more highways which join one another.

130 (b) Where a highway includes two roadways 30 feet or more apart:

131 (i) every crossing of each roadway of the divided highway by an intersecting highway
132 is a separate intersection; and

133 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
134 every crossing of two roadways of the highways is a separate intersection.

135 (c) "Intersection" does not include the junction of an alley with a street or highway.

136 (24) "Island" means an area between traffic lanes or at an intersection for control of
137 vehicle movements or for pedestrian refuge designated by:

138 (a) pavement markings, which may include an area designated by two solid yellow
139 lines surrounding the perimeter of the area;

140 (b) channelizing devices;

141 (c) curbs;

142 (d) pavement edges; or

143 (e) other devices.

144 (25) "Law enforcement agency" has the same meaning as defined in Section [53-1-102](#).

145 (26) "Limited access highway" means a highway:

146 (a) that is designated specifically for through traffic; and

147 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
148 persons have any right or easement, or have only a limited right or easement of access, light,
149 air, or view.

150 (27) "Local highway authority" means the legislative, executive, or governing body of
151 a county, municipal, or other local board or body having authority to enact laws relating to

152 traffic under the constitution and laws of the state.

153 (28) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

154 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

155 (ii) has a capacity of not more than four passengers, including the driver.

156 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

157 (29) "Metal tire" means a tire, the surface of which in contact with the highway is
158 wholly or partly of metal or other hard nonresilient material.

159 (30) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
160 saddle that is less than 24 inches from the ground as measured on a level surface with properly
161 inflated tires.

162 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

163 (c) "Mini-motorcycle" does not include a motorcycle that is:

164 (i) designed for off-highway use; and

165 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

166 (31) "Mobile home" means:

167 (a) a trailer or semitrailer that is:

168 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
169 place either permanently or temporarily; and

170 (ii) equipped for use as a conveyance on streets and highways; or

171 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
172 constructed for use as a mobile home, as defined in Subsection (31)(a), but that is instead used
173 permanently or temporarily for:

174 (i) the advertising, sale, display, or promotion of merchandise or services; or

175 (ii) any other commercial purpose except the transportation of property for hire or the
176 transportation of property for distribution by a private carrier.

177 (32) (a) "Moped" means a motor-driven cycle having:

178 (i) pedals to permit propulsion by human power; and

179 (ii) a motor that:

180 (A) produces not more than two brake horsepower; and

181 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
182 level ground.

183 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
184 centimeters and the moped shall have a power drive system that functions directly or
185 automatically without clutching or shifting by the operator after the drive system is engaged.

186 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

187 (33) "Motor assisted scooter" means a self-propelled device with:

188 (a) at least two wheels in contact with the ground;

189 (b) a braking system capable of stopping the unit under typical operating conditions;

190 (c) a gas or electric motor not exceeding 40 cubic centimeters;

191 (d) either:

192 (i) a deck design for a person to stand while operating the device; or

193 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
194 device; and

195 (e) a design for the ability to be propelled by human power alone.

196 (34) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which
197 is propelled by electric power obtained from overhead trolley wires, but not operated upon
198 rails.

199 (b) "Motor vehicle" does not include vehicles moved solely by human power,
200 motorized wheelchairs, or an electric personal assistive mobility device.

201 (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle
202 for the use of the rider and designed to travel with not more than three wheels in contact with
203 the ground.

204 (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, electric
205 assisted bicycle, motor assisted scooter, and every motorized bicycle having:

206 (i) an engine with less than 150 cubic centimeters displacement; or

207 (ii) a motor that produces not more than five horsepower.

208 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
209 device.

210 (37) "Off-highway implement of husbandry" has the same meaning as defined under
211 Section [41-22-2](#).

212 (38) "Off-highway vehicle" has the same meaning as defined under Section [41-22-2](#).

213 (39) "Operator" means a person who is in actual physical control of a vehicle.

214 (40) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
215 occupied or not.

216 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
217 purpose of and while actually engaged in loading or unloading property or passengers.

218 (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
219 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
220 laws.

221 (42) "Pedestrian" means a person traveling:

222 (a) on foot; or

223 (b) in a wheelchair.

224 (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
225 pedestrians.

226 (44) "Person" means every natural person, firm, copartnership, association, or
227 corporation.

228 (45) "Pole trailer" means every vehicle without motive power:

229 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
230 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

231 (b) that is ordinarily used for transporting long or irregular shaped loads including
232 poles, pipes, or structural members generally capable of sustaining themselves as beams
233 between the supporting connections.

234 (46) "Private road or driveway" means every way or place in private ownership and
235 used for vehicular travel by the owner and those having express or implied permission from the
236 owner, but not by other persons.

237 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary
238 rails.

239 (48) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
240 public body or official or by a railroad and intended to give notice of the presence of railroad
241 tracks or the approach of a railroad train.

242 (49) "Railroad train" means a locomotive propelled by any form of energy, coupled
243 with or operated without cars, and operated upon rails.

244 (50) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful

245 manner in preference to another vehicle or pedestrian approaching under circumstances of
246 direction, speed, and proximity that give rise to danger of collision unless one grants
247 precedence to the other.

248 (51) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
249 used for vehicular travel.

250 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
251 them are used by persons riding bicycles or other human-powered vehicles.

252 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
253 a highway includes two or more separate roadways.

254 (52) "Safety zone" means the area or space officially set apart within a roadway for the
255 exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to
256 be plainly visible at all times while set apart as a safety zone.

257 (53) (a) "School bus" means a motor vehicle that:

258 (i) complies with the color and identification requirements of the most recent edition of
259 "Minimum Standards for School Buses"; and

260 (ii) is used to transport school children to or from school or school activities.

261 (b) "School bus" does not include a vehicle operated by a common carrier in
262 transportation of school children to or from school or school activities.

263 (54) (a) "Semitrailer" means a vehicle with or without motive power:

264 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
265 and

266 (ii) constructed so that some part of its weight and that of its load rests on or is carried
267 by another vehicle.

268 (b) "Semitrailer" does not include a pole trailer.

269 (55) "Shoulder area" means:

270 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
271 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
272 or

273 (b) that portion of the road contiguous to the roadway for accommodation of stopped
274 vehicles, for emergency use, and for lateral support.

275 (56) "Sidewalk" means that portion of a street between the curb lines, or the lateral

276 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

277 (57) "Solid rubber tire" means a tire of rubber or other resilient material that does not
278 depend on compressed air for the support of the load.

279 (58) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied
280 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

281 (59) "Stop" when required means complete cessation from movement.

282 (60) "Stop" or "stopping" when prohibited means any halting even momentarily of a
283 vehicle, whether occupied or not, except when:

284 (a) necessary to avoid conflict with other traffic; or

285 (b) in compliance with the directions of a peace officer or traffic-control device.

286 (61) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
287 vehicle or utility type vehicle that is modified to meet the requirements of Section [41-6a-1509](#)
288 to operate on highways in the state in accordance with Section [41-6a-1509](#).

289 (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
290 conveyances either singly or together while using any highway for the purpose of travel.

291 (63) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
292 with this chapter placed or erected by a highway authority for the purpose of regulating,
293 warning, or guiding traffic.

294 (64) "Traffic-control signal" means a device, whether manually, electrically, or
295 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

296 (65) "Traffic signal preemption device" means an instrument or mechanism designed,
297 intended, or used to interfere with the operation or cycle of a traffic-control signal.

298 (66) (a) "Trailer" means a vehicle with or without motive power designed for carrying
299 persons or property and for being drawn by a motor vehicle and constructed so that no part of
300 its weight rests upon the towing vehicle.

301 (b) "Trailer" does not include a pole trailer.

302 (67) "Truck" means a motor vehicle designed, used, or maintained primarily for the
303 transportation of property.

304 (68) "Truck tractor" means a motor vehicle:

305 (a) designed and used primarily for drawing other vehicles; and

306 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck

307 tractor.

308 (69) "Two-way left turn lane" means a lane:

309 (a) provided for vehicle operators making left turns in either direction;

310 (b) that is not used for passing, overtaking, or through travel; and

311 (c) that has been indicated by a lane traffic-control device that may include lane
312 markings.

313 (70) "Urban district" means the territory contiguous to and including any street, in
314 which structures devoted to business, industry, or dwelling houses are situated at intervals of
315 less than 100 feet, for a distance of a quarter of a mile or more.

316 (71) (a) "Utility type vehicle" means any recreational vehicle designed for and capable
317 of travel over unimproved terrain:

318 (i) traveling on four or more tires;

319 (ii) having a width of 30 to 70 inches;

320 (iii) having an unladen dry weight of 2,200 pounds or less;

321 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
322 seat bottom; and

323 (v) having side-by-side seating with a steering wheel for control.

324 (b) "Utility type vehicle" does not include:

325 (i) an all-terrain type I vehicle;

326 [~~(ii) an all-terrain type II vehicle;~~]

327 [~~(iii)~~] (ii) a motorcycle; or

328 [~~(iv)~~] (iii) a snowmobile as defined in Section 41-22-2.

329 (72) "Vehicle" means a device in, on, or by which a person or property is or may be
330 transported or drawn on a highway, except devices used exclusively on stationary rails or
331 tracks.

332 Section 2. Section 41-6a-1509 is amended to read:

333 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
334 **Registration and licensing requirements -- Equipment requirements.**

335 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I or utility type
336 vehicle that meets the requirements of this section may be operated as a street-legal ATV on a
337 street or highway unless the highway is an interstate freeway or a limited access highway as

338 defined in Section 41-6a-102.

339 (b) Unless a street or highway is designated as open for street-legal ATV use by the
340 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate
341 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway
342 is under the jurisdiction of:

343 (i) a county of the first class; or

344 (ii) a municipality that is within a county of the first class~~;~~ ~~or~~].

345 [~~(iii) a municipality with a population of 7,500 or more people.~~]

346 (2) A street-legal ATV shall comply with the same requirements as:

347 (a) a motorcycle for:

348 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

349 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
350 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

351 (iii) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and

352 (iv) the county motor vehicle emissions inspection and maintenance programs under
353 Section 41-6a-1642;

354 (b) a motor vehicle for:

355 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

356 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
357 Motor Vehicle Owners and Operators Act; and

358 (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle
359 Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection
360 when registered for the first time; and

361 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
362 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
363 Regulation Act, unless otherwise specified in this section.

364 (3) A street-legal ATV shall be equipped with:

365 (a) one or more headlamps that meet the requirements of Section 41-6a-1603;

366 (b) one or more tail lamps;

367 (c) a tail lamp or other lamp constructed and placed to illuminate the registration plate
368 with a white light;

- 369 (d) one or more red reflectors on the rear;
- 370 (e) one or more stop lamps on the rear;
- 371 (f) amber or red electric turn signals, one on each side of the front and rear;
- 372 (g) a braking system, other than a parking brake, that meets the requirements of Section
- 373 41-6a-1623;
- 374 (h) a horn or other warning device that meets the requirements of Section 41-6a-1625;
- 375 (i) a muffler and emission control system that meets the requirements of Section
- 376 41-6a-1626;
- 377 (j) rearview mirrors on the right and left side of the driver in accordance with Section
- 378 41-6a-1627;
- 379 (k) a windshield, unless the operator wears eye protection while operating the vehicle;
- 380 (l) a speedometer, illuminated for nighttime operation;
- 381 (m) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 382 seat designed for passengers, including a footrest and handhold for each passenger;
- 383 (n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 384 (o) tires that:
- 385 (i) do not exceed [26] 29 inches in height;
- 386 (ii) are not larger than the tires that the all-terrain vehicle manufacturer made available
- 387 for the all-terrain vehicle model; and
- 388 (iii) have at least 2/32 inches or greater tire tread.
- 389 (4) (a) Subject to the requirement in Subsection (4)(b), an operator of a street-legal
- 390 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance
- 391 with this section, may not exceed the lesser of:
- 392 (i) the posted speed limit; or
- 393 (ii) 45 miles per hour.
- 394 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
- 395 all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:
- 396 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
- 397 roadway; and
- 398 (ii) shall equip the street-legal all-terrain vehicle with a reflector or reflective tape.
- 399 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be

400 operated on the highways of another state has the same rights and privileges as a street-legal
401 ATV that is granted operating privileges on the highways of this state, subject to the
402 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
403 state offers reciprocal operating privileges to Utah residents.

404 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
405 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
406 privileges for nonresident users granted under Subsection (5)(a).

407 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in
408 accordance with Section [41-22-10.5](#).

Legislative Review Note
as of 12-16-13 1:18 PM

Office of Legislative Research and General Counsel