

SB0258S01 compared with SB0258

~~deleted text~~ shows text that was in SB0258 but was deleted in SB0258S01.

inserted text shows text that was not in SB0258 but was inserted into SB0258S01.

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Senator Scott K. Jenkins proposes the following substitute bill:

STREET-LEGAL ALL-TERRAIN VEHICLE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to all-terrain vehicles.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to where an individual may operate a street-legal all-terrain vehicle;
- ▶ amends equipment requirements for a street-legal all-terrain vehicle;
- ▶ amends speed limitations relating to the use of a street-legal all-terrain vehicle; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

SB0258S01 compared with SB0258

None

Utah Code Sections Affected:

AMENDS:

41-6a-1509, as last amended by Laws of Utah 2014, Chapters 104 and 229

41-6a-1633, as last amended by Laws of Utah 2009, Chapter 171

41-22-10.2, as last amended by Laws of Utah 2005, Chapter 2

41-22-10.5, as last amended by Laws of Utah 2008, Chapter 36

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

Section 1. Section **41-6a-1509** is amended to read:

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

(1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless the highway is an interstate freeway [~~or a limited access highway~~] as defined in Section 41-6a-102.

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

- (i) a county of the first class; or
 - (ii) a municipality that is within a county of the first class.
- (2) A street-legal ATV shall comply with the same requirements as:
- (a) a motorcycle for:
 - (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
 - (ii) registration, titling, odometer statement, vehicle identification, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
 - (iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and
 - (iv) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
 - (b) a motor vehicle for:

SB0258S01 compared with SB0258

- (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
 - (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and
 - (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection:
 - (A) when registered for the first time; and
 - (B) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer; and
 - (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.
- (3) (a) An all-terrain type I vehicle and a utility type vehicle being operated as a street-legal ATV shall be equipped with:
- (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
 - (ii) one or more tail lamps;
 - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
 - (iv) one or more red reflectors on the rear;
 - (v) one or more stop lamps on the rear;
 - (vi) amber or red electric turn signals, one on each side of the front and rear;
 - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
 - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
 - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
 - (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
 - (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
 - (xii) a speedometer, illuminated for nighttime operation;
 - (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a

SB0258S01 compared with SB0258

seat designed for passengers, including a footrest and handhold for each passenger;

(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

(xv) tires that:

~~[(A) do not exceed 29 inches in height;]~~

[(B)] (A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and

~~[(C)]~~ (B) have at least 2/32 inches or greater tire tread.

(b) A full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle shall be equipped with:

(i) two headlamps that meet the requirements of Section 41-6a-1603;

(ii) two tail lamps;

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

(iv) one or more red reflectors on the rear;

(v) two stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;

(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

(xv) tires that:

(A) do not exceed 44 inches in height; and

SB0258S01 compared with SB0258

(B) have at least 2/32 inches or greater tire tread.

(c) A street-legal all-terrain vehicle is not required to be equipped with wheel covers, mudguards, flaps, or splash aprons.

(4) ~~{ }~~(a) Subject to the requirement in Subsection (4)(b), an ~~{ }~~Except for a street-legal all-terrain vehicle that is equipped with DOT approved tires, an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway [~~in accordance with this section { }~~]{ }

~~(a) }~~ may not exceed the lesser of:

(i) the posted speed limit; or

(ii) ~~[45]~~50 miles per hour ~~{ }~~. ~~{ }~~ ~~and~~

~~{ }~~(b) An operator of a street-legal all-terrain vehicle, ~~{ }~~

~~(b) }~~ when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than ~~[45]~~50 miles per hour, shall:

(i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and

(ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.

(5) (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Board of Parks and Recreation, if the other state offers reciprocal operating privileges to Utah residents.

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

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

Section 2. Section **41-6a-1633** is amended to read:

41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.

(1) (a) Except as provided in Subsection (2), when operated on a highway, the

SB0258S01 compared with SB0258

following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:

(i) a vehicle that has been altered:

(A) from the original manufacturer's frame height; or

(B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;

(ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

(iii) any truck tractor; and

(iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

(b) The wheel covers, mudguards, flaps, or splash aprons shall:

(i) be at least as wide as the tires they are protecting;

(ii) be directly in line with the tires; and

(iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel, under any conditions of loading of the motor vehicle.

(2) Wheel covers, mudguards, flaps, or splash aprons are not required:

(a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are accomplished by means of fenders, body construction, or other means of enclosure; ~~or~~

(b) on a vehicle operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor vehicle:

(i) was made in America prior to 1935;

(ii) is registered as a vintage vehicle; or

(iii) is a custom vehicle as defined under Section 41-6a-1507[-]; or

(c) on a street-legal all-terrain vehicle.

(3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending rearward at least to the center line of the rearmost axle.

Section 3. Section **41-22-10.2** is amended to read:

41-22-10.2. Off-highway vehicles -- Prohibited on interstate freeway.

It is unlawful for an off-highway vehicle to operate along, across, or within the

SB0258S01 compared with SB0258

boundaries of an interstate freeway [~~or controlled access highway~~], as defined in Section 41-6a-102.

Section 4. Section **41-22-10.5** is amended to read:

41-22-10.5. Local ordinances -- Designating routes -- Supervision.

(1) A municipality or county may adopt ordinances:

(a) designating certain streets and highways under its respective jurisdiction:

~~[(a)]~~ as open for street-legal all-terrain vehicle use;

~~[(b)]~~ (i) as open for general off-highway vehicle use; or

~~[(c)]~~ (ii) as open for limited off-highway vehicle use to allow off-highway vehicle

operators to gain direct access to or from a private or public area open for off-highway vehicle use[-]; or

(b) permitting the use of a street-legal all-terrain vehicle on a street or highway designated for:

(i) general off-highway vehicle use under Subsection (1)(a)(i); or

(ii) limited off-highway vehicle use under Subsection (1)(a)(ii).

(2) A municipality or county may not prohibit or restrict the use of a street-legal all-terrain vehicle on a street or highway where the use of another street-legal vehicle is permitted.

~~[(2)]~~ (3) A municipality or a county may adopt an ordinance requiring an operator who is under 16 years of age to be under the direct visual supervision of an adult who is at least 18 years of age while using a route designated under Subsection (1).

~~[(3)]~~ (4) A route designated under Subsection (1) may not be along, across, or within the boundaries of an interstate freeway [~~or limited access highway~~].

~~[(4)]~~ (5) Except as provided under Section 41-22-10.3, a person may not operate an off-highway vehicle on any street or highway that is not designated or posted as open for off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.

~~[(5)]~~ (6) Subsection ~~[(4)]~~ (5) does not apply to off-highway implements of husbandry used in accordance with Section 41-22-5.5.

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SB0258S01 compared with SB0258

Legislative Review Note

~~as of 2-21-15 8:17 AM~~

~~Office of Legislative Research and General Counsel}~~