

HB0082S01 compared with HB0082

~~{deleted text}~~ shows text that was in HB0082 but was deleted in HB0082S01.

Inserted text shows text that was not in HB0082 but was inserted into HB0082S01.

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~~{STREET-LEGAL ALL-TERRAIN}~~ Representative MICHAEL E. NOEL proposes the following substitute bill:

STREET-LEGAL ALL-TERRAIN VEHICLE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the operation of a street-legal all-terrain vehicle.

Highlighted Provisions:

This bill:

- ▶ amends provisions in the Traffic Code relating to operation of a street-legal all-terrain vehicle; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

41-6a-1509, as last amended by Laws of Utah 2015, Chapters 412 and 454

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) ~~{f}~~(a) ~~[Except as provided in Subsection (1)(b), an]~~ 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]:

(i) the highway is an interstate freeway as defined in Section 41-6a-102[-]; or

~~[(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.]~~

(ii) (A) the highway is in a county of the first class;

(B) the highway is near a grade separated portion of the highway;

(C) the highway has a posted speed limit of 50 miles per hour or greater; and

(D) the highway authority with jurisdiction over the highway has designated a portion of a highway as closed to street-legal ATVs.

(b) The restriction to street-legal ATVs described in Subsection (1)(a)(ii) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.

(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

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Section 41-6a-1642;

(b) a motor vehicle for:

(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;

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

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

(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 operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:

(i) the posted speed limit; or

(ii) 50 miles per hour.

(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 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.

(7) A violation of this section is an infraction.

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Legislative Review Note

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~~Office of Legislative Research and General Counsel~~