

HB0439S01 compared with HB0439

~~{Omitted text}~~ shows text that was in HB0439 but was omitted in HB0439S01
inserted text shows text that was not in HB0439 but was inserted into HB0439S01

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1 **Outdoor Recreation Revisions**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott H. Chew
Senate Sponsor:



3 **LONG TITLE**

4 **General Description:**

5 This bill addresses provisions related to the Off-highway Vehicle Account administered by
6 the Division of Outdoor Recreation.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines the term "off-highway vehicle facility";
- 10 ▶ allows the Division of Outdoor Recreation to award upfront cash grants from the Off-highway
Vehicle Account for projects in counties of the third through sixth class;and

12 ▶ ~~{allows the Division of Outdoor Recreation to exempt an off-highway vehicle facility from
certain requirements; and}~~

- 14 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

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19 AMENDS:

20 ~~41-22-2~~ ~~{(Effective upon governor's approval)}~~, as last amended by Laws of Utah 2024, Chapter
242 ~~{(Effective upon governor's approval)}~~, as last amended by Laws of Utah 2024, Chapter 242

21 ~~41-22-19~~ ~~{(Effective upon governor's approval)}~~ ~~{(Applies beginning 01/01/25)}~~, as last
amended by Laws of Utah 2023, Chapter 11 and last amended by Coordination Clause, Laws
26 of Utah 2023, Chapter 33 ~~{(Effective upon governor's approval)}~~ ~~{(Applies beginning~~
~~01/01/25)}~~, as last amended by Laws of Utah 2023, Chapter 11 and last amended by Coordination
Clause, Laws

26 of Utah 2023, Chapter 33

27 ~~{63A-5b-303 (Effective upon governor's approval), as last amended by Laws of Utah 2024,~~
~~Chapters 406, 425 and 480 (Effective upon governor's approval), as last amended by Laws~~
~~of Utah 2024, Chapters 406, 425 and 480}~~

23

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.~~ ~~{(Effective upon governor's approval)}~~ **Definitions.**

As used in this chapter:

34 (1) "Advisory council" means an advisory council appointed by the Division of Outdoor Recreation
that has within the advisory council's duties advising on policies related to the use of off-highway
vehicles.

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

41 (3)

(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or
more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system,
and designed for or capable of travel over unimproved terrain, and is:

45 (i) an electric-powered vehicle; or

46 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 3,500
pounds or less.

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- 48 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with
a disability, any vehicle not specifically designed or modified primarily for recreational use on
unimproved terrain, or farm tractors as defined under Section 41-1a-102.
- 52 (4)
- (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3),
[~~(12)~~] (13), or [~~(22)~~] (23), designed for or capable of travel over unimproved terrain.
- 55 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person
with a disability, any vehicle not specifically designed or modified primarily for recreational use on
unimproved terrain, or farm tractors as defined under Section 41-1a-102.
- 59 (5) "Commission" means the Outdoor Adventure Commission.
- 60 (6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.
- 62 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or
retail.
- 64 (8) "Division" means the Division of Outdoor Recreation.
- 65 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on
wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per
square inch or less as recommended by the vehicle manufacturer.
- 68 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.
- 70 (11)
- (a) "Motor vehicle" means every vehicle which is self-propelled.
- 71 (b) "Motor vehicle" includes an off-highway vehicle.
- 72 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed
to travel on not more than two tires.
- 74 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle, all-terrain type
II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by the owner or the
owner's agent for agricultural operations.
- 77 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle,
all-terrain type III vehicle, or motorcycle.
- 79 (15)
- (a) "Off-highway vehicle facility" means a facility or area designated for use by an off-highway vehicle.

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(b) "Off-highway vehicle facility" includes a trail, { ~~maintenance shop~~ } trailhead, storage shed, { ~~rest station~~ } water and electric infrastructure, or other infrastructure that provides or increases access to an area designated for use by an off-highway vehicle.

84 [(15)] (16) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

86 [(16)] (17) "Operator" means the person who is in actual physical control of an off-highway vehicle.

88 [(17)] (18) "Organized user group" means an off-highway vehicle organization incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

92 [(18)] (19) "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

95 [(19)] (20) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

97 [(20)] (21) "Register" means the act of assigning a registration number to an off-highway vehicle.

99 [(21)] (22) "Roadway" is used as defined in Section 41-6a-102.

100 [(22)] (23) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires, and equipped with a saddle or seat for the use of the rider.

103 [(23)] (24) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

106 [(24)] (25) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.

102 Section 2. Section **41-22-19** is amended to read:

103 **41-22-19. {~~(Effective upon governor's approval)~~} {~~(Applies beginning 01/01/25)}~~Off-highway Vehicle Account -- Deposit and use of funds -- Grants and matching funds {~~--Facility exemption~~} .**

112 (1)

(a) Except as provided under Subsections (3) through (5) and Sections 41-22-34 and 41-22-36, registration fees and related money collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Division under this chapter shall be deposited as restricted revenue into the Off-highway Vehicle Account in the General Fund less the costs incurred by the Motor Vehicle Division for collecting off-highway vehicle registration fees.

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- 118 (b) The balance of the money may be used by the division:
- 119 (i) for the construction, improvement, operation, acquisition, or maintenance of publicly owned or
administered off-highway vehicle facilities, including public access facilities;
- 122 (ii) for the mitigation of impacts associated with off-highway vehicle use;
- 123 (iii) for the education of off-highway vehicle users;
- 124 (iv) for off-highway vehicle access protection;
- 125 (v) to support off-highway vehicle search and rescue activities and programs;
- 126 (vi) to promote and encourage off-highway vehicle tourism;
- 127 (vii) for other uses that further the policy set forth in Section 41-22-1;
- 128 (viii) as grants or matching funds with a federal agency, state agency, political subdivision of the state,
or organized user group for any of the uses described in Subsections (1)(b)(i) through (vii); and
- 131 (ix) for the administration and enforcement of this chapter.
- 132 ~~{(e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
make rules to exempt an off-highway vehicle facility constructed under Subsection (1)(b)(i) from
the requirements of Subsection 63A-5b-303(1).}~~
- 135 (2)
- (a) An agency or political subdivision requesting matching funds shall submit plans for proposed off-
highway vehicle facilities to the division for review and approval.
- 137 (b) The division may award {a grant as} an upfront {payment} grant from the Off-highway Vehicle
Account to cover the entire projected cost of a project or program to:
- 139 (i) a political subdivision of the state that:
- 140 (A) is a county of the third through sixth class; and
- 141 (B) submits a plan for a project or program consistent with a use described in Subsection (1)(b); and
- 143 (ii) ~~{a nonprofit organization}~~ an organized user group or agency that submits a plan for a project or
program:
- 144 (A) located in a county of the third through sixth class; and
- 145 (B) consistent with a use described in Subsection (1)(b).
- 146 ~~{(3)}~~
- ~~{(a)}~~ In awarding a grant under Subsection (2)(b), the division may evaluate a grant application
submitted on or after January 1, 2025.
- 138 (3)

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- (a) One dollar and 50 cents of each annual registration fee collected under Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection 41-22-35(2) shall be deposited into the Land Grant Management Fund created under Section 53C-3-101.
- 150 (b) The Utah School and Institutional Trust Lands Administration shall use the money deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally accessible lands within its jurisdiction as follows:
- 153 (i) to improve recreational opportunities on trust lands by constructing, improving, maintaining, or perfecting access for off-highway vehicle trails; and
- 155 (ii) to mitigate impacts associated with off-highway vehicle use.
- 156 (c) An unused balance of the money deposited under Subsection (3)(a) exceeding \$350,000 at the end of each fiscal year shall be deposited ~~[in]~~ into the Off-highway Vehicle Account under Subsection (1).
- 159 (4) One dollar of each off-highway vehicle registration fee collected under Subsection 41-22-8(1) shall be deposited into the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 162 (5)
- (a) The Motor Vehicle Division shall collect a fee for any new or replacement license plate issued under this chapter.
- 164 (b) The fee described in Subsection (5)(a) shall be an amount equal to the fee for a new or replacement license plate as established ~~[pursuant to]~~ in accordance with Section 63J-1-504.
- 167 (c) The Motor Vehicle Division shall deposit the fee described in Subsection (5)(a) into the License Plate Restricted Account created under Section 41-1a-122.
- 169 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after notifying the commission, shall make rules as necessary to implement this section.
- 172 ~~{Section 3. Section 63A-5b-303 is amended to read: }~~
- 173 **63A-5b-303. Duties and authority of division.**
- 175 (1)
- (a) The division shall:
- 176 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in accordance with legislative directive through annual appropriations acts, other legislation, or statute, to agencies

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- in all buildings or space owned, leased, or rented by or to the state, except as provided in Subsection (3) or as otherwise provided by statute;
- 181 (ii) assure the efficient use of all building space under the division's supervision and control;
- 183 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by the state or an agency, as authorized by the Legislature through an appropriation act, other legislation, or statute, subject to Subsection (1)(c);
- 186 (iv) except as otherwise provided by statute, hold title to all real property, buildings, fixtures, and appurtenances owned by the state or an agency;
- 188 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing title to or an interest in property belonging to the state or to the state's departments, except institutions of higher education and the trust lands administration;
- 192 (vi)
- (A) periodically conduct a market analysis of proposed rates and fees; and
- 193 (B) include in a market analysis a comparison of the division's rates and fees with the rates and fees of other public or private sector providers of comparable services, if rates and fees for comparable services are reasonably available;
- 196 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and Efficiency, including responsibilities to implement the state building energy efficiency program under Section 63A-5b-1002;
- 199 (viii) except as provided in Subsection (2)(c), convey, lease, or dispose of division-owned real property for fair market value, as determined by the division;
- 201 (ix) administer grants from the Olympic and Paralympic Venues Grant Fund created in Section 63G-28-302 and provide reports to the Olympic and Paralympic Winter Games Coordination Committee as provided in Section 63G-28-202 and Section 63G-28-204; and
- 205 (x) take all other action that the division is required to do under this chapter or other applicable statute.
- 207 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall conduct one or more studies to determine the actual needs of each agency.
- 209 (c) The division may, without legislative approval, acquire title to real property for use by the state or an agency if:
- 211 (i) the acquisition cost does not exceed \$500,000, as estimated by the division; or

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- 212 (ii) the real property is part or all of the consideration received in exchange for division-owned real
property conveyed, leased, or disposed of under Subsection (1)(a)(viii).
- 215 (2) The division may:
- 216 (a) sue and be sued;
- 217 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or otherwise, and
hold real or personal property necessary for the discharge of the division's duties;
- 220 (c) convey, lease, or dispose of vacant division-owned real property for less than fair market value,
subject to the requirements of Part 9, Disposal of Division-owned Real Property; and
- 223 (d) take all other action necessary for carrying out the purposes of this chapter.
- 224 (3)
- (a) The division may not supervise or control:
- 225 (i) the allocation of space for an entity in the public education system[-] ;
- 226 [~~(b)~~] (ii) [~~The division may not supervise or control~~]capitol hill or any part of capitol hill[-] ; or
- 228 (iii) an off-highway vehicle facility that the Division of Outdoor Recreation makes exempt by rule
under Subsection 41-22-19(1)(c).
- 230 [~~(e)~~] (b)
- (i) Subject to Subsection [~~(3)(e)(ii)~~] (3)(a)(i), the supervision and control of the allocation of space for
an institution of higher education is reserved to the Utah Board of Higher Education.
- 233 (ii) The Utah Board of Higher Education shall consult and cooperate with the division in the
establishment and enforcement of standards for the supervision and control of the allocation of
space for an institution of higher education.
- 236 [~~(d)~~] (c)
- (i) Subject to Subsection [~~(3)(d)(ii)~~] (3)(a)(ii), the supervision and control of the allocation of space for
the courts of record listed in Subsection 78A-1-101(1) is reserved to the Administrative Office of
the Courts described in Section 78A-2-108.
- 240 (ii) The Administrative Office of the Courts shall consult and cooperate with the division in the
establishment and enforcement of standards for the supervision and control of the allocation of
space for the courts of record listed in Subsection 78A-1-101(1).
- 244 (4) Before the division charges a rate, fee, or other amount for a service provided by the division's
internal service fund to an executive branch agency, or to a service subscriber other than an
executive branch agency, the division shall:

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247 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee created in Section
63A-1-114; and

249 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or 63J-1-504.

258 Section 5. **Retrospective Operation.**

Section 41-22-19 (Effective upon governor's approval) has retrospective operation to
January 1, 2025.

164 Section 3. **Effective date.**

This bill takes effect:

252 (1) except as provided in Subsection (2), May 7, 2025; or

253 (2) if approved by two-thirds of all members elected to each house:

254 (a) upon approval by the governor;

255 (b) without the governor's signature, the day following the constitutional time limit of Utah
Constitution, Article VII, Section 8; or

257 (c) in the case of a veto, the date of veto override.

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