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Outdoor Recreation Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor:

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LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- defines the term "off-highway vehicle facility";
- allows the Division of Outdoor Recreation to award cash grants from the Off-highway Vehicle Account for projects in counties of the third through sixth class;
- allows the Division of Outdoor Recreation to exempt an off-highway vehicle facility from certain requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

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

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 of Utah 2023, Chapter 33

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

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

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

32 **41-22-2 (Effective upon governor's approval). Definitions.**

33 As used in this chapter:

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

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

41 (3)(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
42 traveling on four or more low pressure tires, having a steering wheel, non-straddle
43 seating, a rollover protection system, and designed for or capable of travel over
44 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
47 weight of 3,500 pounds or less.

48 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry
49 a person with a disability, any vehicle not specifically designed or modified primarily
50 for recreational use on unimproved terrain, or farm tractors as defined under Section
51 41-1a-102.

52 (4)(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
53 Subsection (2), (3), [~~12~~] (13), or [~~22~~] (23), designed for or capable of travel over
54 unimproved terrain.

55 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
56 carry a person with a disability, any vehicle not specifically designed or modified
57 primarily for recreational use on unimproved terrain, or farm tractors as defined
58 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,
61 or trail.

62 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
63 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
66 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
67 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
69 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
73 and designed to travel on not more than two tires.

74 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
75 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
76 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
78 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
80 off-highway vehicle.

81 (b) "Off-highway vehicle facility" includes a trail, maintenance shop, storage shed, rest
82 station, or other infrastructure that provides or increases access to an area designated
83 for use by an off-highway vehicle.

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

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

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

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

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

97 [(20)] (21) "Register" means the act of assigning a registration number to an off-highway
98 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
 101 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
 102 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
 104 or place of whatever nature, when any part of it is open to the use of the public for
 105 vehicular travel.

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

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

109 **41-22-19 (Effective upon governor's approval) (Applies beginning 01/01/25).**

110 **Off-highway Vehicle Account -- Deposit and use of funds -- Grants and matching funds --**
 111 **Facility exemption.**

112 (1)(a) Except as provided under Subsections (3) through (5) and Sections 41-22-34 and
 113 41-22-36, registration fees and related money collected by the Motor Vehicle
 114 Division or any agencies designated to act for the Motor Vehicle Division under this
 115 chapter shall be deposited as restricted revenue into the Off-highway Vehicle
 116 Account in the General Fund less the costs incurred by the Motor Vehicle Division
 117 for collecting off-highway vehicle registration fees.

118 (b) The balance of the money may be used by the division:

119 (i) for the construction, improvement, operation, acquisition, or maintenance of
 120 publicly owned or administered off-highway vehicle facilities, including public
 121 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
 129 subdivision of the state, or organized user group for any of the uses described in
 130 Subsections (1)(b)(i) through (vii); and

131 (ix) for the administration and enforcement of this chapter.

132 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 133 division may make rules to exempt an off-highway vehicle facility constructed under
134 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
136 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 from the Off-highway
138 Vehicle Account 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
142 Subsection (1)(b); and
- 143 (ii) a nonprofit organization 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) One dollar and 50 cents of each annual registration fee collected under Subsection
147 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
148 41-22-35(2) shall be deposited into the Land Grant Management Fund created under
149 Section 53C-3-101.
- 150 (b) The Utah School and Institutional Trust Lands Administration shall use the money
151 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use
152 of legally accessible lands within its jurisdiction as follows:
- 153 (i) to improve recreational opportunities on trust lands by constructing, improving,
154 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
157 \$350,000 at the end of each fiscal year shall be deposited ~~in~~ into the Off-highway
158 Vehicle Account under Subsection (1).
- 159 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
160 41-22-8(1) shall be deposited into the Utah Highway Patrol Aero Bureau Restricted
161 Account created in Section 53-8-303.
- 162 (5)(a) The Motor Vehicle Division shall collect a fee for any new or replacement license
163 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
165 or replacement license plate as established ~~pursuant to~~ in accordance with Section
166 63J-1-504.

167 (c) The Motor Vehicle Division shall deposit the fee described in Subsection (5)(a) into
 168 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
 170 division, after notifying the commission, shall make rules as necessary to implement this
 171 section.

172 Section 3. Section **63A-5b-303** is amended to read:

173 **63A-5b-303 (Effective upon governor's approval). Duties and authority of**
 174 **division.**

175 (1)(a) The division shall:

- 176 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in
 177 accordance with legislative directive through annual appropriations acts, other
 178 legislation, or statute, to agencies in all buildings or space owned, leased, or
 179 rented by or to the state, except as provided in Subsection (3) or as otherwise
 180 provided by statute;
- 181 (ii) assure the efficient use of all building space under the division's supervision and
 182 control;
- 183 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
 184 the state or an agency, as authorized by the Legislature through an appropriation
 185 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,
 187 fixtures, and appurtenances owned by the state or an agency;
- 188 (v) collect and maintain all deeds, abstracts of title, and all other documents
 189 evidencing title to or an interest in property belonging to the state or to the state's
 190 departments, except institutions of higher education and the trust lands
 191 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
 194 the rates and fees of other public or private sector providers of comparable
 195 services, if rates and fees for comparable services are reasonably available;
- 196 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
 197 Efficiency, including responsibilities to implement the state building energy
 198 efficiency program under Section 63A-5b-1002;
- 199 (viii) except as provided in Subsection (2)(c), convey, lease, or dispose of
 200 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
 202 in Section 63G-28-302 and provide reports to the Olympic and Paralympic Winter
 203 Games Coordination Committee as provided in Section 63G-28-202 and Section
 204 63G-28-204; and
- 205 (x) take all other action that the division is required to do under this chapter or other
 206 applicable statute.
- 207 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
 208 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
 210 by the state or an agency if:
- 211 (i) the acquisition cost does not exceed \$500,000, as estimated by the division; or
 212 (ii) the real property is part or all of the consideration received in exchange for
 213 division-owned real property conveyed, leased, or disposed of under Subsection
 214 (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
 218 otherwise, and hold real or personal property necessary for the discharge of the
 219 division's duties;
- 220 (c) convey, lease, or dispose of vacant division-owned real property for less than fair
 221 market value, subject to the requirements of Part 9, Disposal of Division-owned Real
 222 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
 227 hill[-] ; or
 228 (iii) an off-highway vehicle facility that the Division of Outdoor Recreation makes
 229 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
 231 allocation of space for an institution of higher education is reserved to the Utah
 232 Board of Higher Education.
- 233 (ii) The Utah Board of Higher Education shall consult and cooperate with the
 234 division in the establishment and enforcement of standards for the supervision and

- 235 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
- 237 the allocation of space for the courts of record listed in Subsection 78A-1-101(1)
- 238 is reserved to the Administrative Office of the Courts described in Section
- 239 78A-2-108.
- 240 (ii) The Administrative Office of the Courts shall consult and cooperate with the
- 241 division in the establishment and enforcement of standards for the supervision and
- 242 control of the allocation of space for the courts of record listed in Subsection
- 243 78A-1-101(1).
- 244 (4) Before the division charges a rate, fee, or other amount for a service provided by the
- 245 division's internal service fund to an executive branch agency, or to a service subscriber
- 246 other than an executive branch agency, the division shall:
- 247 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee
- 248 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.

250 **Section 4. Effective Date.**

251 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
- 256 Utah Constitution, Article VII, Section 8; or
- 257 (c) in the case of a veto, the date of veto override.

258 **Section 5. Retrospective operation.**

259 Section 41-22-19 (Effective upon governor's approval) has retrospective operation to

260 January 1, 2025.