

Scott H. Chew proposes the following substitute bill:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Outdoor Recreation Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor:

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 upfront cash grants from the Off-highway Vehicle Account for projects in counties of the third through sixth class;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 41-22-2**, as last amended by Laws of Utah 2024, Chapter 242
- 41-22-19**, as last amended by Laws of Utah 2023, Chapter 11 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 33

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

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

41-22-2 . Definitions.

As used in this chapter:

- (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

- 30 the use of off-highway vehicles.
- 31 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having
32 an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
33 tires, having a seat designed to be straddled by the operator, and designed for or capable
34 of travel over unimproved terrain.
- 35 (3)(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
36 traveling on four or more low pressure tires, having a steering wheel, non-straddle
37 seating, a rollover protection system, and designed for or capable of travel over
38 unimproved terrain, and is:
- 39 (i) an electric-powered vehicle; or
40 (ii) a vehicle powered by an internal combustion engine and has an unladen dry
41 weight of 3,500 pounds or less.
- 42 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry
43 a person with a disability, any vehicle not specifically designed or modified primarily
44 for recreational use on unimproved terrain, or farm tractors as defined under Section
45 41-1a-102.
- 46 (4)(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
47 Subsection (2), (3), [~~(12)~~] (13), or [~~(22)~~] (23), designed for or capable of travel over
48 unimproved terrain.
- 49 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
50 carry a person with a disability, any vehicle not specifically designed or modified
51 primarily for recreational use on unimproved terrain, or farm tractors as defined
52 under Section 41-1a-102.
- 53 (5) "Commission" means the Outdoor Adventure Commission.
- 54 (6) "Cross-country" means across natural terrain and off an existing highway, road, route,
55 or trail.
- 56 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
57 wholesale or retail.
- 58 (8) "Division" means the Division of Outdoor Recreation.
- 59 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
60 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
61 of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 62 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway
63 vehicles.

- 64 (11)(a) "Motor vehicle" means every vehicle which is self-propelled.
- 65 (b) "Motor vehicle" includes an off-highway vehicle.
- 66 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
67 and designed to travel on not more than two tires.
- 68 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
69 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
70 used by the owner or the owner's agent for agricultural operations.
- 71 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain
72 type II vehicle, all-terrain type III vehicle, or motorcycle.
- 73 (15)(a) "Off-highway vehicle facility" means a facility or area designated for use by an
74 off-highway vehicle.
- 75 (b) "Off-highway vehicle facility" includes a trail, trailhead, storage shed, water and
76 electric infrastructure, or other infrastructure that provides or increases access to an
77 area designated for use by an off-highway vehicle.
- 78 ~~[(15)]~~ (16) "Operate" means to control the movement of or otherwise use an off-highway
79 vehicle.
- 80 ~~[(16)]~~ (17) "Operator" means the person who is in actual physical control of an off-highway
81 vehicle.
- 82 ~~[(17)]~~ (18) "Organized user group" means an off-highway vehicle organization incorporated
83 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
84 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway
85 vehicle recreation.
- 86 ~~[(18)]~~ (19) "Owner" means a person, other than a person with a security interest, having a
87 property interest or title to an off-highway vehicle and entitled to the use and possession
88 of that vehicle.
- 89 ~~[(19)]~~ (20) "Public land" means land owned or administered by any federal or state agency
90 or any political subdivision of the state.
- 91 ~~[(20)]~~ (21) "Register" means the act of assigning a registration number to an off-highway
92 vehicle.
- 93 ~~[(21)]~~ (22) "Roadway" is used as defined in Section 41-6a-102.
- 94 ~~[(22)]~~ (23) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
95 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
96 tires, and equipped with a saddle or seat for the use of the rider.
- 97 ~~[(23)]~~ (24) "Street or highway" means the entire width between boundary lines of every way

98 or place of whatever nature, when any part of it is open to the use of the public for
99 vehicular travel.

100 [~~(24)~~] (25) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
101 defined in Section 41-6a-102.

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

103 **41-22-19 . Off-highway Vehicle Account -- Deposit and use of funds -- Grants**
104 **and matching funds.**

105 (1)(a) Except as provided under Subsections (3) through (5) and Sections 41-22-34 and
106 41-22-36, registration fees and related money collected by the Motor Vehicle
107 Division or any agencies designated to act for the Motor Vehicle Division under this
108 chapter shall be deposited as restricted revenue into the Off-highway Vehicle
109 Account in the General Fund less the costs incurred by the Motor Vehicle Division
110 for collecting off-highway vehicle registration fees.

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

- 112 (i) for the construction, improvement, operation, acquisition, or maintenance of
- 113 publicly owned or administered off-highway vehicle facilities, including public
- 114 access facilities;
- 115 (ii) for the mitigation of impacts associated with off-highway vehicle use;
- 116 (iii) for the education of off-highway vehicle users;
- 117 (iv) for off-highway vehicle access protection;
- 118 (v) to support off-highway vehicle search and rescue activities and programs;
- 119 (vi) to promote and encourage off-highway vehicle tourism;
- 120 (vii) for other uses that further the policy set forth in Section 41-22-1;
- 121 (viii) as grants or matching funds with a federal agency, state agency, political
- 122 subdivision of the state, or organized user group for any of the uses described in
- 123 Subsections (1)(b)(i) through (vii); and
- 124 (ix) for the administration and enforcement of this chapter.

125 (2)(a) An agency or political subdivision requesting matching funds shall submit plans
126 for proposed off-highway vehicle facilities to the division for review and approval.

127 (b) The division may award an upfront grant from the Off-highway Vehicle Account to
128 cover the entire projected cost of a project or program to:

129 (i) a political subdivision of the state that:

130 (A) is a county of the third through sixth class; and

131 (B) submits a plan for a project or program consistent with a use described in

- 132 Subsection (1)(b); and
- 133 (ii) an organized user group or agency that submits a plan for a project or program:
- 134 (A) located in a county of the third through sixth class; and
- 135 (B) consistent with a use described in Subsection (1)(b).
- 136 (c) In awarding a grant under Subsection (2)(b), the division may evaluate a grant
- 137 application submitted on or after January 1, 2025.
- 138 (3)(a) One dollar and 50 cents of each annual registration fee collected under Subsection
- 139 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
- 140 41-22-35(2) shall be deposited into the Land Grant Management Fund created under
- 141 Section 53C-3-101.
- 142 (b) The Utah School and Institutional Trust Lands Administration shall use the money
- 143 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use
- 144 of legally accessible lands within its jurisdiction as follows:
- 145 (i) to improve recreational opportunities on trust lands by constructing, improving,
- 146 maintaining, or perfecting access for off-highway vehicle trails; and
- 147 (ii) to mitigate impacts associated with off-highway vehicle use.
- 148 (c) An unused balance of the money deposited under Subsection (3)(a) exceeding
- 149 \$350,000 at the end of each fiscal year shall be deposited ~~in~~ into the Off-highway
- 150 Vehicle Account under Subsection (1).
- 151 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
- 152 41-22-8(1) shall be deposited into the Utah Highway Patrol Aero Bureau Restricted
- 153 Account created in Section 53-8-303.
- 154 (5)(a) The Motor Vehicle Division shall collect a fee for any new or replacement license
- 155 plate issued under this chapter.
- 156 (b) The fee described in Subsection (5)(a) shall be an amount equal to the fee for a new
- 157 or replacement license plate as established ~~[pursuant to]~~ in accordance with Section
- 158 63J-1-504.
- 159 (c) The Motor Vehicle Division shall deposit the fee described in Subsection (5)(a) into
- 160 the License Plate Restricted Account created under Section 41-1a-122.
- 161 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 162 division, after notifying the commission, shall make rules as necessary to implement this
- 163 section.

164 **Section 3. Effective Date.**

165 This bill takes effect:

- 166 (1) except as provided in Subsection (2), May 7, 2025; or
167 (2) if approved by two-thirds of all members elected to each house:
168 (a) upon approval by the governor;
169 (b) without the governor's signature, the day following the constitutional time limit of
170 Utah Constitution, Article VII, Section 8; or
171 (c) in the case of a veto, the date of veto override.