

Title 41. Motor Vehicles

Chapter 1a Motor Vehicle Act

Part 1 Administration

41-1a-101 Short title.

This chapter is known as the "Motor Vehicle Act."

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-102 Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (6) "Alternative fuel vehicle" means:
 - (a) an electric motor vehicle;
 - (b) a hybrid electric motor vehicle;
 - (c) a plug-in hybrid electric motor vehicle; or
 - (d) a motor vehicle powered by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.
- (7) "Amateur radio operator" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (9) "Branded title" means a title certificate that is labeled:
 - (a) rebuilt and restored to operation;
 - (b) flooded and restored to operation; or
 - (c) not restored to operation.
- (10) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.
- (11) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.
- (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.
- (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:
 - (a) as a carrier for hire, compensation, or profit; or

- (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
- (14) "Commission" means the State Tax Commission.
- (15) "Consumer price index" means the same as that term is defined in Section 59-13-102.
- (16) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.
- (17) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- (18) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- (19) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
- (20) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
- (21) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
- (22)
 - (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:
 - (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
 - (ii) farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
 - (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
 - (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
- (23) "Fleet" means one or more commercial vehicles.
- (24) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.
- (25) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.
- (26) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
- (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
 - (a) an internal combustion engine or heat engine using consumable fuel; and
 - (b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.
- (28)
 - (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.
 - (b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

- (29) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- (30)
- (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.
- (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.
- (31) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.
- (32) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
- (33) "Lienholder" means a person with a security interest in particular property.
- (34) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- (35) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.
- (36) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).
- (37) "Motor fuel" means the same as that term is defined in Section 59-13-102.
- (38)
- (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.
- (b) "Motor vehicle" does not include an off-highway vehicle.
- (39) "Motorboat" means the same as that term is defined in Section 73-18-2.
- (40) "Motorcycle" means:
- (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or
- (b) an auticycle.
- (41) "Natural gas" means a fuel of which the primary constituent is methane.
- (42)
- (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.
- (b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains any vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.
- (43) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

- (44) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.
- (45) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.
- (46) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.
- (47) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.
- (48)
- (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.
 - (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.
 - (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises the lessee's option to purchase the vehicle.
- (49) "Park model recreational vehicle" means a unit that:
- (a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
 - (b) is not permanently affixed to real property for use as a permanent dwelling;
 - (c) requires a special highway movement permit for transit; and
 - (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.
- (50) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.
- (51)
- (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.
 - (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.
- (52) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.
- (53) "Pneumatic tire" means every tire in which compressed air is designed to support the load.
- (54) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.
- (55) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.
- (56) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

- (57) "Reconstructed vehicle" means every vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.
- (58) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.
- (59) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.
- (60)
- (a) "Registration year" means a 12 consecutive month period commencing with the completion of all applicable registration criteria.
- (b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.
- (61) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.
- (62) "Replica vehicle" means:
- (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
- (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).
- (63) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.
- (64) "Sailboat" means the same as that term is defined in Section 73-18-2.
- (65) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.
- (66) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.
- (67) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.
- (68)
- (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:
- (i) 20 years or older from the current year; or
- (ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.
- (b) In making a determination under Subsection (68)(a), the division director shall give special consideration to:
- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
- (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.
- (69)
- (a) "Special mobile equipment" means every vehicle:
- (i) not designed or used primarily for the transportation of persons or property;

- (ii) not designed to operate in traffic; and
- (iii) only incidentally operated or moved over the highways.
- (b) "Special mobile equipment" includes:
 - (i) farm tractors;
 - (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
 - (iii) ditch-digging apparatus.
- (c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.
- (70) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.
- (71) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.
- (72)
 - (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.
 - (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.
- (73) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
- (74) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.
- (75) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.
- (76) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.
- (77) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.
- (78) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.
- (79) "Vessel" means the same as that term is defined in Section 73-18-2.
- (80) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.
- (81) "Waters of this state" means the same as that term is defined in Section 73-18-2.
- (82) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Amended by Chapter 166, 2018 General Session

Amended by Chapter 424, 2018 General Session

41-1a-103 Commission to administer chapter.

The commission shall administer and enforce this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-104 Commission powers.

The commission may:

- (1) enter into agreements with other jurisdictions:
 - (a) relating to proportional registration to facilitate administration;
 - (b) for the exchange of information for audit and enforcement activities; and
 - (c) for cooperation with other jurisdictions;
- (2) confer and advise with the proper officers, officials, and legislative bodies of other jurisdictions to promote agreements under which the registration of vehicles owned in this state is recognized by the other jurisdictions;
- (3) make and enforce rules necessary to effectuate this chapter; and
- (4) adopt an official seal for the use of the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-105 Commission to create forms.

The commission shall prescribe and provide suitable forms of applications, certificates of title, registration cards, and all other forms necessary to carry out the provisions of this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-106 Division created.

There is created within the commission the Motor Vehicle Division with the duties and powers provided in Sections 41-1a-107 through 41-1a-119.

Enacted by Chapter 1, 1992 General Session

41-1a-107 Commission, division, and officers to enforce chapter -- Duties.

The commission and the officers and inspectors of the division designated by the commission, peace officers, and others authorized by the division or by law shall:

- (1) enforce the provisions of this chapter and of all other laws regulating the registration of motor vehicles, trailers, or semitrailers; and
- (2) inspect any motor vehicle, trailer, or semitrailer of a type required to be registered in any public garage or repair shop or in any place where the motor vehicle, trailer, or semitrailer is held for sale or wrecking, for the purpose of locating and investigating the title and registration of stolen motor vehicles, trailers, and semitrailers.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-108 Division inspection of applications for registration, certificate of title, or license plate.

- (1) The division shall examine and determine the genuineness, regularity, and legality of each application for:
 - (a) registration of a vehicle;
 - (b) a certificate of title for a vehicle, vessel, or outboard motor;
 - (c) license plates; and
 - (d) any other request lawfully made to the division.

- (2) The division may investigate or require additional information on any application or request necessary to implement this chapter.
- (3) When the division is satisfied as to the genuineness, regularity, and legality of an application and that the applicant is entitled to register the vehicle and to the issuance of a certificate of title, the division shall register the vehicle, issue a certificate of title and issue license plates.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-109 Grounds for division refusing registration or certificate of title.

- (1) The division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:
 - (a) the application contains any false or fraudulent statement;
 - (b) the applicant has failed to furnish required information or reasonable additional information requested by the division;
 - (c) the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
 - (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;
 - (e) the registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state; or
 - (f) the required fees have not been paid.
- (2) The division shall also refuse registration or any transfer of registration if the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.
- (3) The division shall refuse registration or any transfer of registration of a vehicle upon notification by the Department of Transportation that the vehicle or owner is not in compliance with Title 72, Chapter 9, Motor Carrier Safety Act.
- (4) The division may not register a vehicle if the registration of the vehicle is revoked under Subsection 41-1a-110(2) until the applicant provides proof:
 - (a) of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2);
 - (b) of exemption from the owner's or operator's security requirements; or
 - (c) that the applicant was not an owner of the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 138, 2013 General Session

41-1a-110 Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

- (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:
 - (a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;
 - (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
 - (c) a registered vehicle has been dismantled;
 - (d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;

- (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;
 - (f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or
 - (g) the division receives notification by the Department of Transportation that the owner has committed any offense under Title 72, Chapter 9, Motor Carrier Safety Act.
- (2)
- (a) The division shall revoke the registration of a vehicle if the division receives notification by the:
 - (i) Department of Public Safety that a person:
 - (A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or 41-12a-303.2; or
 - (B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301; or
 - (ii) designated agent that the owner of a motor vehicle:
 - (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
 - (B) provided a false or fraudulent statement to the designated agent.
 - (b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).
- (3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.
- (4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.
- (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (1)(f).
- (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered vehicle's registration if the division is notified by a local health department, as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards.
- (7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000 pounds.

Amended by Chapter 304, 2015 General Session

41-1a-111 Cancellation, suspension, or revocation of registration -- Return of registration items.

If the division cancels, suspends, or revokes a registration, certificate of title, license plate, or permit under this chapter, the owner or person in possession of it shall immediately return the canceled, suspended, or revoked item to the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-112 Authority to administer oaths.

Officers and employees of the division designated by the commission for the purpose of administering the motor vehicle laws may administer oaths and acknowledge signatures and shall do so without fee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-113 Power to summon witnesses and take testimony -- Service of summons -- Witness fees -- Failure to appear.

- (1) The commission and officers of the division designated by the commission may summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the division.
- (2) The summons may require the production of relevant books, papers, or records.
- (3) Every summons shall be served at least five days before the return date, either by personal service made by any person over 18 years of age or by registered mail, but return acknowledgment is required to prove the latter service.
- (4) The fees for the attendance and travel of witnesses are the same as for witnesses before the district court.
- (5) Failure to obey a summons served is a class C misdemeanor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-114 Method of giving notice.

- (1) If the division is required to give any notice under this chapter or other law regulating the operation of vehicles, vessels, and outboard motors, unless a different method of giving the notice is expressly prescribed, the notice shall be given either by:
 - (a) personal delivery to the person to be notified; or
 - (b) deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at the address shown by the records of the division.
- (2) Notice by mail is complete upon the expiration of four days after deposit of the notice.
- (3) Proof of the giving of notice in either manner specified in Subsection (1) may be made by the certificate of any officer or employee of the division or affidavit of any person over 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-115 Division records -- Copies.

- (1) The division shall file each application received.
- (2) The division shall keep a record of each registration on a calendar year basis as follows:
 - (a) under a distinctive registration number assigned to the vehicle, vessel, or outboard motor;
 - (b) alphabetically, under the name of the owner of the vehicle, vessel, or outboard motor;
 - (c) under the identification number of the vehicle, vessel, or outboard motor; and
 - (d) in any manner the division finds desirable for compiling statistical information or of comparative value for use in determining registration fees in future years.
- (3)
 - (a) The division shall maintain a current record of each certificate of title it issues.
 - (b)

- (i) The division shall file and retain every surrendered certificate of title and every application for title to permit the tracing of title of the vehicles designated in them.
 - (ii) The retention period for division records shall be set by the Division of Archives and Records Service in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (4)
- (a) The commission and officers of the division the commission designates may prepare under the seal of the division and deliver upon request a certified copy of any record of the division, including microfilmed records, charging a fee, determined by the commission pursuant to Section 63J-1-504, for each document authenticated.
 - (b) The application shall include the requested information to identify the applicant.
 - (c) Each certified copy is admissible in any proceeding in any court in the same manner as the original.
- (5) The division shall comply with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 183, 2009 General Session

41-1a-116 Records -- Access to records -- Fees.

- (1)
- (a) All motor vehicle title and registration records of the division are protected unless the division determines based upon a written request by the subject of the record that the record is public.
 - (b) In addition to the provisions of this section, access to all division records is permitted for all purposes described in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.
- (2)
- (a) Access to public records is determined by Section 63G-2-201.
 - (b) A record designated as public under Subsection (1)(a) may be used for advertising or solicitation purposes.
- (3) Access to protected records, except as provided in Subsection (4), is determined by Section 63G-2-202.
- (4)
- (a) In addition to those persons granted access to protected records under Section 63G-2-202, the division shall disclose a protected record to a licensed private investigator, holding a valid agency or registrant license, with a legitimate business need, a person with a bona fide security interest, or the owner of a mobile home park subject to Subsection (5), only upon receipt of a signed acknowledgment that the person receiving that protected record may not:
 - (i) resell or disclose information from that record to any other person except as permitted in the federal Driver's Privacy Protection Act of 1994; or
 - (ii) use information from that record for advertising or solicitation purposes.
 - (b) A legitimate business need under Subsection (4)(a) does not include the collection of a debt.
- (5) The division may disclose the name or address, or both, of the lienholder or mobile home owner of record, or both of them, to the owner of a mobile home park, if all of the following conditions are met:
- (a) a mobile home located within the mobile home park owner's park has been abandoned under Section 57-16-13 or the resident is in default under the resident's lease;
 - (b) the mobile home park owner has conducted a reasonable search, but is unable to determine the name or address, or both, of the lienholder or mobile home owner of record; and

- (c) the mobile home park owner has submitted a written statement to the division explaining the mobile home park owner's efforts to determine the name or address, or both, of the lienholder or mobile home owner of record before the mobile home park owner contacted the division.
- (6) The division may provide protected information to a statistic gathering entity under Subsection (4) only in summary form.
- (7) A person allowed access to protected records under Subsection (4) may request motor vehicle title or registration information from the division regarding any person, entity, or motor vehicle by submitting a written application on a form provided by the division.
- (8) If a person regularly requests information for business purposes, the division may by rule allow the information requests to be made by telephone and fees as required under Subsection (9) charged to a division billing account to facilitate division service. The rules shall require that the:
 - (a) division determine if the nature of the business and the volume of requests merit the dissemination of the information by telephone;
 - (b) division determine if the credit rating of the requesting party justifies providing a billing account; and
 - (c) requestor submit to the division an application that includes names and signatures of persons authorized to request information by telephone and charge the fees to the billing account.
- (9)
 - (a) The division shall charge a reasonable search fee determined under Section 63J-1-504 for the research of each record requested.
 - (b) Fees may not be charged for furnishing information to persons necessary for their compliance with this chapter.
 - (c) Law enforcement agencies have access to division records free of charge.
- (10)
 - (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.
 - (b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the director of the unauthorized use.

Amended by Chapter 243, 2011 General Session

41-1a-117 Adjudicative proceedings.

The commission and the division shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted under this chapter.

Amended by Chapter 382, 2008 General Session

41-1a-118 Seizure of documents and plates -- Grounds -- Receipt.

- (1) The division and peace officers may take possession of any certificate of title, registration card, registration decal, permit, license plate, or any other article issued by the division:
 - (a) upon expiration, suspension, revocation, alteration, or cancellation of it;
 - (b) that is fictitious;
 - (c) that has been unlawfully or erroneously issued; or
 - (d) that is unlawfully or erroneously displayed.

(2) A receipt shall be issued for any confiscated item.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-119 Emergency procedures for collection of fees.

- (1) If the commission finds that the owner or operator of a vehicle who is liable for the payment of any registration fee required by this chapter plans to depart quickly from the state, to remove the owner or operator's property from the state, to conceal the owner or operator's person or property, or do any other act tending to prejudice or render wholly or partially ineffectual proceedings to collect the registration fees, the commission shall follow the emergency procedures set forth in Title 63G, Chapter 4, Administrative Procedures Act, and declare that the registration fees are immediately due and payable.
- (2) When the commission issues its emergency order, the registration fees are immediately due and payable after notice is given to the owner or operator of the vehicle.

Amended by Chapter 382, 2008 General Session

41-1a-120 Participation in Uninsured Motorist Identification Database Program.

- (1)
 - (a) Except as provided in Subsection (1)(b), the division shall provide the Department of Public Safety's designated agent, as defined in Section 41-12a-802, with a record of all current motor vehicle registrations before the seventh and twenty-first day of each calendar month.
 - (b) The division is not required to provide the Department of Public Safety's designated agent as defined in Section 41-12a-802 a record of current motor vehicle registrations for vehicles that are registered under Section 41-1a-221, 41-1a-222, or 41-1a-301.
- (2) The division shall perform the duties specified in:
 - (a) Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program; and
 - (b) Sections 41-1a-109 and 41-1a-110.
- (3) The division shall cooperate with the Department of Public Safety in making rules and developing procedures to use the Uninsured Motorist Identification Database.

Amended by Chapter 130, 2006 General Session

41-1a-121 Electronic Payment Fee Restricted Account.

- (1) As used in this section, "account" means the Electronic Payment Fee Restricted Account created by this section.
- (2) There is created within the General Fund a restricted account known as the Electronic Payment Fee Restricted Account.
- (3)
 - (a) The account shall be funded from the fees imposed and collected under Sections 41-1a-1221, 41-3-604, 41-22-36, and 73-18-25.
 - (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them in the account.
- (4) The Legislature shall appropriate the funds in the account to the commission to cover the costs of electronic payments.
- (5) In accordance with Section 63J-1-602.1, appropriations made to the division from the account are nonlapsing.

Amended by Chapter 469, 2018 General Session

Part 2 Registration

41-1a-201 Function of registration -- Registration required -- Penalty.

- (1) Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.
- (2) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 149, 2017 General Session

41-1a-202 Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

- (1) In this section:
 - (a) "Domicile" means the place:
 - (i) where an individual has a fixed permanent home and principal establishment;
 - (ii) to which the individual if absent, intends to return; and
 - (iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.
 - (b)
 - (i) "Resident" means any of the following:
 - (A) an individual who:
 - (I) has established a domicile in this state;
 - (II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;
 - (III) engages in a trade, profession, or occupation in this state or who accepts employment in other than seasonal work in this state and who does not commute into the state;
 - (IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or
 - (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees; or
 - (B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:
 - (I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates a motor vehicle in this state; or
 - (II) operates a motor vehicle in intrastate transportation for other than seasonal work.
 - (ii) "Resident" does not include any of the following:
 - (A) a member of the military temporarily stationed in Utah;
 - (B) an out-of-state student, as classified by the institution of higher education, enrolled with the equivalent of seven or more quarter hours, regardless of whether the student engages in a trade, profession, or occupation in this state or accepts employment in this state; and

- (C) an individual domiciled in another state or a foreign country that:
 - (I) is engaged in public, charitable, educational, or religious services for a government agency or an organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);
 - (II) is not compensated for services rendered other than expense reimbursements; and
 - (III) is temporarily in Utah for a period not to exceed 24 months.
- (2) Registration under this chapter is not required for any:
 - (a) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;
 - (b) vehicle driven or moved upon a highway only for the purpose of crossing the highway from one property to another;
 - (c) implement of husbandry, whether of a type otherwise subject to registration or not, that is only incidentally operated or moved upon a highway;
 - (d) special mobile equipment;
 - (e) vehicle owned or leased by the federal government;
 - (f) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;
 - (g) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;
 - (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;
 - (i) manufactured home or mobile home;
 - (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:
 - (i) being towed;
 - (ii) operated on a street or highway designated as open to off-highway vehicle use; or
 - (iii) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
 - (k) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);
 - (l) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;
 - (m) electric assisted bicycle defined under Section 41-6a-102;
 - (n) motor assisted scooter defined under Section 41-6a-102; or
 - (o) electric personal assistive mobility device defined under Section 41-6a-102.
- (3) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle within 60 days of the owner establishing residency in this state.
- (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.
- (5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.

Amended by Chapter 463, 2013 General Session

41-1a-203 Prerequisites for registration, transfer of ownership, or registration renewal.

- (1) Except as otherwise provided, before registration of a vehicle, an owner shall:
 - (a) obtain an identification number inspection under Section 41-1a-204;
 - (b) obtain a certificate of emissions inspection, if required in the current year, as provided under Section 41-6a-1642;
 - (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section 41-1a-206 or 41-1a-207;
 - (d) pay the automobile driver education tax required by Section 41-1a-208;
 - (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
 - (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if applicable;
 - (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
 - (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; and
 - (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.
- (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not been previously registered or that is currently registered under a previous owner's name shall apply for a valid certificate of title in the owner's name before registration.
- (3) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.
- (4) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.
- (5) The division may not issue a registration renewal for a motor vehicle if the division has received a hold request as described in Section 72-6-118 involving the motor vehicle for which a registration renewal has been requested.

Amended by Chapter 269, 2018 General Session

41-1a-204 Identification number inspection.

- (1) An application for first registration in this state of any vehicle may not be accepted by the division unless the identification number of that vehicle, other than new vehicles sold by dealers licensed in this state, has been inspected by a qualified identification number inspector under Part 8, Identification Numbers.
- (2) A park model recreational vehicle is exempt from this section.

Amended by Chapter 237, 2014 General Session

41-1a-205 Safety inspection certificate required for commercial motor vehicles and initial registration of street-legal ATVs and salvage vehicles.

- (1) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle.
- (2) A salvage vehicle as defined in Section 41-1a-1001 is subject to a safety inspection when the owner makes the initial application to register the vehicle as a salvage vehicle.
- (3) A safety inspection certificate shall be displayed on:
 - (a) all registered commercial vehicles as defined in Section 72-9-102;

- (b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;
 - (c) a combination unit;
 - (d) a bus or van for hire;
 - (e) a taxicab; and
 - (f) a motor vehicle operated by a ground transportation service provider as defined in Section 72-10-601.
- (4) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 149, 2017 General Session

Amended by Chapter 406, 2017 General Session

41-1a-206 Payment of property taxes or in lieu fees before registration.

- (1) Except as provided in Subsection (2), the division before issuing any registration shall require from every applicant for the registration a certificate from the county assessor in which the vehicle has situs for taxation that:
- (a) the property tax or in lieu fee on the vehicle for the current registration period has been paid;
 - (b) in the assessor's opinion the tax or in lieu fee is a lien on real property sufficient to secure the payment of the tax; or
 - (c) the vehicle is exempt by law from payment of property tax or the in lieu fee for the current registration period.
- (2) The requirements of Subsection (1) do not apply to the registration of ambulances, peace officer patrol vehicles, fire engines, passenger cars and trucks owned and used by the United States government or by the state of Utah or by any of its political subdivisions, and motor vehicles assessed by the commission under Section 59-2-201.

Amended by Chapter 164, 2006 General Session

41-1a-207 Vehicles assessed by commission.

If the vehicle is assessed by the commission under Section 59-2-201, the commission before issuing a registration shall be satisfied that the:

- (1) property tax or in lieu fee on the vehicle has been paid;
- (2) vehicle is exempt from the payment of the tax or in lieu fee; or
- (3) tax or in lieu fee is secured by a lien on real estate or by a bond.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-208 Payment of automobile driver education tax prerequisite to registration of motor vehicle.

- (1) The collection and payment of the automobile driver education tax is a prerequisite to the registration of any motor vehicle.
- (2) Except as provided under Subsection (3), the automobile driver education tax accrues and is collectible upon each motor vehicle, subject to the same exemptions, and payable in the same manner and time as motor vehicle registration fees under Section 41-1a-1206.
- (3) The automobile driver education tax:
 - (a) shall be paid in full at the time the motor vehicle is registered; and

- (b) is not collectible or payable upon the transfers of registration, issuance, reissuance of certificates of registration, titles, or plates contemplated by Sections 41-1a-301, 41-1a-1207, 41-1a-1210, and 41-1a-1211.

Amended by Chapter 164, 2006 General Session

41-1a-209 Application for registration -- Contents.

- (1) An owner of a vehicle subject to registration under this part shall apply to the division for registration on forms furnished by the division.
- (2) The application for registration shall include:
 - (a) the signature of an owner of the vehicle to be registered;
 - (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
 - (c) a description of the vehicle including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, and the identification number of the vehicle; and
 - (d) other information required by the division to enable it to determine whether the owner is lawfully entitled to register the vehicle.

Amended by Chapter 47, 2005 General Session

41-1a-210 Examination of registration records and indices of stolen and recovered vehicles.

The division upon receiving application for original registration of a vehicle shall first check the identification number shown in the application against the indices of registered vehicles and against indices of stolen and recovered vehicles.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-210.5 Driver license required on new registrations.

The division, before issuing any new registration on the sale of a vehicle not sold by a vehicle dealer, shall require the applicant or person making the application to show proof that the applicant or person making the application has a valid driver license.

Enacted by Chapter 242, 2001 General Session

41-1a-211 Temporary permits -- Other laws applied.

- (1)
 - (a) The division may grant a temporary permit to operate a vehicle for which:
 - (i) application for registration has been made, or, in the case of a newly purchased vehicle, will be made;
 - (ii) evidence of ownership is provided; and
 - (iii) the proper fees have been paid.
 - (b) The temporary permit allows the vehicle to be operated pending complete registration by displaying:
 - (i) the temporary permit; or
 - (ii) other evidence of the application under rules made by the commission.

- (2) If a vehicle is operated on a temporary permit issued under this section or Section 41-3-302, that vehicle is subject to all other statutes, rules, and regulations intended to control the use and operation of vehicles on the highways.

Amended by Chapter 125, 1998 General Session

41-1a-212 Division to issue registration card.

The division upon registering a vehicle shall issue a registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-213 Contents of registration cards.

- (1) The registration card shall be delivered to the owner and shall contain:
 - (a) the date issued;
 - (b) the name of the owner;
 - (c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;
 - (d) the expiration date; and
 - (e) other information as determined by the commission.
- (2) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:
 - (a) the owner's name; and
 - (b) the name of the lessee.
- (3) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the gross laden weight as given in the application for registration.
- (4)
 - (a) Except as provided in Subsection (4)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.
 - (b) A new registration card issued by the commission under one of the following provisions shall display the address of the owner or the lessee on the registration card:
 - (i) Section 41-1a-301 for a vehicle; or
 - (ii) Section 73-18-7 for a vessel.

Amended by Chapter 119, 2017 General Session

41-1a-214 Registration card to be exhibited.

- (1) For the convenience of a peace officer or any officer or employee of the division, the owner or operator of a vehicle is encouraged to carry the registration card in the vehicle for which the registration card was issued and display the registration card upon request.
- (2) For a vehicle owned by a rental company, as defined in Section 31A-22-311, a person driving or in control of the vehicle may display the vehicle's rental agreement, as defined in Section 31A-22-311, in place of a registration card.

Amended by Chapter 375, 2018 General Session

41-1a-215 Staggered registration dates -- Exceptions.

- (1)

- (a) Except as provided under Subsections (2) and (3), every vehicle registration, every registration card, and every registration plate issued under this chapter for the first registration of the vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.
 - (b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.
- (2) The provisions of Subsection (1) do not apply to the following:
- (a) registration issued to government vehicles under Section 41-1a-221;
 - (b) registration issued to apportioned vehicles under Section 41-1a-301;
 - (c) multiyear registration issued under Section 41-1a-222;
 - (d) lifetime trailer registration issued under Section 41-1a-1206;
 - (e) partial year registration issued under Section 41-1a-1207;
 - (f) a six-month registration issued under Section 41-1a-215.5; or
 - (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter under Title 41, Chapter 3, Part 5, Special Dealer License Plates.
- (3)
- (a) Upon application of the owner or lessee of a fleet of commercial vehicles not apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of March, June, September, or December of any year and expiring on the last day of March, June, September, or December in the following year.
 - (b) Upon application of the owner or lessee of a fleet of commercial vehicles apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of January, April, July, or October of any year and expiring on the last day of March, June, September, or December in the following year.
- (4) When the expiration of a registration plate is extended by affixing a registration decal to it, the expiration of the decal governs the expiration date of the plate.

Amended by Chapter 397, 2012 General Session

41-1a-215.5 Six-month registration.

- (1)
- (a) Subject to the requirements of this section, a person may register a motorcycle or motor vehicle of 12,000 pounds or less gross laden weight for a six-month period that begins on the first day of the calendar month of registration and expires on the last day of the sixth month of registration.
 - (b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.
- (2) A registration under this section is subject to this chapter.
- (3) The option to register a motorcycle or motor vehicle under this section shall be available to a person when the division:
- (a) has implemented the division's GenTax system; and

- (b) at least 30 days before implementing the division's GenTax system as described in Subsection (3)(a), has provided notice in a conspicuous place on the division's website stating:
 - (i) the date the commission will implement the GenTax system; and
 - (ii) that, at the time the commission implements the GenTax system, the option to register a motorcycle or motor vehicle for a six-month registration period will be available.

Amended by Chapter 397, 2012 General Session

41-1a-216 Renewal of registration.

- (1) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.
- (2)
 - (a) Except as provided in Subsections (2)(c) and (3), the new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.
 - (b) Except as provided in Subsection (2)(c), the year of registration expiration shall be changed to reflect the renewed registration period.
 - (c) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the new registration shall be for a six-month registration period that begins with the first day of the calendar month following the last day of the expiration month of the previous registration period as recorded on the original registration even if the registration has expired.
- (3) Subsection (2) does not apply if the owner can verify to the satisfaction of the division that the vehicle registration was not renewed prior to its expiration due to the fact that the vehicle was in storage, inoperable, or otherwise out of service.
- (4) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.
- (5) A vehicle with an "EX" or "UHP" license plate, owned by an entity described in Section 41-1a-407, is exempt from registration renewal requirements.

Amended by Chapter 20, 2018 General Session

41-1a-217 Application for renewal of registration.

- (1) An applicant may renew a vehicle registration by:
 - (a) filing an application for registration renewal; and
 - (b) paying the fees or taxes required under Subsection 41-1a-203(1).
- (2) The applicant shall ensure that the application for registration renewal and the payment for applicable fees or taxes is accompanied by a certificate of emissions inspection if required under Section 41-6a-1642.
- (3) The division shall issue a new registration card that contains:
 - (a) the identical information with respect to the owner and the vehicle description required by Section 41-1a-213; and
 - (b) the new expiration date.

Amended by Chapter 406, 2017 General Session

41-1a-218 Notice of change of address.

- (1) If a person after making application for or obtaining a vehicle registration moves from the address named in the application, the person shall within 10 days of moving notify the division of his old and new addresses.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-219 Change of name -- New registration.

- (1) If the name of any person who has applied for or obtained the registration of a vehicle is changed the person shall surrender the last registration card and file an application for a new registration card.
- (2) The division upon receipt of the required fees shall issue a new registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-220 Lost or damaged registration card.

- (1) If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle for which the registration card was issued, as shown by the records of the division, shall immediately:
 - (a) apply for a duplicate;
 - (b) furnish the information satisfactory to the division; and
 - (c) pay the proper fees.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-221 Registration of vehicles of political subdivisions or state -- Expiration of registration -- Certification of information -- Failure to comply.

- (1)
 - (a) An entity referred to in Subsection 41-1a-407(1) shall register each vehicle that it owns, operates, or leases.
 - (b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407.
- (2) A registration card and license plate issued to an entity under this section or Subsection 41-1a-407(1) are in full force and effect until the vehicle is no longer owned or operated by that entity.
- (3)
 - (a) If the owner of a vehicle subject to the provisions of this section transfers or assigns title or interest in the vehicle, the registration of that vehicle expires.
 - (b) The transferor shall remove the license plates and within 20 days from the date of transfer:
 - (i) destroy the license plates; or
 - (ii) forward the license plates to the division to be destroyed.
- (4) A violation of this section is an infraction.

Amended by Chapter 20, 2018 General Session

41-1a-222 Application for multiyear registration -- Payment of taxes -- Penalties.

- (1) The owner of any intrastate fleet of commercial vehicles which is based in the state may apply to the commission for registration in accordance with this section.
 - (a) The application shall be made on a form prescribed by the commission.

- (b) Upon payment of required fees and meeting other requirements prescribed by the commission, the division shall issue, to each vehicle for which application has been made, a multiyear license plate and registration card.
 - (i) The license plate decal and the registration card shall bear an expiration date fixed by the division and are valid until ownership of the vehicle to which they are issued is transferred by the applicant or until the expiration date, whichever comes first.
 - (ii) An annual renewal application must be made by the owner if registration identification has been issued on an annual installment fee basis and the required fees must be paid on an annual basis.
 - (iii) License plates and registration cards issued pursuant to this section are valid for an eight-year period, commencing with the year of initial application in this state.
- (c) When application for registration or renewal is made on an installment payment basis, the applicant shall submit acceptable evidence of a surety bond in a form, and with a surety, approved by the commission and in an amount equal to the total annual fees required for all vehicles registered to the applicant in accordance with this section.
- (2) Each vehicle registered as part of a fleet of commercial vehicles must be titled in the name of the fleet.
- (3) Each owner who registers fleets pursuant to this section shall pay the taxes or in lieu fees otherwise due pursuant to:
 - (a) Section 41-1a-206;
 - (b) Section 41-1a-207;
 - (c) Subsection 41-1a-301(12);
 - (d) Section 59-2-405.1;
 - (e) Section 59-2-405.2; or
 - (f) Section 59-2-405.3.
- (4) An owner who fails to comply with the provisions of this section is subject to the penalties in Section 41-1a-1301 and, if the commission so determines, will result in the loss of the privileges granted in this section.

Amended by Chapter 24, 2017 General Session

41-1a-223 Registration without Utah title.

- (1)
 - (a) If the owner of a vehicle operating interstate and registered in another state desires to retain registration of the vehicle in the other state, the applicant need not surrender but shall submit for inspection evidences of out-of-state registration.
 - (b) The division upon a proper showing shall register the vehicle in this state.
- (2)
 - (a) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in Utah because title is physically held by a lienholder, the division may register the vehicle without issuing a Utah title.
 - (b) Notwithstanding Section 70A-9a-316, the registration of a vehicle under this section does not alter or affect the rights or security interest of any lienholder in another jurisdiction.

Amended by Chapter 252, 2000 General Session

41-1a-224 Registration of specially constructed, reconstructed, or foreign vehicles -- Surrender of foreign registration.

- (1) If the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application.
- (2) The owner of a foreign vehicle that has been registered outside of this state shall surrender to the division all registration cards, certificates of title, or other evidence of foreign registration in his possession or under his control, except as provided in Section 41-1a-223.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-225 Foreign vehicle compliance with federal law -- English translation -- Temporary permit.

- (1) Before a vehicle with a gross vehicle weight of less than 6,000 pounds that was not originally manufactured for sale in the United States may be registered in this state, the applicant shall provide at the time of registration, a signed statement certifying that the vehicle complies with all federal laws and regulations applicable to the vehicle.
- (2) If the certificate of title, manufacturer's certificate of origin, or other document purported to evidence ownership is not printed in the English language, the applicant shall obtain a certified translation of that document in the English language and provide it to the division at the time of registration.
- (3) The division may issue the applicant a temporary permit, not to exceed 120 days, as provided in Section 41-1a-211, pending compliance with federal emission and safety standards.

Amended by Chapter 217, 1999 General Session

41-1a-226 Vintage vehicle -- Signed statement -- Registration.

- (1) The owner of a vintage vehicle who applies for registration under this part shall provide a signed statement that the vintage vehicle:
 - (a) is owned and operated for the purposes described in Section 41-21-1; and
 - (b) is safe to operate on the highways of this state as described in Section 41-21-4.
- (2) The signed statement described in Subsection (1) is in lieu of an emissions inspection, from which a vintage vehicle is exempt under Subsection 41-6a-1642(4).

Amended by Chapter 406, 2017 General Session

41-1a-228 Special lifetime trailer registration -- Property tax or in lieu fees.

- (1) The owner of a trailer or semitrailer used as a commercial vehicle may obtain an alternative special registration and license plate valid for the life of the trailer while the trailer is possessed by the registrant.
- (2) The owner must file, on or before January 31 of each year after the year of issuance of the special registration and license plate, a certificate from the assessing authority to the effect that any property tax or in lieu fee due for the current year has been paid.
- (3) If property tax or the in lieu fee is not paid, registration is suspended or revoked.

Amended by Chapter 360, 1997 General Session

41-1a-229 Display of gross laden weight.

- (1) Each vehicle registered by gross laden weight and exceeding 12,000 pounds of gross laden weight shall have the gross laden weight for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.
- (2) If vehicles are registered in combination, the gross laden weight for which the combination of vehicles is registered shall be displayed upon the power unit.
- (3) An owner or operator of a vehicle or combination of vehicles may not display a gross laden weight other than that shown on the certificate of registration of the vehicle.
- (4) A park model recreational vehicle is exempt from this section.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-230 Registration checkoff for vision screening.

- (1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution for vision screening of \$2.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a motor vehicle registration fee; and
 - (c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 126, 2003 General Session

41-1a-230.5 Registration checkoff for promoting and supporting organ donation.

- (1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a motor vehicle registration fee; and
 - (c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Enacted by Chapter 55, 2002 General Session

41-1a-230.6 Registration checkoff for protecting access to public lands and promoting off-highway vehicle education.

- (1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$2 for the purpose of:
 - (a) protecting access to public lands by motor vehicle and off-highway vehicle operators; and
 - (b) educating the public about appropriate off-highway vehicle use.
- (2) This contribution shall be:
 - (a) collected by the division;

- (b) treated as a voluntary contribution to the Off-highway Access and Education Restricted Account created in Section 41-22-19.5 and not as a motor vehicle or off-highway vehicle registration fee; and
 - (c) transferred to the Off-highway Access and Education Restricted Account created in Section 41-22-19.5 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.
- (3) In addition to the administrative costs deducted under Subsection (2)(c), the division may deduct the first \$1,000 collected to cover costs incurred to change the registration form.

Enacted by Chapter 299, 2007 General Session

41-1a-231 Special mobile equipment status.

- (1) "Special mobile equipment" status as defined under Section 41-1a-102 shall be approved by the Department of Transportation in consultation with the Motor Carrier Advisory Board created under Section 72-9-201.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation in consultation with the State Tax Commission shall make rules establishing procedures for application, identification, approval, denial, and appeal of special mobile equipment status.

Amended by Chapter 382, 2008 General Session

41-1a-232 Special rental company vehicle registration decals and license plates.

- (1) As used in this section:
 - (a) "Rental agreement" has the same meaning as defined in Section 31A-22-311.
 - (b) "Rental company" has the same meaning as defined in Section 31A-22-311.
 - (c) "Rental fleet" means more than 25 motor vehicles that are:
 - (i) owned by a rental company;
 - (ii) offered for rental without a hired driver through a rental agreement; and
 - (iii) designated by the registered owner of the motor vehicle as a rental fleet vehicle at the time of registration.
- (2)
 - (a) Beginning on the date that the division has implemented the division's GenTax system, an owner that registers a motor vehicle under Section 41-1a-215 or 41-1a-215.5 may obtain an alternative special registration card and registration decals for the license plates if the motor vehicle is:
 - (i) owned by a rental company; and
 - (ii) maintained in the rental company's rental fleet.
 - (b) The registration card and registration decals for the license plates issued under Subsection (2)(a) are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.
- (3)
 - (a) An owner that receives the alternative special registration card and registration decals for the license plates issued under this section shall:
 - (i) renew the registration in accordance with Section 41-1a-216; and
 - (ii) comply with all the prerequisites for registration or registration renewal under Section 41-1a-203.

- (b) Notwithstanding the registration renewals requirement under Subsection 41-1a-216(2)(b), the alternative special registration card and registration decals issued under this section do not expire and are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.
- (4) If the registration renewal requirements under Subsection (3)(a) are not complied with, the registration is suspended or revoked.

Enacted by Chapter 391, 2013 General Session

Part 3 Proportional Registration

41-1a-301 Apportioned registration and licensing of interstate vehicles.

- (1) For purposes of this section, "registrant" means an owner or operator of one or more commercial vehicles operating in two or more jurisdictions applying for apportioned registration and licensing of a commercial vehicle.
- (2)
 - (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two or more jurisdictions may register commercial vehicles for operation under the International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by filing an application with the division.
 - (b) The application shall include information that identifies the vehicle owner, the vehicle, the miles traveled in each jurisdiction, and other information pertinent to the registration of apportioned vehicles.
 - (c) The division may not grant apportioned registration for vehicles operated exclusively in this state.
- (3)
 - (a) If no operations were conducted during the preceding year, in computing fees due:
 - (i) the application shall contain a statement of the proposed operations; and
 - (ii) the division shall determine fees based on average per vehicle distance requirements under the International Registration Plan.
 - (b) At renewal, the registrant shall use the actual mileage from the preceding year in computing fees due each jurisdiction.
- (4) The division shall determine the registration fee for apportioned vehicles as follows:
 - (a) divide the in-jurisdiction miles by the total miles generated during the preceding year;
 - (b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206; and
 - (c) multiply the sum obtained under Subsection (4)(b) by the quotient obtained under Subsection (4)(a).
- (5) The registrant may list trailers or semitrailers of apportioned fleets separately as "trailer fleets" on the application, with the fees paid according to the total distance those trailers were towed in all jurisdictions during the preceding year mileage reporting period.
- (6)
 - (a)
 - (i) When the registrant has paid the proper fees and cleared the property tax or in lieu fee under Section 41-1a-206 or 41-1a-207, the division shall issue a registration card and license plate for each unit listed on the application.

- (ii) The owner or operator shall carry an original registration in each vehicle at all times.
- (b) The owner or operator may carry original registration cards for trailers or semitrailers in the power unit.
- (c)
 - (i) In lieu of a permanent registration card or license plate, the division may issue one temporary permit authorizing operation of new or unlicensed vehicles until the permanent registration is completed.
 - (ii) Once a temporary permit is issued:
 - (A) neither the registrant nor the division may cancel the registration process; and
 - (B) the division shall complete registration and the registrant shall pay the fees and any property tax or in lieu fee due for the vehicle for which the permit was issued.
 - (iii) The division may not issue temporary permits for renewals.
- (d)
 - (i) The division shall issue one distinctive license plate for apportioned vehicles.
 - (ii) The owner or operator shall display the plate on the front of an apportioned truck tractor or power unit or on the rear of any other apportioned vehicle.
 - (iii)
 - (A) The division shall issue distinctive decals or a distinctive license plate displaying the word "apportioned" or the abbreviation "APP" for each apportioned vehicle.
 - (B) A registrant of an apportioned vehicle is not required to display month or year decals.
 - (iv) At the request of a registrant of an apportioned vehicle, the division may issue a second license plate, for a total of two, to display on both the front and rear of the apportioned vehicle.
- (e) The division shall charge a nonrefundable administrative fee, determined by the commission pursuant to Section 63J-1-504, for each temporary permit, registration, or both.
- (7) Vehicles that are apportionally registered are fully registered for intrastate and interstate movements, providing the registrant has secured proper interstate and intrastate authority.
- (8)
 - (a) The division shall register vehicles added to an apportioned fleet after the beginning of the registration year by applying the quotient under Subsection (4)(a) for the original application to the fees due for the remainder of the registration year.
 - (b)
 - (i) The owner shall maintain and submit complete annual mileage for each vehicle in each jurisdiction, showing all miles operated by the lessor and lessee.
 - (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of the year immediately preceding the calendar year in which the registration year begins.
 - (c)
 - (i) An owner-operator, who is a lessor, may register the vehicle in the name of the owner-operator.
 - (ii) The identification plates and registration card shall be the property of the lessor and may reflect both the owner-operator's name and that of the carrier as lessee.
 - (iii) The division shall allocate the fees according to the operational records of the owner-operator.
 - (d)
 - (i) At the option of the lessor, the lessee may register a leased vehicle.
 - (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall appear on the registration.
 - (iii) The division shall allocate the fees according to the records of the carrier.

- (9)
- (a) When the division has accepted an application for apportioned registration, the registrant shall preserve the records on which the application is based for a period of three years after the close of the registration year.
 - (b) Upon request for audit as to accuracy of computations, payments, and assessments for deficiencies, or allowances for credits, the registrant shall provide the records to the division.
 - (c) The division may not make an assessment for deficiency or claim for credit for any period for which records are no longer required.
 - (d) The division may assess interest in the amount prescribed by Section 59-1-402 from the date due until paid on deficiencies found due after audit.
 - (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.
 - (f) The division may enter into agreements with other International Registration Plan jurisdictions for joint audits.

- (10)
- (a) Except as provided in Subsection (10)(b), the division shall deposit all state fees collected under this section in the Transportation Fund.
 - (b) The commission may use the following fees as a dedicated credit to cover the costs of electronic credentialing as provided in Section 41-1a-303:
 - (i) \$5 of each temporary registration permit fee paid under Subsection (13)(a)(i) for a single unit; and
 - (ii) \$10 of each temporary registration permit fee paid under Subsection (13)(a)(ii) for multiple units.

- (11) If registration is for less than a full year, the division shall assess fees for apportioned registration according to Section 41-1a-1207.
- (a)
 - (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is of the same weight category as the replaced vehicle, the registrant shall file a supplemental application.
 - (ii) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is heavier than the replaced vehicle, the division shall assess additional registration fees.
 - (iii) If the registrant is replacing a vehicle for one withdrawn from the fleet, the division shall issue a new registration card.
 - (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is registered, the registrant shall notify the division and surrender the registration card and license plate of the withdrawn vehicle.

- (12)
- (a) An out-of-state carrier with an apportionally registered vehicle who has not presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway use tax computed as follows:

- (i) Multiply the number of vehicles or combination vehicles registered in each weight class by the equivalent tax figure from the following tables:

Vehicle or Combination Registered Weight	Age of Vehicle	Equivalent Tax
12,000 pounds or less	12 or more years	\$10
12,000 pounds or less	9 or more years but less than 12 years	\$50

12,000 pounds or less	6 or more years but less than 9 years	\$80
12,000 pounds or less	3 or more years but less than 6 years	\$110
12,000 pounds or less	Less than 3 years	\$150

Vehicle or Combination Registered Weight	Equivalent Tax
12,001 - 18,000 pounds	\$150
18,001 - 34,000 pounds	200
34,001 - 48,000 pounds	300
48,001 - 64,000 pounds	450
64,001 pounds and over	600

- (ii) Multiply the equivalent tax value for the total fleet determined under Subsection (12)(a)(i) by the fraction computed under Subsection (4) for the apportioned fleet for the registration year.
 - (b) For registration described in Subsection (12)(a), the division shall assess fees as provided in Section 41-1a-1207.
- (13)
- (a) Commercial vehicles meeting the registration requirements of another jurisdiction may, as an alternative to full or apportioned registration, secure a temporary registration permit for a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of:
 - (i) \$25 for a single unit; and
 - (ii) \$50 for multiple units.
 - (b) A state temporary permit or registration fee is not required from nonresident owners or operators of vehicles or combination of vehicles having a gross laden weight of 26,000 pounds or less for each single unit or combination.
- (14) The division may not register a park model recreational vehicle under this section.
- (15) A violation of this section is an infraction.

Amended by Chapter 20, 2018 General Session

41-1a-303 Cooperation for electronic credentialing.

The commission shall cooperate with the Department of Transportation and federal agencies to assist in providing electronic credentialing of motor carriers to facilitate implementation, compliance, and enforcement of vehicle registration, special fuel tax payment, and other registration or taxation provisions including the provisions of the International Registration Plan and the International Fuel Tax Agreement.

Enacted by Chapter 268, 2003 General Session

**Part 4
License Plates and Registration Indicia**

41-1a-401 License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.

- (1)
 - (a) Except as provided in Subsection (1)(c), the division upon registering a vehicle shall issue to the owner:
 - (i) one license plate for a motorcycle, trailer, or semitrailer;
 - (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;
 - (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain sight to the rear of the camper; and
 - (iv) two identical license plates for every other vehicle.
 - (b) The license plate or decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or decal is issued or used upon any other vehicle than the registered vehicle.
 - (c)
 - (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the ownership of which has been otherwise released, shall transfer the license plate issued to the person applying to register the vehicle if:
 - (A) the previous registered owner has included the license plate as part of the sale, trade, or ownership release; and
 - (B) the person applying to register the vehicle applies to transfer the license plate to the new registered owner of the vehicle.
 - (ii) The division may not transfer a personalized or special group license plate to a new registered owner under this Subsection (1)(c) if the new registered owner does not meet the qualification or eligibility requirements for that personalized or special group license plate under Sections 41-1a-410 through 41-1a-422.
- (2) The division may receive applications for registration renewal, renew registration, and issue new license plates or decals at any time prior to the expiration of registration.
- (3)
 - (a)
 - (i) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.
 - (ii) For a historical support special group license plate created under this part, the division shall procure reflective material to satisfy the requirement under Subsection (3)(a)(i) as soon as such material is available at a reasonable cost.
 - (b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.
 - (c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.
 - (d) The granting of contracts for the materials shall be by public bid.
- (4)
 - (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.
 - (b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.
- (5) A violation of this section is an infraction.

Amended by Chapter 260, 2018 General Session

Amended by Chapter 454, 2018 General Session

41-1a-402 Required colors, numerals, and letters -- Expiration.

- (1) Each license plate shall have displayed on it:
 - (a) the registration number assigned to the vehicle for which it is issued;
 - (b) the name of the state; and
 - (c) unless exempted by Section 41-1a-301 or 41-1a-407, a registration decal showing the date of expiration displayed in accordance with Subsection (6).
- (2) If registration is extended by affixing a registration decal to the license plate, the expiration date of the decal governs the expiration date of the license plate.
- (3) Except as provided in Subsection (4), each original license plate that is not one of the special group license plates issued under Section 41-1a-418 shall be:
 - (a) a statehood centennial license plate with the same color, design, and slogan as the plates issued in conjunction with the statehood centennial;
 - (b) a Ski Utah license plate; or
 - (c) an In God We Trust license plate.
- (4) Beginning on the date that the division determines the existing inventories of statehood centennial license plates and Ski Utah license plates are exhausted, each license plate that is not one of the special group license plates issued under Section 41-1a-418 shall:
 - (a)
 - (i) display the "Life Elevated" slogan; and
 - (ii) have a color and design approved by the 57th Legislature in the 2007 General Session that features:
 - (A) a skier with the "Greatest Snow on Earth" slogan; or
 - (B) Delicate Arch;
 - (b) be an In God We Trust license plate; or
 - (c) beginning on the date that the division determines the existing inventories of decals for an apportioned vehicle described in Section 41-1a-301 are exhausted, be a distinctive license plate displaying the word "apportioned" or the abbreviation "APP."
- (5)
 - (a) Except as provided under Subsection 41-1a-215(2) and Section 41-1a-216, license plates shall be renewed annually.
 - (b)
 - (i) The division shall issue the vehicle owner a month decal and a year decal upon the vehicle's first registration with the division.
 - (ii) The division shall issue the vehicle owner only a year decal upon subsequent renewals of registration to validate registration renewal.
- (6) The decals issued in accordance with Subsection (5) shall be applied as follows:
 - (a) for license plates issued beginning in 1974 through 1985, decals displayed on license plates with black lettering on a white background shall be applied to the lower left-hand corner of the rear of the license plate vehicles;
 - (b) decals displayed on statehood centennial license plates and on Ski Utah license plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of the rear license plate;
 - (c) decals displayed on special group license plates issued in accordance with Section 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a plate indentation on the upper left-hand corner of the license plate;

- (d) decals displayed on license plates with the "Life Elevated" slogan issued in accordance with Subsection (4) shall be applied in the upper left-hand corner for the month decal and the upper right-hand corner for the year decal;
 - (e) decals displayed on license plates with the "In God We Trust" slogan issued in accordance with Subsection (4)(b) shall be applied in the upper right-hand corner of the rear license plate unless there is a plate indentation on the upper left-hand corner of the license plate;
 - (f) decals issued for motorcycles shall be applied to the upper corner of the license plate opposite the word "Utah"; and
 - (g) decals displayed on license plates issued under Section 41-1a-416 shall be applied as appropriate for the year of the plate.
- (7)
- (a) The month decal issued in accordance with Subsection (5) shall be displayed on the license plate in the left position.
 - (b) The year decal issued in accordance with Subsection (5) shall be displayed on the license plate in the right position.
- (8) The current year decal issued in accordance with Subsection (5) shall be placed over or in place of the previous year decal.
- (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall be issued upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.
- (10)
- (a) A violation of this section is an infraction.
 - (b) A court shall waive a fine for a violation under this section if:
 - (i) the registration for the vehicle was current at the time of the citation; and
 - (ii) the person to whom the citation was issued provides, within 21 business days, evidence that the license plate and decals are properly displayed in compliance with this section.

Amended by Chapter 20, 2018 General Session
Amended by Chapter 262, 2018 General Session

41-1a-403 Plates to be legible from 100 feet.

- (1) License plates and the required letters and numerals on them, except the decals and the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-404 Location and position of plates -- Visibility of plates -- Exceptions.

- (1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer shall be attached to the vehicle, one in the front and the other in the rear.
- (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to the rear of the motorcycle, trailer, or semitrailer.
- (3) Except as provided in Subsection (5), a license plate shall at all times be:
 - (a) securely fastened:
 - (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;
 - (ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and
 - (iii) in a place and position to be clearly visible; and

- (b) maintained:
 - (i) free from foreign materials; and
 - (ii) in a condition to be clearly legible.
- (4) Enforcement by a state or local law enforcement officer of the requirement under Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a license plate to the front of the vehicle, or for another offense.
- (5) The provisions of Subsections (3)(a)(iii) and (3)(b) do not apply to a license plate that is obscured exclusively by one or more of the following devices or by the cargo the device is carrying, if the device is installed according to manufacturer specifications or generally accepted installation practices:
 - (a) a trailer hitch;
 - (b) a wheelchair lift or wheelchair carrier;
 - (c) a trailer being towed by the vehicle;
 - (d) a bicycle rack, ski rack, or luggage rack; or
 - (e) a similar cargo carrying device.
- (6) A violation of this section is an infraction.

Amended by Chapter 81, 2015 General Session
Amended by Chapter 412, 2015 General Session

41-1a-407 Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

- (1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:
 - (a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and
 - (b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.
- (2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:
 - (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;
 - (b) the vehicle is used in official investigative work where secrecy is essential;
 - (c) the vehicle is used in an organized Utah Highway Patrol operation that is:
 - (i) conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;
 - (ii) approved by the Commissioner of Public Safety;
 - (iii) of a duration of 14 consecutive days or less; and
 - (iv) targeted toward careless driving, aggressive driving, and accidents involving:
 - (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;
 - (C) speeding violations in a reduced speed school zone under Section 41-6a-604;
 - (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
 - (E) violations of Section 41-6a-702 related to lane restrictions;

- (d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle;
- (e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place; or
- (f) the vehicle is used in routine enforcement on a state highway with four or more lanes involving:
 - (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a roadway;
 - (ii) violations of Section 41-6a-702 related to left lane restrictions;
 - (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles proceeding in the same direction;
 - (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance; and
 - (v) violations of Section 41-6a-804 related to turning and changing lanes.
- (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.
- (4)
 - (a) The commission shall issue "EX" and "UHP" plates.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.
- (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not required to display the month or year registration decals described in Section 41-1a-402.
- (6)
 - (a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).
 - (b)
 - (i) If a law enforcement officer's identity must be kept secret, the law enforcement officer's agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.
 - (ii) The agency head shall notify the division when the assignment is completed.
- (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.

Amended by Chapter 20, 2018 General Session

41-1a-410 Eligibility for personalized plates.

- (1) A person who is the registered owner of a vehicle not subject to registration under Section 41-1a-301, registered with the division, or who applies for an original registration of a vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee prescribed in Section 41-1a-1211 apply to the division for personalized license plates.
- (2) Application shall be made in accordance with Section 41-1a-411.
- (3) The personalized plates shall be affixed to the vehicle for which registration is sought in lieu of the regular license plates.
- (4) Personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed.

Amended by Chapter 222, 1993 General Session

41-1a-411 Application for personalized plates -- Refusal authorized.

- (1) An applicant for personalized license plates or renewal of the plates shall file an application for the plates in the form and by the date the division requires, indicating the combination of letters, numbers, or both requested as a registration number.
- (2)
 - (a) Except as provided in Subsection (3), the division may refuse to issue any combination of letters, numbers, or both that may carry connotations offensive to good taste and decency or that would be misleading.
 - (b) The division may refuse to issue a combination of letters, numbers, or both as a registration number if that same combination is already in use as a registration number on an existing license plate.
- (3)
 - (a) Except as provided in Subsection (2)(b) or (3)(b), the division may not refuse a combination of letters, numbers, or both as a registration number if:
 - (i) the license plate is an honor special group license plate as described in Section 41-1a-421; and
 - (ii) the combination of letters, numbers, or both refers to:
 - (A) a year related to military service;
 - (B) a military branch; or
 - (C) an official achievement, badge, or honor received for military service.
 - (b) If an applicant requests a combination containing only numbers, the division may refuse the combination if the combination includes less than four numerical digits.

Amended by Chapter 49, 2016 General Session

41-1a-412 Design of personalized plates.

The personalized license plates shall be the same color and design as regular license plates designed for the type of vehicle being licensed and shall consist of numbers, letters, or any combination as fixed by the division, provided that there are no conflicts with existing or anticipated license plate series.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-413 Personalized plates -- Sale of vehicle -- Transfer of plates -- Release of priority.

Except as provided in Subsection 41-1a-401(1)(c), if a person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle for which the personalized license plates have been issued, that person shall immediately:

- (1) apply to display the license plates on a different vehicle owned by the person; or
- (2) surrender the license plates to the division and release his priority to the letters and numbers displayed on the personalized license plates.

Amended by Chapter 454, 2018 General Session

41-1a-414 Parking privileges for persons with disabilities.

- (1) As used in this section:
 - (a) "Accessible parking space" means a parking space that is clearly identified as reserved for use by a person with a disability and includes:

- (i) vertical signage, including the international symbol of accessibility, that is visible from a passing vehicle; and
 - (ii) a clearly marked access aisle, if provided, that is adjacent to and considered part of the parking space.
- (b) "Temporary wheelchair user placard" means the same as that term is defined in Section 41-1a-420.
- (c) "Van accessible parking space" means an accessible parking space that is marked for use by a qualifying person with a walking disability who has a temporary wheelchair user placard or a wheelchair user placard and includes:
- (i) vertical signage with the international symbol of accessibility and the words "van accessible" that is visible from a passing vehicle; and
 - (ii) a clearly marked access aisle that is adjacent to and considered part of the parking space.
- (d) "Walking disability" means a physical disability that requires the use of a walking-assistive device or wheelchair or similar low-powered motorized or mechanically propelled vehicle that is specifically designed to assist a person who has a limited or impaired ability to walk.
- (e) "Wheelchair user placard" means the same as that term is defined in Section 41-1a-420.
- (2) Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.
- (3)
- (a) Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking space.
 - (b) A violation of Subsection (3)(a) is a class C misdemeanor.
 - (c) A person described in Subsection (3)(a) is encouraged to avoid parking in a van accessible parking space unless:
 - (i) the person has a walking disability and has a temporary wheelchair user placard;
 - (ii) the person has a wheelchair user placard; or
 - (iii) all other accessible parking spaces that are not van accessible parking spaces are occupied.
- (4) This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.
- (5) The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.

Amended by Chapter 41, 2017 General Session

41-1a-415 Lost or damaged license plate.

If a license plate is lost or becomes illegible, the owner of the vehicle for which the license plate was issued shall immediately apply for and obtain a replacement license plate upon the applicant furnishing information satisfactory to the division and paying the applicable fee.

Enacted by Chapter 1, 1992 General Session

41-1a-416 Original issue license plates -- Alternative stickers -- Rulemaking.

- (1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate of a format and type issued by the state in the same year as the model year of the vehicle.
- (2) The owner of a motor vehicle who desires to display original issue license plates instead of license plates issued under Section 41-1a-401 shall:
 - (a) complete an application on a form provided by the division;
 - (b) supply and submit the original license plates that the owner desires to display to the division for approval; and
 - (c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.
- (3) The division, prior to approval of an application under this section, shall determine that the original issue license plates:
 - (a) are of a format and type issued by the state for use on a motor vehicle in this state;
 - (b) have numbers and characters that are unique and do not conflict with existing license plate series in this state;
 - (c) are legible, durable, and otherwise in a condition that serves the purposes of this chapter, except that original issue license plates are exempt from the provision of Section 41-1a-401 regarding reflectorization and Section 41-1a-403 regarding legibility from 100 feet; and
 - (d) are from the same year of issue as the model year of the motor vehicle on which they are to be displayed.
- (4) An owner of a motor vehicle displaying original issue license plates approved under this section is not exempt from any other requirement of this chapter except as specified under this section.
- (5)
 - (a) An owner of a motor vehicle currently registered in this state whose original issue license plates are not approved by the division because of the requirement in Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the original issue license plates if:
 - (i) the plates otherwise comply with this section;
 - (ii) the plates are only displayed when the motor vehicle is used for participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities and are not used for general daily transportation;
 - (iii) the license plates and registration issued under this chapter for normal use of the motor vehicle on the highways of this state are kept in the motor vehicle and shown to a peace officer on request; and
 - (iv) the sticker issued by the division under this subsection is properly affixed to the face of the original issue license plate.
 - (b) The sticker issued under this section shall be the size and form customarily furnished by the division.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.

Amended by Chapter 382, 2008 General Session

41-1a-418 Authorized special group license plates.

- (1) The division shall only issue special group license plates in accordance with this section through Section 41-1a-422 to a person who is specified under this section within the categories listed as follows:
 - (a) disability special group license plates issued in accordance with Section 41-1a-420;
 - (b) honor special group license plates, as in a war hero, which plates are issued for a:

- (i) survivor of the Japanese attack on Pearl Harbor;
 - (ii) former prisoner of war;
 - (iii) recipient of a Purple Heart;
 - (iv) disabled veteran;
 - (v) recipient of a gold star award issued by the United States Secretary of Defense; or
 - (vi) recipient of a campaign or combat theater award determined by the Department of Veterans and Military Affairs;
- (c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:
- (i) a special interest vehicle;
 - (ii) a vintage vehicle;
 - (iii) a farm truck; or
 - (iv)
 - (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or
 - (B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);
- (d) recognition special group license plates, which plates are issued for:
- (i) a current member of the Legislature;
 - (ii) a current member of the United States Congress;
 - (iii) a current member of the National Guard;
 - (iv) a licensed amateur radio operator;
 - (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
 - (vi) an emergency medical technician;
 - (vii) a current member of a search and rescue team;
 - (viii) a current honorary consulate designated by the United States Department of State; or
 - (ix) an individual supporting commemoration and recognition of women's suffrage; or
- (e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:
- (i) an institution's scholastic scholarship fund;
 - (ii) the Division of Wildlife Resources;
 - (iii) the Department of Veterans and Military Affairs;
 - (iv) the Division of Parks and Recreation;
 - (v) the Department of Agriculture and Food;
 - (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - (vii) the Boy Scouts of America;
 - (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - (ix) the Boys and Girls Clubs of America;
 - (x) Utah public education;
 - (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
 - (xii) the Department of Public Safety;
 - (xiii) programs that support Zion National Park;
 - (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;
 - (xv) programs that promote bicycle operation and safety awareness;
 - (xvi) programs that conduct or support cancer research;

- (xvii) programs that create or support autism awareness;
 - (xviii) programs that create or support humanitarian service and educational and cultural exchanges;
 - (xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;
 - (xx) programs that support and promote adoptions;
 - (xxi) programs that create or support civil rights education and awareness;
 - (xxii) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;
 - (xxiii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;
 - (xxiv) programs that support children with heart disease;
 - (xxv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;
 - (xxvi) programs that provide assistance to children with cancer;
 - (xxvii) programs that promote leadership and career development through agricultural education; or
 - (xxviii) the Utah State Historical Society.
- (2)
- (a) The division may not issue a new type of special group license plate or decal unless the division receives:
 - (i)
 - (A) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plates or decals; or
 - (B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and
 - (ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate or decal to be issued with all fees required under this part for the support special group license plate or decal issuance paid by each applicant.
 - (b)
 - (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates or decals authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.
 - (ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate or decal to be issued.
 - (iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate or decal authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.
 - (iv) The division shall begin issuance of a new support special group license plate or decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2).
 - (c)
 - (i) Beginning on July 1, 2009, the division may not renew a motor vehicle registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the

applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

- (ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:
 - (A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or
 - (B) replace the firefighter recognition special group license plate with a new license plate.
- (3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.
- (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).
- (5)
 - (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate.
 - (b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

Amended by Chapter 39, 2018 General Session
Amended by Chapter 99, 2018 General Session
Amended by Chapter 260, 2018 General Session

41-1a-419 Plate design -- Vintage vehicle certification and registration -- Personalized special group license plates -- Rulemaking.

- (1)
 - (a) The design and maximum number of numerals or characters on special group license plates shall be determined by the division in accordance with the requirements under Subsection (1)(b).
 - (b)
 - (i) Except as provided in Subsection (1)(b)(ii), each special group license plate shall display:
 - (A) the word Utah;
 - (B) the name or identifying slogan of the special group;
 - (C) a symbol decal not exceeding two positions in size representing the special group; and
 - (D) the combination of letters, numbers, or both uniquely identifying the registered vehicle.
 - (ii) The division, in consultation with the Utah State Historical Society, shall design the historical support special group license plate, which shall:
 - (A) have a black background;
 - (B) have white characters; and
 - (C) display the word Utah.
- (2)

- (a) The division shall, after consultation with a representative designated by the special group, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license plates.
- (b) A special group license plate symbol decal may not be redesigned:
 - (i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and
 - (ii) more frequently than every five years.
- (c)
 - (i) Except as provided in Subsection (2)(c)(ii), a special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division under Section 63J-1-504.
 - (ii) A recognition special group license plate symbol decal for a currently employed, volunteer, or retired firefighter issued in accordance with Subsection 41-1a-418(1)(d)(v) that is reordered on or after July 1, 2007, but on or before June 30, 2008, is exempt from the symbol decal reorder fee authorized under Subsection (2)(c)(i).
- (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without renewal as long as the vehicle is owned by the registered owner and the license plates may not be recalled by the division.
- (4) A person who meets the criteria established under Sections 41-1a-418 through 41-1a-422 for issuance of special group license plates may make application in the same manner provided in Sections 41-1a-410 and 41-1a-411 for personalized special group license plates.
- (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and
 - (b) establish the maximum number of numerals or characters for special group license plates.

Amended by Chapter 260, 2018 General Session

41-1a-420 Disability special group license plates -- Application and qualifications -- Rulemaking.

- (1) As used in this section:
 - (a) "Advanced practice registered nurse" means a person licensed to practice as an advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.
 - (b) "Nurse practitioner" means an advanced practice registered nurse specializing as a nurse practitioner.
 - (c) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
 - (d) "Temporary wheelchair user placard" means a removable windshield placard that is issued to a qualifying person, as provided in this section, who has a walking disability that is not permanent.
 - (e) "Walking disability" means a physical disability that requires the use of a walking-assistive device or wheelchair or similar low-powered motorized or mechanically propelled vehicle that is designed to specifically assist a person who has a limited or impaired ability to walk.
 - (f) "Wheelchair user placard" means a removable windshield placard that is issued to a qualifying person, as provided in this section, who has a walking disability.
- (2)

- (a) The division shall issue a disability special group license plate, a temporary removable windshield placard, or a removable windshield placard to an applicant who is either:
 - (i) a qualifying person with a disability; or
 - (ii) the registered owner of a vehicle that an organization uses primarily for the transportation of persons with disabilities that limit or impair the ability to walk.
 - (b) The division shall issue a temporary wheelchair user placard or a wheelchair user placard to an applicant who is either:
 - (i) a qualifying person with a walking disability; or
 - (ii) the registered owner of a vehicle that an organization uses primarily for the transportation of persons with walking disabilities.
 - (c) The division shall require that an applicant under Subsection (2)(b) certifies that the person travels in a vehicle equipped with a wheelchair lift or a vehicle carrying the person's walking-assistive device or wheelchair and requires a van accessible parking space.
- (3)
- (a) The person with a disability shall ensure that the initial application contains the certification of a physician or nurse practitioner that:
 - (i) the applicant meets the definition of a person with a disability that limits or impairs the ability to walk as defined in the federal Uniform System for Parking for Persons with Disabilities, 23 C.F.R. Ch. II, Subch. B, Pt. 1235.2 (1991);
 - (ii) if the person is applying for a temporary wheelchair user placard or a wheelchair user placard, the applicant has a walking disability; and
 - (iii) specifies the period of time that the physician or nurse practitioner determines the applicant will have the disability, not to exceed six months in the case of a temporary disability or a temporary walking disability.
 - (b) The division shall issue a disability special group license plate, a removable windshield placard, or a wheelchair user placard, as applicable, to a person with a permanent disability.
 - (c) The issuance of a person with a disability special group license plate does not preclude the issuance to the same applicant of a removable windshield placard or wheelchair user placard.
 - (d)
 - (i) On request of an applicant with a disability special group license plate, a temporary removable windshield placard, or a removable windshield placard, the division shall issue one additional placard.
 - (ii) On request of a qualified applicant with a disability special group license plate, the division shall issue up to two temporary wheelchair user placards or two wheelchair user placards.
 - (iii) On request of a qualified applicant with a temporary wheelchair user placard or a wheelchair user placard, the division shall issue one additional placard.
 - (e) The division shall ensure that a temporary wheelchair user placard and a wheelchair user placard have the following visible features:
 - (i) a large "W" next to the internationally recognized disabled persons symbol; and
 - (ii) the words "Wheelchair User" printed on a portion of the placard.
 - (f) A disability special group license plate, temporary removable windshield placard, or removable windshield placard may be used to allow one motorcycle to share a parking space reserved for persons with a disability if:
 - (i) the person with a disability:
 - (A) is using a motorcycle; and
 - (B) displays on the motorcycle a disability special group license plate, temporary removable windshield placard, or a removable windshield placard;

- (ii) the person who shares the parking space assists the person with a disability with the parking accommodation; and
 - (iii) the parking space is sufficient size to accommodate both motorcycles without interfering with other parking spaces or traffic movement.
- (4)
- (a) When a vehicle is parked in a parking space reserved for persons with disabilities, a temporary removable windshield placard, a removable windshield placard, a temporary wheelchair user placard, or a wheelchair user placard shall be displayed so that the placard is visible from the front of the vehicle.
 - (b) If a motorcycle is being used, the temporary removable windshield placard or removable windshield placard shall be displayed in plain sight on or near the handle bars of the motorcycle.
- (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- (a) establish qualifying criteria for persons to receive, renew, or surrender a disability special group license plate, a temporary removable windshield placard, a removable windshield placard, a temporary wheelchair user placard, or a wheelchair user placard in accordance with this section;
 - (b) establish the maximum number of numerals or characters for a disability special group license plate;
 - (c) require all temporary removable windshield placards, removable windshield placards, temporary wheelchair user placards, and wheelchair user placards to include:
 - (i) an identification number;
 - (ii) an expiration date not to exceed:
 - (A) six months for a temporary removable windshield placard; and
 - (B) two years for a removable windshield placard; and
 - (iii) the seal or other identifying mark of the division.
- (6) The commission shall insert the following on motor vehicle registration certificates: "State law prohibits persons who do not lawfully possess a disability placard or disability special group license plate from parking in an accessible parking space designated for persons with disabilities. Persons who possess a disability placard or disability special group license plate are discouraged from parking in an accessible parking space designated as van accessible unless they have a temporary wheelchair user placard or a wheelchair user placard."

Amended by Chapter 41, 2017 General Session

41-1a-421 Honor special group license plates -- Personal identity requirements.

- (1)
- (a) The requirements of this Subsection (1) apply to a vehicle displaying a:
 - (i) survivor of the Japanese attack on Pearl Harbor license plate;
 - (ii) former prisoner of war license plate;
 - (iii) Purple Heart license plate;
 - (iv) disabled veteran license plate; or
 - (v) campaign or combat theater award license plate.
 - (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.
 - (c) Upon the death of the veteran, the surviving spouse may, upon application to the division, retain the special group license plate decal so long as the surviving spouse remains unmarried.

- (d) The division shall require the surviving spouse to make a sworn statement that the surviving spouse is unmarried before renewing the registration under this section.
- (2) Proper evidence of a Purple Heart is either:
 - (a) a membership card in the Military Order of the Purple Heart; or
 - (b) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.
- (3) The Purple Heart license plates shall bear:
 - (a) the words "Purple Heart" at the bottom of the plate;
 - (b) a logo substantially depicting a Purple Heart award; and
 - (c) the letter and number combinations assigned by the division.
- (4) Proper evidence that a person is a disabled veteran is a written document issued by a military entity certifying that the person is disabled as a result of service in a branch of the United States Military.
- (5) A disabled veteran seeking a disabled veteran license plate shall request the Department of Veterans and Military Affairs to provide the verification required under Subsection (4).
- (6)
 - (a) An applicant for a gold star license plate shall submit written documentation that the applicant is a recipient of a gold star award issued by the United States Secretary of Defense.
 - (b) Written documentation under Subsection (6)(a) may include any of the following:
 - (i) a death certificate;
 - (ii) documentation showing classification of death as listed by the United States Secretary of Defense;
 - (iii) a casualty report;
 - (iv) a telegram from the United States Secretary of Defense or one of the branches of the United States armed forces; or
 - (v) other documentation that verifies the applicant meets the requirements of Subsection (6)(a).
- (7) An applicant for a campaign or combat theater award special group license plate shall:
 - (a) be a contributor in accordance with Subsections 41-1a-422(1)(a)(i)(B) and (1)(a)(ii)(A); and
 - (b) submit a form to the division obtained from the Department of Veterans and Military Affairs which verifies that the applicant qualifies for the campaign or combat theater award special group license plate requested.
- (8) Each campaign or combat theater award special group license plate authorized by the Department of Veterans and Military Affairs shall be considered a new special group license plate and require the payment of the fees associated with newly authorized special group license plates.

Amended by Chapter 39, 2018 General Session

41-1a-422 Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

- (1) As used in this section:
 - (a)
 - (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:
 - (A) a scholastic scholarship fund of a single named institution;
 - (B) the Department of Veterans and Military Affairs for veterans programs;

- (C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;
- (D) the Department of Agriculture and Food for the benefit of conservation districts;
- (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;
- (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;
- (H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;
- (J) the Utah Association of Public School Foundations to support public education;
- (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;
- (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;
- (M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;
- (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;
- (O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;
- (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;
- (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support autism awareness programs;
- (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;
- (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for programs that conduct or support prostate cancer awareness, screening, detection, or prevention until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;
- (T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;
- (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102;
- (V) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202;
- (W) the Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120;
- (X) the Children with Cancer Support Restricted Account created in Section 26-21a-304 for programs that provide assistance to children with cancer;

- (Y) the National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102;
 - (Z) the Children with Heart Disease Support Restricted Account created in Section 26-58-102;
 - (AA) the Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102;
 - (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and operation and maintenance of existing, state-owned firearm shooting ranges; or
 - (CC) the Utah State Historical Society to further the mission and purpose of the Utah State Historical Society.
- (ii)
- (A) For a veterans special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.
 - (B) For a Utah Housing Opportunity special group license plate, "contributor" means a person who:
 - (I) has donated or in whose name at least \$30 has been donated at the time of application and annually after the time of application; and
 - (II) is a member of a trade organization for real estate licensees that has more than 15,000 Utah members.
 - (C) For an Honoring Heroes special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.
 - (D) For a firefighter support special group license plate, "contributor" means a person who:
 - (I) has donated or in whose name at least \$15 has been donated at the time of application and annually after the time of application; and
 - (II) is a currently employed, volunteer, or retired firefighter.
 - (E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually after the time of application.
 - (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.
 - (G) For a Utah Law Enforcement Memorial Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.
- (b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- (2)
- (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).
 - (b) An institution with a support special group license plate shall issue to a contributor a verification form designed by the commission containing:
 - (i) the name of the contributor;
 - (ii) the institution to which a donation was made;

- (iii) the date of the donation; and
 - (iv) an attestation that the donation was for a scholastic scholarship.
 - (c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.
 - (d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.
 - (e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).
- (3)
- (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.
 - (b) This contribution shall be:
 - (i) unless collected by the named institution under Subsection (2), collected by the division;
 - (ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee;
 - (iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and
 - (iv) for a firefighter special group license plate, deposited into the appropriate account less:
 - (A) the costs of reordering firefighter special group license plate decals; and
 - (B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).
 - (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.
 - (d) The donation described in Subsection (1)(a) shall be a one-time donation made to the division when issuing original:
 - (i) snowmobile license plates; or
 - (ii) conservation license plates.
- (4) Veterans license plates shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

Amended by Chapter 39, 2018 General Session
Amended by Chapter 260, 2018 General Session
Amended by Chapter 415, 2018 General Session

Part 5

Titling Requirement

41-1a-501 Certificate of title required.

Unless exempted, each owner of a motor vehicle, vessel, outboard motor, trailer, semitrailer, manufactured home, mobile home, or off-highway vehicle shall apply to the division for a certificate of title on forms furnished by the division as evidence of ownership.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-503 Certificate of title or receipt of surrender of ownership documents required -- Application by owner.

- (1) The owner of a manufactured home or mobile home shall apply to the division for a certificate of title unless the manufactured home or mobile home is previously registered as real property under Subsection 41-1a-506(1).
- (2)
 - (a) An owner of a manufactured home or mobile home previously issued a certificate of title who attaches that manufactured home or mobile home to real property shall apply for a receipt of surrender of ownership documents within 45 days of attaching to the real property.
 - (b) Upon application, the division shall issue a receipt of surrender of ownership documents in lieu of a certificate of title.
 - (c) However, manufactured homes and mobile homes are not exempt from the other requirements of this part.
- (3)
 - (a) The owner of a manufactured home or mobile home previously issued a receipt of surrender of ownership documents who separates that manufactured home or mobile home from the real property shall apply for a certificate of title within 45 days of the separation and before any transfer of ownership of that manufactured home or mobile home.
 - (b) Upon application, the division shall issue a certificate of title in lieu of a receipt of surrender of ownership documents.

Amended by Chapter 266, 2013 General Session

41-1a-504 Exceptions to title requirements for vehicles.

Each vehicle operated in this state is subject to the titling provisions of this part except:

- (1) special mobile equipment;
- (2) a vehicle owned or leased by the federal government;
- (3) a trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or persons; and
- (4) modular and prebuilt homes conforming to the Uniform Building Code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis.

Enacted by Chapter 1, 1992 General Session

41-1a-505 Exceptions to title requirements for vessels and outboard motors.

- (1) Each vessel or outboard motor, identified by the manufacturer as a 1985 year model or newer, operated on the waters of this state is subject to the title provisions of this part except:
 - (a) vessels that have valid marine documents issued by the United States Coast Guard;
 - (b) canoes;
 - (c) inflatable vessels powered by an outboard motor with a manufacturer's listed horsepower of 25 or less;
 - (d) outboard motors with a manufacturer's listed horsepower of 25 or less;
 - (e) vessels and outboard motors owned and operated by nonresidents of the state;
 - (f) vessels or outboard motors owned and operated by the federal government; or
 - (g) vessels exempt from registration under Section 73-18-9.

- (2) The division may not provide a title on vessels and outboard motors identified by the manufacturer as a 1984 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-506 Exceptions to title requirements for manufactured homes or mobile homes.

- (1) A manufactured home or mobile home in this state is subject to the titling provisions of this part except:
 - (a) a manufactured home or mobile home owned and operated by the federal government; and
 - (b) a manufactured home or mobile home that has been converted to real property under Section 70D-2-401.
- (2) A manufactured home or mobile home previously converted to real property but that has been separated from the real property is subject to the titling provisions of this part upon separation.

Amended by Chapter 266, 2013 General Session

41-1a-506.1 Exceptions to title requirements for park model recreational vehicles.

- (1) A park model recreational vehicle in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.
- (2) The division may provide title to a park model recreational vehicle identified by the manufacturer as a 2014 year model or older if requested by the owner of the park model recreational vehicle.

Enacted by Chapter 237, 2014 General Session

41-1a-507 Exceptions to title requirements for off-highway vehicles.

- (1) Each off-highway vehicle operated in this state and identified by the manufacturer as a 1988 year model or newer is subject to the titling provisions of this part except:
 - (a) off-highway vehicles owned and operated by nonresidents of the state;
 - (b) off-highway vehicles owned and operated by the federal government; and
 - (c) off-highway vehicles that are registered for highway use.
- (2) The division may not provide title to an off-highway vehicle identified by the manufacturer as a 1987 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-507.1 Exceptions to title requirements for campers.

- (1) Each camper in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.
- (2) The division may provide title to a camper identified by the manufacturer as a 2014 year model or older if requested by the owner of the camper.

Enacted by Chapter 61, 2014 General Session

41-1a-508 Prerequisites for titling.

- (1) Except as otherwise provided, prior to titling a vehicle, vessel, or outboard motor an owner must provide evidence of:
 - (a) title or ownership under Section 41-1a-509;

- (b) payment of sales taxes in accordance with Section 41-1a-510;
 - (c) payment of all applicable fees under Part 12, Fee and Tax Requirements;
 - (d) the identification number inspection required under Section 41-1a-511;
 - (e) the odometer statement required under Section 41-1a-902; and
 - (f) evidence of property tax clearance for manufactured homes and mobile homes.
- (2) An application for registration or current registration is not a prerequisite for obtaining a title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-509 Manufacturer's certificate of origin or title.

- (1) If a vehicle other than an off-highway vehicle older than a 1988 model year, or a vessel or outboard motor older than a 1985 model year has not been previously titled, the application for certificate of title shall include the manufacturer's certificate of origin properly endorsed for transfer.
- (2) The manufacturer's certificate of origin shall show:
- (a) the date of sale to the dealer or person first receiving it from the manufacturer;
 - (b) the name of the dealer or person;
 - (c) a description sufficient to identify the vehicle, vessel, or outboard motor; and
 - (d) a certification by the dealer that the vehicle, vessel, or outboard motor was new when sold to the applicant.
- (3)
- (a) If the vehicle, vessel, or outboard motor is from a state or foreign country that does not issue or require certificates of title, the owner shall submit a bill of sale, sworn statement of ownership, or any other evidence of ownership required by the division.
 - (b) The division may refuse to issue a certificate of title or receipt of surrender of ownership documents if the applicant fails to submit the evidence of ownership required.

Amended by Chapter 266, 2013 General Session

41-1a-510 Sales tax payment required.

- (1)
- (a) Except as provided in Subsection (1)(b), the division before issuing a certificate of title to a vehicle, vessel, or outboard motor shall require from every applicant:
 - (i) a receipt from the division showing that the sales tax has been paid to the state on the sale of the vehicle, vessel, or outboard motor upon which application for certificate of title has been made; or
 - (ii) a certificate from the division showing that no sales tax is due.
 - (b) If a licensed dealer has made a report of sale, no receipt or certificate is required.
- (2) The division may also issue a receipt of surrender of ownership documents for a manufactured home or mobile home if the applicant complies with Subsection (1).

Amended by Chapter 266, 2013 General Session

41-1a-511 Identification number inspection.

An application for a certificate of title for a vehicle, vessel, or outboard motor not previously titled in this state shall be accompanied by a certificate of identification number inspection obtained in

accordance with Section 41-1a-802, unless the vehicle, vessel, or outboard motor is new and was acquired from an in-state dealer or in-state manufacturer.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-512 Application for title.

- (1) The application for a certificate of title shall include:
 - (a) the signature of a person to be recorded on the certificate as owner;
 - (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
 - (c) a description of the vehicle, vessel, or outboard motor, including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, the identification number of the vehicle, vessel, or outboard motor, as applicable, and other information the division may require;
 - (d) other information required by the division to enable it to determine whether the owner is entitled to a certificate of title;
 - (e) a statement of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor; and
 - (f) the names and addresses of all persons having any ownership interest in the vehicle, vessel, or outboard motor and the nature of the ownership interest.
- (2) An application for a certificate of title for a new vehicle, vessel, or outboard motor purchased from a dealer shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

Amended by Chapter 51, 2002 General Session

41-1a-513 Examination of registration records and indices of stolen and recovered vehicles, vessels, and outboard motors.

The division upon receiving application for any certificate of title shall first check the identification number shown in the application against the indices of registered vehicles, vessels, and outboard motors and against indices of stolen and recovered vehicles, vessels, and outboard motors.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-514 Certificate of title -- Contents.

- (1) The division upon approving an application for a certificate of title shall issue a certificate of title.

The face of the certificate of title shall include:

 - (a) the date issued;
 - (b) the name and address of the owner;
 - (c) a description of the vehicle, vessel, or outboard motor titled, including the year, make, and identification number;
 - (d) a statement of the owner's title and of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor;
 - (e) any brand on the title; and
 - (f) an odometer statement, if applicable.

- (2) The certificate of title shall bear the seal of the division.
- (3) The certificate of title shall contain adequate space for:
 - (a) the assignment and warranty of title or interest by the owner;
 - (b) the release of interest by a recorded lien holder; and
 - (c) the notation of one lien or encumbrance, if any, existing at the time of transfer.
- (4) The model year that is listed on the certificate of title of a replica vehicle shall be the model year that the body of the vehicle resembles.
- (5) The certificate of title of a replica vehicle shall indicate that the vehicle is a replica vehicle.

Amended by Chapter 171, 2009 General Session

41-1a-515 Delivery of certificate by division.

- (1) The division shall deliver the certificate of title to the owner if no lien or encumbrance is recorded on it. The division shall deliver the certificate to the person holding the first lien or encumbrance as recorded on the certificate.
- (2) The certificate of title shall be delivered:
 - (a) in person;
 - (b) through the United States mail; or
 - (c) electronically.
- (3) If delivered through the United States mail, receipt of the certificate of title is presumed four days after the mail has been posted.

Amended by Chapter 95, 2004 General Session

41-1a-516 Annual renewal of titles unnecessary -- Superseded certificates invalid.

- (1) Certificates of title need not be renewed annually but shall remain valid until canceled by the division for cause or upon a transfer of any interest shown on the certificate.
- (2) A certificate of title is invalid when superseded by a duplicate certificate issued under Section 41-1a-518 or when the certificate has been superseded by a certificate issued by another state or country.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-517 Change of name -- New title.

- (1) If the name of any person who has made application for or obtained a certificate of title is legally changed, the person shall surrender the certificate and file an application for a new certificate of title.
- (2) The division upon receipt of the required fees shall issue a new certificate of title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-518 Duplicate titles.

- (1)
 - (a) If a certificate of title is lost, stolen, mutilated, or becomes illegible, the owner, legal representative, or successor in interest of the owner of the vehicle, vessel, or outboard motor

for which the certificate was issued, as shown by the records of the division, shall immediately apply for and may obtain a duplicate upon furnishing information satisfactory to the division.

- (b) A certificate of title issued under this section shall have printed or stamped in ink upon its face "duplicate".
 - (c) The duplicate certificate, when properly issued, supersedes and invalidates all other certificates previously issued.
- (2)
- (a) When the application for a duplicate certificate of title is accompanied by a proper release of interest from the owner or owners of record and a proper release of interest from the lienholder of record and the release is accompanied by a proper application to title the vehicle, vessel, or outboard motor in the name of the new owner or owners, a duplicate certificate need not be made.
 - (b) The division may issue a certificate of title in the name of the new owner or owners.
 - (c) The duplicate title fees provided under Part 12, Fee and Tax Requirements, apply.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-519 Dealer requirements for certificate of title or receipt of surrender of title.

- (1) If a dealer delivers a new off-highway vehicle, vessel, or outboard motor to the purchaser, the dealer shall apply for issuance of a certificate of title or receipt of surrender of ownership documents, as appropriate, in the purchaser's name within 45 days of the date of sale.
- (2) A dealer who purchases or takes in trade a used off-highway vehicle, vessel, or outboard motor on which a certificate of title has previously been issued is not required to apply for a certificate of title.

Amended by Chapter 266, 2013 General Session

41-1a-520 Registration without issuing Utah title.

- (1) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in the state because title is physically held by a lienholder, the division may register the vehicle without issuing a title.
- (2) Upon satisfaction of the lien outstanding against the vehicle in the other jurisdiction, the registered owner shall within 10 days of receipt surrender the title from the other jurisdiction to the division and make application for a title.

Enacted by Chapter 1, 1992 General Session

41-1a-521 Release of prior certificate of title.

Every application for a certificate of title for a vehicle, vessel, or outboard motor for which a certificate of title has previously been issued in this state or another jurisdiction shall be accompanied by the certificate of title.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-522 Record of nonconforming vehicle -- Access -- Brand -- Unbranding.

- (1) The definitions in Section 41-3-407 apply to this section.
- (2) Upon receipt of a copy of an original certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership of a nonconforming vehicle in accordance with Section 41-3-409, the division shall:
 - (a) establish a record of the reported nonconforming vehicle;
 - (b) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
 - (c) allow access to the record upon written application to the division; and
 - (d) upon request for a new certificate of title for a nonconforming vehicle, brand the certificate of title with the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" clearly and conspicuously on the face of the new certificate of title.
- (3) Upon receipt of the branded certificate of title, the division shall:
 - (a) follow the procedures established in Subsection (2); or
 - (b) if the record of the nonconforming vehicle contains an application for an unbranded certificate of title that meets the requirements of Section 41-3-409.5:
 - (i) update the record to show that all nonconformities have been cured;
 - (ii) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
 - (iii) allow access to the complete record upon written application to the division; and
 - (iv) upon request for a new certificate of title, issue an unbranded certificate of title.

Amended by Chapter 382, 2008 General Session

Part 6

Liens and Security Interests

41-1a-601 Lien validity -- Security interest.

- (1) Except as provided under Subsection (2) or (3), a lien upon a vehicle, vessel, or outboard motor, except a lien dependent upon possession, is not valid against the creditors of an owner acquiring a lien by levy or attachment, or subsequent purchasers, or encumbrancers without notice until Sections 41-1a-602 through 41-1a-606 have been complied with.
- (2) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, that are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that:
 - (a) buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320; and
 - (b) security interests of persons extending credit to buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320.
- (3) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, which are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that a lienholder with a security interest noted on the title shall have priority unless the lienholder has been paid in full in accordance with Section 41-3-402.

Amended by Chapter 342, 2010 General Session

41-1a-602 Application for original registration.

- (1)
 - (a) If a vehicle is of a type subject to registration but has not been registered and no certificate of title has been issued, or if the vehicle has been registered or titled in another state or country, the owner shall file an application in the form for an original registration and issuance of an original certificate of title.
 - (b) If the vehicle ownership has changed, the owner shall file an application in the form for an original certificate of title.
- (2) Each application shall be accompanied by all applicable taxes and fees under Part 12, Fee and Tax Requirements.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-603 Issuance of new certificate of title -- Lienholder.

- (1) Upon receipt of a title application the division shall file the application, and when satisfied as to the authenticity of the application, shall issue a new certificate of title in usual form, giving the name of the owner and a statement of one lien or encumbrance, if any, certified to the division as existing against the vehicle, vessel, or outboard motor.
- (2) If a certificate of title has been issued, and the same lienholder as shown by the records of the division only grants additional funds to the same owner as shown by the records of the division, no further recording is required and no subsequent certificate of title need be applied for or issued, if the original certificate or valid duplicate has remained in possession of the lienholder and the lien has not been released and the certificate has not been delivered to the owner.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-604 Filing effective to give notice of liens.

The filing and the issuance of a new certificate of title under Sections 41-1a-602 and 41-1a-603 constitute constructive notice of all liens and encumbrances against the vehicle, vessel, and outboard motor to creditors of the owner, to a person financing the inventory of a motor vehicle dealer that sells or offers the vehicle for sale, and to subsequent purchasers and encumbrancers.

Amended by Chapter 342, 2010 General Session

41-1a-605 Constructive notice.

- (1) If a person files an application in the form for an original certificate of title in accordance with Section 41-1a-602 within 30 days after the owner receives a delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of the execution of the document creating the security interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise after the time of execution of the document creating the security interest.
- (2) If a person files an application in the form for an original certificate of title pursuant to Section 41-1a-602 after 30 days after the owner receives delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of filing of the document creating the security

interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor as of the time of filing.

- (3) If a person relocates a motor vehicle within the state with a title issued by another state bearing a lien, the rights of the lienholder are perfected in accordance with the law of the state issuing the title.

Repealed and Re-enacted by Chapter 342, 2010 General Session

41-1a-606 Method of giving notice -- Exceptions.

The method provided in Sections 41-1a-602 through 41-1a-605, for giving notice of a lien or encumbrance upon a registered vehicle is exclusive except for liens dependent upon possession and any lien or encumbrance filed as provided under this chapter, which are exempt from the provisions of Section 70A-9a-311, and other provisions of law that otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration under this chapter.

Amended by Chapter 342, 2010 General Session

41-1a-607 Assignment by lienholder.

- (1)
 - (a) Any person holding a lien or encumbrance upon a vehicle, vessel, or outboard motor, other than a lien dependent solely upon possession, may assign his title or interest in or to the vehicle, vessel, or outboard motor to a person other than the owner without the consent of and without affecting the interest of the owner or the registration of the vehicle, vessel, or outboard motor.
 - (b) If assignment of the lien or encumbrance in any way modifies or affects the owner's repayment agreement, the lien or encumbrance holder shall give to the owner a written notice of the assignment.
- (2) Upon request to the division and upon receipt of a certificate of title assigned by the holder of a lien or encumbrance shown on it and giving the name and address of the assignee, accompanied by the fee provided by law, the division shall issue a new certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-608 Release by lienholder to owner.

- (1) A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle or vessel may release the lien or encumbrance or assign his interest to the owner without affecting the registration of the vehicle or vessel.
- (2) The division shall issue a new certificate of title without a lien previously recorded upon receiving:
 - (a) a certificate of title:
 - (i) upon which a lienholder has released or assigned his interest to the owner; or
 - (ii) not so endorsed but accompanied by a legal release from a lienholder of his interest in or to a vehicle, vessel, or outboard motor;
 - (b) an application properly completed; and
 - (c) the proper fee.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-609 Terminal rental adjustment clauses.

- (1) As used in this section, "terminal rental adjustment clause" means a provision of an agreement that permits or requires the rental price to be adjusted upward or downward by reference to the amount realized by the lessor under the agreement upon sale or other disposition of the property.
- (2) Notwithstanding any other provision of law, a motor vehicle or trailer lease agreement that is subject to a terminal rental adjustment clause does not create a sale or security interest.
- (3) The provisions of this section do not affect:
 - (a) the rights and obligations of a valid security interest under this chapter; or
 - (b) the calculation of sales and use tax payable under Title 59, Chapter 12, Sales and Use Tax Act.

Enacted by Chapter 266, 2003 General Session

Part 7
Transfer of Ownership

41-1a-701 Transfer by owner -- Removal of plates.

- (1)
 - (a) If the owner of a registered vehicle transfers the title or interest to the vehicle the registration of the vehicle expires.
 - (b) Unless an owner has included the transfer of a license plate as part of a sale, trade, or ownership release of a vehicle, the owner shall remove the license plates from the transferred vehicle.
- (2)
 - (a) If an owner does not transfer a license plate to a person as part of a sale, trade, or ownership release of a vehicle, within 20 days from the date of transfer the owner shall forward the plates to the division to be destroyed or may have the plates assigned to another vehicle, subject to the rules of the division.
 - (b) If an owner transfers a license plate as part of a sale, trade, or ownership release of a vehicle, the new registered owner of the transferred vehicle shall apply to the division to have the plates assigned to the new registered owner.
- (3) A violation of this section is an infraction.

Amended by Chapter 454, 2018 General Session

41-1a-702 Endorsement of assignment and warranty of title -- Co-owners.

- (1)
 - (a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment and warranty of title.
 - (b) The endorsement and assignment shall include a statement of all liens or encumbrances on the vehicle, vessel, or outboard motor.

- (c) Upon the endorsement and assignment of a certificate of title, the same certificate of title may not be reendorsed and reassigned to a new owner except as provided in Section 41-1a-705.
- (2)
 - (a) If a title certificate reflects the names of two or more people as co-owners in the alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle, vessel, or outboard motor.
 - (b) If the title certificate reflects the names of two or more people as co-owners in the conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or outboard motor.
- (3) The owner shall deliver the certificate of title containing the odometer disclosure statement required under Section 41-1a-902 and the certificate of registration to the purchaser or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard motor, as applicable, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709.
- (4) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-1a-703 New owner to secure new registration and new certificate of title.

- (1) The transferee, before operating or permitting the operation of a transferred vehicle on a highway, shall:
 - (a) present to the division the certificate of registration and the certificate of title, properly endorsed;
 - (b) apply for a new certificate of title and obtain a new registration for the transferred vehicle, as upon an original registration, except as permitted under Sections 41-1a-223, 41-1a-520, and 41-1a-704; and
 - (c) apply to the division to have the license plates assigned to the new registered owner of the transferred vehicle if the license plates were included as part of the sale, trade, or ownership release of the transferred vehicle.
- (2) A violation of this section is an infraction.

Amended by Chapter 454, 2018 General Session

41-1a-704 Transfer by operation of law.

- (1) Except as provided under Subsection (2), if the title or interest of an owner in or to a registered vehicle passes to another person other than by voluntary transfer:
 - (a) the registration of the vehicle expires; and
 - (b) the vehicle may not be operated upon a highway until the person entitled to possession of the vehicle applies for and obtains a valid registration or temporary permit.
- (2)
 - (a) A vehicle under Subsection (1) may be operated on the highways by the person entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon displaying on the vehicle the license plates issued to the former owner.
 - (b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new title holder may apply to the Motor Vehicle Enforcement Division for special plates issued under Section

41-3-505 to transporters and may operate the repossessed vehicle under the special plate for the purposes of:

- (i) transporting the vehicle to a garage or warehouse; or
 - (ii) demonstrating the vehicle for sale.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-705 Persons that may sell, offer for sale, or display for sale a vehicle, vessel, or outboard motor -- New owner shall title -- Penalties.

- (1) As used in this section, "immediate family member" means a person's spouse, child, spouse of a child living in the person's home, or parent.
- (2)
- (a) A person may not sell, offer for sale, or display for sale or exchange any vehicle, vessel, or outboard motor unless the person is:
 - (i) a person licensed under Chapter 3, Motor Vehicle Business Regulation Act;
 - (ii) a motor vehicle auction;
 - (iii) the lienholder or owner of the vehicle, vessel, or outboard motor as evidenced by the person's name being printed by the division on the certificate of title;
 - (iv) a person who has lawfully repossessed the vehicle, vessel, or outboard motor;
 - (v) a holder of a statutory lien on the vehicle who is selling the vehicle, vessel, or outboard motor through a motor vehicle auction;
 - (vi) a person lawfully donating the vehicle, vessel, or outboard motor to a non-profit charitable organization;
 - (vii) a non-profit charitable organization that receives donated vehicles and sells or disposes of them; or
 - (viii) a person lawfully selling the person's immediate family member's vehicle, vessel, or outboard motor.
 - (b) Subsection (2)(a) does not apply to a personal representative, trustee, guardian, executor, administrator, sheriff, government entity, or other person who sells a vehicle, vessel, or outboard motor under the powers and duties granted or imposed by law.
- (3) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the new owner of a transferred vehicle, vessel, or outboard motor shall obtain a certificate of title for the vehicle, vessel, or outboard motor transferred to the new owner.
- (4) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the owner of the vehicle, vessel, or outboard motor shall title the vehicle, vessel, or outboard motor by completing an application and presenting to the division a properly endorsed certificate of title, duplicate certificate of title, or other document of authority along with any additional documents the division may require to transfer the title.
- (5)
- (a) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.
 - (b) A person who violates any of the provisions of this section shall pay all fees and taxes required under this chapter that resulted from the violation.
 - (c) Each vehicle sold, offered for sale, or displayed for sale in violation of this section shall be a separate offense.
- (6) Nothing in this section applies to a person purchasing a vehicle from a motor vehicle auction if the purchased vehicle is being transported out of the state.

Amended by Chapter 379, 2012 General Session

41-1a-706 When division to transfer and issue new certificate.

The division shall reregister a vehicle in the name of the new owner and issue a new certificate of registration and a new certificate of title:

- (1) upon receipt of the:
 - (a) properly endorsed certificate of title;
 - (b) certificate of registration;
 - (c) proper application for registration; and
 - (d) required fee; and
- (2) when satisfied as to the genuineness and regularity of the transfer and the right of the transferee to a certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-708 Owner not liable for negligent operation after transfer.

The owner of a vehicle or vessel who has made a bona fide sale or transfer of his title or interest and who has delivered to the purchaser or transferee possession of the vehicle or vessel, the certificate of registration, and the properly endorsed certificate of title to the vehicle or vessel is not liable for any damages thereafter resulting from negligent operation of the vehicle or vessel by another.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-709 Dealer transfer of used off-highway vehicle, vessel, or outboard motor.

Upon the resale or subsequent transfer by a dealer of a used off-highway vehicle, vessel, or outboard motor, the dealer shall endorse the certificate of title and forward it, accompanied by the transferee's application for a certificate of title, or if desired by the purchaser, and as applicable, a receipt of surrender of ownership documents, to the division.

Amended by Chapter 266, 2013 General Session

41-1a-710 Certificate of origin required for acquisition or resale of vehicle, vessel, or outboard motor.

- (1) A dealer may not acquire a new vehicle, vessel, or outboard motor without obtaining a manufacturer's or importer's certificate of origin.
- (2) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a vehicle, vessel, or outboard motor for purposes of resale without delivering a manufacturer's or importer's certificate of origin to the purchaser or the new owner.
- (3) The division may prescribe uniform standards for the size and content of certificates of origin.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-711 Compliance of foreign motor vehicle required prior to sale -- Penalty.

- (1) A person may not knowingly sell or offer for sale in this state any vehicle referred to in Section 41-1a-225 without providing to the purchaser at the time of purchase evidence of:

- (a) legal entry of the vehicle into the United States from the United States Customs Service; and
 - (b) compliance with the United States Environmental Protection Agency and the United States Department of Transportation requirements applicable to the vehicle.
- (2) It is a class A misdemeanor to violate this section.

Amended by Chapter 58, 1993 General Session

41-1a-712 Foreign vehicle disclosure requirements -- Penalties -- Civil damages.

- (1) A person may not knowingly sell or offer for sale in this state any vehicle that was initially delivered for disposition or sale in a country other than the United States of America unless, prior to the sale, the person provides written notice to the purchaser on a separate form furnished by the Motor Vehicle Enforcement Division:
- (a) that indicates:
 - (i) that the vehicle was initially delivered for disposition or sale in a country outside of the United States as indicated on the Manufacturer's Statement of Origin or similar ownership document; and
 - (ii) the country where the vehicle was initially delivered for the disposition or sale; and
 - (b) that contains language substantially similar to each of the following statements:
 - (i) "the odometer for this vehicle may have been converted to miles";
 - (ii) "this vehicle meets U.S. Department of Transportation safety standards"; and
 - (iii) "this vehicle may have manufacturer warranty exclusions if sold or offered for sale in this country."
- (2) A person who violates this section is guilty of a class B misdemeanor.
- (3)
- (a) In addition to any other penalties, a purchaser may bring a civil action to recover damages resulting from a seller's failure to provide notice as required under this section.
 - (b) The amount of damages that may be recovered in a civil action are the actual damages or \$1,500, whichever is greater.

Amended by Chapter 305, 2008 General Session

Amended by Chapter 382, 2008 General Session

Part 8
Identification Numbers

41-1a-801 Altered or changed identification number -- State assigned identification number.

- (1) The owner of a vehicle required to be registered under this chapter, the identification number of which has been altered, removed, defaced, or has not been placed on it shall make application in the form prescribed by the division for a state assigned identification number.
- (2) The owner shall furnish information that will satisfy the division that he is the owner of the vehicle and furnish information to identify the vehicle with the registration of the vehicle for the current year, at which time the division shall assign a state identification number for the vehicle.
- (3) A record of state assigned numbers shall be maintained by the division.
- (4) The state assigned identification number is the identification number of the vehicle when:

- (a) the owner has stamped the state assigned identification number upon the vehicle as directed by the division;
- (b) a qualified identification number inspector has inspected and found the state assigned identification number stamped upon the vehicle as directed;
- (c) the owner has provided the division with a certificate of inspection; and
- (d) the owner has submitted an application for a certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-802 Identification number inspectors -- Duties.

- (1) The following are qualified identification number inspectors:
 - (a) the commission;
 - (b) designated officers and employees of the division;
 - (c) a person operating a safety inspection station under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act;
 - (d) an official inspection station certified inspector;
 - (e) a dealer licensed under Subsection 41-3-202(1), (2), (3), or (4); and
 - (f) all peace officers of the state.
- (2) The qualified identification number inspectors shall, upon the application for the first registration in this state of any vehicle:
 - (a) inspect the identification number of the vehicle;
 - (b) make a record of the identification number inspection upon an application form provided by the division; and
 - (c) verify the facts in the application.

Amended by Chapter 32, 2005 General Session

41-1a-803 Identification numbers -- Assigning numbers -- Requirement for sale.

- (1)
 - (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's identification number.
 - (b) If it has no permanent manufacturer's identification number, the division shall assign an identification number to it.
 - (c) An identification number assigned by the division shall be permanently affixed or imprinted on the vehicle, vessel, or outboard motor as directed by the division.
- (2) A person may not sell or offer for sale in this state a new vehicle, vessel, or outboard motor without an identification number.
- (3)
 - (a) Each permanent manufacturer's identification number for a vehicle shall be clearly marked in an accessible place on a vehicle.
 - (b)
 - (i) Each permanent manufacturer's identification number for a vessel shall be clearly marked in an accessible place on the starboard outboard side of the transom or to the starboard outboard side of the hull.
 - (ii) If the permanent manufacturer's identification number is displayed in a location other than on or near the starboard outboard side of the transom, the manufacturer shall notify the division of its location.

- (4) A person may not destroy, remove, alter, or cover an identification number.
- (5) A violation of this section is an infraction, except that Subsection (4) is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-1a-804 Garagemen, repair shops, and service stations -- Duty to report number violations.

A person owning, conducting, managing, or operating a service station, marina, marine dealership, public garage, paint shop, or repair shop for vehicles, vessels, or outboard motors shall immediately notify the local peace officers of any vehicle, vessel, or outboard motor that has any identification number that has apparently been altered, obliterated, or removed.

Renumbered and Amended by Chapter 1, 1992 General Session

**Part 9
Odometers**

41-1a-901 Odometer required.

Each motor vehicle required to be registered under this chapter shall be equipped with a properly functioning odometer.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-902 Odometer disclosure statement -- Contents -- Receipt -- Exceptions.

- (1) Each motor vehicle certificate of title, at the time it is issued to the transferee, shall contain:
 - (a) the mileage disclosed by the transferor when ownership of the motor vehicle was transferred; and
 - (b) a space for the information required to be disclosed under this section at the time of future transfer of ownership.
- (2) At the time of any sale or transfer of a motor vehicle, the transferor shall furnish to the transferee a written odometer disclosure statement in a form prescribed by the division. This statement shall be signed and certified as to its truthfulness by the transferor, stating:
 - (a) the date of transfer;
 - (b) the transferor's name and address;
 - (c) the transferee's name and address;
 - (d) the identity of the motor vehicle, including its make, model, year, body type, and identification number;
 - (e) the odometer reading at the time of transfer, not including tenths of miles or tenths of kilometers;
 - (f)
 - (i) that to the best of the transferor's knowledge, the odometer reading reflects the amount of miles or kilometers the motor vehicle has actually been driven;
 - (ii) that the odometer reading reflects the amount of miles or kilometers in excess of the designed mechanical odometer limit; or
 - (iii) that the odometer reading is not the actual amount of miles or kilometers; and

- (g) a warning to alert the transferee if a discrepancy exists between the odometer reading and the actual mileage.
- (3)
 - (a) Each transferee of a motor vehicle shall acknowledge receipt of the odometer disclosure statement required by Subsection (2) by signing it, and the transferor shall deliver to the transferee the original odometer disclosure statement. Both the transferor and the transferee shall retain a legible copy of the odometer disclosure statement for not less than four years.
 - (b) A dealer who is required under Section 41-3-301 to title and register a motor vehicle sold to a customer shall surrender the original odometer disclosure statement to the division and deliver a copy to the transferee.
- (4) Notwithstanding the requirements of this section, the odometer mileage need not be disclosed by a transferor of:
 - (a) a single motor vehicle having a manufacturer specified gross laden weight rating of more than 16,000 pounds, or a motor vehicle registered in this state for a gross laden weight of 18,000 pounds or more;
 - (b) a motor vehicle that is 10 years old or older;
 - (c) a motor vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; or
 - (d) a new motor vehicle prior to its first transfer for purposes other than resale.
- (5) If the motor vehicle has not been titled or if the certificate of title does not contain a space for the information required, the written disclosure shall be executed as a separate document.
- (6) A person may not sign an odometer disclosure statement as both the transferor and the transferee in the same transaction.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 234, 1992 General Session

41-1a-903 Leased motor vehicles -- Disclosure of odometer information.

- (1)
 - (a) Before executing any transfer of ownership document, each lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written disclosure to the lessor regarding the mileage.
 - (b) This notice shall state that failure to complete or providing false information may result in fines, imprisonment, or both.
- (2)
 - (a) In connection with the transfer of ownership of the leased motor vehicle, the lessee shall furnish to the lessor a written statement regarding the mileage of the motor vehicle.
 - (b) This statement must be signed by the lessee and shall contain all of the information required by Section 41-1a-902 and in addition the name and address of the lessee and the lessor.
 - (c) The statement shall be signed and certified as to its truthfulness by the lessee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-904 Retention of statements by dealers -- Inspection.

- (1) Each dealer required to execute and furnish an odometer mileage disclosure statement under Section 41-1a-902 shall retain at its primary place of business for four years after each transfer of a motor vehicle each statement that he receives and a legible copy of each statement that he issues in connection with those transfers.

- (2) These statements shall be available for inspection by, and copies shall be furnished to, any peace officer during reasonable business hours.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-905 Division to print mileage on certificate of title -- Exceptions.

- (1) The division, before accepting an application for transfer of ownership of a motor vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the transfer of ownership, print the mileage on the new certificate of title.
- (2) This section does not apply to motor vehicles exempted from mileage disclosure statements under Section 41-1a-902.

Amended by Chapter 295, 2010 General Session

41-1a-906 Repair or replacement of odometer -- Notice affixed to motor vehicle.

- (1) Sections 41-1a-902 through 41-1a-905 do not prevent the repair or replacement of an odometer, provided the mileage indicated on the odometer remains the same as before the repair or replacement.
- (2) Where the odometer is incapable of registering the same mileage as before the repair or replacement, the odometer shall be adjusted to zero and a notice in writing shall be affixed by the owner to the left door frame of the motor vehicle specifying the mileage prior to repair or replacement of the odometer and the date it was repaired or replaced.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 10
Salvage Vehicles - Junk and Dismantled Vehicles

41-1a-1001 Definitions.

As used in Sections 41-1a-1001 through 41-1a-1008:

- (1) "Certified vehicle inspector" means a person employed by the Motor Vehicle Enforcement Division as qualified through experience, training, or both to identify and analyze damage to vehicles with either unibody or conventional frames.
- (2) "Major component part" means:
 - (a) the front body component of a motor vehicle consisting of the structure forward of the firewall;
 - (b) the passenger body component of a motor vehicle including the firewall, roof, and extending to and including the rear-most seating;
 - (c) the rear body component of a motor vehicle consisting of the main cross member directly behind the rear-most seating excluding any auxiliary seating and structural body assembly rear of the cross members; and
 - (d) the frame of a motor vehicle consisting of the structural member that supports the auto body.
- (3)

- (a) "Major damage" means damage to a major component part of the motor vehicle requiring 10 or more hours to repair or replace, as determined by a collision estimating guide recognized by the Motor Vehicle Enforcement Division.
- (b) For purposes of Subsection (3)(a) repair or replacement hours do not include time spent on cosmetic repairs.
- (4) "Nonrepairable certificate" means a certificate of ownership issued for a nonrepairable vehicle.
- (5) "Nonrepairable vehicle" means a vehicle of a type otherwise subject to registration that:
 - (a) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;
 - (b)
 - (i) has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; and
 - (ii)
 - (A) has been substantially stripped as a result of theft; or
 - (B) is missing all of the bolt-on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies; or
 - (c) is a substantially burned vehicle that:
 - (i) has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components; or
 - (ii) the owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally.
- (6) "Owner" means the person who has the legal right to possession of the vehicle.
- (7)
 - (a) "Salvage certificate" means a certificate of ownership issued for a salvage vehicle before a new certificate of title is issued for the vehicle.
 - (b) A salvage certificate is not valid for registration purposes.
- (8) "Salvage vehicle" means any vehicle:
 - (a) damaged by collision, flood, or other occurrence to the extent that the cost of repairing the vehicle for safe operation exceeds its fair market value; or
 - (b) that has been declared a salvage vehicle by an insurer or other state or jurisdiction, but is not precluded from further registration and titling.
- (9) "Unbranded title" means a certificate of title for a previously damaged motor vehicle without any designation that the motor vehicle has been damaged.
- (10) "Vehicle damage disclosure statement" means the form designed and furnished by the Motor Vehicle Enforcement Division for a damaged motor vehicle inspection under Section 41-1a-1002.

Amended by Chapter 390, 2012 General Session

41-1a-1002 Unbranded title -- Prerepair inspections -- Interim repair inspections -- Repair.

- (1) To obtain an unbranded title to a salvage vehicle:
 - (a) the vehicle must:
 - (i) be a motor vehicle;
 - (ii)
 - (A) have an unbranded Utah title or a Utah salvage certificate issued to replace an unbranded Utah title at the time the motor vehicle is inspected under Subsection (1)(a)(iii); or

- (B) have an unbranded title from another jurisdiction and the motor vehicle shall have been damaged in Utah as evidenced by an accident report;
 - (iii) be inspected by a certified vehicle inspector prior to any repairs on the motor vehicle following any major damage; and
 - (iv) have major damage in no more than one major component part;
 - (b) the major damage identified by a certified vehicle inspector under Subsection (1)(a) must be repaired in accordance with standards established by the Motor Vehicle Enforcement Division;
 - (c) any interim inspection required by a certified vehicle inspector must be completed in accordance with the directions of the initial certified vehicle inspector and to the satisfaction of the interim certified vehicle inspector; and
 - (d) the owner must apply to the Motor Vehicle Enforcement Division for authorization to obtain an unbranded title under Section 41-1a-1003.
- (2) A flood damaged motor vehicle does not qualify for an unbranded title.
- (3) A salvage vehicle that is seven years old or older at the time of application for unbranding does not qualify for an unbranded title.
- (4) The prerepair motor vehicle inspection required under Subsection (1) shall include examination of the motor vehicle and its major component parts to determine:
- (a) the extent and location of the major damage to the motor vehicle;
 - (b) that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, or destroyed; and
 - (c) there are no indications that the vehicle or any of its parts are stolen.
- (5) If the certified vehicle inspector determines in an inspection under Subsection (1) that the motor vehicle has major damage:
- (a) in more than one major component part, the certified vehicle inspector shall notify the Motor Vehicle Enforcement Division and the owner that the motor vehicle does not qualify for an unbranded title; or
 - (b) requiring repair or replacement in one or no major component part he shall:
 - (i) record on the vehicle damage disclosure statement the:
 - (A) date of the inspection;
 - (B) description of the motor vehicle including its vehicle identification number, make, model, and year of manufacture;
 - (C) owner of the motor vehicle and name of the lienholder, if any, shown on the salvage certificate; and
 - (D) major damage to the motor vehicle requiring repair or replacement;
 - (ii) indicate that the motor vehicle may qualify for an unbranded title if the major damage is repaired or the damaged part is replaced;
 - (iii) sign the vehicle damage disclosure statement and attest to the information's accuracy;
 - (iv) indicate whether an interim inspection of the motor vehicle damage repairs is required and which repairs require inspection prior to completion of repair work;
 - (v) give to the owner a copy of the vehicle damage disclosure statement and deliver or mail a copy of the statement to the lienholder, if any, shown on the salvage certificate; and
 - (vi) file the original vehicle damage disclosure statement with the Motor Vehicle Enforcement Division.
- (6)
- (a) Upon receipt by the Motor Vehicle Enforcement Division of notification from a certified vehicle inspector that a motor vehicle has had a prerepair inspection, the Motor Vehicle Enforcement Division shall make a record of the inspection.

- (b) Any subsequent preresearch inspections shall be disregarded by the Motor Vehicle Enforcement Division in evaluating the major damage to the motor vehicle and the repairs required.
- (7) A person who repairs or replaces major damage identified by a certified vehicle inspector on a motor vehicle in accordance with Subsection (1) shall:
 - (a) record on the vehicle damage disclosure statement:
 - (i) a description of the repairs made to the motor vehicle including how they were made; and
 - (ii) his signature following the repair description with an attestation that the description is accurate;
 - (b) obtain the signature of the certified vehicle inspector who performs an interim inspection, attesting that the repairs identified for interim inspection were satisfactorily completed;
 - (c) file the original vehicle damage disclosure statement containing the repair information with the Motor Vehicle Enforcement Division; and
 - (d) give a copy of the vehicle damage disclosure statement to the owner.

Amended by Chapter 324, 2010 General Session

41-1a-1003 Unbranded certificate of title -- Application.

- (1) If the certified vehicle inspector determines under Section 41-1a-1002 that a motor vehicle may qualify for an unbranded title, following repair or replacement of the damaged major component part of the vehicle identified by the certified vehicle inspector, the owner may submit an application to the Motor Vehicle Enforcement Division for issuance of an unbranded title.
- (2) The applicant for an unbranded title shall submit to the Motor Vehicle Enforcement Division an application together with the vehicle damage disclosure statement and other supporting documents required by the Motor Vehicle Enforcement Division.
- (3) The Motor Vehicle Enforcement Division shall make an independent determination based on the vehicle damage disclosure statement and other relevant documents whether the motor vehicle is qualified to receive an unbranded title.

Amended by Chapter 221, 1993 General Session

41-1a-1004 Certificate of title -- Salvage vehicles.

- (1) If the division is able to ascertain the fact, at the time application is made for initial registration or transfer of ownership of a salvage vehicle, the title shall be branded:
 - (a) rebuilt and restored to operation;
 - (b) in a flood and restored to operation; or
 - (c) not restored to operation.
- (2)
 - (a)
 - (i) Except as provided in Subsection (2)(b), before the sale of a vehicle for which a salvage certificate or branded title has been issued, the seller shall provide the prospective purchaser with written notification that a salvage certificate or a branded title has been issued for the vehicle.
 - (ii) If the vehicle is a salvage vehicle, the notification shall be as required in Section 41-1a-1005.3.
 - (b) The requirement to provide written notification under Subsection (2)(a) does not apply if the prospective purchaser is:
 - (i) a licensed motor vehicle dealer whose primary business is auctioning salvage motor vehicles to licensed salvage vehicle buyers; or

- (ii) an insurance company, if the sale of the vehicle is the result of a total loss settlement.
- (3)
- (a) An advertisement for the sale of a vehicle for which a salvage certificate or branded title has been issued shall disclose that a salvage certificate or branded title has been issued for the vehicle.
 - (b) The advertisement disclosure under Subsection (3)(a) shall:
 - (i) be displayed at least as prominently as the description of the advertised vehicle is displayed; and
 - (ii) use the words "salvage certificate" or "branded title" in the advertisement.

Amended by Chapter 463, 2013 General Session

41-1a-1005 Salvage vehicle -- Declaration by insurance company -- Surrender of title -- Salvage certificate of title.

- (1)
- (a)
 - (i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle a salvage vehicle and takes possession of the vehicle for disposal, or an insurance company pays off the owner of a vehicle that is stolen and not recovered, the insurance company shall within 10 days from the settlement of the loss surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.
 - (ii) The division shall then issue a salvage certificate in the insurance company's name.
 - (iii) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days from the settlement of the loss if the insurance company:
 - (A) declares a vehicle a salvage vehicle;
 - (B) issues settlement payment to the registered owner of the vehicle;
 - (C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and
 - (D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.
 - (iv) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days from the receipt of an improperly endorsed certificate of title if the insurance company:
 - (A) declares a vehicle a salvage vehicle;
 - (B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and
 - (C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.
 - (v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that it has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a salvage certificate.
 - (b)

- (i) If the owner of a salvage vehicle retains possession of the vehicle, the insurance company shall within 10 days from the settlement of the loss notify the division of the retention on a form prescribed by the division.
 - (ii) The insurance company shall notify the owner of the vehicle of his responsibility to comply with this section.
 - (iii) The owner shall within 10 days from the settlement of the loss surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
 - (iv) The division shall then issue a salvage certificate in the owner's name.
- (c)
- (i) When a salvage vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall within 10 days of the damage surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
 - (ii) The division shall then issue a salvage certificate in the owner's name.
- (d)
- (i) If a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, takes possession of any salvage vehicle for which there is not already issued a branded title or salvage certificate from the division or another jurisdiction, the dealer shall within 10 days surrender to the division the certificate of title or other evidence of ownership acceptable to the division.
 - (ii) The division shall then issue a salvage certificate in the applicant's name.
- (2) Any person, insurance company, or dealer licensed under Title 41, Chapter 3, Part 2, Licensing, who fails to obtain a salvage certificate as required in this section or who sells a salvage vehicle without first obtaining a salvage certificate is guilty of a class B misdemeanor.
- (3) This section does not apply to a vehicle:
- (a) that has an undamaged, wholesale value of \$2,000 or less; or
 - (b) if a salvage certificate has been issued by another state or jurisdiction for the salvage vehicle.
- (4) Upon sale or disposal of a salvage vehicle, the seller shall deliver to the purchaser the properly endorsed salvage certificate within 48 hours as required in Section 41-1a-1310, or if the seller is a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, the dealer shall comply with Section 41-3-301.
- (5) Except as provided in Subsection (1), this chapter does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a salvage vehicle.

Amended by Chapter 387, 2012 General Session

41-1a-1005.3 Resale of salvage vehicles.

- (1) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by an owner, that is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction with the knowledge that it is a salvage vehicle without prior written disclosure being given to any prospective purchaser.
- (2) For a disclosure required by Subsection (1), the following disclosure language shall be contained in each contract for sale or lease of a salvage vehicle to a purchaser or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE

DISCLOSURE STATEMENT

Vehicle Identification Number (VIN)

Year: Make: Model:

SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

Signature of Purchaser

Date"

Enacted by Chapter 390, 2012 General Session

41-1a-1005.5 Non-repairable vehicle -- Declaration by insurance company -- Surrender of title -- Nonrepairable certificate of title.

- (1)
- (a)
- (i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle as a nonrepairable vehicle and takes possession of the vehicle for disposal, the insurance company shall, within 10 days from the receipt of the title with any lien release, surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.
 - (ii) The division shall then issue a nonrepairable certificate in the insurance company's name.
 - (iii) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the settlement of the loss if the insurance company:
 - (A) declares a vehicle a nonrepairable vehicle;
 - (B) issues settlement payment to the registered owner of the vehicle;
 - (C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and
 - (D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.
 - (iv) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the receipt of an improperly endorsed certificate of title if the insurance company:
 - (A) declares a vehicle a nonrepairable vehicle;
 - (B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and
 - (C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.
 - (v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that it has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a nonrepairable certificate.

(b)

- (i) If the owner of a nonrepairable vehicle retains possession of the vehicle, the insurance company shall, within 10 days from the settlement of the loss, notify the division of the retention on a form prescribed by the division.
- (ii) The insurance company shall notify the owner of the vehicle of the owner's responsibility to comply with this section.
- (iii) The owner shall, within 10 days from the settlement of the loss, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
- (iv) The division shall then issue a nonrepairable certificate in the owner's name.

(c)

- (i) When a nonrepairable vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall, within 10 days of the self-insurer's or owner's determination that a vehicle is non-repairable, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
- (ii) The division shall then issue a nonrepairable certificate in the owner's name.

(d)

- (i) If a dealer licensed under Chapter 3, Part 2, Licensing, takes possession of any nonrepairable vehicle for which there is not already issued a branded title or nonrepairable certificate from the division or another jurisdiction, the dealer shall, within 10 days, surrender to the division the certificate of title or other evidence of ownership acceptable to the division.
 - (ii) The division shall then issue a nonrepairable certificate in the applicant's name.
- (2) Any person, insurance company, or dealer licensed under Chapter 3, Part 2, Licensing, who fails to obtain a nonrepairable certificate as required in this section or who sells a nonrepairable vehicle without first obtaining a nonrepairable certificate from the division or a branded title or non-repairable vehicle certificate from another jurisdiction is guilty of a class B misdemeanor.
 - (3) This section does not apply to a vehicle that has an undamaged, wholesale value of \$2,000 or less.
 - (4) Upon sale or disposal of a nonrepairable vehicle, the seller shall deliver to the purchaser the properly endorsed nonrepairable certificate within 48 hours as required in Section 41-1a-1310.
 - (5) This chapter does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a nonrepairable vehicle.
 - (6) It is unlawful for a person to repair, reconstruct, or restore a nonrepairable vehicle.
 - (7) A non-repairable vehicle may be sold to a crusher or as provided in Subsection 41-3-201(3).

Enacted by Chapter 390, 2012 General Session

41-1a-1006 Vehicle damaged out-of-state -- Division to make a record.

- (1) If a vehicle that is titled in this state is damaged in another state or jurisdiction but would require a salvage certificate in this state and the vehicle is not returned to the state, the owner of the vehicle must notify the purchaser and the division that if the vehicle is subsequently titled in Utah the certificate of title will be branded as a salvage vehicle.
- (2) The division shall make a record of the damage.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 239, 1992 General Session

41-1a-1007 Fees.

- (1) A certified vehicle inspector may charge a fee in accordance with Section 63J-1-504 for each inspection under Subsection 41-1a-1002(1).
- (2) To cover the costs of inspection and to defray the cost of certification, the fee charged under this section by a certified vehicle inspector shall be retained by the Motor Vehicle Enforcement Division as a dedicated credit.

Amended by Chapter 183, 2009 General Session

41-1a-1008 Criminal penalty for violation.

- (1) Except as provided in Subsection (2) or unless otherwise provided, it is a class A misdemeanor to knowingly violate Sections 41-1a-1001 through 41-1a-1007.
- (2) Any owner, who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201, who knowingly or intentionally conceals, removes, destroys, or alters a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3 is guilty of a:
 - (a) class A misdemeanor; or
 - (b) third degree felony if the person has previously been convicted two or more times of knowingly or intentionally concealing, removing, destroying, or altering a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3.
- (3) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-10-1801.
- (4) Each vehicle sold, offered for sale, or displayed for sale in violation of Section 41-1a-1005.3 shall be a separate offense.

Amended by Chapter 463, 2013 General Session

41-1a-1008.5 Private cause of action.

- (1) Any owner who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201 and who violates Section 41-1a-1005.3 is liable to the purchaser for:
 - (a) actual damages if the purchaser elects to retain the salvage vehicle, or the value of the consideration paid for the salvage vehicle if the purchaser elects rescission;
 - (b) the costs of the action and reasonable attorney fees;
 - (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
 - (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.
- (2) Actual damages include:
 - (a) the difference between the actual market value of the salvage vehicle or nonconforming vehicle at the time of purchase and the contract price;
 - (b) towing;
 - (c) repair;
 - (d) storage expenses;
 - (e) rental of substitute transportation;
 - (f) food and lodging expenses;

- (g) lost wages;
 - (h) finance charges;
 - (i) sales or use tax;
 - (j) other governmental fees;
 - (k) lease charges; and
 - (l) other incidental and consequential damages.
- (3) The remedies provided in this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 463, 2013 General Session

**41-1a-1009 Abandoned and inoperable vehicles, vessels, and outboard motors --
Determination by commission -- Disposal of vehicles.**

- (1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:
- (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and
 - (b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer or is a derelict vessel as defined in Section 73-18-2.
- (2)
- (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.
 - (b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or outboard motor is required to keep copies of the signed statements and other written records required by the commission.
- (3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011.

Amended by Chapter 386, 2011 General Session

**41-1a-1010 Permit required to dismantle vehicle -- Duties upon receiving the permit --
Exceptions.**

- (1)
- (a) A person may not scrap, dismantle, destroy, or otherwise change any vehicle so that it loses its character, until the person submits to the division:
 - (i) the certificate of title for the vehicle for cancellation; and
 - (ii) an application for a permit to dismantle the vehicle.
 - (b) Upon approval of the application, the division shall issue a permit to dismantle the vehicle.
- (2) Except as provided in Subsection (3), if a permit to dismantle is issued under this section, the vehicle shall be destroyed and may not be rebuilt or reconstructed and may not be retitled or registered.
- (3) A vehicle for which a permit to dismantle has been issued by the division may be retitled and the permit to dismantle rescinded if:

- (a) prior to receiving a dismantling permit the vehicle had a Utah certificate of title;
 - (b) the vehicle has not been dismantled;
 - (c) an investigator for the Motor Vehicle Enforcement Division of the commission determines after a physical inspection of the vehicle that it is the same vehicle for which the permit to dismantle was issued; and
 - (d) the applicant pays the fee under Subsection (4).
- (4) The commission may collect a fee established in accordance with Section 63J-1-504 to cover the expenses of an inspection under Subsection (3).

Amended by Chapter 183, 2009 General Session

41-1a-1011 Use of dismantling permit.

The permit to dismantle issued under Section 41-1a-1010:

- (1) requires the owner to dismantle the vehicle described in the permit unless the vehicle is retitled as provided in Subsection 41-1a-1010(3); and
- (2) entitles the owner of the vehicle to transport the vehicle to the place of business of a dismantler, crusher, or salvage dealer licensed under the provisions of Title 41, Chapter 3, Part 2, Licensing.

Amended by Chapter 210, 1993 General Session

41-1a-1012 Destruction or change of vessel or outboard motor -- Cancellation of certificate of title.

Within 15 days after a vessel or outboard motor is scrapped, dismantled, destroyed, or changed so that it loses its character as a vessel or outboard motor, the title holder to the vessel or outboard motor shall mail or deliver the certificate of title to the division for cancellation.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 11
Impounded Vehicles, Vessels, or Outboard Motors

41-1a-1101 Seizure -- Circumstances where permitted -- Impound lot standards.

- (1) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:
 - (a) that the division or the peace officer has reason to believe has been stolen;
 - (b) on which any identification number has been defaced, altered, or obliterated;
 - (c) that has been abandoned in accordance with Section 41-6a-1408;
 - (d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;
 - (e) that is placed on the water with improper registration;
 - (f) that is being operated on a highway:
 - (i) with registration that has been expired for more than three months;
 - (ii) having never been properly registered by the current owner; or
 - (iii) with registration that is suspended or revoked; or
 - (g)

- (i) that the division or the peace officer has reason to believe has been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
 - (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.
- (2)
- (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer, without a warrant:
 - (i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or
 - (ii) may seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 after the division or any peace officer makes a reasonable determination whether the vehicle would:
 - (A) present a public safety concern to the operator or any of the occupants in the vehicle; or
 - (B) prevent the division or the peace officer from addressing other public safety considerations.
 - (b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (2)(a):
 - (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or
 - (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.
- (3) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- (4) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.
- (5)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
 - (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- (6)
- (a) Except as provided under Subsection (6)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
 - (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (6)(a).
- (7) A person who violates the provisions of Subsection (6) is guilty of a class C misdemeanor.

- (8) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:
 - (a) the vehicle is equipped with an odometer; and
 - (b) the odometer reading is accessible to the division or the peace officer.

Amended by Chapter 29, 2018 General Session

41-1a-1102 Storage -- Establishing ownership.

- (1) The division may store a seized vehicle, vessel, or outboard motor in a public or private garage, state impound lot, or other approved storage facility until the vehicle's, vessel's, or outboard motor's registration has been properly completed and the appropriate fees have been paid or until the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction of the division.
- (2) If the identification number has been defaced, altered, or obliterated, the vehicle, vessel, or outboard motor may not be released until the identification number has been replaced or until a new number assigned by the division has been provided and has been affixed to the vehicle, vessel, or outboard motor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1103 Sale.

- (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor.
- (2) The sale shall:
 - (a) be held in the form of a public auction at the place of storage; and
 - (b) at the discretion of the division, be conducted by:
 - (i) an authorized representative of the division; or
 - (ii) a public garage, impound lot, or impound yard that:
 - (A) is authorized by the division;
 - (B) meets the standards under Subsection 41-1a-1101(5); and
 - (C) complies with the requirements of Section 72-9-603.
- (3) At least five days prior to the date set for sale, the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:
 - (a) on the division's website; and
 - (b) as required in Section 45-1-101.
- (4) At the time of sale the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.
- (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this section shall be distributed as provided under Section 41-1a-1104.
- (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days from the date of release, the division shall renotify the owner or lienholder and sell the vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the notice.

Amended by Chapter 382, 2014 General Session

41-1a-1104 Disposition of proceeds from sale.

- (1) If, for purposes of this part and Section 41-1a-1301, the ownership of a vehicle, vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale over the fees for registration or transfer and penalties and costs shall be deposited with the state treasurer in a suspense account.
- (2)
 - (a) If the owner or the owner's heirs or assigns file a claim for the excess of the proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of the proceeds shall be refunded to the claimant.
 - (b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be deposited in the General Fund.

Amended by Chapter 56, 2005 General Session

41-1a-1105 Records to be kept by public garage, impound lot, or impound yard.

- (1)
 - (a) Each person engaged in the business of operating a public garage, impound lot, or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for compensation for a period longer than 12 hours.
 - (b) The record shall include:
 - (i) the name and address of the person storing the vehicle, vessel, or outboard motor;
 - (ii) a brief description of the vehicle, vessel, or outboard motor, including the name or make, identification number, and license number shown by the license plates; and
 - (iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its release from the public garage, impound lot, or impound yard, if the vehicle is equipped with an odometer.
- (2) Every record kept under Subsection (1) shall be open to inspection by any peace officer.

Amended by Chapter 281, 1998 General Session

41-1a-1106 Storage of vehicles, vessels, and outboard motors -- Reports required.

If any vehicle, vessel, or outboard motor has been stored in a public garage, state impound lot, or other storage facility for 10 days and the owner is unknown to the proprietor, on the 11th day of storage the proprietor shall report the presence of the vehicle, vessel, or outboard motor to the law enforcement agency in the city or county where the garage, lot, or facility is located.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 12
Fee and Tax Requirements

41-1a-1201 Disposition of fees.

- (1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

- (2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in the Transportation Fund.
- (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.
- (4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.
- (5)
- (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.
 - (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.
- (6)
- (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created under Section 72-2-124:
 - (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);
 - (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);
 - (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
 - (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
 - (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and
 - (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).
 - (b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:
 - (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
 - (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- (7)
- (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.
 - (b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.
- (8)
- (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.
 - (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund created in Section 26-54-102.

Amended by Chapter 424, 2018 General Session

41-1a-1202 Refused or rejected application -- Refunds.

If an application to the division is accompanied by any fees required by law and the application is refused or rejected, the fees shall be returned immediately to the applicant.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1203 Application for refund.

If the division through error collects any fee not required to be paid, the fee shall be refunded to the person paying the fee upon written application for a refund made within six months after date of the payment.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1204 Automobile driver education fee -- Amount -- When paid -- Exception.

(1) Each year there is levied and shall be paid to the commission the automobile driver education fee.

- (2)
- (a) Except as provided in Subsections (2)(b) and (c), the fee is \$2.50 upon each motor vehicle to be registered for a one-year registration period.
 - (b) The fee is \$2.00 upon each motor vehicle to be registered under Section 41-1a-215.5 for a six-month registration period.
 - (c) The following registrations are exempt from the fee in Subsection (2)(a) or (b):
 - (i) a motorcycle registration; and
 - (ii) a registration of a vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.

Amended by Chapter 397, 2012 General Session

41-1a-1205 Disposition of driver education tax -- Expense appropriation.

- (1) The automobile driver education tax collected under Section 41-1a-1204 shall be placed to the credit of the Automobile Driver Education Tax Account within the Uniform School Fund.
- (2) The necessary expenses of the commission incurred in the administration and collection of the tax shall be paid from its legislative appropriation in the General Fund, which fund shall be reimbursed by a transfer for the expenses from the legislative appropriation of the Uniform School Fund.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1206 Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

- (a) \$46.00 for each motorcycle;
- (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
- (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
 - (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
 - (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
- (d)
 - (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (e)
 - (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (f)
 - (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- (g) \$45 for each vintage vehicle that is less than 40 years old; and
- (h) in addition to the fee described in Subsection (1)(b):
 - (i) for each electric motor vehicle:
 - (A) \$60 during calendar year 2019;
 - (B) \$90 during calendar year 2020; and
 - (C) \$120 beginning January 1, 2021, and thereafter;
 - (ii) for each hybrid electric motor vehicle:
 - (A) \$10 during calendar year 2019;
 - (B) \$15 during calendar year 2020; and
 - (C) \$20 beginning January 1, 2021, and thereafter;
 - (iii) for each plug-in hybrid electric motor vehicle:
 - (A) \$26 during calendar year 2019;
 - (B) \$39 during calendar year 2020; and
 - (C) \$52 beginning January 1, 2021, and thereafter; and
 - (iv) for any motor vehicle not described in Subsections (1)(h)(i) through (iii) that is fueled by a source other than motor fuel, diesel fuel, natural gas, or propane:
 - (A) \$60 during calendar year 2019;
 - (B) \$90 during calendar year 2020; and
 - (C) \$120 beginning January 1, 2021, and thereafter.
- (2)
 - (a) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:
 - (i) \$34.50 for each motorcycle; and
 - (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles.

- (b) In addition to the fee described in Subsection (2)(a), for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- (i) for each electric motor vehicle:
 - (A) \$46.50 during calendar year 2019;
 - (B) \$69.75 during calendar year 2020; and
 - (C) \$93 beginning January 1, 2021, and thereafter;
 - (ii) for each hybrid electric motor vehicle:
 - (A) \$7.50 during calendar year 2019;
 - (B) \$11.25 during calendar year 2020; and
 - (C) \$15 beginning January 1, 2021, and thereafter;
 - (iii) for each plug-in hybrid electric motor vehicle:
 - (A) \$20 during calendar year 2019;
 - (B) \$30 during calendar year 2020; and
 - (C) \$40 beginning January 1, 2021, and thereafter; and
 - (iv) for each motor vehicle not described in Subsections (2)(b)(i) through (iii) that is fueled by a source other than motor fuel, diesel fuel, natural gas, or propane:
 - (A) \$46.50 during calendar year 2019;
 - (B) \$69.75 during calendar year 2020; and
 - (C) \$93 beginning January 1, 2021, and thereafter.
- (3)
- (a)
 - (i) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (2)(a), (4)(a), and (7), by taking the registration fee rate for the previous year and adding an amount equal to the greater of:
 - (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
 - (B) 0.
 - (ii) Beginning on January 1, 2022, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(h)(i)(C), (1)(h)(ii)(C), (1)(h)(iii)(C), (1)(h)(iv)(C), (2)(b)(i)(C), (2)(b)(ii)(C), (2)(b)(iii)(C), and (2)(b)(iv)(C) by taking the registration fee rate for the previous year and adding an amount equal to the greater of:
 - (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
 - (B) 0.
 - (b) The amounts calculated as described in Subsection (3)(a) shall be rounded up to the nearest 25 cents.
- (4)
- (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.
 - (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).
 - (c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).
 - (d) A camper is exempt from the registration fees under Subsection (1).
- (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

- (6)
 - (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.
 - (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.
- (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.
- (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:
 - (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
 - (b)
 - (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
 - (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.
- (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less than \$200.
- (10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Amended by Chapter 424, 2018 General Session

41-1a-1207 Reduced fees for portion of year.

If a motor vehicle exceeding 12,000 pounds gross laden weight is registered for less than a 12-month registration period, the registration fees are:

- (1) for not more than three months, 30% of the regular registration fee;
- (2) for in excess of three months but not more than six months, 60% of the regular registration fee;
- (3) for in excess of six months and not more than nine months, 90% of the regular registration fee; and
- (4) for anything in excess of nine months but not more than 12 months, the entire registration fee.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 54, 1992 General Session

41-1a-1208 Fees for duplicate certificates of registration.

A duplicate certificate of registration may be issued upon application and payment of \$4 to the division.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1209 Exemptions from registration fees.

- (1) A fee may not be charged for the registration of ambulances, law enforcement vehicles, fire engines, and passenger cars and trucks owned and used by the United States government or by the state of Utah or any of its political subdivisions.
- (2) A fee may not be charged municipal corporations for the issuance of any certificate of title or registration or a duplicate certificate of title or registration.

Amended by Chapter 210, 2008 General Session

41-1a-1210 Fees for original and duplicate certificates of title.

A fee of \$6 shall be paid to the division for the issuance of each original and duplicate certificate of title for a vehicle, vessel, or outboard motor.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1211 License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.

- (1)
 - (a) Except as provided in Subsections (11), (12), (13), and (14), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia.
 - (b) The license plate fee shall be deposited as follows:
 - (i) \$1 in the Transportation Fund; and
 - (ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section 41-1a-1201.
- (2) An applicant for original issuance of personalized license plates issued under Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1).
- (3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).
- (4) An applicant for original issuance of personalized special group license plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).
- (5) An applicant for renewal of personalized license plates issued under Section 41-1a-410 shall pay a \$10 per set application fee.
- (6)
 - (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.
 - (b) The license plate fee shall be deposited as follows:
 - (i) \$1 in the Transportation Fund; and
 - (ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section 41-1a-1201.
- (7) The division may charge a fee established under Section 63J-1-504 to recover its costs for the replacement of decals issued under Section 41-1a-418.
- (8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.
- (9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if new or replacement license plates are mailed to the applicant.
- (10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.
- (11)

- (a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).
- (b) An applicant for a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).
- (12) A person is exempt from the fee under Subsection (1) or (6) if the person:
 - (a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);
 - (b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special group license plate under the rules made by the Department of Transportation; and
 - (c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.
- (13) Until June 30, 2011, a person is exempt from the license plate fee under Subsection (1) or (6) if the person:
 - (a) was issued a firefighter recognition special group license plate in accordance with Section 41-1a-418 prior to July 1, 2009;
 - (b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418; and
 - (c) is required to replace the firefighter special group license plate with a new license plate in accordance with Section 41-1a-418.
- (14) A person is not subject to the license plate fee under Subsection (1) if the person presents official documentation that the person is a recipient of the Purple Heart Award issued:
 - (a) by a recognized association representing peace officers who:
 - (i) receives a salary from a federal, state, county, or municipal government or any subdivision of the state; and
 - (ii) works in the state; or
 - (b) in accordance with Subsection 41-1a-421(2).

Amended by Chapter 119, 2015 General Session

41-1a-1212 Fee for replacement of license plate decals.

A fee established in accordance with Section 63J-1-504 shall be paid to the division for the replacement of a license plate decal required by Section 41-1a-402 or a decal required by Section 41-1a-401.

Amended by Chapter 61, 2014 General Session
Amended by Chapter 237, 2014 General Session
Amended by Chapter 237, 2014 General Session

41-1a-1213 No fee for identification number inspection.

A fee may not be charged an applicant for vehicle registration under this chapter for an identification number inspection.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1218 Uninsured motorist identification fee for tracking motor vehicle insurance -- Exemption -- Deposit.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay an uninsured motorist identification fee of \$1 on each motor vehicle.
 - (b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of a motor vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of 75 cents on each motor vehicle.
 - (c) The following are exempt from the fee required under Subsection (1)(a) or (b):
 - (i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301;
 - (ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and
 - (iii) a motor vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.
- (2) The revenue generated under this section shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

Amended by Chapter 397, 2012 General Session

41-1a-1219 Motor carrier fee.

- (1) At the time application is made for registration or renewal of registration of a motor vehicle or combination of motor vehicles over 12,000 pounds gross laden weight, the applicant shall pay a motor carrier fee of \$6 for each motor vehicle or combination of motor vehicles.
- (2) This fee is in addition to the registration fees under Subsections 41-1a-1206(1)(d) and (e).

Enacted by Chapter 170, 1996 General Session

41-1a-1220 Registration reinstatement fee.

- (1) At the time application is made for reinstatement or renewal of registration of a motor vehicle after a revocation of the registration under Subsection 41-1a-110(2), the applicant shall pay a registration reinstatement fee of \$100.
- (2) The fee imposed under Subsection (1):
 - (a) is in addition to any other fee imposed under this chapter; and
 - (b) shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
- (3) The division shall waive the registration reinstatement fee imposed under this section if:
 - (a) the registration was revoked under Subsection 41-1a-110(2)(a)(ii); and
 - (b) a person had owner's or operator's security in effect for the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 322, 2008 General Session

41-1a-1221 Fees to cover the cost of electronic payments.

- (1) As used in this section:
 - (a) "Electronic payment" means use of any form of payment processed through electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

- (b) "Electronic payment fee" means the fee assessed to defray:
 - (i) the charge, discount fee, or processing fee charged by credit card companies or processing agents to process an electronic payment; or
 - (ii) costs associated with the purchase of equipment necessary for processing electronic payments.
- (2)
 - (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (4).
 - (b) The fee described in Subsection (2)(a):
 - (i) shall be imposed regardless of the method of payment for a particular transaction; and
 - (ii) need not be separately identified from the fees imposed for registration and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (4).
- (3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.
- (4) A fee imposed under this section:
 - (a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and
 - (b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 424, 2018 General Session

Amended by Chapter 469, 2018 General Session

41-1a-1222 Local option highway construction and transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.

- (1)
 - (a)
 - (i) Except as provided in Subsection (1)(a)(ii), a county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$10 on each motor vehicle registration within the county.
 - (ii) A county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$7.75 on each motor vehicle registration for a six-month registration period under Section 41-1a-215.5 within the county.
 - (iii) A fee imposed under Subsection (1)(a)(i) or (ii) shall be set in whole dollar increments.
 - (b) If imposed under Subsection (1)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee established by the county legislative body.
 - (c) The following are exempt from the fee required under Subsection (1)(a):
 - (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);
 - (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and
 - (iii) a motor vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.
- (2)
 - (a) Except as provided in Subsection (2)(b), the revenue generated under this section shall be:
 - (i) deposited in the Local Highway and Transportation Corridor Preservation Fund created in Section 72-2-117.5;
 - (ii) credited to the county from which it is generated; and

- (iii) used and distributed in accordance with Section 72-2-117.5.
- (b) The revenue generated by a fee imposed under this section in a county of the first class shall be deposited or transferred as follows:
 - (i) 70% of the revenue shall be:
 - (A) deposited in the County of the First Class Highway Projects Fund created in Section 72-2-121; and
 - (B) used in accordance with Section 72-2-121; and
 - (ii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection (2)(a).
- (3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:
 - (a) approving the fee;
 - (b) setting the amount of the fee; and
 - (c) providing an effective date for the fee as provided in Subsection (4).
- (4)
 - (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.
 - (b) The notice described in Subsection (4)(a) shall:
 - (i) state that the county will enact, change, or repeal a fee under this part;
 - (ii) include a copy of the ordinance imposing the fee; and
 - (iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 403, 2018 General Session

41-1a-1223 Local emissions compliance fee -- Exemptions -- Transfer -- County ordinance -- Notice.

- (1)
 - (a)
 - (i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:
 - (A) \$3 on each motor vehicle registration within the county for a motor vehicle registration under Section 41-1a-215; or
 - (B) \$2.25 on each motor vehicle registration within the county for a six-month registration period under Section 41-1a-215.5.
 - (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.
 - (b) If imposed under Subsection (1)(a)(i), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions compliance fee established by the county legislative body.
 - (c) The following are exempt from the fee required under Subsection (1)(a)(i):
 - (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and
 - (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.
- (2) The revenue generated from the fees collected under this section shall be transferred to the county that imposed the fee.
- (3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

- (a) approving the fee;
 - (b) setting the amount of the fee; and
 - (c) providing an effective date for the fee as provided in Subsection (4).
- (4)
- (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on January 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to October 1.
 - (b) The notice described in Subsection (4)(a) shall:
 - (i) state that the county will enact, change, or repeal a fee under this section;
 - (ii) include a copy of the ordinance imposing the fee; and
 - (iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 113, 2013 General Session

Amended by Chapter 113, 2013 General Session

41-1a-1224 Credit for registering an off-highway vehicle as a street-legal all-terrain vehicle.

- (1) Beginning on the date that the division has implemented the division's GenTax system, the division shall provide a credit against the fees and taxes charged to a person registering a street-legal all-terrain vehicle under Title 41, Chapter 1a, Motor Vehicle Act, if:
- (a) the street-legal all-terrain vehicle was registered as an off-highway vehicle under Section 41-22-3 upon being purchased from a dealer licensed under Title 41, Chapter 3, Part 2, Licensing; and
 - (b) not more than 30 days have passed since the division issued the off-highway vehicle registration specified under Subsection (1)(a).
- (2) The amount of the credit provided under Subsection (1) shall be the amount of taxes and fees paid by the person to the division for the off-highway vehicle registration described in Subsection (1)(a).

Enacted by Chapter 446, 2013 General Session

Part 13
Offenses and Penalties

41-1a-1301 Unpaid fees and penalty -- Lien -- Seizure and sale.

- (1)
- (a) Every registration fee and penalty not paid by the due date is a lien upon all:
 - (i) the unexempt personal property of the owner or operator of the vehicle, vessel, or outboard motor; and
 - (ii) interest or equity of the owner or operator in all personal property, including vehicles, vessels, or outboard motors used by the owner or operator in the conduct or operation of his business.
 - (b) The properties and vehicles, vessels, or outboard motors may be held under warrant, issued by the commission, and sold in accordance with the law applicable to personal property taxes.
- (2) Delinquency is a ground for the issuance of a writ of attachment against the owner or operator.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1302 Infraction.

A violation of any provision of this chapter is an infraction, unless otherwise provided.

Amended by Chapter 412, 2015 General Session

41-1a-1303 Driving without registration or certificate of title.

- (1) Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive or move, or an owner may not knowingly permit to be driven or moved upon any highway any vehicle of a type required to be registered in this state:
 - (a) that is not properly registered or for which a certificate of title has not been issued or applied for; or
 - (b) for which the required fee has not been paid.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-1303.5 Driving without registration or certificate of title -- Class C misdemeanor.

- (1)
 - (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after establishing residency, is a class C misdemeanor and, except as provided in Subsection (1)(b), has a minimum fine of \$1,000.
 - (b) A court may not dismiss an action brought for a violation of Subsection 41-1a-202(3) merely because the defendant has obtained the appropriate registration subsequent to violating the section. The court may, however, reduce the fine to \$200 if the violator presents evidence at the time of the hearing that:
 - (i) the vehicle is currently registered properly; and
 - (ii) the violation has not existed for more than one year.
- (2) A court may require proof of proper motor vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1304 Operating motor vehicle, trailer, or semitrailer in excess of registered gross laden weight -- Infraction.

It is an infraction for a person to operate, or cause to be operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight of which is in excess of the gross laden weight for which the motor vehicle, trailer, or semitrailer, or combination of vehicles is registered.

Amended by Chapter 412, 2015 General Session

41-1a-1305 License plate and registration card violations -- Class C misdemeanor.

It is a class C misdemeanor:

- (1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device on it for holding or displaying any license plate or registration card attached for denoting registration and identity of the vehicle;
- (2) to remove from any registered vehicle the license plate or registration card issued or attached to it for its registration;

- (3) to place or display any license plate or registration card upon any other vehicle than the one for which it was issued by the division;
- (4) to use or permit the use or display of any license plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued;
- (5) to operate upon any highway of this state any vehicle required by law to be registered without having the license plate or plates securely attached, and the registration card issued by the division carried in the vehicle, except that the registration card issued by the division to all trailers and semitrailers shall be carried in the towing vehicle;
- (6) for any weighmaster to knowingly make any false entry in his record of weights of vehicles subject to registration or to knowingly report to the commission or division any false information regarding the weights;
- (7) for any inspector, officer, agent, employee, or other person performing any of the functions required for the registration or operation of vehicles subject to registration, to do, permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the probable effect of the act would be to injure any person, deprive him of his property, or to injure or defraud the state with respect to its revenues relating to title or registration of vehicles;
- (8) for any person to combine or conspire with another to do, attempt to do, or cause or allow any of the acts in this chapter classified as a misdemeanor;
- (9) to operate any motor vehicle with a camper mounted on it upon any highway without displaying a current decal in clear sight upon the rear of the camper, issued by the county assessor of the county in which the camper has situs for taxation;
- (10) to manufacture, use, display, or sell any facsimile or reproduction of any license plate issued by the division or any article that would appear to be a substitute for a license plate; or
- (11) to fail to return to the division any registration card, license plate or plates, decal, permit, or title that has been canceled, suspended, voided, or revoked.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1306 Abuse of persons with disabilities parking privileges -- Revocation of special plate or transferable ID card -- Fine.

A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges may have the person's disability special group license plate, temporary removable windshield placard, removable windshield placard, temporary wheelchair user placard, or wheelchair user placard revoked by the division.

Amended by Chapter 41, 2017 General Session

41-1a-1307 Operation of motor vehicles, trailers, or semitrailers without payment of fees -- Infraction.

- (1) It is an infraction for a person to operate a motor vehicle, trailer, or semitrailer upon the highways without having paid the title and registration or transfer fees and taxes required by law.
- (2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer operated in violation of this section shall pay a penalty equal to title and registration fees in addition to any other fee required under this chapter.
- (3) A court may require proof of proper vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1309 Boarding with intent to commit injury to motor vehicle, trailer, or semitrailer -- Class C misdemeanor.

It is a class C misdemeanor for a person with intent to commit any criminal mischief, injury, or other crime to:

- (1) climb into or upon a motor vehicle, trailer, or semitrailer, whether it is in motion or at rest;
- (2) attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a motor vehicle, trailer, or semitrailer while the same is at rest and unattended; or
- (3) set in motion any motor vehicle, trailer, or semitrailer while the same is at rest and unattended.

Amended by Chapter 229, 2007 General Session

41-1a-1310 Failure to deliver title -- Odometer offenses.

(1) It is an infraction for any person to:

- (a) fail to properly endorse and deliver a valid certificate of title to a vehicle, vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with Section 41-1a-702, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709; or
- (b) fail to give an odometer disclosure statement to the transferee as required by Section 41-1a-902.

(2) It is a class B misdemeanor to:

- (a) operate, or cause to be operated, a motor vehicle knowing that the odometer is disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;
- (b) offer for sale, sell, use, or install on any part of a motor vehicle or on an odometer in a motor vehicle any device that causes the odometer to register miles or kilometers other than the true miles or kilometers driven as registered by the odometer within the manufacturer's designed tolerance;
- (c) fail to adjust an odometer or affix a notice as required by Section 41-1a-906 regarding the adjustment;
- (d) remove, alter, or cause to be removed or altered any notice of adjustment affixed to a motor vehicle as required by Section 41-1a-906; or
- (e) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.

(3) It is a class C misdemeanor to fail to record the odometer reading on the certificate of title at the time of transfer.

Amended by Chapter 412, 2015 General Session

41-1a-1313 Third degree felony to possess motor vehicle, trailer, semitrailer, or parts without identification number -- Presumption of knowledge.

- (1) It is a third degree felony for a person to have in his possession any motor vehicle, trailer, or semitrailer, or any part or parts of a motor vehicle, trailer, or semitrailer, from which any identification number has been removed, defaced, destroyed, obliterated, or so covered as to be concealed, or where the identification number has been altered or changed in any manner.
- (2) A person having possession of any motor vehicle, trailer, or semitrailer or part of them under this section is presumed prima facie to have knowledge of this condition.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1314 Unauthorized control for extended time.

- (1) Except as provided in Subsection (3), it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.
- (2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.
- (3) Violation of this section is a third degree felony if:
 - (a) the person does not return the motor vehicle to the owner or lawful custodian within 24 hours after the exercise of unlawful control; or
 - (b) regardless of the mental state or conduct of the person committing the offense:
 - (i) the motor vehicle is damaged in an amount of \$500 or more;
 - (ii) the motor vehicle is used to commit a felony; or
 - (iii) the motor vehicle is damaged in any amount to facilitate entry into it or its operation.
- (4) It is not a defense to Subsection (3)(a) that someone other than the person, or an agent of the person, returned the motor vehicle within 24 hours.
- (5) A violation of this section is a lesser included offense of theft under Section 76-6-404, when the theft is of an operable motor vehicle under Subsection 76-6-412(1)(a)(ii).

Amended by Chapter 71, 2005 General Session

41-1a-1315 Third degree felony -- False evidences of title and registration.

- It is a third degree felony for a person with respect to a motor vehicle, trailer, or semitrailer to:
- (1) fraudulently use a false or fictitious name in an application for registration, a certificate of title, or for a duplicate certificate of title;
 - (2) knowingly make a false statement or knowingly conceal a material fact in an application under this chapter;
 - (3) otherwise commit a fraud in an application under this chapter;
 - (4) alter with fraudulent intent a certificate of title, registration card, license plate, or permit issued by the division;
 - (5) forge or counterfeit a document or license plate purporting to have been issued by the division;
 - (6) alter, falsify, or forge an assignment upon a certificate of title;
 - (7) hold or use a document or license plate under this chapter knowing it has been altered, forged, or falsified; or
 - (8) file an application for a certificate of title providing false lien information, when the person named on the application as lienholder does not hold a valid security interest.

Amended by Chapter 259, 2009 General Session

41-1a-1316 Receiving or transferring stolen motor vehicle, trailer, or semitrailer -- Penalty.

- It is a second degree felony for a person:
- (1) with intent to procure or pass title to a motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken to receive or transfer possession of the motor vehicle, trailer, or semitrailer from or to another; or

- (2) to have in his possession any motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken if he is not a peace officer engaged at the time in the performance of his duty.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1317 Selling or buying without identification numbers -- Penalty.

It is a second degree felony for a person to knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any motor vehicle, trailer, semitrailer, or engine removed from a motor vehicle, from which the identification number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1318 Second degree felony -- Fraudulent alteration of identification number.

- (1) It is a second degree felony for a person with fraudulent intent to:
 - (a) deface, destroy, or alter the identification number or state assigned identification number of a motor vehicle, trailer, or semitrailer;
 - (b) place or stamp, without authority by the division, something other than the original identification or state assigned identification number upon a motor vehicle, trailer, or semitrailer; or
 - (c) sell or offer for sale a motor vehicle, trailer, or semitrailer bearing an altered or defaced identification or state assigned identification number other than the original or the state assigned identification number.
- (2) This section does not prevent any manufacturer, importer, or any agent, other than a dealer, from placing or stamping in the ordinary course of business numbers on motor vehicles, trailers, or semitrailers registered under this chapter.
- (3) This section does not prohibit the restoration by an owner of an original identification number when the restoration is made under permit issued by the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1319 Third degree felony -- Odometer violation.

It is a third degree felony for a person, with intent to defraud, to:

- (1) disconnect, turn back, replace, or reset or cause to be disconnected, turned back, replaced, or reset, the odometer of any motor vehicle with the intent to reduce the true number of miles or kilometers indicated on it;
- (2) knowingly sell, transfer, or exchange, or cause to be sold, transferred, or exchanged without the disclosure required by Section 41-1a-902, any motor vehicle on which the odometer has been disconnected, turned back, replaced, or reset; or
- (3) give or cause to be given a false odometer mileage disclosure statement when an odometer statement is required by Section 41-1a-902.

Enacted by Chapter 1, 1992 General Session

41-1a-1320 Tax clearance required to move manufactured home or mobile home.

- (1) A manufactured home or mobile home may not be transported by any person, including its owner, unless a tax clearance has been obtained from the assessor or, if the responsibility to provide a tax clearance has been reassigned under Section 17-16-5.5, the treasurer of the county in which the real property upon which the manufactured home or mobile home was last located showing that all property taxes, including any interest and penalties, have been paid.
- (2) The tax clearance described in Subsection (1):
 - (a) is proof of having paid all property taxes, interest, and penalties; and
 - (b) shall be displayed in a conspicuous place on the rear of the manufactured home or mobile home so as to be plainly visible while in transit.
- (3)
 - (a) Any person, including the owner, who transports a manufactured home or mobile home without a valid tax clearance is:
 - (i) in violation of Section 59-2-309; and
 - (ii) subject to the penalty provisions of Section 59-2-309.
 - (b) In addition to the penalty provided in Subsection (3)(a), any commercial mover who transports any manufactured home or mobile home without a valid tax clearance is guilty of a class B misdemeanor.

Amended by Chapter 39, 2006 General Session

Part 14

Law Enforcement

41-1a-1401 Report of stolen and recovered vehicles, vessels, and outboard motors by officials.

- (1)
 - (a) A peace officer, upon receiving reliable information that a vehicle, vessel, or outboard motor has been stolen, shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
 - (b) An officer, upon receiving information that a vehicle, vessel, or outboard motor, which he has previously reported as stolen, has been recovered, shall immediately report the recovery to the local law enforcement agency and to the Criminal Investigations and Technical Services Division.
- (2) A report of a stolen vehicle, vessel, or outboard motor taken by a law enforcement agency shall include a written advisement to the reporting party of the provisions of Section 76-8-506, and a statement affirming the theft of the vehicle, vessel, or outboard motor signed by the person reporting the theft and witnessed by the person taking the report.
- (3) The following information regarding the vehicle, vessel, or outboard motor shall be included in the report and shall be sent to the Criminal Investigations and Technical Services Division:
 - (a) the registered owner;
 - (b) the person reporting the theft;
 - (c) the year, make, model, and color;
 - (d) the identification number;
 - (e) the estimated present value;
 - (f) the license number and state of registration;

- (g) the date, time, and place of the theft; and
 - (h) the name, address, telephone number, policy number, and agent's name of the insurance company insuring the vehicle, vessel, or outboard motor.
- (4) If a member of any law enforcement agency confirms that a stolen vehicle, vessel, or outboard motor has been recovered, he shall send the following information regarding the recovered vehicle, vessel, or outboard motor to the Criminal Investigations and Technical Services Division:
- (a) the date, time, and place of recovery;
 - (b) the condition of the vehicle, vessel, or outboard motor; and
 - (c) the names of peace officers and any other persons involved in the recovery.
- (5)
- (a) Upon receipt of a report of a stolen vehicle, vessel, or outboard motor, the Criminal Investigations and Technical Services Division shall place a notice of theft in the master file computer.
 - (b) Upon receipt of a report that a stolen vehicle, vessel, or outboard motor has been recovered, the Criminal Investigations and Technical Services Division shall remove the notice of theft of the vehicle, vessel, or outboard motor from the master file computer.
- (6)
- (a) Except as provided in Section 41-1a-1005, the division shall refuse to register or transfer title to a stolen vehicle until the vehicle is recovered.
 - (b)
 - (i) If the recovered vehicle is a salvage vehicle as defined in Section 41-1a-1001, then Title 41, Chapter 1a, Part 10, Salvage Vehicles - Junk and Dismantled Vehicles, applies.
 - (ii) The division may issue an unbranded certificate of title for a recovered vehicle if the vehicle has not suffered major damage in more than one major component part.

Amended by Chapter 263, 1998 General Session

41-1a-1402 Report by owners or lienholders of thefts and recoveries.

- (1)
- (a) The owner, or person having a lien or encumbrance upon a vehicle, vessel, or outboard motor that has been stolen, may notify the law enforcement agency having jurisdiction where the theft occurred.
 - (b) In the event of an embezzlement the owner or person may make a report only after having procured the issuance of a warrant for the arrest of the person charged with embezzlement.
- (2)
- (a) If a vehicle, vessel, or outboard motor is recovered, an owner or other person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported.
 - (b) The law enforcement agency shall notify the Criminal Investigations and Technical Services Division, established in Section 53-10-103, of recovery.

Amended by Chapter 263, 1998 General Session

Part 15
Motor Vehicle Event Data Recorder Act

41-1a-1501 Title.

This part is known as the "Motor Vehicle Event Data Recorder Act."

Enacted by Chapter 189, 2013 General Session

41-1a-1502 Definitions.

As used in this part:

- (1)
 - (a) "Event data" means records of one or more of the following categories of information regarding a motor vehicle that are captured by an event data recorder:
 - (i) whether the vehicle's air bag deployed;
 - (ii) vehicle speed;
 - (iii) vehicle steering performance;
 - (iv) vehicle brake performance or use; or
 - (v) vehicle seatbelt status or use.
 - (b) "Event data" does not include audio and video data.
- (2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as in effect on May 14, 2013.
- (3)
 - (a) "Owner" means:
 - (i) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;
 - (ii) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
 - (iii) a person entitled to possession of a motor vehicle as a lessee under a written lease agreement if the lease agreement is intended to last for more than three months at its inception.
 - (b) "Owner" does not include a lienholder unless the lienholder gains possession of the motor vehicle because the person entitled to possession of a motor vehicle as the purchaser under a security agreement defaults on the loan.

Enacted by Chapter 189, 2013 General Session

41-1a-1503 Event data recorders -- Retrieval or disclosure of event data.

- (1)
 - (a) Event data that is recorded on an event data recorder:
 - (i) is private;
 - (ii) is the personal information of the motor vehicle's owner; and
 - (iii) except as provided in Subsection (2), may not be retrieved by a person who is not the owner of the motor vehicle.
 - (b) If a motor vehicle is owned by more than one person, only one owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.
- (2) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:
 - (a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data;

- (b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;
 - (c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
 - (d) a court or administrative agency having jurisdiction orders the data to be retrieved;
 - (e) a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
 - (f) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications.
- (3) Except as provided in Subsection (4), a person who has retrieved, obtained, or used event data under Subsection (2) may not release event data that is recorded on an event data recorder.
- (4) A person may release event data that is recorded on an event data recorder in the following circumstances:
- (a) the owner of the motor vehicle or the owner's agent has consented to the release of the data;
 - (b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
 - (c) the data is released pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
 - (d) if the identity of the owner or driver is not disclosed, the data is released to a motor vehicle safety and medical research entity or data processor in order to advance motor vehicle safety, security, or traffic management.
- (5)
- (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.
 - (b) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained, and used by a subscription service provider for subscription services meeting the requirement of Subsection (5)(a).

Enacted by Chapter 189, 2013 General Session

41-1a-1504 Effect of ownership transfer on ownership of data.

- (1) Event data on a motor vehicle event data recorder does not become the property of:
- (a) an insurer solely because the insurer succeeds in ownership of a motor vehicle as a result of an accident; or
 - (b) a subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle.
- (2) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

Enacted by Chapter 189, 2013 General Session

Chapter 3 Motor Vehicle Business Regulation Act

Part 1 Administration

41-3-101 Short title.

This chapter is known as the Motor Vehicle Business Regulation Act.

Enacted by Chapter 234, 1992 General Session

41-3-102 Definitions.

As used in this chapter:

- (1) "Administrator" means the motor vehicle enforcement administrator.
- (2) "Agent" means a person other than a holder of any dealer's or salesperson's license issued under this chapter, who for salary, commission, or compensation of any kind, negotiates in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any other person in any 12-month period.
- (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles, either owned or consigned, to the general public.
- (4) "Authorized service center" means an entity that:
 - (a) is in the business of repairing exclusively the motor vehicles of the same line-make as the motor vehicles a single direct-sale manufacturer manufactures;
 - (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for sale, or offers for sale or exchange; and
 - (c) conducts business primarily from an enclosed commercial repair facility that is permanently located in the state.
- (5) "Board" means the advisory board created in Section 41-3-106.
- (6) "Body shop" means a business engaged in rebuilding, restoring, repairing, or painting primarily the body of motor vehicles damaged by collision or natural disaster.
- (7) "Commission" means the State Tax Commission.
- (8) "Crusher" means a person who crushes or shreds motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and metals to a more compact size for recycling.
- (9)
 - (a) "Dealer" means a person:
 - (i) whose business in whole or in part involves selling new, used, or new and used motor vehicles or off-highway vehicles; and
 - (ii) who sells, displays for sale, or offers for sale or exchange three or more new or used motor vehicles or off-highway vehicles in any 12-month period.
 - (b) "Dealer" includes a representative or consignee of any dealer.
- (10) "Direct-sale manufacturer" means a person:
 - (a) that is both a manufacturer and a dealer;

- (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line-make that are:
 - (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another non-fossil fuel source;
 - (ii)
 - (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or
 - (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
 - (iii) manufactured by the person;
 - (c) that is not a franchise holder;
 - (d) that is domiciled in the United States; and
 - (e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale manufacturer from a physical location in the United States.
- (11) "Direct-sale manufacturer salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer who employs the individual.
- (12)
- (a) "Dismantler" means a person engaged in the business of dismantling motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the resale of parts or for salvage.
 - (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any 12-month period.
- (13) "Distributor" means a person who has a franchise from a manufacturer of motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or distributes new motor vehicles to dealers or who maintains distributor representatives.
- (14) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.
- (15) "Distributor representative" means a person and each officer and employee of the person engaged as a representative of a distributor or distributor branch of motor vehicles to make or promote the sale of the distributor or the distributor branch's motor vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the distributor branch.
- (16) "Division" means the Motor Vehicle Enforcement Division created in Section 41-3-104.
- (17) "Factory branch" means a branch office maintained by a person who manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or who directs or supervises the factory branch's representatives.
- (18) "Factory representative" means a person and each officer and employee of the person engaged as a representative of a manufacturer of motor vehicles or by a factory branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for supervising or contacting the dealers or prospective dealers of the manufacturer or the factory branch.
- (19) "Franchise" means a contract or agreement between a dealer and a manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which the dealer is authorized to sell any specified make or makes of new motor vehicles.
- (20)
- (a) "Franchise holder" means a manufacturer who:
 - (i) previously had a franchised dealer in the United States;
 - (ii) currently has a franchised dealer in the United States;

- (iii) is a successor to another manufacturer who previously had or currently has a franchised dealer in the United States;
 - (iv) is a material owner of another manufacturer who previously had or currently has a franchised dealer in the United States;
 - (v) is under legal or common ownership, or practical control, with another manufacturer who previously had or currently has a franchised dealer in the United States; or
 - (vi) is in a partnership, joint venture, or similar arrangement for production of a commonly owned line-make with another manufacturer who previously had or currently has a franchised dealer in the United States.
- (b) "Franchise holder" does not include a manufacturer described in Subsection (20)(a), if at all times during the franchised dealer's existence, the manufacturer had legal or practical common ownership or common control with the franchised dealer.
- (21) "Line-make" means motor vehicles that are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer.
- (22) "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles, ownership of which is customarily transferred by a manufacturer's statement or certificate of origin, or a person who constructs three or more new motor vehicles in any 12-month period.
- (23) "Material owner" means a person who possesses, directly or indirectly, the power to direct, or cause the direction of, the management, policies, or activities of another person:
- (a) through ownership of voting securities;
 - (b) by contract or credit arrangement; or
 - (c) in another way not described in Subsections (23)(a) and (b).
- (24)
- (a) "Motor vehicle" means a vehicle that is:
 - (i) self-propelled;
 - (ii) a trailer, travel trailer, or semitrailer; or
 - (iii) an off-highway vehicle or small trailer.
 - (b) "Motor vehicle" does not include:
 - (i) mobile homes as defined in Section 41-1a-102;
 - (ii) trailers of 750 pounds or less unladen weight;
 - (iii) farm tractors and other machines and tools used in the production, harvesting, and care of farm products; and
 - (iv) park model recreational vehicles as defined in Section 41-1a-102.
- (25) "Motorcycle" has the same meaning as defined in Section 41-1a-102.
- (26) "New motor vehicle" means a motor vehicle that:
- (a) has never been titled or registered; and
 - (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven less than 7,500 miles.
- (27) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.
- (28) "Pawnbroker" means a person whose business is to lend money on security of personal property deposited with him.
- (29)
- (a) "Principal place of business" means a site or location in this state:
 - (i) devoted exclusively to the business for which the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses incidental to them;

- (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary and to admit a definite description with space adequate to permit the display of three or more new, or new and used, or used motor vehicles and sufficient parking for the public; and
 - (iii) that includes a permanent enclosed building or structure large enough to accommodate the office of the establishment and to provide a safe place to keep the books and other records of the business, at which the principal portion of the business is conducted and the books and records kept and maintained.
- (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection (29)(a).
- (30) "Remanufacturer" means a person who reconstructs used motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style and appearance of the motor vehicle or who constructs or assembles motor vehicles from used or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or more motor vehicles in any 12-month period.
- (31) "Salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles.
- (32) "Semitrailer" has the same meaning as defined in Section 41-1a-102.
- (33) "Showroom" means a site or location in the state that a direct-sale manufacturer uses for the direct-sale manufacturer's business, including the display and demonstration of new motor vehicles that are exclusively of the same line-make that the direct-sale manufacturer manufactures.
- (34) "Small trailer" means a trailer that has an unladen weight of more than 750 pounds, but less than 2,000 pounds.
- (35) "Special equipment" includes a truck mounted crane, cherry picker, material lift, post hole digger, and a utility or service body.
- (36) "Special equipment dealer" means a new or new and used motor vehicle dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle weight of 12,000 or more pounds and installing special equipment on the incomplete motor vehicle.
- (37) "Trailer" has the same meaning as defined in Section 41-1a-102.
- (38) "Transporter" means a person engaged in the business of transporting motor vehicles as described in Section 41-3-202.
- (39) "Travel trailer" has the same meaning as provided in Section 41-1a-102.
- (40) "Used motor vehicle" means a vehicle that:
- (a) has been titled and registered to a purchaser other than a dealer; or
 - (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven 7,500 or more miles.
- (41) "Wholesale motor vehicle auction" means a dealer primarily engaged in the business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by this or any other jurisdiction.

Amended by Chapter 387, 2018 General Session

41-3-103 Exceptions to "dealer" definition -- Dealer licensed in other state -- Direct-sale manufacturer -- Direct-sale manufacturer salesperson.

Under this chapter:

- (1)
 - (a) An insurance company, bank, finance company, company registered as a title lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred Deposit Lending Registration Act, public utility company, commission impound yard, federal or state governmental agency, or any political subdivision of any of them or any other person coming into possession of a motor vehicle as an incident to its regular business, that sells the motor vehicle under contractual rights that it may have in the motor vehicle is not considered a dealer.
 - (b) A person who sells or exchanges only those motor vehicles that the person has owned for over 12 months is not considered a dealer.
- (2)
 - (a) A person engaged in leasing motor vehicles is not considered as coming into possession of the motor vehicles incident to the person's regular business.
 - (b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is considered as coming into possession of the motor vehicles incident to the person's regular business and must be licensed as a used motor vehicle dealer.
- (3) A person currently licensed as a dealer or salesperson by another state or country and not currently under license suspension or revocation by the administrator may only sell motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their places of business.
- (4) Except as otherwise expressly provided:
 - (a) a direct-sale manufacturer is subject to the same provisions under this chapter as a new motor vehicle dealer; and
 - (b) a direct-sale manufacturer salesperson is subject to the same provisions under this chapter as a salesperson.
- (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale manufacturer:
 - (a) may sell, display for sale, or offer for sale or exchange a motor vehicle described in Subsection 41-3-102(10)(b) without a franchise; and
 - (b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that is not of the same line-make the direct-sale manufacturer manufactures.

Amended by Chapter 387, 2018 General Session

41-3-104 Division creation -- Administrator appointed.

- (1) There is created within the commission the Motor Vehicle Enforcement Division with the powers and duties provided in this chapter.
- (2) The division shall be administered by the motor vehicle enforcement administrator.
- (3) The administrator shall be appointed by the commission and is subject to the commission's supervision and direction.

Enacted by Chapter 234, 1992 General Session

41-3-105 Administrator's powers and duties -- Administrator and investigators to be law enforcement officers.

- (1) The administrator may make rules to carry out the purposes of this chapter and Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
 - (a) The administrator may employ clerks, deputies, and assistants necessary to discharge the duties under this chapter and may designate the duties of those clerks, deputies, and assistants.
 - (b) The administrator, assistant administrator, and all investigators shall be law enforcement officers certified by peace officer standards and training as required by Section 53-13-103.
- (3)
 - (a) The administrator may investigate any suspected or alleged violation of:
 - (i) this chapter;
 - (ii) Title 41, Chapter 1a, Motor Vehicle Act;
 - (iii) any law concerning motor vehicle fraud; or
 - (iv) any rule made by the administrator.
 - (b) The administrator may bring an action in the name of the state against any person to enjoin a violation found under Subsection (3)(a).
- (4)
 - (a) The administrator may prescribe forms to be used for applications for licenses.
 - (b) The administrator may require information from the applicant concerning the applicant's fitness to be licensed.
 - (c) Each application for a license shall contain:
 - (i) if the applicant is an individual, the name and residence address of the applicant and the trade name, if any, under which the applicant intends to conduct business;
 - (ii) if the applicant is a partnership, the name and residence address of each partner, whether limited or general, and the name under which the partnership business will be conducted;
 - (iii) if the applicant is a corporation, the name of the corporation, and the name and residence address of each of its principal officers and directors;
 - (iv) a complete description of the principal place of business, including:
 - (A) the municipality, with the street and number, if any;
 - (B) if located outside of any municipality, a general description so that the location can be determined; and
 - (C) any other places of business operated and maintained by the applicant in conjunction with the principal place of business;
 - (v) if the application is for a new motor vehicle dealer's license, the name of each motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of the manufacturer or distributor who has enfranchised the applicant, and the name and address of each individual who will act as a salesperson under authority of the license;
 - (vi) at least five years of business history;
 - (vii) the federal tax identification number issued to the dealer;
 - (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (ix) if the application is for a direct-sale manufacturer's license:
 - (A) the name of each line-make the applicant will sell, display for sale, or offer for sale or exchange;
 - (B) the name and address of each individual who will act as a direct-sale manufacturer salesperson under authority of the license;

- (C) a complete description of the direct-sale manufacturer's authorized service center, including the address and any other place of business the applicant operates and maintains in conjunction with the authorized service center;
 - (D) a sworn statement that the applicant complies with each qualification for a direct-sale manufacturer under this chapter;
 - (E) a sworn statement that if at any time the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the applicant will inform the division in writing within 10 business days after the day on which the noncompliance occurs; and
 - (F) an acknowledgment that if the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the applicant's direct-sale manufacturer license in accordance with Section 41-3-209.
- (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement Administrator, State of Utah," to authenticate the acts of the administrator's office.
- (6)
- (a) The administrator may require that a licensee erect or post signs or devices on the licensee's principal place of business and any other sites, equipment, or locations operated and maintained by the licensee in conjunction with the licensee's business.
 - (b) The signs or devices shall state the licensee's name, principal place of business, type and number of licenses, and any other information that the administrator considers necessary to identify the licensee.
 - (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, determining allowable size and shape of signs or devices, lettering and other details of signs or devices, and location of signs or devices.
- (7)
- (a) The administrator shall provide for quarterly meetings of the advisory board and may call special meetings.
 - (b) Notices of all meetings shall be sent to each member not fewer than five days before the meeting.
- (8) The administrator, the officers and inspectors of the division designated by the commission, and peace officers shall:
- (a) make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;
 - (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require the driver of the vehicle to stop, exhibit the person's driver license and the registration card issued for the vehicle, and submit to an inspection of the vehicle, the license plates, and registration card;
 - (c) serve all warrants relating to the enforcement of the laws regulating the operation of motor vehicles, trailers, and semitrailers;
 - (d) investigate traffic accidents and secure testimony of any witnesses or persons involved; and
 - (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.
- (9) The administrator may contract with a public prosecutor to provide additional prosecution of this chapter.

Amended by Chapter 387, 2018 General Session

41-3-106 Board -- Creation and composition -- Appointment, terms, compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties -- Officers' election and duties -- Voting.

- (1)
 - (a) There is created an advisory board of five members that shall assist and advise the administrator in the administration and enforcement of this chapter.
 - (b) The members shall be appointed by the governor from among the licensed motor vehicle manufacturers, distributors, factory branch and distributor branch representatives, dealers, dismantlers, transporters, remanufacturers, and body shops.
 - (c)
 - (i) Except as required by Subsection (1)(c)(ii), each member shall be appointed for a term of four years or until his successor is appointed and qualified.
 - (ii) Notwithstanding the requirements of Subsection (1)(c)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (d) Three members of the board shall be selected as follows:
 - (i) one from new motor vehicle dealers;
 - (ii) one from used motor vehicle dealers; and
 - (iii) one from manufacturers, transporters, dismantlers, crushers, remanufacturers, and body shops.
 - (e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
 - (f) A majority of the members of the board constitutes a quorum and may act upon and resolve in the name of the board any matter, thing, or question referred to it by the administrator, or that the board has power to determine.
 - (g) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (2)
 - (a) The board shall on the first day of each July, or as soon thereafter as practicable, elect a chair, vice chair, secretary, and assistant secretary from among its members, who shall each hold office until his successor is elected.
 - (b) As soon as the board elects its officers, the elected secretary shall certify the results of the election to the administrator.
 - (c) The chair shall preside at all meetings of the board and the secretary shall make a record of the proceedings, which shall be preserved in the office of the administrator.
 - (d) If the chair is absent from any meeting of the board, his duties shall be discharged by the vice chair, and if the secretary is absent, his duties shall be discharged by the assistant secretary.
 - (e) All members of the board may vote on any question, matter, or thing that properly comes before it.

Amended by Chapter 286, 2010 General Session
Amended by Chapter 324, 2010 General Session

41-3-107 Attorney general -- Duty to render opinions and to represent or appear for administrator or board.

The attorney general shall:

- (1) represent the administrator, the division, and the board;
- (2) give opinions on all questions of law relating to the interpretation of this chapter or arising out of the administration of this chapter; and
- (3) appear on behalf of the administrator, the division, or the board in all actions brought by or against the administrator, the division, or board, whether under the provisions of this chapter or otherwise.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-108 Copies of records and papers -- Admissibility in evidence.

Certified copies of all records and papers prepared in the office of the administrator under seal of the administrator are admissible in evidence in any case in the same manner as the original.

Amended by Chapter 4, 1993 General Session

41-3-109 Adjudicative proceedings -- Hearings.

- (1) The commission, the division, the board, and the administrator shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted under the authority of this chapter and Sections 41-1a-1001 through 41-1a-1008.
- (2) The administrator may request the attendance of the board at any hearing, or the administrator may direct that any hearing be held before the board.

Amended by Chapter 382, 2008 General Session

41-3-110 Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

- (1) As used in this section, "account" means the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by this section.
- (2) There is created within the General Fund a restricted account known as the Motor Vehicle Enforcement Division Temporary Permit Restricted Account.
- (3)
 - (a) The account shall be funded from the fees deposited into the account in accordance with Section 41-3-601.
 - (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them into the account.
- (4) The Legislature may appropriate the funds in the account to the commission to cover the costs of the division.
- (5) In accordance with Section 63J-1-602.2, appropriations made to the commission from the account are nonlapsing.

Enacted by Chapter 93, 2015 General Session

Part 2

Licensing

41-3-201 Licenses required -- Restitution -- Education.

- (1) As used in this section, "new applicant" means a person who is applying for a license that the person has not been issued during the previous licensing year.
- (2) A person may not act as any of the following without having procured a license issued by the administrator:
 - (a) a dealer;
 - (b) salvage vehicle buyer;
 - (c) salesperson;
 - (d) manufacturer;
 - (e) transporter;
 - (f) dismantler;
 - (g) distributor;
 - (h) factory branch and representative;
 - (i) distributor branch and representative;
 - (j) crusher;
 - (k) remanufacturer; or
 - (l) body shop.
- (3)
 - (a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.
 - (b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction except to a licensed salvage vehicle buyer.
 - (c) A person may offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction:
 - (i) to an out-of-state or out-of-country purchaser not licensed under this section, but that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business;
 - (ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed under this section that:
 - (A) has a valid business license in Utah; and
 - (B) has a Utah sales tax license; and
 - (iii) to a crusher.
 - (d)
 - (i) An operator of a motor vehicle auction shall verify that an in-state purchaser not licensed under this section has the licenses required in Subsection (3)(c)(ii).
 - (ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction in any 12-month period to an in-state purchaser that does not have a salvage vehicle buyer license issued in accordance with Subsection 41-3-202(17).
 - (iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales tax license and not to each person with the authority to use a sales tax license.

(iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a vehicle under Subsection (3)(c)(ii).

(e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an operator of a motor vehicle auction shall:

(i)

(A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler license issued in accordance with Section 41-3-202; or

(B) beginning on or after the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, make application electronically, in a form and time period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in the name of the purchaser;

(ii) give to the purchaser a disclosure printed on a separate piece of paper that states:

"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE

Vehicle Identification Number (VIN)

Year: Make: Model:

SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

Signature of Purchaser

Date"; and

(iii) if applicable, provide evidence to the Motor Vehicle Division of:

(A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

(B) the identification number inspection required under Section 41-1a-511; and

(C) the odometer disclosure statement required under Section 41-1a-902.

(f) The Motor Vehicle Division shall include a link to the disclosure statement described in Subsection (3)(e)(ii) on its website.

(g) The commission may impose an administrative entrance fee established in accordance with the procedures and requirements of Section 63J-1-504 not to exceed \$10 on a person not holding a license described in Subsection (3)(e)(i) that enters the physical premises of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an auction.

(h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has been certificated out-of-state.

(4)

(a) An operator of a motor vehicle auction shall keep a record of the sale of each salvage vehicle.

(b) A record described under Subsection (4)(a) shall contain:

(i) the purchaser's name and address; and

(ii) the year, make, and vehicle identification number for each salvage vehicle sold.

(c) An operator of a motor vehicle auction shall:

- (i) provide the record described in Subsection (4)(a) electronically in a method approved by the division to the division within two business days of the completion of the motor vehicle auction;
 - (ii) retain the record described in this Subsection (4) for five years from the date of sale; and
 - (iii) make a record described in this Subsection (4) available for inspection by the division at the location of the motor vehicle auction during normal business hours.
- (5)
 - (a) An operator of a motor vehicle auction shall store a salvage vehicle sold at auction in a secure facility until the salvage vehicle is claimed as provided in this section.
 - (b) Beginning at the time of purchase and until the salvage vehicle is claimed, the motor vehicle auction operator may collect a daily storage fee for the secure storage of each salvage vehicle sold at auction.
 - (c) Except as provided in Subsection (5)(d), before releasing possession of a salvage vehicle purchased at a motor vehicle auction to a person not licensed under this part or certified as a tow truck operator under Title 72, Chapter 9, Part 6, Tow Truck Provisions, and if the person claiming the vehicle is a person other than the purchaser of the vehicle, the motor vehicle auction operator shall create a record that shall contain:
 - (i) the name and address, as verified by government issued identification, of the person claiming the vehicle;
 - (ii) the year, make, and vehicle identification number of the claimed vehicle;
 - (iii) a written statement from the person claiming the vehicle indicating the location where the salvage vehicle will be delivered; and
 - (iv) verification that the claimant has authorization from the purchaser to claim the vehicle.
 - (d) If the salvage vehicle is claimed by a transporter or a tow truck operator, the transporter or the tow truck operator shall submit to the motor vehicle auction operator a written record on any release forms indicating the location where the salvage vehicle will be delivered if delivered within the state.
 - (e) An operator of a motor vehicle auction shall:
 - (i) retain the record described in Subsection (5)(c) for five years from the date of sale; and
 - (ii) make the record available for inspection by the division at the location of the motor vehicle auction during normal business hours.
- (6)
 - (a) If applicable, an operator of a motor vehicle auction shall comply with the reporting requirements of the National Motor Vehicle Title Information System overseen by the United States Department of Justice if the person sells a vehicle with a salvage certificate to an in-state purchaser under Subsection (3)(c)(ii).
 - (b) The Motor Vehicle Division shall include a link to the National Motor Vehicle Title Information System on its website.
- (7)
 - (a) An operator of a motor vehicle auction that sells a salvage vehicle to a person that is an out-of-country buyer shall:
 - (i) stamp on the face of the title so as not to obscure the name, date, or mileage statement the words "FOR EXPORT ONLY" in all capital, black letters; and
 - (ii) stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY."
 - (b) The words "FOR EXPORT ONLY" shall be:
 - (i) at least two inches wide; and
 - (ii) clearly legible.

- (8) A dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop shall obtain a supplemental license, in accordance with Section 41-3-201.7 for each additional place of business maintained by the licensee.
- (9)
- (a) A person who has been convicted of any law relating to motor vehicle commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a salvage or nonrepairable certificate unless full restitution regarding those convictions has been made.
 - (b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (9)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (9)(a).
- (10)
- (a) The division may not issue a license to a new applicant for a new or used motor vehicle dealer license, a direct-sale manufacturer license, a new or used motorcycle dealer license, or a small trailer dealer license unless the new applicant completes an eight-hour orientation class approved by the division that includes education on motor vehicle laws and rules.
 - (b) The approved costs of the orientation class shall be paid by the new applicant.
 - (c) The class shall be completed by the new applicant and the applicant's partners, corporate officers, bond indemnitors, and managers.
 - (d)
 - (i) The division shall approve:
 - (A) providers of the orientation class; and
 - (B) costs of the orientation class.
 - (ii) A provider of an orientation class shall submit the orientation class curriculum to the division for approval prior to teaching the orientation class.
 - (iii) A provider of an orientation class shall include in the orientation materials:
 - (A) ethics training;
 - (B) motor vehicle title and registration processes;
 - (C) provisions of Title 13, Chapter 5, Unfair Practices Act, relating to motor vehicles;
 - (D) Department of Insurance requirements relating to motor vehicles;
 - (E) Department of Public Safety requirements relating to motor vehicles;
 - (F) federal requirements related to motor vehicles as determined by the division; and
 - (G) any required disclosure compliance forms as determined by the division.
- (11) A person or purchaser described in Subsection (3)(c)(ii):
- (a) may not purchase more than five salvage vehicles with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 in any 12-month period;
 - (b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange more than two vehicles with a salvage certificate as defined in Section 41-1a-1001 in any 12-month period to a person not licensed under this section; and
 - (c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a person not licensed under this section.
- (12) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (11)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (11)(a).

Amended by Chapter 387, 2018 General Session

41-3-201.5 Brokering of a new motor vehicle without a license prohibited.

- (1)
 - (a) A person may not, for a fee, commission, or other form of compensation, arrange, offer to arrange, or broker a transaction involving the sale or lease of more than two:
 - (i) new or used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(1); or
 - (ii) used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(2).
 - (b) Each transaction a person arranges, offers to arrange, or brokers involving the sale or lease of a motor vehicle for a fee, commission, or other form of compensation is a separate violation under this section if:
 - (i) the person has for a fee, commission, or other form of compensation, arranged, offered to arrange, or brokered the sale or lease of more than two new or used motor vehicles within the previous 12 consecutive month period; and
 - (ii) the person is not licensed under Subsection 41-3-202(1).
- (2) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 393, 2010 General Session

41-3-201.7 Supplemental license for additional place of business restrictions -- Exception.

- (1)
 - (a) Subject to the requirements of Subsection (2), the administrator may issue a supplemental license for an additional place of business under Subsection 41-3-201(8) to a dealer if the dealer is:
 - (i) licensed in accordance with Section 41-3-202;
 - (ii) bonded in accordance with Section 41-3-205; and
 - (iii) in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105.
 - (b) The administrator may issue a supplemental license for a permanent additional place of business to a used motor vehicle dealer if:
 - (i) the dealer independently satisfies the bond requirements under Section 41-3-205 for the permanent additional place of business;
 - (ii) the dealer is in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105; and
 - (iii) the permanent additional place of business meets all the requirements for a principal place of business.
- (2)
 - (a) Except as provided in Subsections (2)(c) and (3), a supplemental license for an additional place of business issued pursuant to Subsection 41-3-201(8) for a new motor vehicle dealer may not be issued for an additional place of business that is beyond the geographic specifications outlined as the area of responsibility in the dealer's franchise agreement.
 - (b) A new motor vehicle dealer shall provide the administrator with a copy of the portion of the new motor vehicle dealer's franchise agreement identifying the dealer's area of responsibility before being issued a supplemental license for an additional place of business.

- (c) The restrictions under Subsections (2)(a) and (b) do not apply to a new motor vehicle dealer if:
 - (i) the license for an additional place of business is being issued for the sale of used motor vehicles; or
 - (ii) the dealer is a direct-sale manufacturer .
- (3) The provisions of Subsection (2) do not apply if the additional place of business is a trade show or exhibition if:
 - (a) there are five or more dealers participating in the trade show or exhibition; and
 - (b) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.
- (4) A supplemental license for a temporary additional place of business issued to a used motor vehicle dealer may not be for longer than 10 consecutive days.

Amended by Chapter 387, 2018 General Session

41-3-202 Licenses -- Classes and scope.

- (1) A new motor vehicle dealer's license permits the licensee to:
 - (a) offer for sale, sell, or exchange new motor vehicles if the licensee possesses a franchise from the manufacturer of the motor vehicle offered for sale, sold, or exchanged by the licensee;
 - (b) offer for sale, sell, or exchange used motor vehicles;
 - (c) operate as a body shop; and
 - (d) dismantle motor vehicles.
- (2) A used motor vehicle dealer's license permits the licensee to:
 - (a) offer for sale, sell, or exchange used motor vehicles;
 - (b) operate as a body shop; and
 - (c) dismantle motor vehicles.
- (3) A direct-sale manufacturer's license permits the licensee to:
 - (a) offer for sale, sell, or exchange new motor vehicles of the same line-make that the direct-sale manufacturer manufactures;
 - (b) offer for sale, sell, or exchange used motor vehicles;
 - (c) operate as a body shop; and
 - (d) dismantle motor vehicles.
- (4) A new motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:
 - (a) offer for sale, sell, or exchange new motorcycles, off-highway vehicles, or small trailers if the licensee possesses a franchise from the manufacturer of the motorcycle, off-highway vehicle, or small trailer offered for sale, sold, or exchanged by the licensee;
 - (b) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, or small trailers; and
 - (c) dismantle motorcycles, off-highway vehicles, or small trailers.
- (5) A used motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:
 - (a) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, and small trailers; and
 - (b) dismantle motorcycles, off-highway vehicles, or small trailers.
- (6)
 - (a) Except as provided in Subsection (6)(b), a salesperson's license permits the licensee to act as a motor vehicle salesperson and is valid for employment with only one dealer at a time.

- (b) A licensee that has been issued a salesperson's license and that is employed by a dealer that operates as a wholesale motor vehicle auction may be employed by more than one dealer that operates as a wholesale motor vehicle auction at a time.
- (7)
 - (a) A direct-sale manufacturer salesperson's license permits the licensee to act as a direct-sale manufacturer salesperson for one direct-sales manufacturer.
 - (b) A direct-sale manufacturer salesperson licensee may not simultaneously hold a salesperson's license.
- (8)
 - (a) A manufacturer's license permits the licensee to construct or assemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, at an established place of business and to remanufacture motor vehicles.
 - (b) Under rules made by the administrator, the licensee may issue and install vehicle identification numbers on manufactured motor vehicles.
 - (c) The licensee may franchise and appoint dealers to sell manufactured motor vehicles by notifying the division of the franchise or appointment.
- (9) A transporter's license permits the licensee to transport or deliver motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from a manufacturing, assembling, or distributing point or from a dealer, to dealers, distributors, or sales agents of a manufacturer or remanufacturer, to or from detail or repair shops, and to financial institutions or places of storage from points of repossession.
- (10) A dismantler's license permits the licensee to dismantle motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reselling parts or for salvage, or selling dismantled or salvage vehicles to a crusher or other dismantler.
- (11) A distributor or factory branch and distributor branch's license permits the licensee to sell and distribute new motor vehicles, parts, and accessories to their franchised dealers.
- (12) A representative's license, for factory representatives or distributor representatives permits the licensee to contact the licensee's authorized dealers for the purpose of making or promoting the sale of motor vehicles, parts, and accessories.
- (13)
 - (a)
 - (i) A remanufacturer's license permits the licensee to construct, reconstruct, assemble, or reassemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from used or new motor vehicles or parts.
 - (ii) Evidence of ownership of parts and motor vehicles used in remanufacture shall be available to the division upon demand.
 - (b) Under rules made by the administrator, the licensee may issue and install vehicle identification numbers on remanufactured motor vehicles.
- (14) A crusher's license permits the licensee to engage in the business of crushing or shredding motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reducing the useable materials and metals to a more compact size for recycling.
- (15) A body shop's license permits the licensee to rebuild, restore, repair, or paint primarily the body of motor vehicles damaged by collision or natural disaster, and to dismantle motor vehicles.
- (16) A special equipment dealer's license permits the licensee to:
 - (a) buy incomplete new motor vehicles with a gross vehicle weight of 12,000 or more pounds from a new motor vehicle dealer and sell the new vehicle with the special equipment installed without a franchise from the manufacturer;

- (b) offer for sale, sell, or exchange used motor vehicles;
 - (c) operate as a body shop; and
 - (d) dismantle motor vehicles.
- (17)
- (a) A salvage vehicle buyer license permits the licensee to bid on or purchase a vehicle with a salvage certificate as defined in Section 41-1a-1001 at any motor vehicle auction.
 - (b) A salvage vehicle buyer license may only be issued to a motor vehicle dealer, dismantler, or body shop who qualifies under rules made by the division and is licensed in any state as a motor vehicle dealer, dismantler, or body shop.
 - (c) The division may not issue more than two salvage vehicle buyer licenses to any one dealer, dismantler, or body shop.
 - (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules establishing qualifications of an applicant for a salvage vehicle buyer license. The criteria shall include:
 - (i) business history;
 - (ii) salvage vehicle qualifications;
 - (iii) ability to properly handle and dispose of environmental hazardous materials associated with salvage vehicles; and
 - (iv) record in demonstrating compliance with the provisions of this chapter.

Amended by Chapter 387, 2018 General Session

41-3-202.2 Provisional license.

- (1) As used in this section:
 - (a) "Provisional license" means a provisional version of a particular class of standard license.
 - (b) "Standard license" means a license that the administrator is authorized to issue under Section 41-3-202 for a class for which a principal place of business is required under Section 41-3-204.
- (2) The administrator may issue a provisional license for any class of standard license the administrator issues under Section 41-3-202.
- (3) A person may apply to the administrator for a provisional license using the same procedure described in this chapter and under other applicable state law for a standard license of the same class as the provisional license.
- (4) Subject to Subsection (5), the administrator shall grant a provisional license to an applicant who:
 - (a) demonstrates that the applicant meets all of the qualifications described in this chapter and under other applicable state law for a standard license of the same class as the provisional license, except for the requirement that the applicant maintain a principal place of business as required by Section 41-3-204;
 - (b) complies with procedures established by the administrator; and
 - (c) pays a fee established by the administrator.
- (5) In addition to demonstrating the qualifications described in Subsection (4), an applicant for a provisional license shall:
 - (a) submit to the administrator a site acquisition plan that describes the applicant's anticipated principal place of business; and
 - (b) demonstrate that the applicant's site acquisition plan describes a principal place of business that would comply with the requirements described in this chapter and under other applicable

state law for the principal place of business of a licensee with a standard license of the same class as the provisional license.

- (6) A provisional license does not allow a person to act as a licensee with a standard license.
- (7) Subject to Subsections (8) and (9), once a person with a provisional license demonstrates to the administrator that the person meets all of the qualifications under this chapter and under other applicable state law for a standard license of the same class as the provisional license, the administrator shall grant the person a standard license of the same class as the provisional license without requiring that the person:
 - (a) submit an additional application; or
 - (b) pay an additional fee.
- (8)
 - (a) A provisional license is valid for three months.
 - (b) The commission may extend the term of a provisional license for an additional three months at the commission's discretion.
- (9) The commission may create application procedures for a provisional license in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (10) The commission may require and determine the amount of an application fee for a provisional license in compliance with Section 63J-1-504.

Enacted by Chapter 124, 2017 General Session

41-3-203 Licenses -- Form -- Seal -- Custody of salesperson's license -- Display of salesperson and dealer licenses -- Licensee's pocket card.

- (1)
 - (a) The administrator shall prescribe the form of each license and the seal of the administrator's office shall be imprinted on each license.
 - (b) The administrator shall deliver or mail the license of each salesperson to the dealer employing the salesperson and the dealer shall keep the license in the dealer's custody and control and conspicuously display the license in the dealer's place of business.
 - (c) Each licensee shall display conspicuously the licensee's own license in the licensee's place of business.
 - (d) In addition to the other provisions of this section, each direct-sale manufacturer licensee shall display conspicuously the licensee's own license in each of the licensee's:
 - (i) showrooms; and
 - (ii) authorized service centers.
- (2)
 - (a) The administrator shall prepare and deliver a pocket card, certifying that the person whose name is on the card is licensed under this chapter.
 - (b) Each salesperson's card shall also contain the name and address of the dealer employing the salesperson.
 - (c) Each salesperson shall on request display the salesperson's pocket card.

Amended by Chapter 387, 2018 General Session

41-3-204 Licenses -- Principal place of business as prerequisite -- Change of location -- Relinquishment on loss of principal place of business.

- (1)
 - (a) The following licensees must maintain a principal place of business:

- (i) dealers;
 - (ii) special equipment dealers;
 - (iii) manufacturers;
 - (iv) transporters;
 - (v) remanufacturers;
 - (vi) dismantlers;
 - (vii) crushers;
 - (viii) body shops; and
 - (ix) distributors who:
 - (A) are located within the state; or
 - (B) have a branch office within the state.
 - (b) The administrator may not issue a license under Subsection (1)(a) to an applicant who does not have a principal place of business.
 - (c) If a licensee changes the location of the licensee's principal place of business, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.
 - (d) In addition to the other requirements of this section, if a direct-sale manufacturer licensee changes the location of an authorized service center of the licensee, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.
- (2)
- (a) If a licensee loses possession of a principal place of business, the license is automatically suspended and he shall immediately notify the administrator and upon demand by the administrator deliver the license, pocket cards, special plates, and temporary permits to the administrator.
 - (b) The administrator shall hold the licenses, cards, plates, and permits until the licensee obtains:
 - (i) a principal place of business; and
 - (ii) if the licensee is a direct-sale manufacturer, an authorized service center .

Amended by Chapter 387, 2018 General Session

41-3-205 Licenses -- Bonds required -- Maximum liability -- Action against surety -- Loss of bond.

- (1)
- (a) Before a dealer's, special equipment dealer's, crusher's, or body shop's license is issued, the applicant shall file with the administrator a corporate surety bond in the amount of:
 - (i) \$50,000 until June 30, 2006, and \$75,000 on or after July 1, 2006, for a motor vehicle dealer's license;
 - (ii) \$20,000 until June 30, 2006, and \$75,000 on or after July 1, 2006, for a special equipment dealer's license;
 - (iii) \$10,000 for a motorcycle, off-highway vehicle, or small trailer dealer's or crusher's license;
 - or
 - (iv) \$20,000 for a body shop's license.
 - (b) The corporate surety shall be licensed to do business within the state and have a rating of at least B+ by the A.M. Best Company.
 - (c) The form of the bond:
 - (i) shall be approved by the attorney general;
 - (ii) shall be conditioned upon the applicant's conducting business as a dealer without:

- (A) fraud;
 - (B) fraudulent representation;
 - (C) violating Subsection 41-3-301(1) which requires a dealer to submit or deliver a certificate of title or manufacturer's certificate of origin; or
 - (D) violating Subsection 41-3-402(1) which requires payoff of liens on motor vehicles traded in; and
- (iii) may be continuous in form.
- (d) The total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.
- (2)
- (a) A cause of action under Subsection (1) may not be maintained against a surety unless:
 - (i) a claim is filed in writing with the administrator within one year after the cause of action arose; and
 - (ii) the action is commenced within two years after the claim was filed with the administrator.
 - (b) The surety or principal shall notify the administrator if a claim on the bond is successfully prosecuted or settled against the surety or principal.
- (3)
- (a) A surety or principal may not make a payment on a surety bond to any claimant until six months have expired from the date when the first claim on the bond was filed with the surety or principal in writing.
 - (b) After six months have expired following the filing of the first bond claim, the surety or principal shall:
 - (i) assess the validity of all claims on the bond; and
 - (ii) submit a distribution assessment determined in accordance with Subsection (3)(c) regarding the bond proceeds to the claimants of valid claims for approval.
 - (c)
 - (i) If the total verifiable claims on the bond are less than the bond amount, then each bond claimant shall be entitled to the full amount of a valid claim.
 - (ii) If the total verifiable claims exceed the bond amount, then the proceeds shall be distributed pro rata to the bond claimants of valid claims.
 - (d) If the distribution assessment under Subsection (3)(b) is not unanimously approved by the claimants of all valid claims on the bond, the principal or surety shall file an interpleader action in the state district court where the defaulting dealer was licensed.
- (4)
- (a) A person making a claim on the bond shall be awarded attorney fees in cases successfully prosecuted or settled against the surety or principal if the bond has not been depleted.
 - (b) A surety or principal may not be awarded attorney fees that exceed \$2,500 for an interpleader action filed under Subsection (3)(d).
- (5)
- (a)
 - (i) If a dealer, body shop, or crusher loses possession of the bond required by this chapter, the dealer, body shop, or crusher license is automatically suspended.
 - (ii) All licenses, pocket cards, temporary permits, and special plates issued to the licensee shall be immediately returned to the administrator.
 - (b) A dealer, body shop, or crusher may not continue to use or permit to be used licenses, pocket cards, temporary permits, or special plates until the required bond is on file with the administrator and the license has been reinstated.

- (6) A representative or consignee of a dealer is not required to file a bond if the dealer for whom the representative or consignee acts fully complies with the provisions of this chapter.

Amended by Chapter 342, 2010 General Session

41-3-205.5 Licenses -- Criminal background check required on salesperson's licenses -- Payment of cost.

- (1)
- (a) Every applicant for a salesperson's license shall submit fingerprints with a completed application to the division.
 - (b) A person required to renew a salesperson license on or before June 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.
- (2) The division shall submit fingerprints for each applicant described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
- (3) The Bureau of Criminal Identification shall:
- (a) check the information submitted by the division for an applicant under Subsection (2) against the applicable state and regional criminal records databases; and
 - (b) release to the division all information obtained under Subsection (3)(a) relating to the applicant.
- (4)
- (a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (2) and notify the division when a new entry is made in the applicable state and regional database against a person whose fingerprints are held in the file regarding any matter involving an arrest under state law involving:
 - (i) motor vehicles;
 - (ii) controlled substances;
 - (iii) fraud; or
 - (iv) a registerable sex offense under Section 77-41-106.
 - (b) Upon request by the division, the Bureau of Criminal Identification shall inform the division whether a person whose arrest was reported to the division under Subsection (4)(a) was subsequently convicted of the charge for which the person was arrested.
- (5) In addition to any fees imposed under this chapter, the division shall:
- (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and
 - (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.
- (6) The division shall use information received from the Bureau of Criminal Identification under this section to determine whether a license should be denied, suspended, or revoked under Section 41-3-209.

Amended by Chapter 145, 2012 General Session

41-3-206 Duration of licenses -- Expiration date -- Renewal.

- (1) Except as provided in Subsection (2), each license issued under this chapter expires on June 30 of each year and may be renewed upon application and payment of a fee required under Section 41-3-601, if the license has not been suspended or revoked.

- (2) A motor vehicle salesperson's license expires as provided under Subsection (1) or when the salesperson terminates employment with the dealer with whom he is licensed, whichever comes first.
- (3)
 - (a) The division may not renew a license for a new or used motor vehicle dealer's license, a direct-sale manufacturer's license, a new or used motorcycle dealer's license, or a small trailer dealer's license unless the renewal applicant completes a three-hour class approved by the division that includes education on new motor vehicle laws and rules.
 - (b) The approved costs of the class shall be paid by the renewal applicant.
 - (c) The class shall be completed by the renewal applicant or any designated representative of the renewal applicant dealer.
 - (d) The division shall approve:
 - (i) the class providers; and
 - (ii) costs of the class.

Amended by Chapter 387, 2018 General Session

41-3-207 New motor vehicle dealer's license -- Change, addition, or loss of franchise -- Notification -- Relinquishment of license and relicensing as used motor vehicle dealer -- Continuance in business to dispose of stock.

- (1) If a dealer changes to, adds, cancels, or loses a franchise for the sale of new motor vehicles he shall immediately notify the administrator.
- (2)
 - (a) If the dealer has cancelled or lost a franchise, the administrator shall determine whether the dealer should be licensed as a used motor vehicle dealer.
 - (b) If the administrator determines that the dealer should be licensed as a used motor vehicle dealer, he shall issue to the dealer a used motor vehicle dealer's license.
 - (c) A dealer relicensed as a used motor vehicle dealer may continue to sell new motor vehicles for up to six months from the date of the relicensing, to enable the dealer to dispose of his existing stock of new motor vehicles.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-207.5 Liquidation of inventory for suspended used motor vehicle dealers.

- (1) A used motor vehicle dealer whose used motor vehicle dealer's license has been suspended may liquidate any remaining inventory by selling the remaining used motor vehicles to:
 - (a) a licensed auto auction;
 - (b) another licensed motor vehicle dealer; or
 - (c) to any person, but only after the used motor vehicle has been titled in the name of the owner, partner, or corporate officer of the used motor vehicle dealer for at least 12 months.
- (2) A dealer may sell inventory under Subsections (1)(a) and (b) for up to 90 days from the date the dealer's used motor vehicle dealer's license was suspended.

Enacted by Chapter 388, 2008 General Session

41-3-208 Salesperson's license -- Relinquishment upon loss or change of employment -- Notice to salesperson -- New license required.

- (1) If a salesperson is discharged from or leaves his employer, the dealer who last employed the salesperson shall return the salesperson's license to the administrator.
- (2) The salesperson shall be notified at his last known place of residence that his license has been returned to the administrator.
- (3) A person may not act as a motor vehicle salesperson until a new license is procured.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-209 Administrator's findings -- Suspension and revocation of license.

- (1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.
- (2)
 - (a) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.
 - (b) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of the applicant or license holder's partners, officers, or directors:
 - (i) lack of a principal place of business or authorized service center as required by this chapter ;
 - (ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;
 - (iii) lack of a bond in effect as required by this chapter;
 - (iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;
 - (v) nonpayment of required fees;
 - (vi) making a false statement on any application for a license under this chapter or for special license plates;
 - (vii) a violation of any state or federal law involving motor vehicles;
 - (viii) a violation of any state or federal law involving controlled substances;
 - (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;
 - (x) a violation of any state or federal law involving fraud;
 - (xi) a violation of any state or federal law involving a registerable sex offense under Section 77-41-106;
 - (xii) having had a license issued under this chapter revoked within five years from the date of application; or
 - (xiii) failure to comply with any applicable qualification or requirement imposed under this chapter.
 - (c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.
- (3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.
- (4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:
 - (a) suspend the license on terms and for a period of time the administrator finds reasonable; or
 - (b) revoke the license.
- (5)

- (a) After suspending or revoking a license, the administrator may take reasonable action to:
 - (i) notify the public that the licensee is no longer in business; and
 - (ii) prevent the former licensee from violating the law by conducting business without a license.
- (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.
- (c) Any business being conducted incidental to the business for which the former licensee was licensed may continue to operate subject to the preventive action taken under this subsection.

Amended by Chapter 387, 2018 General Session

41-3-210 License holders -- Prohibitions and requirements.

- (1) The holder of any license issued under this chapter may not:
 - (a) intentionally publish, display, or circulate any advertising that is misleading or inaccurate in any material fact or that misrepresents any of the products sold, manufactured, remanufactured, handled, or furnished by a licensee;
 - (b) intentionally publish, display, or circulate any advertising without identifying the seller as the licensee by including in the advertisement the full name under which the licensee is licensed or the licensee's number assigned by the division;
 - (c) violate this chapter or the rules made by the administrator;
 - (d) violate any law of the state respecting commerce in motor vehicles or any rule respecting commerce in motor vehicles made by any licensing or regulating authority of the state;
 - (e) engage in business as a new motor vehicle dealer, special equipment dealer, used motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as required in this chapter;
 - (f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or body shop without maintaining a principal place of business;
 - (g) unless the licensee is a special equipment dealer who sells a new special equipment motor vehicle with a gross vehicle weight of 12,000 or more pounds after installing special equipment on the motor vehicle:
 - (i) engage in a business respecting the selling or exchanging of new or new and used motor vehicles for which the licensee is not licensed; and
 - (ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor vehicle for which the licensee does not have a franchise;
 - (h) dismantle or transport to a crusher for crushing or other disposition any motor vehicle without first obtaining a dismantling or junk permit under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;
 - (i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle dealer fail to give notice of sales or transfers as required in Section 41-3-301;
 - (j) advertise or otherwise represent, or knowingly allow to be advertised or represented on the licensee's behalf or at the licensee's place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is required and the buyer is advised or induced to finance a down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle;
 - (k) as a crusher, crush or shred a motor vehicle brought to the crusher without obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is a certificate of title endorsed according to law or a dismantling or junk permit issued under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;

- (l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply with construction, safety, or vehicle identification number standards fixed by law or rule of any licensing or regulating authority;
- (m) as anyone other than a salesperson or a direct-sale manufacturer salesperson licensed under this chapter, be present on a dealer display space and contact prospective customers to promote the sale of the dealer's vehicles;
- (n) sell, display for sale, or offer for sale motor vehicles at any location other than the principal place of business or additional places of business licensed under this chapter; this provision is construed to prevent dealers, salespersons, or any other representative of a dealership from selling, displaying, or offering motor vehicles for sale from their homes or other unlicensed locations;
- (o)
 - (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of business or additional place of business that shares any common area with a business or activity not directly related to motor vehicle commerce; or
 - (ii) maintain any places of business that share any common area with another dealer, dismantler, body shop, or manufacturer;
- (p) withhold delivery of license plates obtained by the licensee on behalf of a customer for any reason, including nonpayment of any portion of the vehicle purchase price or down payment;
- (q) issue a temporary permit for any vehicle that has not been sold by the licensee;
- (r) alter a temporary permit in any manner;
- (s) operate any principal place of business or additional place of business in a location that does not comply with local ordinances, including zoning ordinances;
- (t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the licensee does not:
 - (i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license under Section 41-3-202; and
 - (ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged by the licensee;
- (u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire with any person who has not obtained a salesperson's or a direct-sale manufacturer salesperson's license to solicit for prospective purchasers; or
- (v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer without having:
 - (i) an authorized service center; or
 - (ii) a principal place of business.
- (2)
 - (a) If a new motor vehicle is constructed in more than one stage, such as a motor home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange the vehicle as the make designated by the final stage manufacturer, except in those specific situations where the licensee:
 - (i) possesses a franchise from the initial or first stage manufacturer, presumably the manufacturer of the motor vehicle's chassis; or
 - (ii) manufactured the initial or first stage of the motor vehicle .
 - (b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer under Section 41-3-301.

- (3) Each licensee, except salespersons, shall maintain and make available for inspection by peace officers and employees of the division:
 - (a) a record of every motor vehicle bought, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;
 - (b) a record of every used part or used accessory bought or otherwise acquired;
 - (c) a record of every motor vehicle bought or otherwise acquired and wrecked or dismantled by the licensee;
 - (d) all buyers' orders, contracts, odometer statements, temporary permit records, financing records, and all other documents related to the purchase, sale, or consignment of motor vehicles; and
 - (e) a record of the name and address of the person to whom any motor vehicle or motor vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a description of the motor vehicle by year, make, and vehicle identification number.
- (4) Each licensee required by this chapter to keep records shall:
 - (a) be kept by the licensee at least for five years; and
 - (b) furnish copies of those records upon request to any peace officer or employee of the division during reasonable business hours.
- (5) A manufacturer, distributor, distributor representative, or factory representative may not induce or attempt to induce by means of coercion, intimidation, or discrimination any dealer to:
 - (a) accept delivery of any motor vehicle, parts, or accessories or any other commodity or commodities, including advertising material not ordered by the dealer;
 - (b) order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicle as publicly advertised by the manufacturer;
 - (c) order from any person any parts, accessories, equipment, machinery, tools, appliances, or any other commodity;
 - (d) enter into an agreement with the manufacturer, distributor, distributor representative, or factory representative of any of them, or to do any other act unfair to the dealer by threatening to cancel any franchise or contractual agreement between the manufacturer, distributor, distributor branch, or factory branch and the dealer;
 - (e) refuse to deliver to any dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by the manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within 60 days after the dealer's order is received; or
 - (f) unfairly, without regard to the equities of the dealer, cancel the franchise of any motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause is a violation of this subsection and is an unfair cancellation.
- (6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, or by allowing use of his facilities or dealer license number, or by any other means.
- (7)
 - (a) The holder of any new motor vehicle dealer or direct-sale manufacturer license issued under this chapter may not sell any new motor vehicle to:
 - (i) another dealer licensed under this chapter who does not hold a valid franchise for the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor vehicle to the purchasing dealer; or

- (ii) any motor vehicle leasing or rental company located within this state, or who has any branch office within this state, unless the dealer licenses and titles the new motor vehicle to the purchasing, leasing, or rental company.
- (b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle with a gross vehicle weight of 12,000 or more pounds to a special equipment dealer licensed under this chapter.
- (8) A dealer licensed under this chapter may not take on consignment any new motor vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or any other state.
- (9) A body shop licensed under this chapter may not assist an unlicensed body shop in unlawful activity through active or passive means or by allowing use of its facilities, name, body shop number, or by any other means.
- (10) A used motor vehicle dealer licensed under this chapter may not advertise, offer for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a title only to the vehicle and representing it as a used motor vehicle.
- (11)
 - (a) Except as provided in Subsection (11)(c), or in cases of undue hardship or emergency as provided by rule by the division, a dealer or salesperson licensed under this chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer for lease a motor vehicle.
 - (b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) shall constitute a separate offense.
 - (c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a trade show or exhibition if:
 - (i) there are five or more dealers participating in the trade show or exhibition; and
 - (ii) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.
- (12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act.
- (13)
 - (a) A dismantler or dealer engaged in the business of dismantling motor vehicles for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler or dealer for transporting parts or salvage on the highways.
 - (b) The identification required under Subsection (13)(a) shall:
 - (i) include the name, address, and license number of the dismantler or dealer; and
 - (ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly legible letters and numerals not less than two inches in height.

Amended by Chapter 387, 2018 General Session

41-3-211 Unlawful acts or practices.

- (1) A licensee may not knowingly or intentionally engage in any of the following unlawful acts or practices:
 - (a) provide a financial institution or person being contacted to provide financing for the purchase of a motor vehicle, a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document that does not accurately state:

- (i) the terms of the motor vehicle purchase; or
- (ii) if the vehicle is a rebuilt vehicle;
- (b) sell a motor vehicle to a purchaser that is subject to financing that is not the motor vehicle described in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document as of the time the contract of sale, document of sale, contract, request for proposal, or other document provided to the financial institution or person providing financing; or
- (c) make payments on any loan or lease on a motor vehicle subject to a loan or lease that is subject to the payoff requirements of Subsection 41-3-402(1).
- (2) The provisions of Subsection (1)(c) do not prohibit a dealer from making one or more loan or lease payments for a motor vehicle if making the payments is:
 - (a) stated in writing in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document; or
 - (b) stated in the notice to the lienholder of the trade-in of the vehicle as required by Subsection 41-3-402(5).
- (3) A person who violates the provisions of this section is subject to the penalties provided in Section 41-3-701 and Subsection 41-3-702(1)(a).

Enacted by Chapter 342, 2010 General Session

Part 3

Temporary Permits

41-3-301 Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.

- (1)
 - (a) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name.
 - (b) If a temporary permit is not issued, the certificate of title or manufacturer's certificate of origin shall be delivered to the vendee, endorsed according to law, within 48 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's certificate of origin shall be delivered within 21 days.
- (c)
 - (i) A motor vehicle consigned to an auction and sold is considered sold by the consignor to the auction and then sold by the auction to the consignee.
 - (ii) Both the consignor and auction are subject to this section.
- (d)
 - (i)
 - (A) A motor vehicle consigned to a wholesale motor vehicle auction and sold to a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or dismantler.
 - (B) Both the consignor and the wholesale motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b).

- (C) The consignor, or the wholesale motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law. By endorsing the certificate of title as agent of the consignor, the wholesale motor vehicle auction does not become the owner, seller, or assignor of title.
- (ii)
 - (A) A wholesale motor vehicle auction may purchase or sell motor vehicles in its own name.
 - (B) If a wholesale motor vehicle auction purchases or sells a motor vehicle in its own name, the wholesale motor vehicle auction is subject to Subsections (1)(a) and (1)(b).
- (2)
 - (a)
 - (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the Motor Vehicle Division.
 - (ii) The notice shall contain:
 - (A) the date of the sale;
 - (B) the names and addresses of the dealer and the purchaser;
 - (C) a description of the motor vehicle;
 - (D) the motor vehicle's odometer reading at the time of the sale; and
 - (E) other information required by the division.
 - (b) If no temporary permit is issued, the notice shall be filed with the division within 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale, unless the purchaser is a dealer or dismantler.
 - (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a) and (2)(b) may be filed in electronic form or on magnetic media.

Amended by Chapter 382, 2008 General Session

41-3-302 Temporary permits -- Purchasers of motor vehicles -- Penalty for use after expiration -- Sale and rescission.

- (1)
 - (a)
 - (i) A dealer or the division may issue a temporary permit.
 - (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules for the issuance of a temporary permit under Subsection (1)(a)(i).
 - (iii) The division shall furnish the forms for temporary permits issued by dealers under Subsection (1)(a)(i).
 - (b) A dealer may issue a temporary permit to a bona fide purchaser of a motor vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the dealer.
 - (c) The dealer is responsible and liable for the registration fee of each motor vehicle for which the permit is issued.
 - (d) All issued temporary permits that are outstanding after 45 days from the date they are issued are delinquent and a penalty equal to the registration fee shall be collected from the issuing dealer.

- (2) If a temporary permit is issued by a dealer under this section and the sale of the motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing dealer is not liable for the registration fee or penalty.

Amended by Chapter 382, 2008 General Session

41-3-303 Temporary permits -- Inspections required before issuance.

- (1) Except as provided in Subsections (2) and (3), a dealer licensed in accordance with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302 unless the motor vehicle passed an emissions inspection test if required by Section 41-6a-1642.
- (2) A dealer may issue a temporary permit without proof of an emissions inspection if:
 - (a) the motor vehicle is exempt from an emissions inspection under Section 41-6a-1642;
 - (b) the purchaser is a resident of a county that does not require emissions inspections; or
 - (c) the motor vehicle is otherwise exempt from emissions inspections.
- (3) A dealer may sell a motor vehicle as is without an emissions inspection if the dealer does not issue a temporary permit.

Amended by Chapter 406, 2017 General Session

41-3-304 Temporary permits -- Temporary sports event registration certificate -- Suspension or revocation of dealer's authority to issue -- Return of temporary permits to division -- Refunds -- Appeal.

- (1) The division may suspend or revoke a dealer's authority to issue a temporary permit or a temporary sports event registration certificate under this part if the division determines the dealer has failed to comply with this chapter or with any rules made by the commission under this part.
- (2)
 - (a) Suspension or revocation of authority to issue a temporary permit or a temporary sports event registration certificate takes effect immediately upon written notification to the dealer by the division.
 - (b) Upon notification, the dealer shall immediately return all temporary permits to the division.
 - (c) Subject to Subsection (2)(d), if the authority to issue a temporary permit under Section 41-3-302 is revoked or suspended for more than 30 days, the dealer may apply for a refund of the money paid to the division only for temporary permits described in Section 41-3-302 that are returned prior to issuance.
 - (d) Temporary permits being returned may not have ever been issued, written on, or separated from their stubs, and shall be in useable condition.
- (3) If the division suspends or revokes a dealer's authority to issue a temporary permit or a temporary sports event registration certificate as provided in this section, each of the following is a violation of this chapter and grounds for automatic suspension of the dealer's license:
 - (a) failure to return a temporary permit to the division as provided in this section; or
 - (b) issuing a:
 - (i) temporary permit; or
 - (ii) temporary sports event registration certificate.
- (4)
 - (a) A dealer may appeal the division's suspension or revocation by filing a written appeal with the administrator within 10 days of the suspension or revocation.

- (b) Upon receiving the dealer's written appeal, the administrator shall set a hearing for not more than 20 days from the date the written appeal is received.
- (c) A hearing or appeal under this section shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

41-3-305 In-transit permits -- Limits -- Tax provision.

- (1) Under rules made by the administrator, in-transit permits may be issued by the division or its authorized representatives.
- (2) In-transit permits allow use of the highways for a time period not to exceed 96 hours.
- (3) Before issuing any in-transit permit, the division or its authorized representative shall be satisfied that the person applying for the permit is the owner of the motor vehicle or the owner's representative, and if the owner or driver is a Utah resident, that the motor vehicle complies with the security requirements of Sections 31A-22-302 and 31A-22-303.
- (4) The division or its authorized representative may issue in-transit permits without requiring a property tax clearance for the motor vehicle on which the permit is to be used.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-306 Temporary sports event registration -- Definitions -- Issuance -- Fees -- Expiration -- Rulemaking authority.

- (1) As used in this section:
 - (a) "Distributor-provided vehicle" means a motor vehicle:
 - (i) that has never been titled or registered in any state; and
 - (ii) the use of which is donated by a distributor licensed under Part 2, Licensing, through a dealer licensed under Part 2, Licensing.
 - (b)
 - (i) "Event period" means a time period:
 - (A) during which a sports event takes place;
 - (B) not to exceed 180 consecutive calendar days; and
 - (C) specified by the division on a temporary sports event registration certificate.
 - (ii) "Event period" may include one or more of the following time periods if the division determines that good cause exists for including the time period within the event period:
 - (A) a reasonable time period before a sports event as determined by the division; or
 - (B) a reasonable time period after a sports event as determined by the division.
 - (c)
 - (i) Notwithstanding Section 41-3-102 and except as provided in Subsection (1)(c)(ii), "motor vehicle" means a motor vehicle that is subject to the uniform fee imposed by Section 59-2-405.1.
 - (ii) "Motor vehicle" does not include a state-assessed commercial vehicle as defined in Section 59-2-102.
 - (d)
 - (i) "Sports event" means an amateur or professional:
 - (A) sports:
 - (I) game;
 - (II) race; or
 - (III) contest; or

- (B) athletic:
 - (I) game;
 - (II) race; or
 - (III) contest.
- (ii) "Sports event" includes a game, race, or contest described in Subsection (1)(d)(i) that is:
 - (A) an independent game, race, or contest; or
 - (B) a part of another event or activity regardless of whether the other event or activity is an event or activity relating to sports or athletics.
- (e) "Temporary sports event registration certificate" means a motor vehicle certificate of registration issued by the division to a dealer in accordance with this section.
- (2) Beginning on September 1, 2001, the division may register a motor vehicle for an event period by issuing to a dealer licensed under Part 2, Licensing, a temporary sports event registration certificate if the division determines that:
 - (a) the motor vehicle is a distributor-provided vehicle;
 - (b) the motor vehicle will be used for a sports event within the state during the event period; and
 - (c) the dealer provides the division an application stating:
 - (i) the person to whom the distributor is donating use of the motor vehicle;
 - (ii) the motor vehicle identification number;
 - (iii) the motor vehicle:
 - (A) make;
 - (B) model; and
 - (C) year;
 - (iv) the name of the sports event;
 - (v) the beginning date and ending date of the sports event; and
 - (vi) any other information the division requires.
- (3) If the division issues a temporary sports event registration certificate to a dealer licensed under Part 2, Licensing:
 - (a) the division:
 - (i) shall specify the event period on the temporary sports event registration certificate; and
 - (ii) may specify any other information on the temporary sports event registration certificate as determined by the division; and
 - (b) the dealer shall for each motor vehicle for which the division issues a temporary sports event registration certificate:
 - (i) pay the:
 - (A) registration fees required by Chapter 1a, Part 12, Fee and Tax Requirements; and
 - (B) uniform fee required by Section 59-2-405.1; and
 - (ii) place the temporary sports event registration certificate in the rear license plate holder of the motor vehicle.
- (4) A temporary sports event registration certificate issued by the division under this section is valid for the event period specified on the temporary sports event registration certificate.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:
 - (a) specifying the information to be provided to the division by a dealer or a person using a distributor-provided vehicle in connection with the issuance of a temporary sports event registration certificate;
 - (b) specifying the form for a temporary sports event registration certificate; or
 - (c) defining the terms:
 - (i) "reasonable time period before a sports event"; and

(ii) "reasonable time period after a sports event."

Amended by Chapter 382, 2008 General Session

**Part 4
Disclosure Requirements**

41-3-401 Disclosure of financing arrangements relating to the sale of motor vehicles.

- (1)
 - (a) A dealer may not issue a temporary permit or release possession of a motor vehicle that the dealer has sold to someone other than another dealer unless the document of sale contains one of the disclosures listed in Subsection (2).
 - (b) The disclosures shall be set forth clearly and conspicuously on the first or front page of the sale document at the time of sale, executed by the purchaser, and for Subsection (2)(b), executed by the seller also.

- (2)
 - (a) The form to be used when financing is the purchaser's responsibility shall read as follows:
 "THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT ACKNOWLEDGES THAT THE SELLER OF THE MOTOR VEHICLE HAS MADE NO PROMISES, WARRANTIES, OR REPRESENTATIONS REGARDING SELLER'S ABILITY TO OBTAIN FINANCING FOR THE PURCHASE OF THE MOTOR VEHICLE. FURTHERMORE, PURCHASER UNDERSTANDS THAT IF FINANCING IS NECESSARY IN ORDER FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THIS CONTRACT ALL THE FINANCING ARRANGEMENTS ARE THE SOLE RESPONSIBILITY OF THE PURCHASER.

(Signature of the purchaser)"

- (b) The form to be used when the seller agrees to seek arrangements for financing shall read as follows:

"(1) THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE SELLER'S REPRESENTATION THAT THE SELLER CAN PROVIDE FINANCING ARRANGEMENTS FOR THE PURCHASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARE AS FOLLOWS:

INTEREST RATE BETWEEN _____ % AND _____ % PER ANNUM, TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN \$ _____ PER MONTH AND \$ _____ PER MONTH BASED ON A DOWN PAYMENT OF \$ _____.

(2) (a) IF SELLER IS NOT ABLE TO ARRANGE FINANCING WITHIN THE TERMS DISCLOSED, THEN SELLER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF SALE MAIL NOTICE TO THE PURCHASER THAT HE HAS NOT BEEN ABLE TO ARRANGE FINANCING.

(b) PURCHASER THEN HAS 14 DAYS FROM THE DATE OF SALE TO ELECT, IF PURCHASER CHOOSES, TO RESCIND THE CONTRACT OF SALE PURSUANT TO SECTION 41-3-401.

(c) IN ORDER TO RESCIND THE CONTRACT OF SALE, THE PURCHASER SHALL:

- (i) RETURN TO SELLER THE MOTOR VEHICLE HE PURCHASED;
- (ii) PAY THE SELLER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN; AND

- (iii) COMPENSATE SELLER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE.

(3) IN RETURN, SELLER SHALL GIVE BACK TO THE PURCHASER ALL PAYMENTS OR OTHER CONSIDERATION PAID BY THE PURCHASER, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE PURCHASER RESCINDS THE TRANSACTION, THEN THE SELLER SHALL RETURN TO THE PURCHASER A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE PURCHASE PRICE GIVEN BY THE SELLER FOR THE TRADE-IN, AS NOTED IN THE DOCUMENT OF SALE.

(5) IF PURCHASER DOES NOT ELECT TO RESCIND THE CONTRACT OF SALE AS PROVIDED IN SUBSECTION (2)(b) OF THIS FORM:

- (a) THE PURCHASER IS RESPONSIBLE FOR ADHERENCE TO THE TERMS AND CONDITIONS OF THE CONTRACT OR RISKS BEING FOUND IN DEFAULT OF THE TERMS AND CONDITIONS;

- (b) THE TERMS AND CONDITIONS OF THE DISCLOSURES SET FORTH IN SECTION (1) OF THIS FORM ARE NOT BINDING ON THE SELLER; AND

- (c) IF FINANCING IS NECESSARY FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THE CONTRACT OF SALE, THE PURCHASER IS SOLELY RESPONSIBLE FOR MAKING ALL THE FINANCING ARRANGEMENTS.

(6) SIGNING THIS DISCLOSURE DOES NOT PROHIBIT THE PURCHASER FROM SEEKING HIS OWN FINANCING.

(Signature of the purchaser)

(Signature of the seller)"

- (3)
 - (a)
 - (i) In addition to the penalties in this chapter, if the disclosures in Subsection (2) are not properly executed or if the seller is unable to provide the financing arrangements for the purchaser as provided in Subsection (2)(b) within seven calendar days immediately following the sale date disclosed on the document of sale, then in either case the purchaser may return the purchased motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the purchase, including any motor vehicle or property used as a trade-in.
 - (ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the seller shall return to the purchaser the amount of money equivalent to the allowance towards the purchase price given by the dealer for the motor vehicle or property traded in, as noted in the document of sale.
 - (b) If the purchaser qualifies for the remedies set forth in Subsection (3)(a) and if the purchaser elects to rescind by returning the purchased motor vehicle to the dealer within the prescribed time frame, then the purchaser is liable to the dealer:
 - (i) for all physical damage to the motor vehicle while in the possession of the purchaser; and

- (ii) in an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the purchaser first acquired possession and the date when the purchaser returned the motor vehicle to the dealer.
 - (c) The purchaser is not entitled to the remedy set forth in Subsections (3)(a) and (b) if the purchaser materially misrepresents in writing any information requested by the dealer in an application for financing, financial statement, or similar document customarily used to elicit personal and financial data upon which a credit decision is normally predicated.
- (4)
- (a) A dealer who has complied with Subsection (2)(b), but who has not been able to secure financing as set forth in the disclosure, shall within seven days of the date of sale mail written notice to the purchaser:
 - (i) disclosing that the dealer has not been able to secure financing as set forth in the disclosure; and
 - (ii) instructing the purchaser of his right to rescind the contract of sale within 14 calendar days of the date of sale, as provided for in Subsection (2).
 - (b)
 - (i) The dealer shall mail notification to the purchaser within seven calendar days following the date of sale as set forth in the contract of sale.
 - (ii) This notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date of sale and addressed to the purchaser at the address contained in the document of sale.
 - (iii) If the purchaser's address is not contained on the document of sale, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.
 - (iv) If a dealer gives notice in the manner prescribed, the purchaser has 14 calendar days from the date of sale to elect to rescind the contract of sale, in accordance with Subsection (2).
 - (c)
 - (i) If a dealer executes the disclosure required by Subsection (2)(b), but is not able to secure financing as set forth in the disclosure, and the dealer fails to give written notice to the purchaser within seven days, as provided for in Subsections (4)(a) and (b), then the purchaser may rescind within seven days of the date he first learns that the dealer has not been able to secure financing as set forth in the disclosure.
 - (ii) Except as provided in this Subsection (4)(c), the purchaser's option to rescind shall be exercised in the manner prescribed in Subsection (3).
 - (d) If the purchaser does not exercise the option to rescind within the specified time limits in Subsections (3) and (4)(c):
 - (i) the purchaser is responsible for adherence to the terms and conditions of the contract of sale;
 - (ii) the dealer is not subject to the financing terms set forth in the disclosure; and
 - (iii) if financing is necessary for the purchaser to complete the payment terms of the contract of sale, the purchaser is solely responsible for making all the financing arrangements.
- (5) A dealer's failure to execute the disclosure required by Subsection (2), or its failure to provide written notice to the purchaser within the time frame specified in this section, subject the dealer to the sanctions in Section 41-3-701.
- (6) Either the purchaser or a dealer may bring an action to enforce his rights under this section. The prevailing party in the action is entitled to reasonable attorneys' fees as part of the costs of suit.

- (7) A motor vehicle returned by the purchaser to the dealer in accordance with the rescission provisions of this section is not considered sold for purposes of notice of sale under Section 41-3-301 and for purposes of sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 71, 2003 General Session

41-3-401.5 Disclosure of financing arrangements relating to the lease of a motor vehicle.

- (1)
- (a) A dealer may not issue a temporary permit or release possession of a motor vehicle wherein the dealer has contracted to enter into a lease agreement to someone other than another dealer unless the contract to enter into a lease agreement contains the disclosure listed in Subsection (2).
- (b) The disclosure shall be set forth clearly and conspicuously on the first or front page of the contract to enter into a lease agreement, executed by the prospective lessee and the dealer.
- (2) The form to be used when the dealer contracts to enter into a lease agreement for the potential lease of a motor vehicle shall read as follows:

"(1) THE PROSPECTIVE LESSEE OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT TO ENTER INTO A LEASE AGREEMENT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE DEALER'S REPRESENTATION THAT THE DEALER CAN SECURE FROM A FINANCIAL INSTITUTION FINANCING ARRANGEMENTS FOR THE LEASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARRANGEMENT ARE TO BE AS FOLLOWS:

TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN \$ _____ PER MONTH AND \$ _____ PER MONTH BASED ON A DOWN PAYMENT AND/OR NET TRADE-IN ALLOWANCE OF \$ _____.

(2) (a) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, THEN THE DEALER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT MAIL NOTICE TO THE PROSPECTIVE LESSEE THAT THE DEALER HAS NOT BEEN ABLE TO SECURE FINANCING ARRANGEMENTS IN ACCORDANCE WITH THE DISCLOSED TERMS AND THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS THEREFORE RESCINDED.

(b) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, SUCH FAILURE DOES NOT UNDER ANY CIRCUMSTANCES REQUIRE THE DEALER TO PROVIDE THE FINANCING NECESSARY FOR THE PROSPECTIVE LESSEE TO LEASE THE VEHICLE.

(c) IF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THE PROSPECTIVE LESSEE HAS 48 HOURS FROM RECEIPT OF THE NOTICE TO:

(i) RETURN TO THE DEALER THE MOTOR VEHICLE THE PROSPECTIVE LESSEE AGREED TO LEASE;

(ii) PAY THE DEALER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN WHILE IN THE PROSPECTIVE LESSEE'S POSSESSION; AND

(iii) COMPENSATE THE DEALER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE WHILE THE VEHICLE WAS IN THE PROSPECTIVE LESSEE'S POSSESSION.

(3) IN RETURN, UPON RECEIPT OF THE ITEMS SET FORTH IN (2)(c)(i), (ii), and (iii) THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE ALL PAYMENTS OR

OTHER CONSIDERATION PAID BY THE PROSPECTIVE LESSEE, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THEN THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE LEASE PRICE GIVEN BY THE DEALER FOR THE TRADE-IN, AS NOTED IN THE CONTRACT TO ENTER INTO A LEASE AGREEMENT.

(Signature of the Prospective Lessee)

(Signature of the Dealer)"

- (3)
 - (a)
 - (i) In addition to the penalties in this chapter, if the disclosure in Subsection (2) is not properly executed or if the dealer is unable to secure financing arrangements for the lessee as provided in Subsection (2) within seven calendar days immediately following the date disclosed on the contract to enter into a lease agreement, then in either case the prospective lessee may return the motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the contract to enter into a lease agreement, including any motor vehicle or property used as a trade-in.
 - (ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the dealer shall return to the prospective lessee the amount of money equivalent to the allowance towards the lease price given by the dealer for the motor vehicle or property traded in, as noted in the contract to enter into a lease agreement.
 - (b) If the dealer provides the notice as set forth in Subsection (2)(a) of the disclosure statement, the contract to enter into a lease agreement is rescinded.
 - (c) If a contract to enter into a lease agreement is rescinded under Subsection (3)(b):
 - (i) the prospective lessee shall return the leased vehicle within 48 hours of receiving a notice that the dealer is unable to secure financing arrangements for the lease; and
 - (ii) the prospective lessee is liable to the dealer:
 - (A) for all physical damage to the motor vehicle while in the possession of the prospective lessee; and
 - (B) in an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the prospective lessee first acquired possession and the date when the prospective lessee returned the motor vehicle to the dealer.
- (4)
 - (a) A dealer who has complied with Subsection (2), but who has not been able to secure financing arrangements as set forth in the disclosure, shall within seven days of the date of the contract to enter into a lease agreement mail written notice to the prospective lessee:
 - (i) disclosing that the dealer has not been able to secure financing arrangements as set forth in the disclosure; and
 - (ii) instructing the prospective lessee of the prospective lessee's responsibility to return the vehicle within 48 hours of receiving the notice, as provided for in Subsection (2).
 - (b)
 - (i) The dealer shall mail notification to the prospective lessee within seven calendar days following the date that the contract to enter into a lease agreement was executed.

- (ii) A notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date that the contract to enter into a lease agreement was executed and addressed to the prospective lessee at the address contained in the contract to enter into a lease agreement.
- (iii) If the prospective lessee's address is not contained on the contract to enter into a lease agreement, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.
- (iv) If a dealer gives notice in the manner prescribed, the prospective lessee has 48 hours from receipt of the notice to return the vehicle to the dealer.
- (c) If a dealer executes the disclosure required by Subsection (2), but is not able to secure financing arrangements as set forth in the disclosure, and the dealer fails to give written notice to the prospective lessee within seven days, as provided for in Subsections (4)(a) and (b), then the prospective lessee shall return the vehicle within 48 hours of the date the prospective lessee first learns that the dealer has not been able to secure financing arrangements as set forth in the disclosure.
- (5)
 - (a) Either the prospective lessee or a dealer may bring an action to enforce contractual or statutory rights under this section.
 - (b) The prevailing party in an action under Subsection (5)(a) is entitled to reasonable attorney fees as part of the costs of the action.
- (6) A motor vehicle returned by the prospective lessee to the dealer in accordance with the rescission provisions of this section is not considered leased for purposes of sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 100, 2008 General Session

41-3-402 Payoff of liens on motor vehicles traded in.

- (1) If a dealer takes a trade-in from a retail customer as part of the sale or lease of a motor vehicle and there is an outstanding loan balance owing on the trade-in, then the dealer:
 - (a) within 21 calendar days of the date of sale or lease, or within 15 calendar days of receiving payment in full for the motor vehicle it sold, whichever date is earlier, shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle, unless the underlying contract of sale or lease contract has been rescinded before expiration of the 21 days; and
 - (b) shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle prior to selling the motor vehicle unless Subsection (2) is complied with.
- (2)
 - (a) A dealer shall, at the time of sale of a motor vehicle with a trade-in, notify in writing the person trading in the vehicle that the person remains responsible for any unpaid loan, lease, or other obligation related to the vehicle being traded in.
 - (b) The person trading in the vehicle must separately acknowledge receipt of the notice and acknowledge in writing the person's continuing obligation related to the vehicle being traded in.
- (3) The notice and acknowledgment required under Subsection (2) may be combined with an authorization for payoff and shall contain the following:
 - (a) the customer's name;
 - (b) the customer's address;
 - (c) the dealer's name;

- (d) the dealer's address;
 - (e) notice to the customer that the motor vehicle the customer is trading in is subject to an unpaid loan, lease, or other obligation;
 - (f) notice to the customer that the customer remains responsible for the unpaid loan, lease, or other obligation despite the trade-in of the motor vehicle; and
 - (g) acknowledgment by signature of the customer that the customer remains responsible for payment of the unpaid loan, lease, or other obligation.
- (4)
- (a) A dealer shall, within seven calendar days of the date of a trade-in, notify a lienholder on the motor vehicle that the vehicle has been traded in.
 - (b) The notice under Subsection (4)(a) is not required if the lien is fully satisfied within seven calendar days of the date of a trade-in.
- (5) The notice to the lienholder required by Subsection (4) may be combined with an authorization for payoff or a notice to the person trading in the motor vehicle subject to the lien and shall contain the following:
- (a) notice that a motor vehicle subject to the lienholder's lien has been traded in;
 - (b) notice that the person trading in the motor vehicle subject to the lien has been provided with a notice as required by Subsection (3);
 - (c) the date the motor vehicle was traded in; and
 - (d)
 - (i) a statement that payment for the lien accompanies the notice; or
 - (ii) a statement that payment will be made within the time frame required under Subsection (1).
- (6) A lienholder shall deliver to the dealer a properly executed title that releases the lien within nine calendar days after the day on which the funds are received if the lienholder:
- (a) has possession of the title for the motor vehicle; and
 - (b) has been paid in full.
- (7)
- (a) A lienholder who does not have possession of the title but has its account paid in full by a dealer shall provide the dealer with a written statement that the lienholder no longer claims a lien against the motor vehicle.
 - (b) The statement described in Subsection (7)(a) shall be provided within the time limit required by Subsection (6).
- (8) If the final day for performing an act under this section falls on a Saturday, Sunday, or a legal holiday, then the time for performance is extended to the immediately following business day.
- (9) A dealer's failure to comply with the provisions of this section subjects the dealer to the sanctions set forth in Section 41-3-701.
- (10) A person who trades in a motor vehicle to a dealer and who thereafter sustains loss or damage as a result of a dealer's failure to pay off a properly recorded lien on the traded in motor vehicle within the time specified by Subsection (1), may bring an action against the offending dealer to recover damages proximately caused by the dealer's failure to comply with the provisions of this section, together with costs and reasonable attorney fees.

Amended by Chapter 342, 2010 General Session

41-3-403 Dealer noncompliance -- Rights of purchaser -- Penalties.

- (1)
- (a) Subject to the provisions of Subsection (4), if a dealer fails to comply with Subsection 41-3-301(1), the purchaser may return the purchased motor vehicle to the dealer and receive

- a complete refund of all money and other consideration given for the purchase, including any motor vehicles or property traded in.
- (b) If the motor vehicle or property traded in has been sold by the dealer, he shall return to the purchaser the amount of money equivalent to the value of the motor vehicle or property as allowed toward the purchase.
 - (c) Demand for the return may be made directly by the customer, his attorney, or the administrator.
 - (d) Any loan payments or interest due between the sale date and the return date on either the motor vehicle purchased or a motor vehicle traded in, are the responsibility of the dealer.
- (2) Failure of a dealer to comply with this section:
- (a) is a violation of Subsection 41-3-301(1);
 - (b) is a ground for immediate dealer license suspension; and
 - (c) allows the customer a cause of action against the dealer to recover all consideration owed under Subsection (1).
- (3) A motor vehicle returned under the provisions of this section is not considered to be sold for purposes of:
- (a) notice of sale under Subsection 41-3-301(2); and
 - (b) sales tax under Title 59, Chapter 12, Sales and Use Tax Act.
- (4) If a dealer fails to comply with Subsection 41-3-301(1), the dealer shall accept the return of a purchased motor vehicle under this section if the purchaser:
- (a) returns the motor vehicle to the dealer and requests in writing that the purchase be rescinded, prior to the time the dealer submits a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name;
 - (b) furnishes to the dealer a written odometer disclosure statement in accordance with Section 41-1a-902; and
 - (c) pays the dealer an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the purchaser first acquired possession and the date when the purchaser returned the motor vehicle to the dealer.

Amended by Chapter 210, 2004 General Session

41-3-404 Right of action against dealer, salesperson, crusher, body shop, or surety on bond.

- (1) A person may maintain an action against a dealer, crusher, or body shop on the corporate surety bond if:
- (a) the person suffers a loss or damage because of:
 - (i) fraud;
 - (ii) fraudulent representation; or
 - (iii) a violation of Section 41-3-210; and
 - (b) the loss or damage results from the action of:
 - (i) a licensed dealer;
 - (ii) a licensed dealer's salesperson acting on behalf of the dealer or within the scope of the salesperson's employment;
 - (iii) a licensed crusher; or
 - (iv) a body shop.

- (2) Successive recovery against a surety on a bond is permitted, but the total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.
- (3) A cause of action may not be maintained against any surety under any bond required under this chapter except as provided in Section 41-3-205.

Amended by Chapter 239, 1999 General Session

41-3-405 Sale of third party warranty or service contract -- Remission of fee.

- (1) If a dealer licensed under this chapter sells a third party warranty or service contract to a customer, the dealer shall within 15 days remit the fee paid by the customer to the warranty or service contract company.
- (2) Failure of a dealer to remit the fee within 15 days is a ground for dealer license suspension and allows the customer a cause of action against the dealer for damages that otherwise would have been covered by the warranty or service contract.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-406 Short title.

Sections 41-3-406 through 41-3-414 are known as the "Motor Vehicle Buyback Disclosure Act."

Enacted by Chapter 163, 1993 General Session

41-3-407 Definitions.

As used in Sections 41-3-406 through 41-3-414:

- (1) "Buyback vehicle" means a motor vehicle with an alleged nonconformity that has been replaced or repurchased by a manufacturer as the result of a court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer.
- (2) "Consumer" means an individual who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle other than for the purposes of resale, or sublease, during the duration of the period defined under Section 13-20-5.
- (3) "Manufacturer" means any manufacturer, importer, distributor, or anyone who is named as the warrantor on an express written warranty on a motor vehicle.
- (4)
 - (a) "Motor vehicle" includes:
 - (i) a motor home, as defined in Section 13-20-2, but only the self-propelled vehicle and chassis; and
 - (ii) a motor vehicle, as defined in Section 41-1a-102.
 - (b) "Motor vehicle" does not include:
 - (i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space;
 - (ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;
 - (iii) mobile home as defined in Section 41-1a-102; or
 - (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a motor home as defined under Subsection (4)(a)(i).
- (5) "Nonconforming vehicle" means a buyback vehicle that has been investigated and evaluated pursuant to Title 13, Chapter 20, New Motor Vehicle Warranties Act, or a similar law of another state or federal government.

- (b) The text of the disclosure shall be printed in 12 point boldface type except the heading, which shall be in 16 point extra boldface type.
- (c) The entire notice shall be boxed.
- (d) Each nonconformity shall be listed separately on a numbered line.
- (e) A seller must obtain the consumer's acknowledgment of this written disclosure prior to completing a sale, lease, or other transfer of title as evidenced by the consumer's signature within the box containing the disclosure.
- (f) Within 30 days after the sale, lease, or other transfer of title of a nonconforming vehicle, the seller shall deliver to the Motor Vehicle Division a copy of the signed written disclosure required for the sale, lease, or other transfer of title of the nonconforming vehicle. The Motor Vehicle Division shall include the disclosure in the nonconforming vehicle's records.

- (3) (a) There shall be affixed to the lower corner of the windshield furthest removed from the driver's side of a nonconforming vehicle, a disclosure statement form which shall be readily visible from the exterior of the vehicle. The form shall be in the following configuration and shall state:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Prior Title Number: _____ State of Title: _____

Odometer Reading: _____

Warning: This motor vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s), malfunction(s), or conditions:

- 1.
- 2.
- 3.
- 4.
- 5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD"

- (b) The disclosure statement shall be at least 4-1/2 inches wide and 5 inches long.
- (c) The heading shall be boldface type in capital letters not smaller than 18 point in size and the body copy shall be regular or medium face type not smaller than 12 point in size.
- (d) Each nonconformity shall be listed separately on a numbered line.
- (e) The motor vehicle and title identification information must be inserted in the spaces provided.

Amended by Chapter 306, 2007 General Session

41-3-409 Certificate of title -- Brand -- Reporting requirements.

A manufacturer, its agent, or a dealer who accepts the return of a nonconforming vehicle, shall:

- (1) immediately upon receipt, cause the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" to be clearly and conspicuously stamped on the face of the original certificate of title, the Manufacturer's Statement of Origin, or other evidence of ownership; and

- (2) within 10 days of receipt of the certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership, submit a copy of the face of that stamped document to the Motor Vehicle Division of the Tax Commission.

Enacted by Chapter 163, 1993 General Session

41-3-409.5 Unbranded certificate of title -- Application requirements -- Recording requirements -- Recurrence of nonconformities.

- (1) To obtain an unbranded certificate of title to a nonconforming vehicle:
 - (a) the vehicle must have been originally titled in Utah;
 - (b) the vehicle must have been originally branded in Utah under Section 41-1a-522; and
 - (c) the manufacturer must submit to the Motor Vehicle Enforcement Division an original application, completed by the manufacturer, for an unbranded certificate of title that meets the requirements of Subsection (2) and a copy of the application to the owner of the motor vehicle and to the lienholder, if any, shown on the certificate of title.
- (2) The form of the application shall be approved by the Motor Vehicle Enforcement Division and shall include:
 - (a) the manufacturer's certification that:
 - (i) all nonconformities listed in the disclosure under Section 41-3-408 are completely cured;
 - (ii) the manufacturer warrants to all subsequent purchasers that the nonconformities are cured for the greater of:
 - (A) the remaining balance of the manufacturer's original express warranty period; or
 - (B) one year from the date of the first subsequent retail sale or lease; and
 - (iii) the vehicle identification number has not been removed, falsified, altered, defaced, or destroyed;
 - (b) a description of the motor vehicle, including its vehicle identification number, make, model, and year of manufacture;
 - (c) the owner of the motor vehicle and name of the lienholder, if any, shown on the branded certificate of title; and
 - (d) a description of the repairs made to cure the nonconformities of the motor vehicle, including how they were made.
- (3) If an application for an unbranded certificate of title meets all the requirements of this section, the Motor Vehicle Enforcement Division shall submit the completed application to the Motor Vehicle Division for issuance of an unbranded title in accordance with Section 41-1a-522.
- (4) If a motor vehicle certificate of title is unbranded pursuant to this section and a subsequent purchaser or lessee of the vehicle prevails against a manufacturer in any action involving a nonconformity that was certified as cured pursuant to this section, that purchaser or lessee is entitled to court costs and reasonable attorney's fees.

Enacted by Chapter 175, 1994 General Session

41-3-410 State civil enforcement.

- (1) If a person violates Sections 41-3-406 through 41-3-409, the attorney general may bring an action to:
 - (a) temporarily or permanently restrain or enjoin the violation;
 - (b) recover any amounts for the benefit of injured consumers for which the violator is liable under Section 41-3-411;
 - (c) recover a civil penalty of up to \$10,000 for each violation that is committed; and

- (d) obtain any other equitable relief the court determines to be proper, in addition to damages and civil penalties.
- (2) An action under Subsection (1) must be brought within two years from the date on which the violation is discovered and disclosed to the attorney general.

Enacted by Chapter 163, 1993 General Session

41-3-411 Private remedy.

- (1) Any seller who violates Sections 41-3-406 through 41-3-409 is liable to the purchaser for:
 - (a) actual damages if the purchaser elects to retain the buyback vehicle, or the value of the consideration paid for the buyback vehicle if the purchaser elects rescission;
 - (b) the costs of the action and reasonable attorney fees;
 - (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
 - (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.
- (2) Actual damages include the difference between the actual market value of the buyback vehicle or nonconforming vehicle at the time of purchase and the contract price, towing, repair, and storage expenses, rental of substitute transportation, food and lodging expenses, lost wages, finance charges, sales or use tax, other governmental fees, lease charges, and other incidental and consequential damages.
- (3) Lack of privity is not a bar to any action under this section.
- (4)
 - (a) A permanent injunction, final judgment, or final order of the court obtained by the attorney general under Section 41-3-410 is prima facie evidence, in an action brought under this section, that the defendant has violated Sections 41-3-406 through 41-3-409.
 - (b) This section does not apply to consent orders or stipulated judgments in which there is no admission of liability by the defendant.
- (5) Any action to enforce liability under this section must be brought within two years from the date of discovery by the consumer of the facts underlying the cause of action.

Enacted by Chapter 163, 1993 General Session

41-3-412 Unfair trade practices.

A violation of Sections 41-3-406 through 41-3-409 is an unfair or deceptive practice under Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Enacted by Chapter 163, 1993 General Session

41-3-413 Criminal penalties -- Nonexclusive.

- (1) Knowing or intentional concealment, removal, destruction, or alteration of a disclosure statement or of a certificate of title branded under Section 41-1a-522 is a second degree felony.
- (2) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-10-1801.
- (3) The remedies provided in Sections 41-3-410 through this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 163, 1993 General Session

41-3-414 Application.

Sections 41-3-406 through 41-3-414 apply to automobiles repurchased on or after July 1, 1993.

Enacted by Chapter 163, 1993 General Session

**Part 5
Special Dealer License Plates**

41-3-501 Special plates -- Dealers -- Dismantlers -- Manufacturers -- Remanufacturers -- Transporters -- Restrictions on use.

- (1) Except as provided under this chapter, a dealer may operate or move a motor vehicle displaying a dealer plate issued by the division upon the highways without registering it under Title 41, Chapter 1a, Motor Vehicle Act, if the dealer owns or possesses the motor vehicle by consignment for resale.
- (2) A dismantler may operate or move a motor vehicle displaying a dismantler plate issued by the division without registering it as required under Title 41, Chapter 1a, Motor Vehicle Act, upon the highways solely to transport the motor vehicle:
 - (a) from the place of purchase or legal acquisition to the place of business for dismantling; or
 - (b) to the place of business of a licensed crusher for disposal.
- (3) A manufacturer or remanufacturer may operate or move a manufactured or remanufactured motor vehicle displaying a manufacturer plate issued by the division upon the highways without registering it as required under Title 41, Chapter 1a, Motor Vehicle Act, solely to:
 - (a) deliver the motor vehicle to a dealer;
 - (b) demonstrate a motor vehicle to a dealer or prospective dealer; or
 - (c) conduct manufacturer tests of a motor vehicle.
- (4)
 - (a) A transporter may operate or move a motor vehicle displaying a transporter plate issued by the division upon the highways without registering it as required under Title 41, Chapter 1a, Motor Vehicle Act, solely:
 - (i) from the point of repossession to a financial institution or to the place of storage, so that a financial institution may provide for operation of a repossessed motor vehicle by a prospective purchaser;
 - (ii) to and from a detail or repair shop for the purpose of detailing or repairing the motor vehicle; or
 - (iii) to a delivery point in, out, or through the state.
 - (b) This subsection does not include loaded motor vehicles subject to the gross laden weight provision of Title 41, Chapter 1a, Motor Vehicle Act.
- (5) Dealer plates may not be used:
 - (a)
 - (i) on a motor vehicle leased or rented for compensation; or
 - (ii) in lieu of registration, on a motor vehicle sold by the dealer; or
 - (b) on a loaded motor vehicle over 12,000 pounds gross laden weight unless a special loaded demonstration permit is obtained from the division.

Amended by Chapter 243, 2018 General Session

41-3-502 Special plates -- Permit to use dealer plate to demonstrate loaded motor vehicle.

- (1) Under rules established by the administrator, the division may issue a permit to a dealer to use a dealer plate to demonstrate a loaded motor vehicle to a bona fide prospective purchaser.
- (2) To obtain a permit, the dealer or his authorized representative shall apply on a form prescribed by the division.
- (3) If approved and issued, the permit shall be carried in the motor vehicle for which it is issued during the demonstration trip and shall be returned to the division properly completed and signed within 10 days after its expiration date.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-503 Special plates -- Issuance.

- (1) Subject to the provisions of Subsections (3), (4), and (5), the division may issue special plates under Section 41-3-501 as necessary to conduct the business of the dealer, dismantler, manufacturer, remanufacturer, or transporter applying for the plates.
- (2) Each plate issued shall contain a number or symbol distinguishing it from every other plate.
- (3) Except as provided under Subsection (4), the division may issue two special dealer plates to each dealer licensed under this chapter plus one additional special dealer plate for every 25 motor vehicles sold by the dealer each year.
- (4) A dealer licensed under this chapter who does not sell at least three new or used motor vehicles in any 12-month period may not be issued or have renewed any special dealer plates.
- (5) The division shall determine, at least annually, the number of special dealer plates to be issued or renewed to each dealer prior to issuing or renewing any special dealer plates. In determining the number of special plates to be issued to a dealer, the division shall use the past motor vehicle sales history of the dealer. If no sales history is available, the division may use generally accepted motor vehicle sales projections based on:
 - (a) written forecasts submitted by the dealer to motor vehicle manufacturers, financial institutions, or bonding and insurance companies;
 - (b) the dealer's inventory of motor vehicles available for sale; or
 - (c) written verification of credit extended to the dealer by financial institutions for financing the dealer's inventory of motor vehicles available for sale.
- (6)
 - (a) The division may recall, redesign, and reissue special plates under this part, as needed to administer the provisions of this title.
 - (b) All special plates shall be designed in conformity with Sections 41-1a-401, 41-1a-402, and 41-1a-403.

Amended by Chapter 46, 1996 General Session

41-3-504 Special plates -- Display.

Special plates issued to dealers, dismantlers, manufacturers, remanufacturers, and transporters for the purpose of operating or moving motor vehicles on the highway under the provisions of this chapter shall be:

- (1) prominently displayed on the rear of the motor vehicle where clearly visible;
- (2) free from foreign materials;
- (3) clearly legible; and
- (4) securely fastened in a horizontal position.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-505 Special plates -- Application -- Security requirements.

- (1) A dealer, dismantler, manufacturer, remanufacturer, or transporter may apply to the division upon the appropriate form for one or more special plates.
- (2) The applicant shall also submit proof of his status as a licensed dealer, dismantler, manufacturer, remanufacturer, or transporter as required by the division.
- (3) The applicant shall also establish to the satisfaction of the division that he complies with the security requirements of Sections 31A-22-302 and 31A-22-303.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-506 Special plates -- Expiration.

- (1) A special plate issued expires:
 - (a) on June 30 each year; or
 - (b) upon the cancellation, suspension, or revocation of the licensee's license.
- (2) Under Subsection (1)(b), the plates shall be returned to the licensee upon reinstatement of his license.
- (3) A new plate or plates, or renewal decal, for the ensuing year may be obtained by the licensee submitting a new application to the division and paying the dealer, dismantler, manufacturer, or transporter plate fee provided by law.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-507 Special plates -- Record to be kept by users -- Reporting lost or stolen plates.

- (1) Each dealer, dismantler, manufacturer, remanufacturer, and transporter shall keep a written record of each special plate issued to it.
- (2) The record shall contain the name and address of any person to whom the plate has been assigned to be used.
- (3) The record shall account at all times for every special plate issued to the licensee, and shall be open to inspection by any peace officer or any officer or employee of the division.
- (4) Lost or stolen special plates shall be reported immediately to the division.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-508 Special plates -- Suspension or revocation -- Grounds -- Procedure -- Appeal -- Confiscation.

- (1) The division may suspend or revoke the special plate or plates issued to a dealer, dismantler, manufacturer, remanufacturer, or transporter if it determines that the person:
 - (a) is not lawfully entitled to them;
 - (b) has made or knowingly permitted illegal use of the plates;
 - (c) has committed fraud in the registration of motor vehicles; or
 - (d) failed to give notices of sales or transfers required under this chapter.
- (2)
 - (a) Suspension or revocation of special plates takes effect immediately upon written notification to the licensee by the division.
 - (b) Upon notification, the licensee shall immediately return all special plates to the division.

- (c) Failure to return the plates or permitting their continued use is a violation of this chapter.
- (3)
- (a) If a licensee desires to appeal the division's suspension or revocation, he shall file a written notice of appeal with the administrator within 10 days of the suspension or revocation.
 - (b) Upon receipt of the notice, the administrator shall schedule a hearing for not more than 20 days from the date the written appeal is received.
 - (c) The licensee may not continue to use or possess any special plates that have been suspended or revoked.
 - (d) The hearing and subsequent appeal process are in accordance with the procedures in this chapter.
- (4)
- (a) A peace officer may confiscate any special plate that he has reason to believe is being used illegally.
 - (b) A special plate confiscated under this chapter or Title 41, Chapter 1a, Motor Vehicle Act, may not be returned to the licensee if the administrator determines that the plate was being used illegally.

Amended by Chapter 1, 1992 General Session

Renumbered and Amended by Chapter 234, 1992 General Session

Part 6

Fees

41-3-601 Fees.

- (1) The administrator shall collect fees determined by the commission under Section 63J-1-504 for each of the following:
- (a) new motor vehicle dealer's license;
 - (b) used motor vehicle dealer's license;
 - (c) new motorcycle, off-highway vehicle, and small trailer dealer;
 - (d) used motorcycle, off-highway vehicle, and small trailer dealer;
 - (e) motor vehicle salesperson's license;
 - (f) motor vehicle salesperson's transfer or reissue fee;
 - (g) motor vehicle manufacturer's license;
 - (h) motor vehicle transporter's license;
 - (i) motor vehicle dismantler's license;
 - (j) motor vehicle crusher's license;
 - (k) motor vehicle remanufacturer's license;
 - (l) body shop's license;
 - (m) distributor or factory branch and distributor branch's license;
 - (n) representative's license;
 - (o) dealer plates;
 - (p) dismantler plates;
 - (q) manufacturer plates;
 - (r) transporter plates;
 - (s) damaged plate replacement;
 - (t) in-transit permits;

- (u) loaded demonstration permits;
 - (v) additional place of business;
 - (w) special equipment dealer's license;
 - (x) temporary permits; and
 - (y) temporary sports event registration certificates.
- (2)
- (a) To pay for training certified vehicle inspectors and enforcement under Sections 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the administrator shall collect inspection fees determined by the commission under Section 63J-1-504.
 - (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to be used toward the costs of the division.
- (3)
- (a) At the time of application, the administrator shall collect a fee of \$200 for each salvage vehicle buyer license.
 - (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.
- (4) A fee imposed under Subsection (1)(x) or (y):
- (a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110; and
 - (b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

41-3-602 Disposition of fees and penalties.

Except as provided in Sections 41-3-601 and 41-3-604, all fees and penalties collected under this chapter shall be paid to the state treasurer who shall deposit them in the General Fund.

Amended by Chapter 185, 2007 General Session

Amended by Chapter 281, 2007 General Session

41-3-604 Fee to cover the cost of electronic payments.

- (1) As used in this section:
- (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.
 - (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.
- (2)
- (a) The division may collect a fee to cover the cost of electronic payments on the following transactions:
 - (i) each purchase or renewal of a license under Section 41-3-202;
 - (ii) each purchase of a book of temporary permits under Section 41-3-302;
 - (iii) each penalty issued for a delinquent temporary permit under Section 41-3-302;
 - (iv) each purchase of an in-transit permit under Section 41-3-305;
 - (v) each purchase of a loaded demonstration permit under Section 41-3-502;
 - (vi) each purchase of a license plate under Section 41-3-503; and
 - (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.
 - (b) The fee described in Subsection (2)(a):
 - (i) shall be imposed regardless of the method of payment for a particular transaction; and
 - (ii) need not be separately identified from the fees and penalty described in Subsections (2)(a)(i) through (vii).

- (3) The division shall establish the fee under Subsection (2)(a) according to the procedures and requirements of Section 63J-1-504.
- (4) A fee imposed under this section:
 - (a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and
 - (b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

Part 7 Penalties

41-3-701 Violations as misdemeanors.

- (1) Except as otherwise provided in this chapter, any person who violates this chapter is guilty of a class B misdemeanor.
- (2)
 - (a)
 - (i) Except as provided in Subsection (2)(a)(ii), a person who violates Section 41-3-201 is guilty of a class A misdemeanor.
 - (ii) A person who violates the requirement to title a vehicle with a salvage certificate within seven days of purchasing the vehicle at a motor vehicle auction under Subsection 41-3-201(3)(e) is guilty of a class C misdemeanor.
 - (b) Once a person has met the criteria for the offense of acting as a dealer without a license, each additional motor vehicle the person sells, displays for sale, offers for sale or exchange, or leases in that 12-month period without becoming licensed under Section 41-3-202 is a separate violation.
- (3) A person who violates Section 41-3-301 is guilty of a class A misdemeanor unless the selling dealer complies with the requirements of Section 41-3-403.
- (4) A person who violates Section 41-3-207.5 is guilty of a class A misdemeanor.

Amended by Chapter 390, 2012 General Session

41-3-702 Civil penalty for violation.

- (1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:
 - (a) Level I:
 - (i) failing to display business license;
 - (ii) failing to surrender license of salesperson because of termination, suspension, or revocation;
 - (iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;
 - (iv) issuing a temporary permit improperly;
 - (v) failing to maintain records;
 - (vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;
 - (vii) special plate violation;

- (viii) failing to maintain a sign at a principal place of business; or
 - (ix) failing to store a salvage vehicle purchased at a motor vehicle auction in a secure location until the purchaser or a transporter has provided the proper documentation to take possession of the salvage vehicle.
- (b) Level II:
- (i) failing to report sale;
 - (ii) dismantling without a permit;
 - (iii) manufacturing without meeting construction or vehicle identification number standards;
 - (iv) withholding customer license plates;
 - (v) selling a motor vehicle on consecutive days of Saturday and Sunday; or
 - (vi) failing to record and report the sale of a salvage vehicle at a motor vehicle auction as described in Section 41-3-201.
- (c) Level III:
- (i) operating without a principal place of business;
 - (ii) selling a new motor vehicle as a dealer who is not a direct-sale manufacturer without holding the franchise;
 - (iii) crushing a motor vehicle without proper evidence of ownership;
 - (iv) selling from an unlicensed location;
 - (v) altering a temporary permit;
 - (vi) refusal to furnish copies of records;
 - (vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;
 - (viii) advertising violation;
 - (ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;
 - (x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers; or
 - (xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705.
- (2)
- (a) The schedule of civil penalties for violations of Subsection (1) is:
- (i) Level I: \$25 for the first offense, \$100 for the second offense, and \$250 for the third and subsequent offenses;
 - (ii) Level II: \$100 for the first offense, \$250 for the second offense, and \$1,000 for the third and subsequent offenses; and
 - (iii) Level III: \$250 for the first offense, \$1,000 for the second offense, and \$5,000 for the third and subsequent offenses.
- (b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months before the commission of the current offense may be considered.
- (3) The following are civil violations in addition to criminal violations under Section 41-1a-1008:
- (a) knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt;
 - (b) knowingly making a false statement on a vehicle damage disclosure statement, as defined in Section 41-1a-1001; or
 - (c) fraudulently certifying that a damaged motor vehicle is entitled to an unbranded title, as defined in Section 41-1a-1001, when it is not.
- (4) The civil penalty for a violation under Subsection (3) is:
- (a) not less than \$1,000, or treble the actual damages caused by the person, whichever is greater; and
 - (b) reasonable attorney fees and costs of the action.

(5) A civil action may be maintained by a purchaser or by the administrator.

Amended by Chapter 387, 2018 General Session

41-3-703 Violations as felonies.

- (1) A person may not forge, falsify, or counterfeit any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction.
- (2) A person may not hold or use any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction knowing it to have been forged, falsified, or counterfeited.
- (3) A violation of Subsection (1) or (2) is a third degree felony.

Enacted by Chapter 165, 1998 General Session

41-3-704 Penalty waiver.

Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the civil penalties imposed by the division under this chapter.

Enacted by Chapter 53, 2012 General Session

**Part 8
Consignment Sales Act**

41-3-801 Short title.

This part shall be known as the "Consignment Sales Act."

Enacted by Chapter 167, 1993 General Session

41-3-802 Definitions.

As used in this part:

- (1)
 - (a) "Consignee" means a dealer who accepts vehicles for sale under an agreement that the dealer will pay the consignor for any sold vehicle and will return any unsold vehicles.
 - (b) "Consignee" does not include a wholesale motor vehicle auction.
- (2) "Consignor" means a person who places a vehicle with a consignee for consignment sale.

Amended by Chapter 7, 1995 General Session

41-3-803 Consignment sales.

- (1) A consignor may take possession of his consigned vehicle at any time the consigned vehicle is in the possession of a consignee, provided that the consignor:
 - (a) has notified the consignee in writing that he will take possession of the consigned vehicle; and
 - (b) has paid all outstanding charges owing to the consignee that have been agreed to by the consignor in accordance with Subsection (2).
- (2) The agreed upon charges under Subsection (1)(b) shall be:
 - (a) stated on a form designed by the department; and

- (b) included with the written consignment agreement.
- (3) A consignee who sells a consigned vehicle shall report to the consignor in writing the exact selling price of the consigned vehicle under either of the following circumstances:
 - (a) the consignor and consignee agree in writing that the consignor shall receive a percentage of the selling price upon the sale of the vehicle; or
 - (b) the consignor and consignee renegotiate in writing the selling price of the vehicle.
- (4) When a consignee sells a consigned vehicle:
 - (a) the consignee, within seven calendar days of the date of sale, must give written notice to the consignor that the consigned vehicle has been sold; and
 - (b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall remit the payment received to the consignor, unless the agreement to purchase the consigned vehicle has been rescinded before expiration of the 21 days.
- (5) If the agreement to purchase the consigned vehicle has for any reason been rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall within five calendar days thereafter give written notice to the consignor that the agreement to purchase has been rescinded.
- (6) Vehicles on consignment shall be driven with the consignee's dealer plates. All other license plates or registration indicia must be removed from the vehicle.
- (7) Prior to driving a consigned vehicle on the consignee's dealer plates, the consignee and the consignor shall execute a written consignment agreement that states:
 - (a) the party responsible for damage or misuse to a consigned vehicle; and
 - (b) the permitted uses a consignee may make of a consigned vehicle.
- (8) The consignee shall keep the written consignment agreement on file at his principal place of business.

Amended by Chapter 86, 2000 General Session

Chapter 4

Financing Dealers and Purchasers

41-4-1 Agreements to finance through designated source which lessen competition or create monopoly declared void.

It shall be unlawful for any person who is engaged, either directly or indirectly, in the manufacture or distribution of motor vehicles, to sell or enter into a contract to sell motor vehicles, whether patented or unpatented, to any person who is engaged or intends to engage in the business of selling such motor vehicles at retail in this state, on the condition or with an agreement or understanding, either express or implied, that such person so engaged in selling motor vehicles at retail shall in any manner finance the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or shall sell and assign the conditional sales contracts, chattel mortgages or leases arising from the sale of motor vehicles or any one or number thereof only to a designated person or class of persons, when the effect of the condition, agreement or understanding so entered into may be to lessen or eliminate competition, or create or tend to create a monopoly in the person or class of persons who are designated, by virtue of such condition, agreement or understanding to finance the purchase or sale of motor

vehicles or to purchase such conditional sales contracts, chattel mortgages or leases, and any such condition, agreement or understanding is hereby declared to be void and against the public policy of this state.

No Change Since 1953

41-4-2 Threat to discontinue sales to retail seller prima facie evidence of violation.

Any threat, expressed or implied, made directly or indirectly to any person engaged in the business of selling motor vehicles at retail in this state by any person engaged, either directly or indirectly, in the manufacture or distribution of motor vehicles, that such person will discontinue or cease to sell, or refuse to enter into a contract to sell, or will terminate a contract to sell motor vehicles, whether patented or unpatented, to such person who is so engaged in the business of selling motor vehicles at retail, unless such person finances the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages or leases arising from his retail sales of motor vehicles or any one or number thereof only to a designated person or class of persons shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 41-4-1.

No Change Since 1953

41-4-3 Threat to discontinue sales to person engaged in business of financing who is affiliated with manufacturer or distributor.

Any threat, expressed or implied, made directly or indirectly, to any person engaged in the business of selling motor vehicles at retail in this state by any person, or any agent of any such person, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this state and is affiliated with or controlled by any person engaged, directly or indirectly, in the manufacture or distribution of motor vehicles, that such person so engaged in such manufacture or distribution shall terminate his contract with or cease to sell motor vehicles to such person engaged in the sale of motor vehicles at retail in this state unless such person finances the purchase or sale of any one or number of motor vehicles only or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages, or leases arising from his retail sale of motor vehicles or any one or any number thereof only to such person so engaged in financing the purchase or sale of motor vehicles or in buying conditional sales contracts, chattel mortgages or leases on motor vehicles, shall be presumed to be made at the direction of and with the authority of such person so engaged in such manufacture or distribution of motor vehicles, and shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 41-4-1.

No Change Since 1953

41-4-4 Giving of gratuity by manufacturer or wholesaler to one financing sales which lessens competition, unlawful.

It shall be unlawful for any person who is engaged, directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, to pay or give, or

contract to pay or give any thing or service of value to any person who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state if the effect of any such payment or the giving of any such thing or service of value may be to lessen or eliminate competition, or tend to create or create a monopoly in the person or class of persons who receive or accept such thing or service of value.

No Change Since 1953

41-4-5 Unlawful for person financing sales to accept gratuity.

It shall be unlawful for any person who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state to accept or receive, or contract or agree to accept or receive, either directly or indirectly, any payment, thing, or service of value from any person who is engaged, either directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, if the effect of the acceptance or receipt of any such payment, thing, or service of value may be to lessen or eliminate competition, or to create or tend to create a monopoly in the person who accepts or receives such payment, thing, or service of value, or contracts or agrees to accept or receive the same.

No Change Since 1953

41-4-6 Accepting gratuity, unlawful thereafter to finance sales.

It shall be unlawful for any person who hereafter so accepts or receives, either directly or indirectly, any payment, thing, or service of value, as set forth in Section 41-4-5, or hereafter so contracts, either directly or indirectly, to receive any such payment or thing or service of value to thereafter finance or attempt to finance the purchase or sale of any motor vehicle or buy or attempt to buy any conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail in this state.

No Change Since 1953

41-4-7 Violation by corporation -- Penalty.

For a violation of any of the provisions of this act by any corporation or association mentioned herein, it shall be the duty of the attorney general or the district attorney of the proper county, to institute proper suits or quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the state.

No Change Since 1953

41-4-8 Violation by foreign corporation -- Penalty.

Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises, or functions of a corporation in this state, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business in this state, and it shall be the duty of the attorney general to enforce this provision by bringing proper proceedings by injunction or otherwise. The Division of Corporations and Commercial Code shall be authorized to revoke

the license of any such corporation or association heretofore authorized by it to do business in this state.

Amended by Chapter 66, 1984 General Session

41-4-9 Persons violating provisions -- Penalty.

Any person who violates any of the provisions of this act, any person who is a party to any agreement or understanding, or to any contract prescribing any condition prohibited by this act, and any employee, agent or officer of any such person who shall participate, in any manner, in making, executing, enforcing, performing or in urging, aiding or abetting in the performance of any such contract, condition, agreement or understanding and any person who pays or gives or contracts to pay or give any thing or service of value prohibited by this act, and any person who receives or accepts or contracts to receive or accept any thing or service of value prohibited by this act, shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$5,000, or be imprisoned not less than six months nor more than one year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

No Change Since 1953

41-4-10 Agreements in violation of provisions are void.

Any contract or agreement in violation of the provisions of this act, shall be absolutely void and shall not be enforceable either in law or equity.

No Change Since 1953

41-4-11 Provisions cumulative.

The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

No Change Since 1953

41-4-12 Actions for damages.

In addition to the criminal and civil penalties herein provided, any person who is injured in his business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover twofold the damages by him sustained, and the costs of suit. Whenever it shall appear to the court before which any proceeding under this act is pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

No Change Since 1953

41-4-13 Definitions.

(1) The term "person," as used in this act, means any individual, firm, corporation, partnership, association, trustee, receiver or assignee for the benefit of creditors.

- (2) The terms "sell," "sold," "buy," and "purchase," as used in this act, include exchange, barter, gift, and offer or contract to sell or buy.

No Change Since 1953

41-4-14 Separability clause.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

No Change Since 1953

**Chapter 6a
Traffic Code**

**Part 1
General Provisions**

41-6a-101 Title.

This chapter is known as the "Traffic Code."

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-102 Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "Authorized emergency vehicle" includes:
 - (a) fire department vehicles;
 - (b) police vehicles;
 - (c) ambulances; and
 - (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (4) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (5)
 - (a) "Bicycle" means a wheeled vehicle:
 - (i) propelled by human power by feet or hands acting upon pedals or cranks;
 - (ii) with a seat or saddle designed for the use of the operator;
 - (iii) designed to be operated on the ground; and
 - (iv) whose wheels are not less than 14 inches in diameter.
 - (b) "Bicycle" includes an electric assisted bicycle.
 - (c) "Bicycle" does not include scooters and similar devices.
- (6)

- (a) "Bus" means a motor vehicle:
 - (i) designed for carrying more than 15 passengers and used for the transportation of persons;
or
 - (ii) designed and used for the transportation of persons for compensation.
 - (b) "Bus" does not include a taxicab.
- (7)
- (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
 - (b) "Circular intersection" includes:
 - (i) roundabouts;
 - (ii) rotaries; and
 - (iii) traffic circles.
- (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).
- (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).
- (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).
- (11) "Commissioner" means the commissioner of the Department of Public Safety.
- (12) "Controlled-access highway" means a highway, street, or roadway:
 - (a) designed primarily for through traffic; and
 - (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.
- (13) "Crosswalk" means:
 - (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:
 - (i)
 - (A) the curbs; or
 - (B) in the absence of curbs, from the edges of the traversable roadway; and
 - (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
 - (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (14) "Department" means the Department of Public Safety.
- (15) "Direct supervision" means oversight at a distance within which:
 - (a) visual contact is maintained; and
 - (b) advice and assistance can be given and received.
- (16) "Divided highway" means a highway divided into two or more roadways by:
 - (a) an unpaved intervening space;
 - (b) a physical barrier; or
 - (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
 - (a) has a power output of not more than 750 watts;
 - (b) has fully operable pedals on permanently affixed cranks;
 - (c) is fully operable as a bicycle without the use of the electric motor; and
 - (d) is one of the following:

- (i) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling; and
 - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
 - (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) may be used exclusively to propel the bicycle; and
 - (B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
 - (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling;
 - (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
 - (C) is equipped with a speedometer.
- (18)
- (a) "Electric personal assistive mobility device" means a self-balancing device with:
 - (i) two nontandem wheels in contact with the ground;
 - (ii) a system capable of steering and stopping the unit under typical operating conditions;
 - (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - (v) a deck design for a person to stand while operating the device.
 - (b) "Electric personal assistive mobility device" does not include a wheelchair.
- (19) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.
- (22) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- (23) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.
- (24) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.
- (25) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.
- (26) "Highway authority" means the same as that term is defined in Section 72-1-102.
- (27)
- (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.
 - (b) Where a highway includes two roadways 30 feet or more apart:
 - (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

- (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.
- (c) "Intersection" does not include the junction of an alley with a street or highway.
- (28) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:
 - (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
 - (b) channelizing devices;
 - (c) curbs;
 - (d) pavement edges; or
 - (e) other devices.
- (29) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- (30) "Limited access highway" means a highway:
 - (a) that is designated specifically for through traffic; and
 - (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.
- (31) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.
- (32)
 - (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
 - (i) is designed to be operated at speeds of not more than 25 miles per hour; and
 - (ii) has a capacity of not more than four passengers, including the driver.
 - (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- (33) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.
- (34)
 - (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.
 - (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
 - (c) "Mini-motorcycle" does not include a motorcycle that is:
 - (i) designed for off-highway use; and
 - (ii) registered as an off-highway vehicle under Section 41-22-3.
- (35) "Mobile home" means:
 - (a) a trailer or semitrailer that is:
 - (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and
 - (ii) equipped for use as a conveyance on streets and highways; or
 - (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (35)(a), but that is instead used permanently or temporarily for:
 - (i) the advertising, sale, display, or promotion of merchandise or services; or
 - (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (36)
 - (a) "Moped" means a motor-driven cycle having:
 - (i) pedals to permit propulsion by human power; and

- (ii) a motor that:
 - (A) produces not more than two brake horsepower; and
 - (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.
 - (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
 - (c) "Moped" includes a motor assisted scooter.
 - (d) "Moped" does not include an electric assisted bicycle.
- (37)
- (a) "Motor assisted scooter" means a self-propelled device with:
 - (i) at least two wheels in contact with the ground;
 - (ii) a braking system capable of stopping the unit under typical operating conditions;
 - (iii) a gas or electric motor not exceeding 40 cubic centimeters;
 - (iv) either:
 - (A) a deck design for a person to stand while operating the device; or
 - (B) a deck and seat designed for a person to sit, straddle, or stand while operating the device;and
 - (v) a design for the ability to be propelled by human power alone.
 - (b) "Motor assisted scooter" does not include an electric assisted bicycle.
- (38)
- (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
 - (b) "Motor vehicle" does not include vehicles moved solely by human power, motorized wheelchairs, an electric personal assistive mobility device, an electric assisted bicycle, or a personal delivery device, as defined in Section 41-6a-1119.
- (39) "Motorcycle" means:
- (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
 - (b) an auticycle.
- (40)
- (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor assisted scooter, and every motorized bicycle having:
 - (i) an engine with less than 150 cubic centimeters displacement; or
 - (ii) a motor that produces not more than five horsepower.
 - (b) "Motor-driven cycle" does not include:
 - (i) an electric personal assistive mobility device; or
 - (ii) an electric assisted bicycle.
- (41) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
- (42) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- (43) "Operator" means a person who is in actual physical control of a vehicle.
- (44)
- (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
 - (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- (45) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

- (46) "Pedestrian" means a person traveling:
 - (a) on foot; or
 - (b) in a wheelchair.
- (47) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.
- (48) "Person" means every natural person, firm, copartnership, association, or corporation.
- (49) "Pole trailer" means every vehicle without motive power:
 - (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
 - (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.
- (50) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (51) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- (52) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (53) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- (54) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
- (55)
 - (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
 - (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.
 - (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- (56) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (57)
 - (a) "School bus" means a motor vehicle that:
 - (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
 - (ii) is used to transport school children to or from school or school activities.
 - (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.
- (58)
 - (a) "Semitrailer" means a vehicle with or without motive power:
 - (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
 - (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
 - (b) "Semitrailer" does not include a pole trailer.
- (59) "Shoulder area" means:

- (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
 - (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- (60) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (61) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- (62) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- (63) "Stop" when required means complete cessation from movement.
- (64) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
- (a) necessary to avoid conflict with other traffic; or
 - (b) in compliance with the directions of a peace officer or traffic-control device.
- (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- (67) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
- (68) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.
- (69) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (70)
- (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
 - (b) "Trailer" does not include a pole trailer.
- (71) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (72) "Truck tractor" means a motor vehicle:
- (a) designed and used primarily for drawing other vehicles; and
 - (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
- (73) "Two-way left turn lane" means a lane:
- (a) provided for vehicle operators making left turns in either direction;
 - (b) that is not used for passing, overtaking, or through travel; and
 - (c) that has been indicated by a lane traffic-control device that may include lane markings.
- (74) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.
- (75) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except devices used exclusively on stationary rails or tracks.

Amended by Chapter 166, 2018 General Session
Amended by Chapter 205, 2018 General Session

Part 2

Applicability and Obedience to Traffic Laws

41-6a-201 Chapter relates to vehicles on highways -- Exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

- (1) when a different place is specifically identified; or
- (2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and elsewhere throughout the state.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-202 Violations of chapter -- Penalties -- Acceptance of plea of guilty.

- (1) As used in this section, "serious bodily injury" is as defined in Section 41-6a-401.3.
- (2) A violation of any provision of this chapter is an infraction, unless otherwise provided.
- (3) A violation of any provision of Part 2, Applicability and Obedience to Traffic Laws, Part 11, Bicycles and Other Vehicles, Regulation of Operation, Part 17, Miscellaneous Rules, and Part 18, Motor Vehicle Safety Belt Usage Act, of this chapter is an infraction, unless otherwise provided.
- (4)
 - (a) If a person has received a citation for a moving traffic violation under this chapter that resulted in a collision and any person involved in the collision sustained serious bodily injury or death as a proximate result of the collision, a court may not accept a plea of guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to the plea:
 - (i) in open court;
 - (ii) in writing; or
 - (iii) by another means of communication which the court finds adequate to record the prosecutor's agreement.
 - (b) A peace officer that issues a citation for a moving traffic violation under this chapter shall record on the citation whether the moving traffic violation resulted in a collision in which any person involved in the collision sustained serious bodily injury or death as a proximate result of the traffic collision.

Amended by Chapter 412, 2015 General Session

41-6a-203 Attempt, conspiracy, or other violations of chapter.

- (1) A person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of an act that is a crime under this chapter, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of the offense.
- (2) A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter is guilty of the offense.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-204 Requiring or knowingly permitting driver to unlawfully operate vehicle.

A person employing or otherwise directing the operator of a vehicle may not require or knowingly permit the operation of the vehicle on a highway in a manner contrary to law.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-205 Government-owned vehicles subject to chapter.

Except as specifically exempted, the provisions of this chapter applicable to an operator of a vehicle on the highway apply to an operator of a vehicle owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-206 Conflict with Federal Motor Carrier Safety Regulations.

Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this chapter pertaining to commercial motor carriers.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-207 Uniform application of chapter -- Effect of local ordinances.

- (1) The provisions of this chapter are applicable throughout this state and in all of its political subdivisions and municipalities.
- (2) A local highway authority may not enact or enforce any rule or ordinance in conflict with the provisions of this chapter.
- (3) A local highway authority may adopt:
 - (a) ordinances consistent with this chapter; and
 - (b) additional traffic ordinances not in conflict with this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-208 Regulatory powers of local highway authorities -- Traffic-control device affecting state highway -- Necessity of erecting traffic-control devices.

- (1) As used in this section:
 - (a)
 - (i) "Ground transportation vehicle" means a motor vehicle used for the transportation of persons, used in ride or shared ride, on demand, or for hire transportation of passengers or baggage over public highways.
 - (ii) "Ground transportation vehicle" includes a:
 - (A) shared ride vehicle;
 - (B) bus;
 - (C) courtesy vehicle;
 - (D) hotel vehicle;
 - (E) limousine;
 - (F) minibus;
 - (G) special transportation vehicle;
 - (H) specialty vehicle;

- (I) taxicab;
 - (J) van; or
 - (K) trailer being towed by a ground transportation vehicle.
- (b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.
- (2) The provisions of this chapter do not prevent a local highway authority for a highway under its jurisdiction and within the reasonable exercise of police power, from:
- (a) regulating or prohibiting stopping, standing, or parking;
 - (b) regulating traffic by means of a peace officer or a traffic-control device;
 - (c) regulating or prohibiting processions or assemblages on a highway;
 - (d) designating particular highways or roadways for use by traffic moving in one direction under Section 41-6a-709;
 - (e) establishing speed limits for vehicles in public parks, which supersede Section 41-6a-603 regarding speed limits;
 - (f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;
 - (g) restricting the use of a highway under Section 72-7-408;
 - (h) requiring the registration and inspection of bicycles, including requiring a registration fee;
 - (i) regulating or prohibiting:
 - (i) certain turn movements of a vehicle; or
 - (ii) specified types of vehicles;
 - (j) altering or establishing speed limits under Section 41-6a-603;
 - (k) requiring written accident reports under Section 41-6a-403;
 - (l) designating no-passing zones under Section 41-6a-708;
 - (m) prohibiting or regulating the use of controlled-access highways by any class or kind of traffic under Section 41-6a-715;
 - (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
 - (o) establishing minimum speed limits under Subsection 41-6a-605(3);
 - (p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6a-1001;
 - (q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
 - (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
 - (s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;
 - (t) prohibiting drivers of ambulances from exceeding maximum speed limits;
 - (u) adopting other traffic ordinances as specifically authorized by this chapter; or
 - (v) adopting an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority.
- (3) A local highway authority may not:
- (a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or maintain any official traffic-control device at any location which regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway;
 - (b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle;
 - (c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:

- (i) is primarily educational;
 - (ii) provides that a person must be issued at least three warning citations before imposing a fine;
 - (iii) has the same fine structure as a parking violation;
 - (iv) provides for the safety of law enforcement personnel who enforce the ordinance; and
 - (v) provides that the ordinance may be enforced on:
 - (A) public property; or
 - (B) private property that is open to the general public unless the private property owner:
 - (I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or
 - (II) adopts an idle reduction education policy approved by the local highway authority;
 - (d) enact an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:
 - (i) if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and
 - (ii)
 - (A) based on the manufacture date of the vehicle; or
 - (B) based on the number of miles the vehicle has accumulated;
 - (e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation under Section 41-1a-201 or a registration decal issued under Section 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles;
 - (f) enact an ordinance that:
 - (i) is inconsistent with the provisions of this chapter; or
 - (ii) prohibits the use of a bicycle on any public street or highway, except as allowed by Section 41-6a-714, unless the local highway authority has:
 - (A) documented that the local highway authority has reviewed the safety history of the highway and considered other reasonable alternatives, including signage and routes; and
 - (B) clearly marked a safe alternative route for the prohibited section of highway; or
 - (g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground transportation vehicle to maintain liability insurance coverage in an amount that is greater than the minimum amount of liability coverage a transportation network company or transportation network driver is required to maintain under Subsection 13-51-108(1)(b).
- (4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.
- (5) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.

Amended by Chapter 461, 2015 General Session

41-6a-209 Obedience to peace officer or other traffic controllers -- Speeding in construction zones.

- (1) A person may not willfully fail or willfully refuse to comply with any lawful order or direction of a:
 - (a) peace officer;
 - (b) firefighter;

- (c) flagger at a highway construction or maintenance site using devices and procedures conforming to the standards adopted under Section 41-6a-301; or
 - (d) uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.
- (2)
- (a) If a person commits a speeding violation in a highway construction or maintenance site where workers are present, the court shall impose a fine for the offense that is at least double the fine in the uniform recommended fine schedule established under Section 76-3-301.5.
 - (b) The highway construction or maintenance site under Subsection (2)(a) shall be clearly marked and have signs posted that warn of the doubled fine.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-210 Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.

- (1)
- (a) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not:
 - (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or
 - (ii) attempt to flee or elude a law enforcement officer by vehicle or other means.
 - (b)
 - (i) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.
 - (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.
- (2)
- (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.
 - (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.
- (3)
- (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.
 - (b)
 - (i) The court shall forward the report of the conviction to the division.
 - (ii) If the person is the holder of a driver license from another jurisdiction, the division shall notify the appropriate officials in the licensing state.

Amended by Chapter 133, 2018 General Session

41-6a-212 Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.

- (1) As used in this section, "marked authorized emergency vehicle" means an authorized emergency vehicle that:
- (a) has emergency lights that comply with Section 41-6a-1601 affixed to the top of the vehicle; or

- (b) is displaying an identification mark designating the vehicle as the property of an entity that is authorized to operate emergency vehicles in a conspicuous place on both sides of the vehicle.
- (2) Subject to Subsections (3) through (6), the operator of an authorized emergency vehicle may exercise the privileges granted under this section when:
 - (a) responding to an emergency call;
 - (b) in the pursuit of an actual or suspected violator of the law; or
 - (c) responding to but not upon returning from a fire alarm.
- (3) The operator of an authorized emergency vehicle may:
 - (a) park or stand, irrespective of the provisions of this chapter;
 - (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (c) exceed the maximum speed limits, unless prohibited by a local highway authority under Section 41-6a-208; or
 - (d) disregard regulations governing direction of movement or turning in specified directions.
- (4)
 - (a) Except as provided in Subsection (4)(b), privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:
 - (i) the operator of the vehicle sounds an audible signal under Section 41-6a-1625; or
 - (ii) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle.
 - (b) An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.
- (5)
 - (a) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:
 - (i) the operator of the vehicle:
 - (A) sounds an audible signal under Section 41-6a-1625; and
 - (B) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle;
 - (ii) the operator of the authorized emergency vehicle has been trained in accordance with the written policy described in Subsection (5)(b); and
 - (iii) the pursuit policy of the public agency described in Subsection (5)(b) is in conformance with standards established under Subsection (6).
 - (b)
 - (i) Each public agency that owns, operates, or causes to be operated an authorized emergency vehicle shall have a written policy that describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit.
 - (ii) The policy described in Subsection (5)(b)(i) shall conform with the minimum standards set forth pursuant to Subsection (6).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety shall make rules providing minimum standards for all emergency pursuit policies that are adopted by public agencies authorized to operate emergency pursuit vehicles.
- (7)

- (a) Except as provided in Subsection (7)(b), the privileges granted under this section do not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator under the circumstances.
 - (b) The operator of a marked authorized emergency vehicle owes no duty of care under this Subsection (7) to a person who is:
 - (i)
 - (A) a suspect in the commission of a crime; and
 - (B) evading, fleeing, or otherwise attempting to elude the operator of a marked authorized emergency vehicle; or
 - (ii) in a motor vehicle with the suspect described in Subsection (7)(b)(i), unless it is proven by a preponderance of the evidence that:
 - (A) the person's presence in the vehicle was involuntary; and
 - (B) the person's participation in evading, fleeing, or attempting to elude was involuntary.
 - (c)
 - (i) Notwithstanding Subsection (7)(b), an operator of a marked authorized emergency vehicle may be held liable for a fleeing suspect's injuries if the operator of a marked authorized emergency vehicle had actual intent to cause harm to the fleeing suspect in an act that was unrelated to the legitimate object of the arrest.
 - (ii) "Actual intent" under this Subsection (7)(c) means a malicious motive to cause injury, not merely an intent to do the act resulting in the injury.
 - (d) If an operator of a marked authorized emergency vehicle complies with the requirements described in Subsections (5) and (6) while operating the marked authorized emergency vehicle, the operator shall be deemed to have met the operator's duty to act as a reasonably prudent emergency vehicle operator under the circumstances.
- (8)
- (a) For each instance involving an authorized emergency vehicle in pursuit that results in injury or property damage, the head of the law enforcement agency involved in the pursuit shall evaluate the situation to determine whether the operator of the authorized emergency vehicle complied with the agency's policies.
 - (b) After the evaluation described in Subsection (8)(a), the head of the law enforcement agency shall document and appropriately remedy through agency administrative action any violations of the agency's policies.
 - (c) Any document produced under Subsection (8)(b) shall be subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (9) Except for Sections 41-6a-210, 41-6a-502, and 41-6a-528, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work on the surface of a highway.

Amended by Chapter 151, 2018 General Session

41-6a-213 Persons riding or driving animals subject to chapter -- Exceptions.

- (1) Except as provided under Subsection (2), a person who is riding an animal or who is driving an animal-drawn vehicle on a roadway is subject to this chapter.
- (2) Driver license sanctions for alcohol or drug related traffic offenses do not apply to a person specified under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-214 Quasi-public roads and parking areas -- Local ordinances.

- (1) As used in this section, "quasi-public road or parking area" means a privately owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.
- (2)
 - (a) Any municipality or county may by ordinance provide that a quasi-public road or parking area within the municipality or county is subject to this chapter.
 - (b) An ordinance may not be enacted under this section without:
 - (i) a public hearing; and
 - (ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.
- (3) This section:
 - (a) supercedes conflicting provisions under Section 41-6a-215;
 - (b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area; or
 - (c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-215 Right of real property owner to regulate traffic.

Except as provided under Section 41-6a-214, this chapter does not prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from:

- (1) prohibiting the use;
- (2) requiring other conditions not specified in this chapter; or
- (3) otherwise regulating the use as preferred by the owner.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-216 Removal of plants or other obstructions impairing view -- Notice to owner -- Penalty.

- (1) The owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an operator of a vehicle on a highway.
- (2) When a highway authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.
- (3) The failure of the owner to remove the traffic hazard within 10 days is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-217 Volunteers may be authorized to enforce certain parking provisions.

- (1) Any law enforcement agency authorized to enforce parking laws in this state may appoint volunteers to issue citations for violations of:
 - (a) the provisions of Subsections 41-1a-414(3) and (4) related to parking for a person with a disability;
 - (b) any municipal or county accessible parking privileges ordinance for a person with a disability;or

- (c) the provisions of Subsection 41-6a-1307(4) related to parking in a school bus parking zone.
- (2) A volunteer appointed under this section must be at least 21 years of age.
- (3) The law enforcement agency appointing a volunteer may establish any other qualification for the volunteer that the agency finds desirable.
- (4) A volunteer may not issue citations until the volunteer has received training from the appointing law enforcement agency.
- (5) A citation issued by a volunteer under this section has the same force and effect as a citation issued by a peace officer for the same offense.

Renumbered and Amended by Chapter 2, 2005 General Session

Part 3 Traffic-Control Devices

41-6a-301 Standards and specifications for uniform system of traffic-control devices and school crossing guards.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules consistent with this chapter adopting standards and establishing specifications for a uniform system of traffic-control devices used on a highway.
- (2) The standards and specifications adopted under Subsection (1) shall:
 - (a) include provisions for school crossing zones and use of school crossing guards; and
 - (b) correlate with, and where possible conform to, the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

Amended by Chapter 382, 2008 General Session

41-6a-302 Placing and maintenance on state highways -- Restrictions on local authorities.

In accordance with Section 72-3-109, a highway authority shall place and maintain traffic-control devices:

- (1) in conformance with the standards and specifications adopted under Section 41-6a-301 on all highways under the highway authority's jurisdiction; and
- (2) as the highway authority finds necessary to:
 - (a) carry out the provisions of:
 - (i) this chapter; or
 - (ii) a local traffic ordinance if the highway authority is a local highway authority; or
 - (b) regulate, warn, or guide traffic.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-303 Definition of reduced speed school zone -- Operation of warning lights -- School crossing guard requirements -- Responsibility provisions -- Rulemaking authority.

- (1) As used in this section "reduced speed school zone" means a designated length of a highway extending from a school zone speed limit sign with warning lights operating to an end school zone sign.

- (2) The Department of Transportation for state highways and local highway authorities for highways under their jurisdiction:
 - (a) shall establish reduced speed school zones at elementary schools after written assurance by a local highway authority that the local highway authority complies with Subsections (3) and (4); and
 - (b) may establish reduced speed school zones for secondary schools at the request of the local highway authority.
- (3) For all reduced speed school zones on highways, including state highways within the jurisdictional boundaries of a local highway authority, the local highway authority shall:
 - (a)
 - (i) provide shuttle service across highways for school children; or
 - (ii) provide, train, and supervise school crossing guards in accordance with this section;
 - (b) provide for the:
 - (i) operation of reduced speed school zones, including providing power to warning lights and turning on and off the warning lights as required under Subsections (4) and (5); and
 - (ii) maintenance of reduced speed school zones except on state highways as provided in Section 41-6a-302; and
 - (c) notify the Department of Transportation of reduced speed school zones on state highways that are in need of maintenance.
- (4) While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:
 - (a) the warning lights operating on each school zone speed limit sign; and
 - (b) a school crossing guard present if the reduced speed school zone is for an elementary school.
- (5) The warning lights on a school zone speed limit sign may not be operating except as provided under Subsection (4).
- (6)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules establishing criteria and specifications for the:
 - (i) establishment, location, and operation of school crosswalks, school zones, and reduced speed school zones;
 - (ii) training, use, and supervision of school crossing guards at elementary schools and secondary schools; and
 - (iii) content and implementation of child access routing plans under Section 53G-4-402.
 - (b) If a school crosswalk is established at a signalized intersection in accordance with the requirements of this section, a local highway authority may reduce the speed limit at the signalized intersection to 20 miles per hour for a highway under its jurisdiction.
- (7) Each local highway authority shall pay for providing, training, and supervising school crossing guards in accordance with this section.
- (8) Each local highway authority shall ensure that any training described in this section complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Amended by Chapter 415, 2018 General Session

**41-6a-304 Obeying devices -- Effect of improper position, illegibility, or absence --
Presumption of lawful placement and compliance with chapter.**

(1)

- (a) Except as otherwise directed by a peace officer or other authorized personnel under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control device placed or held in accordance with this chapter.
 - (b) A violation of Subsection (1)(a) is an infraction.
- (2)
- (a) Any provision of this chapter, for which a traffic-control device is required, may not be enforced if at the time and place of the alleged violation the traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
 - (b) The provisions of this chapter are effective independently of the placement of a traffic-control device unless the provision requires the placement of a traffic-control device prior to its enforcement.
- (3) A traffic-control device placed or held in a position approximately conforming to the requirements of this chapter is presumed to have been placed or held by the official act or direction of a highway authority or other lawful authority, unless the contrary is established by competent evidence.
- (4) A traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements of the device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

Amended by Chapter 412, 2015 General Session

41-6a-305 Traffic-control signal -- At intersections -- At place other than intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative defense.

- (1)
- (a) Green, red, and yellow are the only colors that may be used in a traffic-control signal, except for a:
 - (i) pedestrian traffic-control signal that may use white and orange; and
 - (ii) rail vehicle that may use white.
 - (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as provided in this section.
- (2)
- (a)
- (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a circular green signal may:
 - (A) proceed straight through the intersection;
 - (B) turn right; or
 - (C) turn left.
 - (ii) The operator of a vehicle facing a circular green signal, including an operator turning right or left:
 - (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
 - (B) may not turn right or left if a sign at the intersection prohibits the turn.
- (b) The operator of a vehicle facing a green arrow signal shown alone or in combination with another indication:
- (i) may cautiously enter the intersection only to make the movement indicated by the arrow or other indication shown at the same time; and

- (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (c) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.
- (3)
- (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal is warned that the allowable movement related to a green signal is being terminated.
 - (b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.
- (4)
- (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a steady circular red or red arrow signal:
 - (i) may not enter the intersection unless entering the intersection to make a movement is permitted by another indication; and
 - (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until an indication to proceed is shown.
 - (b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.
 - (c)
 - (i)
 - (A) The operator of a vehicle facing a steady circular red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street, after stopping as required by Subsection (4)(a).
 - (B) If permitted by a traffic control device on the state highway system, the operator of a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from a one-way street into a one-way street after stopping as required by Subsection (4)(a).
 - (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:
 - (A) another vehicle moving through the intersection in accordance with an official traffic-control signal; and
 - (B) a pedestrian lawfully within an adjacent crosswalk.
- (5)
- (a) This section applies to a highway or rail line where a traffic-control signal is erected and maintained.
 - (b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.
- (6) The operator of a vehicle approaching an intersection that has an inoperative traffic-control signal shall:
- (a) stop before entering the intersection; and
 - (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.
- (7)

- (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:
 - (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or stop line;
 - (ii) determines that:
 - (A) the traffic-control signal has not detected the operator's presence by waiting a reasonable period of time of not less than 90 seconds at the intersection or stop line before entering the intersection;
 - (B) no other vehicle that is entitled to have the right-of-way under applicable law is sitting at, traveling through, or approaching the intersection; and
 - (C) no pedestrians are attempting to cross at or near the intersection in the direction of travel of the operator; and
 - (iii) cautiously enters the intersection and proceeds across the roadway.
 - (b) The affirmative defense under this section does not apply at an active railroad grade crossing as defined in Section 41-6a-1005.
- (8) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-306 Pedestrian traffic-control signals -- Rights and duties.

- (1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian traffic-control signal has the right-of-way and may proceed across the roadway in the direction of the signal.
- (2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island.
- (3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not enter the roadway in the direction of the signal.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-307 Flashing red or yellow signals -- Rights and duties of operators -- Railroad grade crossings excluded.

- (1) Except as provided under Section 41-6a-1203 regarding railroad grade crossings, the:
 - (a) operator of a vehicle facing an illuminated flashing red stop signal used in a traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering;
 - (b) right to proceed is subject to the rules applicable after making a stop at a stop sign; and
 - (c) operator of a vehicle facing an illuminated flashing yellow caution signal may cautiously proceed through the intersection or cautiously proceed past the signal.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-308 Lane use control signals -- Colors.

- (1) The operator of a vehicle facing a traffic-control signal placed to control individual lane use shall obey the signal as follows:
 - (a) Green signal -- vehicular traffic may travel in any lane over which a green signal is shown.
 - (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is being made.
 - (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over which a red signal is shown.
 - (d) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of approaching and making a left turn.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-309 Prohibition of unauthorized signs, signals, lights, or markings -- Commercial advertising -- Public nuisance -- Removal.

- (1) Except as provided in Section 41-6a-310, a person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which:
 - (a) purports to be or which resembles a traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light;
 - (b) attempts to direct the movement of traffic;
 - (c) hides from view or interferes with the effectiveness of a traffic-control device or any railroad sign or signal; or
 - (d) blinds or dazzles an operator on any adjacent highway.
- (2) Except as provided under Section 72-7-504 regarding logo advertising, a person may not place or maintain any commercial advertising on any traffic-control device.
- (3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property adjacent to a highway providing directional information in a manner that may not be mistaken for a traffic-control device.
- (4) Every prohibited sign, signal, or light, or marking is a public nuisance and the highway authority having jurisdiction over the highway may remove it or cause it to be removed without notice.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-310 Private vehicle as emergency vehicle -- Rules.

- (1) The commissioner of the Department of Public Safety may make rules, consistent with this chapter, governing the use, in emergencies, of signal lights on privately owned vehicles.
- (2) The rules under Subsection (1) may authorize a privately owned vehicle to be designated for part-time emergency use.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-311 Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.

- (1) Except as provided in Subsection (3), a person may not alter, deface, damage, knock down, or remove any:
 - (a) traffic-control device;
 - (b) traffic-monitoring device; or
 - (c) railroad traffic-control device.

- (2) Except as provided in Subsection (3), a person may not:
 - (a) knowingly use a traffic signal preemption device to interfere with the authorized operation or the authorized cycle of a traffic-control signal; or
 - (b) operate a motor vehicle on a highway while in possession of a traffic signal preemption device.
- (3) The provisions of Subsections (1) and (2) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.
- (4) A violation of Subsection (1) or (2) is a class C misdemeanor.
- (5) It is an affirmative defense to a charge under Subsection (2)(b) that the traffic signal preemption device was inoperative and could not be readily used at the time of the citation or arrest.

Amended by Chapter 412, 2015 General Session

Part 4

Accident Responsibilities

41-6a-401 Accident involving property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.

- (1) As used in this section:
 - (a) "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.
 - (b) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)
 - (a) The operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:
 - (i) may move the vehicle as soon as possible off the roadway or freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and
 - (ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.
 - (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.
 - (c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.
- (3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:
 - (a) give to the persons involved:
 - (i) the operator's name, address, and the registration number of the vehicle being operated; and

- (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and
- (b) upon request and if available, exhibit the operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iii) the owner of property damaged in the accident, if present.
- (4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of \$1,500 or more.
- (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
 - (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
 - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (7)
 - (a) An operator of a vehicle that has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty of a class C misdemeanor.
 - (b) An operator of a vehicle that has knowledge that the operator was involved in an accident and fails to comply with the provisions of this section is guilty of a class B misdemeanor.

Amended by Chapter 272, 2018 General Session

41-6a-401.3 Accident involving injury -- Stop at accident -- Penalty.

- (1) As used in this section:
 - (a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
 - (b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- (2)
 - (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:
 - (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
 - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
 - (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3)

- (a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):
 - (i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and
 - (ii) shall be fined not less than \$750.
- (b) A person who violates the provisions of Subsection (2):
 - (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and
 - (ii) shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

41-6a-401.5 Accident involving death -- Stop at accident -- Penalty.

- (1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)
 - (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:
 - (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
 - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
 - (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

41-6a-401.7 Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.

- (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall:
 - (a) give to the persons involved:
 - (i) the operator's name, address, and the registration number of the vehicle being operated; and
 - (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;
 - (b) upon request and if available, exhibit the operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the person struck;
 - (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iv) the owner of property damaged in the accident, if present; and
 - (c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
 - (i) it is apparent that treatment is necessary; or

- (ii) transportation is requested by the injured person.
- (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
- (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
 - (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
 - (b) the occupant is capable of giving an immediate notice.
- (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
 - (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
 - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (6) A violation of Subsection (4) is a class C misdemeanor.

Amended by Chapter 1, 2015 Special Session 1
Amended by Chapter 412, 2015 General Session

41-6a-401.9 Authority to remove and dispose of vehicles and cargoes of vehicles involved in accidents.

- (1) As a result of a motor vehicle accident, a law enforcement agency with jurisdiction may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal property that:
 - (a) has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system;
 - (b) is blocking the roadway; or
 - (c) is otherwise endangering public safety.
- (2) The Department of Transportation, a law enforcement agency, or an authorized tow truck motor carrier shall not be held responsible for any damages or claims that result from exercising any authority or the failure to exercise any authority granted under this section provided they are acting in good faith.

Amended by Chapter 363, 2011 General Session

41-6a-402 Accident reports -- Duty of operator and investigative officer to file.

- (1) The department may require any operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of \$1,500 or more to file within 10 days after the request:
 - (a) a report of the accident to the department in a manner specified by the department; and
 - (b) a supplemental report when the original report is insufficient in the opinion of the department.
- (2) The department may require witnesses of accidents to file reports to the department.
- (3)

- (a) An accident report is not required under this section from any person who is physically incapable of making a report, during the period of incapacity.
 - (b) If the operator is physically incapable of making an accident report under this section and the operator is not the owner of the vehicle, the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.
- (4)
- (a) The department shall, upon request, supply to law enforcement agencies, justice court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.
 - (b) A request for an accident report form under Subsection (4)(a) shall be made in a manner specified by the division.
 - (c) The accident reports shall:
 - (i) provide sufficient detail to disclose the cause, conditions then existing, and the persons and vehicles involved in the accident; and
 - (ii) contain all of the information required that is available.
- (5)
- (a) A person shall file an accident report if required under this section.
 - (b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.
 - (c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.
- (6)
- (a) A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file an electronic copy of the report of the accident with the department within 10 days after completing the investigation.
 - (b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.
- (7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section 41-6a-404.
- (8)
- (a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.
 - (b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.
- (9) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-403 Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.

(1)

- (a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.
- (b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2.
- (2) The peace officer shall record on a form approved by the department:
 - (a) the information provided by the operator;
 - (b) whether the operator provided insufficient or no information;
 - (c) whether the officer finds reasonable cause to believe that any information given is not correct; and
 - (d) whether other information available to the peace officer indicates that owner's or operator's security is in effect.
- (3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt.
- (4)
 - (a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:
 - (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or
 - (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident.
 - (b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department.
 - (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.
 - (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).
- (5)
 - (a) The owner of a vehicle with unexpired license plates for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.
 - (b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.
- (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:
 - (a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;
 - (b) falsely represents to the department that security required under this chapter is in effect; or
 - (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

Amended by Chapter 382, 2008 General Session

41-6a-404 Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.

(1) As used in this section:

- (a) "Accompanying data" means all materials gathered by the investigating peace officer in an accident investigation including:
 - (i) the identity of witnesses and, if known, contact information;
 - (ii) witness statements;
 - (iii) photographs and videotapes;
 - (iv) diagrams; and
 - (v) field notes.
- (b) "Agent" means:
 - (i) a person's attorney;
 - (ii) a person's insurer;
 - (iii) a general acute hospital, as defined in Section 26-21-2, that:
 - (A) has an emergency room; and
 - (B) is providing or has provided emergency services to the person in relation to the accident;or
 - (iv) any other individual or entity with signed permission from the person to receive the person's accident report.

(2)

- (a) Except as provided in Subsections (3) and (7), all accident reports required in this part to be filed with the department:
 - (i) are without prejudice to the reporting individual;
 - (ii) are protected and for the confidential use of the department or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and
 - (iii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.
- (b) An investigating peace officer shall include in an accident report an indication as to whether the accident occurred on a highway designated as a livestock highway in accordance with Section 72-3-112 if the accident resulted in the injury or death of livestock.

(3)

- (a) Subject to the provisions of this section, the department or the responsible law enforcement agency employing the peace officer that investigated the accident shall disclose an accident report to:
 - (i) a person involved in the accident, excluding a witness to the accident;
 - (ii) a person suffering loss or injury in the accident;
 - (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);
 - (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;
 - (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
 - (vi) law enforcement personnel when acting in their official governmental capacity; and
 - (vii) a licensed private investigator.
- (b) The responsible law enforcement agency employing the peace officer that investigated the accident:
 - (i) shall in compliance with Subsection (3)(a):
 - (A) disclose an accident report; or

- (B) upon written request disclose an accident report and its accompanying data within 10 business days from receipt of a written request for disclosure; or
- (ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution.
- (c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle involved in an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.
- (d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv) may only include:
 - (i) the name, age, sex, and city of residence of each person involved in the accident;
 - (ii) the make and model year of each vehicle involved in the accident;
 - (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
 - (iv) the location of the accident; and
 - (v) a description of the accident that excludes personal identifying information not listed in Subsection (3)(d)(i).
- (e) The department shall disclose to any requesting person the following vehicle accident history information, excluding personal identifying information, in bulk electronic form:
 - (i) any vehicle identifying information that is electronically available, including the make, model year, and vehicle identification number of each vehicle involved in an accident;
 - (ii) the date of the accident; and
 - (iii) any electronically available data which describes the accident, including a description of any physical damage to the vehicle.
- (f) The department may establish a fee under Section 63J-1-504 based on the fair market value of the information for providing bulk vehicle accident history information under Subsection (3)(e).
- (4)
 - (a) Except as provided in Subsection (4)(b), accident reports filed under this section may not be used as evidence in any civil or criminal trial arising out of an accident.
 - (b)
 - (i) Upon demand of any party to the trial or upon demand of any court, the department shall furnish a certificate showing that a specified accident report has or has not been made to the department in compliance with law.
 - (ii) If the report has been made, the certificate furnished by the department shall show:
 - (A) the date, time, and location of the accident;
 - (B) the names and addresses of the drivers;
 - (C) the owners of the vehicles involved; and
 - (D) the investigating peace officers.
 - (iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (5).
- (5) A person who gives information in reports as required in this part knowing or having reason to believe that the information is false is guilty of a class A misdemeanor.
- (6) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).
- (7)

- (a) The Office of State Debt Collection may, in the performance of its regular duties, disclose an accident report to:
 - (i) a person involved in the accident, excluding a witness to the accident;
 - (ii) an owner of a vehicle involved in the accident; or
 - (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or (ii).
- (b) A disclosure under Subsection (7)(a) does not change the classification of the record as a protected record under Section 63G-2-305.

Amended by Chapter 162, 2018 General Session

41-6a-405 Garage keeper to report damaged vehicle without damage sticker.

- (1)
 - (a) The person in charge of any garage or repair shop shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:
 - (i) involved in an accident for which an accident report may be requested under Section 41-6a-402; or
 - (ii) struck by any bullet.
 - (b) The report required under Subsection (1)(a) shall include the:
 - (i) vehicle identification number;
 - (ii) registration number; and
 - (iii) name and address of the owner or operator of the vehicle.
- (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under Subsection (1) is not required.
- (3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-406 Statistical information regarding accidents -- Annual publication.

- (1) The department may analyze all accident reports.
- (2)
 - (a) The department shall tabulate and publish statistical information as to the number and circumstances of traffic accidents.
 - (b) The publication under Subsection (2)(a) shall be at least annually.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-407 Livestock on highway -- Restrictions -- Collision, action for damages.

- (1)
 - (a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.
 - (b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving to or from their accustomed ranges.
- (2)
 - (a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.

- (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.

Amended by Chapter 412, 2015 General Session

41-6a-408 Peace officer investigating accident to notify owner if livestock or broken fence involved -- Exempt from liability.

- (1) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to:
 - (a) locate the owner of the livestock;
 - (b) inform the owner of the injured or dead animal; and
 - (c)
 - (i) make arrangements with the owner of the livestock to deliver, mail, email, fax, or otherwise provide the owner of the livestock a copy of the accident report prepared in accordance with Section 41-6a-404; or
 - (ii) advise the owner of the livestock where a copy of the accident report prepared in accordance with Section 41-6a-404 may be obtained.
- (2) A peace officer investigating an accident resulting in a broken fence, if it appears the fence contains or controls the movement of livestock, shall make reasonable efforts as soon as possible to locate the owner of the property and inform the owner of the broken fence.
- (3)
 - (a) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property.
 - (b) Subsection (3)(a) does not preclude disciplinary action by the law enforcement agency against a peace officer for failure to perform duties required by this section.

Amended by Chapter 220, 2010 General Session

41-6a-409 Prohibition of flat response fee for motor vehicle accident.

- (1) As used in this section, "government entity" means the Department of Transportation, the Utah Highway Patrol Division, or a local government entity or agency.
- (2) A government entity:
 - (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and
 - (b) may only charge the individual for the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident, limited to:
 - (i) medical costs for transporting an individual from the scene of a motor vehicle accident or treating a person injured in a motor vehicle accident;
 - (ii) the cost for repair to damaged public property, if the individual is legally liable for the damage;
 - (iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and
 - (iv) towing costs.

- (3) If a government entity imposes a charge on more than one individual for the actual cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the government entity shall apportion the charges so that the government entity does not receive more for responding to the motor vehicle accident than the actual response cost or a reasonable estimate of the cost.
- (4) Nothing in this section prohibits a government entity from contracting with an independent contractor to recover costs related to damage to public property.
- (5) If a government entity enters into a contract with an independent contractor to recover costs related to damage to public property, the government entity may only pay the independent contractor out of any recovery received from the person who caused the damage or the responsible party.

Amended by Chapter 142, 2017 General Session

Part 5

Driving Under the Influence and Reckless Driving

41-6a-501 Definitions.

- (1) As used in this part:
 - (a) "Assessment" means an in-depth clinical interview with a licensed mental health therapist:
 - (i) used to determine if a person is in need of:
 - (A) substance abuse treatment that is obtained at a substance abuse program;
 - (B) an educational series; or
 - (C) a combination of Subsections (1)(a)(i)(A) and (B); and
 - (ii) that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
 - (b) "Driving under the influence court" means a court that is approved as a driving under the influence court by the Utah Judicial Council according to standards established by the Judicial Council.
 - (c) "Drug" or "drugs" means:
 - (i) a controlled substance as defined in Section 58-37-2;
 - (ii) a drug as defined in Section 58-17b-102; or
 - (iii) any substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.
 - (d) "Educational series" means an educational series obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
 - (e) "Negligence" means simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.
 - (f) "Novice learner driver" means an individual who:
 - (i) has applied for a Utah driver license;
 - (ii) has not previously held a driver license in this state or another state; and
 - (iii) has not completed the requirements for issuance of a Utah driver license.
 - (g) "Screening" means a preliminary appraisal of a person:
 - (i) used to determine if the person is in need of:
 - (A) an assessment; or

- (B) an educational series; and
- (ii) that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (h) "Serious bodily injury" means bodily injury that creates or causes:
 - (i) serious permanent disfigurement;
 - (ii) protracted loss or impairment of the function of any bodily member or organ; or
 - (iii) a substantial risk of death.
- (i) "Substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105.
- (j) "Substance abuse treatment program" means a state licensed substance abuse program.
- (k)
 - (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in Section 41-6a-102; and
 - (ii) "Vehicle" or "motor vehicle" includes:
 - (A) an off-highway vehicle as defined under Section 41-22-2; and
 - (B) a motorboat as defined in Section 73-18-2.
- (2) As used in Section 41-6a-503:
 - (a) "Conviction" means any conviction arising from a separate episode of driving for a violation of:
 - (i) driving under the influence under Section 41-6a-502;
 - (ii)
 - (A) for an offense committed before July 1, 2008, alcohol, any drug, or a combination of both-related reckless driving under:
 - (I) Section 41-6a-512; and
 - (II) Section 41-6a-528; or
 - (B) for an offense committed on or after July 1, 2008, impaired driving under Section 41-6a-502.5;
 - (iii) driving with any measurable controlled substance that is taken illegally in the body under Section 41-6a-517;
 - (iv) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving under Section 41-6a-502.5 adopted in compliance with Section 41-6a-510;
 - (v) automobile homicide under Section 76-5-207;
 - (vi) Subsection 58-37-8(2)(g);
 - (vii) a violation described in Subsections (2)(a)(i) through (vi), which judgment of conviction is reduced under Section 76-3-402; or
 - (viii) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815.
 - (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i) through (viii) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:
 - (i) enhancement of penalties under:
 - (A) this Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and
 - (B) automobile homicide under Section 76-5-207; and

(ii) expungement under Title 77, Chapter 40, Utah Expungement Act.

Amended by Chapter 52, 2018 General Session

41-6a-502 Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration -- Reporting of convictions.

- (1) A person may not operate or be in actual physical control of a vehicle within this state if the person:
 - (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
 - (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or
 - (c) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation or actual physical control.
- (2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.
- (3) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.
- (4) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Occupational and Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving under the influence, in whole or in part, of a prescribed controlled substance.

Amended by Chapter 283, 2017 General Session

41-6a-502.5 Impaired driving -- Penalty -- Reporting of convictions -- Sentencing requirements.

- (1) With the agreement of the prosecutor, a plea to a class B misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008, may be entered as a conviction of impaired driving under this section if:
 - (a) the defendant completes court ordered probation requirements; or
 - (b)
 - (i) the prosecutor agrees as part of a negotiated plea; and
 - (ii) the court finds the plea to be in the interest of justice.
- (2) A conviction entered under this section is a class B misdemeanor.
- (3)
 - (a)
 - (i) If the entry of an impaired driving plea is based on successful completion of probation under Subsection (1)(a), the court shall enter the conviction at the time of the plea.
 - (ii) If the defendant fails to appear before the court and establish successful completion of the court ordered probation requirements under Subsection (1)(a), the court shall enter an amended conviction of Section 41-6a-502.
 - (iii) The date of entry of the amended order under Subsection (3)(a)(ii) is the date of conviction.
 - (b) The court may enter a conviction of impaired driving immediately under Subsection (1)(b).

- (4) For purposes of Section 76-3-402, the entry of a plea to a class B misdemeanor violation of Section 41-6a-502 as impaired driving under this section is a reduction of one degree.
- (5)
 - (a) The court shall notify the Driver License Division of each conviction entered under this section.
 - (b) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Occupational and Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving while impaired, in whole or in part, by a prescribed controlled substance.
- (6)
 - (a) The provisions in Subsections 41-6a-505(1), (2), and (4) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series, or obtain substance abuse treatment or do a combination of those things, apply to a conviction entered under this section.
 - (b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under this section as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsection 41-6a-505(1), (2), or (4).
- (7)
 - (a) Except as provided in Subsection (7)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for impaired driving in this state if the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court.
 - (b) The provisions of Subsection (7)(a) do not apply to a report concerning:
 - (i) a CDL license holder; or
 - (ii) a violation that occurred in a commercial motor vehicle.
- (8) The provisions of this section are not available to a person who has a prior conviction as that term is defined in Subsection 41-6a-501(2).

Amended by Chapter 438, 2015 General Session

41-6a-503 Penalties for driving under the influence violations.

- (1) A person who violates for the first or second time Section 41-6a-502 is guilty of a:
 - (a) class B misdemeanor; or
 - (b) class A misdemeanor if the person:
 - (i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
 - (ii) had a passenger under 16 years of age in the vehicle at the time of the offense;
 - (iii) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense; or
 - (iv) at the time of the violation of Section 41-6a-502, also violated Section 41-6a-714.
- (2) A person who violates Section 41-6a-502 is guilty of a third degree felony if:
 - (a) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
 - (b) the person has two or more prior convictions as defined in Subsection 41-6a-501(2), each of which is within 10 years of:

- (i) the current conviction under Section 41-6a-502; or
- (ii) the commission of the offense upon which the current conviction is based; or
- (c) the conviction under Section 41-6a-502 is at any time after a conviction of:
 - (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
 - (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
 - (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.
- (3) A person is guilty of a separate offense for each victim suffering bodily injury or serious bodily injury as a result of the person's violation of Section 41-6a-502 or death as a result of the person's violation of Section 76-5-207 whether or not the injuries arise from the same episode of driving.

Amended by Chapter 138, 2018 General Session

41-6a-504 Defense not available for driving under the influence violation.

The fact that a person charged with violating Section 41-6a-502 is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating Section 41-6a-502.

Enacted by Chapter 2, 2005 General Session

41-6a-505 Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.

- (1) As part of any sentence for a first conviction of Section 41-6a-502:
 - (a) the court shall:
 - (i)
 - (A) impose a jail sentence of not less than 48 consecutive hours; or
 - (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
 - (ii) order the individual to participate in a screening;
 - (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (1)(a)(ii);
 - (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (1)(b);
 - (v) impose a fine of not less than \$700;
 - (vi) order probation for the individual in accordance with Section 41-6a-507, if there is admissible evidence that the individual had a blood alcohol level of .16 or higher;
 - (vii)
 - (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
 - (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; or
 - (viii)
 - (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
 - (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and

- (b) the court may:
 - (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
 - (ii) order probation for the individual in accordance with Section 41-6a-507;
 - (iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older; or
 - (iv) order a combination of Subsections (1)(b)(i) through (iii).
- (2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based:
 - (a) the court shall:
 - (i)
 - (A) impose a jail sentence of not less than 240 hours; or
 - (B) impose a jail sentence of not less than 120 hours in addition to home confinement of not fewer than 720 consecutive hours through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;
 - (ii) order the individual to participate in a screening;
 - (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (2)(a)(ii);
 - (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (2)(b);
 - (v) impose a fine of not less than \$800;
 - (vi) order probation for the individual in accordance with Section 41-6a-507;
 - (vii)
 - (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
 - (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; or
 - (viii)
 - (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
 - (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
 - (b) the court may:
 - (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
 - (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older; or
 - (iii) order a combination of Subsections (2)(b)(i) and (ii).
- (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison sentence and places the defendant on probation, the court shall impose:
 - (a) a fine of not less than \$1,500;
 - (b) a jail sentence of not less than 1,500 hours; and
 - (c) supervised probation.
- (4) For Subsection (3)(a) or Subsection 41-6a-503(2)(b), the court:
 - (a) shall impose an order requiring the individual to obtain a screening and assessment for alcohol and substance abuse, and treatment as appropriate; and

- (b) may impose an order requiring the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older.
- (5) The requirements of Subsections (1)(a), (2)(a), (3), and (4) may not be suspended.
- (6) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the individual had a blood alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:
 - (a) treatment as described under Subsection (1)(b), (2)(b), or (4); and
 - (b) one or more of the following:
 - (i) the installation of an ignition interlock system as a condition of probation for the individual in accordance with Section 41-6a-518;
 - (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the individual; or
 - (iii) the imposition of home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

Amended by Chapter 334, 2018 General Session

41-6a-506 Electronic monitoring requirements for certain driving under the influence violations.

- (1) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.
- (2) The electronic monitoring device shall be used under conditions which require:
 - (a) the person to wear an electronic monitoring device at all times;
 - (b) that a device be placed in the home or other specified location of the person, so that the person's compliance with the court's order may be monitored; and
 - (c) the person to pay the costs of the electronic monitoring.
- (3) The court shall order the appropriate entity described in Subsection (5) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.
- (4) The court may:
 - (a) require the person's electronic home monitoring device to include a substance abuse testing instrument;
 - (b) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;
 - (c) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and
 - (d) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.
- (5) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.
- (6) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (4)(d).

Enacted by Chapter 2, 2005 General Session

41-6a-507 Supervised probation for certain driving under the influence violations.

- (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
 - (a) the court shall specify the period of the probation;
 - (b) the person shall pay all of the costs of the probation; and
 - (c) the court may order any other conditions of the probation.
- (2) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.
- (3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.
- (4)
 - (a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.
 - (b) The probation provider described in Subsection (2) shall cover the costs of waivers by the court under Subsection (4)(a).

Enacted by Chapter 2, 2005 General Session

41-6a-508 Arrest without a warrant for a driving under the influence violation.

A peace officer may, without a warrant, arrest a person for a violation of Section 41-6a-502 when the peace officer has probable cause to believe the violation has occurred, although not in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

Enacted by Chapter 2, 2005 General Session

41-6a-509 Driver license suspension or revocation for a driving under the influence violation.

- (1) The Driver License Division shall, if the person is 21 years of age or older at the time of arrest:
 - (a) suspend for a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502 of an offense committed on or after July 1, 2009; or
 - (b) revoke for a period of two years the license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed:
 - (A) within a period of 10 years from the date of the prior violation; and
 - (B) on or after July 1, 2009.
- (2) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age at the time of arrest:
 - (a) suspend the person's driver license until the person is 21 years of age or for a period of one year, whichever is longer, if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2011;
 - (b) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of one year, whichever is longer, if the person:
 - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2011; and
 - (ii) has not been issued an operator license;

- (c) revoke the person's driver license until the person is 21 years of age or for a period of two years, whichever is longer, if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
- (d) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of two years, whichever is longer, if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
 - (iii) the person has not been issued an operator license.
- (3) The Driver License Division shall, if the person is under 19 years of age at the time of arrest:
 - (a) suspend the person's driver license until the person is 21 years of age if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2009;
 - (b) deny the person's application for a license or learner's permit until the person is 21 years of age if the person:
 - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2009; and
 - (ii) has not been issued an operator license;
 - (c) revoke the person's driver license until the person is 21 years of age if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
 - (d) deny the person's application for a license or learner's permit until the person is 21 years of age if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
 - (iii) the person has not been issued an operator license.
- (4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (10).
- (5) The Driver License Division shall:
 - (a) deny, suspend, or revoke the operator's license of a person convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or revocation periods in effect prior to July 1, 2009; or
 - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
 - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
 - (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (6) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (7) If a conviction recorded as impaired driving is amended to a driving under the influence conviction under Section 41-6a-502 in accordance with Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:

- (a) may not subtract from any suspension or revocation any time for which a license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and
 - (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended conviction.
- (8) A court that reported a conviction of a violation of Section 41-6a-502 for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- (a) completes at least six months of the license suspension;
 - (b) completes a screening;
 - (c) completes an assessment, if it is found appropriate by a screening under Subsection (8)(b);
 - (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (8)(c);
 - (e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (8)(c) or the court does not order substance abuse treatment;
 - (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
 - (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
 - (h)
 - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
 - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).
- (9) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (8), the court shall forward the order shortening the person's suspension period prior to the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.
- (10)
- (a)
 - (i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.
 - (ii) The additional suspension or revocation period provided in this Subsection (10) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502.
 - (b) If the court suspends or revokes the person's license under this Subsection (10), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.
- (11)
- (a) The court shall notify the Driver License Division if a person fails to:
 - (i) complete all court ordered:
 - (A) screening;

- (B) assessment;
 - (C) educational series;
 - (D) substance abuse treatment; and
 - (E) hours of work in a compensatory-service work program; or
- (ii) pay all fines and fees, including fees for restitution and treatment costs.
- (b) Upon receiving the notification described in Subsection (11)(a), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (12)
- (a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division may shorten the suspension period imposed under Subsection (1) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
- (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (12), the court shall forward to the Driver License Division the order shortening the person's suspension period.
- (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
- (d) Upon receiving the notification described in Subsection (12)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 446, 2017 General Session

41-6a-510 Local DUI and related ordinances and reckless driving and impaired driving ordinances -- Consistent with code.

- (1) An ordinance adopted by a local authority that governs the following matters shall be consistent with the provisions in this code which govern the following matters:
- (a) a person's operating or being in actual physical control of a motor vehicle while having alcohol in the blood or while under the influence of alcohol or any drug or the combined influence of alcohol and any drug; or
 - (b) in relation to any of the matters described in Subsection (1)(a), the use of:
 - (i) a chemical test or chemical tests;
 - (ii) evidentiary presumptions;
 - (iii) penalties; or
 - (iv) any combination of the matters described in Subsection (1).
- (2) An ordinance adopted by a local authority that governs reckless driving, impaired driving, or operating a vehicle in willful or wanton disregard for the safety of persons or property shall be consistent with the provisions of this code which govern those matters.

Amended by Chapter 226, 2008 General Session

41-6a-511 Courts to collect and maintain data.

- (1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this part.
- (2)
- (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.

- (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).
- (3) The department shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.
- (4)
 - (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:
 - (i) the data collected by the courts under Subsections (1) and (2); and
 - (ii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
 - (A) law enforcement;
 - (B) adjudication;
 - (C) sanctions;
 - (D) driver license control; and
 - (E) alcohol education, assessment, and treatment.
 - (b) The report shall be provided in writing to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

Amended by Chapter 51, 2011 General Session

41-6a-512 Factual basis for alcohol or drug-related reckless driving plea.

- (1)
 - (a) The prosecution shall state for the record a factual basis for a plea, including whether or not there had been consumption of alcohol, drugs, or a combination of both, by the defendant in connection with the violation when the prosecution agrees to a plea of guilty or no contest to a charge of a violation of the following in satisfaction of, or as a substitute for, an original charge of a violation of Section 41-6a-502 for an offense committed before July 1, 2008:
 - (i) reckless driving under Section 41-6a-528; or
 - (ii) an ordinance enacted under Section 41-6a-510.
 - (b) The statement under Subsection (1)(a) is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.
- (2) The court shall advise the defendant before accepting the plea offered under this section of the consequences of a violation of Section 41-6a-528.
- (3) The court shall notify the Driver License Division of each conviction of Section 41-6a-528 entered under this section.
- (4)
 - (a) The provisions in Subsections 41-6a-505(1), (2), and (4) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series or obtain substance abuse treatment or do a combination of those things, apply to a conviction for a violation of Section 41-6a-528 under Subsection (1).
 - (b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 41-6a-528 under Subsection (1), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections 41-6a-505(1), (2), and (4).

Amended by Chapter 438, 2015 General Session

41-6a-513 Acceptance of plea of guilty to DUI -- Restrictions -- Verification of prior violations -- Prosecutor to examine defendant's record.

- (1) A court may not accept a plea of guilty or no contest to a charge under Section 41-6a-502 unless:
- (a) the prosecutor agrees to the plea:
 - (i) in open court;
 - (ii) in writing; or
 - (iii) by another means of communication which the court finds adequate to record the prosecutor's agreement;
 - (b) the charge is filed by information as defined under Section 77-1-3; or
 - (c) the court receives verification from a law enforcement agency that the defendant's driver license record contains no record of a conviction, arrest, or charge for:
 - (i) more than one prior violation within the previous 10 years of any offense which, if the defendant were convicted, would qualify as a "conviction" as defined under Subsection 41-6a-501(2);
 - (ii) a felony violation of Section 41-6a-502; or
 - (iii) automobile homicide under Section 76-5-207.
- (2) A verification under Subsection (1)(c) may be made by:
- (a) a written indication on the citation;
 - (b) a separate written document; or
 - (c) any other means which the court finds adequate to record the law enforcement agency's verification.
- (3)
- (a) Prior to agreeing to a plea of guilty or no contest or to filing an information under Subsection (1), the prosecutor shall examine the criminal history or driver license record of the defendant.
 - (b) If the defendant's record contains a conviction or unresolved arrest or charge for an offense listed in Subsections (1)(c)(i) through (iii), a plea may only be accepted if:
 - (i) approved by:
 - (A) a district attorney;
 - (B) a deputy district attorney;
 - (C) a county attorney;
 - (D) a deputy county attorney;
 - (E) the attorney general; or
 - (F) an assistant attorney general; and
 - (ii) the attorney giving approval under Subsection (3)(b)(i) has felony jurisdiction over the case.
- (4) A plea of guilty or no contest is not made invalid by the failure of the court, prosecutor, or law enforcement agency to comply with this section.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-514 Procedures -- Adjudicative proceedings.

The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

41-6a-515 Standards for chemical breath or oral fluids analysis -- Evidence.

- (1) The commissioner of the department shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.
- (2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:
 - (a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and
 - (b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
- (3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-515.5 Sobriety program for DUI.

- (1) As used in this section:
 - (a) "24-7 sobriety program" means a 24 hours a day, seven days a week sobriety and drug monitoring program that:
 - (i) requires an individual to abstain from alcohol or drugs for a period of time;
 - (ii) requires an individual to submit to random drug testing; and
 - (iii) requires the individual to be subject to testing to determine the presence of alcohol:
 - (A) twice a day at a central location where timely sanctions may be applied;
 - (B) by continuous remote sensing or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or
 - (C) by an alternate method that is approved by the National Highway Traffic Safety Administration.
 - (b)
 - (i) "Testing" means a procedure for determining the presence and level of alcohol or a drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration.
 - (ii) "Testing" includes any combination of the use of:
 - (A) remote and in-person breath testing;
 - (B) drug patch testing;
 - (C) urinalysis testing;
 - (D) saliva testing;
 - (E) continuous remote sensing;
 - (F) transdermal alcohol monitoring; or
 - (G) alternate body fluids approved for testing by the commissioner of the department.
- (2)
 - (a) The department shall establish and administer a 24-7 sobriety program as a pilot program.
 - (b) The department shall establish one pilot program with a law enforcement agency that is able to meet the 24-7 sobriety program qualifications and requirements under this section.
- (3)

- (a) The 24-7 sobriety program shall include use of multiple testing methodologies for the presence of alcohol or drugs that:
 - (i) best facilitates the ability to apply timely sanctions for noncompliance;
 - (ii) is available at an affordable cost; and
 - (iii) provides for positive, behavioral reinforcement for program compliance.
 - (b) The commissioner shall consider the following factors to determine which testing methodologies are best suited for each participant:
 - (i) whether a device is available;
 - (ii) whether the participant is capable of paying the fees and costs associated with each testing methodology;
 - (iii) travel requirements based on each testing methodology and the participant's circumstances;
 - (iv) the substance or substances for which testing will be required; and
 - (v) other factors the commissioner considers relevant.
- (4)
- (a) The 24-7 sobriety program shall be supported by evidence of effectiveness and satisfy at least two of the following categories:
 - (i) the program is included in the federal registry of evidence-based programs and practices;
 - (ii) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or
 - (iii) the program has been documented as effective by informed experts and other sources.
 - (b) If a law enforcement agency participates in a 24-7 sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this section.
 - (c) A 24-7 sobriety program shall have at least one testing location and two daily testing times approximately 12 hours apart.
 - (d) If a person who is ordered by a judge to participate in the 24-7 sobriety program has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based, the person shall be required to participate in a 24-7 sobriety program for at least one year.
- (5)
- (a) If a law enforcement agency participates in a 24-7 sobriety program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this section, except that the law enforcement agency's designee may not determine whether an individual is required to participate in the 24-7 sobriety program.
 - (b) Subject to the requirement in Subsection (4)(c), the law enforcement agency shall establish the testing locations and times for the county.
- (6)
- (a) The commissioner of the department shall establish a data management technology plan for data collection on 24-7 sobriety program participants.
 - (b) All required data related to participants in the 24-7 sobriety program shall be received into the data management technology plan.
 - (c) The data collected under this Subsection (6) is owned by the state.
- (7)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement this section.
 - (b) The rules under Subsection (7)(a) shall:

- (i) provide for the nature and manner of testing and the procedures and apparatus to be used for testing;
- (ii) establish reasonable participation and testing fees for the program, including the collection of fees to pay the cost of installation, monitoring, and deactivation of any testing device;
- (iii) require and provide for the approval of a 24-7 sobriety program data management technology plan that shall be used by the department and participating law enforcement agencies to manage testing, data access, fees and fee payments, and any required reports;
- (iv) establish a model sanctioning schedule for program noncompliance; and
- (v) establish a process for piloting alternate components of the 24-7 sobriety program.

Amended by Chapter 135, 2018 General Session

41-6a-515.6 Field sobriety test training.

Each law enforcement agency shall ensure that each peace officer receives training on the current standard field sobriety testing guidelines established by the National Highway Traffic Safety Administration.

Enacted by Chapter 283, 2017 General Session

41-6a-516 Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence.

- (1)
 - (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 41-6a-520 are admissible as evidence.
 - (b)
 - (i) In a criminal proceeding, noncompliance with Section 41-6a-520 does not render the results of a chemical test inadmissible.
 - (ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.
- (2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Renumbered and Amended by Chapter 2, 2005 General Session

Superseded 7/1/2019

41-6a-517 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

- (1) As used in this section:
 - (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
 - (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
 - (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
 - (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- (2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

- (3) It is an affirmative defense to prosecution under this section that the controlled substance was:
 - (a) involuntarily ingested by the accused;
 - (b) prescribed by a practitioner for use by the accused;
 - (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or
 - (d) otherwise legally ingested.
- (4)
 - (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
 - (b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.
- (5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
- (6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:
 - (a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
 - (b) revoke, for a period of two years, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:
 - (a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
 - (b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:
 - (a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
 - (b) revoke, until the person is 21 years of age, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (10) The Driver License Division shall:
 - (a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or

- (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
 - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
 - (ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:
 - (a) completes at least six months of the license suspension;
 - (b) completes a screening;
 - (c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);
 - (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);
 - (e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;
 - (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);
 - (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
 - (h)
 - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or
 - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).
- (12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.
- (13)
 - (a) The court shall notify the Driver License Division if a person fails to:
 - (i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or
 - (ii) pay all fines and fees, including fees for restitution and treatment costs.
 - (b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (14) The court:
 - (a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and
 - (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.
- (15)

- (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
- (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.
- (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
- (d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 1, 2018 Special Session 3

Effective 7/1/2019

41-6a-517 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

- (1) As used in this section:
 - (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
 - (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
 - (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
 - (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- (2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (3) It is an affirmative defense to prosecution under this section that the controlled substance was:
 - (a) involuntarily ingested by the accused;
 - (b) prescribed by a practitioner for use by the accused;
 - (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or
 - (d) otherwise legally ingested.
- (4)
 - (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
 - (b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.
- (5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
- (6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:
 - (a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
 - (b) revoke, for a period of two years, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

- (7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:
 - (a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
 - (b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:
 - (a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
 - (b) revoke, until the person is 21 years of age, the driver license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
- (9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (10) The Driver License Division shall:
 - (a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or
 - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
 - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
 - (ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:
 - (a) completes at least six months of the license suspension;
 - (b) completes a screening;
 - (c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);
 - (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);
 - (e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;
 - (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);
 - (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
 - (h)
 - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person

- or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or
 - (ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).
- (12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.
- (13)
- (a) The court shall notify the Driver License Division if a person fails to:
 - (i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or
 - (ii) pay all fines and fees, including fees for restitution and treatment costs.
 - (b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).
- (14) The court:
- (a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and
 - (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.
- (15)
- (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
 - (b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.
 - (c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.
 - (d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Amended by Chapter 1, 2018 Special Session 3

41-6a-518 Ignition interlock devices -- Use -- Probationer to pay cost -- Impecuniosity -- Fee.

- (1) As used in this section:
- (a) "Commissioner" means the commissioner of the Department of Public Safety.
 - (b) "Employer verification" means written verification from the employer that:
 - (i) the employer is aware that the employee is an interlock restricted driver;
 - (ii) the vehicle the employee is operating for employment purposes is not made available to the employee for personal use;
 - (iii) the business entity that employs the employee is not entirely or partly owned or controlled by the employee;

- (iv) the employer's auto insurance company is aware that the employee is an interlock restricted driver; and
 - (v) the employee has been added to the employer's auto insurance policy as an operator of the vehicle.
 - (c) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started or continuously operated without first determining the driver's breath alcohol concentration.
 - (d) "Probation provider" means the supervisor and monitor of the ignition interlock system required as a condition of probation who contracts with the court in accordance with Subsections 41-6a-507(2) and (3).
- (2)
- (a) In addition to any other penalties imposed under Sections 41-6a-503 and 41-6a-505, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted of violating Section 41-6a-502 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified ignition interlock system installed and calibrated so that the motor vehicle will not start or continuously operate if the operator's blood alcohol concentration exceeds a level ordered by the court.
 - (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.
 - (c)
 - (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a prior conviction as defined in Subsection 41-6a-501(2), the court shall order the installation of the interlock ignition system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person.
 - (ii) A person who operates a motor vehicle without an ignition interlock device as required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.
 - (d) The division shall post the ignition interlock restriction on the electronic record available to law enforcement.
 - (e) This section does not apply to a person convicted of a violation of Section 41-6a-502 whose violation does not involve alcohol.
- (3) If the court imposes the use of an ignition interlock system as a condition of probation, the court shall:
- (a) stipulate on the record the requirement for and the period of the use of an ignition interlock system;
 - (b) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense;
 - (c) immediately notify the Driver License Division and the person's probation provider of the order; and
 - (d) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.
- (4)
- (a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.
 - (b) The probation provider shall notify the court of failure to comply under Subsection (4)(a).

- (c) For failure to comply under Subsection (4)(a) or upon receiving the notification under Subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.
 - (d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.
- (5)
- (a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.
 - (b)
 - (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court or the person's probation provider.
 - (ii) The report shall be issued within 14 days following each monitoring.
- (6)
- (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.
 - (b) A probationer may not be excluded from this section for inability to pay the costs, unless:
 - (i) the probationer files an affidavit of impecuniosity; and
 - (ii) the court enters a finding that the probationer is impecunious.
 - (c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.
 - (d) The ignition interlock provider shall cover the costs of waivers by the court under this Subsection (6).
- (7)
- (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle without installation of an ignition interlock system only if:
 - (i) the motor vehicle is used in the course and scope of employment;
 - (ii) the employer has been notified that the employee is restricted; and
 - (iii) the employee has employer verification in the employee's possession while operating the employer's motor vehicle.
 - (b)
 - (i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.
 - (ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.
 - (c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this Subsection (7).
- (8)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock systems.
 - (b) The standards under Subsection (8)(a) shall require that the system:
 - (i) not impede the safe operation of the motor vehicle;

- (ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle;
 - (iii) require a deep lung breath sample as a measure of breath alcohol concentration;
 - (iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds a specified level;
 - (v) work accurately and reliably in an unsupervised environment;
 - (vi) resist tampering and give evidence if tampering is attempted;
 - (vii) operate reliably over the range of motor vehicle environments; and
 - (viii) be manufactured by a party who will provide liability insurance.
- (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon in certification of ignition interlock systems by other states.
- (d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.
- (e)
- (i) In accordance with Section 63J-1-504, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems distributed in the state for the costs incurred in certifying.
 - (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the manufacturers on a fair and reasonable basis.
- (f) The commissioner shall require a provider of an ignition interlock system certified in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10, Ignition Interlock System Program Act.
- (9) A violation of this section is a class C misdemeanor.
- (10) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the state or its employees in connection with the installation, use, operation, maintenance, or supervision of an interlock ignition system as required under this section.

Amended by Chapter 41, 2018 General Session

41-6a-518.1 Tampering with an ignition interlock system.

- (1) As used in this section:
- (a) "ignition interlock system" has the same meaning as defined in Section 41-6a-518; and
 - (b) "interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.
- (2)
- (a) A person may not:
 - (i) circumvent or tamper with the operation of an ignition interlock system;
 - (ii) knowingly furnish an interlock restricted driver a motor vehicle without an ignition interlock system unless authorized under Subsection 41-6a-518(7);
 - (iii) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of allowing an interlock restricted driver to operate a motor vehicle; or
 - (iv) advertise for sale, offer for sale, sell, or lease an ignition interlock system unless the system has been certified by the commissioner as required under Subsection 41-6a-518(8).
 - (b) An interlock restricted driver may not:
 - (i) rent, lease, or borrow a motor vehicle without an ignition interlock system; or

- (ii) request another person to blow into an ignition interlock system in order to allow the interlock restricted driver to operate the motor vehicle.
- (c) A violation of any provision under this Subsection (2) is a class B misdemeanor.
- (3) It is an affirmative defense to a charge of a violation of this section if:
 - (a) the starting of a motor vehicle, or the request to start a motor vehicle, that is equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle; and
 - (b) the interlock restricted driver does not operate the motor vehicle.

Enacted by Chapter 341, 2006 General Session

41-6a-518.2 Interlock restricted driver -- Penalties for operation without ignition interlock system.

- (1) As used in this section:
 - (a) "Ignition interlock system" means a constant monitoring device or any similar device that:
 - (i) is in working order at the time of operation or actual physical control; and
 - (ii) is certified by the Commissioner of Public Safety in accordance with Subsection 41-6a-518(8).
 - (b)
 - (i) "Interlock restricted driver" means a person who:
 - (A) has been ordered by a court or the Board of Pardons and Parole as a condition of probation or parole not to operate a motor vehicle without an ignition interlock system;
 - (B) within the last 18 months has been convicted of a driving under the influence violation under Section 41-6a-502 that was committed on or after July 1, 2009;
 - (C)
 - (I) within the last three years has been convicted of an offense that occurred after May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and
 - (II) the offense described under Subsection (1)(b)(i)(C)(I) is committed within 10 years from the date that one or more prior offenses was committed if the prior offense resulted in a conviction as defined in Subsection 41-6a-501(2);
 - (D) within the last three years has been convicted of a violation of this section;
 - (E) within the last three years has had the person's driving privilege revoked for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May 1, 2006;
 - (F) within the last three years has been convicted of a violation of Section 41-6a-502 and was under the age of 21 at the time the offense was committed;
 - (G) within the last six years has been convicted of a felony violation of Section 41-6a-502 for an offense that occurred after May 1, 2006; or
 - (H) within the last 10 years has been convicted of automobile homicide under Section 76-5-207 for an offense that occurred after May 1, 2006.
 - (ii) " Interlock restricted driver" does not include a person:
 - (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under Section 41-6a-517 and whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under Section 41-6a-517; or
 - (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) does not involve alcohol and the convicting court notifies the Driver License Division at the time of sentencing that the conviction does not involve alcohol.

- (2) The division shall post the ignition interlock restriction on a person's electronic record that is available to law enforcement.
- (3) For purposes of this section, a plea of guilty or no contest to a violation of Section 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- (4) An interlock restricted driver who operates or is in actual physical control of a vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.
- (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:
 - (a) the interlock restricted driver operated or was in actual physical control of a vehicle owned by the interlock restricted driver's employer;
 - (b) the interlock restricted driver had given written notice to the employer of the interlock restricted driver's interlock restricted status prior to the operation or actual physical control under Subsection (5)(a);
 - (c) the interlock restricted driver had on the interlock restricted driver's person, or in the vehicle, at the time of operation or physical control employer verification, as defined in Subsection 41-6a-518(1); and
 - (d) the operation or actual physical control described in Subsection (5)(a) was in the scope of the interlock restricted driver's employment.
- (6) The affirmative defense described in Subsection (5) does not apply to:
 - (a) an employer-owned motor vehicle that is made available to an interlock restricted driver for personal use; or
 - (b) a motor vehicle owned by a business entity that is entirely or partly owned or controlled by the interlock restricted driver.

Amended by Chapter 41, 2018 General Session

41-6a-519 Municipal attorneys for specified offenses may prosecute for certain DUI offenses and driving while license is suspended or revoked.

The following class A misdemeanors may be prosecuted by attorneys of cities and towns and other prosecutors authorized elsewhere in this code to prosecute these alleged violations:

- (1) alleged class A misdemeanor violations of Section 41-6a-502; and
- (2) alleged violations of Section 53-3-227, which consist of the person operating a vehicle while the person's driving privilege is suspended or revoked for:
 - (a) a violation of Section 41-6a-502;
 - (b) a local ordinance which complies with the requirements of Section 41-6a-510, 41-6a-520, or 76-5-207; or
 - (c) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances identified in Subsection (2)(a) or (b).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-520 Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.

- (1)
 - (a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the

purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:

- (i) having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, or 53-3-231;
 - (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6a-502; or
 - (iii) having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517.
- (b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a) (i) through (iii).
- (c)
- (i) The peace officer determines which of the tests are administered and how many of them are administered.
 - (ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.
- (d)
- (i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.
 - (ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.
- (2)
- (a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device if the person:
- (i) has been placed under arrest;
 - (ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and
 - (iii) refuses to submit to any chemical test requested.
- (b)
- (i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.
 - (ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall:
 - (A) take the Utah license certificate or permit, if any, of the operator;
 - (B) issue a temporary license certificate effective for only 29 days from the date of arrest; and
 - (C) supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

- (c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.
- (d) As a matter of procedure, the peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:
 - (i) the peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1)(a)(i) through (iii); and
 - (ii) the person had refused to submit to a chemical test or tests under Subsection (1).
- (3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.
- (4)
 - (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.
 - (b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.
 - (c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.
- (5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.
- (6) Notwithstanding the provisions in this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 35, 2018 General Session

41-6a-521 Revocation hearing for refusal -- Appeal.

- (1)
 - (a) A person who has been notified of the Driver License Division's intention to revoke the person's license under Section 41-6a-520 is entitled to a hearing.
 - (b) A request for the hearing shall be made in writing within 10 calendar days after the day on which notice is provided.
 - (c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.
 - (d) If the person does not make a request for a hearing before the Driver License Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state is revoked beginning on the 30th day after the date of arrest:
 - (i) for a person 21 years of age or older on the date of arrest, for a period of:
 - (A) 18 months, unless Subsection (1)(d)(i)(B) applies; or
 - (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a previous:
 - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
 - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (ii) for a person under 21 years of age on the date of arrest:

- (A) until the person is 21 years of age or for a period of two years, whichever is longer, if the arrest was made on or after July 1, 2011, unless Subsection (1)(d)(ii)(B) applies; or
 - (B) until the person is 21 years of age or for a period of 36 months, whichever is longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:
 - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
 - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502; or
 - (iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in effect prior to July 1, 2009.
- (2)
- (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person, the hearing shall be conducted by the Driver License Division in:
 - (i) the county in which the offense occurred; or
 - (ii) a county which is adjacent to the county in which the offense occurred.
 - (b) The Driver License Division may hold a hearing in some other county if the Driver License Division and the person both agree.
- (3) The hearing shall be documented and shall cover the issues of:
- (a) whether a peace officer had reasonable grounds to believe that a person was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
 - (b) whether the person refused to submit to the test or tests under Section 41-6a-520.
- (4)
- (a) In connection with the hearing, the division or its authorized agent:
 - (i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; and
 - (ii) shall issue subpoenas for the attendance of necessary peace officers.
 - (b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.
- (5)
- (a) If after a hearing, the Driver License Division determines that the person was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the person fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the person's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held:
 - (i) for a person 21 years of age or older on the date of arrest, for a period of:
 - (A) 18 months unless Subsection (5)(a)(i)(B) applies; or
 - (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a previous:
 - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
 - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (ii) for a person under 21 years of age on the date of arrest:
 - (A) until the person is 21 years of age or for a period of two years, whichever is longer, for an arrest that was made on or after July 1, 2011, and unless Subsection (5)(a)(ii)(B) applies; or

- (B) until the person is 21 years of age or for a period of 36 months, whichever is longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:
 - (I) license sanction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
 - (II) conviction for an offense that occurred within the previous 10 years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502; or
- (iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in effect prior to July 1, 2009.
- (b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
- (c) The fee shall be cancelled if the person obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.
- (6)
 - (a) Any person whose license has been revoked by the Driver License Division under this section following an administrative hearing may seek judicial review.
 - (b) Judicial review of an informal adjudicative proceeding is a trial.
 - (c) Venue is in the district court in the county in which the offense occurred.

Amended by Chapter 181, 2017 General Session

41-6a-522 Person incapable of refusal.

Subject to Section 77-23-213 for blood tests, a person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

Amended by Chapter 35, 2018 General Session

41-6a-523 Persons authorized to draw blood -- Immunity from liability.

- (1)
 - (a) Only the following, acting at the request of a peace officer, may draw blood to determine its alcohol or drug content:
 - (i) a physician;
 - (ii) a registered nurse;
 - (iii) a licensed practical nurse;
 - (iv) a paramedic;
 - (v) as provided in Subsection (1)(b), emergency medical service personnel other than paramedics; or
 - (vi) a person with a valid permit issued by the Department of Health under Section 26-1-30.
 - (b) The Department of Health may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 26-8a-102, are authorized to draw blood under Subsection (1)(a)(v), based on the type of license under Section 26-8a-302.
 - (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

- (2) The following are immune from civil or criminal liability arising from drawing a blood sample from a person whom a peace officer has reason to believe is driving in violation of this chapter, if the sample is drawn in accordance with standard medical practice:
- (a) a person authorized to draw blood under Subsection (1)(a); and
 - (b) if the blood is drawn at a hospital or other medical facility, the medical facility.

Amended by Chapter 326, 2017 General Session

41-6a-524 Refusal as evidence.

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

- (1) under the influence of:
- (a) alcohol;
 - (b) any drug; or
 - (c) a combination of alcohol and any drug;
- (2) having any measurable controlled substance or metabolite of a controlled substance in the person's body; or
- (3) having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under Section 41-6a-529.

Amended by Chapter 181, 2017 General Session

41-6a-525 Reporting test results -- Immunity from liability.

- (1) As used in this section, "health care provider" means a person licensed under:
- (a) Title 58, Chapter 31b, Nurse Practice Act;
 - (b) Title 58, Chapter 67, Utah Medical Practice Act; or
 - (c) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (2) A health care provider who is providing medical care to any person involved in a motor vehicle crash may notify, as soon as reasonably possible, the nearest peace officer or law enforcement agency if the health care provider has reason to believe, as a result of any test performed in the course of medical treatment, that the:
- (a) person's blood alcohol concentration meets or exceeds the limits under Subsection 41-6a-502(1)(a);
 - (b) person is younger than 21 years of age and has any measurable blood, breath, or urine alcohol concentration in the person's body; or
 - (c) person has any measurable controlled substance or metabolite of a controlled substance in the person's body which could be a violation of Subsection 41-6a-502(1)(b) or Section 41-6a-517.
- (3) The report under Subsection (2) shall consist of the:
- (a) name of the person being treated;
 - (b) date and time of the administration of the test; and
 - (c) results disclosed by the test.
- (4) A health care provider participating in good faith in making a report or assisting an investigator from a law enforcement agency pursuant to this section is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.

- (5) A report under Subsection (2) may not be used to support a finding of probable cause that a person who is not a driver of a vehicle has committed an offense.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.

- (1) As used in this section:
- (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.
 - (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.
 - (c) "Limousine" has the same meaning as defined in Section 32B-1-102.
 - (d)
 - (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.
 - (ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.
 - (iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
 - (e) "Waters of the state" has the same meaning as defined in Section 73-18-2.
- (2) A person may not drink any alcoholic beverage while operating a motor vehicle or a class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.
- (3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, or a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
- (4) Subsections (2) and (3) do not apply to a passenger:
- (a) in the living quarters of a motor home or camper;
 - (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or
 - (c) in a motorboat on the waters of the state.
- (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.
- (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

Amended by Chapter 175, 2018 General Session

41-6a-527 Seizure and impoundment of vehicles by peace officers -- Impound requirements -- Removal of vehicle by owner.

- (1) If a peace officer arrests, cites, or refers for administrative action the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, Subsections 53-3-227(3)(a)(i) through (vi), Subsection 53-3-227(3)(a)(ix), or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).
- (2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:

- (a) the registered owner:
 - (i) requests to remove the vehicle from the scene; and
 - (ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
 - (b) the registered owner identifies a driver with a valid operator's license who:
 - (i) complies with all restrictions of his operator's license; and
 - (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to operate the vehicle; and
 - (c) the vehicle itself is legally operable.
- (3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

Amended by Chapter 181, 2017 General Session

41-6a-528 Reckless driving -- Penalty.

- (1) A person is guilty of reckless driving who operates a vehicle:
 - (a) in willful or wanton disregard for the safety of persons or property; or
 - (b) while committing three or more moving traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.
- (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

Amended by Chapter 292, 2009 General Session

41-6a-529 Definitions -- Alcohol restricted drivers.

- (1) As used in this section and Section 41-6a-530, "alcohol restricted driver" means a person who:
 - (a) within the last two years:
 - (i) has been convicted of:
 - (A) a misdemeanor violation of Section 41-6a-502;
 - (B) alcohol, any drug, or a combination of both-related reckless driving under Section 41-6a-512;
 - (C) impaired driving under Section 41-6a-502.5;
 - (D) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving adopted in compliance with Section 41-6a-510;
 - (E) a violation described in Subsections (1)(a)(i)(A) through (D), which judgment of conviction is reduced under Section 76-3-402; or
 - (F) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815; or
 - (ii) has had the person's driving privilege suspended under Section 53-3-223 for an alcohol-related offense based on an arrest which occurred on or after July 1, 2005;
 - (b) within the last three years has been convicted of a violation of this section or Section 41-6a-518.2;

- (c) within the last five years:
 - (i) has had the person's driving privilege revoked for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred on or after July 1, 2005; or
 - (ii) has been convicted of a class A misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008;
 - (d) within the last 10 years:
 - (i) has been convicted of an offense described in Subsection (1)(a)(i) which offense was committed within 10 years of the commission of a prior offense described in Subsection (1)(a)(i) for which the person was convicted; or
 - (ii) has had the person's driving privilege revoked for refusal to submit to a chemical test and the refusal is within 10 years after:
 - (A) a prior refusal to submit to a chemical test under Section 41-6a-520; or
 - (B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not based on the same arrest as the refusal;
 - (e) at any time has been convicted of:
 - (i) automobile homicide under Section 76-5-207 for an offense that occurred on or after July 1, 2005; or
 - (ii) a felony violation of Section 41-6a-502 for an offense that occurred on or after July 1, 2005;
 - (f) at the time of operation of a vehicle is under 21 years of age; or
 - (g) is a novice learner driver.
- (2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Amended by Chapter 52, 2018 General Session

41-6a-530 Alcohol restricted drivers -- Prohibited from operating a vehicle while having any measurable or detectable amount of alcohol in the person's body -- Penalties.

- (1) An alcohol restricted driver who operates or is in actual physical control of a vehicle in this state with any measurable or detectable amount of alcohol in the person's body is guilty of a class B misdemeanor.
- (2) A "measurable or detectable amount" of alcohol in the person's body may be established by:
 - (a) a chemical test;
 - (b) evidence other than a chemical test; or
 - (c) a combination of Subsections (2)(a) and (b).
- (3) For any person convicted of a violation of this section, the court shall order the installation of an ignition interlock system as a condition of probation in accordance with Section 41-6a-518 or describe on the record or in a minute entry why the order would not be appropriate.

Amended by Chapter 261, 2007 General Session

**Part 6
Speed Restrictions**

41-6a-601 Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits -- Emergency power of the governor.

- (1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:
 - (a) approaching and crossing an intersection or railroad grade crossing;
 - (b) approaching and going around a curve;
 - (c) approaching a hill crest;
 - (d) traveling upon any narrow or winding roadway; and
 - (e) approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions.
- (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the following speeds are lawful:
 - (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;
 - (b) 25 miles per hour in any urban district; and
 - (c) 55 miles per hour in other locations.
- (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
- (4) A violation of Subsection (1) is an infraction.
- (5) The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Amended by Chapter 303, 2016 General Session

41-6a-602 Speed limits established on state highways.

- (1)
 - (a) The Department of Transportation shall determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.
 - (b) For each highway or section of highway, each speed limit shall be based on a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the "Manual on Uniform Traffic Control Devices."
 - (c) The traffic engineering and safety studies shall include:
 - (i) the design speed;
 - (ii) prevailing vehicle speeds;
 - (iii) accident history;
 - (iv) highway, traffic, and roadside conditions; and
 - (v) other highway safety factors.
- (2) In addition to the provisions of Subsection (1), the Department of Transportation may establish different speed limits on a highway or section of highway based on:
 - (a) time of day;
 - (b) highway construction;
 - (c) type of vehicle;
 - (d) weather conditions; and
 - (e) other highway safety factors.
- (3)
 - (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not exceed 65 miles per hour.

- (b) Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other limited access highway may not exceed 75 miles per hour.
- (c)
 - (i) The Department of Transportation may establish a posted speed limit on a freeway or other limited access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is based on a highway traffic engineering and safety study.
 - (ii) If the Department of Transportation establishes a posted speed limit that exceeds the limit under Subsection (3)(b), the Department of Transportation shall evaluate the results and impacts of increasing a speed limit under this Subsection (3)(c).
- (d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).
- (4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:
 - (a) the county for state highways in an unincorporated area of the county;
 - (b) the municipality for state highways within the municipality's incorporated area;
 - (c) the Department of Public Safety; and
 - (d) the Transportation Commission.
- (5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Amended by Chapter 137, 2016 General Session

41-6a-603 Speed limits established by counties and municipalities.

- (1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act.
- (2) Each speed limit shall be established in accordance with the provisions of Subsections 41-6a-602(1), (2), (3), and (5).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-604 Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.

- (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303.
- (2)
 - (a) A violation of Subsection (1) is a class C misdemeanor and the minimum fine:
 - (i) for a first offense shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50
	30 - 39 MPH		\$ 125
	40 MPH and greater		\$ 125

- (ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50

	30 - 39 MPH		\$ 225
	40 MPH and greater		\$ 525

- (b)
- (i) Except as provided under Subsection (2)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.
 - (ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:
 - (A) first offense with a vehicle speed of 30 miles per hour or more; or
 - (B) second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.
- (3) The Driver License Division shall develop and implement a record system to distinguish:
- (a) a conviction or bail forfeiture under this section from other convictions; and
 - (b) between a first and subsequent conviction or bail forfeiture under this section.
- (4) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-604.5 Speeding in a school zone complaint procedure.

- (1)
- (a) A school crossing guard who observes an operator of a vehicle violating Section 41-6a-604 may prepare a report of the alleged violation, in a manner specified by the law enforcement agency with jurisdiction, for the law enforcement agency no more than two working days after the alleged violation occurred.
 - (b) The report under Subsection (1)(a) shall contain:
 - (i) the date, time, and location of the violation;
 - (ii) the license plate number and state;
 - (iii) a description of the offending vehicle;
 - (iv) as much as practical, a description of the operator of the offending vehicle;
 - (v) a description of the incident involving the violation;
 - (vi) information on how to contact the school crossing guard who witnessed the offense; and
 - (vii) the signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.
- (2)
- (a) Upon receiving a report in accordance with Subsection (1), the law enforcement agency shall promptly send a notification letter to the last-known registered owner of the vehicle.
 - (b) The notification letter shall include:
 - (i) the applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced speed school zone in violation of state law;
 - (ii) a complete explanation of the applicable provisions of Section 41-6a-604; and
 - (iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
 - (c) A law enforcement agency shall make reporting forms for a report under Subsection (1) available:
 - (i) to a school crossing guard; and

- (ii) in school administrative offices.
- (3) A law enforcement agency that receives a report under Subsection (1) may have a peace officer initiate an investigation of the reported violation.

Enacted by Chapter 124, 2009 General Session

41-6a-605 Minimum speed regulations.

- (1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:
 - (a) a reduced speed is necessary for safe operation;
 - (b) upon a grade; or
 - (c) in compliance with a traffic-control device.
- (2) Operating a motor vehicle on a limited access highway at less than the speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane is evidence of a violation of Subsection (1).
- (3)
 - (a) If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the highway authority may post a minimum speed limit.
 - (b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:
 - (i) when necessary for safe operation; or
 - (ii) in accordance with Section 41-6a-205.
 - (c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-606 Speed contest or exhibition on highway -- Barricade or obstruction.

- (1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a highway.
- (2) A person may not, in any manner, obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).
- (3) A person who violates Subsection (1) is guilty of a class B misdemeanor.
- (4)
 - (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1) shall have the person's driver license suspended under Subsection 53-3-220(1)(a)(xv) for a period of:
 - (i) 60 days for a first offense; and
 - (ii) 90 days for a second offense within three years of a prior offense.
 - (b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 181, 2017 General Session

41-6a-607 Speed violation -- Complaint -- Civil negligence.

- (1) For a charge of violation of a speed provision under this part, the citation or information shall specify the:
 - (a) speed at which the defendant is alleged to have operated a vehicle; and
 - (b) speed limit applicable to the section of the highway where the violation is alleged to have occurred.
- (2) The provisions of this part declaring prima facie speed limitations do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-608 Photo radar -- Restrictions on use.

- (1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.
- (2) Photo radar may not be used except:
 - (a)
 - (i) in school zones; or
 - (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
 - (b) when a peace officer is present with the photo radar unit;
 - (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
 - (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
 - (e) when the citation is accompanied by the photograph produced by photo radar.
- (3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
- (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
- (5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
 - (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
 - (b) the total fine revenue generated by using photo radar;
 - (c) the number of citations issued by the use of photo radar; and
 - (d) the amount paid to the person providing the photo radar unit.
- (6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-609 Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.

- (1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (2)
 - (a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.
 - (b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the arrest or citation.
- (4) This section does not apply to law enforcement personnel acting in their official capacity.
- (5) A person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

Part 7

Driving on Right Side of Highway and Passing

41-6a-701 Duty to operate vehicle on right side of roadway -- Exceptions.

- (1) On all roadways of sufficient width, a person operating a vehicle shall operate the vehicle on the right half of the roadway, except:
 - (a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;
 - (b) when an obstruction requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);
 - (c) when overtaking and passing a bicycle or moped proceeding in the same direction at a speed less than the reasonable speed of traffic that is present requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);
 - (d) on a roadway divided into three marked lanes for traffic under the applicable rules; or
 - (e) on a roadway designed and signposted for one-way traffic.
- (2)
 - (a) A person operating a vehicle as described under Subsection (1) shall yield the right-of-way to a vehicle:
 - (i) traveling in the proper direction on a roadway; and
 - (ii) that is within a distance constituting an immediate hazard.
 - (b) When overtaking and passing a bicycle or moped under Subsection (1)(c), a person operating a vehicle shall not pass a bicycle or moped proceeding in the same direction if the pass cannot be made safely, including under any of the following conditions:
 - (i) when approaching or upon the crest of a grade or upon a curve in the highway where the operator's view is in any way obstructed;
 - (ii) when approaching within 100 feet of, or traversing, any intersection or railroad grade crossing unless otherwise indicated by an official traffic control device;
 - (iii) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel; or
 - (iv) when the pass cannot be made in accordance with Section 41-6a-706.5.

- (3) A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when:
- (a) overtaking and passing another vehicle proceeding in the same direction;
 - (b) preparing to turn left; or
 - (c) taking a different highway or an exit on the left.

Amended by Chapter 293, 2013 General Session

41-6a-702 Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.

- (1) As used in this section and Section 41-6a-704, "general purpose lane" means a highway lane open to vehicular traffic but does not include a designated:
- (a) high occupancy vehicle (HOV) lane; or
 - (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.
- (2) On a freeway or section of a freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's:
- (a) vehicle is drawing a trailer or semitrailer regardless of size; or
 - (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more pounds.
- (3) Subsection (2) does not apply to a person operating a vehicle who is:
- (a) preparing to turn left or taking a different highway split or an exit on the left;
 - (b) responding to emergency conditions;
 - (c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
 - (d) following direction signs that direct use of a designated lane.
- (4)
- (a) A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under its jurisdiction for the:
 - (i) safety of the public;
 - (ii) efficient maintenance of a highway; or
 - (iii) use of high occupancy vehicles.
 - (b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.
- (5)
- (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.
 - (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.
 - (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.
 - (iii) The Department of Transportation may, through rules made under Subsection (5)(b)
 - (i), increase the number of clean fuel vehicle decals issued in accordance with Section

72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will allow the Department of Transportation to continue to meet its goals for operational management of the lane designated under Subsection (4)(a)(iii).

- (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an infraction.

Amended by Chapter 137, 2016 General Session

41-6a-703 Passing vehicles proceeding in opposite directions.

- (1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in an opposite direction from another vehicle shall pass the other vehicle to the right.
- (2) On a roadway having width for not more than one line of traffic in each direction, the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main traveled portion of the roadway.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-704 Overtaking and passing vehicles proceeding in same direction.

- (1)
- (a) On any highway:
- (i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:
- (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and
- (B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;
- (ii) the operator of an overtaken vehicle:
- (A) shall give way to the right in favor of the overtaking vehicle; and
- (B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.
- (b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).
- (2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:
- (a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and
- (b) may not impede the movement or free flow of traffic in the left general purpose lane.
- (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).
- (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:
- (a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a)(i);
- (b) preparing to turn left or taking a different highway or an exit on the left;

- (c) responding to emergency conditions;
 - (d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
 - (e) following the direction of a traffic-control device that directs the use of a designated lane.
- (5) A violation of Subsection (1) or (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-705 Passing upon right -- When permissible.

- (1) The operator of a vehicle may overtake and pass on the right of another vehicle only:
 - (a) when the vehicle overtaken is making or preparing to make a left turn; or
 - (b) on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (2) The operator of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement with safety.
- (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake and pass another vehicle if the movement is made by driving off the roadway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-706 Limitation on passing -- Prohibitions.

- (1) Subject to the provisions of Section 41-6a-707, on a two-way highway, a person may not operate a vehicle to the left side of the center of the roadway to pass another vehicle proceeding in the same direction unless the left side is:
 - (a) clearly visible; and
 - (b) free of oncoming traffic for a sufficient distance to permit the passing movement to be completed without interfering with the operation of any vehicle approaching from the opposite direction in accordance with Subsection (2).
- (2) The person operating the overtaking vehicle shall return the vehicle to an authorized lane of travel:
 - (a) as soon as practical; and
 - (b) if the passing movement involves the use of a lane authorized for vehicles approaching in the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-706.5 Definitions -- Operation of motor vehicle near a vulnerable user of a highway prohibited -- Endangering a vulnerable user of a highway prohibited.

- (1) As used in this section, "vulnerable user of a highway" means:
 - (a) a pedestrian, including a person engaged in work upon a highway or upon utilities facilities along a highway or providing emergency services within the right-of-way of a highway;
 - (b) a person riding an animal; or
 - (c) a person operating any of the following on a highway:
 - (i) a farm tractor or implement of husbandry, without an enclosed shell;
 - (ii) a skateboard;

- (iii) roller skates;
 - (iv) in-line skates;
 - (v) a bicycle;
 - (vi) an electric-assisted bicycle;
 - (vii) an electric personal assistive mobility device;
 - (viii) a moped;
 - (ix) a motor-driven cycle;
 - (x) a motorized scooter;
 - (xi) a motorcycle; or
 - (xii) a manual wheelchair.
- (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:
- (a) operate a motor vehicle within three feet of a vulnerable user of a highway;
 - (b) distract or attempt to distract a vulnerable user of a highway for the purpose of causing violence or injury to the vulnerable user of a highway; or
 - (c) force or attempt to force a vulnerable user of a highway off of the roadway for a purpose unrelated to public safety.
- (3)
- (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is an infraction.
 - (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a highway is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-6a-707 Limitations on driving on left side of road -- Exceptions.

- (1) A person may not operate a vehicle on the left side of the roadway:
- (a) when approaching or on a crest of a grade or a curve on the highway where the person's view is obstructed within a distance which creates a hazard if another vehicle approached from the opposite direction;
 - (b) when approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by a traffic-control device or a peace officer; or
 - (c) when the view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.
- (2) Subsection (1) does not apply:
- (a) on a one-way roadway;
 - (b) under the conditions described in Subsection 41-6a-701(1)(b); or
 - (c) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
- (3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-708 Signs and markings on roadway -- No-passing zones -- Exceptions.

- (1)
- (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.
 - (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.
- (2) A person operating a vehicle may not drive on the left side of:
- (a) the roadway within the no-passing zone; or

- (b) any pavement striping designed to mark the no-passing zone.
- (3) Subsection (2) does not apply:
 - (a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or
 - (b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
- (4) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-709 One-way traffic.

- (1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.
- (2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.
- (3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.
- (4) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-710 Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply and any violation of this section is an infraction:

- (1)
 - (a) A person operating a vehicle:
 - (i) shall keep the vehicle as nearly as practical entirely within a single lane; and
 - (ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.
 - (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.
- (2)
 - (a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:
 - (i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:
 - (A) clear of traffic within a safe distance; and
 - (B) not a two-way left turn lane;
 - (ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or
 - (iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.
 - (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:
 - (i) the center lane is:
 - (A) on a roadway divided into three or more lanes that provides for two-way movement of traffic; and
 - (B) clear of traffic within a safe distance;

- (ii) there is only one lane of travel in the direction the person operating the vehicle is traveling;
and
 - (iii) the person operating the vehicle is overtaking and passing a bicycle or moped that is moving at less than the reasonable speed of traffic that is present.
- (3)
- (a) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.
 - (b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).

Amended by Chapter 412, 2015 General Session

41-6a-711 Following another vehicle -- Safe distance -- Exceptions -- Penalty.

- (1) As used in this section, "connected platooning system" means a system that uses vehicle-to-vehicle communication to electronically coordinate the speed and braking of a lead vehicle with the speed and braking of one or more following vehicles.
- (2) The operator of a vehicle:
 - (a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:
 - (i) speed of the vehicles;
 - (ii) traffic upon the highway; and
 - (iii) condition of the highway; and
 - (b) shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.
- (3) Subsection (2)(b) does not apply to:
 - (a) funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour; or
 - (b) the operator of a vehicle that is:
 - (i) part of a connected platooning system; and
 - (ii) not the lead vehicle.
- (4) A violation of Subsection (2) is an infraction.

Amended by Chapter 263, 2018 General Session

41-6a-712 Divided highway -- Use of right-hand side -- Crossing only where permitted.

- (1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.
- (2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:
 - (a) authorized by a traffic-control device or a peace officer; or
 - (b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-713 Driving over gore area or island prohibited -- Exceptions -- Penalties.

- (1)
 - (a) A person may not operate a vehicle over, across, or within any part of a gore area or an island.
 - (b) Subsection (1)(a) does not apply to:
 - (i) a person operating a vehicle that is disabled; or
 - (ii) an operator of an authorized emergency vehicle under conditions described under Section 41-6a-208.
- (2) A person who violates Subsection (1) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-714 Freeway and controlled-access highways -- Driving onto and from highways where permitted.

- (1) A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by the highway authority having jurisdiction over the highway.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-715 Controlled-access highways -- Prohibiting use by class or kind of traffic -- Traffic-control devices.

- (1) A highway authority may regulate or prohibit the use of any controlled-access highway within its respective jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.
- (2) The highway authority shall erect and maintain traffic-control devices on the controlled-access highway on which the regulations or prohibitions are applicable.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-716 Driving on tollway without paying toll prohibited.

- (1) As used in this section, "tollway" has the same meaning as defined in Section 72-6-118.
- (2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the department or other entity for that tollway under Section 72-6-118.
- (3) A person who violates Subsection (2) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-717 Use of runaway vehicle ramps.

- (1) A person may not use a runaway vehicle ramp unless the person is in an emergency situation requiring the use of the ramp to stop the person's vehicle.
- (2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the runaway vehicle ramp.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

Part 8

Turning and Signaling for Turns

41-6a-801 Turning -- Manner -- Traffic-control devices.

The operator of a vehicle shall make turns as follows, and a violation of this section is an infraction:

- (1) Right turns: both a right turn and an approach for a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (2) Left turns:
 - (a) the operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction;
 - (b) whenever practicable, shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by a traffic-control device; and
 - (c) may be made on a highway across solid double yellow line pavement markings indicating a two-direction, no-passing zone.
- (3) Two-way left turn lanes:
 - (a) where a two-way left turn lane is provided, a left turn may not be made from any other lane;
 - (b) a vehicle may not be driven in the two-way left turn lane except when preparing for or making:
 - (i) a left turn from or into the roadway; or
 - (ii) a U-turn except when prohibited by a traffic-control device;
 - (c)
 - (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making the turn;
 - (ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching the last vehicle in the two-way left turn lane;
 - (d) the operator of a vehicle that has turned left into the two-way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(c)(ii) applies; and
 - (e) the operator of a vehicle may not travel straight through an intersection in a two-way left turn lane.
- (4)
 - (a) A highway authority in its jurisdiction may provide exceptions to the provisions of this section by erecting traffic-control devices directing a different course to be traveled by turning vehicles.
 - (b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control device erected under Subsection (4)(a).

Amended by Chapter 412, 2015 General Session

41-6a-802 Turning around -- Where prohibited -- Visibility.

- (1) As used in this section, "railroad grade crossing" means the area between the passive or active warning signs where a railroad track and roadway intersect.
- (2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:

- (a) unless the movement can be made safely and without interfering with other traffic;
 - (b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction; and
 - (c) on a railroad track or railroad grade crossing.
- (3) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-803 Moving a vehicle -- Safety.

- (1) A person may not move a vehicle which is stopped, standing, or parked until the movement may be made with reasonable safety.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-804 Turning or changing lanes -- Safety -- Signals -- Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.

- (1)
- (a) A person may not turn a vehicle or move right or left on a roadway or change lanes until:
 - (i) the movement can be made with reasonable safety; and
 - (ii) an appropriate signal has been given as provided under this section.
 - (b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.
- (2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
- (3)
- (a) A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.
 - (b) If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:
 - (i) left turn: hand and arm extended horizontally;
 - (ii) right turn: hand and arm extended upward; and
 - (iii) stop or decrease speed: hand and arm extended downward.
 - (c)
 - (i) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.
 - (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).
- (4) A person required to make a signal under this section may not flash a signal:
- (a) on one side only on a disabled vehicle;
 - (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear; or
 - (c) on one side only of a parked vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

Part 9 Right-of-Way

41-6a-901 Right-of-way between vehicles -- Unregulated intersection.

- (1) The operator of a vehicle approaching an intersection not regulated by a traffic-control device shall yield the right-of-way to any vehicle that has entered the intersection from a different highway.
- (2) Except as specified in Subsection (3) and unless otherwise directed by a peace officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right when:
 - (a) more than one vehicle enters or approaches an intersection from different highways at approximately the same time; and
 - (b) the intersection:
 - (i) is not regulated by a traffic-control device;
 - (ii) is not regulated because the traffic-control signal is inoperative; or
 - (iii) is regulated from all directions by stop signs.
- (3) The operator of a vehicle approaching an intersection not regulated by a traffic-control device:
 - (a) from a highway that does not continue beyond the intersection, shall yield the right-of-way to the operator of any vehicle on the intersecting highway; and
 - (b) from a highway that is not paved, shall yield the right-of-way to the operator of any vehicle on a paved intersecting highway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-902 Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.

- (1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6a-906.
- (2)
 - (a) Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
 - (i) at a clearly marked stop line;
 - (ii) before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
 - (iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.
 - (b) After having stopped at a stop sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.
 - (c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.
- (3)
 - (a) The operator of a vehicle approaching a yield sign shall:
 - (i) slow down to a speed reasonable for the existing conditions; and
 - (ii) if required for safety, stop as provided under Subsection (2).
 - (b)

- (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.
 - (ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk.
- (4)
- (a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:
 - (i) with a vehicle in the intersection or junction of roadways; or
 - (ii) with a pedestrian at an adjacent crosswalk.
 - (b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.
- (5) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-903 Yield right-of-way -- Vehicle turning left -- Entering or crossing highway other than from another roadway -- Merging lanes.

- (1) The operator of a vehicle:
- (a) intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close to the turning vehicle as to constitute an immediate hazard;
 - (b) about to enter or cross a highway from any place other than another highway shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed; and
 - (c) traveling in a lane that is about to merge into a continuing lane, shall yield the right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an immediate hazard.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-904 Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- Duties of respective operators.

- (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Section 41-6a-212 or 41-6a-1625, shall:
- (a) yield the right-of-way and immediately move to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection; and
 - (b) then stop and remain stopped until the authorized emergency vehicle has passed.
- (2)
- (a) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:
 - (i) reduce the speed of the vehicle;
 - (ii) provide as much space as practical to the stationary authorized emergency vehicle; and
 - (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.

- (b)
 - (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, the requirements in Subsection (2)(a) apply.
 - (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.
- (3)
 - (a) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:
 - (i) reduce the speed of the vehicle; and
 - (ii) provide as much space as practical to the stationary tow truck or highway maintenance vehicle.
 - (b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.
- (4) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.
- (5)
 - (a)
 - (i) In addition to the penalties prescribed under Subsection (7), a person who violates this section shall attend a four hour live classroom defensive driving course approved by:
 - (A) the Driver License Division; or
 - (B) a court in this state.
 - (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of the classroom course.
 - (b) The Driver License Division shall suspend a person's driver license for a period of 90 days if the person:
 - (i) violates a provision of Subsections (1) through (3); and
 - (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing for or pleading guilty to a violation of this section.
 - (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective immediately upon receiving a certificate of attendance of the four hour live classroom course required under Subsection (5)(a)(i) if the certificate of attendance is received before the completion of the suspension period.
 - (d) A person whose license is suspended under Subsection (5)(b) and a person whose suspension is shortened as described under Subsection (5)(c) shall pay the license reinstatement fees under Subsection 53-3-105(24).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Driver License Division shall make rules to implement the provisions of this part.
- (7) A violation of Subsection (1), (2), or (3) is an infraction.

Amended by Chapter 417, 2018 General Session

41-6a-905 Vehicle or pedestrian working upon highway -- Right-of-way.

The operator of a vehicle shall yield the right-of-way to an:

- (1) authorized vehicle or pedestrian actually engaged in work on a highway within a highway construction or maintenance area indicated by a traffic-control device; or
- (2) authorized vehicle obviously and actually engaged in work on a highway when the vehicle displays lights in accordance with Section 41-6a-1617.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-906 Designation of through highways -- Stop signs, yield signs, and traffic-control devices -- Designation of intersections as locations for preferential right-of-way treatment.

- (1) A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other traffic-control devices to designate:
 - (a) through highways; or
 - (b) intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-907 Vehicles emerging from alleys, buildings, private roads, or driveways must stop prior to sidewalk area or street.

- (1) The operator of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop:
 - (a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building, private road, or driveway; or
 - (b) if there is no sidewalk area, at the point nearest the street to be entered where the operator has a view of approaching traffic.
- (2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

**Part 10
Pedestrians' Rights and Duties**

41-6a-1001 Pedestrians subject to traffic-control devices -- Other controls.

- (1) A pedestrian shall obey the instructions of a traffic-control device specifically applicable to the pedestrian unless otherwise directed by a peace officer.
- (2) A pedestrian is subject to traffic and pedestrian-control signals under Sections 41-6a-305 and 41-6a-306.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1002 Pedestrians' right-of-way -- Duty of pedestrian.

- (1)
 - (a) Except as provided under Subsection (2), the operator of a vehicle shall yield the right-of-way by slowing down or stopping if necessary:
 - (i) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway upon which the vehicle is traveling; or
 - (ii) when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
 - (b) Subsection (1)(a) does not apply under conditions of Subsection 41-6a-1003(2).
 - (c) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if the crosswalk is occupied by a person.
- (3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Amended by Chapter 122, 2018 General Session

41-6a-1003 Pedestrians yielding right-of-way -- Limits on pedestrians.

- (1) A pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.
- (2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.
- (3) Between adjacent intersections at which traffic-control signals are in operation, a pedestrian may not cross at any place except in a marked crosswalk.
- (4)
 - (a) A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic-control device.
 - (b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the pedestrian shall cross only as directed by the appropriate traffic-control device.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1004 Emergency vehicle -- Necessary signals -- Duties of operator -- Pedestrian to yield.

- (1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon the immediate approach of an authorized emergency vehicle using audible or visual signals in accordance with Section 41-6a-212 or 41-6a-1625.
- (2) This section does not relieve the operator of an authorized emergency vehicle from:
 - (a) the duty to drive with regard for the safety of all persons using the highway; nor
 - (b) from the duty to exercise care to avoid colliding with a pedestrian.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1005 Limitation on pedestrians related to railroad grade crossings or bridges.

- (1) As used in this section, "active railroad grade crossing" means a railroad grade crossing when:
 - (a) the gate or barrier is closed or is being opened or closed;
 - (b) warning lights are flashing;
 - (c) audible warning devices are being sounded; or
 - (d) other traffic control devices signal the approach of a railroad train.
- (2) A pedestrian may not pass through, around, over, or under or remain on a crossing gate or barrier at an active railroad grade crossing or bridge.
- (3) A pedestrian may not enter or remain within the area between a railroad track and a railroad sign or signal if the railroad grade crossing is active.
- (4) A pedestrian may not occupy or remain on a railroad grade crossing when the railroad sign or signal is not active except to cross the railroad crossing on a designated walkway.
- (5) A pedestrian may not remain in an area between railroad signs or signals, railroad gates, or railroad crossing arms if the railroad grade crossing is active.
- (6) A violation of Subsection (2), (3), (4), or (5) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1006 Vehicles to exercise due care to avoid pedestrians -- Audible signals and caution.

- (1) The operator of a vehicle shall:
 - (a) exercise care to avoid colliding with a pedestrian;
 - (b) give an audible signal when necessary; and
 - (c) exercise appropriate precaution if the operator of the vehicle observes a child or an obviously confused, incapacitated, or intoxicated person.
- (2) This section supersedes any conflicting provision of:
 - (a) this chapter; or
 - (b) a local ordinance in accordance with Section 41-6a-208.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1007 Operators to yield right-of-way to blind pedestrian -- Duties of blind pedestrian -- Use of cane -- Failure to yield -- Liability.

- (1)
 - (a) The operator of a vehicle shall yield the right-of-way to a blind or visually impaired pedestrian:
 - (i) carrying a clearly visible white cane; or
 - (ii) accompanied by a guide dog specially trained for that purpose and equipped with a harness.
 - (b)
 - (i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons.
 - (ii) Blind or visually impaired persons shall:
 - (A) exercise due care in approaching and crossing roadways; and
 - (B) yield the right-of-way to authorized emergency vehicles giving an audible warning signal.
- (2) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1008 Vehicle crossing sidewalk -- Operator to yield.

The operator of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1009 Use of roadway by pedestrians -- Prohibited activities.

- (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.
- (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.
- (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:
 - (a) walk as near as practicable to the outside edge of the roadway; and
 - (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.
- (4)
 - (a) An individual may not impede or block traffic within any of the following:
 - (i) an interstate system, as defined in Section 72-1-102;
 - (ii) a freeway, as defined in Section 41-6a-102;
 - (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways Act;
 - (iv) a state route, or "SR," as defined in Section 72-1-102; or
 - (v) a highway, as defined in Section 72-1-102, that:
 - (A) is paved and has a speed limit of 35 miles per hour or higher;
 - (B) has a median, whether elevated or flat; or
 - (C) has a fixed guideway as defined in Section 59-12-102 or any other railway that shares the highway right-of-way.
 - (b) The locations described in Subsection (4)(a) include:
 - (i) shoulder areas, as defined in Section 41-6a-102;
 - (ii) on-ramps;
 - (iii) off-ramps; and
 - (iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.
 - (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.
 - (d) Conduct that may impede or block traffic includes:
 - (i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a person within a motor vehicle while that motor vehicle is within an area described in Subsection (4)(a); or
 - (ii) while a driver or passenger of a motor vehicle within an area described in Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a pedestrian.
 - (e) Conduct that impedes or blocks traffic does not include:
 - (i) the conduct described in Section 41-6a-209 or other lawful direction of a peace officer;
 - (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar exigent circumstance, including:
 - (A) exchanging insurance information; or
 - (B) exchanging contact information; or
 - (iii) conduct or actions that occur while the motor vehicle is legally parked.

- (f) A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.
- (g)
 - (i) The state, a county, or a municipality shall create a permitting process for granting a person an exemption from this Subsection (4).
 - (ii) Upon receipt of a valid permit application, the state, a county, or a municipality shall grant a person a temporary exemption from this Subsection (4) for a specified location or time.
- (h) Nothing in this section prohibits a temporary spontaneous demonstration.
- (5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or sidewalk area.
- (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.
- (7) A pedestrian may not walk along or on a no-access freeway facility except during an emergency.
- (8)
 - (a) As used in this Subsection (8):
 - (i) "Aggressive manner" means intentionally:
 - (A) persisting in approaching or following an individual after the individual has negatively responded to the solicitation;
 - (B) engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;
 - (C) engaging in conduct that would intimidate a reasonable individual into giving money or goods;
 - (D) blocking the path of an individual; or
 - (E) physically contacting an individual or the individual's personal property without that individual's consent.
 - (ii) "Bank" is as defined in Section 13-42-102.
 - (iii) "Sidewalk" is as defined in Section 41-6a-102.
 - (b) An individual may not solicit money or goods from another individual in an aggressive manner:
 - (i) during the business hours of a bank if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's entrance or exit;
or
 - (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.
- (9)
 - (a) Except as provided in Subsection (9)(b), a violation of this section is an infraction.
 - (b) A third or subsequent violation of Subsection (4) in a one-year period is a class C misdemeanor.

Amended by Chapter 122, 2018 General Session

41-6a-1010 Unmarked crosswalk locations -- Restrictions on pedestrian.

- (1) A highway authority in its respective jurisdiction may, after an engineering and traffic investigation, designate unmarked crosswalk locations where:
 - (a) pedestrian crossing is prohibited; or
 - (b) pedestrians shall yield the right-of-way to vehicles.

- (2) The restrictions in Subsection (1) are effective only when traffic-control devices indicating the restrictions are in place.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1011 Pedestrian vehicles.

(1) As used in this section:

(a)

(i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.

(ii) A "pedestrian vehicle" may not:

(A) exceed 48 inches in width;

(B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and

(C) be capable of developing a speed in excess of 30 miles per hour.

(b) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about as a pedestrian.

(2) A pedestrian vehicle operated by a person with a physical disability is exempt from vehicle registration, inspection, and operator license requirements.

(3)

(a) A person with a physical disability may operate a pedestrian vehicle with a motor of not more than .5 brake horsepower capable of developing a speed of not more than eight miles per hour:

(i) on the sidewalk; and

(ii) in all places where pedestrians are allowed.

(b) A permit, license, registration, authority, application, or restriction may not be required or imposed on a person with a physical disability who operates a pedestrian vehicle under this Subsection (3).

(c) The provisions of this Subsection (3) supercede the provision of Subsection (2).

Amended by Chapter 258, 2015 General Session

Part 11

Bicycles and Other Vehicles, Regulation of Operation

41-6a-1101 Parents and guardians may not authorize child's violation of chapter.

The parent or guardian of a child may not authorize or knowingly permit the child to violate any of the provisions of this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1102 Bicycle and device propelled by human power and moped riders subject to chapter -- Exception.

(1) Except as provided under Subsection (2) or as otherwise specified under this part, a person operating a bicycle, a vehicle or device propelled by human power, or a moped has all the

rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.

- (2) A person operating a nonmotorized bicycle or a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug-related traffic offenses.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1103 Carrying more persons than design permits prohibited -- Exception.

- (1) Except as provided in Subsection (2), a bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped.
- (2) An adult rider may carry a child securely attached to the adult rider's person in a back pack or sling.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1104 Persons on bicycles, mopeds, skates, and sleds not to attach to moving vehicles -- Exception.

- (1) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or a person to any moving vehicle on a highway.
- (2) This section does not prohibit attaching a trailer or semitrailer to a bicycle or moped if that trailer or semitrailer has been designed for attachment.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1105 Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.

- (1) A person operating a bicycle or a moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:
 - (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
 - (b) preparing to make a left turn at an intersection or into a private road or driveway;
 - (c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or
 - (d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:
 - (i) fixed or moving objects;
 - (ii) parked or moving vehicles;
 - (iii) bicycles;
 - (iv) pedestrians;
 - (v) animals;
 - (vi) surface hazards; or
 - (vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
- (2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.
- (3)

- (a) A person riding a bicycle or moped on a roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.
- (4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic-control device to use the path and not the roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1106 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.

- (1) A person operating a bicycle or a vehicle or device propelled by human power shall:
 - (a) yield the right-of-way to any pedestrian; and
 - (b) give an audible signal before overtaking and passing a pedestrian.
- (2) A person 18 years of age or older may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by a traffic-control device or ordinance.
- (3) A person may not operate a bicycle or a vehicle or device propelled by human power in a negligent manner so as to collide with a:
 - (a) pedestrian; or
 - (b) person operating a:
 - (i) bicycle; or
 - (ii) vehicle or device propelled by human power.
- (4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.
- (5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Amended by Chapter 175, 2018 General Session

41-6a-1107 Bicycles -- Parking on sidewalk, roadway -- Prohibitions.

- (1) A person may park a bicycle on a sidewalk unless prohibited or restricted by a traffic-control device.
- (2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic.
- (3) A bicycle may be parked on the roadway at any location where parking is allowed:
 - (a) at any angle to the curb or edge of the roadway; and
 - (b) abreast of another bicycle or bicycles near the side of the roadway.
- (4) A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle.
- (5) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of Part 14, Stopping, Standing, and Parking, regarding the parking of vehicles.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1108 Bicycles and mopeds -- Turns -- Designated lanes.

- (1) A person riding a bicycle or moped and intending to turn left shall comply with Section 41-6a-801 or Subsection (2).
- (2)
 - (a) A person riding a bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway.
 - (b) After proceeding across the intersecting roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical.
 - (c) After stopping, the bicyclist or moped operator shall yield to any traffic proceeding in either direction along the roadway he had been using.
 - (d) After yielding and complying with any traffic-control device or peace officer regulating traffic, the bicyclist or moped operator may proceed in the new direction.
- (3)
 - (a) Notwithstanding Subsections (1) and (2), a highway authority in its respective jurisdiction may place traffic-control devices that require and direct turning bicyclists and moped operators to travel a specific course.
 - (b) When the devices are placed under Subsection (3)(a), a person may not turn a bicycle other than as directed by the devices.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1109 Bicycles and mopeds -- Turn signals -- Exceptions.

- (1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6a-804 regarding turn signals and turning.
- (2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.
- (3) A person operating a bicycle or moped who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1110 Bicycle and moped inspections -- At request of officer.

A peace officer may at any time require a person riding a bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate if the officer has reasonable cause to believe that:

- (1) the bicycle or moped is unsafe or not equipped as required by law; or
- (2) the bicycle or moped's equipment is not in proper adjustment or repair.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1111 Bicycle racing -- When approved -- Prohibitions -- Exceptions -- Authorized exemptions from traffic laws.

- (1) Bicycle racing on highways is prohibited under Section 41-6a-606, except as authorized in this section.

- (2)
 - (a) Bicycle racing on a highway is permitted when a racing event is approved by a highway authority on a highway under its jurisdiction.
 - (b) Approval of bicycle highway racing events may be granted only under conditions:
 - (i) which assure reasonable safety for all race participants, spectators, and other highway users; and
 - (ii) which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
- (3) Participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable:
 - (a) by agreement with the approving highway authority; and
 - (b) if traffic control is adequate to assure the safety of all highway users.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1112 Bicycles and mopeds -- Carrying bundle -- One hand on handlebars.

- (1) A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle or moped.
- (2) A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1113 Bicycle -- Prohibited equipment -- Brakes required.

- (1) A bicycle may not be equipped with, and a person may not use on a bicycle, a siren or whistle.
- (2) Every bicycle shall be equipped with a brake or brakes which enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1114 Bicycles -- Lamps and reflective material required.

- (1) A bicycle in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with a:
 - (a) forward facing lamp that emits a white light visible from a distance of at least 500 feet to the front; and
 - (b)
 - (i) rear facing red reflector that is visible for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or
 - (ii) rear facing red lamp that is designed for use on a bicycle and that emits flashing or nonflashing light visible from a distance of 500 feet to the rear.
- (2) A bicycle when in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with:
 - (a) reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or
 - (b) a lamp that emits light visible from both sides from a distance of at least 500 feet.
- (3) A bicycle or a person operating a bicycle may be equipped with lamps or reflectors in addition to those required by Subsections (1) and (2).

Amended by Chapter 140, 2013 General Session

41-6a-1115 Motor assisted scooters -- Conflicting provisions -- Restrictions -- Penalties.

- (1)
 - (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
 - (b) For a person operating a motor assisted scooter, the following provisions do not apply:
 - (i) seating positions under Section 41-6a-1501;
 - (ii) required lights, horns, and mirrors under Section 41-6a-1506;
 - (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
 - (iv) driver licensing requirements under Section 53-3-202.
- (2) A person under 15 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.
- (3) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.
- (4) A person may not operate a motor assisted scooter:
 - (a) in a public parking structure;
 - (b) on public property posted as an area prohibiting skateboards;
 - (c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
 - (d) on a highway with a posted speed limit greater than 25 miles per hour;
 - (e) while carrying more persons at one time than the number for which it is designed; or
 - (f) that has been structurally or mechanically altered from the original manufacturer's design.
- (5) Except where posted or prohibited by local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.
- (6) An owner may not authorize or knowingly permit a person to operate a motor assisted scooter in violation of this section.
- (7) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1115.5 Electric assisted bicycles -- Restrictions -- Penalties.

- (1) Except as otherwise provided in this section, an electric assisted bicycle is subject to the provisions under this chapter for a bicycle.
- (2) An individual may operate an electric assisted bicycle on a path or trail designated for the use of a bicycle.
- (3) A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.
- (4) An individual under 16 years of age may not operate a class 3 electric assisted bicycle.
- (5) An individual under 14 years of age may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless the individual is under the direct supervision of the individual's parent or guardian.
- (6) An individual under eight years of age may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.
- (7) The owner of an electric assisted bicycle may not authorize or knowingly permit an individual to operate an electric assisted bicycle in violation of this section.
- (8)

- (a) Beginning January 1, 2017, each Utah-based manufacturer of an electric assisted bicycle and each distributor of an electric assisted bicycle in Utah shall permanently affix a label in a prominent location on the electric assisted bicycle.
- (b) Each manufacturer and each distributor shall ensure that the label is printed in Arial font, in 9-point type or larger, and includes the:
 - (i) appropriate electric assisted bicycle classification number described in Section 41-6a-102;
 - (ii) top assisted speed; and
 - (iii) wattage of the motor.
- (9) An individual who violates this section is guilty of an infraction.
- (10) A class 2 electric assisted bicycle is subject to the restrictions of Section 41-6a-526.

Amended by Chapter 175, 2018 General Session

41-6a-1116 Electric personal assistive mobility devices -- Conflicting provisions -- Restrictions -- Penalties.

- (1)
 - (a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
 - (b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:
 - (i) seating positions under Section 41-6a-1501;
 - (ii) required lights, horns, and mirrors under Section 41-6a-1506;
 - (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
 - (iv) driver licensing requirements under Section 53-3-202.
- (2) A person under 15 years of age may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.
- (3) A person may not operate an electric personal assistive mobility device:
 - (a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
 - (b) on a highway with a posted speed limit greater than 35 miles per hour; or
 - (c) that has been structurally or mechanically altered from the original manufacturer's design.
- (4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.
- (5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:
 - (a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or
 - (b) endanger the safety of other persons or property.
- (6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.
- (7)
 - (a) An electric personal assistive mobility device may be operated on:
 - (i) a path or trail designed for the use of a bicycle; or
 - (ii) on a highway where a bicycle is allowed if the speed limit on the highway does not exceed 35 miles per hour.
 - (b) A person operating an electric personal assistive mobility device in an area described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

- (8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:
 - (a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and
 - (b) front, rear, and side reflectors.
- (9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.
- (10) Only one person may operate an electric personal assistive mobility device at a time.
- (11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.
- (12) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1116.5 Local ordinances regulating electric personal assistive mobility devices.

A local authority may adopt an ordinance to regulate or restrict the use of electric personal assistive mobility devices.

Enacted by Chapter 86, 2007 General Session

41-6a-1117 Mini-motorcycle restrictions -- Exceptions.

- (1) A person may not operate a mini-motorcycle on any public property, highway, path, or sidewalk unless:
 - (a) the mini-motorcycle is registered for highway use in accordance with Title 41, Chapter 1a, Motor Vehicle Act; and
 - (b) the operator is licensed to operate a motorcycle in accordance with Title 53, Chapter 3, Uniform Driver License Act.
- (2) An owner may not authorize or knowingly permit a person to operate a mini-motorcycle in violation of this section.
- (3) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1118 Mobility vehicles.

- (1) As used in this section:
 - (a) "Division" means the Driver License Division created in Section 53-3-103.
 - (b) "Mobility vehicle" means a vehicle that:
 - (i) is certified by the division for use by a person with a physical disability; and
 - (ii) complies with the requirements specified by the division in rules made under Subsection (3).
 - (c) "Mobility vehicle certification" means evidence that a vehicle meets the requirements for certification by the division as a mobility vehicle.
 - (d) "Mobility vehicle permit" means a permit issued by the division granting authority and specifying the conditions for a person with a physical disability to operate a mobility vehicle on a public highway.
 - (e) "Physical disability" means a substantial impairment in one or more major life activities that prevents an individual from qualifying to obtain a license certificate.

- (2) A person may operate a mobility vehicle on a public highway in accordance with rules made by the division under Subsection (3).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
 - (a) establishing procedures for certification of a vehicle to be operated as a mobility vehicle;
 - (b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;
 - (c) for acceptable documentation of a mobility vehicle permit applicant's identity, Social Security number if applicable, Utah resident status, and Utah residence address;
 - (d) establishing procedures for the issuance of a mobility vehicle permit to an individual with a physical disability;
 - (e) for examining applicants for a mobility vehicle permit, as necessary for the safety and welfare of the applicant and the traveling public; and
 - (f) granting authority and specifying the conditions and restrictions for a person to operate a mobility vehicle on a public highway.
- (4) An application for a mobility vehicle permit shall be:
 - (a) made upon a form furnished by the division;
 - (b) accompanied by a nonrefundable fee set under Section 53-3-105; and
 - (c) accompanied by a medical questionnaire form that includes information:
 - (i) that establishes the applicant has a physical disability as defined under Subsection (1)(e); and
 - (ii) to determine whether it would be a public safety hazard to permit the applicant to drive a mobility vehicle on a public highway.
- (5) An application and fee for a mobility vehicle permit entitle the applicant to:
 - (a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of application; and
 - (b) a mobility vehicle permit after all tests are passed and requirements are completed.
- (6) A mobility vehicle permit expires on the birth date of the applicant in the fifth year following the year the mobility vehicle permit was issued.
- (7) A person may not hold both a license certificate and a mobility vehicle permit.

Enacted by Chapter 225, 2014 General Session

41-6a-1119 Personal delivery device.

- (1) As used in this section:
 - (a) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
 - (b) "Hazardous material" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.
 - (c) "Personal delivery device" means an electrically powered device to which all of the following apply:
 - (i) the device is intended primarily to transport property on a sidewalk or crosswalk;
 - (ii) the device weighs less than 150 pounds excluding any property being carried in the device, except that a local highway authority may allow a device within the local highway authority's jurisdiction to exceed this weight limit through a local permit or local ordinance;
 - (iii) the device has a maximum speed of 10 miles per hour; and
 - (iv) the device is equipped with technology that enables the operation of the device:

- (A) with active control or monitoring by a person;
 - (B) without active control or monitoring by a person; or
 - (C) both with or without active control or monitoring by a person.
- (d)
- (i) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.
 - (ii) "Personal delivery device operator" does not include:
 - (A) with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or
 - (B) a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (2) An eligible entity may operate a personal delivery device on a sidewalk or crosswalk so long as all of the following requirements are met:
- (a) the personal delivery device is operated in accordance with the local ordinances, if any, established by the local highway authority governing where the personal delivery device is operated;
 - (b) a personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device;
 - (c) the eligible entity maintains an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and
 - (d) the personal delivery device is equipped with all of the following:
 - (i) a marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - (ii) a braking system that enables the personal delivery device to come to a controlled stop; and
 - (iii) if the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.
- (3) A personal delivery device operator may not allow a personal delivery device to do any of the following:
- (a) fail to comply with traffic or pedestrian control devices and signals;
 - (b) unreasonably interfere with pedestrians or traffic;
 - (c) transport hazardous material; or
 - (d) operate on a street or highway, except when crossing the street or highway within a crosswalk.
- (4) A personal delivery device has the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk.
- (5) A person may not operate a personal delivery device unless the person complies with this section.
- (6) An eligible entity is responsible for both of the following:
- (a) a violation of this section that is committed by a personal delivery device operator operated for the benefit of the eligible entity; and
 - (b) any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by Subsection (3).

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

Enacted by Chapter 205, 2018 General Session

Part 12

Railroad Trains, Railroad Grade Crossings, and Safety Zones

41-6a-1201 Driving on tracks.

- (1) The operator of a vehicle proceeding on any track in front of a railroad train on a highway shall remove the vehicle from the track as soon as practicable after signal from the operator of the train.
- (2) When a railroad train has started to cross an intersection, an operator of a vehicle may not drive:
 - (a) on or across the tracks; or
 - (b) in the path of the train within the intersection in front of the train.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1202 Driving through safety zone.

- (1) The operator of a vehicle may not drive through or within a safety zone.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1203 Railroad grade crossing -- Duty to stop -- Malfunctions and school buses -- Driving through, around, or under gate or barrier prohibited.

- (1) As used in this section, "active railroad grade crossing" has the same meaning as defined in Section 41-6a-1005.
- (2) Whenever a person operating a vehicle approaches a railroad grade crossing, the operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track and may not proceed if:
 - (a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
 - (b) a crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;
 - (c) a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is an immediate hazard;
 - (d) an approaching train is plainly visible and is in hazardous proximity to the crossing; or
 - (e) there is any other condition that makes it unsafe to proceed through the crossing.
- (3)
 - (a) An operator of a vehicle who suspects a false activation or malfunction of a railroad grade crossing signal device where there is no gate or barrier may drive a vehicle through the railroad grade crossing after stopping if:

- (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad tracks in all directions;
 - (ii) there is no evidence of an approaching train;
 - (iii) the vehicle can cross over the tracks safely; and
 - (iv) the operator of a school bus is compliant with written district policy.
- (b) As soon as is reasonably possible, the operator of a school bus shall notify the driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the grade crossing signal device is located of the false activation or malfunction.
- (4)
- (a) A person may not drive a vehicle through, around, or under a crossing gate or barrier at a railroad grade crossing if the railroad grade crossing is active.
 - (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the railroad grade crossing is active.
 - (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around, through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1204 Trains -- Interference with vehicles limited.

- (1) A person or government agency may not operate a train in a manner to prevent vehicular use of a roadway for a period of time in excess of five consecutive minutes except:
- (a) when necessary to comply with signals affecting the safety of the movement of trains;
 - (b) when necessary to avoid striking any object or person on the track;
 - (c) when the train is disabled;
 - (d) when the train is in motion or while engaged in switching operations;
 - (e) when there is no vehicular traffic waiting to use the crossing;
 - (f) when necessary to comply with a governmental safety regulation; or
 - (g) as determined by a highway authority.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1205 Railroad grade crossings -- Certain vehicles must stop -- Exceptions -- Rules.

- (1) An operator of a commercial motor vehicle, as defined under Section 53-3-102, shall upon approaching a railroad grade crossing:
- (a) unless Subsection (2) applies, slow down and check that the tracks are clear of an approaching train;
 - (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before reaching the crossing if the tracks are not clear;
 - (c) obey all traffic control devices or the directions of a peace officer, or other crossing official at the crossing; and
 - (d) before proceeding over a railroad grade crossing:
 - (i) ensure that the vehicle has sufficient space to drive completely through a railroad grade crossing without stopping; and

- (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and completely pass through the crossing.
- (2)
- (a) Except as provided in Subsection (3), the operator of a vehicle described in 49 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before crossing, at grade, any track of a railroad.
 - (b) While stopped, the operator shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train.
 - (c) The operator may proceed across the railroad track only when the movement may be made with reasonable safety.
 - (d) After stopping as required and upon safely proceeding, the operator shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing.
 - (e) The operator may not manually shift gears while crossing the railroad track.
- (3) This section does not apply at a:
- (a) railroad grade crossing where traffic is controlled by a peace officer or other crossing official;
 - (b) railroad grade crossing where traffic is regulated by a traffic-control signal;
 - (c) railroad grade crossing where a traffic-control device gives notice that the stopping requirements of this section are not applicable; or
 - (d) other railroad grade crossings excluded under 49 CFR 392.10.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1206 Railroad crossing duties respecting crawler type tractor, power shovel, derrick, or other equipment or structure.

- (1) A person may not operate or move the following on or across any tracks at a railroad grade crossing without first complying with this section:
- (a) a crawler type tractor;
 - (b) a power shovel;
 - (c) a derrick;
 - (d) a roller; or
 - (e) any equipment or structure having:
 - (i) normal operating speed of 10 or less miles per hour; or
 - (ii) a vertical body or load clearance of less than:
 - (A) 1/2 inch per foot of the distance between any two adjacent axles; or
 - (B) in any event, nine inches measured above the level surface of a roadway.
- (2) Notice of an intended crossing under this section shall be given to the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.
- (3)
- (a) Before making a crossing under this section the person operating or moving the vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the railway.
 - (b) While stopped, the operator of the vehicle shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a railroad train.
 - (c) The operator may proceed across the track only when the crossing can be made safely.
- (4) The operator of a vehicle shall obey all traffic control devices or the directions of a peace officer or other crossing official at the crossing.

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

Amended by Chapter 412, 2015 General Session

Part 13

School Buses and School Bus Parking Zones

41-6a-1301 Standards and specifications for lighting and special warning devices on school buses.

- (1)
 - (a) A school bus shall be equipped with red signal lamps mounted as high and as widely spaced laterally as practicable.
 - (b) The red signal lamps shall display two alternately flashing red lights, located at the same level, to the front and rear of the school bus.
 - (c) The red signal lamps shall be visible at 500 feet in normal sunlight.
- (2)
 - (a) A school bus shall be equipped with yellow signal lamps mounted near each of the four red signal lamps and at the same level but closer to the vertical centerline of the bus.
 - (b) The yellow signal lamps shall display two alternately flashing yellow lights to the front and rear of the school bus.
 - (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.
- (3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights are activated.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1302 School bus -- Signs and light signals -- Flashing amber lights -- Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction -- Penalties.

- (1) A school bus, when operated for the transportation of school children, shall:
 - (a) bear on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use for the transportation of school children; and
 - (b) be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as required under Section 41-6a-1301 and prescribed by the department under Section 41-6a-1601.
- (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus equipped with signals required under this section which is displaying alternating flashing:
 - (a) amber warning light signals, shall slow the vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6a-601(2) for school zones for the safety of the school children that may be in the vicinity; or
 - (b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation.
- (3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when:
 - (a) traveling on a divided highway;

- (b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or
 - (c) on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.
- (4)
- (a) The operator of a school bus shall operate alternating flashing red light signals at all times when:
 - (i) children are unloading from a school bus to cross a highway;
 - (ii) a school bus is stopped for the purpose of loading children who must cross a highway to board the bus; or
 - (iii) it would be hazardous for vehicles to proceed past the stopped school bus.
 - (b) The alternating flashing red light signals may not be operated except:
 - (i) when the school bus is stopped for loading or unloading school children; or
 - (ii) for an emergency purpose.
- (5) The operator of a school bus being operated on a highway shall have the headlights of the school bus lighted.
- (6)
- (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum fine is:
 - (i) \$100 for a first offense;
 - (ii) \$200 for a second offense within three years of a previous conviction or bail forfeiture; and
 - (iii) \$500 for a third or subsequent offense within three years of a previous conviction or bail forfeiture.
 - (b) A violation of Subsection (5) is an infraction and the fine is \$50.
 - (c) The court may order the person to perform compensatory service in lieu of the fine or any portion of the fine if the court makes the reasons for the waiver part of the record.
 - (d) In accordance with Section 78A-5-110, 78A-6-210, or 78A-7-120, as applicable, if a photograph or video image obtained from an automated traffic enforcement safety device described in Section 41-6a-1310 was used as evidence of a violation of Subsection (2) or (3), 20% of the fine collected under Subsection (6)(a) shall be deposited with the school district or private school that owns or contracts for the operation of the bus to offset the costs of the automated traffic enforcement safety device.
- (7) A violation of Subsection (1) or (4) is an infraction.
- (8) The Driver License Division shall develop and implement a record system to distinguish:
- (a) a conviction or bail forfeiture under this section from other convictions; and
 - (b) between a first and subsequent conviction or bail forfeiture under this section.

Amended by Chapter 186, 2017 General Session

41-6a-1303 Passing a school bus complaint procedure.

- (1)
- (a) An operator of a school bus who observes a violation of Subsection 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school district, to the school district transportation coordinator no more than two working days after the alleged violation occurred.
 - (b)
 - (i) The report under Subsection (1)(a) shall contain:
 - (A) the date, time, and location of the violation;
 - (B) the license plate number and state and description of the offending vehicle;
 - (C) as much as practical, a description of the operator of the offending vehicle;

- (D) a description of the incident involving the violation;
 - (E) information on how to contact the school bus operator who witnessed the offense; and
 - (F) the signature of the operator of the school bus who witnessed the offense attesting to the accuracy of the report.
- (ii) The report under Subsection (1)(a) may contain photographs or video images produced by an automated traffic enforcement safety device described in Section 41-6a-1310.
- (2)
- (a) Upon receipt of a report in accordance with Subsection (1), the school district transportation coordinator shall promptly send a notification letter to the last-known registered owner of the vehicle.
 - (b) The notification letter shall include:
 - (i) the applicable information on the school bus operator's report stating that the vehicle was observed passing a school bus displaying alternating flashing red lights in violation of state law;
 - (ii) a complete explanation of the applicable provisions of Section 41-6a-1302; and
 - (iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
 - (c) The school district transportation coordinator may file the report with the local law enforcement agency that has jurisdiction for the alleged violation.
- (3) A law enforcement agency that receives a report in accordance with Subsection (2) may have a peace officer initiate an investigation of the reported violation.

Amended by Chapter 186, 2017 General Session

41-6a-1304 School buses -- Rules regarding design and operation.

- (1)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and enforce rules, not inconsistent with this chapter, to govern the design and operation of all school buses in this state when:
 - (i) owned and operated by any school district;
 - (ii) privately owned and operated under contract with a school district; or
 - (iii) privately owned for use by a private school.
 - (b) The rules under this Subsection (1) shall by reference be made a part of any contract with a school district or private school to operate a school bus.
- (2) Every school district or private school, its officers and employees, and every person employed under contract by a school district or private school shall be subject to the rules under Subsection (1).

Amended by Chapter 382, 2008 General Session

41-6a-1305 Violation of rules -- Penalty.

- (1) An officer or employee of a school district who violates any of the rules provided under Section 41-6a-1304 or fails to include the obligation to comply with the rules in a contract executed by that person on behalf of a school district is guilty of misconduct and subject to removal from office or employment.

- (2) A person operating a school bus under contract with a school district who fails to comply with any rules provided under Section 41-6a-1304 is guilty of breach of contract, and the contract shall be canceled after notice and hearing by the responsible officers of the school district.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1306 School buses removed from service -- Removal of markings -- Repainting -- School district not to bear expense -- Infraction.

- (1)
 - (a) As used in this section, "old school bus" means a school bus that has been removed from service and is operated on the highways, streets, or roads of this state for a nonschool permanent commercial use.
 - (b) A person who acquires an old school bus shall cause:
 - (i) identifying markings be removed; and
 - (ii) the bus be painted a color other than school-bus yellow.
 - (c) The school districts may not be charged any expense related to removing markings from the school bus removed from service.
- (2) A person who violates this section is guilty of an infraction.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1307 School bus parking zones -- Establishment -- Uniform markings -- Penalty.

- (1) As used in this section, "school bus parking zone" means a parking space that is clearly identified as reserved for use by a school bus.
- (2) A highway authority for highways under its jurisdiction and school boards for roadways located on school property may establish and locate school bus parking zones in accordance with specifications established under Subsection (3).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation, after consultation with local highway authorities and school boards which may include input from school traffic safety committees established under Section 53G-4-402, shall make rules establishing specifications for uniform signage or markings to clearly identify school bus parking zones.
- (4) A person may not stop, stand, or park a vehicle other than a school bus, whether occupied or not, in a clearly identified school bus parking zone.
- (5)
 - (a) A violation of Subsection (4) is an infraction.
 - (b) A person who violates Subsection (4) shall pay a minimum fine of \$75.

Amended by Chapter 415, 2018 General Session

41-6a-1308 School bus idling standards.

The State Board of Education shall, in consultation with local school districts and the Air Quality Board:

- (1) implement an idling reduction program for all school bus drivers in the state; and
- (2) adopt idling reduction standards in the Utah Standards for Utah School Buses and Operations, 2008 edition.

Enacted by Chapter 68, 2008 General Session

41-6a-1309 Advertising on a school bus.

- (1) A local school board or charter school governing board may sell advertising space on the exterior of a school bus in accordance with this section.
- (2)
 - (a) A local school board or charter school governing board that sells advertising space on the exterior of a school bus shall adopt guidelines for the type of advertising that will be permitted.
 - (b) Advertising on a school bus:
 - (i) shall be age appropriate;
 - (ii) shall be consistent with the instructional requirements of Section 53G-10-402;
 - (iii) may not contain:
 - (A) promotion of any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
 - (B) promotion of any political party, candidate, or issue; or
 - (C) sexual material; and
 - (iv) may not resemble a traffic-control device as defined in Section 41-6a-102.
- (3)
 - (a) The Department of Transportation shall make and enforce rules pursuant to Section 41-6a-1304 governing the placement and size of an advertisement on a school bus.
 - (b) Rules made under Subsection (3)(a) shall:
 - (i) prohibit the placement of an advertisement on the back or the front of a school bus; and
 - (ii) limit the size of an advertisement to no more than 35% of the area of the side of a school bus.
- (4)
 - (a) A school bus advertisement shall be painted or affixed by decal on a school bus in a manner that complies with rules adopted under Subsection (3).
 - (b) A commercial advertiser that contracts with a school district for the use of space for an advertisement shall pay:
 - (i) the cost of placing the advertisement on a school bus; and
 - (ii) for the removal of the advertisement after the term of the contract has expired.
- (5) A school district or charter school shall use revenue from the sale of advertising space on a school bus for expenditures made within accounting function classification 2700, School Transportation Services, of the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics.

Amended by Chapter 415, 2018 General Session

41-6a-1310 School bus traffic safety devices.

- (1) For purposes of this section, "automated traffic enforcement safety device" means a device that:
 - (a) is affixed to a school bus;
 - (b) is capable of detecting a vehicle unlawfully overtaking or passing a school bus;
 - (c) is capable of producing a photograph or video image of the rear of a vehicle, including an image of the vehicle's license plate; and
 - (d) produces a time stamp on the photograph or video image described in Subsection (1)(c).
- (2) A school district or private school may install an automated traffic enforcement safety device on a school bus.

- (3) A photograph, video image, or other record produced by an automated traffic enforcement safety device may not be used for any purpose other than evidence for a violation of Section 41-6a-1302.
- (4) A photograph, video image, or other record produced by an automated traffic enforcement safety device is subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules to address student privacy concerns that may arise from the use of an automated traffic enforcement safety device authorized in this section.

Enacted by Chapter 186, 2017 General Session

Part 14

Stopping, Standing, and Parking

41-6a-1401 Standing or parking vehicles -- Restrictions and exceptions.

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
 - (a) stop, stand, or park a vehicle:
 - (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) on a sidewalk;
 - (iii) within an intersection;
 - (iv) on a crosswalk;
 - (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
 - (viii) on any railroad tracks;
 - (ix) on any controlled-access highway;
 - (x) in the area between roadways of a divided highway, including crossovers; or
 - (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
 - (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) in front of a public or private driveway;
 - (ii) within 15 feet of a fire hydrant;
 - (iii) within 20 feet of a crosswalk;
 - (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 - (vi) at any place where a traffic-control device prohibits standing; or
 - (vii) at the capitol hill complex as defined in Section 63C-9-102 in a parking space identified as reserved for specific users, without:

- (A) approval by the executive director of the State Capitol Preservation Board created in Section 63C-9-201; and
- (B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
- (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) within 50 feet of the nearest rail of a railroad crossing; or
 - (ii) at any place where traffic-control devices prohibit parking.
- (2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.
- (3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

Amended by Chapter 245, 2016 General Session

41-6a-1402 Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.

- (1) Except as otherwise provided in this section, a vehicle stopped or parked on a two-way roadway shall be stopped or parked with the right-hand wheels:
 - (a) parallel to and within 12 inches of the right-hand curb; or
 - (b) as close as practicable to the right edge of the right-hand shoulder.
- (2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:
 - (a) right-hand wheels:
 - (i) within 12 inches of the right-hand curb; or
 - (ii) as close as practicable to the right edge of the right-hand shoulder; or
 - (b) left-hand wheels:
 - (i) within 12 inches of the left-hand curb; or
 - (ii) as close as practicable to the left edge of the left-hand shoulder.
- (3)
 - (a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway.
 - (b) Angle parking is not permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (4)
 - (a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where:
 - (i) the stopping, standing, or parking is dangerous to those using the highway; or
 - (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic.
 - (b) A person may not stop, stand, or park a vehicle in violation of the restriction indicated by the devices under Subsection (4)(a).
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1403 Motor vehicle left unattended -- Requirements.

- (1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:
 - (a) stopping the engine;
 - (b) locking the ignition and removing the key;
 - (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
 - (d) effectively setting the brakes thereon.
- (2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1404 Stopping or parking on roadway outside business or residential district.

- (1) Outside a business or residence district, a person may not stop, park, or leave standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop, park, or leave the vehicle off the roadway.
- (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:
 - (a) leave an unobstructed width of the highway opposite the vehicle for the free passage of other vehicles; and
 - (b) leave the vehicle so that other vehicle operators have a clear view of the stopped vehicle from a distance of 200 feet in each direction on the roadway.
- (3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the paved or main traveled portion of the roadway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1405 Peace officer authorized to move vehicle.

- (1) If a peace officer finds a vehicle in violation of Section 41-6a-1404, the officer may move the vehicle, cause the vehicle to be moved, or require the operator or other person responsible for the vehicle to move the vehicle to a safe position off the highway.
- (2) A peace officer may remove or cause to be removed to a place of safety an unattended vehicle left standing on a highway in:
 - (a) violation of this part; or
 - (b) a position or under circumstances that the vehicle obstructs the normal movement of traffic.
- (3) In accordance with Section 41-6a-1406, a peace officer may remove or cause to be removed to the nearest garage or other place of safety a vehicle found on a highway when:
 - (a) the vehicle has been reported stolen or taken without the consent of its owner;
 - (b) the person responsible for the vehicle is unable to provide for its custody or removal; or
 - (c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

- (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or impounded to:
 - (a) a state impound yard; or
 - (b) if none, a garage, docking area, or other place of safety.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
 - (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
 - (b) by the department under Subsection (10).
- (4)
 - (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:
 - (i) the peace officer or agency by whom the peace officer is employed; and
 - (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
 - (b) The report shall be in a form specified by the Motor Vehicle Division and shall include:
 - (i) the operator's name, if known;
 - (ii) a description of the vehicle, vessel, or outboard motor;
 - (iii) the vehicle identification number or vessel or outboard motor identification number;
 - (iv) the license number, temporary permit number, or other identification number issued by a state agency;
 - (v) the date, time, and place of impoundment;
 - (vi) the reason for removal or impoundment;
 - (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
 - (viii) the place where the vehicle, vessel, or outboard motor is stored.
 - (c) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
 - (i) collect any fee associated with the removal; and
 - (ii) begin charging storage fees.
- (5)
 - (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
 - (i) the registered owner;
 - (ii) any lien holder; or
 - (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
 - (b) The notice shall:

- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
 - (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
 - (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
 - (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.
- (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (6)
- (a) The vehicle, vessel, or outboard motor shall be released after a party described in Subsection (5)(a):
 - (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
 - (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
 - (iv) if the impoundment was made under Section 41-6a-527, pays an administrative impound fee of \$400; and
 - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
 - (b)
 - (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;
 - (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the Department of Public Safety Restricted Account created in Section 53-3-106;
 - (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund; and
 - (iv) the remainder of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited in the General Fund.
 - (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
 - (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or

- other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
- (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
- (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
- (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
 - (i) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 5(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (6).
- (7)
 - (a) An impounded vehicle, vessel, or outboard motor not claimed by a party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 shall be sold in accordance with that section and the proceeds, if any, shall be disposed of as provided under Section 41-1a-1104.
 - (b) The date of impoundment is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
- (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
- (11)
 - (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
 - (b)
 - (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
 - (ii) The fees under this Subsection (11)(b) shall:
 - (A) be reasonable and fair; and
 - (B) reflect the cost of administering the database.

Amended by Chapter 100, 2017 General Session

Amended by Chapter 261, 2017 General Session

41-6a-1407 Removal of unattended vehicles prohibited without authorization -- Penalties.

- (1) In cases not amounting to burglary or theft of a vehicle, a person may not remove an unattended vehicle without prior authorization of:
 - (a) a peace officer;

- (b) a law enforcement agency;
 - (c) a highway authority having jurisdiction over the highway on which there is an unattended vehicle; or
 - (d) the owner or person in lawful possession or control of the real property.
- (2)
- (a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.
 - (b) The removal of the unattended vehicle shall comply with requirements of Section 41-6a-1406.
- (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with the requirements of Section 72-9-603.
- (4) A person who violates Subsection (1) or (3) is guilty of an infraction.

Amended by Chapter 298, 2017 General Session

41-6a-1408 Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle identification.

- (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:
- (a) on a highway or on or in the waters of the state for a period in excess of 48 hours; or
 - (b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.
- (2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.
- (3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.
- (5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:
- (a) the original motor number, manufacturer's number or identification mark has been replaced; or
 - (b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle, vessel, or outboard motor.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1409 Vehicle immobilization devices -- Definitions -- Notice requirements -- Maximum removal fee.

- (1) As used in this section:
- (a) "Immobilize" means to affix and lock a vehicle immobilization device to the exterior of a motor vehicle.
 - (b) "Vehicle immobilization device" means a device that may be affixed and locked to the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the vehicle from its location.

- (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used a vehicle immobilization device for the purpose of enforcing parking restrictions with prior authorization from the owner or person in lawful possession or control of the real property.
- (2)
 - (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle owner's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b):
 - (i) a mobile home park as defined in Section 57-16-3; or
 - (ii) a multifamily dwelling of more than eight units.
 - (b) Signage under Subsection (2)(a) shall display:
 - (i) where parking is subject to being immobilized; and
 - (ii) one of the following:
 - (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle for the locations listed under Subsection (2)(a)(i); or
 - (B) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle immobilizer to immobilize the motor vehicle.
 - (c) Signage is not required under Subsection (2)(b) for parking in a location:
 - (i) that is prohibited by law; or
 - (ii) if it is reasonably apparent that the location is not open to parking.
 - (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.
- (3)
 - (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to operate the vehicle.
 - (b) The notice under Subsection (3)(a) shall include:
 - (i) the name and phone number of the vehicle immobilizer;
 - (ii) a phone number that the owner of the vehicle may call to arrange for release of the vehicle; and
 - (iii) applicable fees.
- (4)
 - (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed:
 - (i) \$75 for the first 24-hour period a vehicle is immobilized; plus
 - (ii) \$25 for each additional 24-hour period a vehicle is immobilized.
 - (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.
 - (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device in addition to the fees specified under this Subsection (4).
 - (d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard.
 - (e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device.

- (5) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts with this part.

Amended by Chapter 249, 2014 General Session

Part 15 Special Vehicles

41-6a-1501 Motorcycle or motor-driven cycle -- Place for operator to ride -- Passengers.

- (1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.
- (2)
- (a) Except as provided in Subsection (2)(b):
 - (i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
 - (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.
 - (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
 - (i) the permanent and regular seat, if designed for two persons; or
 - (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
- (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
- (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
 - (a) the operation or control of the motorcycle or motor-driven cycle; or
 - (b) the view of the operator.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1502 Motorcycles, motor-driven cycles, or all-terrain type I vehicles -- Operation on public highways.

- (1)
- (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.
 - (b) A person may not operate a motor vehicle in a manner that deprives a motorcycle or motor-driven cycle of the full use of a lane.
 - (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.
- (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (3) A person may not operate a motorcycle or motor-driven cycle between:
 - (a) lanes of traffic; or
 - (b) adjacent lines or rows of vehicles.

- (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.
- (5) Subsections (2) and (3) do not apply to peace officers acting in the peace officers' official capacities.
- (6) The provisions of this section also apply to all-terrain type I vehicles.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1503 Motorcycle or motor-driven cycle -- Attaching to another vehicle prohibited.

- (1) A person riding on a motorcycle or motor-driven cycle may not attach himself to any other vehicle on a roadway.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1504 Motorcycle or motor-driven cycle -- Footrests for passenger -- Height of handlebars limited.

- (1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.
- (2) A person may not operate a motorcycle or motor-driven cycle with handlebars above shoulder height.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1505 Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.

- (1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):
 - (a) a motorcycle;
 - (b) a motor-driven cycle;
 - (c) a class 3 electric assisted bicycle; or
 - (d) an auticycle that is not fully enclosed.
- (2) This section does not apply to persons riding within an enclosed cab.
- (3) The following standards and specifications for protective headgear are adopted:
 - (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
 - (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.
- (4) A court shall waive \$8 of a fine charged to a person operating a vehicle described in Subsection (1) for a moving traffic violation if the person was:
 - (a) 21 years of age or older at the time of operation; and
 - (b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.
- (5) The failure to wear protective headgear:

- (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
 - (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
- (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.
- (7) A violation of this section is an infraction.

Amended by Chapter 369, 2017 General Session

41-6a-1506 Motorcycles -- Required equipment -- Brakes.

- (1) A motorcycle and a motor-driven cycle shall be equipped with the following items:
- (a) one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
 - (b) one tail lamp;
 - (c) either a tail lamp or a separate lamp which illuminates the rear license plate with a white light;
 - (d) one red reflector on the rear, either separate or as part of the tail lamp;
 - (e) one stop lamp;
 - (f) a braking system, other than parking brake, in accordance with Section 41-6a-1623;
 - (g) a horn or warning device in accordance with Section 41-6a-1625;
 - (h) a muffler and emission control system in accordance with Section 41-6a-1626;
 - (i) a mirror in accordance with Section 41-6a-1627; and
 - (j) tires in accordance with Section 41-6a-1636.
- (2) An autocycle shall be equipped with the following items:
- (a) a seatbelt for each seat installed in the autocycle in accordance with Section 41-6a-1628;
 - (b) at least one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
 - (c) at least one tail lamp;
 - (d) either a tail lamp or a separate lamp that illuminates the rear license plate with a white light;
 - (e) at least one red reflector, either separate or as part of the tail lamp or tail lamps;
 - (f) at least one stop lamp;
 - (g) a braking system, other than a parking brake, in accordance with Section 41-6a-1623;
 - (h) a horn or warning device in accordance with Section 41-6a-1625;
 - (i) a muffler and emission control system in accordance with Section 41-6a-1626 that, when factory equipped, may not be removed ;
 - (j) a mirror in accordance with Section 41-6a-1627; and
 - (k) tires in accordance with Section 41-6a-1636.
- (3) The department may require an inspection of the braking system on a motor-driven cycle and disapprove a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use in accordance with Section 41-6a-1623.
- (4) A person may not operate a motor-driven cycle on a highway if the department has disapproved the braking system on the motor-driven cycle.
- (5)
- (a) Upon notice to the party to whom the motor-driven cycle is registered, the department may suspend the registration of a motor-driven cycle if the department has disapproved the braking system under this section.

- (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking system disapproved under this section.
- (6) A violation of this section is an infraction.

Amended by Chapter 40, 2016 General Session

41-6a-1507 Custom vehicles -- Defined -- Compliance with all laws and standards -- Exceptions -- Revocation -- Signed statement required.

- (1)
 - (a) As used in this section, "custom vehicle" means a motor vehicle that:
 - (i)
 - (A) is at least 25 years old and of a model year after 1948; or
 - (B)
 - (I) was manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and
 - (II)
 - (Aa) has been altered from the manufacturer's original design; or
 - (Bb) has a body constructed of non-original materials; and
 - (ii) is primarily a collector's item that is used for:
 - (A) club activities;
 - (B) exhibitions;
 - (C) tours;
 - (D) parades;
 - (E) occasional transportation; and
 - (F) other similar uses.
 - (b) A custom vehicle does not include:
 - (i) a motor vehicle that is used for general, daily transportation;
 - (ii) a vintage vehicle as defined in Section 41-21-1; or
 - (iii) a special interest vehicle as defined in Section 41-1a-102.
- (2) Except as specified under this section, a custom vehicle shall meet all safety, registration, insurance, fees, and taxes required under this title.
- (3)
 - (a) Except as provided in Subsection (3)(b), all safety equipment of a custom vehicle shall at least meet the safety standards applicable to the model year of the vehicle being replicated. Any replacement equipment shall comply with the design standards of the replacement equipment's manufacture.
 - (b) A custom vehicle shall comply with current vehicle brake and stopping standards.
- (4) A custom vehicle is exempt from motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.
- (5) The tax commission may revoke or deny the registration of a custom vehicle for failure to comply with this section.
- (6) The owner of a custom vehicle shall provide a signed statement certifying that the custom vehicle is owned and operated for the purposes enumerated in this section to the safety inspection station in order to qualify for the exceptions provided under this section.

Amended by Chapter 171, 2009 General Session

41-6a-1508 Low-speed vehicle.

- (1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:
 - (a) traffic rules under Title 41, Chapter 6a, Traffic Code;
 - (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
 - (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (d) vehicle registration, titling, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
 - (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;
 - (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act; and
 - (g) safety belt requirements under Part 18, Motor Vehicle Safety Belt Usage Act.
- (2)
 - (a) The owner of a low-speed vehicle shall ensure that the low-speed vehicle:
 - (i) complies with federal safety standards established in 49 C.F.R. 571.500; and
 - (ii) is equipped with:
 - (A) headlamps;
 - (B) front and rear turn signals, tail lamps, and stop lamps;
 - (C) turn signal lamps;
 - (D) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;
 - (E) a parking brake;
 - (F) a windshield that meets the standards under Section 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield; and
 - (G) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side.
 - (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements under Part 16, Vehicle Equipment.
- (3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.
- (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.
- (5)
 - (a) Except to cross a highway at an intersection, a low-speed vehicle may not be operated on a highway with a posted speed limit of more than 35 miles per hour.
 - (b) In addition to the restrictions under Subsection (5)(a), a highway authority may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.
- (6) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.
- (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

Amended by Chapter 406, 2017 General Session

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

- (1)
- (a) An all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless:
 - (i) the highway is an interstate freeway as defined in Section 41-6a-102; or
 - (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.
 - (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that is not open to motor vehicle use.
- (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:
- (a) a motorcycle for:
 - (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
 - (ii) titling, odometer statement, vehicle identification, license plates, and registration, excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and
 - (iii) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
 - (b) a motor vehicle for:
 - (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
 - (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; 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) The owner of an all-terrain type I vehicle being operated as a street-legal ATV shall ensure that the vehicle is 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 seat designed for passengers, including a footrest and handhold for each passenger; and
 - (xiv) 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) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is 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;
 - (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;
 - (xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and
 - (xvi) tires that:
 - (A) do not exceed 44 inches in height; and
 - (B) have at least 2/32 inches or greater tire tread.
 - (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
- (4)
- (a) Subject to the requirements of 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 restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.
- (7) A violation of this section is an infraction.

Amended by Chapter 166, 2018 General Session

Amended by Chapter 373, 2018 General Session

Part 16

Vehicle Equipment

41-6a-1601 Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.

- (1)
 - (a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles which:
 - (i) is in an unsafe condition that may endanger any person;
 - (ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;
 - (iii) is equipped in any manner in violation of this chapter; or
 - (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local health departments.
 - (b) A person may not do any act forbidden or fail to perform any act required under this chapter.
- (2)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.
 - (b) The rules under Subsection (2)(a):
 - (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;
 - (ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;
 - (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;
 - (iv) shall include standards for the emergency lights of authorized emergency vehicles;

- (v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:
 - (A) this part;
 - (B) federal motor vehicle safety standards; and
 - (C) current specifications of the Society of Automotive Engineers;
 - (vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;
 - (vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;
 - (viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;
 - (ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and
 - (x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.
- (c) The following standards and specifications for vehicle equipment are adopted:
- (i) 49 C.F.R. 571.209 related to safety belts;
 - (ii) 49 C.F.R. 571.213 related to child restraint devices;
 - (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;
 - (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
 - (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.
- (3) Nothing in this chapter or the rules made by the department prohibit:
- (a) equipment required by the United States Department of Transportation; or
 - (b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.
- (4) Except as specifically made applicable, the provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to:
- (a) implements of husbandry;
 - (b) road machinery;
 - (c) road rollers;
 - (d) farm tractors;
 - (e) motorcycles;
 - (f) motor-driven cycles;
 - (g) vehicles moved solely by human power;
 - (h) off-highway vehicles registered under Section 41-22-3 either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
 - (i) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).
- (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made under that chapter.
- (6)
- (a)

- (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.
- (ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on highways.
- (b) The department:
 - (i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and
 - (ii) may adopt a rule to replace the superseded provision.
- (7) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 149, 2017 General Session

41-6a-1602 Permit to operate vehicle in violation of equipment regulations.

- (1) The department may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of this chapter or in violation of rules made by the department.
- (2) The permit shall be carried in the vehicle and shall be displayed upon demand of a magistrate or peace officer.
- (3)
 - (a) The department may limit the time, manner, or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic.
 - (b) Any conditions shall be stated on the permit and a person may not violate them.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1603 Lights and illuminating devices -- Duty to display -- Time.

- (1)
 - (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.
 - (b) The lights, lighted lamps, and other lamps and illuminating devices under Subsection (1)
 - (a) shall be lighted as respectively required for different classes of vehicles, subject to the exceptions for parked vehicles under Section 41-6a-1607.
- (2) Whenever a requirement is made as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply during the times specified under Subsection (1)(a) for a vehicle without load on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
- (3) Whenever a requirement is made as to the mounted height of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1604 Motor vehicle head lamps, tail lamps, stop lamps, and other lamps -- Requirements -- Penalty.

- (1) A motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle.
- (2)
 - (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps and two or more red reflectors mounted on the rear.
 - (b)
 - (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612, all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or reflect a red color.
 - (ii) A turn signal or hazard warning light may be red or yellow.
 - (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate.
- (3)
 - (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps and flashing turn signals.
 - (b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the supplemental stop lamp:
 - (i) emits a red light;
 - (ii) is mounted:
 - (A) and constructed so that no light emitted from the device, either direct or reflected, is visible to the driver;
 - (B) not lower than 15 inches above the roadway; and
 - (C) on the vertical center line of the vehicle; and
 - (iii) is the size, design, and candle power that conforms to federal standards regulating stop lamps.
- (4)
 - (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other lamp, or reflector required under this part shall comply with the requirements and limitations established under Section 41-6a-1601.
 - (b) The department, by rules made under Section 41-6a-1601, may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers to have additional lamps and reflectors.
- (5) The department, by rules made under Section 41-6a-1601, may allow:
 - (a) one tail lamp on any vehicle equipped with only one when it was made;
 - (b) one stop lamp on any vehicle equipped with only one when it was made; and
 - (c) passenger cars and trucks with a width less than 80 inches and manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.
- (6)
 - (a) As used in this section, "continuously flashing light system" means a light system for a supplemental stop lamp described in Subsection (3)(b) in which the stop lamp or reflector pulses rapidly for no more than five seconds when the brake is applied and then converts to a continuous light as a normal stop lamp or reflector until the time that the brake is released.
 - (b) A motor vehicle, trailer, semitrailer, and pole trailer may be equipped with a continuously flashing light system.
- (7) A violation of this section is an infraction.

Amended by Chapter 83, 2017 General Session

41-6a-1605 Vehicles operated in combination.

If a motor vehicle and other vehicles are operated in combination during the time that lights are required under Section 41-6a-1603, a lamp that is obscured by another vehicle of the combination is not required to be lighted.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1606 Load extending beyond rear of vehicle -- Duty to display lamps and reflectors or flags.

- (1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of the load in accordance with this section.
- (2) During hours of darkness as specified in Section 41-6a-1603, the following shall be displayed:
 - (a) two red reflectors located so as to indicate maximum width; and
 - (b) two red lamps, one on each side with one red lamp located so as to indicate maximum overhang.
- (3)
 - (a) At a time other than the time indicated under Subsection (2), on a vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags shall be displayed marking the extremities of the load, at each point where a lamp or reflector is required under Subsection (2).
 - (b) The red flags shall be at least 12 inches square.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1607 Parking lamps required -- Use when vehicle parked at night -- Head lamps dimmed.

- (1)
 - (a) A vehicle shall be equipped with one or more parking lamps.
 - (b) The parking lamps shall comply with requirements established under Section 41-6a-1601.
- (2) A vehicle parked or stopped on a roadway or shoulder, whether attended or unattended, shall display lighted parking lamps if conditions exist as specified under Subsection 41-6a-1603(1)
 - (a).
- (3) Any lighted head lamps on a parked vehicle shall be dimmed.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1608 Farm tractors and equipment -- Lamps and reflectors -- Slow-moving vehicle emblem.

- (1)
 - (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with hazard warning lights of a type described in Section 41-6a-1611.

- (b) The hazard warning lights shall be:
 - (i) visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight; and
 - (ii) displayed whenever a farm tractor or self-propelled implement of husbandry is operated on a highway.
- (2)
 - (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under this section.
 - (b) A farm tractor and a self-propelled implement of husbandry manufactured or assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in this section if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
- (3) Subject to the provisions of Subsection (2), a farm tractor and an implement of husbandry shall be equipped with:
 - (a) at least two head lamps;
 - (b) at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and
 - (c) at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- (4) Towed farm equipment or a towed implement of husbandry shall be equipped with lamps and reflectors as provided under this Subsection (4), if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
 - (a) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
 - (b)
 - (i) If the towed unit extends more than four feet to the left of the center line of the tractor, the towed unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps.
 - (ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.
 - (c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in Subsection (1).
- (5)
 - (a) The two red reflectors required under Subsections (3) and (4) shall be positioned to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles as viewed from the rear of the vehicle or combination of vehicles.
 - (b) Reflective tape or paint may be used in lieu of the reflectors required under this section.
- (6)
 - (a) A slow-moving vehicle emblem mounted on the rear is required on:
 - (i) a farm tractor and a self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour; or
 - (ii) towed farm equipment or a towed implement of husbandry if the towed unit or any load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled implement of husbandry.
 - (b) The slow-moving vehicle emblem's design, size, mounting, and position on the vehicle required under this Subsection (6), shall:

- (i) comply with current standards and specifications of the American Society of Agricultural Engineers; and
- (ii) be approved by the department.
- (c) A slow-moving vehicle identification emblem may not be:
 - (i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609; or
 - (ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1609 Lamps and reflectors on vehicles not otherwise specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.

- (1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not specifically required by the provisions of other sections in this chapter to be equipped with lamps or other lighting devices, shall be equipped with lamps or other lighting devices if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as follows:
 - (a) at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and
 - (b)
 - (i) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle; or
 - (ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.
- (2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle identification emblem as provided under Section 41-6a-1608.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1610 Spot lamps.

- (1) A motor vehicle may not be equipped with more than two spot lamps.
- (2) A lighted spot lamp may not be aimed or used so that any part of the high intensity portion of the beam strikes the windshield, or any windows, mirror, or occupant of another vehicle in use.
- (3) This section does not apply to spot lamps on an authorized emergency vehicle.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1611 Hazard warning lamps.

- (1) A vehicle manufactured with hazard warning lights shall be equipped with hazard warning lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
- (2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer, semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck, truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet or more in overall length.

- (3) The hazard warning lights required under this section shall comply with rules made by the department under Section 41-6a-1601.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1612 Back-up lamps -- Side marker lamps.

- (1)
 - (a) A motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps.
 - (b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward motion.
 - (c) A lighted back-up lamp shall emit a white light.
- (2) A vehicle may be equipped with one or more side marker lamps that may be flashed in conjunction with turn or vehicular hazard warning signals.
- (3) A back-up lamp and side marker lamp under this section shall comply with rules made by the department under Section 41-6a-1601.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1613 Lamp required for operation of vehicle on highway or adjacent shoulder -- Dimming of lights.

- (1)
 - (a) If a vehicle is operated on a highway or shoulder adjacent to the highway under the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam distribution of light or composite beam except as provided under Subsection (1)(c).
 - (b) Except as provided under Subsection (1)(c), the distribution of light or composite beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.
 - (c) The operator of a vehicle shall use a low beam distribution of light or composite beam if the vehicle approaches:
 - (i) an oncoming vehicle within 500 feet; or
 - (ii) another vehicle from the rear within 300 feet.
- (2)
 - (a) The low beam distribution of light or composite beam shall be aimed to avoid projecting glaring rays into the:
 - (i) eyes of an oncoming operator; or
 - (ii) rearview mirror of a vehicle approached from the rear.
 - (b) A vehicle is not in violation of Subsection (2)(a) if:
 - (i) the vehicle has not been significantly altered from the original vehicle manufacturer's specifications; or
 - (ii) the glaring rays result from road contour or a temporary load on the vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1614 Head lamps on farm tractors -- Motor vehicles sold prior to certain date.

- (1) Head lamp systems which provide only a single distribution of light shall be permitted on:

- (a) a farm tractor; and
 - (b) other motor vehicles manufactured and sold prior to July 1, 1980.
- (2) Head lamp systems authorized under this section shall comply with rules made by the department under Section 41-6a-1601.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1616 High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.

- (1)
- (a) Except as provided under Subsection (1)(b), under the conditions specified under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which projects a beam of light of an intensity greater than 300 candlepower, shall be directed so that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
 - (b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps, auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.
 - (c) A motor vehicle on a highway may not have more than a total of four lamps lighted on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp if the lamp projects a beam of an intensity greater than 300 candlepower.
- (2)
- (a) Except for an authorized emergency vehicle described in Section 41-6a-1601, a school bus described in Section 41-6a-1302, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a red light that is visible from directly in front of the center of the vehicle.
 - (b) Except for a law enforcement vehicle, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that is visible from directly in front of the center of the vehicle.
- (3) A person may not use flashing lights on a vehicle except for:
- (a) taillights of bicycles described in Section 41-6a-1114;
 - (b) authorized emergency vehicles described in Section 41-6a-1601;
 - (c) turn signals described in Section 41-6a-1604;
 - (d) hazard warning lights described in Sections 41-6a-1608 and 41-6a-1611;
 - (e) school bus flashing lights described in Section 41-6a-1302;
 - (f) vehicles engaged in highway construction or maintenance described in Section 41-6a-1617;
 - (g) a simulated emergency vehicle used in accordance with Section 41-6a-1718; and
 - (h) a continuously flashing light system under Section 41-6a-1604.
- (4) Except for an authorized emergency vehicle described in Section 41-6a-1601, or a media production vehicle used in accordance with Section 41-6a-1718, a person may not use a rotating light on any vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 348, 2016 General Session

41-6a-1617 Highway construction and maintenance vehicles -- Transportation department to adopt rules for lighting.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules providing specifications governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations.
- (2) The standards and specifications adopted under Subsection (1) shall correlate with, and where possible conform to, the standards set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.
- (3) The operator of a vehicle engaged in highway construction or maintenance operations shall comply with rules adopted under this section.

Amended by Chapter 382, 2008 General Session

41-6a-1618 Sale or use of unapproved lighting equipment or devices prohibited.

- (1) Except as provided under Subsection (2), a person may not use, have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or any parts of that equipment which tend to change the original design or performance, unless the part or equipment complies with the specifications adopted under Section 41-6a-1601.
- (2) The provisions of Subsection (1) do not apply to equipment in actual use prior to July 1, 1979 or to replacement parts of this equipment.
- (3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with this part.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1619 Sale of unapproved equipment prohibited -- Trademark or brand name.

- (1) A person shall not sell or offer for sale any equipment or parts that do not comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.
- (2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any package containing the equipment shall bear the manufacturer's trademark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1620 Departmental approval of lighting devices or safety equipment.

- (1)
 - (a) The department shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required under this part.
 - (b) The department shall consider the part for approval within a reasonable time after approval has been requested.
- (2)

- (a) The department shall establish a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part under Subsection (1).
- (b)
 - (i) The procedure may provide for submission of the part to the American Association of Motor Vehicle Administrators as the agent of the department.
 - (ii) Approval issued by the association under Subsection (2)(b)(i) shall have the same force and effect as if it has been issued by the department.
- (c) The department shall maintain and publish lists of all parts, devices, components, or assemblies which have been approved by the department.
- (d) A part approved under this section is valid unless revoked under Section 41-6a-1621 or unless the department requires it to be renewed under rules made under Section 41-6a-1601.

Amended by Chapter 258, 2015 General Session

41-6a-1621 Departmental hearings -- Compliance of approved devices -- Revocation of approval -- Reapproval.

- (1) If the department has reason to believe that a part approved under Section 41-6a-1620 should no longer be approved, the department shall, upon 30 days' notice to the applicant to whom approval was issued, conduct a hearing on the question of whether the part should remain approved.
- (2)
 - (a) After the hearing, the department shall determine whether the device meets the requirements of the applicable standard.
 - (b) If the device does not meet those requirements, the department shall give notice to the applicant to whom the approval was issued of the department's intention to revoke the approval.
 - (c) If the applicant to whom the approval was issued fails to satisfy the department that the device being sold or offered for sale meets the applicable standard within 90 days of the notice of the department's intention to revoke the approval, the department shall revoke the approval.
- (3) When an approval has been revoked under this section:
 - (a) the department:
 - (i) shall require the withdrawal of all the parts from the market; and
 - (ii) may require that all devices sold since the notification of the department's intention to revoke the approval be replaced by parts that are approved.
 - (b) A part that has been revoked under this section may not be approved again unless a new application and approval is received.
 - (c) The department may require that as a condition for a new approval of the same or similar part all previously revoked parts are effectively recalled and removed from the market.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1622 Purchase and testing of equipment by department -- Prohibition against sale of substandard devices -- Injunction -- Review -- Appeal.

- (1) The department may purchase and test equipment described in Section 41-6a-1619 to determine whether it complies with the standards under this part.

- (2) Upon identification of unapproved or substandard devices being sold or offered for sale, the department shall give notice to the person selling them that the person is in violation of Section 41-6a-1619 and that selling or offering them for sale is prohibited.
- (3)
 - (a) In order to enforce the prohibition against the sale or offer for sale of unapproved or substandard devices, the department may file a petition in the district court of the county in which the person maintains a place of business to enjoin any further sale or offer of sale of the unapproved or substandard part.
 - (b) An injunction under Subsection (3)(a) shall be issued upon a prima facie showing that:
 - (i) the part is of a type required to be approved by the department under this part;
 - (ii) the part has not been approved; and
 - (iii) the part is being sold or offered for sale.
- (4)
 - (a) Any person enjoined under Subsection (3) may file a petition for a review of the court's order in the county in which the injunction was issued.
 - (b) A copy of the petition shall be served on the department and the department shall have 30 days after the service to file an answer, but the petition shall not act as a stay of the injunction.
 - (c) At the hearing on the petition, the judge shall sit without intervention of a jury and shall only receive evidence as to whether the parts in question:
 - (i) are of a type for which approval by the department is required;
 - (ii) have not been approved; and
 - (iii) are being sold or offered for sale in violation of Section 41-6a-1619.
 - (d) Following a hearing under Subsection (4)(c), the injunction shall be continued if the court finds that each condition under Subsection (4)(c) has been met.
- (5) Either party may appeal the decision of the court in the same manner as in other civil appeals from the district court.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1623 Braking systems required -- Adoption of performance requirements by department.

- (1) A motor vehicle and a combination of vehicles shall have a service braking system which will stop the motor vehicle or combination of vehicles within:
 - (a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface; or
 - (b) a shorter distance as may be specified by the department in accordance with federal standards.
- (2) A motor vehicle and a combination of vehicles shall have a parking brake system:
 - (a) adequate to hold the motor vehicle or combination of vehicles on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material; or
 - (b) which complies with performance standards issued by the department in accordance with federal standards.
- (3) In addition to the requirements of Subsections (1) and (2), if necessary for safe operation, the department may by rule require additional braking systems in accordance with federal standards.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1624 Failure to repair a damaged or deployed airbag -- Penalty.

- (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or any entity or individual engaged in the repair or replacement of motor vehicles or airbag passive restraint systems.
- (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive restraint system is damaged or has been deployed may not fail or cause another person to fail to fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive restraint system.
- (3) In the course of repairing a motor vehicle, a person who has actual knowledge that the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a class B misdemeanor.
- (4) Unless acting under a dismantling permit under Section 41-1a-1010, a person may not remove or modify a motor vehicle's airbag passive restraint system with the intent of rendering the motor vehicle's airbag passive restraint system inoperable.
- (5) A person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-6a-1625 Horns and warning devices -- Emergency vehicles.

- (1)
 - (a) A motor vehicle operated on a highway shall be equipped with a horn or other warning device in good working order.
 - (b) The horn or other warning device:
 - (i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; and
 - (ii) may not emit an unreasonably loud or harsh sound or a whistle.
 - (c) The operator of a motor vehicle:
 - (i) when reasonably necessary to insure safe operation, shall give audible warning with the horn; and
 - (ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.
- (2) Except as provided under this section, a vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell.
- (3)
 - (a) A vehicle may be equipped with a theft alarm signal device if it is arranged so that it cannot be used by the operator as an ordinary warning signal.
 - (b) A theft alarm signal device may:
 - (i) use a whistle, bell, horn or other audible signal; and
 - (ii) not use a siren.
- (4)
 - (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.
 - (b) The type of sound shall be approved by the department based on standards adopted by rules under Section 41-6a-1601.

- (c) The siren on an authorized emergency vehicle may not be used except:
 - (i) when the vehicle is operated in response to an emergency call; or
 - (ii) in the immediate pursuit of an actual or suspected violator of the law.
 - (d) The operator of an authorized emergency vehicle shall sound the siren in accordance with this section when reasonably necessary to warn pedestrians and other vehicle operators of the approach of the authorized emergency vehicle.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1626 Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.

- (1)
- (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.
 - (b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.
 - (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.
- (2)
- (a) Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not emit visible contaminants during operation.
 - (b)
 - (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the vehicle's maximum tow weight.
 - (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible contaminants during operation:
 - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
 - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
 - (iii) A diesel engine manufactured before January 1, 2008, may not emit visible contaminants of a shade or density that obscures a contrasting background by more than 20%, for more than five consecutive seconds:
 - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
 - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
 - (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction and shall be fined:
 - (i) not less than \$50 for a violation; or
 - (ii) not less than \$100 for a second or subsequent violation within three years of a previous violation of this section.
- (3)
- (a) If a motor vehicle is equipped by a manufacturer with air pollution control devices, the devices shall be maintained in good working order and in constant operation.
 - (b) For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control

device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.

- (c) A person who renders inoperable an air pollution control device on a motor vehicle is guilty of an infraction.
- (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.
- (5) A violation of Subsection (1), (2), or (3) is an infraction.

Amended by Chapter 303, 2016 General Session

41-6a-1627 Mirrors.

- (1)
 - (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle.
 - (b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.
- (2)
 - (a) Except for a motorcycle, in addition to the mirror required under Subsection (1), a motor vehicle shall be equipped with a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side.
 - (b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1628 Seat belts -- Design and installation -- Specifications or requirements.

- (1) A safety belt installed in a vehicle to accommodate an adult person shall be designed and installed to prevent or materially reduce the movement of the person using the safety belt in the event of collision or upset of the vehicle.
- (2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in a vehicle that does not comply with the specifications under Section 41-6a-1601.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1629 Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 -- Definitions.

- (1) As used in Sections 41-6a-1629 through 41-6a-1633:
 - (a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.
 - (b) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.
 - (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.

- (d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards and Regulations.
 - (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.
 - (f) "O.E.M." means original equipment manufacturer.
 - (g) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.
 - (h) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.
- (2)
- (a) Except as provided in Subsections (2)(b) and (c), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles operated or parked on a highway.
 - (b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the following vehicles:
 - (i) implements of husbandry;
 - (ii) farm tractors;
 - (iii) road machinery;
 - (iv) road rollers; and
 - (v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.
 - (c) The provisions of Subsection 41-6a-1631(2) and Sections 41-6a-1632 and 41-6a-1633 do not apply to a street-legal all-terrain vehicle operated in accordance with Section 41-6a-1509.

Amended by Chapter 229, 2014 General Session

41-6a-1630 Standards applicable to vehicles.

- (1) The following standards apply to vehicles under Sections 41-6a-1629 through 41-6a-1633:
 - (a) A replacement part and equipment used in a mechanical alteration shall be:
 - (i) designed and capable of performing the function for which they are intended; and
 - (ii) equal to or greater in strength and durability than the original parts provided by the original manufacturer.
 - (b) Except for original equipment, a person may not use spacers to increase wheel track width of a vehicle.
 - (c) A person may not use axle blocks to alter the suspension on the front axle of a vehicle.
 - (d) A person may not stack two or more axle blocks of a vehicle.
- (2)
 - (a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel of the Utah Highway Patrol shall inspect the vehicle to determine:
 - (i) the road worthiness and safe condition of the vehicle; and
 - (ii) whether it complies with Sections 41-6a-1629 through 41-6a-1633.
 - (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that shall be carried in the vehicle.
- (3)

- (a) Upon notice to the party to whom the motor vehicle is registered, the department shall suspend the registration of any motor vehicle equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
 - (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
- (4) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-6a-1631 Prohibitions.

- (1) A person may not operate on a highway a motor vehicle that is mechanically altered or changed:
- (a) in any way that may under normal operation:
 - (i) cause the motor vehicle body or chassis to come in contact with the roadway;
 - (ii) expose the fuel tank to damage from collision; or
 - (iii) cause the wheels to come in contact with the body;
 - (b) in any manner that may impair the safe operation of the vehicle;
 - (c) so that any part of the vehicle other than tires, rims, and mudguards are less than three inches above the ground;
 - (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle weight rating of less than 4,500 pounds;
 - (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle weight rating of at least 4,500 pounds and less than 7,500 pounds;
 - (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight rating of at least 7,500 pounds;
 - (g) by stacking or attaching vehicle frames (one from on top of or beneath another frame); or
 - (h) so that the lowest portion of the body floor is raised more than three inches above the top of the frame.
- (2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the tires shall be covered by the original fenders, by rubber, or other flexible fender extenders under any loading condition.
- (3) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-6a-1632 Bumpers.

- (1) A motor vehicle shall be equipped with a bumper on both front and rear of the motor vehicle, except a motor vehicle that was not originally designed or manufactured with a bumper or bumpers.
- (2)
- (a) On a motor vehicle required to have bumpers under Subsection (1), a bumper shall be:
 - (i) at least 4.5 inches in vertical height;
 - (ii) centered on the vehicle's center line; and
 - (iii) extend no less than the width of the respective wheel track distance.
 - (b) A bumper shall be securely mounted, horizontal load bearing, and attached to the motor vehicle's frame to effectively transfer impact when engaged.
- (3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

- (a) be maintained in operational condition; and
 - (b) comply with this section.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

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 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;
 - (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.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

Amended by Chapter 454, 2015 General Session

41-6a-1634 Safety chains on towed vehicles required -- Exceptions.

- (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent device, in addition to the regular trailer hitch or coupling.
- (2) Except as provided under Subsection (4), a safety chain, cable or equivalent device shall be:

- (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and the drawbar;
 - (b) of sufficient material and strength to prevent the two vehicles from becoming separated; and
 - (c) attached to:
 - (i) have no more slack than is necessary for proper turning;
 - (ii) the trailer drawbar to prevent it from dropping to the ground; and
 - (iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) The provisions of Subsection (2) do not apply to a:
- (a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly;
 - (b) pole trailer; or
 - (c) trailer being towed by a bicycle.

Amended by Chapter 412, 2015 General Session

41-6a-1635 Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.

- (1) Except as provided in Subsections (2) and (3), a person may not operate a motor vehicle with:
- (a) a windshield that allows less than 70% light transmittance;
 - (b) a front side window that allows less than 43% light transmittance;
 - (c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance; or
 - (d) any sign, poster, or other nontransparent material on the windshield or side windows of the motor vehicle except:
 - (i) a certificate or other paper required to be so displayed by law; or
 - (ii) the vehicle's identification number displayed or etched in accordance with rules made by the department under Section 41-6a-1601.
- (2) Nontransparent materials may be used:
- (a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;
 - (b) in the lower left-hand corner of the windshield provided they do not extend more than three inches to the right of the left edge or more than four inches above the bottom edge of the windshield; or
 - (c) on the rear windows including rear side windows located behind the vehicle operator.
- (3) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.
- (4) Except for material used on the windshield in compliance with Subsections (2)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.
- (5)
- (a)
 - (i) The windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.
 - (ii) The device shall be constructed to be operated by the operator of the motor vehicle.
 - (b) A windshield wiper on a motor vehicle shall be maintained in good working order.

- (6) A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.
- (7) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.
- (8) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1636 Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.

- (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.
- (3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber, if the department concludes that protuberances do not:
 - (a) damage the highway significantly; or
 - (b) constitute a hazard to life, health, or property.
- (5) Notwithstanding any other provision of this section, a person may use:
 - (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:
 - (i) are only used during the winter periods of October 15 through December 31 and January 1 through March 31 of each year;
 - (ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; and
 - (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds unless the vehicle is an emergency vehicle or school bus;
 - (b) farm machinery with tires having protuberances which will not injure the highway; and
 - (c) tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
- (6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its jurisdiction, may issue special permits authorizing the operation on a highway of:
 - (a) farm tractors;
 - (b) other farm machinery; or
 - (c) traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks.
- (7)
 - (a) A person may not operate a vehicle if one or more of the tires in use on the vehicle:
 - (i) is in an unsafe operating condition; or
 - (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire.
 - (b) The measurement under Subsection (7)(a) may not be made at the location of any tread wear indicator, tie bar, hump, or fillet.

- (8) A person in the business of selling tires may not sell or offer for sale for highway use any tire prohibited for use under Subsection (7).
- (9) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1637 Flares, fusees, or electric lanterns and flags -- Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.

- (1) Except as provided under Subsection (2) and unless the vehicle is carrying the equipment required under this section, a person may not operate a truck, bus or truck-tractor, or a motor vehicle towing a house trailer:
 - (a) on a highway outside an urban district; or
 - (b) on a divided highway during hours of darkness specified under Section 41-6a-1603.
- (2)
 - (a) The vehicle shall carry at least:
 - (i) three flares;
 - (ii) three red electric lanterns;
 - (iii) three portable red emergency reflectors; or
 - (iv) three red-burning fusees.
 - (b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness.
 - (c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting red light clearly visible from a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness when directly in front of lawful lower beams of head lamps.
- (3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this section or Section 41-6a-1638 shall comply with specifications adopted under Section 41-6a-1601.
- (4)
 - (a) A person may not operate a motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there is carried in the vehicle:
 - (i) three red electric lanterns; or
 - (ii) three portable red emergency reflectors.
 - (b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced by flame.
- (5) A person may not operate a vehicle described under this section on a highway outside of an urban district or on a divided highway during daylight hours unless at least two red flags, not less than 12 inches square, with standards to support the flags are carried in the vehicle.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1638 Warning signal around disabled vehicle -- Time and place.

- (1)
 - (a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent shoulder,

the operator shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 41-6a-1611.

- (b) The signal lights need not be displayed by a vehicle:
 - (i) parked lawfully in an urban district;
 - (ii) stopped lawfully to receive or discharge passengers;
 - (iii) stopped to avoid conflict with other traffic or to comply with the directions of a peace officer or an official traffic-control device; or
 - (iv) while the devices specified in Subsections (2) through (6) are in place.
- (2)
 - (a) Except as provided in Subsection (3), if a vehicle of a type specified under Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an urban district under the conditions specified under Subsection 41-6a-1603(1), the operator of the vehicle shall display the following warning devices:
 - (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and
 - (ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
 - (A) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;
 - (B) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and
 - (C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of the disabled vehicle in the direction of the nearest approaching traffic.
 - (b) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is not required.
- (3) If a vehicle specified under this section is disabled, or stopped for more than 10 minutes:
 - (a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning device in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle;
 - (b) on a roadway of a divided highway under the conditions specified under Subsection 41-6a-1603(1), the appropriate warning devices required under Subsections (2) and (4) shall be placed as follows:
 - (i) one at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;
 - (ii) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and
 - (iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic; or
 - (c) on a roadway outside of an urban district or on the roadway of a divided highway not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall display two red flags as follows:
 - (i) if traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by the vehicle; or

- (ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the vehicle.
- (4) When a motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3), the operator of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner as specified in Subsection (2) or (3).
- (5) The warning devices specified under Subsections (2) through (4) are not required to be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.
- (6) If a vehicle described under this section is stopped entirely off the roadway and on an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1639 Hazardous materials -- Transportation regulations -- Fire extinguishers.

- (1)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules for the safe transportation of hazardous materials.
 - (b) The rules shall adopt by reference or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation.
 - (c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate amendments thereto as may be made from time to time.
- (2) A person operating a vehicle transporting any hazardous material as a cargo or part of a cargo on a highway shall at all times comply with rules made by the Department of Transportation under this section including being:
 - (a) marked or placarded; and
 - (b) equipped with fire extinguishers:
 - (i) of a type, size, and number approved by rule; and
 - (ii) that are filled, ready for immediate use, and placed at a convenient point on the vehicle.
 - (c) A violation of Subsection (2)(a) or (b) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1640 Air conditioning equipment -- Requirements.

- (1) As used in this section, "air conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool the operator or passenger compartment of a motor vehicle.
- (2) Air conditioning equipment shall:
 - (a) be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public; and
 - (b) not contain any refrigerant which is toxic to persons or which is flammable.
- (3) A person may not have for sale, offer for sale, sell, or equip any motor vehicle with air conditioning equipment unless it complies with the specifications adopted under Section 41-6a-1601 and this section.

- (4) A person may not operate a motor vehicle on a highway if the motor vehicle is equipped with air conditioning equipment unless the air conditioning equipment complies with the specifications adopted under Section 41-6a-1601 and this section.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1641 Video display in motor vehicles prohibited if visible to driver -- Exceptions.

- (1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the operator of the vehicle.
- (2) This section does not prohibit the use of a video display used exclusively for:
 - (a) safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601;
 - (b) motor vehicle navigation; or
 - (c) monitoring of equipment and operating systems of the motor vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1642 Emissions inspection -- County program.

- (1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:
 - (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:
 - (i) as a condition of registration or renewal of registration; and
 - (ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and
 - (b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:
 - (i) the federal government;
 - (ii) the state and any of its agencies; or
 - (iii) a political subdivision of the state, including school districts.
- (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:
 - (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:
 - (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
 - (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
 - (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
 - (iv) Volkswagen Golf Sportwagen, model year 2015;
 - (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

- (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
 - (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
 - (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
- (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
 - (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
 - (v) Audi A8, model years 2014, 2015, and 2016;
 - (vi) Audi A8L, model years 2014, 2015, and 2016;
 - (vii) Audi Q5, model years 2014, 2015, and 2016; and
 - (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- (3)
- (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:
- (i) emissions standards;
 - (ii) test procedures;
 - (iii) inspections stations;
 - (iv) repair requirements and dollar limits for correction of deficiencies; and
 - (v) certificates of emissions inspections.
- (b) In accordance with Subsection (3)(a), a county legislative body:
- (i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;
 - (ii) may allow for a phase-in of the program by geographical area; and
 - (iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- (c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that:
- (i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;
 - (ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and
 - (iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.
- (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- (i) may be accomplished in accordance with applicable federal requirements; and
 - (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.
- (4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:
- (a) an implement of husbandry as defined in Section 41-1a-102;
 - (b) a motor vehicle that:
 - (i) meets the definition of a farm truck under Section 41-1a-102; and
 - (ii) has a gross vehicle weight rating of 12,001 pounds or more;
 - (c) a vintage vehicle as defined in Section 41-21-1;

- (d) a custom vehicle as defined in Section 41-6a-1507;
- (e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;
- (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
 - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
 - (ii) exclusively for the following purposes in operating the farm:
 - (A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and
 - (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;
- (g) a motorcycle as defined in Section 41-1a-102;
- (h) a motor vehicle powered solely by electric power; and
- (i) a motor vehicle with a model year of 1967 or older.
- (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
- (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:
 - (a) gross vehicle weight rating of more than 14,000 pounds; or
 - (b) model year of 1997 or older.
- (7)
 - (a) The legislative body of a county described in Subsection (1) that does not require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017, shall implement a three-year pilot program as described in Subsection (7)(b).
 - (b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative body of a county described in Subsection (7)(a) shall require:
 - (i) a computerized emissions inspection for a diesel-powered motor vehicle that has:
 - (A) a model year of 2007 or newer;
 - (B) a gross vehicle weight rating of 14,000 pounds or less; and
 - (C) a model year that is five years old or older; and
 - (ii) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
 - (A) with a gross vehicle weight rating of 14,000 pounds or less;
 - (B) that has a model year of 1997 or newer; and
 - (C) that has a model year that is five years old or older.
 - (c)
 - (i) The legislative body of a county that participates in the pilot program described in this Subsection (7) shall prepare a report including:
 - (A) the total number of diesel-powered vehicles inspected as part of the pilot program using computerized technology;
 - (B) the passage and failure rates of the diesel-powered motor vehicles inspected as part of the pilot program using computerized technology, shown by model year;

- (C) the total number of diesel-powered vehicles visually inspected as part of the pilot program;
 - (D) the passage and failure rates of the diesel-powered motor vehicles visually inspected as part of the pilot program, shown by model year;
 - (E) the total number of diesel-powered vehicles visually inspected as part of the pilot program where tampering with emissions equipment was found, shown by model year; and
 - (F) any other information the executive body or individual considers relevant.
- (ii) The legislative body of a county that participates in the pilot program described in this Subsection (7) shall present the report described in Subsection (7)(c)(i) to the Natural Resources, Agriculture, and Environment Interim Committee:
- (A) one time after January 1, 2020, but before August 31, 2020; and
 - (B) one time after January 1, 2021, but before August 31, 2021.
- (d) After each report described in Subsection (7)(c), the Division of Air Quality created in Section 19-1-105 shall provide to the Natural Resources, Agriculture, and Environment Interim Committee and the legislative body of a county participating in the pilot program an estimate of the tons of pollution emitted due to the failure rate of the diesel-powered motor vehicles in the pilot program.
- (8)
- (a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.
 - (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).
 - (c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).
- (9)
- (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (3).
 - (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).
 - (c)
 - (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.
 - (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
 - (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency

determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

- (iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.
- (v) The notice described in Subsection (9)(c)(iv) shall:
 - (A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;
 - (B) include a copy of the ordinance establishing or changing the frequency; and
 - (C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.
- (d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:
 - (i) odd-numbered years for vehicles with odd-numbered model years; or
 - (ii) in even-numbered years for vehicles with even-numbered model years.
- (10)
 - (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.
 - (b)
 - (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.
 - (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.
 - (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.
 - (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.
 - (e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.
- (11)
 - (a) A county identified in Subsection (1) shall collect information about and monitor the program.
 - (b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.
- (12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

(13)

- (a) A county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.
- (b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.
- (c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard.

Amended by Chapter 323, 2018 General Session

41-6a-1643 Development of standardized emissions inspection and maintenance program.

- (1) The county legislative body of each county in which an emissions inspection and maintenance program for motor vehicles is implemented to meet National Ambient Air Quality Standards may enter into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and maintenance program that:
 - (a) requires standardized, computerized testing equipment;
 - (b) provides for reciprocity, so that a person required to submit an emissions certificate for vehicle registration may obtain an emissions certificate from any county in which a vehicle emissions inspection and maintenance program is in operation; and
 - (c) requires standardized emissions standards for all counties entering into an agreement under this section.
- (2) Emissions standards set under Subsection (1) shall allow all counties identified in Subsection (1) to meet the National Ambient Air Quality Standards.
- (3) Each county legislative body entering into an agreement under Subsection (1) shall make regulations or ordinances to implement the emissions inspection and maintenance program developed under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1644 Diesel emissions program -- Implementation -- Monitoring -- Exemptions.

- (1) The legislative body of each county required by the comprehensive plan for air pollution control developed by the director of the Division of Air Quality in accordance with Subsection 19-2-107(2)(a)(i) to use an emissions opacity inspection and maintenance program for diesel-powered motor vehicles shall:
 - (a) make regulations or ordinances to implement and enforce the requirement established by the Air Quality Board;
 - (b) collect information about and monitor the program; and
 - (c) by August 1 of each year, supply written information to the Department of Environmental Quality to identify program status.
- (2) The following vehicles are exempt from an emissions opacity inspection and maintenance program for diesel-powered motor vehicles established by a legislative body of a county under Subsection (1):
 - (a) an implement of husbandry; and
 - (b) a motor vehicle that:
 - (i) meets the definition of a farm truck under Section 41-1a-102; and
 - (ii) has a gross vehicle weight rating of 12,001 pounds or more.

- (3)
- (a) The legislative body of a county identified in Subsection (1) shall exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or less from the emissions opacity inspection and maintenance program requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
 - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
 - (ii) exclusively for the following purposes in operating the farm:
 - (A) for the transportation of farm products, including livestock and its products, poultry and its products, and floricultural and horticultural products; and
 - (B) for the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance.
 - (b) The county shall provide to the registered owner who signs and submits a signed statement under this section a certificate of exemption from emissions opacity inspection and maintenance program requirements for purposes of registering the exempt vehicle.

Amended by Chapter 360, 2012 General Session

Part 17

Miscellaneous Rules

41-6a-1701 Backing -- When permissible.

- (1) The operator of a vehicle may not back the vehicle unless the movement can be made with safety and without interfering with other traffic.
- (2) The operator of a vehicle may not back the vehicle on a shoulder or roadway of a limited-access roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1702 Sidewalk -- Driving prohibited -- Exception.

- (1) Except for a bicycle or device propelled by human power, a person may not operate a vehicle on a sidewalk or sidewalk area.
- (2) The provisions of Subsection (1) do not apply on a driveway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1703 Prohibition as to passenger riding on improper portion of motor vehicle -- Exceptions.

- (1) A person may not ride and a person operating a motor vehicle may not knowingly permit a person to ride on any portion of a vehicle not designed or intended for the use of passengers.
- (2) This provision does not apply to:
 - (a) a vehicle that is not being operated on a highway;
 - (b) an employee engaged in the necessary discharge of the employee's duty; or
 - (c) a person riding within or on a motor vehicle in a space intended for a load on the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1704 Vehicle door -- Prohibited opening.

- (1) A person may not open the door of a motor vehicle on a side available to moving traffic unless it can be done safely and without interfering with the movement of other traffic.
- (2) A person may not leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1705 Obstruction to driver's view or driving mechanism.

- (1) A person may not operate a vehicle when it is loaded or when there are in the front seat more than three persons that:
 - (a) obstruct the view of the operator to the front or sides of the vehicle;
 - (b) interfere with the operator's control over the driving mechanism of the vehicle.
- (2) A passenger in a vehicle may not ride in a position that interferes with the operator's:
 - (a) view ahead or to the sides; or
 - (b) control over the driving mechanism of the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1706 Occupancy of a trailer or semitrailer while being moved on highway prohibited.

- (1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor vehicle on a public highway.
- (2) This section does not apply to a:
 - (a) livestock trailer or livestock semitrailer;
 - (b) trailer or semitrailer being used for participation in a parade; or
 - (c) trailer or semitrailer being used in an agricultural operation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1707 Entering intersection, crosswalk, or railroad grade -- Sufficient space required.

The operator of a vehicle may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1710 Following near an authorized emergency vehicle or parking near fire apparatus prohibited.

Except for a person operating an authorized emergency vehicle, the operator of a vehicle may not:

- (1) follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency; or
- (2) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

Amended by Chapter 96, 2012 General Session

41-6a-1711 Driving over firehose.

The operator of a vehicle may not drive over an unprotected hose of a fire department when laid down on a street, private road, or driveway to be used at a fire or alarm of fire, without the consent of the fire department official in command.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1712 Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.

- (1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:
 - (a) create a safety or health hazard on the public road or highway; or
 - (b) mar or impair the scenic aspect or beauty of the public road or highway.
- (2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:
 - (a) immediately remove the material or cause it to be removed; and
 - (b) deposit the material in a receptacle designed to receive the material.
- (3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.
- (4) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.
- (5) A person may not throw any lighted material from a moving vehicle.
- (6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- (7) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:
 - (a) shall enforce the provisions of this section;
 - (b) may issue citations to a person who violates any of the provisions of this section; and
 - (c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.
- (8) A municipality within its corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Amended by Chapter 22, 2008 General Session

41-6a-1713 Penalty for littering on a highway.

- (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:
 - (a) not less than \$200 for a violation; or

- (b) not less than \$500 for a second or subsequent violation within three years of a previous violation of this section.
- (2) The sentencing judge may require that the offender devote at least eight hours in cleaning up:
 - (a) litter caused by the offender; and
 - (b) existing litter from a safe area designated by the sentencing judge.

Amended by Chapter 412, 2015 General Session

41-6a-1714 Warning signs.

The Department of Transportation shall place adequate warning signs wherever it considers proper within the state notifying all persons using the public roads, highways, parks, or recreation areas of the provisions of Sections 41-6a-1712 and 41-6a-1713.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1715 Careless driving defined and prohibited.

- (1) A person operating a motor vehicle is guilty of careless driving if the person:
 - (a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or
 - (b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
 - (i) searching for an item in the vehicle; or
 - (ii) attending to personal hygiene or grooming.
- (2) A violation of this section is a class C misdemeanor.
- (3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(6).

Amended by Chapter 416, 2014 General Session

41-6a-1716 Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.

- (1) As used in this section:
 - (a) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.
 - (b) "Handheld wireless communication device" includes a:
 - (i) wireless telephone;
 - (ii) text messaging device;
 - (iii) laptop; or
 - (iv) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.
- (2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:
 - (a) write, send, or read a written communication, including:
 - (i) a text message;
 - (ii) an instant message; or

- (iii) electronic mail;
 - (b) dial a phone number;
 - (c) access the Internet;
 - (d) view or record video; or
 - (e) enter data into a handheld wireless communication device.
- (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:
- (a) when using a handheld communication device for voice communication;
 - (b) to view a global positioning or navigation device or a global positioning or navigation application;
 - (c) during a medical emergency;
 - (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - (e) when reporting criminal activity or requesting assistance relating to a criminal activity;
 - (f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or
 - (g) to operate:
 - (i) hands-free or voice operated technology; or
 - (ii) a system that is physically or electronically integrated into the motor vehicle.
- (4) A person convicted of a violation of this section is guilty of a:
- (a) class C misdemeanor with a maximum fine of \$100; or
 - (b) class B misdemeanor if the person:
 - (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
 - (ii) has a prior conviction under this section, that is within three years of:
 - (A) the current conviction under this section; or
 - (B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 416, 2014 General Session

41-6a-1717 Smoking in a vehicle prohibited when child is present -- Penalty -- Enforcement.

- (1) As used in this section, "smoking" has the same meaning as defined in Section 26-38-2.
- (2)
- (a) Except as provided in Subsection (2)(b), smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
 - (b) A person may smoke in a motor vehicle while a child who is 15 years of age or younger is a passenger in the vehicle if the person:
 - (i) is operating a convertible or open-body type motor vehicle; and
 - (ii) the roof on the convertible or open-body type motor vehicle is in the open-air mode.
- (3) A person who violates this section is guilty of an infraction and is subject to a maximum fine of \$45.
- (4) Until July 1, 2014, a peace officer may not issue a citation to an individual for a violation of this section but shall issue the individual a warning informing the individual that smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
- (5) The court may suspend the fine for a violation of this section if:
- (a) the person has not previously been convicted of a violation of this section; and

- (b) the person proves to the court that the person has enrolled in a smoking cessation program.
- (6) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.
- (7) A violation of this section may not be used as a basis for or evidence of child abuse or neglect.

Enacted by Chapter 251, 2013 General Session

41-6a-1718 Simulated emergency vehicle -- Definition -- Exemption -- Identification.

- (1) As used in this section:
 - (a) "Media production" means the making of a motion picture, television show, video, commercial, Internet video, or other viewable programming provided to viewers via a movie theater or transmitted through broadcast radio wave, cable, satellite, wireless, or Internet.
 - (b) " Simulated emergency vehicle" means a vehicle used:
 - (i) exclusively for media production; and
 - (ii) to simulate an authorized emergency vehicle.
- (2) If a media production entity using a simulated emergency vehicle provides reasonable advance written notice as described in Subsection (3) to the law enforcement agency having jurisdiction of the highway being used by the simulated emergency vehicle, the simulated emergency vehicle is exempt from the restrictions of Section 41-6a-1616 while the vehicle is:
 - (a) being used to simulate an authorized emergency vehicle in the media production; or
 - (b) being driven in transit between the media production location and the simulated emergency vehicle storage location if, during transit, the vehicle displays a sign prominently on each front-side door of the simulated emergency vehicle stating " Simulated Emergency Vehicle."
- (3) The written notice required in Subsection (2) shall include:
 - (a) the date;
 - (b) the time;
 - (c) the designated route of travel and location of use;
 - (d) a description of the simulated emergency vehicle; and
 - (e) contact information for a person who is employed by, or has contracted with, the media production entity to whom the law enforcement agency may direct questions or concerns about the simulated emergency vehicle's use or the notice.

Amended by Chapter 206, 2016 General Session

Part 18
Motor Vehicle Safety Belt Usage Act

41-6a-1801 Short title.

This part is known as the "Motor Vehicle Safety Belt Usage Act."

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1802 Definitions.

As used in this part:

- (1) "Child restraint device" means a child restraint device that meets standards adopted under Section 41-6a-1601.
- (2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are not equipped with safety belts by the manufacturer.
- (3) "Safety belt" means a safety belt or seat belt system that meets standards adopted under Section 41-6a-1601.
- (4) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety belt.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1803 Driver and passengers -- Seat belt or child restraint device required.

- (1)
 - (a) The operator of a motor vehicle operated on a highway shall:
 - (i) wear a properly adjusted and fastened safety belt;
 - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
 - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.
 - (b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight years of age who is 57 inches tall or taller:
 - (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint device; and
 - (ii) shall use a properly adjusted and fastened safety belt as required in Subsection (1)(a)(iii).
- (2) A person 16 years of age or older who is a passenger in a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.
- (3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is considered only one offense, and the driver may receive only one citation for that offense.

Amended by Chapter 406, 2017 General Session

41-6a-1804 Exceptions.

- (1) This part does not apply to an operator or passenger of:
 - (a) a motor vehicle manufactured before July 1, 1966;
 - (b) a motor vehicle in which the operator or passengers possess a written verification from a licensed physician that the person is unable to wear a safety belt for physical or medical reasons; or
 - (c) a motor vehicle or seating position which is not required to be equipped with a safety belt system under federal law.
- (2) This part does not apply to a passenger if all seating positions are occupied by other passengers.
- (3) This part does not apply to a passenger of a public transit vehicle with a gross vehicle weight rating exceeding 10,000 pounds.

Amended by Chapter 113, 2018 General Session

41-6a-1805 Penalty for violation.

- (1)
 - (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be fined a maximum of \$45.
 - (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a violation of Section 41-6a-1803 if the person has not previously been warned for a violation of Section 41-6a-1803 but shall issue the individual a warning informing the individual that operating or being a passenger in a vehicle without wearing a properly adjusted and fastened safety belt is prohibited.
 - (c) The court shall waive all of the fine for a first violation of Subsection 41-6a-1803(1)(a)(ii) if the person submits proof of acquisition, rental, or purchase of a child restraint device.
- (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against a person for a violation of Section 41-6a-1803.

Amended by Chapter 320, 2018 General Session

41-6a-1806 Compliance -- Civil litigation.

The failure to use a child restraint device or to wear a safety belt:

- (1) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (2) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Renumbered and Amended by Chapter 2, 2005 General Session

Part 19
Traffic Violations by Diplomats

41-6a-1901 Applicability -- Law enforcement officer duties -- Documents and records -- Notice to Department of State.

- (1) As used in this section, "diplomat" means an individual who:
 - (a) has a driver license issued by the United States Department of State; or
 - (b) claims immunities or privileges under 22 U.S.C. Sections 254a through 258a with respect to:
 - (i) a moving traffic violation under this title or a moving traffic violation of an ordinance of a local authority; or
 - (ii) operating a motor vehicle while committing any of the following offenses:
 - (A) automobile homicide under Section 76-5-207;
 - (B) manslaughter under Section 76-5-205;
 - (C) negligent homicide under Section 76-5-206;
 - (D) aggravated assault under Section 76-5-103; or
 - (E) reckless endangerment under Section 76-5-112.
- (2) A law enforcement officer who stops a motor vehicle and has probable cause to believe that the driver is a diplomat that has committed a violation described under Subsection (1)(b)(i) or (ii) shall:
 - (a) as soon as practicable, contact the United States Department of State in order to verify the driver's status and immunity, if any;

- (b) record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and
- (c) within five working days after the date the officer stops the driver, forward all of the following to the Department of Public Safety:
 - (i) if the driver is involved in a vehicle accident, the vehicle accident report;
 - (ii) if a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and
 - (iii) if a citation or other charging document was not issued to the driver, a written report of the incident.
- (3) The Department of Public Safety shall:
 - (a) file each vehicle accident report, citation or other charging document, and incident report that the Department of Public Safety receives under this section;
 - (b) keep convenient records or make suitable notations showing each:
 - (i) conviction;
 - (ii) finding of responsibility; and
 - (iii) vehicle accident; and
 - (c) within five working days after receipt, send a copy of each document and record described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State.
- (4) This section does not prohibit or limit the application of any law to a criminal or motor vehicle violation committed by a diplomat.

Enacted by Chapter 127, 2005 General Session

Part 20

Automatic License Plate Reader System Act

41-6a-2001 Title.

This part is known as the "Automatic License Plate Reader System Act."

Enacted by Chapter 447, 2013 General Session

41-6a-2002 Definitions.

As used in this section:

- (1) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.
- (2) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.
- (3)
 - (a) "Governmental entity" means:
 - (i) executive department agencies of the state;
 - (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and the state treasurer;
 - (iii) the Board of Pardons and Parole;

- (iv) the Board of Examiners;
 - (v) the National Guard;
 - (vi) the Career Service Review Office;
 - (vii) the State Board of Education;
 - (viii) the State Board of Regents;
 - (ix) the State Archives;
 - (x) the Office of the Legislative Auditor General;
 - (xi) the Office of Legislative Fiscal Analyst;
 - (xii) the Office of Legislative Research and General Counsel;
 - (xiii) the Legislature;
 - (xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;
 - (xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;
 - (xvi) any state-funded institution of higher education or public education; or
 - (xvii) any political subdivision of the state.
- (b) "Governmental entity" includes:
- (i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsections (3)(a)(i) through (xvii) that is funded or established by the government to carry out the public's business; or
 - (ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.
- (4) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

Amended by Chapter 25, 2018 General Session

41-6a-2003 Automatic license plate reader systems -- Restrictions.

- (1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate reader system.
- (2) An automatic license plate reader system may be used:
- (a) by a law enforcement agency for the purpose of protecting public safety, conducting criminal investigations, or ensuring compliance with local, state, and federal laws;
 - (b) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
 - (c) by a parking enforcement entity for regulating the use of a parking facility;
 - (d) for the purpose of controlling access to a secured area;
 - (e) for the purpose of collecting an electronic toll;
 - (f) for the purpose of enforcing motor carrier laws; or
 - (g) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis.

Amended by Chapter 276, 2014 General Session

Amended by Chapter 377, 2014 General Session

41-6a-2004 Captured plate data -- Preservation and disclosure.

- (1) Captured plate data obtained for the purposes described in Section 41-6a-2003:

- (a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;
 - (b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;
 - (c) except as provided in Subsection (3), may not be preserved for more than nine months by a governmental entity except pursuant to:
 - (i) a preservation request under Section 41-6a-2005;
 - (ii) a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and
 - (d) may only be disclosed:
 - (i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;
 - (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
- (2)
- (a) A governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.
 - (b) A governmental entity that is authorized to use an automatic license plate reader system under this part may not share captured plate data for a purpose not authorized under Subsection 41-6a-2003(2).
 - (c) Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.
- (3) Plate data collected in accordance with Section 72-6-118 may be preserved so long as necessary to collect the payment of a toll or penalty imposed in accordance with Section 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall not apply.

Amended by Chapter 269, 2018 General Session

41-6a-2005 Preservation request.

- (1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:
- (a) requesting the person or governmental entity to preserve the captured plate data;
 - (b) identifying:
 - (i) the camera or cameras for which captured plate data shall be preserved;
 - (ii) the license plate for which captured plate data shall be preserved; or
 - (iii) the dates and time frames for which captured plate data shall be preserved; and
 - (c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.

- (2)
 - (a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data.
 - (b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.
- (3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:
 - (a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;
 - (b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or
 - (c) the end of the period described in Subsection 41-6a-2004(1)(c).
- (4) A governmental entity may obtain, receive, or use privately held captured plate data only:
 - (a)
 - (i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or
 - (ii) using the procedure described in Subsection (2); and
 - (b) if the private automatic license plate reader system retains captured plate data for 30 days or fewer.

Amended by Chapter 276, 2014 General Session

41-6a-2006 Penalties.

A person who violates a provision under this part is guilty of a class B misdemeanor.

Enacted by Chapter 447, 2013 General Session

Chapter 8 Driving by Minors

41-8-1 Operation of vehicle by persons under 16 prohibited -- Exceptions for off-highway vehicles and off-highway implements of husbandry.

- (1) A person under 16 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state.
- (2) This section does not apply to a person operating:
 - (a) a motor vehicle under a permit issued under Section 53-3-210.5;
 - (b) an off-highway vehicle registered under Section 41-22-3 either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
 - (c) an off-highway implement of husbandry in the manner prescribed by Subsections 41-22-5.5(3) through (5).
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-8-2 Operation of vehicle by persons under 17 during night hours prohibited -- Exceptions.

- (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.
- (2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:
 - (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;
 - (b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;
 - (c) directly to the driver's residence from a school-sponsored activity if:
 - (i) transportation to the activity is provided by a school or school district; and
 - (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the school property where the driver is enrolled;
 - (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
 - (e) in an emergency.
- (3)
 - (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.
 - (b) A peace officer may not seize or impound a vehicle if:
 - (i) the operator of the vehicle is cited for a violation of this section; and
 - (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 412, 2015 General Session

41-8-3 Operation of vehicle by persons under 16 and six months -- Passenger limitations -- Exceptions -- Penalties.

- (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state with any passenger who is not an immediate family member of the driver until the earlier of:
 - (a) six months from the date the person's driver license was issued; or
 - (b) the person reaches 18 years of age.
- (2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:
 - (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;
 - (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
 - (c) in an emergency.
- (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.
- (4)

- (a) Enforcement of this section by state or local law enforcement officers shall be only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of Title 41, Motor Vehicles, other than this section, or for another offense.
- (b) A peace officer may not seize or impound a vehicle if:
 - (i) the operator of the vehicle is cited for a violation of this section; and
 - (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 412, 2015 General Session

41-8-4 Operation of a vehicle by a person under 18 -- Use of wireless telephones prohibited -- Exceptions -- Penalty.

- (1) Except as provided in Subsection (2), a person younger than 18 years of age, whether a resident or nonresident of this state, may not use a wireless telephone to communicate with another person while operating a motor vehicle upon a highway of this state.
- (2) It is an affirmative defense to a violation of this section that a person younger than 18 years of age was using a wireless telephone while operating a motor vehicle:
 - (a) during a medical emergency;
 - (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - (c) when reporting a criminal activity or requesting assistance relating to a criminal activity; or
 - (d) when communicating with a parent or legal guardian.
- (3) A person who violates this section is guilty of an infraction and shall be fined a maximum of \$25.
- (4)
 - (a) A violation of this section is not a reportable violation.
 - (b) The Driver License Division may not assess points under Section 53-3-221 against the driving record of the person who violates this section.

Enacted by Chapter 326, 2013 General Session

**Chapter 10
State Vehicle Department**

41-10-1 State Tax Commission designated vehicle department.

The State Tax Commission is hereby designated as the vehicle department of this state referred to in Laws of Utah, 1933, Chapters 43, 44, and 45.

Amended by Chapter 250, 2008 General Session

**Chapter 12a
Financial Responsibility of Motor Vehicle Owners and Operators Act**

**Part 1
General Provisions**

41-12a-101 Short title.

This chapter may be cited as the "Financial Responsibility of Motor Vehicle Owners and Operators Act."

Enacted by Chapter 242, 1985 General Session

41-12a-102 References to former provisions.

References to the former "Safety Responsibility Act" under former Title 41, Chapter 12, are considered to refer to the corresponding provisions under this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-103 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Public Safety.
- (2) "Judgment" means any judgment that is final by:
 - (a) expiration without appeal of the time within which an appeal might have been perfected; or
 - (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:
 - (i) arising out of the ownership, maintenance, or use of any motor vehicle, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or
 - (ii) on a settlement agreement.
- (3) "License" or "license certificate" have the same meanings as under Section 53-3-102.
- (4)
 - (a) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with other motorized vehicles.
 - (b) "Motor vehicle" does not include traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails.
- (5) "Nonresident" means every person who is not a resident of Utah.
- (6) "Nonresident's operating privilege" means the privilege conferred upon a person who is not a resident of Utah by the laws of Utah pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in Utah.
- (7) "Operator" means every person who is in actual physical control of a motor vehicle.
- (8) "Owner" means:
 - (a) a person who holds legal title to a motor vehicle;
 - (b) a lessee in possession;
 - (c) a conditional vendee or lessee if a motor vehicle is the subject of a conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession in the conditional vendee or lessee; or
 - (d) a mortgagor if a motor vehicle is the subject of a mortgage with the mortgagor entitled to possession.
- (9) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:
 - (a) an insurance policy or combination of policies conforming to Section 31A-22-302, which is issued by an insurer authorized to do business in Utah;

- (b) an insurance policy or combination of policies issued or renewed prior to January 1, 2009 that:
 - (i) conformed to the minimum coverage limits of Section 31A-22-304 prior to January 1, 2009; and
 - (ii) conform to the current requirements other than the minimum coverage limits of policies issued in accordance with Section 31A-22-302;
 - (c) a surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Section 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond;
 - (d) a deposit with the state treasurer of cash or securities complying with Section 41-12a-406;
 - (e) maintaining a certificate of self-funded coverage under Section 41-12a-407; or
 - (f) a policy conforming to Section 31A-22-302 issued by the Risk Management Fund created in Section 63A-4-201.
- (10) "Registration" means the issuance of the certificates and registration plates issued under the laws of Utah pertaining to the registration of motor vehicles.
- (11) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

Amended by Chapter 371, 2008 General Session

41-12a-104 Rules of construction.

- (1) If a person maintains owner's security under this chapter, it does not limit his liability to the face amount of the owner's security.
- (2) Nothing in this chapter prevents the plaintiff in any action at law from relying for relief upon the other processes provided by law.
- (3) This chapter is cumulative with the requirements of the laws of this state requiring policies of motor vehicle insurance against liability. This subsection does not preclude compliance through a single policy which, by its terms or by an appropriate endorsement, satisfies the requirements of both applicable laws.

Amended by Chapter 204, 1986 General Session

**Part 2
Administration**

41-12a-201 Administration of laws under Title 41, Chapter 12a -- Compliance with Administrative Procedures Act.

- (1) The department shall administer and enforce the provisions of this chapter and may adopt rules as necessary for its administration.
- (2) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

41-12a-202 Access to accident reports.

- (1) Accident reports and supplemental information as required under this chapter are protected and are for the confidential use of the department and other state, local, or federal government agencies and may be disclosed only as provided in Section 41-6a-404.
- (2)
 - (a) Any person entitled to the disclosure of an accident report, as provided in Section 41-6a-404, may obtain a photocopy by paying the department a fee established under Section 63J-1-504.
 - (b) These fees shall be deposited in the General Fund.

Amended by Chapter 183, 2009 General Session

Part 3

Owner's or Operator's Security Requirement

41-12a-301 Definition -- Requirement of owner's or operator's security -- Exceptions.

- (1) As used in this section:
 - (a) "highway" has the same meaning as provided in Section 41-1a-102; and
 - (b) "quasi-public road or parking area" has the same meaning as provided in Section 41-6a-214.
- (2) Except as provided in Subsection (5):
 - (a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or parking area within the state; and
 - (b) every nonresident owner of a motor vehicle that has been physically present in this state for:
 - (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or
 - (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect continuously throughout the period the motor vehicle remains within Utah.
- (3)
 - (a) Except as provided in Subsection (5), the state and all of its political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect continuously for their motor vehicles.
 - (b) Any other state is considered a nonresident owner of its motor vehicles and is subject to Subsection (2)(b).
- (4) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motor vehicles.
- (5) Owner's or operator's security is not required for any of the following:
 - (a) off-highway vehicles registered under Section 41-22-3 when operated either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);
 - (b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5);
 - (c) electric assisted bicycles as defined under Section 41-6a-102;
 - (d) motor assisted scooters as defined under Section 41-6a-102;
 - (e) electric personal assistive mobility devices as defined under Section 41-6a-102; or

- (f) a school district, for a school bus that the school district authorizes a state entity or political subdivision of the state to use.
- (6) If a school district authorizes a state entity or political subdivision of the state to use a school bus:
 - (a) the state entity or political subdivision shall maintain owner's or operator's security during the term of the school bus use in an amount that is greater than or equal to any governmental immunity liability limit;
 - (b) the state entity or the political subdivision shall indemnify and defend the school district for any claim that arises from the school bus use including a claim directed at the school district, unless the claim arises from the sole negligence of the school district; and
 - (c) if the school district maintains owner's or operator's security for the school bus during the term of school bus use, the owner's and operator's security maintained by the state entity or political subdivision of the state is primary to the owner's and operator's security maintained by the school district.

Amended by Chapter 356, 2016 General Session

41-12a-302 Operating motor vehicle without owner's or operator's security -- Penalty.

- (1)
 - (a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301, who operates the owner's vehicle or permits it to be operated on a highway in this state without owner's security being in effect is guilty of a class C misdemeanor, and the fine shall be not less than:
 - (i) \$400 for a first offense; and
 - (ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.
- (2)
 - (a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the motor vehicle is also guilty of a class C misdemeanor, and the fine shall be not less than:
 - (i) \$400 for a first offense; and
 - (ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).

Amended by Chapter 412, 2015 General Session

41-12a-303 Condition to obtaining registration, license plates, or safety inspection.

The owner of a motor vehicle required to maintain owner's security under Section 41-12a-301 may be required to swear or affirm, in a manner specified by the State Tax Commission, or present other reasonable evidence that he has owner's security in effect at the time of registering, obtaining license plates for, or a safety inspection of the motor vehicle.

Amended by Chapter 85, 2001 General Session

41-12a-303.2 Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

- (a) "Division" means the Motor Vehicle Division of the State Tax Commission.
- (b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2)

(a)

(i) A person operating a motor vehicle shall:

- (A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and
- (B) display it upon demand of a peace officer.

(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:

- (A) a government-owned or leased motor vehicle; or
- (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

(iii) A person operating a vehicle that is owned by a rental company, as defined in Section 31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section 31A-22-311.

(b) Evidence of owner's or operator's security includes any one of the following:

(i) a copy of the operator's valid:

- (A) insurance policy;
- (B) insurance policy declaration page;
- (C) binder notice;
- (D) renewal notice; or
- (E) card issued by an insurance company as evidence of insurance;

(ii) a certificate of insurance issued under Section 41-12a-402;

(iii) a certified copy of a surety bond issued under Section 41-12a-405;

(iv) a certificate of the state treasurer issued under Section 41-12a-406;

(v) a certificate of self-funded coverage issued under Section 41-12a-407; or

(vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.

(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.

(d)

(i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:

- (A) a hard copy format; or
- (B) an electronic format using a mobile electronic device.

(ii) If a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing

the owner's or operator's security on the mobile electronic device may not view any other content on the mobile electronic device.

- (iii) Notwithstanding any other provision under this section, a peace officer is not subject to civil liability or criminal penalties under this section if the peace officer inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device.
- (e)
 - (i) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).
 - (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, information indicates that the vehicle or driver is insured.
- (3) It is an affirmative defense to a charge or in an administrative action under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.
- (4)
 - (a) The following are considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804:
 - (i) evidence defined in Subsection (2)(b);
 - (ii) a written statement from an insurance producer or company verifying that the person had the required motor vehicle insurance coverage on the date specified; or
 - (iii) a written statement from an insurance producer or company, or provision in an insurance policy, indicating that the policy provides coverage for a newly purchased car and the coverage extended to the date specified.
 - (b) The court considering a citation issued under this section shall allow the evidence or a written statement under Subsection (4)(a) and a copy of the citation to be electronically submitted or mailed to the clerk of the court to satisfy Subsection (3).
 - (c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.
- (5)
 - (a) A person who is convicted of violating Subsection (2)(a)(i):
 - (i) is guilty of an infraction for a first offense and subject to a fine of not less than \$400; and
 - (ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense that is committed within three years after the day on which the person commits the first offense and subject to a fine of not less than \$1,000.
 - (b) A court may waive up to \$300 of a fine charged under Subsection (5)(a) if the person demonstrates that the owner's or operator's security required under Section 41-12a-301 was obtained after the violation but before sentencing.
- (6) Upon receiving notification from a court of a conviction for a violation of this section, the department:
 - (a) shall suspend the person's driver license; and
 - (b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.
 - (i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

- (ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.
- (iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.
- (iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Amended by Chapter 30, 2018 General Session
Amended by Chapter 160, 2018 General Session

41-12a-303.3 Providing false evidence of owner's or operator's security -- Penalty.

A person who provides evidence of owner's or operator's security to a peace officer under Section 41-12a-303.2 knowing or having reason to believe that the evidence of owner's or operator's security is false or that it is evidence of owner's or operator's security that is not in effect is guilty of a class B misdemeanor.

Enacted by Chapter 220, 1994 General Session

41-12a-304 No-fault tort immunity ineffective.

The owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301 who fails to have the security in effect at the time of an accident does not have immunity from tort liability under Subsection 31A-22-309(1). This owner is personally liable for the payment of the benefits provided for under Section 31A-22-307 to persons entitled to receive them under Section 31A-22-308.

Enacted by Chapter 242, 1985 General Session

41-12a-305 Assigned risk plan.

Section 31A-22-310 applies to an assigned risk plan. This continues the assigned risk plan established under Chapter 242, Laws of Utah 1985, with any modifications from Title 31A, Insurance Code.

Amended by Chapter 306, 2007 General Session

41-12a-306 Claims adjustment by persons with owner's or operator's security other than insurance.

- (1) An owner or operator of a motor vehicle with respect to whom owner's or operator's security is maintained by a means other than an insurance policy under Subsection 41-12a-103(9) (a) or (b), shall refer all bodily injury claims against the owner's or operator's security to an independent adjuster licensed under Title 31A, Chapter 26, Insurance Adjusters, or to an attorney.
- (2) Unless otherwise provided by contract, any motor vehicle claim adjustment expense incurred by a person maintaining owner's or operator's security by a means other than an insurance

policy under Subsection 41-12a-103(9)(a) or (b), shall be paid by the person who maintains this type of owner's or operator's security.

- (3) Owners and operators of motor vehicles maintaining owner or operator's security by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b) are subject to the claim adjustment provisions of Title 31A, Chapter 26, Part 3, Claim Practices, in connection with claims against such persons which arise out of the ownership, maintenance, or use of a motor vehicle.
- (4) In addition to other penalties and remedies available for failure to abide by this section, the department may require any person violating this section to maintain owner's or operator's security only in the manner specified under Subsection 41-12a-103(9)(a).

Amended by Chapter 371, 2008 General Session

Part 4

Proof of Owner's or Operator's Security

41-12a-401 Means of providing proof of owner's or operator's security.

- (1) Whenever proof of owner's or operator's security is required under this chapter, it may be provided by filing with the department any of the following:
 - (a) a certificate of insurance under Section 41-12a-402 or 41-12a-403;
 - (b) a copy of a surety bond under Section 41-12a-405;
 - (c) a certificate of deposit of money or securities issued by the state treasurer under Section 41-12a-406; or
 - (d) a certificate of self-funded coverage under Section 41-12a-407.
- (2) Whenever the term "proof of financial responsibility" is used in this title, it shall be read as "proof of owner's or operator's security."

Amended by Chapter 203, 1991 General Session

41-12a-402 Insurance certificate as proof of owner's or operator's security -- Resident.

Proof of owner's or operator's security may be furnished by filing with the department the written certificate of any insurer licensed in Utah certifying that there is in effect an insurance policy or combination of policies conforming to Section 31A-22-302 for the benefit of the person required to furnish proof of owner's or operator's security. This certificate shall be furnished to the department in the form of an SR-22 issued by any insurer licensed in Utah. The certificate shall give each policy number and the effective date of each policy. The effective date of the policy may not be later than the effective date of the certificate. The certificate shall designate by explicit description or by appropriate reference all motor vehicles covered, unless the policy is issued to a person who is not the owner of a motor vehicle. Certificates filed under this section continue in force until cancelled under Section 41-12a-404, or until the requirement for a certificate is waived under Section 41-12a-411.

Enacted by Chapter 242, 1985 General Session

41-12a-403 Insurance certificate as proof of owner's or operator's security -- Nonresident.

- (1) The nonresident owner of a motor vehicle not registered in Utah may give proof of owner's or operator's security by filing with the department the written certificate of an insurer licensed in the state in which the motor vehicle described in the certificate is registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter. The department shall accept the certificate if the insurer:
 - (a) executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in Utah; and
 - (b) agrees in writing that the policies certified are considered to conform with the provisions required under Sections 31A-22-303 and 31A-22-304.
- (2) If an insurer which is not licensed in Utah but which has qualified to furnish proof of owner's or operator's security under Subsection (1), defaults in any such undertaking or agreement, the department may not thereafter accept as proof of security any certificate of the insurer, so long as the default continues.

Enacted by Chapter 242, 1985 General Session

41-12a-404 Limitation on cancellation of coverage specified in certificate.

When an insurer has certified an insurance policy under Sections 41-12a-402 or 41-12a-403, the policy may not be terminated unless notice of termination is filed with the department no later than 10 days after termination. However, this type of policy which is subsequently procured and certified shall, on the effective date of its certificate, terminate the insurance previously certified.

Enacted by Chapter 242, 1985 General Session

41-12a-405 Surety bond as proof of owner's or operator's security.

- (1) Proof of owner's or operator's security may be furnished by filing with the department a copy of a surety bond, certified by the surety, which conforms to Subsection 41-12a-103(9)(c). The bond may not be canceled except after 10 days' written notice to the department.
- (2) If a judgment rendered against the principal within the coverage of the bond is not satisfied within 60 days after judgment becomes final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the department against the surety executing the bond.

Amended by Chapter 371, 2008 General Session

41-12a-406 State treasurer's certificate as proof of owner's or operator's security.

- (1) Proof of owner's or operator's security may be furnished by delivering to the department the certificate of the state treasurer certifying that the person named in it has deposited in trust with the state treasurer cash in an amount equal to twice the single limit under Subsection 31A-22-304(2) or securities with a fair market value of a similar amount, which securities are legal investments for insurers under Section 31A-18-105. The state treasurer may not accept a deposit and issue a certificate for it, unless the deposit is accompanied by evidence that there are no unsatisfied liens of any character on the assets deposited.
- (2) The deposit shall be held by the state treasurer in trust to satisfy any execution on a judgment that would be paid under an insurance policy conforming to Section 31A-22-302 had the treasurer issued such a policy.

- (3) Except as provided under Subsection (2), assets deposited with the treasurer under this chapter are exempt from attachment or execution.

Enacted by Chapter 242, 1985 General Session

41-12a-407 Certificate of self-funded coverage as proof of owner's or operator's security.

- (1) The department may, upon the application of any person, issue a certificate of self-funded coverage when it is satisfied that the person has:
 - (a) more than 24 motor vehicles; and
 - (b) deposits, in a form approved by the department, securities in an amount of \$200,000 plus \$100 for each motor vehicle up to and including 1,000 motor vehicles and \$50 for every motor vehicle over 1,000 motor vehicles.
- (2) Persons holding a certificate of self-funded coverage under this chapter shall pay benefits to persons injured from the self-funded person's operation, maintenance, and use of motor vehicles as would an insurer issuing a policy to the self-funded person containing the coverages under Section 31A-22-302.
- (3) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the department may, upon reasonable grounds, cancel the certificate. Failure to pay any judgment up to the limit under Subsection 31A-22-304(2) within 30 days after the judgment is final is a reasonable ground to cancel the certificate.
- (4) Any government entity with self-funded coverage for government-owned motor vehicles under Title 63G, Chapter 7, Governmental Immunity Act of Utah, meets the requirements of this section.

Amended by Chapter 382, 2008 General Session

41-12a-408 Substitution of forms of proof of owner's or operator's security.

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled to them upon the substitution and acceptance of other adequate proof of owner's or operator's security in a manner allowed under Section 41-12a-401.

Enacted by Chapter 242, 1985 General Session

41-12a-409 Power to require proof of owner's or operator's security in other form.

If, after a hearing, the department determines that a particular proof of owner's or operator's security filed under this chapter no longer fulfills the purposes for which it is required, the department shall require proof of security in another permitted form. Pending the filing of the other proof, the department shall suspend the license and registration or the nonresident's operating privilege.

Enacted by Chapter 242, 1985 General Session

41-12a-410 Employee and family relationships.

Whenever any person required to give proof of owner's or operator's security is an operator in the employ of any owner, or is a member of the immediate family or household of the owner, the department shall accept proof of security by the owner in lieu of proof by the employee, family,

or household member. The department shall indicate by restriction on the operator's license the vehicles the operator may operate on the basis of that proof of security.

Enacted by Chapter 242, 1985 General Session

41-12a-411 Duration of proof of owner's or operator's security.

- (1) Except as otherwise provided under this section, any person required to give proof of owner's or operator's security shall maintain that proof with the department for a period of three years from the date the filing of proof was last requested. Subject to Subsection (2), the department shall:
 - (a) upon request, consent to the immediate cancellation of any bond or certificate of insurance;
 - (b) direct the state treasurer to return to the person entitled to it any money or securities deposited pursuant to this chapter as proof of owner's or operator's security; or
 - (c) waive the requirement of filing proof, if the person on whose behalf the proof was filed dies or becomes permanently incapacitated to operate a motor vehicle or if the person who has given proof surrenders his registration to the department, except that if he applies for a registration within three years from the date proof was originally required, the application shall be refused unless the applicant reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.
- (2)
 - (a) The department may not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by that proof is then pending, if:
 - (i) any judgment of liability is unsatisfied; or
 - (ii) the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.
 - (b) An affidavit of the applicant is sufficient evidence in the absence of contrary evidence in the records of the department if the affidavit declares:
 - (i) the nonexistence of liability or accidents;
 - (ii) that the person has been released from all liability; or
 - (iii) that the person has been finally adjudicated not to be liable for the injury or damage.

Amended by Chapter 216, 1999 General Session

Part 5
Post-Accident Security Requirements and Satisfaction of Judgments

41-12a-501 Post-accident security.

- (1)
 - (a) Unless excepted under Subsection (2), the operator of a motor vehicle involved in an accident in the state and any owner who has not previously satisfied the requirement of security under Section 41-12a-301 shall file post-accident security with the department for the benefit of persons obtaining judgments against the operator on account of bodily injury, death, or property damage caused by the accident.
 - (b) The security shall be in an amount determined by the department to be sufficient to satisfy judgments arising from bodily injury, death, or property damage resulting from the accident

- that may be recovered against the operator, but may not exceed the minimum single limit under Subsection 31A-22-304(2).
- (c) The department shall determine the amount of post-accident security on the basis of reports and other evidence submitted to the department by interested parties, including officials investigating the accident.
 - (d) In setting the amount of post-accident security, the department may not take into account alleged damages resulting from pain and suffering.
 - (e) Persons who fail to file required post-accident security are subject to the penalties under Subsection (3).
- (2) The operator is exempted from the post-accident requirement under Subsection (1) if any of the following conditions are satisfied:
- (a) No bodily injury, death, or damage to the property of one person in excess of the damage limit specified under Section 41-6a-401 resulted from the accident.
 - (b) No injury, death, or property damage was suffered by any person other than the owner or operator.
 - (c) The owner of the motor vehicle was in compliance with the owner's security requirement under Section 41-12a-301 at the time of the accident and the operator had permission from the owner to operate the motor vehicle.
 - (d) The operator was in compliance with the operator's security requirement under Section 41-12a-301 at the time of the accident.
 - (e) The operator has filed satisfactory evidence with the department that the operator has been released from liability, has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident and is not in default on that agreement.
 - (f) The motor vehicle involved in the accident was operated by a nonresident who had an insurance policy or bond covering the accident, but not fully complying with the policy provision requirements under Section 31A-22-302, if the policy or bond is sufficient to provide full recovery for claimants and the policy or bond is issued by an insurer licensed in the state.
 - (g) The operator at the time of the accident was operating a motor vehicle owned or leased by the operator's employer and driven with the employer's permission.
 - (h) Evidence as to the extent of injuries or property damage caused by the accident has not been submitted by or on behalf of any person affected by the accident within three years following the date of the accident.
 - (i) The motor vehicle was legally parked at the time of the accident.
 - (j) The motor vehicle was an emergency vehicle acting in the line of duty at the time of the accident.
 - (k) The motor vehicle involved in the accident is owned by the United States, this state, or any political subdivision of this state, if the operator was using the vehicle with the permission of the owner.
 - (l) The motor vehicle was legally stopped at a stop sign, traffic signal, or at the direction of a peace officer at the time of the accident.
- (3)
- (a) If an operator who is required to file post-accident security under Subsection (1) does not do so within 10 days after receiving notice of the requirement of security, the department shall suspend the driver's license of the operator and all registrations of the owner, if he is a resident of the state.

- (b) If the operator is not a resident of Utah, the department shall suspend the privilege of operating a motor vehicle within the state and of using, in the state, any owned motor vehicle.
- (c) Notice of these suspensions shall be sent to the owner or operator no less than 15 days prior to the effective date of the suspension.

Amended by Chapter 416, 2017 General Session

41-12a-502 Accident reports.

- (1)
 - (a) Accident reports required under Section 41-6a-402 shall contain information to enable the department to determine whether the owner and operator of the automobile involved in the accident were in compliance with the security requirement of Section 41-12a-301.
 - (b) The information may consist of identifying the policy, bond, or certificate's issuer and number.
 - (c) The department may rely upon the accuracy of the information unless it has reason to believe that it is erroneous.
- (2)
 - (a) The operator of a motor vehicle involved in an accident shall, unless physically incapable, make an accident report.
 - (b) If the operator is physically incapable, the owner shall, if physically capable, make a report within 10 days of learning of the accident.
 - (c) The operator and owner shall furnish any additional relevant information the department reasonably requests.
- (3) Failure to report an accident as required under Section 41-6a-402 shall be punished as set forth under Subsection 41-6a-402(5).

Amended by Chapter 2, 2005 General Session

41-12a-503 Conditions to license, registration, and privilege renewal.

The license, registration, and nonresident's operating privilege suspended under Subsection 41-12a-501(3) remain suspended and may not be renewed nor may that license or registration be issued until one of the following is satisfied:

- (1) The person deposits or has deposited on his behalf the post-accident security required under Subsection 41-12a-501(1).
- (2) One year has elapsed following the effective date of the suspension and evidence satisfactory to the department has been filed that during that period no action for damages arising out of the accident has been commenced.
- (3) Evidence satisfactory to the department has been filed with it of a release from liability, of a final adjudication of nonliability, or of a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident. In the event of default in the payment of any installment under such an agreement, upon receiving notice of the default, the department shall suspend the license and registration or nonresident's operating privilege of the person defaulting. This license, registration, or nonresident's operating privilege may not be restored until either:
 - (a) The person deposits and thereafter maintains security as required under Subsection 41-12a-501(1).
 - (b) One year has elapsed following the date when the security was required and during that period no action upon the agreement has been instituted in a Utah court.

Enacted by Chapter 242, 1985 General Session

41-12a-504 Payments by insurers as evidence to the department.

- (1) The department may accept evidence of a payment to an operator or owner of a motor vehicle involved in an accident by the insurer of any other person involved in the accident on account of damage to property as effective to relieve the operator from the post-accident security and suspension provisions of this chapter in respect to any claim for property damage by the person on whose behalf the payment has been made. A payment to the insurer of an operator or owner under its right of subrogation is the equivalent of a payment to the operator or owner.
- (2) The department may accept evidence of a payment on account of bodily injury to a person involved in an accident by the insurer of any other person involved in the accident as effective to relieve the person to whom the payment is made from the post-accident security and suspension provisions of this chapter in respect to any claim for bodily injury by the person on whose behalf the payment is made.

Enacted by Chapter 242, 1985 General Session

41-12a-505 Effect upon nonresident of use of state highways.

- (1)
 - (a) The use and operation by a nonresident or his agent, or of a resident who has departed Utah, of a motor vehicle on Utah highways is an appointment of the Division of Corporations and Commercial Code as the true and lawful attorney for service of legal process in any action or proceeding against the person arising from the use or operation of a motor vehicle over Utah highways which use or operation results in damages or loss to person or property.
 - (b) The use or operation referenced in Subsection (1) is an agreement that process shall, in any action against the person in which there is such service, be of the same legal force and validity as if served upon him personally in Utah.
- (2)
 - (a) Service of process under Subsection (1) is made by serving a copy upon the Division of Corporations and Commercial Code or by filing a copy in that office with payment of a reasonable fee.
 - (b) The plaintiff shall, within 10 days after service of process, send notice of the process together with plaintiff's affidavit of compliance with this section to the defendant by registered mail at the defendant's last-known address.
- (3)
 - (a) The court in which the action is pending may order any continuance necessary to afford the defendant reasonable opportunity to defend the action, but not exceeding 90 days from the date of filing the action in court.
 - (b) The reasonable fee paid by the plaintiff to the Division of Corporations and Commercial Code is taxed as costs if the plaintiff prevails.
 - (c) The division shall keep a record of all process served showing the day and hour of service.

Amended by Chapter 127, 2006 General Session

41-12a-506 Application to persons without license or registration.

If the operator or the owner of a motor vehicle involved in an accident in Utah has no license or registration in Utah, or is a nonresident, he may not obtain a license or registration in Utah until he

has complied with the requirements of this chapter to the extent that would be necessary if, at the time of the accident, he held a Utah license and registration.

Enacted by Chapter 242, 1985 General Session

41-12a-507 Cooperation with other states.

- (1) When a nonresident's operating privilege is suspended under this chapter, the department shall send a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action similar to that provided for in Subsection (2).
- (2) Upon receipt of certification from the official of another state that the operating privilege of a Utah resident has been suspended in the other state for failure to deposit post-accident security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the deposit in Utah, the department shall suspend the license of the resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in the accident. These suspensions continue until the Utah resident furnishes evidence of his compliance with the law of the other state relating to the deposit of post-accident security.

Enacted by Chapter 242, 1985 General Session

41-12a-508 Form and amount of post-accident security.

- (1) The post-accident security required under Subsection 41-12a-501(1) shall be in the form of cash, cashier's check, a national or Utah bank's clean and irrevocable letter of credit, or the assignment of a bank's certificate of deposit. The department may not require a deposit in excess of the minimum single limit under Subsection 31A-22-304(2). The person depositing security shall specify in a manner specified by the department the persons on whose behalf the deposit is made and may, at any time while the deposit is in the custody of the department or state treasurer, in a manner specified by the department amend the specification of the persons on whose behalf the deposit is made. However, a single deposit of security is applicable only on behalf of persons required to furnish security because of the same accident.
- (2) Subject to Subsection (1), the department may alter the amount of post-accident security required if, in its judgment, the amount previously ordered is excessive or inadequate. If the security originally ordered is determined to be excessive, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative as soon as possible, notwithstanding the provisions of Section 41-12a-509. If the security originally ordered is determined to be inadequate, the depositor may be required to increase the deposit within 20 days or be subject to the penalties under Subsection 41-12a-501(3).

Amended by Chapter 85, 2001 General Session

41-12a-509 Custody and terms of post-accident security deposits.

Post-accident security deposited in compliance with Subsection 41-12a-501(1) shall be placed by the department in the custody of the state treasurer and may be applied only to the payment of judgments rendered against the persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of the accident, or within one year after the date of deposit of any security under Subsection 41-12a-503(3)(a), or to the payment in settlement, agreed to by the depositor, of claims arising out

of the accident. The deposit or any balance of it shall be returned to the depositor or his personal representative when evidence satisfactory to the department has been provided that the conditions of either Subsection 41-12a-503(2) or (3) have been satisfied.

Enacted by Chapter 242, 1985 General Session

41-12a-510 Report, findings, action, and security as evidence.

Neither the report required under Section 41-12a-502, nor the department's findings, action, or requirement of post-accident security under this chapter may be referred to in any way, nor be any evidence of negligence or due care of either party, at the trial of any action at law to recover damages.

Enacted by Chapter 242, 1985 General Session

41-12a-511 Failure to satisfy judgment.

- (1) Whenever any person fails within 60 days to satisfy any judgment, it is the duty of the clerk of the court or of the judge of a court which has no clerk in which any such judgment is rendered in Utah, upon the written request of the judgment creditor or his attorney, to forward to the department immediately after the expiration of the 60 days, a certified copy of the judgment.
- (2) The department, upon the receipt of a certified copy of a judgment, shall suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, except as provided in Subsection (5) and Section 41-12a-513.
- (3) Except as provided under Subsection (5) and Section 41-12a-513, a license, registration, and nonresident's operating privilege suspended under Subsection (2) remains suspended and may not be renewed nor may that license or registration be thereafter issued in the name of the same person, including a person not previously licensed, unless every such judgment is stayed or satisfied in full within the meaning of Section 41-12a-512, and until the person files proof of owner's or operator's security.
- (4) If the judgment debtor named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the judgment debtor is a resident.
- (5) If the judgment creditor consents in writing, in a form the department prescribes, that the judgment debtor be allowed license and registration or nonresident's operating privilege, they may be allowed by the department for six months from the date of the consent and thereafter until that consent is revoked in writing, notwithstanding the default in the payment of the judgment or of any installments thereof prescribed in Section 41-12a-513, if the judgment debtor furnishes proof of owner's security.

Enacted by Chapter 242, 1985 General Session

41-12a-512 When judgments deemed satisfied.

Judgments arising from a single accident which in the aggregate are in excess of the minimum single limit under Subsection 31A-22-304(2) shall be considered satisfied in full, for the purpose of this chapter only, when payments equal to that limit have been credited to the judgment. Payments made by the judgment debtor prior to the judgment, but on the claim which arose out of the bodily injury, death, or property damage caused by a motor vehicle accident shall be credited in reduction of the amount necessary for the judgment to be considered satisfied in full for purposes

of this chapter. If multiple judgments against a depositor of post-accident security arise out of the same accident, and in the aggregate the several claims exceed the amount deposited, then the deposit shall be distributed pro rata, based upon each judgment creditor's portion of the total judgments arising from the accident. Any punitive or exemplary damages awarded a judgment creditor may not be considered in determining the claimant's pro rata share.

Enacted by Chapter 242, 1985 General Session

41-12a-513 Payment of judgment in installments.

- (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments. The court, in its discretion and without prejudice to any other legal remedies the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.
- (2) Subject to Subsection (3), the department may not suspend a license, registration, or a nonresident's operating privilege, and it shall restore them if previously suspended for nonpayment of a judgment, if the judgment debtor:
 - (a) obtains orders under Subsection (1) as to all unsatisfied judgments; and
 - (b) provides and maintains proof of owner's or operator's security.
- (3) If the judgment debtor fails to pay any installment as specified by an order under Subsection (1), then upon notice of that default, the department shall suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied.

Enacted by Chapter 242, 1985 General Session

Part 6
Miscellaneous Enforcement Provisions

41-12a-601 Collusive transfers prohibited.

If an owner's registration has been suspended under this chapter, the registration may not be transferred nor the motor vehicle registered in any other name until the department is satisfied that the transfer or registration is proposed in good faith and not with the intent or the effect of defeating the purposes of this chapter. This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-602 Filing of false report.

Any person who gives information required in a report provided for under Section 41-12a-502, knowing or having reason to believe that the information is false, or who shall forge or, without authority, sign any evidence of proof of owner's or operator's security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, or who falsely swears or affirms when obtaining license plates, a safety inspection, or a registration under Section 41-12a-303, is guilty of a class A misdemeanor.

Enacted by Chapter 242, 1985 General Session

41-12a-603 Operating motor vehicle without license or registration.

Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this chapter and who, during the suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by the person to be operated by another upon any highway, except as permitted under this chapter, is guilty of a class C misdemeanor.

Amended by Chapter 241, 1991 General Session

41-12a-604 Suspension of license.

- (1) A person convicted of a class A or a class B misdemeanor under this chapter, in addition to any other penalties which are imposed by law, shall have his operator's license suspended by the department.
- (2) Whenever any person is convicted of an offense for which this chapter mandates the suspension of his license or the registration of his motor vehicle, and that person does not produce proof of owner's or operator's security at the time of his appearance, the court in which the conviction takes place shall require the surrender to it of all pertinent evidences of registration, including all registration cards, license plates, nonresident temporary permits, and other similar materials then held by the person so convicted. This court shall then forward the registration materials to the Motor Vehicle Division of the State Tax Commission and send the Driver License Division a record of the conviction. If the person so convicted secures a judgment of acquittal or reversal of this conviction in any appellate court, the department shall reinstate his driver license or privilege and the Motor Vehicle Division shall reinstate the registration of his motor vehicle immediately upon receipt of a certified copy of the judgment of acquittal or reversal.
- (3) If the owner has surrendered the owner's registration materials to the Motor Vehicle Division, the owner may, unless otherwise prohibited by law, apply for a new registration, by providing proof of owner's security.

Amended by Chapter 216, 1999 General Session

41-12a-605 Other violations.

Any person who violates any provision of this chapter for which no penalty is otherwise provided is guilty of a class C misdemeanor.

Enacted by Chapter 242, 1985 General Session

41-12a-606 Authority of political subdivisions to adopt ordinances.

The provisions of this chapter shall be applied uniformly throughout the state and in all municipalities and other political subdivisions. Local authorities may, however, adopt regulations or ordinances consistent with this chapter and additional traffic regulations which are not in conflict with this chapter.

Enacted by Chapter 242, 1985 General Session

Part 8

Uninsured Motorist Identification Database Program

41-12a-801 Title.

This part is known as the "Uninsured Motorist Identification Database Program."

Enacted by Chapter 59, 1994 General Session

41-12a-802 Definitions.

As used in this part:

- (1) "Account" means the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
- (2) "Database" means the Uninsured Motorist Identification Database created in Section 41-12a-803.
- (3) "Designated agent" means the third party the department contracts with under Section 41-12a-803.
- (4) "Division" means the Driver License Division created in Section 53-3-103.
- (5) "Motor vehicle" has the same meaning as set forth in Section 41-1a-102.
- (6) "Motor Vehicle Division" means the Motor Vehicle Division of the State Tax Commission created in Section 41-1a-106.
- (7) "Program" means the Uninsured Motorist Identification Database Program created in Section 41-12a-803.

Amended by Chapter 36, 1998 General Session

41-12a-803 Program creation -- Administration -- Selection of designated agent -- Duties -- Rulemaking -- Audits.

- (1) There is created the Uninsured Motorist Identification Database Program to:
 - (a) establish an Uninsured Motorist Identification Database to verify compliance with motor vehicle owner's or operator's security requirements under Section 41-12a-301 and other provisions under this part;
 - (b) assist in reducing the number of uninsured motor vehicles on the highways of the state;
 - (c) assist in increasing compliance with motor vehicle registration and sales and use tax laws;
 - (d) assist in protecting a financial institution's bona fide security interest in a motor vehicle; and
 - (e) assist in the identification and prevention of identity theft and other crimes.
- (2) The program shall be administered by the department with the assistance of the designated agent and the Motor Vehicle Division.
- (3)
 - (a) The department shall contract in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a third party to establish and maintain an Uninsured Motorist Identification Database for the purposes established under this part.
 - (b) The contract may not obligate the department to pay the third party more money than is available in the account.
- (4)
 - (a) The third party under contract under this section is the department's designated agent, and shall develop and maintain a computer database from the information provided by:
 - (i) insurers under Section 31A-22-315;

- (ii) the division under Subsection (6); and
 - (iii) the Motor Vehicle Division under Section 41-1a-120.
- (b)
- (i) The database shall be developed and maintained in accordance with guidelines established by the department so that state and local law enforcement agencies and financial institutions as defined in Section 7-1-103 can efficiently access the records of the database, including reports useful for the implementation of the provisions of this part.
 - (ii)
 - (A) The reports shall be in a form and contain information approved by the department.
 - (B) The reports may be made available through the Internet or through other electronic medium, if the department determines that sufficient security is provided to ensure compliance with Section 41-12a-805 regarding limitations on disclosure of information in the database.
- (5) With information provided by the department and the Motor Vehicle Division, the designated agent shall, at least monthly for submissions under Subsection 31A-22-315(2)(b) or at least twice a month for submissions under Subsection 31A-22-315(2)(a):
- (a) update the database with the motor vehicle insurance information provided by the insurers in accordance with Section 31A-22-315; and
 - (b) compare all current motor vehicle registrations against the database.
- (6) The division shall provide the designated agent with the name, date of birth, address, and driver license number of all persons on the driver license database.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules and develop procedures in cooperation with the Motor Vehicle Division to use the database for the purpose of administering and enforcing this part.
- (8)
- (a) The designated agent shall archive computer data files at least semi-annually for auditing purposes.
 - (b) The internal audit unit of the tax commission provided under Section 59-1-206 shall audit the program at least every three years.
 - (c) The audit under Subsection (8)(b) shall include verification of:
 - (i) billings made by the designated agent; and
 - (ii) the accuracy of the designated agent's matching of vehicle registration with insurance data.
- (9) Upon request, the designated agent shall make available the information provided by insurers under Section 31A-22-315.5 to:
- (a) state and local law enforcement agencies; and
 - (b) financial institutions as defined in Section 7-1-103.

Amended by Chapter 243, 2012 General Session

Amended by Chapter 347, 2012 General Session

Amended by Chapter 347, 2012 General Session

41-12a-804 Notice -- Proof -- Revocation of registration -- False statements -- Penalties -- Exemptions -- Sales tax enforcement.

- (1) If the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle that the owner has 15 days to provide:
- (a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
 - (b) proof of exemption from the owner's or operator's security requirements.

- (2) If an owner of a motor vehicle fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:
 - (a) provide a second notice to the owner of the motor vehicle that the owner now has 15 days to provide:
 - (i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2);
or
 - (ii) proof of exemption from the owner's or operator's security requirements;
 - (b) for each notice provided, indicate information relating to the owner's failure to provide proof of owner's or operator's security in the database; and
 - (c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.
- (3) The Motor Vehicle Division:
 - (a) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
 - (b) shall provide appropriate notices of the revocation, the legal consequences of operating a vehicle with revoked registration and without owner's or operator's security, and instructions on how to get the registration reinstated; and
 - (c) may direct the designated agent to provide the notices under this Subsection (3).
- (4) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle under this section may be in addition to an action by a law enforcement agency to impose the penalties under Section 41-12a-302 or 41-12a-303.2.
- (5)
 - (a) A person may not provide a false or fraudulent statement to the Motor Vehicle Division or designated agent.
 - (b) In addition to any other penalties, a person who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- (6) The department and the Motor Vehicle Division shall direct the designated agent to exempt from this section a farm truck that:
 - (a) meets the definition of a farm truck under Section 41-1a-102; and
 - (b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
- (7) This part does not affect other actions or penalties that may be taken or imposed for violation of the owner's and operator's security requirements of this chapter.
- (8) If a comparison under Section 41-12a-803 shows that a motor vehicle may not be in compliance with motor vehicle registration or sales and use tax laws, the Motor Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle that information exists which indicates the possible violation.

Amended by Chapter 138, 2013 General Session

41-12a-805 Disclosure of insurance information -- Penalty.

- (1) Information in the database established under Section 41-12a-803 provided by a person to the designated agent is considered to be the property of the person providing the information.
- (2) The information may not be disclosed from the database under Title 63G, Chapter 2, Government Records Access and Management Act, or otherwise, except as follows:
 - (a) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall verify insurance information through the state computer network for a state or local government agency or court;

- (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall, upon request, issue to any state or local government agency or court a certificate documenting the insurance information, according to the database, of a specific individual or motor vehicle for the time period designated by the government agency;
 - (c) upon request, the department or its designated agent shall disclose whether or not a person is an insured individual and the insurance company name to:
 - (i) that individual or, if that individual is deceased, any interested person of that individual, as defined in Section 75-1-201;
 - (ii) the parent or legal guardian of that individual if the individual is an unemancipated minor;
 - (iii) the legal guardian of that individual if the individual is legally incapacitated;
 - (iv) a person who has power of attorney from the insured individual;
 - (v) a person who submits a notarized release from the insured individual dated no more than 90 days before the date the request is made; or
 - (vi) a person suffering loss or injury in a motor vehicle accident in which the insured individual is involved, but only as part of an accident report as authorized in Section 41-12a-202;
 - (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations by state or local law enforcement agencies related to the:
 - (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter 1a, Motor Vehicle Act;
 - (ii) purchase of a motor vehicle under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (iii) owner's or operator's security requirements under Section 41-12a-301;
 - (e) upon request of a peace officer acting in an official capacity under the provisions of Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant information for investigation, enforcement, or prosecution;
 - (f) for the purpose of the state auditor, the legislative auditor general, or other auditor of the state conducting audits of the program;
 - (g) upon request of a financial institution as defined under Section 7-1-103 for the purpose of protecting the financial institution's bona fide security interest in a motor vehicle; and
 - (h) upon the request of a state or local law enforcement agency for the purpose of investigating and prosecuting identity theft and other crimes.
- (3)
- (a) The department may allow the designated agent to prepare and deliver upon request, a report on the insurance information of a person or motor vehicle in accordance with this section.
 - (b) The report may be in the form of:
 - (i) a certified copy that is considered admissible in any court proceeding in the same manner as the original; or
 - (ii) information accessible through the Internet or through other electronic medium if the department determines that sufficient security is provided to ensure compliance with this section.
 - (c) The department may allow the designated agent to charge a fee established by the department under Section 63J-1-504 for each:
 - (i) document authenticated, including each certified copy;
 - (ii) record accessed by the Internet or by other electronic medium; and
 - (iii) record provided to a financial institution under Subsection (2)(g).
- (4) A person who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not entitled to it is guilty of a third degree felony.

- (5) An insurer is not liable to any person for complying with Sections 31A-22-315 and 31A-22-315.5 by providing information to the designated agent.
- (6) Neither the state nor the department's designated agent is liable to any person for gathering, managing, or using the information in the database as provided in Sections 31A-22-315 and 31A-22-315.5 and this part.

Amended by Chapter 243, 2012 General Session

41-12a-806 Restricted account -- Creation -- Funding -- Interest -- Purposes.

- (1) There is created within the Transportation Fund a restricted account known as the "Uninsured Motorist Identification Restricted Account."
- (2) The account consists of money generated from the following revenue sources:
 - (a) money received by the state under Section 41-1a-1218, the uninsured motorist identification fee;
 - (b) money received by the state under Section 41-1a-1220, the registration reinstatement fee; and
 - (c) appropriations made to the account by the Legislature.
- (3)
 - (a) The account shall earn interest.
 - (b) All interest earned on account money shall be deposited into the account.
- (4) The Legislature shall appropriate money from the account to:
 - (a) the department to fund the contract with the designated agent;
 - (b) the department to offset the costs to state and local law enforcement agencies of using the information for the purposes authorized under this part;
 - (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
 - (d) the department to reimburse a person for the costs of towing and storing the person's vehicle if:
 - (i) the person's vehicle was impounded in accordance with Subsection 41-1a-1101(2);
 - (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at the time of the impoundment;
 - (iii) the database indicated that owner's or operator's security was not in effect for the impounded vehicle; and
 - (iv) the department determines that the person's vehicle was wrongfully impounded.
- (5) The Legislature may appropriate not more than \$500,000 annually from the account to the Peace Officer Standards and Training Division, created under Section 53-6-103, for use in law enforcement training, including training on the use of the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.
- (6)
 - (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the department shall hold a hearing to determine whether a person's vehicle was wrongfully impounded under Subsection 41-1a-1101(2).
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for a person to apply for a reimbursement under Subsection (4)(d).

- (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the person applies for the reimbursement within six months from the date that the motor vehicle was impounded.

Amended by Chapter 109, 2015 General Session

Chapter 19 Federal Highway Safety Act

41-19-1 Powers and duties of governor.

The governor, in addition to other duties and responsibilities conferred upon him by the Constitution and laws of the state of Utah is hereby empowered to contract and to do all other things necessary in behalf of the state to secure the full benefits available to this state under the federal Highway Safety Act of 1966, and any amendments thereto, and in so doing, to cooperate with the federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be the official having the ultimate responsibility for dealing with the United States Government with respect to programs and activities pursuant to the federal Highway Safety Act of 1966, and any amendments thereto. To that end he shall be responsible for activities of any and all departments and agencies of this state and its subdivisions, relating thereto. He may designate an appropriate person, commission or board to assist him in coordinating the activities and programs contemplated under this section.

Enacted by Chapter 53, 1967 General Session

41-19-2 Participation by political subdivisions.

The Legislature of the state of Utah hereby authorizes the political subdivisions of this state to participate in the state highway safety program as contemplated by the federal Highway Safety Act of 1966, and any amendments thereto, and to do all things necessary to secure benefits available under that act.

Enacted by Chapter 53, 1967 General Session

Chapter 21 Vintage Vehicles

41-21-1 Definitions.

- (1) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (2) "Motorcycle" means:
 - (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or
 - (b) an autocycle.
- (3)
 - (a) "Street rod" means a motor vehicle or motorcycle that:

- (i)
 - (A) was manufactured in 1948 or before; or
 - (B)
 - (I) was manufactured after 1948 to resemble a vehicle that was manufactured in 1948 or before; and
 - (II)
 - (Aa) has been altered from the manufacturer's original design; or
 - (Bb) has a body constructed from non-original materials; and
 - (ii) is primarily a collector's item that is used for:
 - (A) club activities;
 - (B) exhibitions;
 - (C) tours;
 - (D) parades;
 - (E) occasional transportation; and
 - (F) other similar uses.
 - (b) "Street rod" does not include a motor vehicle or motorcycle that is used for general, daily transportation.
- (4)
- (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel trailer that is:
 - (i) 30 years old or older, from the current year; and
 - (ii) primarily a collector's item that is used for:
 - (A) participation in club activities;
 - (B) exhibitions;
 - (C) tours;
 - (D) parades;
 - (E) occasional recreational or vacation use; and
 - (F) other similar uses.
 - (b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth wheel trailer that is used for the general, daily transportation of persons or property.
- (5)
- (a) "Vintage vehicle" means a motor vehicle or motorcycle that:
 - (i) is 30 years old or older from the current year;
 - (ii) displays a unique vehicle type special group license plate issued in accordance with Section 41-1a-418; and
 - (iii) is primarily a collector's item that is used for:
 - (A) participation in club activities;
 - (B) exhibitions;
 - (C) tours;
 - (D) parades;
 - (E) occasional transportation; and
 - (F) other similar uses.
 - (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for general, daily transportation.
 - (c) "Vintage vehicle" includes a:
 - (i) street rod; and
 - (ii) vintage travel trailer.

41-21-3 Minimum speed inapplicable.

The provisions of this title relating to minimum speed provisions upon highways do not apply to vehicles properly registered under Title 41, Chapter 1a, Motor Vehicle Act while the vehicles are being driven to or from an assembly, convention, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

Amended by Chapter 1, 1992 General Session

41-21-4 Minimum safety equipment inapplicable.

The provisions of this title relating to minimum safety equipment are not applicable to vehicles properly registered under Title 41, Chapter 1a, Part 2, Registration, so long as the original equipment, on the vehicle at the time of its manufacture, is in good operating condition or has been replaced by equal or more efficient equipment in good working order and the vehicle is not operated in a manner or at a time that would constitute a public nuisance or create a hazard to other automobiles or persons.

Amended by Chapter 1, 1992 General Session

41-21-5 Operation on public highways.

Any motor vehicle properly registered under this chapter may be operated or moved on the streets and highways for going to or from an assembly, convention, parade, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

Enacted by Chapter 93, 1971 General Session

41-21-6 Revocation of registration -- Powers of tax commission.

The tax commission may revoke the registration of a vintage vehicle for failure to comply with this chapter.

Enacted by Chapter 221, 1993 General Session

**Chapter 22
Off-Highway Vehicles**

41-22-1 Policy declaration.

It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote

uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

Amended by Chapter 163, 1987 General Session

41-22-2 Definitions.

As used in this chapter:

- (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by the Board of Parks and Recreation.
- (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.
- (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:
 - (i) an electric-powered vehicle; or
 - (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 2,500 pounds or less.
 - (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 for recreational use, or farm tractors as defined under Section 41-1a-102.
- (4)
 - (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.
 - (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 for recreational use, or farm tractors as defined under Section 41-1a-102.
- (5) "Board" means the Board of Parks and Recreation.
- (6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.
- (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.
- (8) "Division" means the Division of Parks and Recreation.
- (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.
- (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.
- (11)
 - (a) "Motor vehicle" means every vehicle which is self-propelled.
 - (b) "Motor vehicle" includes an off-highway vehicle.
- (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.
- (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.

- (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.
- (15) "Operate" means to control the movement of or otherwise use an off-highway vehicle.
- (16) "Operator" means the person who is in actual physical control of an off-highway vehicle.
- (17) "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.
- (18) "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.
- (19) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.
- (20) "Register" means the act of assigning a registration number to an off-highway vehicle.
- (21) "Roadway" is used as defined in Section 41-6a-102.
- (22) "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.
- (23) "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.
- (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.

Amended by Chapter 166, 2018 General Session

41-22-3 Registration of vehicles -- Application -- Issuance of sticker and card -- Proof of property tax payment -- Records.

- (1)
 - (a) Unless exempted under Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.
 - (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.
- (2) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.
- (3) Each application for registration of an off-highway vehicle shall be accompanied by:
 - (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;
 - (b) the past registration card; or
 - (c) the fee for a duplicate.
- (4)
 - (a) Upon each annual registration, the Motor Vehicle Division shall issue a registration sticker and a registration card for each off-highway vehicle registered.
 - (b) The registration sticker shall:
 - (i) contain a unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle for which it is issued;
 - (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible position as prescribed by rule of the board under Section 41-22-5.1; and

- (iii) be maintained free of foreign materials and in a condition to be clearly legible.
 - (c) At all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.
- (5)
- (a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration sticker shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has situs for taxation.
 - (b) The certificate required under Subsection (5)(a) shall state one of the following:
 - (i) the property tax on the off-highway vehicle for the current year has been paid;
 - (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or
 - (iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.
 - (c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under this Subsection (5).
- (6)
- (a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.
 - (b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.
- (7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-3.5 Staggered registration dates -- Registration renewal.

- (1) Unless exempted under Section 41-22-9, every off-highway vehicle registration, every registration card, and every registration sticker issued under this chapter for the first registration of the off-highway vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.
 - (2) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the off-highway vehicle is extended to 12 midnight of the next business day.
- (3)
- (a) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.
 - (b) Applications for registration renewal shall be made in accordance with Section 41-22-3.
- (4)
- (a) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.
 - (b) The year of registration expiration shall be changed to reflect the renewed registration period.
- (5) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

Enacted by Chapter 317, 2003 General Session

41-22-4 Falsification of documents unlawful -- Alteration or removal of serial number unlawful -- Display of sticker.

- (1) A person may not:
 - (a) knowingly falsify an application for registration, affidavit of ownership, or bill of sale for any off-highway vehicle;
 - (b) alter, deface, or remove any manufacturer's serial number on any off-highway vehicle;
 - (c) use or permit the use or display of any registration sticker, registration card, or permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than the vehicle for which it was issued; or
 - (d) alter or deface a registration sticker, registration card, or permit issued to an off-highway vehicle.
- (2) A violation of this section is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-22-5.1 Rules of board relating to display of registration stickers.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules for the display of a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

Amended by Chapter 382, 2008 General Session

41-22-5.5 Off-highway husbandry vehicles.

- (1)
 - (a)
 - (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.
 - (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:
 - (A) evidence of ownership;
 - (B) a title or a manufacturer's certificate of origin; and
 - (C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.
 - (iii) The owner shall receive an off-highway implement of husbandry sticker upon production of:
 - (A) the documents required under this Subsection (1); and
 - (B) payment of an off-highway implement of husbandry sticker fee established by the board not to exceed \$10.
 - (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section 41-22-3.
 - (c) The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of husbandry.
- (2) The off-highway implement of husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.
- (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is being operated adjacent to a roadway:

- (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from one parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and
 - (b) when this operation is necessary for the furtherance of agricultural purposes.
- (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.
- (5) It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.
- (6) A violation of this section is an infraction.

Amended by Chapter 166, 2018 General Session

41-22-7 Duplicate registration cards and registration stickers.

- (1) If a registration card is lost or destroyed, or if an owner changes the owner's address from the address shown on the owner's registration card, the owner shall, within 15 days, apply for a duplicate registration card.
- (2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

Amended by Chapter 159, 2004 General Session

41-22-8 Registration fees.

- (1) The board shall establish the fees which shall be paid in accordance with this chapter, subject to the following:
- (a)
 - (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway vehicle registration may not exceed \$35.
 - (ii) The fee for each snowmobile registration may not exceed \$26.
 - (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.
 - (b) The fee for each duplicate registration card may not exceed \$3.
 - (c) The fee for each duplicate registration sticker may not exceed \$5.
- (2) A fee may not be charged for an off-highway vehicle that is owned and operated by the United States Government, this state, or its political subdivisions.
- (3)
 - (a) In addition to the fees under this section, Section 41-22-33, and Section 41-22-34, the Motor Vehicle Division shall require a person to pay one dollar to register an off-highway vehicle under Section 41-22-3.
 - (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund described in Section 26-54-102.

Amended by Chapter 373, 2018 General Session

41-22-9 Vehicles exempt from registration.

- (1) The following off-highway vehicles are exempt from the registration requirements of this chapter:

- (a) vehicles that are currently registered for highway use, have a valid motor vehicle safety inspection sticker or certificate, and on which the required safety equipment has not been subsequently modified;
 - (b) except as provided in Subsection (2), a street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509;
 - (c) off-highway vehicles that are owned by a nonresident and that are displaying a current annual off-highway vehicle user decal in accordance with Section 41-22-35;
 - (d) off-highway vehicles sold by a dealer to a person who is not a resident of this state;
 - (e) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5); and
 - (f) new off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.
- (2) In addition to the registration requirements imposed under Section 41-6a-1509, a street-legal all-terrain vehicle is subject to the fees under Sections 41-22-8, 41-22-33, 41-22-34, and 41-22-36.

Amended by Chapter 36, 2008 General Session

41-22-10 Powers of board relating to off-highway vehicles.

- (1) The board may:
 - (a) appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and
 - (b) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.
- (2) The board shall receive and distribute voluntary contributions collected under Section 41-1a-230.6 in accordance with Section 41-22-19.5.

Amended by Chapter 299, 2007 General Session

41-22-10.1 Vehicles operated on posted public land.

- (1) Currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or description as open to off-highway vehicle use by the controlling federal, state, county, or municipal agency.
- (2) The controlling federal, state, county, or municipal agency may:
 - (a) provide a map or description showing or describing land, trails, streets, or highways open to off-highway vehicle use; or
 - (b) post signs designating lands, trails, streets, or highways open to off-highway vehicle use.
- (3) Liability may not be imposed on any federal, state, county, or municipality relating to the designation or maintenance of any land, trail, street, or highway open for off-highway vehicle use.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

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

- (1) It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway, as defined in Section 41-6a-102.

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

Amended by Chapter 412, 2015 General Session

Amended by Chapter 454, 2015 General Session

41-22-10.3 Operation of vehicles on highways -- Limits.

A person may not operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

- (1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
 - (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;
 - (3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
 - (4) when operating a street-legal all-terrain vehicle on a highway in accordance with Section 41-6a-1509.
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-10.4 Snowmobiles.

Snowmobiles may be operated on streets or highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season by the public authority having jurisdiction.

Enacted by Chapter 1, 1986 Special Session 2

Enacted by Chapter 1, 1986 Special Session 2

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:
 - (i) as open for general off-highway vehicle use; or
 - (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.
- (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).
- (4) A route designated under Subsection (1) may not be along, across, or within the boundaries of an interstate freeway.
- (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.

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

Amended by Chapter 454, 2015 General Session

41-22-10.6 Requiring compliance with traffic laws.

- (1) Any person operating an off-highway vehicle is subject to the provisions of Title 41, Chapter 6a, Traffic Code, unless specifically excluded.
- (2) An off-highway vehicle accident shall be reported in accordance with the requirements of Section 41-6a-402.

Amended by Chapter 308, 2010 General Session

41-22-10.7 Vehicle equipment requirements -- Rulemaking -- Exceptions.

- (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:
- (a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;
 - (b) headlights and taillights when operated between sunset and sunrise;
 - (c) a noise control device and except for a snowmobile, a spark arrestor device; and
 - (d) when operated on sand dunes designated by the board, a safety flag that is:
 - (i) red or orange in color;
 - (ii) a minimum of six by 12 inches; and
 - (iii) attached to:
 - (A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or
 - (B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.
- (2) A violation of Subsection (1) is an infraction.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).
- (4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

Amended by Chapter 412, 2015 General Session

41-22-10.8 Protective headgear requirements -- Owner duty -- Penalty for violation.

- (1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
- (2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.
- (3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.

- (4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50 per offense.
- (5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22, Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the person was:
 - (a) 18 years of age or older at the time of operation; and
 - (b) wearing protective headgear that complies with the requirements described under Subsection (1) at the time of operation.
- (6) The failure to wear protective headgear:
 - (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
 - (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
- (7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

Amended by Chapter 363, 2010 General Session

41-22-11 Agencies authorized to erect regulatory signs on public land.

- (1) No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-12 Restrictions on use of public lands.

- (1) Except as provided in Sections 79-4-203 and 79-4-304, federal agencies are encouraged and agencies of the state and its subdivisions shall pursue opportunities to open public land to responsible off-highway vehicle use and cross-country motor vehicle travel.
- (2) A person may not tear down, mutilate, deface, or destroy:
 - (a) a sign, signboard, or other notice that prohibits or regulates the use of an off-highway vehicle on public land; or
 - (b) a fence or other enclosure or a gate or bars belonging to the fence or other enclosure.
- (3) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-12.1 Restrictions on use of snowmobile trails.

- (1) A person may not operate a wheeled vehicle with a gross vehicle weight of 800 pounds or more on any snowmobile trail that the division has marked, posted, designated, or maintained as a snowmobile trail.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-12.2 Unlawful cross-country motor vehicle travel on public land.

- (1) A person may not operate and an owner of a motor vehicle may not give another person permission to operate a motor vehicle cross-country on any public land not designated for that use by the controlling agency.
- (2) A person who violates this section is guilty of an infraction.
- (3) As part of any sentence for a conviction of a violation of this section, the court:
 - (a) may impose a fine not to exceed \$150; and
 - (b) may require the person to perform community service in the form of repairing any damage to the public land caused by the unlawful cross-country motor vehicle travel.

Amended by Chapter 412, 2015 General Session

41-22-12.5 Restrictions on use of privately-owned lands without permission -- Unlawful for person to tamper with signs or fencing on privately-owned land.

- (1)
 - (a) A person may not operate or accompany a person operating a motor vehicle on privately-owned land of any other person, firm, or corporation without permission from the owner or person in charge.
 - (b) A person operating or accompanying a person operating a motor vehicle may not refuse to immediately leave private land upon request of the owner or person in charge of the land.
 - (c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately owned land.
 - (d) A person who violates Subsection (1)(a) is guilty of an infraction.
 - (e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.
 - (f) As part of any sentence for a conviction of a violation of Subsection (1)(a) or (b), the court may:
 - (i) impose a fine of not more than \$150;
 - (ii) require the person to pay restitution not to exceed \$500 for any damage caused by the unlawful motor vehicle travel; and
 - (iii) require the person to perform community service in the form of repairing any damage caused by the unlawful motor vehicle travel.
- (2) A person operating or accompanying a person operating a motor vehicle may not obstruct an entrance or exit to private property without the owner's permission.
- (3) A person may not:
 - (a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating a motor vehicle on land; or
 - (b) tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to the fence or enclosure.
- (4)
 - (a) A violation of Subsection (2) is an infraction.
 - (b) A violation of Subsection (3) is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-22-12.7 Enhanced penalties for unlawful motor vehicle use on public or private property.

- (1) A person is guilty of a class C misdemeanor for unlawful cross-country use of a motor vehicle on public land or unlawful motor vehicle use on private property if the person:
 - (a) violates Section 41-22-12.2, 41-22-12.5, or 41-22-13; and
 - (b)

- (i) has been convicted of violating Section 41-22-12, 41-22-12.2, 41-22-12.5, or 41-22-13 within the last two years; or
- (ii) knowingly, intentionally, or recklessly:
 - (A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or improvements; or
 - (B) harasses wildlife or livestock.
- (2) As part of any sentence for a conviction of a violation described in Subsection (1), the court may:
 - (a) impose a fine not to exceed \$300;
 - (b) require the person to pay restitution not to exceed \$1,000 for damage caused by the unlawful motor vehicle use; and
 - (c) require the person to perform community service in the form of repairing any damage to the public land caused by the unlawful motor vehicle use.
- (3) As part of any sentence for a conviction described in Subsection (1) that is within five years of a prior conviction described in Subsection (1), the court may:
 - (a) impose a fine not to exceed \$1,000;
 - (b) require the person to pay restitution not to exceed \$2,000 for damage caused by the unlawful motor vehicle use; and
 - (c) require the person to perform community service in the form of repairing any damage caused by the unlawful motor vehicle use.

Amended by Chapter 412, 2015 General Session

41-22-12.8 Exceptions to off-highway vehicle use restrictions.

The cross-country motor vehicle and off-highway vehicle restrictions in Sections 41-22-12.1, 41-22-12.2, 41-22-12.5, and 41-22-12.7 do not apply to:

- (1) a law enforcement officer or emergency services personnel acting within the course and scope of their employment;
- (2) an employee of the landowner or land manager acting within the course and scope of their employment;
- (3) a person otherwise authorized to use a motor vehicle in a closed area by legal right or by permission of the landowner or land manager; and
- (4) a person operating a motor vehicle on an R.S. 2477 right-of-way recorded or asserted by the state or a local highway authority.

Enacted by Chapter 289, 2009 General Session

41-22-13 Prohibited uses.

- (1) No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-15 Permission required for race or organized event.

- (1) No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.
- (2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-16 Authorized peace officers -- Arrest provisions.

- (1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules made under this chapter.
- (2) Whenever any individual is arrested for any violation of the provisions of this chapter or a rule made under this chapter, the procedure for the arrest is the same as described in Sections 77-7-23 and 77-7-24.

Amended by Chapter 150, 2018 General Session

41-22-17 Penalties for violations.

- (1) Except as otherwise provided, a person who violates the provisions of this chapter is guilty of an infraction.
- (2) The division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the division, within 15 days of suspension or revocation, the suspended or revoked registration card and registration sticker.

Amended by Chapter 412, 2015 General Session

41-22-18 Ordinances or local laws relating to operation and equipment of vehicles.

The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter or the rules promulgated under this chapter, but these ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter or the rules promulgated under this chapter.

Amended by Chapter 1, 1986 Special Session 2

Amended by Chapter 1, 1986 Special Session 2

41-22-19 Deposit of fees and related money in Off-highway Vehicle Account -- Use for facilities, costs and expenses of division, and education -- Request for matching funds.

- (1) Except as provided under Subsections (3) and (4) and Sections 41-22-34 and 41-22-36, all 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 in the Off-highway Vehicle Account in the General Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division. The balance of the money may be used by the division as follows:
 - (a) for the construction, improvement, operation, or maintenance of publicly owned or administered off-highway vehicle facilities;

- (b) for the mitigation of impacts associated with off-highway vehicle use;
 - (c) as grants or as matching funds with any federal agency, state agency, political subdivision of the state, or organized user group for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities including public access facilities;
 - (d) for the administration and enforcement of the provisions of this chapter; and
 - (e) for the education of off-highway vehicle users.
- (2) All agencies or political subdivisions requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the division for review and approval.
- (3)
- (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 in the Land Grant Management Fund created under Section 53C-3-101.
 - (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:
 - (i) to improve recreational opportunities on trust lands by constructing, improving, maintaining, or perfecting access for off-highway vehicle trails; and
 - (ii) to mitigate impacts associated with off-highway vehicle use.
 - (c) Any unused balance of the money deposited under Subsection (3)(a) exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account under Subsection (1).
- (4) One dollar of each off-highway vehicle registration fee collected under Subsection 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

Amended by Chapter 71, 2012 General Session

41-22-19.5 Off-highway Access and Education Restricted Account -- Creation -- Funding -- Distribution of funds by the Board of Parks and Recreation.

- (1) There is created in the General Fund a restricted account known as the Off-highway Access and Education Restricted Account.
- (2) The account shall be funded by:
- (a) contributions deposited into the Off-highway Access and Education Restricted Account in accordance with Section 41-1a-230.6;
 - (b) private contributions; and
 - (c) donations or grants from public or private entities.
- (3) The Legislature shall appropriate money in the account to the board.
- (4)
- (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
 - (b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- (5) The board may expend up to 10% of the money appropriated under Subsection (3) to:
- (a) administer account distributions in accordance with Subsections (6) through (9); and
 - (b) administer off-highway vehicle provisions under this chapter.
- (6) The board shall distribute the funds to a charitable organization that:
- (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

- (b) has at least one full-time employee; and
- (c) has as a primary part of its mission to:
 - (i) protect access to public lands by motor vehicle and off-highway vehicle operators; and
 - (ii) educate the public about appropriate off-highway vehicle use.
- (7) The board may only consider proposals that are:
 - (a) proposed by a charitable organization under Subsection (6); and
 - (b) designed to:
 - (i) protect access to public lands by motor vehicle and off-highway vehicle operators; and
 - (ii) educate the public about appropriate off-highway vehicle use.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules providing procedures for an organization to apply to receive funds under this section.
- (9) The board may not:
 - (a) require matching funds from a charitable organization as a condition of receiving funds; or
 - (b) prohibit the use of funds to cover litigation expenses incurred in protecting access to public lands by motor vehicle and off-highway vehicle operators.

Amended by Chapter 303, 2011 General Session

41-22-20 Public land administering agencies to develop facilities and programs.

All public land administering agencies are encouraged:

- (1) to develop and maintain trails, parking areas, rest rooms, and other related facilities appropriate to off-highway vehicle use; and
- (2) to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

Amended by Chapter 363, 1997 General Session

41-22-21 Publication of rules and amendments.

The rules promulgated under this chapter and any amendments to those rules shall be published as required by the Utah Administrative Rulemaking Act.

Amended by Chapter 1, 1986 Special Session 2

Amended by Chapter 1, 1986 Special Session 2

41-22-29 Operation by persons under eight years of age prohibited -- Definitions -- Exception -- Penalty.

- (1) As used in this section:
 - (a) "Organized practice" means a scheduled off-highway vehicle practice held in an off-road vehicle facility designated by the division and conducted by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the practice.
 - (b) "Sanctioned race" means an off-highway vehicle race conducted on a closed course and sponsored and sanctioned by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the race.
- (2) Except as provided under Subsection (3), a person under eight years of age may not operate and an owner may not give another person who is under eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

- (3) A child under eight years of age may participate in a sanctioned race or organized practice if:
 - (a) the child is under the direct supervision of an adult as described in Subsection 41-22-30(1) ;
and
 - (b) emergency medical service personnel, as defined in Section 26-8a-102, are on the premises and immediately available to provide assistance at all times during the sanctioned race or organized practice.
- (4) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules specifying the minimum amounts of liability coverage for an organized practice or sanctioned race.

Amended by Chapter 38, 2017 General Session

41-22-30 Supervision, safety certificate, or driver license required -- Penalty.

- (1) As used in this section, "direct supervision" means oversight at a distance:
 - (a) of no more than 300 feet; and
 - (b) within which:
 - (i) visual contact is maintained; and
 - (ii) advice and assistance can be given and received.
- (2) A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person:
 - (a) is under the direct supervision of an off-highway vehicle safety instructor during a scheduled safety training course approved by the board pursuant to Section 41-22-32 ;
 - (b)
 - (i) has in the person's possession the appropriate safety certificate issued or approved by the division; and
 - (ii) if under 18 years of age, is under the direct supervision of a person who is at least 18 years of age if operating on a public highway that is:
 - (A) open to motor vehicles; and
 - (B) not exclusively reserved for off-highway vehicle use; or
 - (c) has in the person's immediate possession a valid motor vehicle operator's license, as provided in Title 53, Chapter 3, Uniform Driver License Act.
- (3)
 - (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$100 per offense.
 - (b) It is a defense to a charge under this section, if the person charged:
 - (i) produces in court a license or an appropriate safety certificate that was:
 - (A) valid at the time of the citation or arrest; and
 - (B) issued to the person operating the off-highway vehicle; and
 - (ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.
- (4) The requirements of this section do not apply to an operator of an off-highway implement of husbandry.

Amended by Chapter 38, 2017 General Session

41-22-31 Board to set standards for safety program -- Safety certificates issued -- Cooperation with public and private entities -- State immunity from suit.

- (1)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.
 - (b) The program shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of an off-highway vehicle.
 - (c) Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.
 - (d) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.
- (2) The division shall cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program established under this section.
- (3) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program.

Amended by Chapter 38, 2017 General Session

41-22-32 Approval of safety courses.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules that establish standards for an off-highway vehicle safety course for instruction on the safe operation of an off-highway vehicle.
- (2) If a private organization meets the standards set by the division under Subsection (1), the division shall approve the off-highway safety course as compliant with the standards and purposes of this chapter.

Repealed and Re-enacted by Chapter 38, 2017 General Session

41-22-33 Fees for safety and education program -- Penalty -- Unlawful acts.

- (1) A fee set by the board in accordance with Section 63J-1-504 shall be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program.
- (2) If the board modifies the fee under Subsection (1), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:
- (a) notice from the board stating that the board will modify the fee; and
 - (b) a copy of the fee modification.

Amended by Chapter 38, 2017 General Session

41-22-34 Search and rescue fee -- Amount -- Deposition.

- (1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be registered or renewed under Section 41-22-3.
- (2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.
- (3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2a-1101.

Amended by Chapter 295, 2013 General Session

41-22-35 Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent issuance of decal -- Deposit and use of fee revenue.

- (1)
 - (a) Except as provided in Subsection (1)(b), any person owning or operating a nonresident off-highway vehicle who operates or gives another person permission to operate the nonresident off-highway vehicle on any public land, trail, street, or highway in this state shall:
 - (i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;
 - (ii) pay an annual off-highway vehicle user fee; and
 - (iii) provide evidence that the owner is a nonresident.
 - (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:
 - (i) registered in another state that offers reciprocal operating privileges to Utah residents under rules made by the board;
 - (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the board;
 - (iii) owned and operated by a state government agency and the operation of the off-highway vehicle within the boundaries of the state is within the course and scope of the duties of the agency; or
 - (iv) used exclusively for the purpose of an off-highway vehicle manufacturer sponsored event within the state under rules made by the board.
- (2) The off-highway vehicle user fee is \$30.
- (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:
 - (a) receive a nonresident off-highway vehicle user decal indicating compliance with the provisions of Subsection (1)(a); and
 - (b) display the decal on the off-highway vehicle in accordance with rules made by the board.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing:
 - (a) procedures for:
 - (i) the payment of off-highway vehicle user fees; and
 - (ii) the display of a decal on an off-highway vehicle as required under Subsection (3)(b);
 - (b) acceptable evidence indicating compliance with Subsection (1);
 - (c) eligibility requirements for reciprocal operating privileges for nonresident users;
 - (d) eligibility for scheduled competitive events or other events under Subsection (1)(b)(ii); and
 - (e) eligibility for an off-highway vehicle manufacturer sponsored event under Subsection (1)(b)(iv).

- (5)
- (a) An off-highway vehicle user decal may be issued and the off-highway vehicle user fee may be collected by the division or agents of the division.
 - (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
 - (c) The division may require agents to obtain a bond in a reasonable amount.
 - (d) On or before the tenth day of each month, each agent shall:
 - (i) report all sales to the division; and
 - (ii) submit all off-highway vehicle user fees collected less the remuneration provided in Subsection (5)(b).
 - (e)
 - (i) If an agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due.
 - (ii) Delinquent payments shall bear interest at the rate of 1% per month.
 - (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.
 - (f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b), shall:
 - (i) be kept separate and apart from the private funds of the agent; and
 - (ii) belong to the state.
 - (g) An agent may not issue an off-highway vehicle user decal to any person unless the person furnishes evidence of compliance with the provisions of Subsection (1)(a).
 - (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and may be cause for revocation of the agent authorization.
- (6) Revenue generated by off-highway vehicle user fees shall be deposited in the Off-highway Vehicle Account created in Section 41-22-19.

Amended by Chapter 332, 2013 General Session

41-22-36 Fees to cover the costs of electronic payments.

- (1) As used in this section:
- (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.
 - (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.
- (2)
- (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Section 41-22-8.
 - (b) The fee described in Subsection (2)(a) shall be imposed regardless of the method of payment for a particular transaction.
- (3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.
- (4) A fee imposed under this section:
- (a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121;
 - (b) is not subject to Subsection 63J-1-105(3) or (4); and
 - (c) need not be separately identified from the fees imposed on registrations and renewals of registration under Section 41-22-8.

Amended by Chapter 469, 2018 General Session

41-22-37 Off-highway vehicle operator responsibilities.

- (1) An off-highway vehicle operator who is 18 years of age or older shall accept legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use.
- (2)
 - (a) An off-highway vehicle operator shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.
 - (b) Risks inherent in the sport of off-highway vehicle operation under Subsection (1) include:
 - (i) variations in terrain;
 - (ii) surface or subsurface conditions;
 - (iii) crevices;
 - (iv) ravines;
 - (v) streams;
 - (vi) poor visibility;
 - (vii) rocks;
 - (viii) trees;
 - (ix) other forms of forest growth or debris; and
 - (x) any other natural hazard.
- (3) An off-highway vehicle operator is responsible for:
 - (a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use, taking into consideration the conditions;
 - (b) maintaining control of speed and course at all times while operating the off-highway vehicle;
 - (c) heeding all posted warnings; and
 - (d) refraining from acting in a manner that may cause or contribute to the injury of any person.
- (4) The provisions of this section do not affect a product liability cause of action based upon proper warning, design, or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.
- (5) The provisions of this section do not affect a passenger's cause of action or ability to recover for injuries.
- (6) The provisions of this section do not affect an off-highway vehicle owner's liability for negligent entrustment.

Enacted by Chapter 150, 2011 General Session

Chapter 23

Western States Transportation Alliance

41-23-1 Enactment.

The Western States Transportation Alliance is hereby enacted into law and entered into with all other jurisdictions legally joining therein.

Amended by Chapter 202, 2011 General Session

41-23-2 Text.

The text of this alliance is as follows:

WESTERN STATES TRANSPORTATION ALLIANCE

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

ARTICLE I

Findings and Purposes

Section 1. Findings. The participating jurisdictions find that:

- (a) The expanding regional economy depends on expanding transportation capacity;
- (b) Highway transportation is the major mode for movement of people and goods in the western states;
- (c) Uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;
- (d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive; and
- (e) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for their economy and transportation requirements, consistent with and in recognition of principles of highway safety.

Section 2. Purposes. The purposes of this agreement are to:

- (a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system.
- (b) Establish a system recommending the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards.
- (c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.
- (d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards.
- (e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.
- (f) Study and recommend appropriate highway user fees.
- (g) Facilitate communication between legislators, state transportation administrators, and commercial industry representatives in addressing the emerging highway transportation issues in participating jurisdictions.

ARTICLE II

Definitions

Section 1. As used in this agreement:

- (a) "Cooperating Committee" means a body composed of the designated representatives from the participating jurisdictions.
- (b) "Designated representative" means a legislator or other person authorized under Article XII to represent the jurisdiction.
- (c) "Jurisdiction" means a state of the United States or the District of Columbia.
- (d) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III

General Provisions

Section 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

Section 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

Section 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

Section 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

Section 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

Section 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

Section 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

Section 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV

Cooperating Committee

Section 1. Each participating jurisdiction shall have two designated representatives. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute the Cooperating Committee which shall have the power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

(d) Recommend improvements in highway operations, in vehicular safety, and in state administration of highway transportation laws.

(e) Perform functions necessary to facilitate the purposes of this agreement.

Section 2. Each designated representative of a participating jurisdiction shall be entitled to one vote only. No action of the committee shall be approved unless a majority of the total number of votes cast by the designated representatives of the participating jurisdictions are in favor of the action.

Section 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman, and a secretary.

Section 4. The committee shall submit annually to the Legislature of each participating jurisdiction a report setting forth the work of the committee during the preceding year and including

recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable.

ARTICLE V

Objectives of the Participating Jurisdictions

Section 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

$$W=500 \{LN/(N-1) + 12N+36\}$$

where W = maximum weight in pounds carried on any group of two or more consecutive axles computed to nearest 500 pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section be authorized under special permit authority by each participating jurisdiction for vehicle combinations in excess of statutory weights of 80,000 pounds or statutory lengths.

(c) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(d) The Cooperating Committee may recommend that the participating jurisdictions jointly secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(e) It is the further objective of the participating jurisdictions to:

(1) Establish transportation laws and regulations to meet regional and economic needs and to promote an efficient, safe, and compatible transportation network;

(2) Develop standards that facilitate the most efficient and environmentally sound operation of vehicles on highways, consistent with and in recognition of principles of highway safety; and

(3) Establish programs to increase productivity and reduce congestion, fuel consumption, and related transportation costs and enhance air quality through the uniform application of state vehicle regulations and laws.

ARTICLE VI

Entry Into Force and Withdrawal

Section 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

Section 2. Any participating jurisdiction may withdraw from this agreement by cancelling the same but no such withdrawal shall take effect until 30 days after the designated representative of

the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

Construction and Severability

Section 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

Section 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

Filing of Documents

Section 1. A copy of this agreement, its amendments, and rules or regulations adopted thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

Existing Statutes Not Repealed

Section 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

State Government Departments

Authorized to Cooperate with Cooperating Committee

Section 1. Within appropriations available therefor, the departments, agencies and officers of the government of this state shall cooperate with and assist the Cooperating Committee within the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said Cooperating Committee.

ARTICLE XI

Funding Section

Section 1. Funds for the administration of this agreement, including participation in the Cooperating Committee and the actual expenses of the designated representatives, shall be budgeted or expensed as determined appropriate.

ARTICLE XII

Selection of Designated Representatives

Section 1. The process for selecting the designated representatives to the Cooperating Committee shall be established by law under this section.

Section 2. The persons authorized to represent the state of Utah as the designated representatives to the committee shall be the chairperson of the Senate Transportation Committee and the chairperson of the House Transportation Committee or a legislator or a state agency official that the chairperson assigns.

Section 3. The transportation chairpersons in each house shall also designate one alternative designated representative who shall also be a legislator or state agency official to serve in their absence.

Amended by Chapter 202, 2011 General Session

Chapter 26 Autonomous Vehicles

41-26-101 Title.

This chapter is known as "Autonomous Vehicles."

Enacted by Chapter 212, 2016 General Session

41-26-102 Autonomous motor vehicle study.

- (1) As used in this section, "autonomous vehicle" means a motor vehicle equipped with technology that allows the motor vehicle to perform one or more driving functions through vehicle automation, without the direct control of the driver.
- (2) Each agency of the state with regulatory authority impacting autonomous vehicle technology testing shall facilitate and encourage the responsible testing and operation of autonomous vehicle technology within the state.
- (3)
 - (a) The Department of Public Safety, in consultation with other state agencies, including the Division of Motor Vehicles and the Department of Transportation, shall study, prepare a report, and make recommendations regarding the best practices for regulation of autonomous vehicle technology on Utah highways. The study shall include:
 - (i) evaluation of standards and best practices suggested by the National Highway Traffic Safety Administration and the American Association of Motor Vehicle Administrators;
 - (ii) evaluation of appropriate safety features and standards for autonomous vehicles in the unique weather and traffic conditions of Utah;
 - (iii) evaluation of regulatory strategies and schemes implemented by other states to address autonomous vehicles, including various levels of vehicle automation;
 - (iv) evaluation of federal standards addressing autonomous vehicles; and
 - (v) recommendations on how the state should address advances in autonomous vehicle technology through legislation and regulation.
 - (b) The Department of Public Safety shall provide a written report and present findings of the report, including recommendations, to the Transportation Interim Committee and the Public Utilities and Technology Interim Committee, before December 1, 2016. The Division of Motor Vehicles, the Department of Transportation, and the Department of Technology Services shall be present for the report to the Transportation Interim Committee.
- (4) The Department of Public Safety, the Division of Motor Vehicles, the Department of Transportation, and the Department of Technology Services may partner and contract with a person for the purpose of testing autonomous vehicles within the state.

Enacted by Chapter 212, 2016 General Session