

1 **REGULATION OF OFF-ROAD VEHICLES**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lyle W. Hillyard**

5 AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN OFF-HIGHWAY
6 VEHICLE PROVISIONS; PROVIDING CERTAIN DEFINITIONS; AMENDING
7 OFF-HIGHWAY VEHICLE ROUTE MAPPING AND POSTING OF SIGNS; AMENDING
8 CERTAIN EQUIPMENT REQUIREMENTS; AMENDING PROVISIONS FOR THE USE OF
9 MONIES IN THE OFF-HIGHWAY VEHICLE ACCOUNT AND MAKING TECHNICAL
10 CHANGES.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 **41-22-2**, as last amended by Chapter 1, Laws of Utah 1992

14 **41-22-10.1**, as last amended by Chapter 21, Laws of Utah 1989

15 **41-22-10.7**, as last amended by Chapter 363, Laws of Utah 1997

16 **41-22-19**, as last amended by Chapters 281 and 363, Laws of Utah 1997

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

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

19 **41-22-2. Definitions.**

20 As used in this chapter:

21 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by
22 the Board of Parks and Recreation.

23 (2) "All-terrain type I vehicle" means any motor vehicle 50 inches or less in width, having
24 an unladen dry weight of [700] 800 pounds or less, traveling on three or more low pressure tires,
25 having a seat designed to be straddled by the operator, and designed for or capable of travel over
26 unimproved terrain.

27 (3) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection

28 (2), (9), or (19), designed for or capable of travel over unimproved terrain. This term does not
29 include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically
30 designed for recreational use, or farm tractors as defined under Section 41-1a-102.

31 (4) "Board" means the Board of Parks and Recreation.

32 (5) "Dealer" means a person engaged in the business of selling off-highway vehicles at
33 wholesale or retail.

34 (6) "Division" means the Division of Parks and Recreation.

35 (7) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
36 use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of ten
37 pounds per square inch or less as recommended by the vehicle manufacturer.

38 (8) "Manufacturer" means a person engaged in the business of manufacturing off-highway
39 vehicles.

40 (9) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
41 and designed to travel on not more than two tires.

42 (10) "Motor vehicle" means every vehicle which is self-propelled.

43 (11) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain
44 type II vehicle, or motorcycle.

45 (12) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
46 motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

47 (13) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

48 (14) "Operator" means the person who is in actual physical control of an off-highway
49 vehicle.

50 (15) "Organized user group" means an off-highway vehicle organization incorporated as
51 a nonprofit corporation in the state under Title 16, Chapter 6, "Utah Nonprofit Corporation and
52 Co-operative Association Act," for the purpose of promoting the interests of off-highway vehicle
53 recreation.

54 [~~15~~] (16) "Owner" means a person, other than a person with a security interest, having
55 a property interest or title to an off-highway vehicle and entitled to the use and possession of that
56 vehicle.

57 [~~16~~] (17) "Public land" means land owned or administered by any federal or state agency
58 or any political subdivision of the state.

59 [(17)] (18) "Register" means the act of assigning a registration number to an off-highway
60 vehicle.

61 [(18)] (19) "Roadway" is used as defined in Section 41-6-1.

62 [(19)] (20) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
63 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

64 [(20)] (21) "Street or highway" means the entire width between boundary lines of every
65 way or place of whatever nature, when any part of it is open to the use of the public for vehicular
66 travel.

67 Section 2. Section **41-22-10.1** is amended to read:

68 **41-22-10.1. Vehicles operated on posted public land.**

69 (1) Currently registered off-highway vehicles may be operated on public land, trails,
70 streets, or highways that are posted by sign or designated by map or description as open to
71 off-highway vehicle use by the controlling federal, state, county, or [city] municipal agency[; ~~as~~
72 ~~open to off-highway vehicle use~~].

73 ~~[(2) The Utah Division of Parks and Recreation shall meet once within six months of the~~
74 ~~effective date of this act, with the county commissioners to explain the provisions of these sections~~
75 ~~of the Utah Code.]~~

76 [(3)] (2) The controlling federal, state, county, or [city] municipal agency [shall] may:

77 (a) provide a map or description showing or describing land, trails, streets, or highways
78 open to off-highway vehicle use; or

79 (b) post signs designating lands, trails, streets, or highways open to off-highway vehicle
80 use.

81 ~~[(4) No liability]~~ (3) Liability may not be imposed on any federal, state, county, or [city]
82 municipality relating to the designation or maintenance of any land, trail, street, or highway open
83 for off-highway vehicle use.

84 Section 3. Section **41-22-10.7** is amended to read:

85 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

86 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
87 with:

88 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
89 normal operating conditions;

- 90 (b) headlights and taillights when operated between sunset and sunrise;
- 91 (c) a noise control § **DEVICE** § and § **EXCEPT FOR A SNOWMOBILE, A** § spark arrestor device; and
- 92 (d) a safety flag, red or orange in color and a minimum of six by 12 inches, attached to the
- 93 off-highway vehicle at least eight feet above the surface of level ground, when operated on sand
- 94 dunes.

95 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

96 board may make rules which set standards for the equipment referred to in Subsection (1).

97 (3) An off-highway implement of husbandry used only in agricultural operations and not

98 operated on a highway, is exempt from the provisions of this section.

99 Section 4. Section **41-22-19** is amended to read:

100 **41-22-19. Deposit of fees and related moneys in Off-highway Vehicle Account -- Use**

101 **for facilities, costs and expenses of division, and education -- Request for matching funds.**

102 (1) Except as provided under Section 41-22-34, all registration fees and related moneys

103 collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle

104 Division under this chapter shall be deposited as restricted revenue in the Off-highway Vehicle

105 Account in the General Fund less the costs of collecting off-highway vehicle registration fees by

106 the Motor Vehicle Division. The balance of the monies may be used by the division as follows:

107 (a) for the construction, improvement, operation, or maintenance of [~~state-owned~~] publicly

108 owned or administered off-highway vehicle facilities;

109 (b) as grants or as matching funds with any federal agency [~~or~~], political subdivision of

110 the state, or organized user group for the construction, improvement, operation, acquisition, or

111 maintenance of [~~federal, municipal, or county-owned~~] publicly owned or administered off-highway

112 vehicle facilities including public access facilities;

113 (c) for the administration and enforcement of the provisions of this chapter; and

114 (d) for the education of off-highway vehicle users.

115 (2) All agencies or political subdivisions requesting matching funds shall submit plans for

116 proposed off-highway vehicle facilities to the division for review and approval.

Legislative Review Note
as of 1-21-99 10:48 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel