

1 **STREET-LEGAL ALL-TERRAIN VEHICLE**

2 **PROVISIONS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Greg J. Curtis**

6 **This act modifies the Motor Vehicles Code by defining street-legal all-terrain vehicles and**
7 **providing requirements to be operated on highways with a speed limit of 45 miles per**
8 **hour or less. This act requires that an operator of a street-legal ATV must obtain the**
9 **appropriate equipment, insurance, registration, license, and emissions inspection to be**
10 **eligible to operate on highways. This act requires that the operator of a street-legal ATV**
11 **have a motorcycle endorsement to the operator's driver license. This act exempts a street-**
12 **legal ATV from off-highway vehicle registration provisions and from designated route**
13 **provisions. This act provides that a violation of street-legal ATV provisions is a class C**
14 **misdemeanor. This act takes effect on October 1, 2003.**

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

16 AMENDS:

17 **41-6-1**, as last amended by Chapters 34 and 165, Laws of Utah 2002

18 **41-22-9**, as last amended by Chapter 30, Laws of Utah 2000

19 **41-22-10.5**, as last amended by Chapter 230, Laws of Utah 2000

20 ENACTS:

21 **41-6-117.7**, Utah Code Annotated 1953

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

23 Section 1. Section **41-6-1** is amended to read:

24 **41-6-1. Definitions.**

25 As used in this chapter:

26 (1) "Alley" means a street or highway intended to provide access to the rear or side of
27 lots or buildings in urban districts and not intended for through vehicular traffic.



28 (2) "All-terrain type I vehicle" is used as defined in Section 41-22-2.

29 (3) "Authorized emergency vehicle" means fire department vehicles, police vehicles,
30 ambulances, and other publicly or privately owned vehicles as designated by the commissioner
31 of the Department of Public Safety.

32 (4) "Bicycle" means every device propelled by human power upon which any person
33 may ride, having two tandem wheels, except scooters and similar devices.

34 (5) "Bus" means every motor vehicle designed for carrying more than 15 passengers
35 and used for the transportation of persons; and every motor vehicle, other than a taxicab,
36 designed and used for the transportation of persons for compensation.

37 (6) "Controlled-access highway" means every highway, street, or roadway to or from
38 which owners or occupants of abutting lands and other persons have no legal right of access,
39 except at points as determined by the public authority having jurisdiction over the highway,
40 street, or roadway.

41 (7) "Crosswalk" means:

42 (a) that part of a roadway at an intersection included within the connections of the
43 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in
44 the absence of curbs, from the edges of the traversable roadway; and in the absence of a
45 sidewalk on one side of the roadway, that part of a roadway included within the extension of
46 the lateral lines of the existing sidewalk at right angles to the centerline; or

47 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
48 pedestrian crossing by lines or other markings on the surface.

49 (8) "Department" means the Department of Public Safety.

50 (9) "Divided highway" means a highway divided into two or more roadways by
51 unpaved intervening space or by a physical barrier or by a clearly indicated dividing section
52 constructed to impede vehicular traffic.

53 (10) "Electric assisted bicycle" means a moped with an electric motor with a power
54 output of not more than 1,000 watts, which is not capable of propelling the device at a speed of
55 more than 20 miles per hour on level ground, and which is not capable of increasing the speed
56 of the device when human power is used to propel the device at more than 20 miles per hour.

57 (11) "Explosives" means any chemical compound or mechanical mixture commonly
58 used or intended for the purpose of producing an explosion and which contains any oxidizing

59 and combustive units or other ingredients in proportions, quantities, or packing so that an
60 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or
61 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous
62 pressures are capable of producing destructive effects on contiguous objects or of causing death
63 or serious bodily injury.

64 (12) "Farm tractor" means every motor vehicle designed and used primarily as a farm
65 implement, for drawing plows, mowing machines, and other implements of husbandry.

66 (13) "Flammable liquid" means any liquid which has a flashpoint of 100 degrees F. or
67 less, as determined by a tabliabue or equivalent closed-cup test device.

68 (14) "Gross weight" means the weight of a vehicle without load plus the weight of any
69 load on the vehicle.

70 (15) "Highway" means the entire width between property lines of every way or place of
71 any nature when any part of it is open to the use of the public as a matter of right for vehicular
72 travel.

73 (16) "Intersection" means the area embraced within the prolongation or connection of
74 the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more
75 highways which join one another.

76 (a) Where a highway includes two roadways 30 feet or more apart, every crossing of
77 each roadway of the divided highway by an intersecting highway is a separate intersection; if
78 the intersecting highway also includes two roadways 30 feet or more apart, then every crossing
79 of two roadways of the highways is a separate intersection.

80 (b) The junction of an alley with a street or highway is not an intersection.

81 (17) "Local authorities" means every county, municipal, and other local board or body
82 having authority to enact laws relating to traffic under the constitution and laws of the state.

83 (18) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle designed to
84 be operated at speeds of not more than 25 miles per hour and that has a capacity of not more
85 than four passengers, including the driver.

86 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

87 (19) "Metal tire" means a tire, the surface of which in contact with the highway is
88 wholly or partly of metal or other hard nonresilient material.

89 (20) "Mobile home" means:

90 (a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling
91 place, living abode, or sleeping place either permanently or temporarily, and is equipped for
92 use as a conveyance on streets and highways; or

93 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
94 constructed for use as a mobile home, as defined in Subsection (20)(a), but which is instead
95 used permanently or temporarily for the advertising, sales, display, or promotion of
96 merchandise or services, or for any other commercial purpose except the transportation of
97 property for hire or the transportation of property for distribution by a private carrier.

98 (21) "Moped" means a motor-driven cycle having both pedals to permit propulsion by
99 human power, and a motor which produces not more than two brake horsepower and which is
100 not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. If
101 an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters
102 and the moped shall have a power drive system that functions directly or automatically without
103 clutching or shifting by the operator after the drive system is engaged. A moped includes an
104 electric assisted bicycle and a motor assisted scooter.

105 (22) "Motor assisted scooter" means a self-propelled device with at least two wheels in
106 contact with the ground, a braking system capable of stopping the unit under typical operating
107 conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a
108 person to stand while operating the device, and the ability to be propelled by human power
109 alone.

110 (23) "Motor vehicle" means every vehicle which is self-propelled and every vehicle
111 which is propelled by electric power obtained from overhead trolley wires, but not operated
112 upon rails, except vehicles moved solely by human power and motorized wheel chairs.

113 (24) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
114 saddle for the use of the rider and designed to travel with not more than three wheels in contact
115 with the ground.

116 (25) "Motor-driven cycle" means every motorcycle and motor scooter, personal
117 motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every
118 motorized bicycle having an engine with less than 150 cubic centimeters displacement or
119 having a motor which produces not more than five horsepower.

120 (26) "Official traffic-control devices" means all signs, signals, markings, and devices

121 not inconsistent with this chapter placed or erected by authority of a public body or official
122 having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

123 (27) "Off-highway implement of husbandry" is used as defined under Section 41-22-2.

124 (28) "Off-highway vehicle" is used as defined under Section 41-22-2.

125 (29) "Operator" means any person who is in actual physical control of a vehicle.

126 (30) "Park" or "parking" means the standing of a vehicle, whether occupied or not,
127 otherwise than temporarily for the purpose of and while actually engaged in loading or
128 unloading property or passengers.

129 (31) "Peace officer" means any peace officer authorized under Title 53, Chapter 13,
130 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
131 traffic laws.

132 (32) "Pedestrian" means any person afoot.

133 (33) "Person" means every natural person, firm, copartnership, association, or
134 corporation.

135 (34) "Personal motorized mobility device" means a self-propelled device with two
136 nontandem wheels in contact with the ground, a system capable of steering and stopping the
137 unit under typical operating conditions, a motor not exceeding one horse power or 750 watts,
138 and a deck design for a person to stand while operating the device. A "personal motorized
139 mobility device" does not include a wheelchair.

140 (35) "Pole trailer" means every vehicle without motive power designed to be drawn by
141 another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being
142 boomed or otherwise secured to the towing vehicle, and is ordinarily used for transporting long
143 or irregular shaped loads such as poles, pipes, or structural members generally capable of
144 sustaining themselves as beams between the supporting connections.

145 (36) "Private road or driveway" means every way or place in private ownership and
146 used for vehicular travel by the owner and those having express or implied permission from the
147 owner, but not by other persons.

148 (37) "Railroad" means a carrier of persons or property upon cars operated upon
149 stationary rails.

150 (38) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
151 public body or official or by a railroad and intended to give notice of the presence of railroad

152 tracks or the approach of a railroad train.

153 (39) "Railroad train" means a locomotive propelled by any form of energy, coupled
154 with or operated without cars, and operated upon rails.

155 (40) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful
156 manner in preference to another vehicle or pedestrian approaching under circumstances of
157 direction, speed, and proximity which give rise to danger of collision unless one grants
158 precedence to the other.

159 (41) "Roadway" means that portion of highway improved, designed, or ordinarily used
160 for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though any of them are
161 used by persons riding bicycles or other human-powered vehicles. If a highway includes two
162 or more separate roadways, roadway refers to any roadway separately but not to all roadways
163 collectively.

164 (42) "Safety zone" means the area or space officially set apart within a roadway for the
165 exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as
166 to be plainly visible at all times while set apart as a safety zone.

167 (43) "School bus" means every motor vehicle that complies with the color and
168 identification requirements of the most recent edition of "Minimum Standards for School
169 Buses" and is used to transport school children to or from school or school activities. This
170 definition does not include vehicles operated by common carriers in transportation of school
171 children to or from school or school activities.

172 (44) "Semitrailer" means a vehicle with or without motive power, other than a pole
173 trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and
174 constructed so that some part of its weight and that of its load rests upon or is carried by
175 another vehicle.

176 (45) "Shoulder area" means that area of the hard-surfaced highway separated from the
177 roadway by a pavement edge line as established in the current approved "Manual on Uniform
178 Traffic Control Devices," or that portion of the road contiguous to the roadway for
179 accommodation of stopped vehicles, for emergency use, and lateral support.

180 (46) "Sidewalk" means that portion of a street between the curb lines, or the lateral
181 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

182 (47) "Solid rubber tire" means every tire of rubber or other resilient material which

183 does not depend upon compressed air for the support of the load.

184 (48) "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
185 other than temporarily for the purpose of and while actually engaged in receiving or
186 discharging passengers.

187 (49) (a) "Street-legal ATV" or "Street-legal all-terrain vehicle" means a four-wheel
188 motor vehicle with high pressure tires, a four-stroke engine, designed to be operated over
189 unimproved terrain, having a seat designed to be straddled by the operator, and being operated
190 in compliance with Section 41-6-117.7.

191 (b) An all-terrain type I vehicle that is in compliance with Subsection (49)(a) may be a
192 street-legal ATV.

193 [~~49~~] (50) "Stop" when required means complete cessation from movement.

194 [~~50~~] (51) "Stop" or "stopping" when prohibited means any halting even momentarily
195 of a vehicle, whether occupied or not, except when necessary to avoid conflict with other
196 traffic or when in compliance with the directions of a peace officer or official traffic-control
197 device.

198 [~~51~~] (52) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
199 conveyances either singly or together while using any highway for the purpose of travel.

200 [~~52~~] (53) "Traffic-control signal" means any device, whether manually, electrically,
201 or mechanically operated, by which traffic is alternately directed to stop and permitted to
202 proceed.

203 [~~53~~] (54) "Trailer" means every vehicle with or without motive power, other than a
204 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle
205 and constructed so that no part of its weight rests upon the towing vehicle.

206 [~~54~~] (55) "Truck" means every motor vehicle designed, used, or maintained primarily
207 for the transportation of property.

208 [~~55~~] (56) "Truck tractor" means a motor vehicle designed and used primarily for
209 drawing other vehicles and constructed to carry a part of the weight of the vehicle and load
210 drawn by the truck tractor.

211 [~~56~~] (57) "Urban district" means the territory contiguous to and including any street,
212 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
213 less than 100 feet, for a distance of a quarter of a mile or more.

214 [~~57~~] (58) "Vehicle" means every device in, upon, or by which any person or property
215 is or may be transported or drawn upon a highway, except devices used exclusively upon
216 stationary rails or tracks.

217 Section 2. Section **41-6-117.7** is enacted to read:

218 **41-6-117.7. Street-legal all-terrain vehicle.**

219 (1) Except as otherwise provided in this section, for purposes of the Utah Code a
220 street-legal ATV is considered:

221 (a) a motorcycle for traffic rules under Title 41, Chapter 6, Traffic Rules and
222 Regulations;

223 (b) a motorcycle for driver licensing under Title 53, Chapter 3, Uniform Driver License
224 Act;

225 (c) a motor vehicle for motor vehicle insurance under Title 41, Chapter 12a, Financial
226 Responsibility of Motor Vehicle Owners and Operators Act;

227 (d) a motorcycle for registration, titling, odometer statement, vehicle identification
228 number, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

229 (e) a vehicle for taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act;

230 (f) a motorcycle for the fee in lieu of property taxes or in lieu fees under Section
231 59-2-405;

232 (g) motor vehicle for safety inspection requirements under Section 53-8-205; and

233 (h) a motorcycle for the county motor vehicle emissions inspection and maintenance
234 programs under Section 41-6-163.6 except that a street-legal ATV shall comply with
235 reasonable emissions standards for the type of vehicle it is.

236 (2) (a) A street-legal ATV shall comply with safety and noise standards of the original
237 manufacturer and shall be equipped with:

238 (i) headlamps;

239 (ii) front and rear turn signals, tail lamps, and stop lamps;

240 (iii) turn signal lamps;

241 (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and
242 as far to the rear of the vehicle as practical;

243 (v) a parking brake;

244 (vi) rearview mirrors on the right and left side of the driver;

245 (vii) a speedometer and odometer;

246 (viii) braking for each wheel; and

247 (ix) four high pressure tires designed for use on paved surfaces.

248 (b) A street-legal ATV that complies with Subsections (2)(a) and (3) is considered to

249 comply with equipment requirements in Title 41, Chapter 6, Article 16, Equipment.

250 (3) A person may not operate a street-legal ATV on a highway if the ATV has been

251 structurally altered from the original manufacturer's design.

252 (4) Except to cross a highway at an intersection, a street-legal ATV that complies with

253 this section may not be operated on:

254 (a) an interstate freeway or controlled access highway; or

255 (b) a highway with a posted speed limit of more than 45 miles per hour.

256 (5) A person who violates Subsection (2) or (3) is guilty of a class C misdemeanor.

257 Section 3. Section **41-22-9** is amended to read:

258 **41-22-9. Vehicles exempt from registration.**

259 ~~[The following]~~ An off-highway ~~[vehicles are]~~ vehicle is exempt from the registration
260 requirements of this chapter if:

261 (1) ~~[vehicles that are]~~ the vehicle is currently registered for highway use, ~~[have]~~ has a
262 valid motor vehicle safety inspection sticker or certificate, and on which the required safety
263 equipment has not been subsequently modified;

264 (2) the off-highway ~~[vehicles]~~ vehicle, except ~~[snowmobiles, that are]~~ a snowmobile, is
265 not in the state more than 14 days in any year and ~~[are]~~ is owned by a nonresident;

266 (3) ~~[snowmobiles that are]~~ a snowmobile that is owned by a nonresident and that ~~[are]~~
267 is displaying a current annual snowmobile user fee decal in accordance with Section 41-22-35;

268 (4) an off-highway ~~[vehicles]~~ vehicle sold by a dealer to a person who is not a resident
269 of this state;

270 (5) an off-highway ~~[implements]~~ implement of husbandry operated in the manner
271 prescribed by Subsections 41-22-5.5(3) through (5); ~~[and]~~

272 (6) a new off-highway ~~[vehicles]~~ vehicle being transported to an off-highway vehicle
273 dealership by the dealer, employee of the dealership, or agent for the dealership~~[-]; and~~

274 (7) a street-legal ATV as defined under Section 41-6-1 and being operated in
275 compliance with Section 41-6-117.7.

276 Section 4. Section **41-22-10.5** is amended to read:

277 **41-22-10.5. Local ordinances -- Designating routes -- Supervision.**

278 (1) A municipality or county may adopt ordinances designating certain streets and
279 highways under their respective jurisdictions as off-highway vehicle routes for the specific
280 purpose of allowing off-highway vehicle operators to gain direct access to or from a private or
281 public area open for off-highway vehicle use.

282 (2) A municipality or county may adopt an ordinance requiring an operator who is
283 under 16 years of age to be under the direct visual supervision of an adult who is at least 18
284 years of age while using a route designated under Subsection (1).

285 (3) A route designated under Subsection (1) may not be along, across, or within the
286 boundaries of an interstate freeway or limited access highway.

287 (4) A person may not operate an off-highway vehicle on any street or highway for any
288 other purpose than to gain direct access to or from a private or public area open for off-highway
289 vehicle use.

290 (5) Subsection (4) does not apply to off-highway implements of husbandry used in
291 accordance with Section 41-22-5.5.

292 (6) A street-legal ATV as defined under Section 41-6-1 and being operated in
293 compliance with Section 41-6-117.7, is exempt from the provisions of this section.

294 Section 5. **Effective date.**

295 This act takes effect on October 1, 2003.

Legislative Review Note
as of 2-3-03 1:55 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0138

Street-Legal All-Terrain Vehicle Provisions

18-Feb-03

1:05 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst