

Representative Michael E. Noel proposes the following substitute bill:

STREET-LEGAL ALL-TERRAIN VEHICLE

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by defining a street-legal all-terrain vehicle and amending provisions related to street-legal all-terrain vehicles.

Highlighted Provisions:

This bill:

- ▶ defines street-legal all-terrain vehicle;
- ▶ permits individuals to operate a street-legal all-terrain vehicle on a highway ~~H~~→ in certain instances ←~~H~~ ;

- ▶ defines the registration, equipment, taxation, licensing, and other requirements for an all-terrain vehicle to operate as a street-legal all-terrain vehicle;

- ▶ exempts street-legal all-terrain vehicles from certain off-highway vehicle requirements and restrictions; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2007.

Utah Code Sections Affected:



26 AMENDS:

27 **41-1a-205**, as last amended by Chapter 2, Laws of Utah 2005

28 **41-6a-102**, as renumbered and amended by Chapter 2 and last amended by Chapter
29 111, Laws of Utah 2005

30 **41-22-2**, as last amended by Chapter 2, Laws of Utah 2005

31 **41-22-9**, as last amended by Chapter 314, Laws of Utah 2004

32 **41-22-10.3**, as enacted by Chapter 1, Laws of Utah 1986, Second Special Session

33 **41-22-10.5**, as last amended by Chapter 159, Laws of Utah 2004

34 ENACTS:

35 **41-6a-1509**, Utah Code Annotated 1953

36

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

38 Section 1. Section **41-1a-205** is amended to read:

39 **41-1a-205. Safety inspection certificate required for renewal or registration of**
40 **motor vehicle -- Exemptions.**

41 (1) If required in the current year, a safety inspection certificate, as required by Section
42 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as
43 a condition of, registration or renewal of registration of a motor vehicle.

44 (2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection
45 required under this section may be made no more than two months prior to the renewal of
46 registration.

47 (b) (i) If the title of a used motor vehicle is being transferred, a safety inspection
48 certificate issued for the motor vehicle during the previous two months may be used to satisfy
49 the requirement under Subsection (1).

50 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety
51 inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle
52 dealer's name during the previous six months may be used to satisfy the requirement under
53 Subsection (1).

54 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a
55 safety inspection certificate issued during the previous six months may be used to satisfy the
56 requirement under Subsection (1).

57 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection
58 required under this section may be made no more than 11 months prior to the renewal of
59 registration.

60 (3) The following motor vehicles are exempt from this section:

61 (a) (i) except as provided in Subsection (3)(c), a new motor vehicle when registered the
62 first time, if:

63 (i) a new car predelivery inspection has been made by a dealer;

64 (ii) the dealer provides a written disclosure statement listing any known deficiency,
65 existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle
66 to fail a safety inspection given in accordance with Section 53-8-205; and

67 (iii) the buyer signs the disclosure statement to acknowledge that the buyer has read
68 and understands the listed deficiencies; and

69 (b) a motor vehicle required to be registered under this chapter that bears a dealer plate
70 or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except
71 that if the motor vehicle is propelled by its own power and is not being moved for repair or
72 dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe
73 mechanical condition.

74 (c) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509
75 is subject to a safety inspection when registered the first time.

76 (4) (a) A safety inspection certificate shall be displayed on:

77 (i) all registered commercial motor vehicles with a gross vehicle weight rating of
78 26,000 pounds or more;

79 (ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
80 multiple axles;

81 (iii) a combination unit; and

82 (iv) a bus or van for hire.

83 (b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of
84 Subsection (1).

85 (5) A motor vehicle may be sold and the title assigned to the new owner without a
86 valid safety inspection, but the motor vehicle may not be registered in the new owner's name
87 until the motor vehicle complies with this section.

88 Section 2. Section **41-6a-102** is amended to read:

89 **41-6a-102. Definitions.**

90 As used in this chapter:

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

93 (2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

94 (3) "Authorized emergency vehicle" includes:

95 (a) fire department vehicles;

96 (b) police vehicles;

97 (c) ambulances; and

98 (d) other publicly or privately owned vehicles as designated by the commissioner of the
99 Department of Public Safety.

100 (4) (a) "Bicycle" means every device:

101 (i) propelled by human power;

102 (ii) upon which a person may ride; and

103 (iii) having two tandem wheels.

104 (b) "Bicycle" does not include scooters and similar devices.

105 (5) (a) "Bus" means a motor vehicle:

106 (i) designed for carrying more than 15 passengers and used for the transportation of
107 persons; or

108 (ii) designed and used for the transportation of persons for compensation.

109 (b) "Bus" does not include a taxicab.

110 (6) (a) "Circular intersection" means an intersection that has an island, generally
111 circular in design, located in the center of the intersection where traffic passes to the right of
112 the island.

113 (b) "Circular intersection" includes:

114 (i) roundabouts;

115 (ii) rotaries; and

116 (iii) traffic circles.

117 (7) "Commissioner" means the commissioner of the Department of Public Safety.

118 (8) "Controlled-access highway" means a highway, street, or roadway:

119 (a) designed primarily for through traffic; and
120 (b) to or from which owners or occupants of abutting lands and other persons have no
121 legal right of access, except at points as determined by the highway authority having
122 jurisdiction over the highway, street, or roadway.

123 (9) "Crosswalk" means:

124 (a) that part of a roadway at an intersection included within the connections of the
125 lateral lines of the sidewalks on opposite sides of the highway measured from:

126 (i) (A) the curbs; or

127 (B) in the absence of curbs, from the edges of the traversable roadway; and

128 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
129 included within the extension of the lateral lines of the existing sidewalk at right angles to the
130 centerline; or

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

133 (10) "Department" means the Department of Public Safety.

134 (11) "Direct supervision" means oversight at a distance within which:

135 (a) visual contact is maintained; and

136 (b) advice and assistance can be given and received.

137 (12) "Divided highway" means a highway divided into two or more roadways by:

138 (a) an unpaved intervening space;

139 (b) a physical barrier; or

140 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

141 (13) "Electric assisted bicycle" means a moped:

142 (a) with an electric motor with a power output of not more than 1,000 watts; and

143 (b) which is not capable of:

144 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and

145 (ii) increasing the speed of the device when human power is used to propel the device
146 at more than 20 miles per hour.

147 (14) "Explosives" means any chemical compound or mechanical mixture commonly
148 used or intended for the purpose of producing an explosion and which contains any oxidizing
149 and combustive units or other ingredients in proportions, quantities, or packing so that an

150 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or
151 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous
152 pressures are capable of producing destructive effects on contiguous objects or of causing death
153 or serious bodily injury.

154 (15) "Farm tractor" means a motor vehicle designed and used primarily as a farm
155 implement, for drawing plows, mowing machines, and other implements of husbandry.

156 (16) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F. or
157 less, as determined by a tagliabue or equivalent closed-cup test device.

158 (17) "Freeway" means a controlled-access highway that is part of the interstate system
159 as defined in Section 72-1-102.

160 (18) "Gore area" means the area delineated by two solid white lines that is between a
161 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
162 including similar areas between merging or splitting highways.

163 (19) "Gross weight" means the weight of a vehicle without a load plus the weight of
164 any load on the vehicle.

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

168 (21) "Highway authority" has the same meaning as defined in Section 72-1-102.

169 (22) (a) "Intersection" means the area embraced within the prolongation or connection
170 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
171 more highways which join one another.

172 (b) Where a highway includes two roadways 30 feet or more apart:

173 (i) every crossing of each roadway of the divided highway by an intersecting highway
174 is a separate intersection; and

175 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
176 every crossing of two roadways of the highways is a separate intersection.

177 (c) "Intersection" does not include the junction of an alley with a street or highway.

178 (23) "Island" means an area between traffic lanes or at an intersection for control of
179 vehicle movements or for pedestrian refuge designated by:

180 (a) pavement markings, which may include an area designated by two solid yellow

181 lines surrounding the perimeter of the area;

182 (b) channelizing devices;

183 (c) curbs;

184 (d) pavement edges; or

185 (e) other devices.

186 (24) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.

187 (25) "Limited access highway" means a highway:

188 (a) that is designated specifically for through traffic; and

189 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
190 persons have any right or easement, or have only a limited right or easement of access, light,
191 air, or view.

192 (26) "Local highway authority" means the legislative, executive, or governing body of
193 a county, municipal, or other local board or body having authority to enact laws relating to
194 traffic under the constitution and laws of the state.

195 (27) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

196 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

197 (ii) has a capacity of not more than four passengers, including the driver.

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

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

201 (29) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
202 saddle that is less than 24 inches from the ground as measured on a level surface with properly
203 inflated tires.

204 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

205 (c) "Mini-motorcycle" does not include a motorcycle that is:

206 (i) designed for off-highway use; and

207 (ii) registered as an off-highway vehicle under Section 41-22-3.

208 (30) "Mobile home" means:

209 (a) a trailer or semitrailer which is:

210 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
211 place either permanently or temporarily; and

- 212 (ii) equipped for use as a conveyance on streets and highways; or
213 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
214 constructed for use as a mobile home, as defined in Subsection (30)(a), but which is instead
215 used permanently or temporarily for:
- 216 (i) the advertising, sale, display, or promotion of merchandise or services; or
 - 217 (ii) any other commercial purpose except the transportation of property for hire or the
218 transportation of property for distribution by a private carrier.
- 219 (31) (a) "Moped" means a motor-driven cycle having:
- 220 (i) pedals to permit propulsion by human power; and
 - 221 (ii) a motor which:
 - 222 (A) produces not more than two brake horsepower; and
 - 223 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
224 level ground.
 - 225 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
226 centimeters and the moped shall have a power drive system that functions directly or
227 automatically without clutching or shifting by the operator after the drive system is engaged.
 - 228 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.
- 229 (32) "Motor assisted scooter" means a self-propelled device with:
- 230 (a) at least two wheels in contact with the ground;
 - 231 (b) a braking system capable of stopping the unit under typical operating conditions;
 - 232 (c) a gas or electric motor not exceeding 40 cubic centimeters;
 - 233 (d) either:
 - 234 (i) a deck design for a person to stand while operating the device; or
 - 235 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
236 device; and
 - 237 (e) a design for the ability to be propelled by human power alone.
- 238 (33) (a) "Motor vehicle" means a vehicle which is self-propelled and every vehicle
239 which is propelled by electric power obtained from overhead trolley wires, but not operated
240 upon rails.
- 241 (b) "Motor vehicle" does not include vehicles moved solely by human power and
242 motorized wheel chairs.

243 (34) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle
244 for the use of the rider and designed to travel with not more than three wheels in contact with
245 the ground.

246 (35) "Motor-driven cycle" means every motorcycle, motor scooter, personal motorized
247 mobility device, moped, electric assisted bicycle, motor assisted scooter, and every motorized
248 bicycle having:

249 (a) an engine with less than 150 cubic centimeters displacement; or

250 (b) a motor which produces not more than five horsepower.

251 (36) "Off-highway implement of husbandry" has the same meaning as defined under
252 Section 41-22-2.

253 (37) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.

254 (38) "Operator" means a person who is in actual physical control of a vehicle.

255 (39) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not.

256 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
257 purpose of and while actually engaged in loading or unloading property or passengers.

258 (40) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
259 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
260 laws.

261 (41) "Pedestrian" means a person traveling:

262 (a) on foot; or

263 (b) in a wheelchair.

264 (42) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
265 pedestrians.

266 (43) "Person" means every natural person, firm, copartnership, association, or
267 corporation.

268 (44) (a) "Personal motorized mobility device" means a self-propelled device with:

269 (i) two nontandem wheels in contact with the ground;

270 (ii) a system capable of steering and stopping the unit under typical operating
271 conditions;

272 (iii) a motor not exceeding one horse power or 750 watts; and

273 (iv) a deck design for a person to stand while operating the device.

274 (b) "Personal motorized mobility device" does not include a wheelchair.

275 (45) "Pole trailer" means every vehicle without motive power:

276 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
277 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

278 (b) that is ordinarily used for transporting long or irregular shaped loads including
279 poles, pipes, or structural members generally capable of sustaining themselves as beams
280 between the supporting connections.

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

284 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary
285 rails.

286 (48) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
287 public body or official or by a railroad and intended to give notice of the presence of railroad
288 tracks or the approach of a railroad train.

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

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

295 (51) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
296 used for vehicular travel.

297 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
298 them are used by persons riding bicycles or other human-powered vehicles.

299 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
300 highway includes two or more separate roadways.

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

304 (53) (a) "School bus" means a motor vehicle that:

305 (i) complies with the color and identification requirements of the most recent edition of
306 "Minimum Standards for School Buses"; and

307 (ii) is used to transport school children to or from school or school activities.

308 (b) "School bus" does not include a vehicle operated by a common carrier in
309 transportation of school children to or from school or school activities.

310 (54) (a) "Semitrailer" means a vehicle with or without motive power:

311 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
312 and

313 (ii) constructed so that some part of its weight and that of its load rests on or is carried
314 by another vehicle.

315 (b) "Semitrailer" does not include a pole trailer.

316 (55) "Shoulder area" means:

317 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
318 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
319 or

320 (b) that portion of the road contiguous to the roadway for accommodation of stopped
321 vehicles, for emergency use, and lateral support.

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

324 (57) "Solid rubber tire" means a tire of rubber or other resilient material which does not
325 depend on compressed air for the support of the load.

326 (58) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied
327 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

328 (59) "Stop" when required means complete cessation from movement.

329 (60) "Stop" or "stopping" when prohibited means any halting even momentarily of a
330 vehicle, whether occupied or not, except when:

331 (a) necessary to avoid conflict with other traffic; or

332 (b) in compliance with the directions of a peace officer or traffic-control device.

333 (61) "Street-legal ATV" or "street-legal all-terrain vehicle" means an all-terrain type I
334 or type II vehicle, as defined in Section 41-22-2, that is modified to meet the requirements of
335 Section 41-6a-1509 to operate on highways in the state.

336 ~~[(61)]~~ (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
337 conveyances either singly or together while using any highway for the purpose of travel.

338 ~~[(62)]~~ (63) "Traffic-control device" means a sign, signal, marking, or device not
339 inconsistent with this chapter placed or erected by a highway authority for the purpose of
340 regulating, warning, or guiding traffic.

341 ~~[(63)]~~ (64) "Traffic-control signal" means a device, whether manually, electrically, or
342 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

343 ~~[(64)]~~ (65) "Traffic signal preemption device" means an instrument or mechanism
344 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

345 ~~[(65)]~~ (66) (a) "Trailer" means a vehicle with or without motive power designed for
346 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
347 part of its weight rests upon the towing vehicle.

348 (b) "Trailer" does not include a pole trailer.

349 ~~[(66)]~~ (67) "Truck" means a motor vehicle designed, used, or maintained primarily for
350 the transportation of property.

351 ~~[(67)]~~ (68) "Truck tractor" means a motor vehicle:

352 (a) designed and used primarily for drawing other vehicles; and

353 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
354 tractor.

355 ~~[(68)]~~ (69) "Two-way left turn lane" means a lane:

356 (a) provided for vehicle operators making left turns in either direction;

357 (b) that is not used for passing, overtaking, or through travel; and

358 (c) that has been indicated by a lane traffic-control device which may include lane
359 markings.

360 ~~[(69)]~~ (70) "Urban district" means the territory contiguous to and including any street,
361 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
362 less than 100 feet, for a distance of a quarter of a mile or more.

363 ~~[(70)]~~ (71) "Vehicle" means a device in, on, or by which a person or property is or may
364 be transported or drawn on a highway, except devices used exclusively on stationary rails or
365 tracks.

366 Section 3. Section **41-6a-1509** is enacted to read:

367 **41-6a-1509. Street-legal all-terrain vehicle.**

368 (1) Except as provided in Subsection (4), an all-terrain type I or type II vehicle that
369 meets the requirements of this section may be operated as a street-legal ATV on the highways
370 in the state.

371 (2) A street-legal ATV shall comply with the same requirements as:

372 (a) a motorcycle for:

373 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

374 (ii) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

375 (iii) registration, titling, odometer statement, vehicle identification number, license
376 plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

377 (iv) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and

378 (v) the county motor vehicle emissions inspection and maintenance programs under
379 Section 41-6a-1642;

380 (b) a motor vehicle for:

381 (i) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
382 Motor Vehicle Owners and Operators Act; and

383 (ii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle
384 Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection
385 when registered for the first time; and

386 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
387 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
388 Regulation Act, unless otherwise specified in this section.

389 (3) A street-legal ATV shall be equipped with:

390 (a) one or more headlamps that meet the requirements of Section 41-6a-1603;

391 (b) one or more tail lamps;

392 (c) a tail lamp or other lamp constructed and placed to illuminate the registration plate
393 with a white light;

394 (d) one or more red reflectors on the rear;

395 (e) one or more stop lamps on the rear;

396 (f) amber electric turn signals on each side of the front and rear;

397 (g) a braking system, other than a parking brake, that meets the requirements of Section

398 41-6a-1623;

399 (h) a horn or other warning device that meets the requirements of Section 41-6a-1625;

400 (i) a muffler and emission control system that meets the requirements of Section

401 41-6a-1626;

402 (j) rearview mirrors on the right and left side of the driver in accordance with Section

403 41-6a-1627;

404 ~~Ĥ→ [(k) a windshield unless the operator wears eye protection while operating the vehicle;]~~

405 ~~[(ĥ) (k) ←Ĥ~~ four pneumatic tires designed for use on paved surfaces that meet the

405a requirements

406 of Section 41-6a-1636;

407 ~~Ĥ→ [(m) (l) ←Ĥ~~ a speedometer, illuminated for nighttime operation;

408 ~~Ĥ→ [(m) (m) ←Ĥ~~ for vehicles designed by the manufacturer for carrying one or more

408a passengers, a

409 seat designed for passengers, including a footrest and handhold for each passenger; and

410 ~~Ĥ→ [(o) (n) ←Ĥ~~ for vehicles with side-by-side seating, seatbelts for each vehicle occupant.

411 (4) Ĥ→ (a) ←Ĥ A street-legal ATV is subject to the provisions of Section 41-22-10.2.

411a ~~Ĥ→ (b) Unless permitted as an off-highway vehicle under Title 41, Chapter 22, Off-~~

411b ~~Highway Vehicles, a street-legal ATV may not be operated on a highway located within a~~

411c ~~county of the first class unless designated as open for street-legal ATV use by the controlling~~

411d ~~federal, state, county, or municipal agency where the highway is located. ←Ĥ~~

412 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be

413 operated on the highways of another state has the same rights and privileges as a motor vehicle

414 that is granted operating privileges on the highways of this state, subject to the restrictions

415 under this section and rules made by the Board of Parks and Recreation, if the other state offers

416 reciprocal operating privileges to Utah residents.

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

418 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating

419 privileges for nonresident users granted under Subsection (5)(a).

420 Section 4. Section **41-22-2** is amended to read:

421 **41-22-2. Definitions.**

422 As used in this chapter:

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

425 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
426 having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure
427 tires, having a seat designed to be straddled by the operator, and designed for or capable of
428 travel over unimproved terrain.

429 (3) "All-terrain type II vehicle" means any other motor vehicle, not defined in
430 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain. This
431 term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle
432 not specifically designed for recreational use, or farm tractors as defined under Section
433 41-1a-102.

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

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

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

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

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

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

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

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

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

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

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

454 (15) "Organized user group" means an off-highway vehicle organization incorporated
455 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
456 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

457 (16) "Owner" means a person, other than a person with a security interest, having a
458 property interest or title to an off-highway vehicle and entitled to the use and possession of that
459 vehicle.

460 (17) "Public land" means land owned or administered by any federal or state agency or
461 any political subdivision of the state.

462 (18) "Register" means the act of assigning a registration number to an off-highway
463 vehicle.

464 (19) "Roadway" is used as defined in Section 41-6a-102.

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

467 (21) "Street or highway" means the entire width between boundary lines of every way
468 or place of whatever nature, when any part of it is open to the use of the public for vehicular
469 travel.

470 (22) "Street-legal ATV" or "street-legal all-terrain vehicle" has the same meaning as
471 defined in Section 41-6a-102.

472 Section 5. Section **41-22-9** is amended to read:

473 **41-22-9. Vehicles exempt from registration.**

474 (1) The following off-highway vehicles are exempt from the registration requirements
475 of this chapter:

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

479 (b) except as provided in Subsection (2), a street-legal all-terrain vehicle registered in
480 accordance with Section 41-6a-1509;

481 [~~(2)~~] (c) off-highway vehicles that are owned by a nonresident and that are displaying a
482 current annual off-highway vehicle user decal in accordance with Section 41-22-35;

483 [~~(3)~~] (d) off-highway vehicles sold by a dealer to a person who is not a resident of this
484 state;

485 [~~(4)~~] (e) off-highway implements of husbandry operated in the manner prescribed by
486 Subsections 41-22-5.5(3) through (5); and

487 [~~(5)~~] (f) new off-highway vehicles being transported to an off-highway vehicle
488 dealership by the dealer, employee of the dealership, or agent for the dealership.

489 (2) In addition to the registration requirements imposed under Section 41-6a-1509, a
490 street-legal all-terrain vehicle is subject to the fees under Sections 41-22-8, 41-22-33, 41-22-34,

491 and 41-22-36.

492 Section 6. Section **41-22-10.3** is amended to read:

493 **41-22-10.3. Operation of vehicles on highways -- Limits.**

494 [~~No~~] Except as provided in Subsection 41-6a-1509(1), a person may not operate an
495 off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle
496 use, except:

497 (1) when crossing a street or highway and the operator comes to a complete stop before
498 crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a
499 right angle;

500 (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which
501 shall be done with due regard for safety, and at the nearest practical point of operation; or

502 (3) when an emergency exists, during any period of time and at those locations when
503 the operation of conventional motor vehicles is impractical or when the operation is directed by
504 a peace officer or other public authority.

505 Section 7. Section **41-22-10.5** is amended to read:

506 **41-22-10.5. Local ordinances -- Designating routes -- Supervision.**

507 (1) A municipality or county may adopt ordinances designating certain streets and
508 highways under its respective jurisdiction;

509 (a) as open for general off-highway vehicle use; or

510 (b) as open for limited off-highway vehicle [routes] use to allow off-highway vehicle
511 operators to gain direct access to or from a private or public area open for off-highway vehicle
512 use.

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

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

518 (4) Except as provided under Section 41-22-10.3, a person may not operate an
519 off-highway vehicle on any street or highway that is not designated or posted as open for
520 off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.

521 (5) Subsection (4) does not apply to off-highway implements of husbandry used in

522 accordance with Section 41-22-5.5.

523 (6) If otherwise operated in compliance with this chapter, an off-highway vehicle
524 operated on a street or highway designated under Subsection (1) is allowed as public traffic.

525 Section 8. **Effective date.**

526 This bill takes effect on October 1, 2007.

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Fiscal Note

2007 General Session
State of Utah

State Impact

It is estimated that the Department of Public Safety will require \$6,000 in one-time transportation restricted funds in FY 2008 for computer programming adjustments. It is not known how much future revenue to the state will be generated from registration, taxation, licensing and other requirements stipulated in the bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Transportation Fund Restricted	\$0	\$6,000	\$0	\$0	\$0	\$0
Total	\$0	\$6,000	\$0	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. ATV owners will pay additional costs associated with inspections and license requirements as stipulated in the bill.