

**REQUIREMENTS FOR OFF-HIGHWAY
VEHICLES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to off-highway vehicles.

Highlighted Provisions:

This bill:

- repeals the requirement that an off-highway vehicle be registered to be transported on a public land, trail, street, or highway in this state;

- prohibits a person from operating an off-highway vehicle on a public land, trail, street, or highway if the off-highway vehicle exceeds certain noise emission standards with exceptions;

- changes the age that a person is prohibited from operating an off-highway vehicle from younger than eight to younger than six years of age except in certain circumstances; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 41-22-3, as last amended by Chapter 159, Laws of Utah 2004

30 41-22-9, as last amended by Chapter 314, Laws of Utah 2004

31 41-22-13, as last amended by Chapter 1, Laws of Utah 1986, Second Special Session

32 41-22-29, as last amended by Chapter 114, Laws of Utah 1999



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

35 Section 1. Section 41-22-3 is amended to read:

36 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
37 **Proof of property tax payment -- Records.**

38 (1) (a) Unless exempted under Section 41-22-9, a person may not operate [~~or transport~~]
39 and an owner may not give another person permission to operate [~~or transport~~] any off-highway
40 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
41 is registered under this chapter for the current year.

42 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
43 vehicle which can be used [~~or transported~~] on any public land, trail, street, or highway in this
44 state, unless the off-highway vehicle is registered or is in the process of being registered under
45 this chapter for the current year.

46 (2) The owner of an off-highway vehicle subject to registration under this chapter shall
47 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle
48 Division.

49 (3) Each application for registration of an off-highway vehicle shall be accompanied
50 by:

51 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
52 sale showing ownership, make, model, horsepower or displacement, and serial number;

53 (b) the past registration card; or

54 (c) the fee for a duplicate.

55 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a
56 registration sticker and a registration card for each off-highway vehicle registered.

57 (b) The registration sticker shall:

58 (i) contain a unique number using numbers, letters, or combination of numbers and

59 letters to identify the off-highway vehicle for which it is issued;

60 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
61 position as prescribed by rule of the board under Section 41-22-5.1; and

62 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

63 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
64 be available for inspection by a law enforcement officer.

65 (5) (a) An applicant for a registration card and registration sticker shall provide the
66 Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county
67 assessor of the county in which the off-highway vehicle has situs for taxation.

68 (b) The certificate required under Subsection (5)(a) shall state one of the following:

69 (i) the property tax on the off-highway vehicle for the current year has been paid;

70 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
71 secure the payment of the tax; or

72 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
73 current year.

74 (6) (a) All records of the division made or kept under this section shall be classified by
75 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
76 Section 41-1a-116.

77 (b) Division records are available for inspection in the same manner as motor vehicle
78 records under Section 41-1a-116.

79 Section 2. Section **41-22-9** is amended to read:

80 **41-22-9. Vehicles exempt from registration.**

81 The following off-highway vehicles are exempt from the registration requirements of
82 this chapter:

83 (1) vehicles that are currently registered for highway use, have a valid motor vehicle
84 safety inspection sticker or certificate, and on which the required safety equipment has not been
85 subsequently modified;

86 (2) off-highway vehicles that are owned by a nonresident and that are displaying a
87 current annual off-highway vehicle user decal in accordance with Section 41-22-35;

88 (3) off-highway vehicles sold by a dealer to a person who is not a resident of this state;

89 and

90 (4) off-highway implements of husbandry operated in the manner prescribed by
91 Subsections 41-22-5.5(3) through (5)[~~and~~].

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

94 Section 3. Section **41-22-13** is amended to read:

95 **41-22-13. Prohibited uses.**

96 [~~No~~] (1) A person may not operate an off-highway vehicle in connection with:

97 (a) acts of vandalism[;];

98 (b) harassment of wildlife or domestic animals[;];

99 (c) burglaries or other crimes[;]; or

100 (d) damage to the environment, which includes:

101 (i) excessive pollution of air, water, or land[;];

102 (ii) abuse of the watershed[;];

103 (iii) impairment of plant or animal life[;]; or

104 (iv) excessive mechanical noise.

105 (2) Except as provided in Subsection (3), a person may not operate an off-highway
106 vehicle on any public land, trail, street, or highway in this state with a noise emission that
107 exceeds 96 dbA using test procedures established by the Society of Automotive Engineers
108 under Standard J-1287.

109 (3) The prohibition under Subsection (2) does not apply to:

110 (a) a snowmobile; or

111 (b) an off-highway vehicle operated on sand dunes or in a competitive or organized
112 event.

113 Section 4. Section **41-22-29** is amended to read:

114 **41-22-29. Operation by persons under six years of age prohibited -- Definitions --**
115 **Exception -- Penalty.**

116 (1) As used in this section:

117 (a) "Organized practice" means a scheduled motorcycle practice held in an off-road
118 vehicle facility designated by the division and conducted by an organization carrying liability
119 insurance in at least the amounts specified by the division under Subsection (5) covering all
120 activities associated with the practice.

121 (b) "Sanctioned race" means a motorcycle race conducted on a closed course and
122 sponsored and sanctioned by an organization carrying liability insurance in at least the amounts
123 specified by the division under Subsection (5) covering all activities associated with the race.

124 (2) Except as provided under Subsection (3), a person under [~~eight~~] six years of age
125 may not operate and an owner may not give another person who is under [~~eight~~] six years of
126 age permission to operate an off-highway vehicle on any public land, trail, street, or highway of
127 this state.

128 (3) A child under [~~eight~~] six years of age may participate in a sanctioned race or
129 organized practice if:

130 (a) the child is under the immediate supervision of an adult;

131 (b) [~~advanced life support~~] emergency medical service personnel, as defined in Section
132 [~~26-8-2~~] 26-8a-102, are on the premises and immediately available to provide assistance at all
133 times during the sanctioned race or organized practice; and

134 (c) an ambulance [~~service~~] provider, as defined in Section [~~26-8-2~~] 26-8a-102, is on the
135 premises and immediately available to provide assistance for a sanctioned race.

136 (4) Any person convicted of a violation of this section is guilty of an infraction and
137 shall be fined not more than \$50 per offense.

138 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
139 division shall make rules specifying the minimum amounts of liability coverage for an
140 organized practice or sanctioned race.

Legislative Review Note
as of 11-27-06 3:51 PM

Office of Legislative Research and General Counsel

H.B. 237 - Requirements for Off-highway Vehicles

Fiscal Note

2007 General Session

State of Utah

State Impact

It is estimated that the enactment of this bill could reduce Parks revenues by \$29,700 due to limiting the ability of park rangers to cite non-registered off-highway vehicles. The Division of Parks and Recreation will require a one-time FY 2008 General Fund appropriation of \$180,400 for the purchase of noise measuring devices. It will also require an on-going General Fund appropriation of \$2,100, beginning in FY 2009, for training, calibration, and maintenance of that equipment.

	<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>
General Fund	\$0	\$0	\$2,100	\$0	\$0	\$0
General Fund, One-Time	\$0	\$180,400	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$0	\$0	\$0	(\$29,700)	(\$29,700)
Total	\$0	\$180,400	\$2,100	\$0	(\$29,700)	(\$29,700)

Individual, Business and/or Local Impact

It is estimated that the enactment of this bill could reduce county revenues by approximately \$74,700 per year.

1/19/2007, 11:01:31 AM, Lead Analyst: Djambov, I.

Office of the Legislative Fiscal Analyst