

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

2   **AMENDMENTS**

3   2007 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Michael E. Noel**

6   Senate Sponsor: \_\_\_\_\_

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7  
8                                   **LONG TITLE**

9                                   **General Description:**

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

12                                   **Highlighted Provisions:**

13                                   This bill:

- 14                                   ▶ defines street-legal all-terrain vehicle;
- 15                                   ▶ permits individuals to operate a street-legal all-terrain vehicle on a highway;
- 16                                   ▶ defines the registration, equipment, taxation, licensing, and other requirements for  
17 an all-terrain vehicle to operate as a street-legal all-terrain vehicle;
- 18                                   ▶ exempts street-legal all-terrain vehicles from certain off-highway vehicle  
19 requirements and restrictions; and
- 20                                   ▶ makes technical changes.

21                                   **Monies Appropriated in this Bill:**

22                                   None

23                                   **Other Special Clauses:**

24                                   This bill takes effect on October 1, 2007.

25                                   **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 ENACTS:

34           **41-6a-1509**, Utah Code Annotated 1953



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

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

38           **41-1a-205. Safety inspection certificate required for renewal or registration of**  
39 **motor vehicle -- Exemptions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80 (iii) a combination unit; and

81 (iv) a bus or van for hire.

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

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

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

88 **41-6a-102. Definitions.**

89 As used in this chapter:

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

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

93 (3) "Authorized emergency vehicle" includes:

94 (a) fire department vehicles;

95 (b) police vehicles;

96 (c) ambulances; and

97 (d) other publicly or privately owned vehicles as designated by the commissioner of the

98 Department of Public Safety.

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

100 (i) propelled by human power;

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

102 (iii) having two tandem wheels.

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

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

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

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

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

109 (6) (a) "Circular intersection" means an intersection that has an island, generally

110 circular in design, located in the center of the intersection where traffic passes to the right of  
111 the island.

112 (b) "Circular intersection" includes:

113 (i) roundabouts;

114 (ii) rotaries; and

115 (iii) traffic circles.

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

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

118 (a) designed primarily for through traffic; and

119 (b) to or from which owners or occupants of abutting lands and other persons have no

120 legal right of access, except at points as determined by the highway authority having

121 jurisdiction over the highway, street, or roadway.

122 (9) "Crosswalk" means:

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

125 (i) (A) the curbs; or

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

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

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

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

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

134 (a) visual contact is maintained; and

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

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

137 (a) an unpaved intervening space;

138 (b) a physical barrier; or

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

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

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

142 (b) which is not capable of:

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

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

146 (14) "Explosives" means any chemical compound or mechanical mixture commonly  
147 used or intended for the purpose of producing an explosion and which contains any oxidizing  
148 and combustive units or other ingredients in proportions, quantities, or packing so that an  
149 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or  
150 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous  
151 pressures are capable of producing destructive effects on contiguous objects or of causing death

152 or serious bodily injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

179 (a) pavement markings, which may include an area designated by two solid yellow  
180 lines surrounding the perimeter of the area;

181 (b) channelizing devices;

182 (c) curbs;

183 (d) pavement edges; or

184 (e) other devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

207 (30) "Mobile home" means:

208 (a) a trailer or semitrailer which is:

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

211 (ii) equipped for use as a conveyance on streets and highways; or

212 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

213 constructed for use as a mobile home, as defined in Subsection (30)(a), but which is instead

214 used permanently or temporarily for:

- 215 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 216 (ii) any other commercial purpose except the transportation of property for hire or the
- 217 transportation of property for distribution by a private carrier.

218 (31) (a) "Moped" means a motor-driven cycle having:

- 219 (i) pedals to permit propulsion by human power; and
- 220 (ii) a motor which:
  - 221 (A) produces not more than two brake horsepower; and
  - 222 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
  - 223 level ground.

224 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic

225 centimeters and the moped shall have a power drive system that functions directly or

226 automatically without clutching or shifting by the operator after the drive system is engaged.

227 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

228 (32) "Motor assisted scooter" means a self-propelled device with:

- 229 (a) at least two wheels in contact with the ground;
- 230 (b) a braking system capable of stopping the unit under typical operating conditions;
- 231 (c) a gas or electric motor not exceeding 40 cubic centimeters;
- 232 (d) either:
  - 233 (i) a deck design for a person to stand while operating the device; or
  - 234 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
  - 235 device; and
  - 236 (e) a design for the ability to be propelled by human power alone.

237 (33) (a) "Motor vehicle" means a vehicle which is self-propelled and every vehicle

238 which is propelled by electric power obtained from overhead trolley wires, but not operated

239 upon rails.

240 (b) "Motor vehicle" does not include vehicles moved solely by human power and

241 motorized wheel chairs.

242 (34) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle

243 for the use of the rider and designed to travel with not more than three wheels in contact with

244 the ground.



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

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

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

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

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

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

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

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

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

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

261 (a) on foot; or

262 (b) in a wheelchair.

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

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

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

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

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

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

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

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

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

275 (a) designed to be drawn by another vehicle and attached to the towing vehicle by

276 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

315 (55) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

335 ~~[(61)]~~ (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
336 conveyances either singly or together while using any highway for the purpose of travel.

337 ~~[(62)]~~ (63) "Traffic-control device" means a sign, signal, marking, or device not

338 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
339 regulating, warning, or guiding traffic.

340 ~~[(63)]~~ (64) "Traffic-control signal" means a device, whether manually, electrically, or  
341 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

342 ~~[(64)]~~ (65) "Traffic signal preemption device" means an instrument or mechanism  
343 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

344 ~~[(65)]~~ (66) (a) "Trailer" means a vehicle with or without motive power designed for  
345 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
346 part of its weight rests upon the towing vehicle.

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

348 ~~[(66)]~~ (67) "Truck" means a motor vehicle designed, used, or maintained primarily for  
349 the transportation of property.

350 ~~[(67)]~~ (68) "Truck tractor" means a motor vehicle:

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

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

354 ~~[(68)]~~ (69) "Two-way left turn lane" means a lane:

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

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

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

359 ~~[(69)]~~ (70) "Urban district" means the territory contiguous to and including any street,  
360 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
361 less than 100 feet, for a distance of a quarter of a mile or more.

362 ~~[(70)]~~ (71) "Vehicle" means a device in, on, or by which a person or property is or may  
363 be transported or drawn on a highway, except devices used exclusively on stationary rails or  
364 tracks.

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

366 **41-6a-1509. Street-legal all-terrain vehicle.**

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

369 in the state.

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

371 (a) a motorcycle for:

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

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

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

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

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

379 (b) a motor vehicle for:

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

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

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

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

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

390 (b) one or more tail lamps;

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

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

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

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

396 (g) a braking system, other than a parking brake, that meets the requirements of Section  
397 41-6a-1623;

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

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

400 41-6a-1626;

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

402 41-6a-1627;

403 (k) a windshield unless the operator wears eye protection while operating the vehicle;

404 (l) four pneumatic tires designed for use on paved surfaces that meet the requirements  
405 of Section 41-6a-1636;

406 (m) a speedometer, illuminated for nighttime operation;

407 (n) for vehicles designed by the manufacturer for carrying one or more passengers, a  
408 seat designed for passengers, including a footrest and handhold for each passenger; and

409 (o) for vehicles with side-by-side seating, seatbelts for each vehicle occupant.

410 (4) A street-legal ATV is subject to the provisions of Section 41-22-10.2.

411 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be  
412 operated on the highways of another state has the same rights and privileges as a motor vehicle  
413 that is granted operating privileges on the highways of this state, subject to the restrictions  
414 under this section and rules made by the Board of Parks and Recreation, if the other state offers  
415 reciprocal operating privileges to Utah residents.

416 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
417 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating  
418 privileges for nonresident users granted under Subsection (5)(a).

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

420 **41-22-2. Definitions.**

421 As used in this chapter:

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

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

428 (3) "All-terrain type II vehicle" means any other motor vehicle, not defined in  
429 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain. This  
430 term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle

431 not specifically designed for recreational use, or farm tractors as defined under Section  
432 41-1a-102.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

461 (18) "Register" means the act of assigning a registration number to an off-highway

462 vehicle.

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

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

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

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

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

472 **41-22-9. Vehicles exempt from registration.**

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

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

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

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

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

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

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

488 (2) In addition to the registration requirements imposed under Section 41-6a-1509, a  
489 street-legal all-terrain vehicle is subject to the fees under Sections 41-22-8, 41-22-33, 41-22-34,  
490 and 41-22-36.

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

492 **41-22-10.3. Operation of vehicles on highways -- Limits.**



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

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

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

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

504           Section 7. **Effective date.**

505           This bill takes effect on October 1, 2007.

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**Legislative Review Note**  
as of 2-6-07 10:33 AM

**Office of Legislative Research and General Counsel**

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**H.B. 425 - Street-legal All-terrain Vehicle Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**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
<b>Total</b>	<b>\$0</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**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.