

**Senator Scott K. Jenkins** proposes the following substitute bill:

**OFF-HIGHWAY VEHICLE USE ON PUBLIC  
HIGHWAYS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Michael E. Noel

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**LONG TITLE**

**General Description:**

This bill modifies the Insurance Code and the Motor Vehicles Code by amending provisions governing the use of off-highway vehicles on public highways.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ exempts insurance policies purchased to satisfy the owner's or operator's security requirement for an off-highway vehicle from the requirement to include personal injury protection on the policy;
- ▶ authorizes a person to operate a street-legal all-terrain vehicle on certain highways;
- ▶ defines the registration, equipment, taxation, licensing, and other requirements for an all-terrain vehicle to operate as a street-legal all-terrain vehicle;
- ▶ authorizes a municipality or county to designate a highway under its respective jurisdiction as open to street-legal all-terrain off-highway vehicle use, general off-highway vehicle use, or limited off-highway vehicle use; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill takes effect on October 1, 2008.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **31A-22-302**, as last amended by Laws of Utah 2006, Chapter 69

32 **41-1a-202**, as last amended by Laws of Utah 2007, Chapter 86

33 **41-1a-205**, as last amended by Laws of Utah 2005, Chapter 2

34 **41-6a-102**, as last amended by Laws of Utah 2007, Chapter 86

35 **41-6a-1601**, as renumbered and amended by Laws of Utah 2005, Chapter 2

36 **41-8-1**, as last amended by Laws of Utah 2006, Chapter 201

37 **41-12a-301**, as last amended by Laws of Utah 2007, Chapter 86

38 **41-22-2**, as last amended by Laws of Utah 2007, Chapter 136

39 **41-22-9**, as last amended by Laws of Utah 2004, Chapter 314

40 **41-22-10.3**, as enacted by Laws of Utah 1986, Second Special Session, Chapter 1

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

42 ENACTS:

43 **41-6a-1509**, Utah Code Annotated 1953



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

46 Section 1. Section **31A-22-302** is amended to read:

47 **31A-22-302. Required components of motor vehicle insurance policies --**

48 **Exceptions.**

49 (1) Every policy of insurance or combination of policies purchased to satisfy the  
50 owner's or operator's security requirement of Section 41-12a-301 shall include:

51 (a) motor vehicle liability coverage under Sections 31A-22-303 and 31A-22-304;

52 (b) uninsured motorist coverage under Section 31A-22-305, unless affirmatively  
53 waived under Subsection 31A-22-305(4);

54 (c) underinsured motorist coverage under Section 31A-22-305.3, unless affirmatively  
55 waived under Subsection 31A-22-305.3(2); and

56 (d) except as provided in Subsection (2) and subject to Subsection (3), personal injury

57 protection under Sections 31A-22-306 through 31A-22-309.

58 (2) A policy of insurance or combination of policies, purchased to satisfy the owner's  
59 or operator's security requirement of Section 41-12a-301 for a motorcycle, off-highway vehicle,  
60 trailer, or semitrailer is not required to have personal injury protection under Sections  
61 31A-22-306 through 31A-22-309.

62 (3) (a) First party medical coverages may be offered or included in policies issued to  
63 motorcycle, trailer, and semitrailer owners or operators.

64 (b) Owners and operators of motorcycles, trailers, and semitrailers are not covered by  
65 personal injury protection coverages in connection with injuries incurred while operating any  
66 of these vehicles.

67 (4) First party medical coverage expenses shall be governed by the relative value study  
68 provisions under Subsections 31A-22-307(2) and (3).

69 Section 2. Section **41-1a-202** is amended to read:

70 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**  
71 **vehicles after establishing residency.**

72 (1) In this section:

73 (a) "Domicile" means the place:

74 (i) where an individual has a fixed permanent home and principal establishment;

75 (ii) to which the individual if absent, intends to return; and

76 (iii) in which the individual and his family voluntarily reside, not for a special or  
77 temporary purpose, but with the intention of making a permanent home.

78 (b) (i) "Resident" means any of the following:

79 (A) an individual who:

80 (I) has established a domicile in this state;

81 (II) regardless of domicile, remains in this state for an aggregate period of six months  
82 or more during any calendar year;

83 (III) engages in a trade, profession, or occupation in this state or who accepts  
84 employment in other than seasonal work in this state and who does not commute into the state;

85 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver  
86 license or motor vehicle registration; or

87 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to

88 nonresidents, including going to school, or placing children in school without paying  
89 nonresident tuition or fees;

90 (B) any individual, partnership, limited liability company, firm, corporation,  
91 association, or other entity that:

92 (I) maintains a main office, branch office, or warehouse facility in this state and that  
93 bases and operates a motor vehicle in this state; or

94 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

95 (ii) "Resident" does not include any of the following:

96 (A) a member of the military temporarily stationed in Utah;

97 (B) an out-of-state student, as classified by the institution of higher education, enrolled  
98 with the equivalent of seven or more quarter hours, regardless of whether the student engages  
99 in a trade, profession, or occupation in this state or accepts employment in this state; and

100 (C) an individual domiciled in another state or a foreign country that:

101 (I) is engaged in public, charitable, educational, or religious services for a government  
102 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code  
103 Section 501(c)(3);

104 (II) is not compensated for services rendered other than expense reimbursements; and

105 (III) is temporarily in Utah for a period not to exceed 24 months.

106 (2) Registration under this chapter is not required for any:

107 (a) vehicle registered in another state and owned by a nonresident of the state or  
108 operating under a temporary registration permit issued by the division or a dealer authorized by  
109 this chapter, driven or moved upon a highway in conformance with the provisions of this  
110 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

111 (b) vehicle driven or moved upon a highway only for the purpose of crossing the  
112 highway from one property to another;

113 (c) implement of husbandry, whether of a type otherwise subject to registration or not,  
114 that is only incidentally operated or moved upon a highway;

115 (d) special mobile equipment;

116 (e) vehicle owned or leased by the federal government;

117 (f) motor vehicle not designed, used, or maintained for the transportation of passengers  
118 for hire or for the transportation of property if the motor vehicle is registered in another state

119 and is owned and operated by a nonresident of this state;

120 (g) vehicle or combination of vehicles designed, used, or maintained for the  
121 transportation of persons for hire or for the transportation of property if the vehicle or  
122 combination of vehicles is registered in another state and is owned and operated by a  
123 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight  
124 of 26,000 pounds or less;

125 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained  
126 for hire for the transportation of property or person;

127 (i) manufactured home or mobile home;

128 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway  
129 vehicle is:

130 (i) being towed;

131 (ii) operated on a street or highway designated as open to off-highway vehicle use; or

132 (iii) operated in the manner prescribed in ~~[Section]~~ Subsections 41-22-10.3(1) through  
133 (3);

134 (k) off-highway implement of husbandry operated in the manner prescribed in  
135 Subsections 41-22-5.5(3) through (5);

136 (l) modular and prebuilt homes conforming to the uniform building code and presently  
137 regulated by the United States Department of Housing and Urban Development that are not  
138 constructed on a permanent chassis;

139 (m) electric assisted bicycle defined under Section 41-6a-102;

140 (n) motor assisted scooter defined under Section 41-6a-102; or

141 (o) electric personal assistive mobility device defined under Section 41-6a-102.

142 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is  
143 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle  
144 within 60 days of the owner establishing residency in this state.

145 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the  
146 registration requirements of this part for the time period that the registration under Section  
147 41-3-306 is valid.

148 Section 3. Section **41-1a-205** is amended to read:

149 **41-1a-205. Safety inspection certificate required for renewal or registration of**

150 **motor vehicle -- Exemptions.**

151 (1) If required in the current year, a safety inspection certificate, as required by Section  
152 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as  
153 a condition of, registration or renewal of registration of a motor vehicle.

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

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

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

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

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

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

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

173 [(i)] (A) a new car predelivery inspection has been made by a dealer;

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

177 [(iii)] (C) the buyer signs the disclosure statement to acknowledge that the buyer has  
178 read and understands the listed deficiencies; and

179 [(b)] (ii) a motor vehicle required to be registered under this chapter that bears a dealer  
180 plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates,

181 except that if the motor vehicle is propelled by its own power and is not being moved for repair  
182 or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe  
183 mechanical condition.

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

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

187 (i) all registered commercial motor vehicles with a gross vehicle weight rating of  
188 26,000 pounds or more;

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

191 (iii) a combination unit; and

192 (iv) a bus or van for hire.

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

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

198 Section 4. Section **41-6a-102** is amended to read:

199 **41-6a-102. Definitions.**

200 As used in this chapter:

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

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

204 (3) "Authorized emergency vehicle" includes:

205 (a) fire department vehicles;

206 (b) police vehicles;

207 (c) ambulances; and

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

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

211 (i) propelled by human power;

- 212 (ii) upon which a person may ride; and  
213 (iii) having two tandem wheels.  
214 (b) "Bicycle" does not include scooters and similar devices.  
215 (5) (a) "Bus" means a motor vehicle:  
216 (i) designed for carrying more than 15 passengers and used for the transportation of  
217 persons; or  
218 (ii) designed and used for the transportation of persons for compensation.  
219 (b) "Bus" does not include a taxicab.  
220 (6) (a) "Circular intersection" means an intersection that has an island, generally  
221 circular in design, located in the center of the intersection where traffic passes to the right of  
222 the island.  
223 (b) "Circular intersection" includes:  
224 (i) roundabouts;  
225 (ii) rotaries; and  
226 (iii) traffic circles.  
227 (7) "Commissioner" means the commissioner of the Department of Public Safety.  
228 (8) "Controlled-access highway" means a highway, street, or roadway:  
229 (a) designed primarily for through traffic; and  
230 (b) to or from which owners or occupants of abutting lands and other persons have no  
231 legal right of access, except at points as determined by the highway authority having  
232 jurisdiction over the highway, street, or roadway.  
233 (9) "Crosswalk" means:  
234 (a) that part of a roadway at an intersection included within the connections of the  
235 lateral lines of the sidewalks on opposite sides of the highway measured from:  
236 (i) (A) the curbs; or  
237 (B) in the absence of curbs, from the edges of the traversable roadway; and  
238 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
239 included within the extension of the lateral lines of the existing sidewalk at right angles to the  
240 centerline; or  
241 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
242 pedestrian crossing by lines or other markings on the surface.



- 243 (10) "Department" means the Department of Public Safety.
- 244 (11) "Direct supervision" means oversight at a distance within which:
- 245 (a) visual contact is maintained; and
- 246 (b) advice and assistance can be given and received.
- 247 (12) "Divided highway" means a highway divided into two or more roadways by:
- 248 (a) an unpaved intervening space;
- 249 (b) a physical barrier; or
- 250 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 251 (13) "Electric assisted bicycle" means a moped:
- 252 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 253 (b) which is not capable of:
- 254 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and
- 255 (ii) increasing the speed of the device when human power is used to propel the device
- 256 at more than 20 miles per hour.
- 257 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
- 258 with:
- 259 (i) two nontandem wheels in contact with the ground;
- 260 (ii) a system capable of steering and stopping the unit under typical operating
- 261 conditions;
- 262 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 263 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 264 (v) a deck design for a person to stand while operating the device.
- 265 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 266 (15) "Explosives" means any chemical compound or mechanical mixture commonly
- 267 used or intended for the purpose of producing an explosion and which contains any oxidizing
- 268 and combustive units or other ingredients in proportions, quantities, or packing so that an
- 269 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or
- 270 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous
- 271 pressures are capable of producing destructive effects on contiguous objects or of causing death
- 272 or serious bodily injury.
- 273 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm

274 implement, for drawing plows, mowing machines, and other implements of husbandry.

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

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

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

282 (20) "Gross weight" means the weight of a vehicle without a load plus the weight of  
283 any load on the vehicle.

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

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

288 (23) (a) "Intersection" means the area embraced within the prolongation or connection  
289 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or  
290 more highways which join one another.

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

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

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

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

297 (24) "Island" means an area between traffic lanes or at an intersection for control of  
298 vehicle movements or for pedestrian refuge designated by:

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

301 (b) channelizing devices;

302 (c) curbs;

303 (d) pavement edges; or

304 (e) other devices.

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

306 (26) "Limited access highway" means a highway:

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

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

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

314 (28) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

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

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

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

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

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

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

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

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

327 (31) "Mobile home" means:

328 (a) a trailer or semitrailer which is:

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

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

332 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and  
333 constructed for use as a mobile home, as defined in Subsection (31)(a), but which is instead  
334 used permanently or temporarily for:

335 (i) the advertising, sale, display, or promotion of merchandise or services; or

336 (ii) any other commercial purpose except the transportation of property for hire or the  
337 transportation of property for distribution by a private carrier.

338 (32) (a) "Moped" means a motor-driven cycle having:

339 (i) pedals to permit propulsion by human power; and

340 (ii) a motor which:

341 (A) produces not more than two brake horsepower; and

342 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on  
343 level ground.

344 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic  
345 centimeters and the moped shall have a power drive system that functions directly or  
346 automatically without clutching or shifting by the operator after the drive system is engaged.

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

348 (33) "Motor assisted scooter" means a self-propelled device with:

349 (a) at least two wheels in contact with the ground;

350 (b) a braking system capable of stopping the unit under typical operating conditions;

351 (c) a gas or electric motor not exceeding 40 cubic centimeters;

352 (d) either:

353 (i) a deck design for a person to stand while operating the device; or

354 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the  
355 device; and

356 (e) a design for the ability to be propelled by human power alone.

357 (34) (a) "Motor vehicle" means a vehicle which is self-propelled and every vehicle  
358 which is propelled by electric power obtained from overhead trolley wires, but not operated  
359 upon rails.

360 (b) "Motor vehicle" does not include vehicles moved solely by human power,  
361 motorized wheelchairs, or an electric personal assistive mobility device.

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

365 (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, electric  
366 assisted bicycle, motor assisted scooter, and every motorized bicycle having:

- 367 (i) an engine with less than 150 cubic centimeters displacement; or  
368 (ii) a motor which produces not more than five horsepower.
- 369 (b) "Motor-driven cycle" does not include an electric personal assistive mobility  
370 device.
- 371 (37) "Off-highway implement of husbandry" has the same meaning as defined under  
372 Section 41-22-2.
- 373 (38) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.
- 374 (39) "Operator" means a person who is in actual physical control of a vehicle.
- 375 (40) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not.  
376 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the  
377 purpose of and while actually engaged in loading or unloading property or passengers.
- 378 (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace  
379 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic  
380 laws.
- 381 (42) "Pedestrian" means a person traveling:  
382 (a) on foot; or  
383 (b) in a wheelchair.
- 384 (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
385 pedestrians.
- 386 (44) "Person" means every natural person, firm, copartnership, association, or  
387 corporation.
- 388 (45) "Pole trailer" means every vehicle without motive power:  
389 (a) designed to be drawn by another vehicle and attached to the towing vehicle by  
390 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and  
391 (b) that is ordinarily used for transporting long or irregular shaped loads including  
392 poles, pipes, or structural members generally capable of sustaining themselves as beams  
393 between the supporting connections.
- 394 (46) "Private road or driveway" means every way or place in private ownership and  
395 used for vehicular travel by the owner and those having express or implied permission from the  
396 owner, but not by other persons.
- 397 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary

398 rails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

429 (55) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

449 [~~61~~] (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
450 conveyances either singly or together while using any highway for the purpose of travel.

451 [~~62~~] (63) "Traffic-control device" means a sign, signal, marking, or device not  
452 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
453 regulating, warning, or guiding traffic.

454 [~~63~~] (64) "Traffic-control signal" means a device, whether manually, electrically, or  
455 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

456 [~~64~~] (65) "Traffic signal preemption device" means an instrument or mechanism  
457 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

458 [~~65~~] (66) (a) "Trailer" means a vehicle with or without motive power designed for  
459 carrying persons or property and for being drawn by a motor vehicle and constructed so that no

460 part of its weight rests upon the towing vehicle.

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

462 ~~[(66)]~~ (67) "Truck" means a motor vehicle designed, used, or maintained primarily for  
463 the transportation of property.

464 ~~[(67)]~~ (68) "Truck tractor" means a motor vehicle:

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

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

468 ~~[(68)]~~ (69) "Two-way left turn lane" means a lane:

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

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

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

473 ~~[(69)]~~ (70) "Urban district" means the territory contiguous to and including any street,  
474 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
475 less than 100 feet, for a distance of a quarter of a mile or more.

476 ~~[(70)]~~ (71) "Vehicle" means a device in, on, or by which a person or property is or may  
477 be transported or drawn on a highway, except devices used exclusively on stationary rails or  
478 tracks.

479 Section 5. Section **41-6a-1509** is enacted to read:

480 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**  
481 **Registration and licensing requirements -- Equipment requirements.**

482 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I or type II vehicle  
483 that meets the requirements of this section may be operated as a street-legal ATV on a street or  
484 highway that:

485 (i) is a highway with one lane in each direction; and

486 (ii) has a posted speed limit of no more than 50 miles per hour.

487 (b) Unless a street or highway is designated as open for street-legal ATV use by the  
488 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate  
489 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway  
490 is under the jurisdiction of:



- 491 (i) a county of the first class;  
492 (ii) a municipality that is within a county of the first class; or  
493 (iii) a municipality with a population of 20,000 or more people.  
494 (2) A street-legal ATV shall comply with the same requirements as:  
495 (a) a motorcycle for:  
496 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;  
497 (ii) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;  
498 (iii) registration, titling, odometer statement, vehicle identification, license plates, and  
499 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;  
500 (iv) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and  
501 (v) the county motor vehicle emissions inspection and maintenance programs under  
502 Section 41-6a-1642;  
503 (b) a motor vehicle for:  
504 (i) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of  
505 Motor Vehicle Owners and Operators Act; and  
506 (ii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle  
507 Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection  
508 when registered for the first time; and  
509 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title  
510 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business  
511 Regulation Act, unless otherwise specified in this section.  
512 (3) A street-legal ATV shall be equipped with:  
513 (a) one or more headlamps that meet requirements of Section 41-6a-1603;  
514 (b) one or more tail lamps;  
515 (c) a tail lamp or other lamp constructed and placed to illuminate the registration plate  
516 with a white light;  
517 (d) one or more red reflectors on the rear;  
518 (e) one or more stop lamps on the rear;  
519 (f) amber electric turn signals one each side of the front and rear;  
520 (g) a braking system, other than a parking brake, that meets the requirements of Section  
521 41-6a-1623;

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

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

524 41-6a-1626;

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

526 41-6a-1627;

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

528 (l) a speedometer, illuminated for nighttime operation;

529 (m) for vehicles designed by the manufacturer for carrying one or more passengers, a

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

531 (n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant.

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

533 operated on the highways of another state has the same rights and privileges as a street-legal

534 ATV that is granted operating privileges on the highways of this state, subject to the

535 restrictions under this section and rules made by the Board of Parks and Recreation, if the other

536 state offers reciprocal operating privileges to Utah residents.

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

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

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

540 Section 6. Section **41-6a-1601** is amended to read:

541 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**

542 **highways -- Exceptions.**

543 (1) (a) A person may not operate or move and an owner may not cause or knowingly  
544 permit to be operated or moved on a highway a vehicle or combination of vehicles which:

545 (i) is in an unsafe condition that may endanger any person;

546 (ii) does not contain those parts or is not at all times equipped with lamps and other  
547 equipment in proper condition and adjustment as required in this chapter;

548 (iii) is equipped in any manner in violation of this chapter; or

549 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality  
550 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local  
551 health departments.

552 (b) A person may not do any act forbidden or fail to perform any act required under this

553 chapter.

554 (2) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
555 and in coordination with the rules made under Section 53-8-204, the department shall make  
556 rules setting minimum standards covering the design, construction, condition, and operation of  
557 vehicle equipment for safely operating a motor vehicle on the highway as required under this  
558 part.

559 (b) The rules under Subsection (2)(a):

560 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and  
561 Regulations;

562 (ii) may incorporate by reference, in whole or in part, the federal standards under  
563 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on  
564 motor vehicle safety;

565 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

566 (iv) shall include standards for the emergency lights of authorized emergency vehicles;

567 (v) may provide standards and specifications applicable to lighting equipment on  
568 school buses consistent with:

569 (A) this part;

570 (B) federal motor vehicle safety standards; and

571 (C) current specifications of the Society of Automotive Engineers;

572 (vi) shall provide procedures for the submission, review, approval, disapproval,  
573 issuance of an approval certificate, and expiration or renewal of approval of any part as  
574 required under Section 41-6a-1620;

575 (vii) shall establish specifications for the display or etching of a vehicle identification  
576 number on a vehicle;

577 (viii) shall establish specifications in compliance with this part for a flare, fusee,  
578 electric lantern, warning flag, or portable reflector used in compliance with this part;

579 (ix) shall establish approved safety and law enforcement purposes when video display  
580 is visible to the motor vehicle operator; and

581 (x) shall include standards and specifications for both original equipment and parts  
582 included when a vehicle is manufactured and aftermarket equipment and parts included after  
583 the original manufacture of a vehicle.

584 (c) The following standards and specifications for vehicle equipment are adopted:

585 (i) 49 C.F.R. 571.209 related to safety belts;

586 (ii) 49 C.F.R. 571.213 related to child restraint devices;

587 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles

588 and trailers operated in interstate commerce;

589 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

590 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related

591 to air conditioning equipment.

592 (3) Nothing in this chapter or the rules made by the department prohibit:

593 (a) equipment required by the United States Department of Transportation; or

594 (b) the use of additional parts and accessories on a vehicle not inconsistent with the

595 provisions of this chapter or the rules made by the department.

596 (4) Except as specifically made applicable, the provisions of this chapter and rules of  
597 the department with respect to equipment required on vehicles do not apply to:

598 (a) implements of husbandry;

599 (b) road machinery;

600 (c) road rollers;

601 (d) farm tractors;

602 (e) motorcycles;

603 (f) motor-driven cycles;

604 (g) vehicles moved solely by human power;

605 (h) off-highway vehicles registered under Section 41-22-3 either:

606 (i) on a highway designated as open for off-highway vehicle use; or

607 (ii) in the manner prescribed by ~~[Section]~~ Subsections 41-22-10.3(1) through (3); or

608 (i) off-highway implements of husbandry when operated in the manner prescribed by  
609 Subsections 41-22-5.5 (3) through (5).

610 (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment  
611 requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that  
612 chapter.

613 (6) (a) A federal motor vehicle safety standard supersedes any conflicting provision of  
614 this chapter.

615 (b) The department:

616 (i) shall report any conflict found under Subsection (6)(a) to the appropriate  
617 committees or officials of the Legislature; and

618 (ii) may adopt a rule to replace the superseded provision.

619 Section 7. Section **41-8-1** is amended to read:

620 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**  
621 **off-highway vehicles and off-highway implements of husbandry.**

622 (1) A person under 16 years of age, whether resident or nonresident of this state, may  
623 not operate a motor vehicle upon any highway of this state.

624 (2) This section does not apply to a person operating:

625 (a) a motor vehicle under a permit issued under Section 53-3-210, 53-3-210.5, or  
626 53A-13-208;

627 (b) an off-highway vehicle registered under Section 41-22-3 either:

628 (i) on a highway designated as open for off-highway vehicle use; or

629 (ii) in the manner prescribed by [~~Section~~] Subsections 41-22-10.3(1) through (3); or

630 (c) an off-highway implement of husbandry in the manner prescribed by Subsections  
631 41-22-5.5(3) through (5).

632 Section 8. Section **41-12a-301** is amended to read:

633 **41-12a-301. Definition -- Requirement of owner's or operator's security --**  
634 **Exceptions.**

635 (1) As used in this section:

636 (a) "highway" has the same meaning as provided in Section 41-1a-102; and

637 (b) "quasi-public road or parking area" has the same meaning as provided in Section  
638 41-6a-214.

639 (2) Except as provided in Subsection (5):

640 (a) every resident owner of a motor vehicle shall maintain owner's or operator's  
641 security in effect at any time that the motor vehicle is operated on a highway or on a  
642 quasi-public road or parking area within the state; and

643 (b) every nonresident owner of a motor vehicle that has been physically present in this  
644 state for:

645 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount

646 of owner's or operator's security required in his place of residence, in effect continuously  
647 throughout the period the motor vehicle remains within Utah; or

648 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's  
649 or operator's security in effect continuously throughout the period the motor vehicle remains  
650 within Utah.

651 (3) (a) Except as provided in Subsection (5), the state and all of its political  
652 subdivisions and their respective departments, institutions, or agencies shall maintain owner's  
653 or operator's security in effect continuously for their motor vehicles.

654 (b) Any other state is considered a nonresident owner of its motor vehicles and is  
655 subject to Subsection (2)(b).

656 (4) The United States, any political subdivision of it, or any of its agencies may  
657 maintain owner's or operator's security in effect for their motor vehicles.

658 (5) Owner's or operator's security is not required for any of the following:

659 (a) off-highway vehicles registered under Section 41-22-3 when operated either:

660 (i) on a highway designated as open for off-highway vehicle use; or

661 (ii) in the manner prescribed by ~~[Section]~~ Subsections 41-22-10.3(1) through (3);

662 (b) off-highway implements of husbandry operated in the manner prescribed by  
663 Subsections 41-22-5.5(3) through (5);

664 (c) electric assisted bicycles as defined under Section 41-6a-102;

665 (d) motor assisted scooters as defined under Section 41-6a-102; or

666 (e) electric personal assistive mobility devices as defined under Section 41-6a-102.

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

668 **41-22-2. Definitions.**

669 As used in this chapter:

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

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

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

677 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain.

678 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
679 carry a disabled person, any vehicle not specifically designed for recreational use, or farm  
680 tractors as defined under Section 41-1a-102.

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

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

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

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

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

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

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

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

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

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

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

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

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

707 (17) "Public land" means land owned or administered by any federal or state agency or

708 any political subdivision of the state.

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

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

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

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

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

719 Section 10. Section **41-22-9** is amended to read:

720 **41-22-9. Vehicles exempt from registration.**

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

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

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

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

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

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

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

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



739 Section 11. Section 41-22-10.3 is amended to read:

740 **41-22-10.3. Operation of vehicles on highways -- Limits.**

741 [~~No~~] A person may not operate an off-highway vehicle upon any street or highway, not  
742 designated as open to off-highway vehicle use, except:

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

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

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

751 (4) when operating a street-legal all-terrain vehicle on a highway in accordance with  
752 Section 41-6a-1509.

753 Section 12. Section 41-22-10.5 is amended to read:

754 **41-22-10.5. Local ordinances -- Designating routes -- Supervision.**

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

757 (a) as open for street-legal all-terrain off-highway vehicle use;

758 (b) as open for general off-highway vehicle use; or

759 (c) as open for limited off-highway vehicle [~~routes~~] use to allow off-highway vehicle  
760 operators to gain direct access to or from a private or public area open for off-highway vehicle  
761 use.

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

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

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

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

772           Section 13. **Effective date.**

773           This bill takes effect on October 1, 2008.

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**S.B. 181 1st Sub. (Green) - Off-highway Vehicle Use on Public Highways**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. There are 196,000 off-highway vehicles registered in the State. It is unknown how many of these will pay the \$5 new plate fee in order to drive on public highways. For every individual that does pay the new plate fee, \$4 is for dedicated credits and \$1 goes to the Transportation Fund.

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**Individual, Business and/or Local Impact**

Depending upon the municipality in which one resides, those that wish and are allowed to operate a street-legal all-terrain vehicle on a public highway may incur costs associated with insurance and will experience a one-time cost to have their vehicle inspected, as well as pay the \$5 new plate fee. Depending on the locality, there may be increased costs for enforcement. Businesses are likely unaffected.