

Representative Michael E. Noel proposes the following substitute bill:

VEHICLE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to all-terrain vehicles.

Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ▶ amends driver licensing requirements for certain street-legal all-terrain vehicles;
- ▶ specifies restrictions on tires for registering certain vehicles as street-legal all-terrain vehicles;
- ▶ provides that an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour shall operate the vehicle on the extreme right hand side of the roadway and shall equip the vehicle with a reflector or reflective tape;
- ▶ requires that two safety inspection certificates shall be issued for every safety inspection conducted;
- ▶ provides that a person operating a motor vehicle shall have in the person's immediate possession a safety inspection certificate or other evidence of compliance with the safety inspection requirement;



26 ▶ provides that the reasonable labor fee for the safety inspection of a street-legal
27 all-terrain vehicle may not exceed \$7; and

28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill takes effect on July 1, 2009.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-6a-102**, as last amended by Laws of Utah 2008, Chapter 36

36 **41-6a-1509**, as enacted by Laws of Utah 2008, Chapter 36

37 **41-22-2**, as last amended by Laws of Utah 2008, Chapters 36 and 94

38 **53-8-205**, as last amended by Laws of Utah 2008, Chapters 36 and 210

39 **53-8-206**, as last amended by Laws of Utah 2002, Chapter 143



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

42 Section 1. Section **41-6a-102** is amended to read:

43 **41-6a-102. Definitions.**

44 As used in this chapter:

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

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

48 (3) "Authorized emergency vehicle" includes:

49 (a) fire department vehicles;

50 (b) police vehicles;

51 (c) ambulances; and

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

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

55 (i) propelled by human power;

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

- 57 (iii) having two tandem wheels.
- 58 (b) "Bicycle" does not include scooters and similar devices.
- 59 (5) (a) "Bus" means a motor vehicle:
- 60 (i) designed for carrying more than 15 passengers and used for the transportation of
- 61 persons; or
- 62 (ii) designed and used for the transportation of persons for compensation.
- 63 (b) "Bus" does not include a taxicab.
- 64 (6) (a) "Circular intersection" means an intersection that has an island, generally
- 65 circular in design, located in the center of the intersection where traffic passes to the right of
- 66 the island.
- 67 (b) "Circular intersection" includes:
- 68 (i) roundabouts;
- 69 (ii) rotaries; and
- 70 (iii) traffic circles.
- 71 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 72 (8) "Controlled-access highway" means a highway, street, or roadway:
- 73 (a) designed primarily for through traffic; and
- 74 (b) to or from which owners or occupants of abutting lands and other persons have no
- 75 legal right of access, except at points as determined by the highway authority having
- 76 jurisdiction over the highway, street, or roadway.
- 77 (9) "Crosswalk" means:
- 78 (a) that part of a roadway at an intersection included within the connections of the
- 79 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 80 (i) (A) the curbs; or
- 81 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 82 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 83 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 84 centerline; or
- 85 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 86 pedestrian crossing by lines or other markings on the surface.
- 87 (10) "Department" means the Department of Public Safety.

- 88 (11) "Direct supervision" means oversight at a distance within which:
89 (a) visual contact is maintained; and
90 (b) advice and assistance can be given and received.
- 91 (12) "Divided highway" means a highway divided into two or more roadways by:
92 (a) an unpaved intervening space;
93 (b) a physical barrier; or
94 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 95 (13) "Electric assisted bicycle" means a moped:
96 (a) with an electric motor with a power output of not more than 1,000 watts; and
97 (b) which is not capable of:
98 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and
99 (ii) increasing the speed of the device when human power is used to propel the device
100 at more than 20 miles per hour.
- 101 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
102 with:
103 (i) two nontandem wheels in contact with the ground;
104 (ii) a system capable of steering and stopping the unit under typical operating
105 conditions;
106 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
107 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
108 (v) a deck design for a person to stand while operating the device.
- 109 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 110 (15) "Explosives" means any chemical compound or mechanical mixture commonly
111 used or intended for the purpose of producing an explosion and which contains any oxidizing
112 and combustive units or other ingredients in proportions, quantities, or packing so that an
113 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or
114 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous
115 pressures are capable of producing destructive effects on contiguous objects or of causing death
116 or serious bodily injury.
- 117 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm
118 implement, for drawing plows, mowing machines, and other implements of husbandry.

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

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

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

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

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

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

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

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

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

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

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

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

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

145 (b) channelizing devices;

146 (c) curbs;

147 (d) pavement edges; or

148 (e) other devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

171 (31) "Mobile home" means:

172 (a) a trailer or semitrailer which is:

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

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

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

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

180 (ii) any other commercial purpose except the transportation of property for hire or the

181 transportation of property for distribution by a private carrier.

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

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

184 (ii) a motor which:

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

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

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

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

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

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

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

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

196 (d) either:

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

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

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

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

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

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

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

211 (i) an engine with less than 150 cubic centimeters displacement; or

- 212 (ii) a motor which produces not more than five horsepower.
- 213 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
214 device.
- 215 (37) "Off-highway implement of husbandry" has the same meaning as defined under
216 Section 41-22-2.
- 217 (38) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.
- 218 (39) "Operator" means a person who is in actual physical control of a vehicle.
- 219 (40) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not.
- 220 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
221 purpose of and while actually engaged in loading or unloading property or passengers.
- 222 (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
223 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
224 laws.
- 225 (42) "Pedestrian" means a person traveling:
- 226 (a) on foot; or
- 227 (b) in a wheelchair.
- 228 (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
229 pedestrians.
- 230 (44) "Person" means every natural person, firm, copartnership, association, or
231 corporation.
- 232 (45) "Pole trailer" means every vehicle without motive power:
- 233 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
234 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- 235 (b) that is ordinarily used for transporting long or irregular shaped loads including
236 poles, pipes, or structural members generally capable of sustaining themselves as beams
237 between the supporting connections.
- 238 (46) "Private road or driveway" means every way or place in private ownership and
239 used for vehicular travel by the owner and those having express or implied permission from the
240 owner, but not by other persons.
- 241 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary
242 rails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (55) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

290 (61) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
291 [~~or type H~~] vehicle[~~;~~ ~~as defined in Section 41-22-2,~~] or utility type vehicle that is modified to
292 meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance
293 with Section 41-6a-1509.

294 (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
295 conveyances either singly or together while using any highway for the purpose of travel.

296 (63) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
297 with this chapter placed or erected by a highway authority for the purpose of regulating,
298 warning, or guiding traffic.

299 (64) "Traffic-control signal" means a device, whether manually, electrically, or
300 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

301 (65) "Traffic signal preemption device" means an instrument or mechanism designed,
302 intended, or used to interfere with the operation or cycle of a traffic-control signal.

303 (66) (a) "Trailer" means a vehicle with or without motive power designed for carrying
304 persons or property and for being drawn by a motor vehicle and constructed so that no part of

305 its weight rests upon the towing vehicle.

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

307 (67) "Truck" means a motor vehicle designed, used, or maintained primarily for the
308 transportation of property.

309 (68) "Truck tractor" means a motor vehicle:

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

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

313 (69) "Two-way left turn lane" means a lane:

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

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

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

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

321 (71) (a) "Utility type vehicle" means any recreational vehicle designed for and capable
322 of travel over unimproved terrain:

323 (i) traveling on four or more tires;

324 (ii) having a width of 30 to 70 inches;

325 (iii) having an unladen dry weight of 2,200 pounds or less;

326 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
327 seat bottom; and

328 (v) having side by side seating with a steering wheel for control.

329 (b) "Utility type vehicle" does not include:

330 (i) an all-terrain type I vehicle;

331 (ii) an all-terrain type II vehicle;

332 (iii) a motorcycle; or

333 (iv) a snowmobile as defined in Section 41-22-2.

334 [~~71~~] (72) "Vehicle" means a device in, on, or by which a person or property is or may
335 be transported or drawn on a highway, except devices used exclusively on stationary rails or

336 tracks.

337 Section 2. Section **41-6a-1509** is amended to read:

338 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

339 **Registration and licensing requirements -- Equipment requirements.**

340 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I or [~~type H~~] utility
341 type vehicle that meets the requirements of this section may be operated as a street-legal ATV
342 on a street or highway that is a highway with one lane in each direction.

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

- 347 (i) a county of the first class;
- 348 (ii) a municipality that is within a county of the first class; or
- 349 (iii) a municipality with a population of 7,500 or more people.

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

351 (a) a motorcycle for:

- 352 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
- 353 [~~(ii) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;~~]
- 354 [~~(iii)~~] (ii) registration, titling, odometer statement, vehicle identification, license plates,
355 and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
- 356 [~~(iv)~~] (iii) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and
- 357 [~~(v)~~] (iv) the county motor vehicle emissions inspection and maintenance programs
358 under Section 41-6a-1642;

359 (b) a motor vehicle for:

- 360 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
- 361 [~~(i)~~] (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility
362 of Motor Vehicle Owners and Operators Act; and
- 363 [~~(ii)~~] (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor
364 Vehicle Safety Inspection Act, except that a street-legal ATV shall be subject to a safety
365 inspection when registered for the first time; and

366 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title

367 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
368 Regulation Act, unless otherwise specified in this section.

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

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

371 (b) one or more tail lamps;

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

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

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

376 (f) amber or red electric turn signals, one on each side of the front and rear;

377 (g) a braking system, other than a parking brake, that meets the requirements of Section
378 41-6a-1623;

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

380 (i) a muffler and emission control system that meets the requirements of Section
381 41-6a-1626;

382 (j) rearview mirrors on the right and left side of the driver in accordance with Section
383 41-6a-1627;

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

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

386 (m) for vehicles designed by the manufacturer for carrying one or more passengers, a
387 seat designed for passengers, including a footrest and handhold for each passenger; ~~and~~

388 (n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant[-]; and

389 (o) tires that:

390 (i) do not exceed 26 inches in height;

391 (ii) are not larger than the tires that the all-terrain vehicle manufacturer made available
392 for the all-terrain vehicle model; and

393 (iii) have at least 2/32 inches or greater tire tread.

394 ~~(4)~~ (a) Subject to the requirement in Subsection (4)(b), an operator of a
395 street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in
396 accordance with this section, may not exceed the lesser of:

397 ~~(a)~~ (i) the posted speed limit; or

398 ~~(b)~~ (ii) 45 miles per hour.

399 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
400 all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:

401 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
402 roadway; and

403 (ii) shall equip the street-legal all-terrain vehicle with a reflector or reflective tape.

404 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
405 operated on the highways of another state has the same rights and privileges as a street-legal
406 ATV that is granted operating privileges on the highways of this state, subject to the
407 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
408 state offers reciprocal operating privileges to Utah residents.

409 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
410 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
411 privileges for nonresident users granted under Subsection (5)(a).

412 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in
413 accordance with Section 41-22-10.5.

414 Section 3. Section **41-22-2** is amended to read:

415 **41-22-2. Definitions.**

416 As used in this chapter:

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

419 (2) "All-terrain type I vehicle" means any motor vehicle ~~[50]~~ 52 inches or less in width,
420 having an unladen dry weight of ~~[800]~~ 1,500 pounds or less, traveling on three or more low
421 pressure tires, having a seat designed to be straddled by the operator, and designed for or
422 capable of travel over unimproved terrain.

423 (3) (a) "All-terrain type II vehicle" means any other motor vehicle, not defined in
424 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain.

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

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

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

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

432 (7) "Low pressure tire" means any pneumatic tire six inches or more in width designed
433 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
434 ten pounds per square inch or less as recommended by the vehicle manufacturer.

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

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

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

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

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

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

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

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

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

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

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

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

459 (20) "Snowmobile" means any motor vehicle designed for travel on snow or ice and

460 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

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

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

466 Section 4. Section **53-8-205** is amended to read:

467 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
468 **inspection certificate required -- Out-of-state permits.**

469 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
470 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
471 safety inspection.

472 (b) Subsection (1)(a) does not apply to:

473 (i) a vehicle that is exempt from registration under Section 41-1a-205;

474 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
475 street-legal all-terrain vehicle in accordance with Section 41-6a-1509; and

476 (iii) a vintage vehicle as defined in Section 41-21-1.

477 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
478 determined based on the age of the vehicle determined by model year and shall:

479 (a) be required each year for a vehicle that is eight or more years old on January 1; or

480 (b) every two years for each vehicle that is less than eight years old on January 1 as
481 follows:

482 (i) in odd-numbered years for a vehicle with an odd-numbered model year; and

483 (ii) in even-numbered years for a vehicle with an even-numbered model year;

484 (c) be made by a safety inspector certified by the division at a safety inspection station
485 authorized by the division;

486 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
487 ensure proper adjustment and condition as required by department rules; and

488 (e) include an inspection for the display of license plates in accordance with Section
489 41-1a-404.

490 (3) (a) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety

491 inspection when an application is made for initial registration as a salvage vehicle.

492 (b) After initial registration as a salvage vehicle, the frequency of the safety inspection
493 shall correspond with the model year, as provided in Subsection (2).

494 (4) ~~(a)~~ A safety inspection station shall issue ~~[a]~~ two safety inspection ~~[certificate]~~
495 certificates to the owner of:

496 ~~[(a)]~~ (i) each motor vehicle that passes a safety inspection under this section; and

497 ~~[(b)]~~ (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in
498 Section 41-6a-1509.

499 (b) A safety inspection station shall use one safety inspection certificate issued under
500 Subsection (4) for processing the vehicle registration.

501 (c) A person operating a motor vehicle shall have in the person's immediate possession
502 a safety inspection certificate or other evidence of compliance with the requirement to obtain a
503 safety inspection under this section.

504 (5) The division may:

505 (a) authorize the acceptance in this state of a safety inspection certificate issued in
506 another state having a safety inspection law similar to this state; and

507 (b) extend the time within which a safety inspection certificate must be obtained by the
508 resident owner of a vehicle that was not in this state during the time a safety inspection was
509 required.

510 Section 5. Section **53-8-206** is amended to read:

511 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**
512 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**
513 **permits.**

514 (1) The safety inspection required under Section 53-8-205 may only be performed:

515 (a) by a person certified by the division as a safety inspector; and

516 (b) at a safety inspection station with a valid safety inspection station permit issued by
517 the division.

518 (2) A safety inspection station permit may not be assigned or transferred or used at any
519 location other than a designated location, and every safety inspection station permit shall be
520 posted in a conspicuous place at the location designated.

521 (3) If required by the division, a record and report shall be made of every safety

522 inspection and every safety inspection certificate issued.

523 (4) A safety inspection station holding a safety inspection station permit issued by the
524 division may charge:

525 (a) a fee as reimbursement for the safety inspection certificate fee as specified in
526 Subsection 53-8-204(1)(e); and

527 (b) a reasonable fee for labor in performing safety inspections, not to exceed:

528 (i) \$7 or less for motorcycles and street-legal all-terrain vehicles;

529 (ii) unless Subsection (4)(b)(i) or (iii) applies, \$15 or less for motor vehicles; or

530 (iii) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate
531 disassembly of front hub or removal of rear axle for inspection.

532 (5) A safety inspection station may return unused safety inspection certificates in a
533 quantity of ten or more and shall be reimbursed by the division for the cost of the safety
534 inspection certificates.

535 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection
536 station permit, the safety inspection station permit holder shall immediately terminate all safety
537 inspection activities and return all safety inspection certificates and the safety inspection station
538 permit to the division.

539 (b) The division shall issue a receipt for all unused safety inspection certificates.

540 Section 6. **Effective date.**

541 This bill takes effect on July 1, 2009.

S.B. 22 2nd Sub. (Salmon) - Vehicle Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Businesses performing inspections may benefit.
