

1 **OFF-HIGHWAY VEHICLE AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code by amending provisions relating to all-terrain
10 vehicles.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides and amends definitions;
- 14 ▶ provides that a full-sized all-terrain vehicle that meets certain requirements may be
15 operated as a street-legal all-terrain-vehicle on certain streets or highways unless the
16 highway is an interstate freeway or a limited access highway;
- 17 ▶ specifies equipment requirements for a full-sized all-terrain vehicle to be operated
18 as a street-legal all-terrain vehicle; and
- 19 ▶ makes technical corrections.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-1a-205**, as last amended by Laws of Utah 2012, Chapters 356, 356, and 397

27 **41-6a-102**, as last amended by Laws of Utah 2013, Chapter 140



28 [41-6a-1509](#), as last amended by Laws of Utah 2010, Chapter 308
29 [41-6a-1629](#), as last amended by Laws of Utah 2005, Chapter 26 and renumbered and
30 amended by Laws of Utah 2005, Chapter 2
31 [41-22-2](#), as last amended by Laws of Utah 2012, Chapter 125

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

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

35 **41-1a-205. Safety inspection certificate required for renewal or registration of**
36 **motor vehicle -- Exemptions.**

37 (1) If required in the current year, a safety inspection certificate, as required by Section
38 [53-8-205](#), or proof of exemption from safety inspection shall be presented at the time of, and as
39 a condition of, registration or renewal of registration of a motor vehicle.

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

43 (b) (i) If the title of a used motor vehicle is being transferred, a safety inspection
44 certificate issued for the motor vehicle during the previous 11 months may be used to satisfy
45 the requirement under Subsection (1).

46 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety
47 inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle
48 dealer's name during the previous 11 months may be used to satisfy the requirement under
49 Subsection (1).

50 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a
51 safety inspection certificate issued during the previous 11 months may be used to satisfy the
52 requirement under Subsection (1).

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

56 (e) If the application for renewal of registration is for a six-month registration period
57 under Section [41-1a-215.5](#), a safety inspection certificate issued during the previous eight
58 months may be used to satisfy the requirement under Subsection (1).

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

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

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

63 (B) 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 (C) the buyer signs the disclosure statement to acknowledge that the buyer has read and
67 understands the listed deficiencies;

68 (ii) 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; and

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

74 (b) ~~Ĥ→ [f] A [f] [(i) Except as provided in Subsection (3)(b)(ii), a~~ ←Ĥ street-legal
74a all-terrain vehicle
75 registered in accordance with Section 41-6a-1509 is subject to a safety inspection Ĥ→ :

75a (i) ←Ĥ the first time

76 that a person registers an off-highway vehicle as a street-legal all-terrain vehicle Ĥ→ [-] ; and

77 ~~[(ii) The frequency of a safety inspection required for a full-sized all-terrain vehicle~~
78 ~~registered as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509 shall~~
79 ~~correspond with the model year and be conducted]~~

79a (ii) subsequently, ←Ĥ on the same frequency as described in

80 Subsection 53-8-205(2) Ĥ→ based on the age of the vehicle as determined by the model year
80a identified by the manufacturer ←Ĥ .

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

82 (i) all registered commercial motor vehicles with a gross vehicle weight rating of
83 26,000 pounds or more;

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

86 (iii) a combination unit; and

87 (iv) a bus or van for hire.

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

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

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

94 **41-6a-102. Definitions.**

95 As used in this chapter:

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

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

99 (3) "Authorized emergency vehicle" includes:

100 (a) fire department vehicles;

101 (b) police vehicles;

102 (c) ambulances; and

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

104 Department of Public Safety.

105 (4) (a) "Bicycle" means a wheeled vehicle:

106 (i) propelled by human power by feet or hands acting upon pedals or cranks;

107 (ii) with a seat or saddle designed for the use of the operator;

108 (iii) designed to be operated on the ground; and

109 (iv) whose wheels are not less than 14 inches in diameter.

110 (b) "Bicycle" includes an electric assisted bicycle.

111 (c) "Bicycle" does not include scooters and similar devices.

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

113 (i) designed for carrying more than 15 passengers and used for the transportation of

114 persons; or

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

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

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

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

120 (b) "Circular intersection" includes:

- 121 (i) roundabouts;
- 122 (ii) rotaries; and
- 123 (iii) traffic circles.
- 124 (7) "Commissioner" means the commissioner of the Department of Public Safety.
- 125 (8) "Controlled-access highway" means a highway, street, or roadway:
- 126 (a) designed primarily for through traffic; and
- 127 (b) to or from which owners or occupants of abutting lands and other persons have no
- 128 legal right of access, except at points as determined by the highway authority having
- 129 jurisdiction over the highway, street, or roadway.
- 130 (9) "Crosswalk" means:
- 131 (a) that part of a roadway at an intersection included within the connections of the
- 132 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 133 (i) (A) the curbs; or
- 134 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 135 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 136 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 137 centerline; or
- 138 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 139 pedestrian crossing by lines or other markings on the surface.
- 140 (10) "Department" means the Department of Public Safety.
- 141 (11) "Direct supervision" means oversight at a distance within which:
- 142 (a) visual contact is maintained; and
- 143 (b) advice and assistance can be given and received.
- 144 (12) "Divided highway" means a highway divided into two or more roadways by:
- 145 (a) an unpaved intervening space;
- 146 (b) a physical barrier; or
- 147 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 148 (13) "Electric assisted bicycle" means a moped:
- 149 (a) with an electric motor with a power output of not more than 1,000 watts; and
- 150 (b) which is not capable of:
- 151 (i) propelling the device at a speed of more than 20 miles per hour on level ground

152 when:

- 153 (A) powered solely by the electric motor; and
- 154 (B) operated by a person who weighs 170 pounds; and
- 155 (ii) increasing the speed of the device when human power is used to propel the device
- 156 at more than 20 miles per hour;
- 157 (c) has fully operable pedals on permanently affixed cranks; and
- 158 (d) weighs less than 75 pounds.

159 (14) (a) "Electric personal assistive mobility device" means a self-balancing device

160 with:

- 161 (i) two nontandem wheels in contact with the ground;
- 162 (ii) a system capable of steering and stopping the unit under typical operating
- 163 conditions;
- 164 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 165 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 166 (v) a deck design for a person to stand while operating the device.

167 (b) "Electric personal assistive mobility device" does not include a wheelchair.

168 (15) "Explosives" means any chemical compound or mechanical mixture commonly
169 used or intended for the purpose of producing an explosion and that contains any oxidizing and
170 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
171 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
172 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
173 capable of producing destructive effects on contiguous objects or of causing death or serious
174 bodily injury.

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

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

179 (18) "Freeway" means a controlled-access highway that is part of the interstate system
180 as defined in Section [72-1-102](#).

181 (19) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and
182 capable of travel over unimproved terrain:

- 183 (i) traveling on four or more tires;
184 (ii) having a width that, when measured at the widest point of the vehicle:
185 (A) is not less than 55 inches; or
186 (B) does not exceed 92 inches;
187 (iii) having an unladen dry weight of 6,500 pounds or less;
188 (iv) having a maximum seat height of 50 inches when measured at the forward edge of
189 the seat bottom; and
190 (v) having a steering wheel for control.
191 (b) "Full-sized all-terrain vehicle" does not include:
192 (i) all-terrain type I vehicle;
193 (ii) a utility type vehicle;
194 (iii) a motorcycle; or
195 (iv) a snowmobile as defined in Section [41-22-2](#).
196 ~~[(19)]~~ (20) "Gore area" means the area delineated by two solid white lines that is
197 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
198 lane including similar areas between merging or splitting highways.
199 ~~[(20)]~~ (21) "Gross weight" means the weight of a vehicle without a load plus the
200 weight of any load on the vehicle.
201 ~~[(21)]~~ (22) "Highway" means the entire width between property lines of every way or
202 place of any nature when any part of it is open to the use of the public as a matter of right for
203 vehicular travel.
204 ~~[(22)]~~ (23) "Highway authority" has the same meaning as defined in Section [72-1-102](#).
205 ~~[(23)]~~ (24) (a) "Intersection" means the area embraced within the prolongation or
206 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
207 of two or more highways which join one another.
208 (b) Where a highway includes two roadways 30 feet or more apart:
209 (i) every crossing of each roadway of the divided highway by an intersecting highway
210 is a separate intersection; and
211 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
212 every crossing of two roadways of the highways is a separate intersection.
213 (c) "Intersection" does not include the junction of an alley with a street or highway.

214 ~~[(24)]~~ (25) "Island" means an area between traffic lanes or at an intersection for control
215 of vehicle movements or for pedestrian refuge designated by:

- 216 (a) pavement markings, which may include an area designated by two solid yellow
217 lines surrounding the perimeter of the area;
- 218 (b) channelizing devices;
- 219 (c) curbs;
- 220 (d) pavement edges; or
- 221 (e) other devices.

222 ~~[(25)]~~ (26) "Law enforcement agency" has the same meaning as defined in Section
223 [53-1-102](#).

224 ~~[(26)]~~ (27) "Limited access highway" means a highway:

- 225 (a) that is designated specifically for through traffic; and
- 226 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
227 persons have any right or easement, or have only a limited right or easement of access, light,
228 air, or view.

229 ~~[(27)]~~ (28) "Local highway authority" means the legislative, executive, or governing
230 body of a county, municipal, or other local board or body having authority to enact laws
231 relating to traffic under the constitution and laws of the state.

232 ~~[(28)]~~ (29) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

- 233 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
 - 234 (ii) has a capacity of not more than four passengers, including the driver.
- 235 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

236 ~~[(29)]~~ (30) "Metal tire" means a tire, the surface of which in contact with the highway
237 is wholly or partly of metal or other hard nonresilient material.

238 ~~[(30)]~~ (31) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
239 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
240 properly inflated tires.

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

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

- 243 (i) designed for off-highway use; and
- 244 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

245 [~~31~~] (32) "Mobile home" means:

246 (a) a trailer or semitrailer that is:

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

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

250 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
251 constructed for use as a mobile home, as defined in Subsection [~~31~~] (32)(a), but that is
252 instead used permanently or temporarily for:

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

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

256 [~~32~~] (33) (a) "Moped" means a motor-driven cycle having:

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

258 (ii) a motor that:

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

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

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

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

266 [~~33~~] (34) "Motor assisted scooter" means a self-propelled device with:

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

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

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

270 (d) either:

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

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

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

275 [~~35~~] (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or

276 saddle for the use of the rider and designed to travel with not more than three wheels in contact
277 with the ground.

278 ~~[(36)]~~ (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
279 electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

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

281 (ii) a motor that produces not more than five horsepower.

282 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
283 device.

284 ~~[(34)]~~ (37) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle
285 which is propelled by electric power obtained from overhead trolley wires, but not operated
286 upon rails.

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

289 ~~[(37)]~~ (38) "Off-highway implement of husbandry" has the same meaning as defined
290 under Section [41-22-2](#).

291 ~~[(38)]~~ (39) "Off-highway vehicle" has the same meaning as defined under Section
292 [41-22-2](#).

293 ~~[(39)]~~ (40) "Operator" means a person who is in actual physical control of a vehicle.

294 ~~[(40)]~~ (41) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
295 is occupied or not.

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

298 ~~[(41)]~~ (42) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
299 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
300 traffic laws.

301 ~~[(42)]~~ (43) "Pedestrian" means a person traveling:

302 (a) on foot; or

303 (b) in a wheelchair.

304 ~~[(43)]~~ (44) "Pedestrian traffic-control signal" means a traffic-control signal used to
305 regulate pedestrians.

306 ~~[(44)]~~ (45) "Person" means every natural person, firm, copartnership, association, or

307 corporation.

308 [~~(45)~~] (46) "Pole trailer" means every vehicle without motive power:

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

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

314 [~~(46)~~] (47) "Private road or driveway" means every way or place in private ownership
315 and used for vehicular travel by the owner and those having express or implied permission
316 from the owner, but not by other persons.

317 [~~(47)~~] (48) "Railroad" means a carrier of persons or property upon cars operated on
318 stationary rails.

319 [~~(48)~~] (49) "Railroad sign or signal" means a sign, signal, or device erected by
320 authority of a public body or official or by a railroad and intended to give notice of the presence
321 of railroad tracks or the approach of a railroad train.

322 [~~(49)~~] (50) "Railroad train" means a locomotive propelled by any form of energy,
323 coupled with or operated without cars, and operated upon rails.

324 [~~(50)~~] (51) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
325 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
326 of direction, speed, and proximity that give rise to danger of collision unless one grants
327 precedence to the other.

328 [~~(51)~~] (52) (a) "Roadway" means that portion of highway improved, designed, or
329 ordinarily used for vehicular travel.

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

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

334 [~~(52)~~] (53) "Safety zone" means the area or space officially set apart within a roadway
335 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
336 signs as to be plainly visible at all times while set apart as a safety zone.

337 [~~(53)~~] (54) (a) "School bus" means a motor vehicle that:

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

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

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

343 [~~54~~] (55) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

349 [~~55~~] (56) "Shoulder area" means:

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

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

355 [~~56~~] (57) "Sidewalk" means that portion of a street between the curb lines, or the
356 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

357 [~~57~~] (58) "Solid rubber tire" means a tire of rubber or other resilient material that
358 does not depend on compressed air for the support of the load.

359 [~~58~~] (59) "Stand" or "standing" means the temporary halting of a vehicle, whether
360 occupied or not, for the purpose of and while actually engaged in receiving or discharging
361 passengers.

362 [~~59~~] (60) "Stop" when required means complete cessation from movement.

363 [~~60~~] (61) "Stop" or "stopping" when prohibited means any halting even momentarily
364 of a vehicle, whether occupied or not, except when:

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

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

367 [~~61~~] (62) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
368 type I vehicle [~~or~~], utility type vehicle, or full-sized all-terrain vehicle that is modified to meet

369 the requirements of Section [41-6a-1509](#) to operate on highways in the state in accordance with
370 Section [41-6a-1509](#).

371 ~~[(62)]~~ [\(63\)](#) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
372 conveyances either singly or together while using any highway for the purpose of travel.

373 ~~[(63)]~~ [\(64\)](#) "Traffic-control device" means a sign, signal, marking, or device not
374 inconsistent with this chapter placed or erected by a highway authority for the purpose of
375 regulating, warning, or guiding traffic.

376 ~~[(64)]~~ [\(65\)](#) "Traffic-control signal" means a device, whether manually, electrically, or
377 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

378 ~~[(65)]~~ [\(66\)](#) "Traffic signal preemption device" means an instrument or mechanism
379 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

380 ~~[(66)]~~ [\(67\)](#) (a) "Trailer" means a vehicle with or without motive power designed for
381 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
382 part of its weight rests upon the towing vehicle.

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

384 ~~[(67)]~~ [\(68\)](#) "Truck" means a motor vehicle designed, used, or maintained primarily for
385 the transportation of property.

386 ~~[(68)]~~ [\(69\)](#) "Truck tractor" means a motor vehicle:

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

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

390 ~~[(69)]~~ [\(70\)](#) "Two-way left turn lane" means a lane:

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

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

393 (c) that has been indicated by a lane traffic-control device that may include lane
394 markings.

395 ~~[(70)]~~ [\(71\)](#) "Urban district" means the territory contiguous to and including any street,
396 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
397 less than 100 feet, for a distance of a quarter of a mile or more.

398 ~~[(71)]~~ [\(72\)](#) (a) "Utility type vehicle" means any recreational vehicle designed for and
399 capable of travel over unimproved terrain:

- 400 (i) traveling on four or more tires;
- 401 (ii) having a width [~~of 30 to 70 inches;~~] that, when measured at the widest point of the
- 402 vehicle:
- 403 (A) is not less than 30 inches; or
- 404 (B) does not exceed 70 inches;
- 405 (iii) having an unladen dry weight of 2,200 pounds or less;
- 406 (iv) having a seat height of [~~25~~] 20 to 40 inches when measured at the forward edge of
- 407 the seat bottom; and
- 408 (v) having side-by-side seating with a steering wheel for control.
- 409 (b) "Utility type vehicle" does not include:
- 410 (i) an all-terrain type I vehicle;
- 411 [~~(ii) an all-terrain type II vehicle;~~]
- 412 [~~(iii)~~] (ii) a motorcycle; or
- 413 [~~(iv)~~] (iii) a snowmobile as defined in Section 41-22-2.
- 414 [~~(72)~~] (73) "Vehicle" means a device in, on, or by which a person or property is or may
- 415 be transported or drawn on a highway, except devices used exclusively on stationary rails or
- 416 tracks.

417 Section 3. Section 41-6a-1509 is amended to read:

418 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

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

420 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I [~~or~~] vehicle, utility

421 type vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be

422 operated as a street-legal ATV on a street or highway unless the highway is an interstate

423 freeway or a limited access highway as defined in Section 41-6a-102.

424 (b) Unless a street or highway is designated as open for street-legal ATV use by the

425 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate

426 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway

427 is under the jurisdiction of:

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

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

432 (a) a motorcycle for:

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

434 (ii) registration, titling, odometer statement, vehicle identification, license plates, and

435 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

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

437 (iv) the county motor vehicle emissions inspection and maintenance programs under

438 Section 41-6a-1642;

439 (b) a motor vehicle for:

440 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

441 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of

442 Motor Vehicle Owners and Operators Act; and

443 (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle

444 Safety Inspection Act, except that ~~it~~ **[f] a [f] [t]**

445 ~~— (A) an all-terrain type I vehicle and a utility type vehicle being operated as a~~ ~~it~~

446 street-legal ATV shall be subject to a safety inspection ~~it~~ **;**

446a ~~(A)~~ ~~it~~ when registered for the first time; and

447 ~~(B)~~ ~~it~~ ~~[a full-sized all-terrain vehicle shall be subject to a safety inspection based on the~~

448 ~~age of the vehicle determined by model year and be conducted]~~ ~~it~~ ~~on the same~~

448a ~~frequency as~~

449 ~~described in Subsection 53-8-205(2)~~ ~~it~~ ~~based on the age of the vehicle as determined by the~~

449a ~~model year identified by the manufacturer~~ ~~it~~ ~~;~~ and

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

451 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business

452 Regulation Act, unless otherwise specified in this section.

453 (3) (a) ~~[A]~~ An all-terrain type I vehicle and a utility type vehicle being operated as a

454 street-legal ATV shall be equipped with:

455 ~~[(a)]~~ (i) one or more headlamps that meet the requirements of Section 41-6a-1603;

456 ~~[(b)]~~ (ii) one or more tail lamps;

457 ~~[(c)]~~ (iii) a tail lamp or other lamp constructed and placed to illuminate the registration

458 plate with a white light;

459 ~~[(d)]~~ (iv) one or more red reflectors on the rear;

460 ~~[(e)]~~ (v) one or more stop lamps on the rear;

461 ~~[(f)]~~ (vi) amber or red electric turn signals, one on each side of the front and rear;

462 ~~(g)~~ (vii) a braking system, other than a parking brake, that meets the requirements of
463 Section [41-6a-1623](#);

464 ~~(h)~~ (viii) a horn or other warning device that meets the requirements of Section
465 [41-6a-1625](#);

466 ~~(i)~~ (ix) a muffler and emission control system that meets the requirements of Section
467 [41-6a-1626](#);

468 ~~(j)~~ (x) rearview mirrors on the right and left side of the driver in accordance with
469 Section [41-6a-1627](#);

470 ~~(k)~~ (xi) a windshield, unless the operator wears eye protection while operating the
471 vehicle;

472 ~~(l)~~ (xii) a speedometer, illuminated for nighttime operation;

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

476 ~~(n)~~ (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant;
477 and

478 ~~(o)~~ (xv) tires that:

479 ~~(i)~~ (A) do not exceed 26 inches in height;

480 ~~(ii)~~ (B) are not larger than the tires that the all-terrain vehicle manufacturer made
481 available for the all-terrain vehicle model; and

482 ~~(iii)~~ (C) have at least 2/32 inches or greater tire tread.

483 (b) A full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle
484 shall be equipped with:

485 (i) two headlamps that meet the requirements of Section [41-6a-1603](#);

486 (ii) two tail lamps;

487 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
488 with a white light;

489 (iv) one or more red reflectors on the rear;

490 (v) two stop lamps on the rear;

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

492 (vii) a braking system, other than a parking brake, that meets the requirements of

493 Section 41-6a-1623;

494 (viii) a horn or other warning device that meets the requirements of Section

495 41-6a-1625;

496 (ix) a muffler and emission control system that meets the requirements of Section

497 41-6a-1626;

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

499 41-6a-1627;

500 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;

501 (xii) a speedometer, illuminated for nighttime operation;

502 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a

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

504 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

505 (xv) tires that:

506 (A) do not exceed 44 inches in height; and

507 (B) have at least 2/32 inches or greater tire tread.

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

511 (i) the posted speed limit; or

512 (ii) 45 miles per hour.

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

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

517 (ii) ~~shall~~ equip the street-legal all-terrain vehicle with a reflector or reflective tape to
518 the front and back of both sides of the vehicle.

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

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

527 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in
528 accordance with Section [41-22-10.5](#).

529 Section 4. Section **41-6a-1629** is amended to read:

530 **41-6a-1629. Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 --**

531 **Definitions.**

532 (1) As used in Sections [41-6a-1629](#) through [41-6a-1633](#):

533 (a) "Frame" means the main longitudinal structural members of the chassis of the
534 vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural
535 member of the body of the vehicle.

536 (b) "Frame height" means the vertical distance between the ground and the lowest point
537 on the frame. The distance is measured when the vehicle is unladen and on a level surface.

538 (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross
539 vehicle weight rating, whether or not the vehicle is modified by use of parts not originally
540 installed by the original manufacturer.

541 (d) "Manufacturer" means any person engaged in manufacturing or assembling new
542 motor vehicles utilizing new parts or components, or a person defined as a manufacturer in
543 current applicable Federal Motor Vehicle Safety Standards and Regulations.

544 (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the
545 axles, chassis, suspension, or body by any means, including tires and wheels, and excluding
546 any load, which affects the frame height of the motor vehicle.

547 (f) "O.E.M." means original equipment manufacturer.

548 (g) "Original equipment" means an item of motor vehicle equipment, including tires,
549 which were installed in or on a motor vehicle or available as an option for the particular vehicle
550 from the original manufacturer at the time of its delivery to the first purchaser.

551 (h) "Wheel track" means the shortest distance between the center of the tire treads on
552 the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is
553 used for all calculations.

554 (2) (a) Except as provided in ~~Subsection~~ Subsections (2)(b) and (c), the provisions of

555 Sections [41-6a-1629](#) through [41-6a-1633](#) apply to all motor vehicles operated or parked on a
556 highway.

557 (b) The provisions of Sections [41-6a-1629](#) through [41-6a-1633](#) do not apply to the
558 following vehicles:

559 (i) implements of husbandry;

560 (ii) farm tractors;

561 (iii) road machinery;

562 (iv) road rollers; and

563 (v) historical vehicles or horseless carriages that have been restored as near to original
564 condition as is reasonably possible.

565 (c) The provisions of Subsection [41-6a-1631\(2\)](#) and Sections [41-6a-1632](#) and
566 [41-6a-1633](#) do not apply to a street-legal all-terrain vehicle operated in accordance with
567 Section [41-6a-1509](#).

568 Section 5. Section **41-22-2** is amended to read:

569 **41-22-2. Definitions.**

570 As used in this chapter:

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

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

577 (3) (a) "All-terrain type II vehicle" means any other motor vehicle, not defined in
578 Subsection (2), (11), or (22), designed for or capable of travel over unimproved terrain.

579 [~~(b) "All-terrain type II vehicle" includes a class A side-by-side vehicle.~~]

580 [(~~e~~)] (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed
581 to carry a person with a disability, any vehicle not specifically designed for recreational use, or
582 farm tractors as defined under Section [41-1a-102](#).

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

584 [~~(5) "Class A side-by-side vehicle" means any motor vehicle 65 inches or less in width,~~
585 ~~having an unladen dry weight of 2,000 pounds or less, traveling on four or more non-highway~~

586 tires, and designed for or capable of travel over unimproved terrain.]

587 [~~(6)~~] (5) "Cross-country" means across natural terrain and off an existing highway,
588 road, route, or trail.

589 [~~(7)~~] (6) "Dealer" means a person engaged in the business of selling off-highway
590 vehicles at wholesale or retail.

591 [~~(8)~~] (7) "Division" means the Division of Parks and Recreation.

592 [~~(9)~~] (8) "Low pressure tire" means any pneumatic tire six inches or more in width
593 designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating
594 pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

595 [~~(10)~~] (9) "Manufacturer" means a person engaged in the business of manufacturing
596 off-highway vehicles.

597 [~~(11)~~] (10) "Motorcycle" means every motor vehicle having a saddle for the use of the
598 operator and designed to travel on not more than two tires.

599 [~~(12)~~] (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

600 (b) "Motor vehicle" includes an off-highway vehicle.

601 [~~(13)~~] (12) "Off-highway implement of husbandry" means every all-terrain type I
602 vehicle, motorcycle, or snowmobile that is used by the owner or the owner's agent for
603 agricultural operations.

604 [~~(14)~~] (13) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
605 all-terrain type II vehicle, or motorcycle.

606 [~~(15)~~] (14) "Operate" means to control the movement of or otherwise use an
607 off-highway vehicle.

608 [~~(16)~~] (15) "Operator" means the person who is in actual physical control of an
609 off-highway vehicle.

610 [~~(17)~~] (16) "Organized user group" means an off-highway vehicle organization
611 incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
612 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle
613 recreation.

614 [~~(18)~~] (17) "Owner" means a person, other than a person with a security interest,
615 having a property interest or title to an off-highway vehicle and entitled to the use and
616 possession of that vehicle.

617 [~~(19)~~] (18) "Public land" means land owned or administered by any federal or state
618 agency or any political subdivision of the state.

619 [~~(20)~~] (19) "Register" means the act of assigning a registration number to an
620 off-highway vehicle.

621 [~~(21)~~] (20) "Roadway" is used as defined in Section 41-6a-102.

622 [~~(22)~~] (21) "Snowmobile" means any motor vehicle designed for travel on snow or ice
623 and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
624 tires.

625 [~~(23)~~] (22) "Street or highway" means the entire width between boundary lines of every
626 way or place of whatever nature, when any part of it is open to the use of the public for
627 vehicular travel.

628 [~~(24)~~] (23) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same
629 meaning as defined in Section 41-6a-102.

Legislative Review Note
as of 2-17-14 9:31 AM

Office of Legislative Research and General Counsel