

Senator Lincoln Fillmore proposes the following substitute bill:

STREET-LEGAL ATV AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Mark A. Strong

LONG TITLE

General Description:

This bill modifies provisions related to the operation of street-legal all-terrain vehicles.

Highlighted Provisions:

This bill:

- ▶ addresses circumstances under which certain all-terrain vehicles may operate as a street-legal all-terrain vehicle on a highway; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1509, as last amended by Laws of Utah 2018, Chapters 166 and 373

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

Section 1. Section **41-6a-1509** is amended to read:

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



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

27 (1) (a) ~~[An]~~ Except as provided in Subsections (1)(b) or (c), an individual may operate
28 an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets
29 the requirements of this section ~~[may be operated]~~ as a street-legal ATV on a street or highway
30 ~~[unless:].~~

31 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II
32 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

33 (i) the highway is an interstate ~~[freeway]~~ system as defined in Section ~~[41-6a-102]~~
34 72-1-102; or

35 (ii) ~~[(A)]~~ the highway is in a county of the first class[;] and both of the following
36 criteria are met:

37 ~~[(B)]~~ (A) the highway is near a grade separated portion of the highway; and

38 ~~[(C)]~~ (B) the highway has a posted speed limit ~~[of]~~ higher than 50 miles per hour ~~[or~~
39 greater; and].

40 ~~[(D) the highway authority with jurisdiction over the highway has designated a portion~~
41 ~~of a highway as closed to street-legal ATVs.]~~

42 ~~[(b) The restriction to street-legal ATVs described in Subsection (1)(a)(ii) is effective~~
43 ~~when appropriate signs giving notice are erected on the highway or portion of the highway.]~~

44 (c) An individual that is part of a commercial tour group may only operate an
45 all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle as a street-legal
46 ATV on a designated highway within the boundaries of a municipality if the municipality has:

47 (i) imposed an additional resort communities sales tax pursuant to Section 59-12-402;
48 and

49 (ii) enacted an ordinance designating certain highways on which a commercial tour
50 group may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III
51 vehicle as a street-legal ATV.

52 ~~[(e)]~~ (d) Nothing in this section authorizes the operation of a street-legal ATV in an
53 area that is not open to motor vehicle use.

54 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
55 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

56 (a) a motorcycle for:

- 57 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
- 58 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
- 59 excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and
- 60 (iii) the county motor vehicle emissions inspection and maintenance programs under
- 61 Section [41-6a-1642](#);
- 62 (b) a motor vehicle for:
 - 63 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
 - 64 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
 - 65 Motor Vehicle Owners and Operators Act; and
 - 66 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
 - 67 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
 - 68 Regulation Act, unless otherwise specified in this section.
- 69 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
- 70 shall ensure that the vehicle is equipped with:
 - 71 (i) one or more headlamps that meet the requirements of Section [41-6a-1603](#);
 - 72 (ii) one or more tail lamps;
 - 73 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
 - 74 with a white light;
 - 75 (iv) one or more red reflectors on the rear;
 - 76 (v) one or more stop lamps on the rear;
 - 77 (vi) amber or red electric turn signals, one on each side of the front and rear;
 - 78 (vii) a braking system, other than a parking brake, that meets the requirements of
 - 79 Section [41-6a-1623](#);
 - 80 (viii) a horn or other warning device that meets the requirements of Section
 - 81 [41-6a-1625](#);
 - 82 (ix) a muffler and emission control system that meets the requirements of Section
 - 83 [41-6a-1626](#);
 - 84 (x) rearview mirrors on the right and left side of the driver in accordance with Section
 - 85 [41-6a-1627](#);
 - 86 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
 - 87 (xii) a speedometer, illuminated for nighttime operation;

88 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
89 seat designed for passengers~~[-including a footrest and handhold for each passenger];~~ and
90 (xiv) tires that:
91 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
92 for the all-terrain vehicle model; and
93 (B) have at least 2/32 inches or greater tire tread.
94 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
95 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
96 (i) two headlamps that meet the requirements of Section 41-6a-1603;
97 (ii) two tail lamps;
98 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
99 with a white light;
100 (iv) one or more red reflectors on the rear;
101 (v) two stop lamps on the rear;
102 (vi) amber or red electric turn signals, one on each side of the front and rear;
103 (vii) a braking system, other than a parking brake, that meets the requirements of
104 Section 41-6a-1623;
105 (viii) a horn or other warning device that meets the requirements of Section
106 41-6a-1625;
107 (ix) a muffler and emission control system that meets the requirements of Section
108 41-6a-1626;
109 (x) rearview mirrors on the right and left side of the driver in accordance with Section
110 41-6a-1627;
111 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
112 (xii) a speedometer, illuminated for nighttime operation;
113 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
114 seat designed for passengers;
115 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
116 occupant;
117 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
118 of the seat bottom; and

119 (xvi) tires that:

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

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

122 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
123 with wheel covers, mudguards, flaps, or splash aprons.

124 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
125 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
126 exceed the lesser of:

127 (i) the posted speed limit; or

128 (ii) 50 miles per hour.

129 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
130 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

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

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

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

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

143 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating
144 the off-highway vehicle in accordance with Section [41-22-10.5](#).

145 (7) A violation of this section is an infraction.