

SB0044S01 compared with SB0044

~~{deleted text}~~ shows text that was in SB0044 but was deleted in SB0044S01.

Inserted text shows text that was not in SB0044 but was inserted into SB0044S01.

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~~{STREET-LEGAL}~~ 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:

SB0044S01 compared with SB0044

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 --

Registration and licensing requirements -- Equipment requirements.

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

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

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

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

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

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

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

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

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

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

(ii) enacted an ordinance designating certain highways on which a commercial tour group may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III

SB0044S01 compared with SB0044

vehicle as a street-legal ATV.

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

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

(a) a motorcycle for:

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

(ii) titling, odometer statement, vehicle identification, license plates, and registration, excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and

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

(b) a motor vehicle for:

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

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

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

(3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:

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

(ii) one or more tail lamps;

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

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

(v) one or more stop lamps on the rear;

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

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

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

SB0044S01 compared with SB0044

- (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
- (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
- (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- (xii) a speedometer, illuminated for nighttime operation;
- (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers[, including a footrest and handhold for each passenger]; and
- (xiv) tires that:
 - (A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
 - (B) have at least 2/32 inches or greater tire tread.
- (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
 - (i) two headlamps that meet the requirements of Section 41-6a-1603;
 - (ii) two tail lamps;
 - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
 - (iv) one or more red reflectors on the rear;
 - (v) two stop lamps on the rear;
 - (vi) amber or red electric turn signals, one on each side of the front and rear;
 - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
 - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
 - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
 - (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
 - (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
 - (xii) a speedometer, illuminated for nighttime operation;

SB0044S01 compared with SB0044

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

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

(xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and

(xvi) tires that:

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

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

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

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

(i) the posted speed limit; or

(ii) 50 miles per hour.

(b) 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 50 miles per hour, shall:

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

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

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

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

(6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating

SB0044S01 compared with SB0044

the off-highway vehicle in accordance with Section 41-22-10.5.

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