

1 **OFF-HIGHWAY VEHICLE REGISTRATION REQUIREMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carl R. Albrecht**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill exempts a snowmobile from the requirement to obtain and display a license
10 plate for an off-highway vehicle and amends provisions related to off-highway vehicle
11 safety courses.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ exempts a snowmobile from the requirement to obtain and display a license plate
15 for an off-highway vehicle;
- 16 ▶ allows the Motor Vehicle Division to charge a fee for the issuance of a new or
17 replacement license plate;
- 18 ▶ amends requirements related to off-highway safety courses; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 This bill provides retrospective operation.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-22-3**, as last amended by Laws of Utah 2022, Chapter 143

28 **41-22-5.1**, as last amended by Laws of Utah 2022, Chapters 68, 143

29 **41-22-19**, as last amended by Laws of Utah 2022, Chapters 68, 143

30 41-22-32, as last amended by Laws of Utah 2022, Chapter 57

31 REPEALS AND REENACTS:

32 41-22-31, as last amended by Laws of Utah 2022, Chapters 57, 68 and 143

33

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

35 Section 1. Section 41-22-3 is amended to read:

36 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
37 **Proof of property tax payment -- Records.**

38 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport
39 and an owner may not give another person permission to operate or transport any off-highway
40 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
41 is registered under this chapter for the current year.

42 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
43 vehicle which can be used or transported on any public land, trail, street, or highway in this
44 state, unless the off-highway vehicle is registered or is in the process of being registered under
45 this chapter for the current year.

46 (c) Unless specifically provided in this chapter, the division shall administer license
47 plates, decals, and registration of off-highway vehicles in accordance with Chapter 1a, Motor
48 Vehicle Act.

49 (2) (a) The owner of an off-highway vehicle subject to registration under this chapter
50 shall apply to the Motor Vehicle Division for registration on forms approved by the Motor
51 Vehicle Division.

52 (b) An owner of an off-highway vehicle may apply for automatic registration renewal
53 as described in Section 41-1a-216.

54 (3) Each application for registration of an off-highway vehicle shall be accompanied
55 by:

56 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
57 sale showing ownership, make, model, horsepower or displacement, and serial number;

58 (b) the past registration card; or

59 (c) the fee for a duplicate.

60 (4) (a) (i) Beginning on January 1, 2023, except as provided in Subsection (4)(e), the
61 first time an off-highway vehicle is registered, the Motor Vehicle Division shall issue one
62 off-highway vehicle license plate, a registration decal, and a registration card.

63 (ii) If an off-highway vehicle has been registered previously in this state but has not
64 been issued an off-highway vehicle license plate, beginning on January 1, 2023, upon
65 application for registration renewal, the Motor Vehicle Division shall issue one off-highway
66 vehicle license plate, a registration decal, and a registration card.

67 (b) Upon each annual registration, the Motor Vehicle Division shall issue a registration
68 decal and a registration card for each off-highway vehicle registered.

69 (c) The off-highway vehicle license plate:

70 (i) shall contain a unique five-digit number, using numbers, letters, or a combination of
71 numbers and letters, to identify the off-highway vehicle for which it is issued;

72 (ii) shall be affixed to the rear of the off-highway vehicle for which it is issued in a
73 plainly visible and upright position as prescribed by rule of the division under Section
74 [41-22-5.1](#);

75 (iii) shall be maintained free of foreign materials and in a condition to be clearly
76 legible;

77 (iv) shall be a distinct tan color with black lettering to identify the license plate as an
78 off-highway vehicle license plate;

79 (v) shall have a location to attach the registration decal; and

80 (vi) may not be a personalized license plate or a special group license plate.

81 (d) At all times, a registration card shall be kept with the off-highway vehicle and shall
82 be available for inspection by a law enforcement officer.

83 (e) An off-highway vehicle that is a motorcycle or a snowmobile is:

84 (i) not required to obtain or display an off-highway vehicle license plate; and

85 (ii) required to obtain and display an off-highway vehicle registration sticker.

86 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
87 registration decal shall provide the Motor Vehicle Division a certificate, described under
88 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
89 situs for taxation.

90 (b) The certificate required under Subsection (5)(a) shall state one of the following:

91 (i) the property tax on the off-highway vehicle for the current year has been paid;

92 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
93 secure the payment of the tax; or

94 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
95 current year.

96 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
97 has been issued in accordance with Section 41-22-5.5 is:

98 (i) exempt from the requirement under this Subsection (5);

99 (ii) not required to obtain or purchase an off-highway vehicle license plate; and

100 (iii) required to obtain and display an off-highway vehicle registration sticker.

101 (6) (a) All records of the division made or kept under this section shall be classified by
102 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
103 Section 41-1a-116.

104 (b) Division records are available for inspection in the same manner as motor vehicle
105 records under Section 41-1a-116.

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

107 Section 2. Section 41-22-5.1 is amended to read:

108 **41-22-5.1. Rules of division relating to display of registration stickers.**

109 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
110 division, after notifying the commission, shall make rules for the display of an off-highway
111 vehicle license plate and registration decal on an off-highway vehicle in accordance with
112 Section 41-22-3.

113 Section 3. Section 41-22-19 is amended to read:

114 **41-22-19. Deposit of fees and related money into Off-highway Vehicle Account --**
115 **Use for facilities, costs and expenses of division, and education -- Request for matching**
116 **funds.**

117 (1) (a) Except as provided under Subsections (3) [~~and (4)~~] through (5) and Sections
118 41-22-34 and 41-22-36, registration fees and related money collected by the Motor Vehicle
119 Division or any agencies designated to act for the Motor Vehicle Division under this chapter
120 shall be deposited as restricted revenue into the Off-highway Vehicle Account in the General
121 Fund less the costs incurred by the Motor Vehicle Division for collecting off-highway vehicle
122 registration fees [~~or issuing an off-highway vehicle license plate~~].

123 (b) The balance of the money may be used by the division:

124 (i) for the construction, improvement, operation, acquisition, or maintenance of
125 publicly owned or administered off-highway vehicle facilities, including public access
126 facilities;

127 (ii) for the mitigation of impacts associated with off-highway vehicle use;

128 (iii) for the education of off-highway vehicle users;

129 (iv) for off-highway vehicle access protection;

130 (v) to support off-highway vehicle search and rescue activities and programs;

131 (vi) to promote and encourage off-highway vehicle tourism;

132 (vii) for other uses that further the policy set forth in Section 41-22-1;

133 (viii) as grants or matching funds with a federal agency, state agency, political
134 subdivision of the state, or organized user group for any of the uses described in Subsections
135 (1)(b)(i) through (vii); and

136 (ix) for the administration and enforcement of this chapter.

137 (2) An agency or political subdivision requesting matching funds shall submit plans for
138 proposed off-highway vehicle facilities to the division for review and approval.

139 (3) (a) One dollar and 50 cents of each annual registration fee collected under
140 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
141 41-22-35(2) shall be deposited into the Land Grant Management Fund created under Section

142 53C-3-101.

143 (b) The Utah School and Institutional Trust Lands Administration shall use the money
144 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
145 accessible lands within its jurisdiction as follows:

146 (i) to improve recreational opportunities on trust lands by constructing, improving,
147 maintaining, or perfecting access for off-highway vehicle trails; and

148 (ii) to mitigate impacts associated with off-highway vehicle use.

149 (c) An unused balance of the money deposited under Subsection (3)(a) exceeding
150 \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account
151 under Subsection (1).

152 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
153 41-22-8(1) shall be deposited into the Utah Highway Patrol Aero Bureau Restricted Account
154 created in Section 53-8-303.

155 (5) (a) The Motor Vehicle Division shall collect a fee for any new or replacement
156 license plate issued under this chapter.

157 (b) The fee described in Subsection (5)(a) shall be an amount equal to the fee for a new
158 or replacement license plate as established pursuant to Section 63J-1-504.

159 (c) The commission shall use the revenue generated by the fee described in Subsection
160 (5)(a) to cover the costs of issuing license plates under this chapter in the same manner as
161 described in Subsection 41-1a-1201(3).

162 [~~5~~] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
163 Act, the division, after notifying the commission, shall make rules as necessary to implement
164 this section.

165 Section 4. Section 41-22-31 is repealed and reenacted to read:

166 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
167 **-- Cooperation with public and private entities -- State immunity from suit.**

168 (1) (a) The division shall:

169 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

170 make rules, after notifying the commission, that establish curriculum standards for a
171 comprehensive off-highway vehicle safety education and training program as described in this
172 section; and

173 (ii) implement the program.

174 (b) (i) The division shall design the program to develop and instill the knowledge,
175 attitudes, habits, and skills necessary for the safe and ethical operation of an off-highway
176 vehicle.

177 (ii) Components of the program shall include:

178 (A) the preparation and dissemination of off-highway vehicle information and safety
179 advice to the public;

180 (B) the training of off-highway vehicle operators;

181 (C) education concerning the importance of gates and fences used in agriculture and
182 how to properly close a gate; and

183 (D) education concerning respectful, sustainable, and on-trail off-highway vehicle
184 operation, and respect for communities affected by off-highway vehicle operation.

185 (iii) Off-highway vehicle safety certificates shall be issued to those who successfully
186 complete training or pass the knowledge and skills test established under the program and
187 described in Subsections (2) and (3).

188 (iv) The division shall ensure that an individual has the option to complete the program
189 online.

190 (2) Except as provided in Subsection (4), an individual under 18 years old may not
191 operate an off-highway vehicle on public lands in this state unless the individual has completed
192 the requirements of the program established in accordance with this section and rules made in
193 accordance with Subsection (1) by completing:

194 (a) an in-person safety and skills course offered by the division; or

195 (b) a safety and skills course approved by the division that is offered online.

196 (3) Except as provided in Subsection (4), an individual that is 18 years old or older
197 may not operate an off-highway vehicle on public lands in this state unless the individual has

198 completed the requirements of the program established in accordance with this section and
199 rules made in accordance with Subsection (1) by completing:

200 (a) a course described in Subsection (2); or

201 (b) a one-time course offered or approved by the division.

202 (4) The requirements described in this section do not apply to:

203 (a) a snowmobile or an off-highway implement of husbandry; or

204 (b) an individual operating an off-highway vehicle as part of a guided tour or a
205 sanctioned off-highway vehicle event.

206 (5) A person may not rent an off-highway vehicle to an individual until the individual
207 who will operate the off-highway vehicle presents a certificate of completion of the
208 off-highway vehicle safety education and training program established in accordance with this
209 section and rules made under Subsection (1).

210 (6) The division may cooperate with appropriate private organizations and
211 associations, private and public corporations, and local government units to implement the
212 program established under this section.

213 (7) In addition to the governmental immunity granted in Title 63G, Chapter 7,
214 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
215 act, in any capacity relating to the off-highway vehicle safety education and training program.
216 The state is also not responsible for any insufficiency or inadequacy in the quality of training
217 provided by this program.

218 (8) A person convicted of a violation of this section is guilty of an infraction and shall
219 be fined not more than \$150 per offense.

220 Section 5. Section **41-22-32** is amended to read:

221 **41-22-32. Approval of safety courses.**

222 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
223 the division may make rules, after consultation with the commission, that establish standards
224 for an off-highway vehicle safety course for instruction on the safe operation of an off-highway
225 vehicle.

226 (b) The division shall require that the information described in Subsection
227 [~~41-22-31(1)(c)(iii)~~] 41-22-31(1)(b)(ii) be part of an off-highway vehicle safety course for
228 instruction on the safe operation of an off-highway vehicle.

229 (2) If a private organization meets the standards set by the division under Subsection
230 (1), the division shall approve the off-highway vehicle safety course as compliant with the
231 standards and purposes of this chapter.

232 **Section 6. Effective date.**

233 If approved by two-thirds of all the members elected to each house, this bill takes effect
234 upon approval by the governor, or the day following the constitutional time limit of Utah
235 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
236 the date of veto override.

237 **Section 7. Retrospective operation.**

238 The following sections have retrospective operation to January 1, 2023:

239 (1) Section [41-22-3](#); and

240 (2) Section [41-22-19](#).