

**MODIFIED CAR EMISSIONS REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John D. Johnson**

House Sponsor: Ryan D. Wilcox

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**LONG TITLE**

**General Description:**

This bill defines a restored-modified motor vehicle and provides procedures for an emissions test as a prerequisite to registration of the restored-modified motor vehicle, if required.

**Highlighted Provisions:**

This bill:

- ▶ defines the term, "restored modified vehicle";
- ▶ at the request of the owner, allows the Motor Vehicle Division to notate the registration certificate of a restored-modified vehicle indicating that the vehicle is a restored-modified vehicle;
- ▶ requires an emissions inspection as a prerequisite to registration of a restored-modified vehicle;
- ▶ prohibits a county emissions program from refusing to perform an emissions test based solely on the status of a vehicle as a restored-modified vehicle; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **41-1a-102**, as last amended by Laws of Utah 2022, Chapters 92, 180

30 **41-1a-201**, as last amended by Laws of Utah 2022, Chapter 259

31 **41-1a-202**, as last amended by Laws of Utah 2019, Chapters 251, 459

32 **41-1a-226**, as last amended by Laws of Utah 2022, Chapter 259

33 **41-6a-102**, as last amended by Laws of Utah 2022, Chapters 86, 92 and 104

34 **41-6a-1642**, as last amended by Laws of Utah 2022, Chapters 160, 259

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

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

38 **41-1a-102. Definitions.**

39 As used in this chapter:

40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of  
42 vehicles as operated and certified to by a weighmaster.

43 (3) "All-terrain type I vehicle" means the same as that term is defined in Section  
44 **41-22-2**.

45 (4) "All-terrain type II vehicle" means the same as that term is defined in Section  
46 **41-22-2**.

47 (5) "All-terrain type III vehicle" means the same as that term is defined in Section  
48 **41-22-2**.

49 (6) "Alternative fuel vehicle" means:

50 (a) an electric motor vehicle;

51 (b) a hybrid electric motor vehicle;

52 (c) a plug-in hybrid electric motor vehicle; or

53 (d) a motor vehicle powered exclusively by a fuel other than:

54 (i) motor fuel;

55 (ii) diesel fuel;

56 (iii) natural gas; or

57 (iv) propane.

58 (7) "Amateur radio operator" means a person licensed by the Federal Communications

59 Commission to engage in private and experimental two-way radio operation on the amateur  
60 band radio frequencies.

61 (8) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

62 (9) "Automated driving system" means the same as that term is defined in Section  
63 [41-26-102.1](#).

64 (10) "Branded title" means a title certificate that is labeled:

65 (a) rebuilt and restored to operation;

66 (b) flooded and restored to operation; or

67 (c) not restored to operation.

68 (11) "Camper" means a structure designed, used, and maintained primarily to be  
69 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a  
70 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for  
71 camping.

72 (12) "Certificate of title" means a document issued by a jurisdiction to establish a  
73 record of ownership between an identified owner and the described vehicle, vessel, or outboard  
74 motor.

75 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a  
76 weighmaster.

77 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or  
78 maintained for the transportation of persons or property that operates:

79 (a) as a carrier for hire, compensation, or profit; or

80 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the  
81 owner's commercial enterprise.

82 (15) "Commission" means the State Tax Commission.

83 (16) "Consumer price index" means the same as that term is defined in Section  
84 [59-13-102](#).

85 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,  
86 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on  
87 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established  
88 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

89 (18) "Diesel fuel" means the same as that term is defined in Section [59-13-102](#).

90 (19) "Division" means the Motor Vehicle Division of the commission, created in  
91 Section 41-1a-106.

92 (20) "Dynamic driving task" means the same as that term is defined in Section  
93 41-26-102.1.

94 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an  
95 electric motor drawing current from a rechargeable energy storage system.

96 (22) "Essential parts" means the integral and body parts of a vehicle of a type required  
97 to be registered in this state, the removal, alteration, or substitution of which would tend to  
98 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type,  
99 or mode of operation.

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

102 (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for  
103 the owner's or operator's own use in the transportation of:

104 (i) farm products, including livestock and its products, poultry and its products,  
105 floricultural and horticultural products;

106 (ii) farm supplies, including tile, fence, and any other thing or commodity used in  
107 agricultural, floricultural, horticultural, livestock, and poultry production; and

108 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or  
109 other purposes connected with the operation of a farm.

110 (b) "Farm truck" does not include the operation of trucks by commercial processors of  
111 agricultural products.

112 (25) "Fleet" means one or more commercial vehicles.

113 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into  
114 this state from another state, territory, or country other than in the ordinary course of business  
115 by or through a manufacturer or dealer, and not registered in this state.

116 (27) "Gross laden weight" means the actual weight of a vehicle or combination of  
117 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

118 (28) "Highway" or "street" means the entire width between property lines of every way  
119 or place of whatever nature when any part of it is open to the public, as a matter of right, for  
120 purposes of vehicular traffic.

121 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion  
122 energy from onboard sources of stored energy that are both:

123 (a) an internal combustion engine or heat engine using consumable fuel; and

124 (b) a rechargeable energy storage system where energy for the storage system comes  
125 solely from sources onboard the vehicle.

126 (30) (a) "Identification number" means the identifying number assigned by the  
127 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard  
128 motor.

129 (b) "Identification number" includes a vehicle identification number, state assigned  
130 identification number, hull identification number, and motor serial number.

131 (31) "Implement of husbandry" means a vehicle designed or adapted and used  
132 exclusively for an agricultural operation and only incidentally operated or moved upon the  
133 highways.

134 (32) (a) "In-state miles" means the total number of miles operated in this state during  
135 the preceding year by fleet power units.

136 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the  
137 total number of miles that those vehicles were towed on Utah highways during the preceding  
138 year.

139 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,  
140 province, territory, or possession of the United States or foreign country.

141 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or  
142 possession of the United States or any foreign country.

143 (35) "Lienholder" means a person with a security interest in particular property.

144 (36) "Manufactured home" means a transportable factory built housing unit constructed  
145 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards  
146 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body  
147 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more  
148 square feet, and which is built on a permanent chassis and designed to be used as a dwelling  
149 with or without a permanent foundation when connected to the required utilities, and includes  
150 the plumbing, heating, air-conditioning, and electrical systems.

151 (37) "Manufacturer" means a person engaged in the business of constructing,

152 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or  
153 outboard motors for the purpose of sale or trade.

154 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured  
155 for use by armed forces and that is maintained in a condition that represents the vehicle's  
156 military design and markings regardless of current ownership or use.

157 (39) "Mobile home" means a transportable factory built housing unit built prior to June  
158 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
159 Manufactured Housing and Safety Standards Act (HUD Code).

160 (40) "Motor fuel" means the same as that term is defined in Section [59-13-102](#).

161 (41) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and  
162 operation on the highways.

163 (b) "Motor vehicle" does not include:

164 (i) an off-highway vehicle; or

165 (ii) a motor assisted scooter as defined in Section [41-6a-102](#).

166 (42) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

167 (43) "Motorcycle" means:

168 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not  
169 more than three wheels in contact with the ground; or

170 (b) an auticycle.

171 (44) "Natural gas" means a fuel of which the primary constituent is methane.

172 (45) (a) "Nonresident" means a person who is not a resident of this state as defined by  
173 Section [41-1a-202](#), and who does not engage in intrastate business within this state and does  
174 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

175 (b) A person who engages in intrastate business within this state and operates in that  
176 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in  
177 interstate commerce, maintains a vehicle in this state as the home station of that vehicle is  
178 considered a resident of this state, insofar as that vehicle is concerned in administering this  
179 chapter.

180 (46) "Odometer" means a device for measuring and recording the actual distance a  
181 vehicle travels while in operation, but does not include any auxiliary odometer designed to be  
182 periodically reset.

183 (47) "Off-highway implement of husbandry" means the same as that term is defined in  
184 Section 41-22-2.

185 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

186 (49) (a) "Operate" means:

187 (i) to navigate a vessel; or

188 (ii) collectively, the activities performed in order to perform the entire dynamic driving  
189 task for a given motor vehicle by:

190 (A) a human driver as defined in Section 41-26-102.1; or

191 (B) an engaged automated driving system.

192 (b) "Operate" includes testing of an automated driving system.

193 (50) "Outboard motor" means a detachable self-contained propulsion unit, excluding  
194 fuel supply, used to propel a vessel.

195 (51) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,  
196 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a  
197 security interest.

198 (b) If a vehicle is the subject of an agreement for the conditional sale or installment  
199 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions  
200 stated in the agreement and with an immediate right of possession vested in the conditional  
201 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the  
202 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this  
203 chapter.

204 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the  
205 owner until the lessee exercises the lessee's option to purchase the vehicle.

206 (52) "Park model recreational vehicle" means a unit that:

207 (a) is designed and marketed as temporary living quarters for recreational, camping,  
208 travel, or seasonal use;

209 (b) is not permanently affixed to real property for use as a permanent dwelling;

210 (c) requires a special highway movement permit for transit; and

211 (d) is built on a single chassis mounted on wheels with a gross trailer area not  
212 exceeding 400 square feet in the setup mode.

213 (53) "Personalized license plate" means a license plate that has displayed on it a

214 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned  
215 to the vehicle by the division.

216 (54) (a) "Pickup truck" means a two-axle motor vehicle with motive power  
217 manufactured, remanufactured, or materially altered to provide an open cargo area.

218 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a  
219 camper, camper shell, tarp, removable top, or similar structure.

220 (55) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that  
221 has the capability to charge the battery or batteries used for vehicle propulsion from an  
222 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle  
223 while the vehicle is in motion.

224 (56) "Pneumatic tire" means a tire in which compressed air is designed to support the  
225 load.

226 (57) "Preceding year" means a period of 12 consecutive months fixed by the division  
227 that is within 16 months immediately preceding the commencement of the registration or  
228 license year in which proportional registration is sought. The division in fixing the period shall  
229 conform it to the terms, conditions, and requirements of any applicable agreement or  
230 arrangement for the proportional registration of vehicles.

231 (58) "Public garage" means a building or other place where vehicles or vessels are kept  
232 and stored and where a charge is made for the storage and keeping of vehicles and vessels.

233 (59) "Receipt of surrender of ownership documents" means the receipt of surrender of  
234 ownership documents described in Section [41-1a-503](#).

235 (60) "Reconstructed vehicle" means a vehicle of a type required to be registered in this  
236 state that is materially altered from its original construction by the removal, addition, or  
237 substitution of essential parts, new or used.

238 (61) "Recreational vehicle" means the same as that term is defined in Section  
239 [13-14-102](#).

240 (62) "Registration" means a document issued by a jurisdiction that allows operation of  
241 a vehicle or vessel on the highways or waters of this state for the time period for which the  
242 registration is valid and that is evidence of compliance with the registration requirements of the  
243 jurisdiction.

244 (63) (a) "Registration year" means a 12 consecutive month period commencing with



245 the completion of the applicable registration criteria.

246 (b) For administration of a multistate agreement for proportional registration the  
247 division may prescribe a different 12-month period.

248 (64) "Repair or replacement" means the restoration of vehicles, vessels, or outboard  
249 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,  
250 or outboard motor, or by correcting the inoperative part.

251 (65) "Replica vehicle" means:

252 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

253 (b) a custom vehicle that meets the requirements under Subsection  
254 41-6a-1507(1)(a)(i)(B).

255 (66) "Restored-modified vehicle" means a motor vehicle that has been restored and  
256 modified with modern parts and technology, including emission control technology and an  
257 on-board diagnostic system.

258 [~~(66)~~] (67) "Road tractor" means a motor vehicle designed and used for drawing other  
259 vehicles and constructed so it does not carry any load either independently or any part of the  
260 weight of a vehicle or load that is drawn.

261 [~~(67)~~] (68) "Sailboat" means the same as that term is defined in Section 73-18-2.

262 [~~(68)~~] (69) "Security interest" means an interest that is reserved or created by a security  
263 agreement to secure the payment or performance of an obligation and that is valid against third  
264 parties.

265 [~~(69)~~] (70) "Semitrailer" means a vehicle without motive power designed for carrying  
266 persons or property and for being drawn by a motor vehicle and constructed so that some part  
267 of its weight and its load rests or is carried by another vehicle.

268 [~~(70)~~] (71) "Special group license plate" means a type of license plate designed for a  
269 particular group of people or a license plate authorized and issued by the division in accordance  
270 with Section 41-1a-418.

271 [~~(71)~~] (72) (a) "Special interest vehicle" means a vehicle used for general  
272 transportation purposes and that is:

273 (i) 20 years or older from the current year; or

274 (ii) a make or model of motor vehicle recognized by the division director as having  
275 unique interest or historic value.

276 (b) In making a determination under Subsection [~~(71)(a)~~], (72)(a), the division director  
277 shall give special consideration to:

- 278 (i) a make of motor vehicle that is no longer manufactured;
- 279 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 280 (iii) a make or model of motor vehicle produced as an experimental vehicle or one  
281 designed exclusively for educational purposes or museum display; or
- 282 (iv) a motor vehicle of any age or make that has not been substantially altered or  
283 modified from original specifications of the manufacturer and because of its significance is  
284 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a  
285 leisure pursuit.

286 [~~(72)~~] (73) (a) "Special mobile equipment" means a vehicle:

- 287 (i) not designed or used primarily for the transportation of persons or property;
- 288 (ii) not designed to operate in traffic; and
- 289 (iii) only incidentally operated or moved over the highways.

290 (b) "Special mobile equipment" includes:

- 291 (i) farm tractors;
- 292 (ii) off-road motorized construction or maintenance equipment including backhoes,  
293 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 294 (iii) ditch-digging apparatus.

295 (c) "Special mobile equipment" does not include a commercial vehicle as defined  
296 under Section 72-9-102.

297 [~~(73)~~] (74) "Specially constructed vehicle" means a vehicle of a type required to be  
298 registered in this state, not originally constructed under a distinctive name, make, model, or  
299 type by a generally recognized manufacturer of vehicles, and not materially altered from its  
300 original construction.

301 [~~(74)~~] (75) "State impound yard" means a yard for the storage of a vehicle, vessel, or  
302 outboard motor that meets the requirements of rules made by the commission pursuant to  
303 Subsection 41-1a-1101(5).

304 [~~(75)~~] (76) "Title" means the right to or ownership of a vehicle, vessel, or outboard  
305 motor.

306 [~~(76)~~] (77) (a) "Total fleet miles" means the total number of miles operated in all

307 jurisdictions during the preceding year by power units.

308 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means  
309 the number of miles that those vehicles were towed on the highways of all jurisdictions during  
310 the preceding year.

311 [~~(77)~~] (78) "Tow truck motor carrier" means the same as that term is defined in Section  
312 72-9-102.

313 [~~(78)~~] (79) "Tow truck operator" means the same as that term is defined in Section  
314 72-9-102.

315 [~~(79)~~] (80) "Trailer" means a vehicle without motive power designed for carrying  
316 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
317 its weight rests upon the towing vehicle.

318 [~~(80)~~] (81) "Transferee" means a person to whom the ownership of property is  
319 conveyed by sale, gift, or any other means except by the creation of a security interest.

320 [~~(81)~~] (82) "Transferor" means a person who transfers the person's ownership in  
321 property by sale, gift, or any other means except by creation of a security interest.

322 [~~(82)~~] (83) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable  
323 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or  
324 vacation use that does not require a special highway movement permit when drawn by a  
325 self-propelled motor vehicle.

326 [~~(83)~~] (84) "Truck tractor" means a motor vehicle designed and used primarily for  
327 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
328 vehicle and load that is drawn.

329 [~~(84)~~] (85) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
330 camper, park model recreational vehicle, manufactured home, and mobile home.

331 [~~(85)~~] (86) "Vessel" means the same as that term is defined in Section 73-18-2.

332 [~~(86)~~] (87) "Vintage vehicle" means the same as that term is defined in Section  
333 41-21-1.

334 [~~(87)~~] (88) "Waters of this state" means the same as that term is defined in Section  
335 73-18-2.

336 [~~(88)~~] (89) "Weighmaster" means a person, association of persons, or corporation  
337 permitted to weigh vehicles under this chapter.

338 Section 2. Section **41-1a-201** is amended to read:

339 **41-1a-201. Function of registration -- Registration required -- Penalty.**

340 (1) Unless exempted, a person or automated driving system may not operate and an  
341 owner may not engage an automated driving system, give another person permission to engage  
342 an automated driving system, or give another person permission to operate a motor vehicle,  
343 combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle,  
344 off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been  
345 registered in accordance with this chapter, Title 41, Chapter 22, Off-highway Vehicles, or Title  
346 73, Chapter 18, State Boating Act.

347 (2) Subject to Subsection **53-8-209**(3), a violation of this section is an infraction.

348 (3) (a) In the event that materials are temporarily unavailable for registration items  
349 required under Section **41-1a-402**, the commission may delay initial vehicle registration or  
350 renewal of vehicle registrations.

351 (b) In a circumstance described in Subsection (3)(a), a person does not violate  
352 Subsection (1) for failure to register a vehicle during a delay period described in Subsection  
353 (3)(a).

354 Section 3. Section **41-1a-202** is amended to read:

355 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**  
356 **vehicles after establishing residency.**

357 (1) In this section:

358 (a) "Domicile" means the place:

359 (i) where an individual has a fixed permanent home and principal establishment;

360 (ii) to which the individual if absent, intends to return; and

361 (iii) in which the individual and his family voluntarily reside, not for a special or  
362 temporary purpose, but with the intention of making a permanent home.

363 (b) (i) "Resident" means any of the following:

364 (A) an individual who:

365 (I) has established a domicile in this state;

366 (II) regardless of domicile, remains in this state for an aggregate period of six months  
367 or more during any calendar year;

368 (III) engages in a trade, profession, or occupation in this state or who accepts

369 employment in other than seasonal work in this state and who does not commute into the state;

370 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver  
371 license or motor vehicle registration; or

372 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to  
373 nonresidents, including going to school, or placing children in school without paying  
374 nonresident tuition or fees; or

375 (B) any individual, partnership, limited liability company, firm, corporation,  
376 association, or other entity that:

377 (I) maintains a main office, branch office, or warehouse facility in this state and that  
378 bases and operates a motor vehicle in this state; or

379 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

380 (ii) "Resident" does not include any of the following:

381 (A) a member of the military temporarily stationed in Utah;

382 (B) an out-of-state student, as classified by the institution of higher education, enrolled  
383 with the equivalent of seven or more quarter hours, regardless of whether the student engages  
384 in a trade, profession, or occupation in this state or accepts employment in this state; and

385 (C) an individual domiciled in another state or a foreign country that:

386 (I) is engaged in public, charitable, educational, or religious services for a government  
387 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code  
388 Section 501(c)(3);

389 (II) is not compensated for services rendered other than expense reimbursements; and

390 (III) is temporarily in Utah for a period not to exceed 24 months.

391 (iii) Notwithstanding Subsections (1)(b)(i) and (ii), "resident" includes the owner of a  
392 vehicle equipped with an automated driving system as defined in Section [41-26-102.1](#) if the  
393 vehicle is physically present in the state for more than 30 consecutive days in a calendar year.

394 (2) (a) Registration under this chapter is not required for any:

395 (i) vehicle registered in another state and owned by a nonresident of the state or  
396 operating under a temporary registration permit issued by the division or a dealer authorized by  
397 this chapter, driven or moved upon a highway in conformance with the provisions of this  
398 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

399 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the

400 highway from one property to another;

401 (iii) implement of husbandry, whether of a type otherwise subject to registration or not,  
402 that is only incidentally operated or moved upon a highway;

403 (iv) special mobile equipment;

404 (v) vehicle owned or leased by the federal government;

405 (vi) motor vehicle not designed, used, or maintained for the transportation of  
406 passengers for hire or for the transportation of property if the motor vehicle is registered in  
407 another state and is owned and operated by a nonresident of this state;

408 (vii) vehicle or combination of vehicles designed, used, or maintained for the  
409 transportation of persons for hire or for the transportation of property if the vehicle or  
410 combination of vehicles is registered in another state and is owned and operated by a  
411 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight  
412 of 26,000 pounds or less;

413 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and  
414 maintained for hire for the transportation of property or person;

415 (ix) manufactured home or mobile home;

416 (x) off-highway vehicle currently registered under Section 41-22-3 if the off-highway  
417 vehicle is:

418 (A) being towed;

419 (B) operated on a street or highway designated as open to off-highway vehicle use; or

420 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

421 (xi) off-highway implement of husbandry operated in the manner prescribed in  
422 Subsections 41-22-5.5(3) through (5);

423 (xii) modular and prebuilt homes conforming to the uniform building code and  
424 presently regulated by the United States Department of Housing and Urban Development that  
425 are not constructed on a permanent chassis;

426 (xiii) electric assisted bicycle defined under Section 41-6a-102;

427 (xiv) motor assisted scooter defined under Section 41-6a-102; or

428 (xv) electric personal assistive mobility device defined under Section 41-6a-102.

429 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),  
430 incidental operation on a highway includes operation that is:

431 (i) transportation of raw agricultural materials or other agricultural related operations;  
432 and

433 (ii) limited to 100 miles round trip on a highway.

434 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is  
435 required for any motor vehicle, combination of vehicles, trailer, semitrailer, [or] vintage  
436 vehicle, or restored-modified vehicle within 60 days of the owner establishing residency in this  
437 state.

438 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the  
439 registration requirements of this part for the time period that the registration under Section  
440 41-3-306 is valid.

441 (5) A vehicle that has been issued a nonrepairable certificate may not be registered  
442 under this chapter.

443 Section 4. Section 41-1a-226 is amended to read:

444 **41-1a-226. Vintage vehicle -- Signed statement -- Restored-modified vehicle --**  
445 **Registration.**

446 (1) The owner of a vintage vehicle who applies for registration under this part shall  
447 provide a signed statement that the vintage vehicle:

448 (a) is owned and operated for the purposes described in Section 41-21-1; and

449 (b) is safe to operate on the highways of this state as described in Section 41-21-4.

450 (2) For a vintage vehicle with a model year of 1980 or older, the signed statement  
451 described in Subsection (1) is in lieu of an emissions inspection, from which a vintage vehicle  
452 is exempt under Subsection 41-6a-1642(4).

453 (3) Before registration of a vintage vehicle that has a model year of 1981 or newer, an  
454 owner shall:

455 (a) obtain a certificate of emissions inspection as provided in Section 41-6a-1642; or

456 (b) provide proof of vehicle insurance coverage for the vintage vehicle that is a type  
457 specific to a vehicle collector.

458 (4) (a) If an owner of a restored-modified vehicle who applies for registration that  
459 wishes to have the notation on the registration certificate as described in Subsection (4)(b), the  
460 owner may provide a signed statement that the vehicle:

461 (i) meets the definition of a restored-modified vehicle, and has modern technology,

462 including emission control technology and an on-board diagnostic system; and

463 (ii) is safe to operate on the highways of this state.

464 (b) If a vehicle qualifies as a restored-modified vehicle, the division shall notate the  
465 registration certificate indicating that the vehicle is a restored-modified vehicle.

466 (c) An owner of a restored-modified vehicle may elect to remove the restored-modified  
467 notation on the registration certificate at the time of a subsequent registration.

468 Section 5. Section **41-6a-102** is amended to read:

469 **41-6a-102. Definitions.**

470 As used in this chapter:

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

473 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
474 [41-22-2](#).

475 (3) "Authorized emergency vehicle" includes:

476 (a) fire department vehicles;

477 (b) police vehicles;

478 (c) ambulances; and

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

481 (4) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

482 (5) (a) "Bicycle" means a wheeled vehicle:

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

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

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

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

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

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

489 (6) (a) "Bus" means a motor vehicle:

490 (i) designed for carrying more than 15 passengers and used for the transportation of  
491 persons; or

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



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

494 (7) (a) "Circular intersection" means an intersection that has an island, generally  
495 circular in design, located in the center of the intersection where traffic passes to the right of  
496 the island.

497 (b) "Circular intersection" includes:

498 (i) roundabouts;

499 (ii) rotaries; and

500 (iii) traffic circles.

501 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in  
502 Subsection (17)(d)(i).

503 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in  
504 Subsection (17)(d)(ii).

505 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in  
506 Subsection (17)(d)(iii).

507 (11) "Commissioner" means the commissioner of the Department of Public Safety.

508 (12) "Controlled-access highway" means a highway, street, or roadway:

509 (a) designed primarily for through traffic; and

510 (b) to or from which owners or occupants of abutting lands and other persons have no  
511 legal right of access, except at points as determined by the highway authority having  
512 jurisdiction over the highway, street, or roadway.

513 (13) "Crosswalk" means:

514 (a) that part of a roadway at an intersection included within the connections of the  
515 lateral lines of the sidewalks on opposite sides of the highway measured from:

516 (i) (A) the curbs; or

517 (B) in the absence of curbs, from the edges of the traversable roadway; and

518 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
519 included within the extension of the lateral lines of the existing sidewalk at right angles to the  
520 centerline; or

521 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
522 pedestrian crossing by lines or other markings on the surface.

523 (14) "Department" means the Department of Public Safety.

- 524 (15) "Direct supervision" means oversight at a distance within which:
  - 525 (a) visual contact is maintained; and
  - 526 (b) advice and assistance can be given and received.
- 527 (16) "Divided highway" means a highway divided into two or more roadways by:
  - 528 (a) an unpaved intervening space;
  - 529 (b) a physical barrier; or
  - 530 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 531 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
  - 532 (a) has a power output of not more than 750 watts;
  - 533 (b) has fully operable pedals on permanently affixed cranks;
  - 534 (c) is fully operable as a bicycle without the use of the electric motor; and
  - 535 (d) is one of the following:
    - 536 (i) an electric assisted bicycle equipped with a motor or electronics that:
      - 537 (A) provides assistance only when the rider is pedaling; and
      - 538 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
      - 539 hour;
    - 540 (ii) an electric assisted bicycle equipped with a motor or electronics that:
      - 541 (A) may be used exclusively to propel the bicycle; and
      - 542 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
      - 543 miles per hour; or
    - 544 (iii) an electric assisted bicycle equipped with a motor or electronics that:
      - 545 (A) provides assistance only when the rider is pedaling;
      - 546 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
      - 547 hour; and
      - 548 (C) is equipped with a speedometer.
- 549 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
  - 550 with:
    - 551 (i) two nontandem wheels in contact with the ground;
    - 552 (ii) a system capable of steering and stopping the unit under typical operating
    - 553 conditions;
    - 554 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

555 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

556 (v) a deck design for a person to stand while operating the device.

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

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

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

567 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,  
568 as determined by a Tagliabue or equivalent closed-cup test device.

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

571 (23) (a) "Golf cart" means a device that:

572 (i) is designed for transportation by players on a golf course;

573 (ii) has not less than three wheels in contact with the ground;

574 (iii) has an unladen weight of less than 1,800 pounds;

575 (iv) is designed to operate at low speeds; and

576 (v) is designed to carry not more than six persons including the driver.

577 (b) "Golf cart" does not include:

578 (i) a low-speed vehicle or an off-highway vehicle;

579 (ii) a motorized wheelchair;

580 (iii) an electric personal assistive mobility device;

581 (iv) an electric assisted bicycle;

582 (v) a motor assisted scooter;

583 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or

584 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

585 (24) "Gore area" means the area delineated by two solid white lines that is between a

586 continuing lane of a through roadway and a lane used to enter or exit the continuing lane  
587 including similar areas between merging or splitting highways.

588 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of  
589 any load on the vehicle.

590 (26) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

591 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and

592 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a  
593 highway or railroad tracks.

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

597 (28) "Highway authority" means the same as that term is defined in Section [72-1-102](#).

598 (29) (a) "Intersection" means the area embraced within the prolongation or connection  
599 of the lateral [~~curb lines~~] curb lines, or, if none, then the lateral boundary lines of the roadways  
600 of two or more highways that join one another.

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

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

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

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

607 (30) "Island" means an area between traffic lanes or at an intersection for control of  
608 vehicle movements or for pedestrian refuge designated by:

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

611 (b) channelizing devices;

612 (c) curbs;

613 (d) pavement edges; or

614 (e) other devices.

615 (31) "Lane filtering" means, when operating a motorcycle other than an autocycle, the  
616 act of overtaking and passing another vehicle that is stopped in the same direction of travel in

617 the same lane.

618 (32) "Law enforcement agency" means the same as that term is as defined in Section  
619 [53-1-102](#).

620 (33) "Limited access highway" means a highway:

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

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

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

628 (35) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

630 (ii) has a capacity of not more than six passengers, including a conventional driver or  
631 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).

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

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

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

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

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

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

641 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

642 (38) "Mobile home" means:

643 (a) a trailer or semitrailer that is:

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

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

647 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

648 constructed for use as a mobile home, as defined in Subsection (38)(a), but that is instead used  
649 permanently or temporarily for:

- 650 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 651 (ii) any other commercial purpose except the transportation of property for hire or the  
652 transportation of property for distribution by a private carrier.

653 (39) "Mobility disability" means the inability of a person to use one or more of the  
654 person's extremities or difficulty with motor skills, that may include limitations with walking,  
655 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

656 (40) (a) "Moped" means a motor-driven cycle having:

- 657 (i) pedals to permit propulsion by human power; and
- 658 (ii) a motor that:
  - 659 (A) produces not more than two brake horsepower; and
  - 660 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on  
661 level ground.

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

665 (c) "Moped" does not include:

- 666 (i) an electric assisted bicycle; or
- 667 (ii) a motor assisted scooter.

668 (41) (a) "Motor assisted scooter" means a self-propelled device with:

- 669 (i) at least two wheels in contact with the ground;
- 670 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 671 (iii) an electric motor not exceeding 2,000 watts;
- 672 (iv) either:
  - 673 (A) handlebars and a deck design for a person to stand while operating the device; or
  - 674 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating  
675 the device;
- 676 (v) a design for the ability to be propelled by human power alone; and
- 677 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 678 (b) "Motor assisted scooter" does not include:

- 679 (i) an electric assisted bicycle; or  
680 (ii) a motor-driven cycle.
- 681 (42) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is  
682 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- 683 (b) "Motor vehicle" does not include:
- 684 (i) vehicles moved solely by human power;  
685 (ii) motorized wheelchairs;  
686 (iii) an electric personal assistive mobility device;  
687 (iv) an electric assisted bicycle;  
688 (v) a motor assisted scooter;  
689 (vi) a personal delivery device, as defined in Section 41-6a-1119; or  
690 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 691 (43) "Motorcycle" means:
- 692 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider  
693 and designed to travel with not more than three wheels in contact with the ground; or  
694 (b) an auticycle.
- 695 (44) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle  
696 having:
- 697 (i) an engine with less than 150 cubic centimeters displacement; or  
698 (ii) a motor that produces not more than five horsepower.
- 699 (b) "Motor-driven cycle" does not include:
- 700 (i) an electric personal assistive mobility device;  
701 (ii) a motor assisted scooter; or  
702 (iii) an electric assisted bicycle.
- 703 (45) "Off-highway implement of husbandry" means the same as that term is defined  
704 under Section 41-22-2.
- 705 (46) "Off-highway vehicle" means the same as that term is defined under Section  
706 41-22-2.
- 707 (47) "Operate" means the same as that term is defined in Section 41-1a-102.
- 708 (48) "Operator" means:
- 709 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

710 (b) an automated driving system, as defined in Section [41-26-102.1](#), that operates a  
711 vehicle.

712 (49) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or  
713 other device operated, alone or coupled with another device, on stationary rails.

714 (50) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is  
715 occupied or not.

716 (b) "Park" or "parking" does not include:

717 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged  
718 in loading or unloading property or passengers; or

719 (ii) a motor vehicle with an engaged automated driving system that has achieved a  
720 minimal risk condition, as those terms are defined in Section [41-26-102.1](#).

721 (51) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace  
722 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic  
723 laws.

724 (52) "Pedestrian" means a person traveling:

725 (a) on foot; or

726 (b) in a wheelchair.

727 (53) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
728 pedestrians.

729 (54) "Person" means a natural person, firm, copartnership, association, corporation,  
730 business trust, estate, trust, partnership, limited liability company, association, joint venture,  
731 governmental agency, public corporation, or any other legal or commercial entity.

732 (55) "Pole trailer" means a vehicle without motive power:

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

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

738 (56) "Private road or driveway" means every way or place in private ownership and  
739 used for vehicular travel by the owner and those having express or implied permission from the  
740 owner, but not by other persons.



741 (57) "Railroad" means a carrier of persons or property upon cars operated on stationary  
742 rails.

743 (58) "Railroad sign or signal" means a sign, signal, or device erected by authority of a  
744 public body or official or by a railroad and intended to give notice of the presence of railroad  
745 tracks or the approach of a railroad train.

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

748 (60) "Restored-modified vehicle" means the same as that term is defined in Section  
749 [41-1a-102](#).

750 ~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
751 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
752 of direction, speed, and proximity that give rise to danger of collision unless one grants  
753 precedence to the other.

754 ~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or  
755 ordinarily used for vehicular travel.

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

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

760 ~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway  
761 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
762 signs as to be plainly visible at all times while set apart as a safety zone.

763 ~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

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

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

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

769 ~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

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

771 and

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

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

775 [~~(65)~~] (66) "Shoulder area" means:

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

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

781 [~~(66)~~] (67) "Sidewalk" means that portion of a street between the curb lines, or the  
782 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

783 [~~(67)~~] (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt  
784 that is designated for the use of a bicycle.

785 (b) "Soft-surface trail" does not mean a trail:

786 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a  
787 federal law, regulation, or rule; or

788 (ii) located in whole or in part on land granted to the state or a political subdivision  
789 subject to a conservation easement that prohibits the use of a motorized vehicle.

790 [~~(68)~~] (69) "Solid rubber tire" means a tire of rubber or other resilient material that  
791 does not depend on compressed air for the support of the load.

792 [~~(69)~~] (70) "Stand" or "standing" means the temporary halting of a vehicle, whether  
793 occupied or not, for the purpose of and while actually engaged in receiving or discharging  
794 passengers.

795 [~~(70)~~] (71) "Stop" when required means complete cessation from movement.

796 [~~(71)~~] (72) "Stop" or "stopping" when prohibited means any halting even momentarily  
797 of a vehicle, whether occupied or not, except when:

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

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

800 [~~(72)~~] (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
801 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
802 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with

803 Section [41-6a-1509](#).

804 [~~(73)~~] [\(74\)](#) "Tow truck operator" means the same as that term is defined in Section  
805 [72-9-102](#).

806 [~~(74)~~] [\(75\)](#) "Tow truck motor carrier" means the same as that term is defined in Section  
807 [72-9-102](#).

808 [~~(75)~~] [\(76\)](#) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
809 conveyances either singly or together while using any highway for the purpose of travel.

810 [~~(76)~~] [\(77\)](#) "Traffic signal preemption device" means an instrument or mechanism  
811 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

812 [~~(77)~~] [\(78\)](#) "Traffic-control device" means a sign, signal, marking, or device not  
813 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
814 regulating, warning, or guiding traffic.

815 [~~(78)~~] [\(79\)](#) "Traffic-control signal" means a device, whether manually, electrically, or  
816 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

817 [~~(79)~~] [\(80\)](#) (a) "Trailer" means a vehicle with or without motive power designed for  
818 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
819 part of its weight rests upon the towing vehicle.

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

821 [~~(80)~~] [\(81\)](#) "Truck" means a motor vehicle designed, used, or maintained primarily for  
822 the transportation of property.

823 [~~(81)~~] [\(82\)](#) "Truck tractor" means a motor vehicle:

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

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

827 [~~(82)~~] [\(83\)](#) "Two-way left turn lane" means a lane:

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

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

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

832 [~~(83)~~] [\(84\)](#) "Urban district" means the territory contiguous to and including any street,  
833 in which structures devoted to business, industry, or dwelling houses are situated at intervals of

834 less than 100 feet, for a distance of a quarter of a mile or more.

835 ~~[(84)]~~ (85) "Vehicle" means a device in, on, or by which a person or property is or may  
836 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
837 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

838 Section 6. Section **41-6a-1642** is amended to read:

839 **41-6a-1642. Emissions inspection -- County program.**

840 (1) The legislative body of each county required under federal law to utilize a motor  
841 vehicle emissions inspection and maintenance program or in which an emissions inspection  
842 and maintenance program is necessary to attain or maintain any national ambient air quality  
843 standard shall require:

844 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle  
845 is exempt from emissions inspection and maintenance program requirements be presented:

846 (i) as a condition of registration or renewal of registration; and

847 (ii) at other times as the county legislative body may require to enforce inspection  
848 requirements for individual motor vehicles, except that the county legislative body may not  
849 routinely require a certificate of emissions inspection, or waiver of the certificate, more often  
850 than required under Subsection (9); and

851 (b) compliance with this section for a motor vehicle registered or principally operated  
852 in the county and owned by or being used by a department, division, instrumentality, agency, or  
853 employee of:

854 (i) the federal government;

855 (ii) the state and any of its agencies; or

856 (iii) a political subdivision of the state, including school districts.

857 (2) (a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle  
858 emissions inspection and maintenance program certificate of emissions inspection as described  
859 in Subsection (1), but the program may not deny vehicle registration based solely on the  
860 presence of a defeat device covered in the Volkswagen partial consent decrees or a United  
861 States Environmental Protection Agency-approved vehicle modification in the following  
862 vehicles:

863 ~~[(a)]~~ (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
864 emissions are mitigated in the state pursuant to a partial consent decree, including:

865 [(i)] (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and  
866 2015;

867 [(ii)] (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013,  
868 and 2014;

869 [(iii)] (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

870 [(iv)] (D) Volkswagen Golf Sportwagen, model year 2015;

871 [(v)] (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

872 [(vi)] (F) Volkswagen Beetle, model years 2013, 2014, and 2015;

873 [(vii)] (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

874 [(viii)] (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

875 [(b)] (i) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
876 emissions are mitigated in the state to a settlement, including:

877 [(i)] (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,  
878 and 2016;

879 [(ii)] (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

880 [(iii)] (C) Audi A6 Quattro, model years 2014, 2015, and 2016;

881 [(iv)] (D) Audi A7 Quattro, model years 2014, 2015, and 2016;

882 [(v)] (E) Audi A8, model years 2014, 2015, and 2016;

883 [(vi)] (F) Audi A8L, model years 2014, 2015, and 2016;

884 [(vii)] (G) Audi Q5, model years 2014, 2015, and 2016; and

885 [(viii)] (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

886 (b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a  
887 motor vehicle emissions inspection and maintenance program certificate of emissions  
888 inspection as described in Subsection (1).

889 (ii) A county emissions program may not refuse to perform an emissions inspection or  
890 indicate a failed emissions test of the vehicle based solely on a modification to the engine or  
891 component of the motor vehicle if:

892 (A) the modification is not likely to result in the motor vehicle having increased  
893 emissions relative to the emissions of the motor vehicle before the modification; and

894 (B) the motor vehicle modification is a change to an engine that is newer than the  
895 engine with which the motor vehicle was originally equipped, or the engine includes

896 technology that increases the facility of the administration of an emissions test, such as an  
897 on-board diagnostics system.

898 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to  
899 registration of a restored-modified vehicle:

900 (A) the owner shall present the signed statement described in Subsection 41-1a-226(4);  
901 and

902 (B) the county emissions program shall perform the emissions test.

903 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration  
904 certificate is notated as described in Subsection 41-1a-226(4), a county emissions program may  
905 not refuse to perform an emissions test based solely on the restored-modified status of the  
906 motor vehicle.

907 (3) (a) The legislative body of a county identified in Subsection (1), in consultation  
908 with the Air Quality Board created under Section 19-1-106, shall make regulations or  
909 ordinances regarding:

910 (i) emissions standards;

911 (ii) test procedures;

912 (iii) inspections stations;

913 (iv) repair requirements and dollar limits for correction of deficiencies; and

914 (v) certificates of emissions inspections.

915 (b) In accordance with Subsection (3)(a), a county legislative body:

916 (i) shall make regulations or ordinances to attain or maintain ambient air quality  
917 standards in the county, consistent with the state implementation plan and federal  
918 requirements;

919 (ii) may allow for a phase-in of the program by geographical area; and

920 (iii) shall comply with the analyzer design and certification requirements contained in  
921 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

922 (c) The county legislative body and the Air Quality Board shall give preference to an  
923 inspection and maintenance program that:

924 (i) is decentralized, to the extent the decentralized program will attain and maintain  
925 ambient air quality standards and meet federal requirements;

926 (ii) is the most cost effective means to achieve and maintain the maximum benefit with

927 regard to ambient air quality standards and to meet federal air quality requirements as related to  
928 vehicle emissions; and

929 (iii) provides a reasonable phase-out period for replacement of air pollution emission  
930 testing equipment made obsolete by the program.

931 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

932 (i) may be accomplished in accordance with applicable federal requirements; and

933 (ii) does not otherwise interfere with the attainment and maintenance of ambient air  
934 quality standards.

935 (4) The following vehicles are exempt from an emissions inspection program and the  
936 provisions of this section:

937 (a) an implement of husbandry as defined in Section [41-1a-102](#);

938 (b) a motor vehicle that:

939 (i) meets the definition of a farm truck under Section [41-1a-102](#); and

940 (ii) has a gross vehicle weight rating of 12,001 pounds or more;

941 (c) a vintage vehicle as defined in Section [41-21-1](#):

942 (i) if the vintage vehicle has a model year of 1980 or older; or

943 (ii) for a vintage vehicle that has a model year of 1981 or newer, if the owner provides  
944 proof of vehicle insurance that is a type specific to a vehicle collector;

945 (d) a custom vehicle as defined in Section [41-6a-1507](#);

946 (e) to the extent allowed under the current federally approved state implementation  
947 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor  
948 vehicle that is less than two years old on January 1 based on the age of the vehicle as  
949 determined by the model year identified by the manufacturer;

950 (f) a pickup truck, as defined in Section [41-1a-102](#), with a gross vehicle weight rating  
951 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed  
952 statement to the legislative body stating the truck is used:

953 (i) by the owner or operator of a farm located on property that qualifies as land in  
954 agricultural use under Sections [59-2-502](#) and [59-2-503](#); and

955 (ii) exclusively for the following purposes in operating the farm:

956 (A) for the transportation of farm products, including livestock and its products,  
957 poultry and its products, floricultural and horticultural products; and

958 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
959 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production  
960 and maintenance;

961 (g) a motorcycle as defined in Section 41-1a-102;

962 (h) an electric motor vehicle as defined in Section 41-1a-102; and

963 (i) a motor vehicle with a model year of 1967 or older.

964 (5) The county shall issue to the registered owner who signs and submits a signed  
965 statement under Subsection (4)(f) a certificate of exemption from emissions inspection  
966 requirements for purposes of registering the exempt vehicle.

967 (6) A legislative body of a county described in Subsection (1) may exempt from an  
968 emissions inspection program a diesel-powered motor vehicle with a:

969 (a) gross vehicle weight rating of more than 14,000 pounds; or

970 (b) model year of 1997 or older.

971 (7) The legislative body of a county required under federal law to utilize a motor  
972 vehicle emissions inspection program shall require:

973 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:

974 (i) a model year of 2007 or newer;

975 (ii) a gross vehicle weight rating of 14,000 pounds or less; and

976 (iii) a model year that is five years old or older; and

977 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:

978 (i) with a gross vehicle weight rating of 14,000 pounds or less;

979 (ii) that has a model year of 1998 or newer; and

980 (iii) that has a model year that is five years old or older.

981 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under  
982 federal law to utilize a motor vehicle emissions inspection and maintenance program or in  
983 which an emissions inspection and maintenance program is necessary to attain or maintain any  
984 national ambient air quality standard may require each college or university located in a county  
985 subject to this section to require its students and employees who park a motor vehicle not  
986 registered in a county subject to this section to provide proof of compliance with an emissions  
987 inspection accepted by the county legislative body if the motor vehicle is parked on the college  
988 or university campus or property.



989 (b) College or university parking areas that are metered or for which payment is  
990 required per use are not subject to the requirements of this Subsection (8).

991 (c) The legislative body of a county shall make the reasons for implementing the  
992 provisions of this Subsection (8) part of the record at the time that the county legislative body  
993 takes its official action to implement the provisions of this Subsection (8).

994 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection  
995 for each motor vehicle that meets the inspection and maintenance program requirements  
996 established in regulations or ordinances made under Subsection (3).

997 (b) The frequency of the emissions inspection shall be determined based on the age of  
998 the vehicle as determined by model year and shall be required annually subject to the  
999 provisions of Subsection (9)(c).

1000 (c) (i) To the extent allowed under the current federally approved state implementation  
1001 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative  
1002 body of a county identified in Subsection (1) shall only require the emissions inspection every  
1003 two years for each vehicle.

1004 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six  
1005 years old on January 1.

1006 (iii) For a county required to implement a new vehicle emissions inspection and  
1007 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
1008 current federally approved state implementation plan exists, a vehicle shall be tested at a  
1009 frequency determined by the county legislative body, in consultation with the Air Quality  
1010 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or  
1011 maintain any national ambient air quality standard.

1012 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
1013 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment  
1014 or change shall take effect on January 1 if the State Tax Commission receives notice meeting  
1015 the requirements of Subsection (9)(c)(v) from the county before October 1.

1016 (v) The notice described in Subsection (9)(c)(iv) shall:

1017 (A) state that the county will establish or change the frequency of the vehicle emissions  
1018 inspection and maintenance program under this section;

1019 (B) include a copy of the ordinance establishing or changing the frequency; and

1020 (C) if the county establishes or changes the frequency under this section, state how  
1021 frequently the emissions testing will be required.

1022 (d) If an emissions inspection is only required every two years for a vehicle under  
1023 Subsection (9)(c), the inspection shall be required for the vehicle in:

1024 (i) odd-numbered years for vehicles with odd-numbered model years; or

1025 (ii) in even-numbered years for vehicles with even-numbered model years.

1026 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection  
1027 required under this section may be made no more than two months before the renewal of  
1028 registration.

1029 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an  
1030 emissions inspection certificate issued for the motor vehicle during the previous 11 months to  
1031 satisfy the requirement under this section.

1032 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may  
1033 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded  
1034 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under  
1035 this section.

1036 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the  
1037 lessee may use an emissions inspection certificate issued during the previous 11 months to  
1038 satisfy the requirement under this section.

1039 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not  
1040 use an emissions inspection made more than 11 months before the renewal of registration to  
1041 satisfy the requirement under this section.

1042 (e) If the application for renewal of registration is for a six-month registration period  
1043 under Section [41-1a-215.5](#), the owner may use an emissions inspection certificate issued during  
1044 the previous eight months to satisfy the requirement under this section.

1045 (11) (a) A county identified in Subsection (1) shall collect information about and  
1046 monitor the program.

1047 (b) A county identified in Subsection (1) shall supply this information to an appropriate  
1048 legislative committee, as designated by the Legislative Management Committee, at times  
1049 determined by the designated committee to identify program needs, including funding needs.

1050 (12) If approved by the county legislative body, a county that had an established

1051 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
1052 emissions inspection station may charge by \$2.50 for each year that is exempted from  
1053 emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

1054 (13) (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in  
1055 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration  
1056 within the county in accordance with the procedures and requirements of Section 41-1a-1223.

1057 (b) A county that imposes a local emissions compliance fee may use revenues  
1058 generated from the fee for the establishment and enforcement of an emissions inspection and  
1059 maintenance program in accordance with the requirements of this section.

1060 (c) A county that imposes a local emissions compliance fee may use revenues  
1061 generated from the fee to promote programs to maintain a local, state, or national ambient air  
1062 quality standard.

1063 (14) (a) If a county has reason to believe that a vehicle owner has provided an address  
1064 as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county  
1065 other than the county of the bona fide residence of the owner in order to avoid an emissions  
1066 inspection required under this section, the county may investigate and gather evidence to  
1067 determine whether the vehicle owner has used a false address or an address other than the  
1068 vehicle owner's bona fide residence or place of business.

1069 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
1070 determines that the vehicle owner has used a false or improper address in an effort to avoid an  
1071 emissions inspection as required in this section, the county may impose a civil penalty of  
1072 \$1,000.