

**Representative Andrew Stoddard** proposes the following substitute bill:

**EMISSIONS REGULATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits the Division of Motor Vehicles from registering a motor vehicle in certain counties if the motor vehicles meets certain criteria.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits the Division of Motor Vehicles from registering a motor vehicle in certain counties if the motor vehicle has a gross vehicle weight rating of more than 14,000 pounds and is not rated to emit less than a certain level of nitrogen oxides;
- ▶ removes a provision allowing a county to exempt certain vehicles from emissions inspections; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 26 [41-1a-102](#), as last amended by Laws of Utah 2023, Chapters 33, 532
  - 27 [41-1a-202](#), as last amended by Laws of Utah 2023, Chapters 81, 532
  - 28 [41-6a-102](#), as last amended by Laws of Utah 2023, Chapters 219, 532
  - 29 [41-6a-1642](#), as last amended by Laws of Utah 2023, Chapters 22, 33 and 532
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31 *Be it enacted by the Legislature of the state of Utah:*

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

33 **41-1a-102. Definitions.**

34 As used in this chapter:

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

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

38 (3) "All-terrain type I vehicle" means the same as that term is defined in Section  
39 [41-22-2](#).

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

42 (5) "All-terrain type III vehicle" means the same as that term is defined in Section  
43 [41-22-2](#).

44 (6) "Alternative fuel vehicle" means:

45 (a) an electric motor vehicle;

46 (b) a hybrid electric motor vehicle;

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

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

49 (i) motor fuel;

50 (ii) diesel fuel;

51 (iii) natural gas; or

52 (iv) propane.

53 (7) "Amateur radio operator" means a person licensed by the Federal Communications  
54 Commission to engage in private and experimental two-way radio operation on the amateur  
55 band radio frequencies.

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

57 (9) "Automated driving system" means the same as that term is defined in Section  
58 [41-26-102.1](#).

59 (10) "Brake horsepower" means the actual horsepower of an engine, measured by a  
60 brake attached to the drive shaft and recorded on a dynamometer.

61 (11) "Brake horsepower hour" means a unit of energy or work, equal to the work done  
62 by a mechanism with a power output of one brake horsepower over a period of one hour.

63 [~~(10)~~] (12) "Branded title" means a title certificate that is labeled:

64 (a) rebuilt and restored to operation;

65 (b) flooded and restored to operation; or

66 (c) not restored to operation.

67 [~~(11)~~] (13) "Camper" means a structure designed, used, and maintained primarily to be  
68 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a  
69 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for  
70 camping.

71 [~~(12)~~] (14) "Certificate of title" means a document issued by a jurisdiction to establish  
72 a record of ownership between an identified owner and the described vehicle, vessel, or  
73 outboard motor.

74 [~~(13)~~] (15) "Certified scale weigh ticket" means a weigh ticket that has been issued by  
75 a weighmaster.

76 [~~(14)~~] (16) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or  
77 maintained for the transportation of persons or property that operates:

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

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

81 [~~(15)~~] (17) "Commission" means the State Tax Commission.

82 (18) "Compliant heavy duty vehicle" means a heavy duty vehicle that:

83 (a) has a model year of 2010 or newer; or

84 (b) (i) has a model year of 2009 or older; and

85 (ii) has a vehicle emissions control information label indicating that the motor is rated  
86 to emit no more than .20 grams of oxides of nitrogen per brake horsepower hour.

87 [~~(16)~~] (19) "Consumer price index" means the same as that term is defined in Section

88 59-13-102.

89 [(17)] (20) "Dealer" means a person engaged or licensed to engage in the business of  
90 buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright  
91 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an  
92 established place of business for the sale, lease, trade, or display of vehicles, vessels, or  
93 outboard motors.

94 [(18)] (21) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

95 [(19)] (22) "Division" means the Motor Vehicle Division of the commission, created in  
96 Section 41-1a-106.

97 [(20)] (23) "Dynamic driving task" means the same as that term is defined in Section  
98 41-26-102.1.

99 [(21)] (24) "Electric motor vehicle" means a motor vehicle that is powered solely by an  
100 electric motor drawing current from a rechargeable energy storage system.

101 [(22)] (25) "Essential parts" means the integral and body parts of a vehicle of a type  
102 required to be registered in this state, the removal, alteration, or substitution of which would  
103 tend to conceal the identity of the vehicle or substantially alter the vehicle's appearance, model,  
104 type, or mode of operation.

105 [(23)] (26) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
106 implement for drawing plows, mowing machines, and other implements of husbandry.

107 [(24)] (27) (a) "Farm truck" means a truck used by the owner or operator of a farm  
108 solely for the owner's or operator's own use in the transportation of:

109 (i) farm products, including livestock and its products, poultry and its products,  
110 floricultural and horticultural products;

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

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

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

117 [(25)] (28) "Fleet" means one or more commercial vehicles.

118 [(26)] (29) "Foreign vehicle" means a vehicle of a type required to be registered,

119 brought into this state from another state, territory, or country other than in the ordinary course  
120 of business by or through a manufacturer or dealer, and not registered in this state.

121 ~~[(27)]~~ (30) "Gross laden weight" means the actual weight of a vehicle or combination  
122 of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

123 (31) "Heavy duty vehicle" means a vehicle that:

124 (a) has a gross vehicle weight rating of 14,000 pounds or more; and

125 (b) is equipped with a diesel-powered motor.

126 ~~[(28)]~~ (32) "Highway" or "street" means the entire width between property lines of  
127 every way or place of whatever nature when any part of it is open to the public, as a matter of  
128 right, for purposes of vehicular traffic.

129 ~~[(29)]~~ (33) "Hybrid electric motor vehicle" means a motor vehicle that draws  
130 propulsion energy from onboard sources of stored energy that are both:

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

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

134 ~~[(30)]~~ (34) (a) "Identification number" means the identifying number assigned by the  
135 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard  
136 motor.

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

139 ~~[(31)]~~ (35) "Implement of husbandry" means a vehicle designed or adapted and used  
140 exclusively for an agricultural operation and only incidentally operated or moved upon the  
141 highways.

142 ~~[(32)]~~ (36) (a) "In-state miles" means the total number of miles operated in this state  
143 during the preceding year by fleet power units.

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

147 ~~[(33)]~~ (37) "Interstate vehicle" means a commercial vehicle operated in more than one  
148 state, province, territory, or possession of the United States or foreign country.

149 ~~[(34)]~~ (38) "Jurisdiction" means a state, district, province, political subdivision,

150 territory, or possession of the United States or any foreign country.

151 ~~[(35)]~~ (39) "Lienholder" means a person with a security interest in particular property.

152 ~~[(36)]~~ (40) "Manufactured home" means a transportable factory built housing unit  
153 constructed on or after June 15, 1976, according to the Federal Home Construction and Safety  
154 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is  
155 eight body feet or more in width or 40 body feet or more in length, or when erected on site, is  
156 400 or more square feet, and which is built on a permanent chassis and designed to be used as a  
157 dwelling with or without a permanent foundation when connected to the required utilities, and  
158 includes the plumbing, heating, air-conditioning, and electrical systems.

159 ~~[(37)]~~ (41) "Manufacturer" means a person engaged in the business of constructing,  
160 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or  
161 outboard motors for the purpose of sale or trade.

162 ~~[(38)]~~ (42) "Military vehicle" means a vehicle of any size or weight that was  
163 manufactured for use by armed forces and that is maintained in a condition that represents the  
164 vehicle's military design and markings regardless of current ownership or use.

165 ~~[(39)]~~ (43) "Mobile home" means a transportable factory built housing unit built prior  
166 to June 15, 1976, in accordance with a state mobile home code which existed prior to the  
167 Federal Manufactured Housing and Safety Standards Act (HUD Code).

168 ~~[(40)]~~ (44) "Motor fuel" means the same as that term is defined in Section [59-13-102](#).

169 ~~[(41)]~~ (45) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for  
170 use and operation on the highways.

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

172 (i) an off-highway vehicle; or

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

174 ~~[(42)]~~ (46) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

175 ~~[(43)]~~ (47) "Motorcycle" means:

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

178 (b) an autocytle.

179 ~~[(44)]~~ (48) "Natural gas" means a fuel of which the primary constituent is methane.

180 (49) (a) "Noncompliant heavy duty vehicle" means a heavy duty vehicle that:

181 (i) has a model year 2009 or older; and  
182 (ii) does not have a vehicle emissions control information label indicating that the  
183 motor is rated to emit no more than .20 grams of oxides of nitrogen per brake horsepower hour.

184 (b) "Noncompliant heavy duty vehicle" does not include:

185 (i) an implement of husbandry;

186 (ii) a farm truck; or

187 (iii) a heavy duty vehicle used exclusively off-highway, such as a heavy duty vehicle  
188 used in mining operations.

189 ~~[(45)]~~ (50) (a) "Nonresident" means a person who is not a resident of this state as  
190 defined by Section 41-1a-202, and who does not engage in intrastate business within this state  
191 and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

197 ~~[(46)]~~ (51) "Odometer" means a device for measuring and recording the actual distance  
198 a vehicle travels while in operation, but does not include any auxiliary odometer designed to be  
199 periodically reset.

200 ~~[(47)]~~ (52) "Off-highway implement of husbandry" means the same as that term is  
201 defined in Section 41-22-2.

202 ~~[(48)]~~ (53) "Off-highway vehicle" means the same as that term is defined in Section  
203 41-22-2.

204 ~~[(49)]~~ (54) (a) "Operate" means:

205 (i) to navigate a vessel; or

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

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

209 (B) an engaged automated driving system.

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

211 ~~[(50)]~~ (55) "Original issue license plate" means a license plate that is of a format and

212 type issued by the state in the same year as the model year of a vehicle that is a model year  
213 1973 or older.

214 ~~[(51)]~~ (56) "Outboard motor" means a detachable self-contained propulsion unit,  
215 excluding fuel supply, used to propel a vessel.

216 ~~[(52)]~~ (57) (a) "Owner" means a person, other than a lienholder, holding title to a  
217 vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is  
218 subject to a security interest.

219 (b) If a vehicle is the subject of an agreement for the conditional sale or installment  
220 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions  
221 stated in the agreement and with an immediate right of possession vested in the conditional  
222 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the  
223 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this  
224 chapter.

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

227 (d) "Oxides of nitrogen" or "nitrogen oxides" means the same as that term is defined in  
228 40 C.F.R. Sec. 86.082-2.

229 ~~[(53)]~~ (58) "Park model recreational vehicle" means a unit that:

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

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

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

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

236 ~~[(54)]~~ (59) "Personalized license plate" means a license plate that has displayed on it a  
237 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned  
238 to the vehicle by the division.

239 ~~[(55)]~~ (60) (a) "Pickup truck" means a two-axle motor vehicle with motive power  
240 manufactured, remanufactured, or materially altered to provide an open cargo area.

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



243           ~~[(56)]~~ (61) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor  
244 vehicle that has the capability to charge the battery or batteries used for vehicle propulsion  
245 from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the  
246 vehicle while the vehicle is in motion.

247           ~~[(57)]~~ (62) "Pneumatic tire" means a tire in which compressed air is designed to  
248 support the load.

249           ~~[(58)]~~ (63) "Preceding year" means a period of 12 consecutive months fixed by the  
250 division that is within 16 months immediately preceding the commencement of the registration  
251 or license year in which proportional registration is sought. The division in fixing the period  
252 shall conform it to the terms, conditions, and requirements of any applicable agreement or  
253 arrangement for the proportional registration of vehicles.

254           ~~[(59)]~~ (64) "Public garage" means a building or other place where vehicles or vessels  
255 are kept and stored and where a charge is made for the storage and keeping of vehicles and  
256 vessels.

257           ~~[(60)]~~ (65) "Receipt of surrender of ownership documents" means the receipt of  
258 surrender of ownership documents described in Section [41-1a-503](#).

259           ~~[(61)]~~ (66) "Reconstructed vehicle" means a vehicle of a type required to be registered  
260 in this state that is materially altered from its original construction by the removal, addition, or  
261 substitution of essential parts, new or used.

262           ~~[(62)]~~ (67) "Recreational vehicle" means the same as that term is defined in Section  
263 [13-14-102](#).

264           ~~[(63)]~~ (68) "Registration" means a document issued by a jurisdiction that allows  
265 operation of a vehicle or vessel on the highways or waters of this state for the time period for  
266 which the registration is valid and that is evidence of compliance with the registration  
267 requirements of the jurisdiction.

268           ~~[(64)]~~ (69) "Registration decal" means the decal issued by the division that is evidence  
269 of compliance with the division's registration requirements.

270           ~~[(65)]~~ (70) (a) "Registration year" means a 12 consecutive month period commencing  
271 with the completion of the applicable registration criteria.

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

274           ~~[(66)]~~ (71) "Repair or replacement" means the restoration of vehicles, vessels, or  
275 outboard motors to a sound working condition by substituting any inoperative part of the  
276 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

277           ~~[(67)]~~ (72) "Replica vehicle" means:

278           (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

279           (b) a custom vehicle that meets the requirements under Subsection

280 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

281           ~~[(68)]~~ (73) "Restored-modified vehicle" means a motor vehicle that has been restored  
282 and modified with modern parts and technology, including emission control technology and an  
283 on-board diagnostic system.

284           ~~[(69)]~~ (74) "Road tractor" means a motor vehicle designed and used for drawing other  
285 vehicles and constructed so it does not carry any load either independently or any part of the  
286 weight of a vehicle or load that is drawn.

287           ~~[(70)]~~ (75) "Sailboat" means the same as that term is defined in Section [73-18-2](#).

288           ~~[(71)]~~ (76) "Security interest" means an interest that is reserved or created by a security  
289 agreement to secure the payment or performance of an obligation and that is valid against third  
290 parties.

291           ~~[(72)]~~ (77) "Semitrailer" means a vehicle without motive power designed for carrying  
292 persons or property and for being drawn by a motor vehicle and constructed so that some part  
293 of its weight and its load rests or is carried by another vehicle.

294           ~~[(73)]~~ (78) "Special group license plate" means a type of license plate designed for a  
295 particular group of people or a license plate authorized and issued by the division in accordance  
296 with Section [41-1a-418](#) or Part 16, Sponsored Special Group License Plates.

297           ~~[(74)]~~ (79) (a) "Special interest vehicle" means a vehicle used for general  
298 transportation purposes and that is:

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

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

302           (b) In making a determination under Subsection ~~[(74)(a)]~~ (79)(a), the division director  
303 shall give special consideration to:

304           (i) a make of motor vehicle that is no longer manufactured;

- 305 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 306 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
- 307 designed exclusively for educational purposes or museum display; or
- 308 (iv) a motor vehicle of any age or make that has not been substantially altered or
- 309 modified from original specifications of the manufacturer and because of its significance is
- 310 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
- 311 leisure pursuit.

312 [~~75~~] (80) (a) "Special mobile equipment" means a vehicle:

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

316 (b) "Special mobile equipment" includes:

- 317 (i) farm tractors;
- 318 (ii) off-road motorized construction or maintenance equipment including backhoes,
- 319 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 320 (iii) ditch-digging apparatus.

321 (c) "Special mobile equipment" does not include a commercial vehicle as defined

322 under Section [72-9-102](#).

323 [~~76~~] (81) "Specially constructed vehicle" means a vehicle of a type required to be

324 registered in this state, not originally constructed under a distinctive name, make, model, or

325 type by a generally recognized manufacturer of vehicles, and not materially altered from its

326 original construction.

327 [~~77~~] (82) (a) "Standard license plate" means a license plate for general issue

328 described in Subsection [41-1a-402](#)(1).

329 (b) "Standard license plate" includes a license plate for general issue that the division

330 issues before January 1, 2024.

331 [~~78~~] (83) "State impound yard" means a yard for the storage of a vehicle, vessel, or

332 outboard motor that meets the requirements of rules made by the commission pursuant to

333 Subsection [41-1a-1101](#)(5).

334 [~~79~~] (84) "Symbol decal" means the decal that is designed to represent a special

335 group and displayed on a special group license plate.

336           ~~[(80)]~~ (85) "Title" means the right to or ownership of a vehicle, vessel, or outboard  
337 motor.

338           ~~[(81)]~~ (86) (a) "Total fleet miles" means the total number of miles operated in all  
339 jurisdictions during the preceding year by power units.

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

343           ~~[(82)]~~ (87) "Tow truck motor carrier" means the same as that term is defined in Section  
344 [72-9-102](#).

345           ~~[(83)]~~ (88) "Tow truck operator" means the same as that term is defined in Section  
346 [72-9-102](#).

347           ~~[(84)]~~ (89) "Trailer" means a vehicle without motive power designed for carrying  
348 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
349 its weight rests upon the towing vehicle.

350           ~~[(85)]~~ (90) "Transferee" means a person to whom the ownership of property is  
351 conveyed by sale, gift, or any other means except by the creation of a security interest.

352           ~~[(86)]~~ (91) "Transferor" means a person who transfers the person's ownership in  
353 property by sale, gift, or any other means except by creation of a security interest.

354           ~~[(87)]~~ (92) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable  
355 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or  
356 vacation use that does not require a special highway movement permit when drawn by a  
357 self-propelled motor vehicle.

358           ~~[(88)]~~ (93) "Truck tractor" means a motor vehicle designed and used primarily for  
359 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
360 vehicle and load that is drawn.

361           ~~[(89)]~~ (94) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
362 camper, park model recreational vehicle, manufactured home, and mobile home.

363           ~~[(90)]~~ (95) "Vessel" means the same as that term is defined in Section [73-18-2](#).

364           ~~[(91)]~~ (96) "Vintage vehicle" means the same as that term is defined in Section  
365 [41-21-1](#).

366           ~~[(92)]~~ (97) "Waters of this state" means the same as that term is defined in Section

367 73-18-2.

368 [~~(93)~~] (98) "Weighmaster" means a person, association of persons, or corporation  
369 permitted to weigh vehicles under this chapter.

370 Section 2. Section **41-1a-202** is amended to read:

371 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**  
372 **vehicles after establishing residency -- Vehicles prohibited from registration.**

373 (1) In this section:

374 (a) "Domicile" means the place:

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

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

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

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

380 (A) an individual who:

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

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

384 (III) engages in a trade, profession, or occupation in this state or who accepts  
385 employment in other than seasonal work in this state and who does not commute into the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

415 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the  
416 highway from one property to another;

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

419 (iv) special mobile equipment;

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

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

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

- 429 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and  
430 maintained for hire for the transportation of property or person;
- 431 (ix) single-axle trailer unless that trailer is:
- 432 (A) a commercial vehicle;
- 433 (B) a trailer designed, used, and maintained for hire for the transportation of property  
434 or person; or
- 435 (C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more laden  
436 weight;
- 437 (x) manufactured home or mobile home;
- 438 (xi) off-highway vehicle currently registered under Section 41-22-3 if the off-highway  
439 vehicle is:
- 440 (A) being towed;
- 441 (B) operated on a street or highway designated as open to off-highway vehicle use; or
- 442 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
- 443 (xii) off-highway implement of husbandry operated in the manner prescribed in  
444 Subsections 41-22-5.5(3) through (5);
- 445 (xiii) modular and prebuilt homes conforming to the uniform building code and  
446 presently regulated by the United States Department of Housing and Urban Development that  
447 are not constructed on a permanent chassis;
- 448 (xiv) electric assisted bicycle defined under Section 41-6a-102;
- 449 (xv) motor assisted scooter defined under Section 41-6a-102; or
- 450 (xvi) electric personal assistive mobility device defined under Section 41-6a-102.
- 451 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),  
452 incidental operation on a highway includes operation that is:
- 453 (i) transportation of raw agricultural materials or other agricultural related operations;  
454 and
- 455 (ii) limited to 100 miles round trip on a highway.
- 456 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is  
457 required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, or  
458 restored-modified vehicle within 60 days of the owner establishing residency in this state.
- 459 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the

460 registration requirements of this part for the time period that the registration under Section  
461 [41-3-306](#) is valid.

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

464 (6) Beginning January 1, 2027, the division may not register a noncompliant heavy  
465 duty vehicle in the following counties:

466 (a) Davis;

467 (b) Salt Lake;

468 (c) Utah; or

469 (d) Weber.

470 Section 3. Section **41-6a-102** is amended to read:

471 **41-6a-102. Definitions.**

472 As used in this chapter:

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

475 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
476 [41-22-2](#).

477 (3) "Authorized emergency vehicle" includes:

478 (a) fire department vehicles;

479 (b) police vehicles;

480 (c) ambulances; and

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

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

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

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

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

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

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

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

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



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

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

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

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

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

499 (b) "Circular intersection" includes:

500 (i) roundabouts;

501 (ii) rotaries; and

502 (iii) traffic circles.

503 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in  
504 Subsection [~~(18)(d)(i)~~] (19)(d)(i).

505 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in  
506 Subsection [~~(18)(d)(ii)~~] (19)(d)(ii).

507 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in  
508 Subsection [~~(18)(d)(iii)~~] (19)(d)(iii).

509 (11) "Compliant heavy duty vehicle" means the same as that term is defined in Section  
510 [41-1a-102](#).

511 [~~(11)~~] (12) "Commissioner" means the commissioner of the Department of Public  
512 Safety.

513 [~~(12)~~] (13) "Controlled-access highway" means a highway, street, or roadway:

514 (a) designed primarily for through traffic; and

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

518 [~~(13)~~] (14) "Crosswalk" means:

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

521 (i) (A) the curbs; or

522 (B) in the absence of curbs, from the edges of the traversable roadway; and  
523 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
524 included within the extension of the lateral lines of the existing sidewalk at right angles to the  
525 centerline; or

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

528 [~~(14)~~] (15) "Department" means the Department of Public Safety.

529 [~~(15)~~] (16) "Direct supervision" means oversight at a distance within which:

530 (a) visual contact is maintained; and

531 (b) advice and assistance can be given and received.

532 [~~(16)~~] (17) "Divided highway" means a highway divided into two or more roadways  
533 by:

534 (a) an unpaved intervening space;

535 (b) a physical barrier; or

536 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

537 [~~(17)~~] (18) "Echelon formation" means the operation of two or more snowplows  
538 arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to  
539 clear snow from two or more lanes at once.

540 [~~(18)~~] (19) "Electric assisted bicycle" means a bicycle with an electric motor that:

541 (a) has a power output of not more than 750 watts;

542 (b) has fully operable pedals on permanently affixed cranks;

543 (c) is fully operable as a bicycle without the use of the electric motor; and

544 (d) is one of the following:

545 (i) an electric assisted bicycle equipped with a motor or electronics that:

546 (A) provides assistance only when the rider is pedaling; and

547 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per  
548 hour;

549 (ii) an electric assisted bicycle equipped with a motor or electronics that:

550 (A) may be used exclusively to propel the bicycle; and

551 (B) is not capable of providing assistance when the bicycle reaches the speed of 20  
552 miles per hour; or

- 553 (iii) an electric assisted bicycle equipped with a motor or electronics that:  
554 (A) provides assistance only when the rider is pedaling;  
555 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per  
556 hour; and  
557 (C) is equipped with a speedometer.
- 558 ~~[(19)]~~ (20) (a) "Electric personal assistive mobility device" means a self-balancing  
559 device with:  
560 (i) two nontandem wheels in contact with the ground;  
561 (ii) a system capable of steering and stopping the unit under typical operating  
562 conditions;  
563 (iii) an electric propulsion system with average power of one horsepower or 750 watts;  
564 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and  
565 (v) a deck design for a person to stand while operating the device.
- 566 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 567 ~~[(20)]~~ (21) "Explosives" means a chemical compound or mechanical mixture  
568 commonly used or intended for the purpose of producing an explosion and that contains any  
569 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so  
570 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
571 compound or mixture may cause a sudden generation of highly heated gases, and the resultant  
572 gaseous pressures are capable of producing destructive effects on contiguous objects or of  
573 causing death or serious bodily injury.
- 574 ~~[(21)]~~ (22) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
575 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 576 ~~[(22)]~~ (23) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or  
577 less, as determined by a Tagliabue or equivalent closed-cup test device.
- 578 ~~[(23)]~~ (24) "Freeway" means a controlled-access highway that is part of the interstate  
579 system as defined in Section [72-1-102](#).
- 580 ~~[(24)]~~ (25) (a) "Golf cart" means a device that:  
581 (i) is designed for transportation by players on a golf course;  
582 (ii) has not less than three wheels in contact with the ground;  
583 (iii) has an unladen weight of less than 1,800 pounds;

- 584 (iv) is designed to operate at low speeds; and
- 585 (v) is designed to carry not more than six persons including the driver.
- 586 (b) "Golf cart" does not include:
- 587 (i) a low-speed vehicle or an off-highway vehicle;
- 588 (ii) a motorized wheelchair;
- 589 (iii) an electric personal assistive mobility device;
- 590 (iv) an electric assisted bicycle;
- 591 (v) a motor assisted scooter;
- 592 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 593 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 594 ~~[(25)]~~ (26) "Gore area" means the area delineated by two solid white lines that is
- 595 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
- 596 lane including similar areas between merging or splitting highways.
- 597 ~~[(26)]~~ (27) "Gross weight" means the weight of a vehicle without a load plus the
- 598 weight of any load on the vehicle.
- 599 (28) "Heavy duty vehicle" means the same as that term is defined in Section [41-1a-102](#).
- 600 ~~[(27)]~~ (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 601 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 602 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 603 highway or railroad tracks.
- 604 ~~[(28)]~~ (30) "Highway" means the entire width between property lines of every way or
- 605 place of any nature when any part of it is open to the use of the public as a matter of right for
- 606 vehicular travel.
- 607 ~~[(29)]~~ (31) "Highway authority" means the same as that term is defined in Section
- 608 [72-1-102](#).
- 609 ~~[(30)]~~ (32) (a) "Intersection" means the area embraced within the prolongation or
- 610 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways
- 611 of two or more highways that join one another.
- 612 (b) Where a highway includes two roadways 30 feet or more apart:
- 613 (i) every crossing of each roadway of the divided highway by an intersecting highway
- 614 is a separate intersection; and

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

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

618 ~~[(31)]~~ (33) "Island" means an area between traffic lanes or at an intersection for control  
619 of vehicle movements or for pedestrian refuge designated by:

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

622 (b) channelizing devices;

623 (c) curbs;

624 (d) pavement edges; or

625 (e) other devices.

626 ~~[(32)]~~ (34) "Lane filtering" means, when operating a motorcycle other than an  
627 autocycle, the act of overtaking and passing another vehicle that is stopped in the same  
628 direction of travel in the same lane.

629 ~~[(33)]~~ (35) "Law enforcement agency" means the same as that term is as defined in  
630 Section [53-1-102](#).

631 ~~[(34)]~~ (36) "Limited access highway" means a highway:

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

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

636 ~~[(35)]~~ (37) "Local highway authority" means the legislative, executive, or governing  
637 body of a county, municipal, or other local board or body having authority to enact laws  
638 relating to traffic under the constitution and laws of the state.

639 ~~[(36)]~~ (38) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

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

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

644 ~~[(37)]~~ (39) "Metal tire" means a tire, the surface of which in contact with the highway  
645 is wholly or partly of metal or other hard nonresilient material.

646            [~~(38)~~] (40) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a  
647 seat or saddle that is less than 24 inches from the ground as measured on a level surface with  
648 properly inflated tires.

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

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

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

652            (ii) registered as an off-highway vehicle under Section 41-22-3.

653            [~~(39)~~] (41) "Mobile home" means:

654            (a) a trailer or semitrailer that is:

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

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

658            (b) a trailer or a semitrailer whose chassis and exterior shell is designed and  
659 constructed for use as a mobile home, as defined in Subsection [~~(39)(a)~~] (41)(a), but that is  
660 instead used permanently or temporarily for:

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

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

664            [~~(40)~~] (42) "Mobility disability" means the inability of a person to use one or more of  
665 the person's extremities or difficulty with motor skills, that may include limitations with  
666 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other  
667 condition.

668            [~~(41)~~] (43) (a) "Moped" means a motor-driven cycle having:

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

670            (ii) a motor that:

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

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

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

- 677 (c) "Moped" does not include:
- 678 (i) an electric assisted bicycle; or
- 679 (ii) a motor assisted scooter.
- 680 ~~[(42)]~~ (44) (a) "Motor assisted scooter" means a self-propelled device with:
- 681 (i) at least two wheels in contact with the ground;
- 682 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 683 (iii) an electric motor not exceeding 2,000 watts;
- 684 (iv) either:
- 685 (A) handlebars and a deck design for a person to stand while operating the device; or
- 686 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
- 687 the device;
- 688 (v) a design for the ability to be propelled by human power alone; and
- 689 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 690 (b) "Motor assisted scooter" does not include:
- 691 (i) an electric assisted bicycle; or
- 692 (ii) a motor-driven cycle.
- 693 ~~[(43)]~~ (45) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
- 694 is propelled by electric power obtained from overhead trolley wires, but not operated upon
- 695 rails.
- 696 (b) "Motor vehicle" does not include:
- 697 (i) vehicles moved solely by human power;
- 698 (ii) motorized wheelchairs;
- 699 (iii) an electric personal assistive mobility device;
- 700 (iv) an electric assisted bicycle;
- 701 (v) a motor assisted scooter;
- 702 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 703 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 704 ~~[(44)]~~ (46) "Motorcycle" means:
- 705 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 706 and designed to travel with not more than three wheels in contact with the ground; or
- 707 (b) an auticycle.

708           ~~[(45)]~~ (47) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized  
709 bicycle having:

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

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

712           (b) "Motor-driven cycle" does not include:

713           (i) an electric personal assistive mobility device;

714           (ii) a motor assisted scooter; or

715           (iii) an electric assisted bicycle.

716           (c) "Noncompliant heavy duty vehicle" means the same as that term is defined in  
717 Section 41-1a-102.

718           ~~[(46)]~~ (48) "Off-highway implement of husbandry" means the same as that term is  
719 defined under Section 41-22-2.

720           ~~[(47)]~~ (49) "Off-highway vehicle" means the same as that term is defined under Section  
721 41-22-2.

722           ~~[(48)]~~ (50) "Operate" means the same as that term is defined in Section 41-1a-102.

723           ~~[(49)]~~ (51) "Operator" means:

724           (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

725           (b) an automated driving system, as defined in Section 41-26-102.1, that operates a  
726 vehicle.

727           ~~[(50)]~~ (52) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling  
728 stock, or other device operated, alone or coupled with another device, on stationary rails.

729           ~~[(51)]~~ (53) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle  
730 is occupied or not.

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

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

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

736           ~~[(52)]~~ (54) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
737 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
738 traffic laws.



739 [~~(53)~~] (55) "Pedestrian" means a person traveling:

740 (a) on foot; or

741 (b) in a wheelchair.

742 [~~(54)~~] (56) "Pedestrian traffic-control signal" means a traffic-control signal used to  
743 regulate pedestrians.

744 [~~(55)~~] (57) "Person" means a natural person, firm, copartnership, association,  
745 corporation, business trust, estate, trust, partnership, limited liability company, association,  
746 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

747 [~~(56)~~] (58) "Pole trailer" means a vehicle without motive power:

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

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

753 [~~(57)~~] (59) "Private road or driveway" means every way or place in private ownership  
754 and used for vehicular travel by the owner and those having express or implied permission  
755 from the owner, but not by other persons.

756 [~~(58)~~] (60) "Railroad" means a carrier of persons or property upon cars operated on  
757 stationary rails.

758 [~~(59)~~] (61) "Railroad sign or signal" means a sign, signal, or device erected by  
759 authority of a public body or official or by a railroad and intended to give notice of the presence  
760 of railroad tracks or the approach of a railroad train.

761 [~~(60)~~] (62) "Railroad train" means a locomotive propelled by any form of energy,  
762 coupled with or operated without cars, and operated upon rails.

763 [~~(61)~~] (63) "Restored-modified vehicle" means the same as the term defined in Section  
764 [41-1a-102](#).

765 [~~(62)~~] (64) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
766 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
767 of direction, speed, and proximity that give rise to danger of collision unless one grants  
768 precedence to the other.

769 [~~(63)~~] (65) (a) "Roadway" means that portion of highway improved, designed, or

770 ordinarily used for vehicular travel.

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

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

775 [~~(64)~~] (66) "Safety zone" means the area or space officially set apart within a roadway  
776 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
777 signs as to be plainly visible at all times while set apart as a safety zone.

778 [~~(65)~~] (67) (a) "School bus" means a motor vehicle that:

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

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

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

784 [~~(66)~~] (68) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

790 [~~(67)~~] (69) "Shoulder area" means:

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

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

796 [~~(68)~~] (70) "Sidewalk" means that portion of a street between the curb lines, or the  
797 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

798 [~~(69)~~] (71) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt  
799 that is designated for the use of a bicycle.

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

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

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

805 ~~[(70)]~~ (72) "Solid rubber tire" means a tire of rubber or other resilient material that  
806 does not depend on compressed air for the support of the load.

807 ~~[(71)]~~ (73) "Stand" or "standing" means the temporary halting of a vehicle, whether  
808 occupied or not, for the purpose of and while actually engaged in receiving or discharging  
809 passengers.

810 ~~[(72)]~~ (74) "Stop" when required means complete cessation from movement.

811 ~~[(73)]~~ (75) "Stop" or "stopping" when prohibited means any halting even momentarily  
812 of a vehicle, whether occupied or not, except when:

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

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

815 ~~[(74)]~~ (76) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
816 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
817 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with  
818 Section 41-6a-1509.

819 ~~[(75)]~~ (77) "Tow truck operator" means the same as that term is defined in Section  
820 72-9-102.

821 ~~[(76)]~~ (78) "Tow truck motor carrier" means the same as that term is defined in Section  
822 72-9-102.

823 ~~[(77)]~~ (79) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
824 conveyances either singly or together while using any highway for the purpose of travel.

825 ~~[(78)]~~ (80) "Traffic signal preemption device" means an instrument or mechanism  
826 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

827 ~~[(79)]~~ (81) "Traffic-control device" means a sign, signal, marking, or device not  
828 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
829 regulating, warning, or guiding traffic.

830 ~~[(80)]~~ (82) "Traffic-control signal" means a device, whether manually, electrically, or  
831 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

832           ~~[(81)]~~ (83) (a) "Trailer" means a vehicle with or without motive power designed for  
833 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
834 part of its weight rests upon the towing vehicle.

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

836           ~~[(82)]~~ (84) "Truck" means a motor vehicle designed, used, or maintained primarily for  
837 the transportation of property.

838           ~~[(83)]~~ (85) "Truck tractor" means a motor vehicle:

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

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

842           ~~[(84)]~~ (86) "Two-way left turn lane" means a lane:

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

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

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

847           ~~[(85)]~~ (87) "Urban district" means the territory contiguous to and including any street,  
848 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
849 less than 100 feet, for a distance of a quarter of a mile or more.

850           ~~[(86)]~~ (88) "Vehicle" means a device in, on, or by which a person or property is or may  
851 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
852 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

853           Section 4. Section **41-6a-1642** is amended to read:

854           **41-6a-1642. Emissions inspection -- County program.**

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

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

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

862           (ii) at other times as the county legislative body may require to enforce inspection

863 requirements for individual motor vehicles, except that the county legislative body may not  
864 routinely require a certificate of emissions inspection, or waiver of the certificate, more often  
865 than required under Subsection (9); and

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

869 (i) the federal government;

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

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

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

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

880 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

881 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
882 2014;

883 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

884 (D) Volkswagen Golf Sportwagen, model year 2015;

885 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

886 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;

887 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

888 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

889 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
890 emissions are mitigated in the state to a settlement, including:

891 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and  
892 2016;

893 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

894 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;

895 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;

896 (E) Audi A8, model years 2014, 2015, and 2016;

897 (F) Audi A8L, model years 2014, 2015, and 2016;

898 (G) Audi Q5, model years 2014, 2015, and 2016; and

899 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

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

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

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

908 (B) the motor vehicle modification is a change to an engine that is newer than the  
909 engine with which the motor vehicle was originally equipped, or the engine includes  
910 technology that increases the facility of the administration of an emissions test, such as an  
911 on-board diagnostics system.

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

914 (A) the owner shall present the signed statement described in Subsection [41-1a-226\(4\)](#);  
915 and

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

917 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration  
918 certificate is notated as described in Subsection [41-1a-226\(4\)](#), a county emissions program may  
919 not refuse to perform an emissions test based solely on the restored-modified status of the  
920 motor vehicle.

921 (3) (a) The legislative body of a county identified in Subsection (1), in consultation  
922 with the Air Quality Board created under Section [19-1-106](#), shall make regulations or  
923 ordinances regarding:

924 (i) emissions standards;

- 925 (ii) test procedures;
- 926 (iii) inspections stations;
- 927 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 928 (v) certificates of emissions inspections.
- 929 (b) In accordance with Subsection (3)(a), a county legislative body:
- 930 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 931 standards in the county, consistent with the state implementation plan and federal
- 932 requirements;
- 933 (ii) may allow for a phase-in of the program by geographical area; and
- 934 (iii) shall comply with the analyzer design and certification requirements contained in
- 935 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 936 (c) The county legislative body and the Air Quality Board shall give preference to an
- 937 inspection and maintenance program that:
- 938 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 939 ambient air quality standards and meet federal requirements;
- 940 (ii) is the most cost effective means to achieve and maintain the maximum benefit with
- 941 regard to ambient air quality standards and to meet federal air quality requirements as related to
- 942 vehicle emissions; and
- 943 (iii) provides a reasonable phase-out period for replacement of air pollution emission
- 944 testing equipment made obsolete by the program.
- 945 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 946 (i) may be accomplished in accordance with applicable federal requirements; and
- 947 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
- 948 quality standards.
- 949 (4) The following vehicles are exempt from an emissions inspection program and the
- 950 provisions of this section:
- 951 (a) an implement of husbandry as defined in Section [41-1a-102](#);
- 952 (b) a motor vehicle that:
- 953 (i) meets the definition of a farm truck under Section [41-1a-102](#); and
- 954 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 955 (c) a vintage vehicle as defined in Section [41-21-1](#);

- 956 (i) if the vintage vehicle has a model year of 1982 or older; or  
957 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides  
958 proof of vehicle insurance that is a type specific to a vehicle collector;
- 959 (d) a custom vehicle as defined in Section 41-6a-1507;
- 960 (e) to the extent allowed under the current federally approved state implementation  
961 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor  
962 vehicle that is less than two years old on January 1 based on the age of the vehicle as  
963 determined by the model year identified by the manufacturer;
- 964 (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating  
965 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed  
966 statement to the legislative body stating the truck is used:
- 967 (i) by the owner or operator of a farm located on property that qualifies as land in  
968 agricultural use under Sections 59-2-502 and 59-2-503; and
- 969 (ii) exclusively for the following purposes in operating the farm:
- 970 (A) for the transportation of farm products, including livestock and its products,  
971 poultry and its products, floricultural and horticultural products; and
- 972 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
973 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production  
974 and maintenance;
- 975 (g) a motorcycle as defined in Section 41-1a-102;
- 976 (h) an electric motor vehicle as defined in Section 41-1a-102; and
- 977 (i) a motor vehicle with a model year of 1967 or older.
- 978 (5) The county shall issue to the registered owner who signs and submits a signed  
979 statement under Subsection (4)(f) a certificate of exemption from emissions inspection  
980 requirements for purposes of registering the exempt vehicle.
- 981 (6) (a) ~~[A]~~ Except as provided in Subsection (6)(b), a legislative body of a county  
982 described in Subsection (1) may exempt from an emissions inspection program a  
983 diesel-powered motor vehicle with a:
- 984 ~~[(a)]~~ (i) gross vehicle weight rating of more than 14,000 pounds; or  
985 ~~[(b)]~~ (ii) model year of 1997 or older.
- 986 (b) Beginning January 1, 2027, a legislative body of a county described in Subsection



987 (1) may not exempt from an emissions inspection program a diesel-powered motor vehicle with  
988 a gross vehicle weight rating of more than 14,000 pounds.

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

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

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

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

994 (iii) a model year that is five years old or older; [~~and~~]

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

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

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

998 (iii) that has a model year that is five years old or older[-]; and

999 (c) for a heavy duty vehicle, a visual inspection to determine whether the heavy duty  
1000 vehicle is a compliant or noncompliant heavy duty vehicle.

1001 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under  
1002 federal law to utilize a motor vehicle emissions inspection and maintenance program or in  
1003 which an emissions inspection and maintenance program is necessary to attain or maintain any  
1004 national ambient air quality standard may require each college or university located in a county  
1005 subject to this section to require its students and employees who park a motor vehicle not  
1006 registered in a county subject to this section to provide proof of compliance with an emissions  
1007 inspection accepted by the county legislative body if the motor vehicle is parked on the college  
1008 or university campus or property.

1009 (b) College or university parking areas that are metered or for which payment is  
1010 required per use are not subject to the requirements of this Subsection (8).

1011 (c) The legislative body of a county shall make the reasons for implementing the  
1012 provisions of this Subsection (8) part of the record at the time that the county legislative body  
1013 takes its official action to implement the provisions of this Subsection (8).

1014 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection  
1015 for each motor vehicle that meets the inspection and maintenance program requirements  
1016 established in regulations or ordinances made under Subsection (3).

1017 (b) The frequency of the emissions inspection shall be determined based on the age of

1018 the vehicle as determined by model year and shall be required annually subject to the  
1019 provisions of Subsection (9)(c).

1020 (c) (i) To the extent allowed under the current federally approved state implementation  
1021 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative  
1022 body of a county identified in Subsection (1) shall only require the emissions inspection every  
1023 two years for each vehicle.

1024 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six  
1025 years old on January 1.

1026 (iii) For a county required to implement a new vehicle emissions inspection and  
1027 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
1028 current federally approved state implementation plan exists, a vehicle shall be tested at a  
1029 frequency determined by the county legislative body, in consultation with the Air Quality  
1030 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or  
1031 maintain any national ambient air quality standard.

1032 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
1033 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment  
1034 or change shall take effect on January 1 if the State Tax Commission receives notice meeting  
1035 the requirements of Subsection (9)(c)(v) from the county before October 1.

1036 (v) The notice described in Subsection (9)(c)(iv) shall:

1037 (A) state that the county will establish or change the frequency of the vehicle emissions  
1038 inspection and maintenance program under this section;

1039 (B) include a copy of the ordinance establishing or changing the frequency; and

1040 (C) if the county establishes or changes the frequency under this section, state how  
1041 frequently the emissions testing will be required.

1042 (d) If an emissions inspection is only required every two years for a vehicle under  
1043 Subsection (9)(c), the inspection shall be required for the vehicle in:

1044 (i) odd-numbered years for vehicles with odd-numbered model years; or

1045 (ii) in even-numbered years for vehicles with even-numbered model years.

1046 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection  
1047 required under this section may be made no more than two months before the renewal of  
1048 registration.

1049 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an  
1050 emissions inspection certificate issued for the motor vehicle during the previous 11 months to  
1051 satisfy the requirement under this section.

1052 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may  
1053 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded  
1054 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under  
1055 this section.

1056 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the  
1057 lessee may use an emissions inspection certificate issued during the previous 11 months to  
1058 satisfy the requirement under this section.

1059 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not  
1060 use an emissions inspection made more than 11 months before the renewal of registration to  
1061 satisfy the requirement under this section.

1062 (e) If the application for renewal of registration is for a six-month registration period  
1063 under Section [41-1a-215.5](#), the owner may use an emissions inspection certificate issued during  
1064 the previous eight months to satisfy the requirement under this section.

1065 (11) (a) A county identified in Subsection (1) shall collect information about and  
1066 monitor the program.

1067 (b) A county identified in Subsection (1) shall supply this information to an appropriate  
1068 legislative committee, as designated by the Legislative Management Committee, at times  
1069 determined by the designated committee to identify program needs, including funding needs.

1070 (12) If approved by the county legislative body, a county that had an established  
1071 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
1072 emissions inspection station may charge by \$2.50 for each year that is exempted from  
1073 emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

1074 (13) (a) Except as provided in Subsection [41-1a-1223\(1\)\(c\)](#), a county identified in  
1075 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration  
1076 within the county in accordance with the procedures and requirements of Section [41-1a-1223](#).

1077 (b) A county that imposes a local emissions compliance fee may use revenues  
1078 generated from the fee for the establishment and enforcement of an emissions inspection and  
1079 maintenance program in accordance with the requirements of this section.

1080 (c) A county that imposes a local emissions compliance fee may use revenues  
1081 generated from the fee to promote programs to maintain a local, state, or national ambient air  
1082 quality standard.

1083 (14) (a) If a county has reason to believe that a vehicle owner has provided an address  
1084 as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county  
1085 other than the county of the bona fide residence of the owner in order to avoid an emissions  
1086 inspection required under this section, the county may investigate and gather evidence to  
1087 determine whether the vehicle owner has used a false address or an address other than the  
1088 vehicle owner's bona fide residence or place of business.

1089 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
1090 determines that the vehicle owner has used a false or improper address in an effort to avoid an  
1091 emissions inspection as required in this section, the county may impose a civil penalty of  
1092 \$1,000.

1093 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle  
1094 from an emissions inspection if:

1095 (a) the motor vehicle is 30 years old or older;

1096 (b) the county determines that the motor vehicle was driven less than 1,500 miles  
1097 during the preceding 12-month period; and

1098 (c) the owner provides to the county legislative body a statement signed by the owner  
1099 that states the motor vehicle:

1100 (i) is primarily a collector's item used for:

1101 (A) participation in club activities;

1102 (B) exhibitions;

1103 (C) tours; or

1104 (D) parades; or

1105 (ii) is only used for occasional transportation.

1106 Section 5. **Effective date.**

1107 This bill takes effect on May 1, 2024.