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MOTOR VEHICLE ACT AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Wayne A. Harper
House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends provisions and definitions related to certain motor vehicles to clarify titling and registration requirements.

Highlighted Provisions:

This bill:

- ▶ allows the Division of Motor Vehicles to provide title to certain off-highway vehicles;
- ▶ defines terms and amends the definitions of certain motor vehicles;
- ▶ amends a provision to allow certain motor vehicles to emit visible contaminants; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 41-1a-102**, as last amended by Laws of Utah 2023, Chapters 33, 532
- 41-1a-507**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 41-6a-102**, as last amended by Laws of Utah 2023, Chapters 219, 532
- 41-6a-1626**, as last amended by Laws of Utah 2021, Chapter 282
- 41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88

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

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

41-1a-102 . Definitions.

28 As used in this chapter:

- 29 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- 30 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
31 vehicles as operated and certified to by a weighmaster.
- 32 (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 33 (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 34 (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 35 (6) "Alternative fuel vehicle" means:
- 36 (a) an electric motor vehicle;
- 37 (b) a hybrid electric motor vehicle;
- 38 (c) a plug-in hybrid electric motor vehicle; or
- 39 (d) a motor vehicle powered exclusively by a fuel other than:
- 40 (i) motor fuel;
- 41 (ii) diesel fuel;
- 42 (iii) natural gas; or
- 43 (iv) propane.
- 44 (7) "Amateur radio operator" means a person licensed by the Federal Communications
45 Commission to engage in private and experimental two-way radio operation on the
46 amateur band radio frequencies.
- 47 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 48 (9) "Automated driving system" means the same as that term is defined in Section
49 41-26-102.1.
- 50 (10) "Branded title" means a title certificate that is labeled:
- 51 (a) rebuilt and restored to operation;
- 52 (b) flooded and restored to operation; or
- 53 (c) not restored to operation.
- 54 (11) "Camper" means a structure designed, used, and maintained primarily to be mounted
55 on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile
56 dwelling, sleeping place, commercial space, or facilities for human habitation or for
57 camping.
- 58 (12) "Certificate of title" means a document issued by a jurisdiction to establish a record of
59 ownership between an identified owner and the described vehicle, vessel, or outboard
60 motor.
- 61 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a

- 62 weighmaster.
- 63 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained
64 for the transportation of persons or property that operates:
- 65 (a) as a carrier for hire, compensation, or profit; or
66 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
67 owner's commercial enterprise.
- 68 (15) "Commission" means the State Tax Commission.
- 69 (16) "Consumer price index" means the same as that term is defined in Section 59-13-102.
- 70 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
71 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright
72 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an
73 established place of business for the sale, lease, trade, or display of vehicles, vessels, or
74 outboard motors.
- 75 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- 76 (19) "Division" means the Motor Vehicle Division of the commission, created in Section
77 41-1a-106.
- 78 (20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- 79 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric
80 motor drawing current from a rechargeable energy storage system.
- 81 (22) "Essential parts" means the integral and body parts of a vehicle of a type required to be
82 registered in this state, the removal, alteration, or substitution of which would tend to
83 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model,
84 type, or mode of operation.
- 85 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
86 implement for drawing plows, mowing machines, and other implements of husbandry.
- 87 (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
88 the owner's or operator's own use in the transportation of:
- 89 (i) farm products, including livestock and its products, poultry and its products,
90 floricultural and horticultural products;
- 91 (ii) farm supplies, including tile, fence, and any other thing or commodity used in
92 agricultural, floricultural, horticultural, livestock, and poultry production; and
93 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
94 other purposes connected with the operation of a farm.
- 95 (b) "Farm truck" does not include the operation of trucks by commercial processors of

96 agricultural products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

128 (36) "Manufactured home" means a transportable factory built housing unit constructed on
129 or after June 15, 1976, according to the Federal Home Construction and Safety

130 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling
131 mode, is eight body feet or more in width or 40 body feet or more in length, or when
132 erected on site, is 400 or more square feet, and which is built on a permanent chassis and
133 designed to be used as a dwelling with or without a permanent foundation when
134 connected to the required utilities, and includes the plumbing, heating, air-conditioning,
135 and electrical systems.

136 (37) "Manufacturer" means a person engaged in the business of constructing,
137 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
138 outboard motors for the purpose of sale or trade.

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

142 (39) "Mobile home" means a transportable factory built housing unit built prior to June 15,
143 1976, in accordance with a state mobile home code which existed prior to the Federal
144 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

149 (i) an off-highway vehicle; or

150 (ii) a motor assisted scooter as defined in Section 41-6a-102.

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

152 (43) "Motorcycle" means:

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

155 (b) an autocycle.

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

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

161 (b) A person who engages in intrastate business within this state and operates in that
162 business any motor vehicle, trailer, or semitrailer in this state or who, even though
163 engaging in interstate commerce, maintains a vehicle in this state as the home station

- 164 of that vehicle is considered a resident of this state, insofar as that vehicle is
165 concerned in administering this chapter.
- 166 (46) "Odometer" means a device for measuring and recording the actual distance a vehicle
167 travels while in operation, but does not include any auxiliary odometer designed to be
168 periodically reset.
- 169 (47) "Off-highway implement of husbandry" means the same as that term is defined in
170 Section 41-22-2.
- 171 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.
- 172 (49) (a) "Operate" means:
- 173 (i) to navigate a vessel; or
174 (ii) collectively, the activities performed in order to perform the entire dynamic
175 driving task for a given motor vehicle by:
- 176 (A) a human driver as defined in Section 41-26-102.1; or
177 (B) an engaged automated driving system.
- 178 (b) "Operate" includes testing of an automated driving system.
- 179 (50) "Original issue license plate" means a license plate that is of a format and type issued
180 by the state in the same year as the model year of a vehicle that is a model year 1973 or
181 older.
- 182 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel
183 supply, used to propel a vessel.
- 184 (52) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
185 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
186 subject to a security interest.
- 187 (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale
188 or mortgage of the vehicle with the right of purchase upon performance of the
189 conditions stated in the agreement and with an immediate right of possession vested
190 in the conditional vendee or mortgagor, or if the vehicle is the subject of a security
191 agreement, then the conditional vendee, mortgagor, or debtor is considered the owner
192 for the purposes of this chapter.
- 193 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner
194 until the lessee exercises the lessee's option to purchase the vehicle.
- 195 (53) "Park model recreational vehicle" means a unit that:
- 196 (a) is designed and marketed as temporary living quarters for recreational, camping,
197 travel, or seasonal use;

- 198 (b) is not permanently affixed to real property for use as a permanent dwelling;
199 (c) requires a special highway movement permit for transit; and
200 (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding
201 400 square feet in the setup mode.
- 202 (54) "Personalized license plate" means a license plate that has displayed on it a
203 combination of letters, numbers, or both as requested by the owner of the vehicle and
204 assigned to the vehicle by the division.
- 205 (55) (a) "Pickup truck" means a two-axle motor vehicle with motive power
206 manufactured, remanufactured, or materially altered to provide an open cargo area.
207 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
208 camper, camper shell, tarp, removable top, or similar structure.
- 209 (56) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has
210 the capability to charge the battery or batteries used for vehicle propulsion from an
211 off-vehicle electric source, such that the off-vehicle source cannot be connected to the
212 vehicle while the vehicle is in motion.
- 213 (57) "Pneumatic tire" means a tire in which compressed air is designed to support the load.
- 214 (58) "Preceding year" means a period of 12 consecutive months fixed by the division that is
215 within 16 months immediately preceding the commencement of the registration or
216 license year in which proportional registration is sought. The division in fixing the
217 period shall conform it to the terms, conditions, and requirements of any applicable
218 agreement or arrangement for the proportional registration of vehicles.
- 219 (59) "Public garage" means a building or other place where vehicles or vessels are kept and
220 stored and where a charge is made for the storage and keeping of vehicles and vessels.
- 221 (60) "Receipt of surrender of ownership documents" means the receipt of surrender of
222 ownership documents described in Section 41-1a-503.
- 223 (61) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state
224 that is materially altered from its original construction by the removal, addition, or
225 substitution of essential parts, new or used.
- 226 (62) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.
- 227 (63) "Registration" means a document issued by a jurisdiction that allows operation of a
228 vehicle or vessel on the highways or waters of this state for the time period for which the
229 registration is valid and that is evidence of compliance with the registration requirements
230 of the jurisdiction.
- 231 (64) "Registration decal" means the decal issued by the division that is evidence of

- 232 compliance with the division's registration requirements.
- 233 (65) (a) "Registration year" means a 12 consecutive month period commencing with the
234 completion of the applicable registration criteria.
- 235 (b) For administration of a multistate agreement for proportional registration the division
236 may prescribe a different 12-month period.
- 237 (66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors
238 to a sound working condition by substituting any inoperative part of the vehicle, vessel,
239 or outboard motor, or by correcting the inoperative part.
- 240 (67) "Replica vehicle" means:
- 241 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
242 (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507
243 (1)(a)(i)(B).
- 244 (68) "Restored-modified vehicle" means a motor vehicle that has been restored and
245 modified with modern parts and technology, including emission control technology and
246 an on-board diagnostic system.
- 247 (69) "Road tractor" means a motor vehicle designed and used for drawing other vehicles
248 and constructed so it does not carry any load either independently or any part of the
249 weight of a vehicle or load that is drawn.
- 250 (70) "Sailboat" means the same as that term is defined in Section 73-18-2.
- 251 (71) "Security interest" means an interest that is reserved or created by a security agreement
252 to secure the payment or performance of an obligation and that is valid against third
253 parties.
- 254 (72) "Semitrailer" means a vehicle without motive power designed for carrying persons or
255 property and for being drawn by a motor vehicle and constructed so that some part of its
256 weight and its load rests or is carried by another vehicle.
- 257 (73) "Special group license plate" means a type of license plate designed for a particular
258 group of people or a license plate authorized and issued by the division in accordance
259 with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.
- 260 (74) (a) "Special interest vehicle" means a vehicle used for general transportation
261 purposes and that is:
- 262 (i) 20 years or older from the current year; or
263 (ii) a make or model of motor vehicle recognized by the division director as having
264 unique interest or historic value.
- 265 (b) In making a determination under Subsection (74)(a), the division director shall give

- 266 special consideration to:
- 267 (i) a make of motor vehicle that is no longer manufactured;
- 268 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 269 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
- 270 designed exclusively for educational purposes or museum display; or
- 271 (iv) a motor vehicle of any age or make that has not been substantially altered or
- 272 modified from original specifications of the manufacturer and because of its
- 273 significance is being collected, preserved, restored, maintained, or operated by a
- 274 collector or hobbyist as a leisure pursuit.
- 275 (75) (a) "Special mobile equipment" means a vehicle:
- 276 (i) not designed or used primarily for the transportation of persons or property;
- 277 (ii) not designed to operate in traffic; and
- 278 (iii) only incidentally operated or moved over the highways.
- 279 (b) "Special mobile equipment" includes:
- 280 (i) farm tractors;
- 281 (ii) off-road motorized construction or maintenance equipment including backhoes,
- 282 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 283 (iii) ditch-digging apparatus.
- 284 (c) "Special mobile equipment" does not include a commercial vehicle as defined under
- 285 Section 72-9-102.
- 286 (76) "Specially constructed vehicle" means a vehicle of a type required to be registered in
- 287 this state, not originally constructed under a distinctive name, make, model, or type by a
- 288 generally recognized manufacturer of vehicles, and not materially altered from its
- 289 original construction.
- 290 (77) (a) "Standard license plate" means a license plate for general issue described in
- 291 Subsection 41-1a-402(1).
- 292 (b) "Standard license plate" includes a license plate for general issue that the division
- 293 issues before January 1, 2024.
- 294 (78) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
- 295 motor that meets the requirements of rules made by the commission pursuant to
- 296 Subsection 41-1a-1101(5).
- 297 (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term is
- 298 defined in Section 41-6a-102.
- 299 [~~79~~] (80) "Symbol decal" means the decal that is designed to represent a special group and

300 displayed on a special group license plate.

301 ~~[(80)]~~ (81) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

302 ~~[(81)]~~ (82) (a) "Total fleet miles" means the total number of miles operated in all

303 jurisdictions during the preceding year by power units.

304 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the

305 number of miles that those vehicles were towed on the highways of all jurisdictions

306 during the preceding year.

307 ~~[(82)]~~ (83) "Tow truck motor carrier" means the same as that term is defined in Section

308 72-9-102.

309 ~~[(83)]~~ (84) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

310 ~~[(84)]~~ (85) "Trailer" means a vehicle without motive power designed for carrying persons or

311 property and for being drawn by a motor vehicle and constructed so that no part of its

312 weight rests upon the towing vehicle.

313 ~~[(85)]~~ (86) "Transferee" means a person to whom the ownership of property is conveyed by

314 sale, gift, or any other means except by the creation of a security interest.

315 ~~[(86)]~~ (87) "Transferor" means a person who transfers the person's ownership in property by

316 sale, gift, or any other means except by creation of a security interest.

317 ~~[(87)]~~ (88) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable

318 vehicle without motive power, designed as a temporary dwelling for travel, recreational,

319 or vacation use that does not require a special highway movement permit when drawn

320 by a self-propelled motor vehicle.

321 ~~[(88)]~~ (89) "Truck tractor" means a motor vehicle designed and used primarily for drawing

322 other vehicles and not constructed to carry a load other than a part of the weight of the

323 vehicle and load that is drawn.

324 ~~[(89)]~~ (90) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,

325 camper, park model recreational vehicle, manufactured home, and mobile home.

326 ~~[(90)]~~ (91) "Vessel" means the same as that term is defined in Section 73-18-2.

327 ~~[(91)]~~ (92) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

328 ~~[(92)]~~ (93) "Waters of this state" means the same as that term is defined in Section 73-18-2.

329 ~~[(93)]~~ (94) "Weighmaster" means a person, association of persons, or corporation permitted

330 to weigh vehicles under this chapter.

331 Section 2. Section **41-1a-507** is amended to read:

332 **41-1a-507 . Exceptions to title requirements for off-highway vehicles.**

333 (1) Each off-highway vehicle operated in this state and identified by the manufacturer as a

334 1988 year model or newer is subject to the titling provisions of this part except:

335 (a) off-highway vehicles owned and operated by nonresidents of the state; and

336 (b) off-highway vehicles owned and operated by the federal government~~;~~ and .

337 ~~[(c) off-highway vehicles that are registered for highway use.]~~

338 (2) The division may not provide title to an off-highway vehicle identified by the
339 manufacturer as a 1987 year model or older~~[-]~~ unless the off-highway vehicle is:

340 (a) a motorcycle; or

341 (b) a street-legal all-terrain vehicle.

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

343 **41-6a-102 . Definitions.**

344 As used in this chapter:

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

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

348 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

349 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

350 ~~[(3)]~~ (5) "Authorized emergency vehicle" includes:

351 (a) fire department vehicles;

352 (b) police vehicles;

353 (c) ambulances; and

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

356 ~~[(4)]~~ (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

357 ~~[(5)]~~ (7) (a) "Bicycle" means a wheeled vehicle:

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

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

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

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

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

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

364 ~~[(6)]~~ (8) (a) "Bus" means a motor vehicle:

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

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

- 368 (b) "Bus" does not include a taxicab.
- 369 ~~[(7)]~~ (9) (a) "Circular intersection" means an intersection that has an island, generally
370 circular in design, located in the center of the intersection where traffic passes to the
371 right of the island.
- 372 (b) "Circular intersection" includes:
- 373 (i) roundabouts;
- 374 (ii) rotaries; and
- 375 (iii) traffic circles.
- 376 ~~[(8)]~~ (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
377 Subsection ~~[(18)(d)(i).]~~ (20)(d)(i).
- 378 ~~[(9)]~~ (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
379 Subsection ~~[(18)(d)(ii).]~~ (20)(d)(ii).
- 380 ~~[(10)]~~ (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
381 Subsection ~~[(18)(d)(iii).]~~ (20)(d)(iii).
- 382 ~~[(11)]~~ (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 383 ~~[(12)]~~ (14) "Controlled-access highway" means a highway, street, or roadway:
- 384 (a) designed primarily for through traffic; and
- 385 (b) to or from which owners or occupants of abutting lands and other persons have no
386 legal right of access, except at points as determined by the highway authority having
387 jurisdiction over the highway, street, or roadway.
- 388 ~~[(13)]~~ (15) "Crosswalk" means:
- 389 (a) that part of a roadway at an intersection included within the connections of the lateral
390 lines of the sidewalks on opposite sides of the highway measured from:
- 391 (i) (A) the curbs; or
- 392 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 393 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
394 included within the extension of the lateral lines of the existing sidewalk at right
395 angles to the centerline; or
- 396 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
397 pedestrian crossing by lines or other markings on the surface.
- 398 ~~[(14)]~~ (16) "Department" means the Department of Public Safety.
- 399 ~~[(15)]~~ (17) "Direct supervision" means oversight at a distance within which:
- 400 (a) visual contact is maintained; and
- 401 (b) advice and assistance can be given and received.

- 402 [~~(16)~~] (18) "Divided highway" means a highway divided into two or more roadways by:
- 403 (a) an unpaved intervening space;
- 404 (b) a physical barrier; or
- 405 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 406 [~~(17)~~] (19) "Echelon formation" means the operation of two or more snowplows arranged
- 407 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 408 clear snow from two or more lanes at once.
- 409 [~~(18)~~] (20) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 410 (a) has a power output of not more than 750 watts;
- 411 (b) has fully operable pedals on permanently affixed cranks;
- 412 (c) is fully operable as a bicycle without the use of the electric motor; and
- 413 (d) is one of the following:
- 414 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 415 (A) provides assistance only when the rider is pedaling; and
- 416 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles
- 417 per hour;
- 418 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 419 (A) may be used exclusively to propel the bicycle; and
- 420 (B) is not capable of providing assistance when the bicycle reaches the speed of
- 421 20 miles per hour; or
- 422 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 423 (A) provides assistance only when the rider is pedaling;
- 424 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles
- 425 per hour; and
- 426 (C) is equipped with a speedometer.
- 427 [~~(19)~~] (21) (a) "Electric personal assistive mobility device" means a self-balancing device
- 428 with:
- 429 (i) two nontandem wheels in contact with the ground;
- 430 (ii) a system capable of steering and stopping the unit under typical operating
- 431 conditions;
- 432 (iii) an electric propulsion system with average power of one horsepower or 750
- 433 watts;
- 434 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 435 (v) a deck design for a person to stand while operating the device.

- 436 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 437 [~~(20)~~] (22) "Explosives" means a chemical compound or mechanical mixture commonly
438 used or intended for the purpose of producing an explosion and that contains any
439 oxidizing and combustive units or other ingredients in proportions, quantities, or
440 packing so that an ignition by fire, friction, concussion, percussion, or detonator of any
441 part of the compound or mixture may cause a sudden generation of highly heated gases,
442 and the resultant gaseous pressures are capable of producing destructive effects on
443 contiguous objects or of causing death or serious bodily injury.
- 444 [~~(21)~~] (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
445 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 446 [~~(22)~~] (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
447 as determined by a Tagliabue or equivalent closed-cup test device.
- 448 [~~(23)~~] (25) "Freeway" means a controlled-access highway that is part of the interstate system
449 as defined in Section 72-1-102.
- 450 [~~(24)~~] (26) (a) "Golf cart" means a device that:
- 451 (i) is designed for transportation by players on a golf course;
452 (ii) has not less than three wheels in contact with the ground;
453 (iii) has an unladen weight of less than 1,800 pounds;
454 (iv) is designed to operate at low speeds; and
455 (v) is designed to carry not more than six persons including the driver.
- 456 (b) "Golf cart" does not include:
- 457 (i) a low-speed vehicle or an off-highway vehicle;
458 (ii) a motorized wheelchair;
459 (iii) an electric personal assistive mobility device;
460 (iv) an electric assisted bicycle;
461 (v) a motor assisted scooter;
462 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
463 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 464 [~~(25)~~] (27) "Gore area" means the area delineated by two solid white lines that is between a
465 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
466 including similar areas between merging or splitting highways.
- 467 [~~(26)~~] (28) "Gross weight" means the weight of a vehicle without a load plus the weight of
468 any load on the vehicle.
- 469 [~~(27)~~] (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- 470 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 471 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 472 highway or railroad tracks.
- 473 ~~[(28)]~~ (30) "Highway" means the entire width between property lines of every way or place
- 474 of any nature when any part of it is open to the use of the public as a matter of right for
- 475 vehicular travel.
- 476 ~~[(29)]~~ (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 477 ~~[(30)]~~ (32) (a) "Intersection" means the area embraced within the prolongation or
- 478 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the
- 479 roadways of two or more highways that join one another.
- 480 (b) Where a highway includes two roadways 30 feet or more apart:
- 481 (i) every crossing of each roadway of the divided highway by an intersecting
- 482 highway is a separate intersection; and
- 483 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 484 every crossing of two roadways of the highways is a separate intersection.
- 485 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 486 ~~[(31)]~~ (33) "Island" means an area between traffic lanes or at an intersection for control of
- 487 vehicle movements or for pedestrian refuge designated by:
- 488 (a) pavement markings, which may include an area designated by two solid yellow lines
- 489 surrounding the perimeter of the area;
- 490 (b) channelizing devices;
- 491 (c) curbs;
- 492 (d) pavement edges; or
- 493 (e) other devices.
- 494 ~~[(32)]~~ (34) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
- 495 act of overtaking and passing another vehicle that is stopped in the same direction of
- 496 travel in the same lane.
- 497 ~~[(33)]~~ (35) "Law enforcement agency" means the same as that term is as defined in Section
- 498 53-1-102.
- 499 ~~[(34)]~~ (36) "Limited access highway" means a highway:
- 500 (a) that is designated specifically for through traffic; and
- 501 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 502 persons have any right or easement, or have only a limited right or easement of
- 503 access, light, air, or view.

504 [(35)] (37) "Local highway authority" means the legislative, executive, or governing body of
505 a county, municipal, or other local board or body having authority to enact laws relating
506 to traffic under the constitution and laws of the state.

507 [(36)] (38) (a) "Low-speed vehicle" means a four wheeled [electric-]motor vehicle that:

- 508 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 509 (ii) has a capacity of not more than six passengers, including a conventional driver or
510 fallback-ready user if on board the vehicle, as those terms are defined in Section
511 41-26-102.1.

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

513 [(37)] (39) "Metal tire" means a tire, the surface of which in contact with the highway is
514 wholly or partly of metal or other hard nonresilient material.

515 [(38)] (40) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
516 seat or saddle that is less than 24 inches from the ground as measured on a level
517 surface with properly inflated tires.

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

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

- 520 (i) designed for off-highway use; and
- 521 (ii) registered as an off-highway vehicle under Section 41-22-3.

522 [(39)] (41) "Mobile home" means:

523 (a) a trailer or semitrailer that is:

- 524 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
525 place either permanently or temporarily; and
- 526 (ii) equipped for use as a conveyance on streets and highways; or

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

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

533 [(40)] (42) "Mobility disability" means the inability of a person to use one or more of the
534 person's extremities or difficulty with motor skills, that may include limitations with
535 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
536 condition.

537 [(41)] (43) (a) "Moped" means a motor-driven cycle having:

- 538 (i) pedals to permit propulsion by human power; and
539 (ii) a motor that:
540 (A) produces not more than two brake horsepower; and
541 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
542 on level ground.
- 543 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
544 centimeters and the moped shall have a power drive system that functions directly or
545 automatically without clutching or shifting by the operator after the drive system is
546 engaged.
- 547 (c) "Moped" does not include:
548 (i) an electric assisted bicycle; or
549 (ii) a motor assisted scooter.
- 550 ~~[(42)]~~ (44) (a) "Motor assisted scooter" means a self-propelled device with:
551 (i) at least two wheels in contact with the ground;
552 (ii) a braking system capable of stopping the unit under typical operating conditions;
553 (iii) an electric motor not exceeding 2,000 watts;
554 (iv) either:
555 (A) handlebars and a deck design for a person to stand while operating the device;
556 or
557 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
558 operating the device;
559 (v) a design for the ability to be propelled by human power alone; and
560 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 561 (b) "Motor assisted scooter" does not include:
562 (i) an electric assisted bicycle; or
563 (ii) a motor-driven cycle.
- 564 ~~[(43)]~~ (45) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
565 propelled by electric power obtained from overhead trolley wires, but not operated
566 upon rails.
- 567 (b) "Motor vehicle" does not include:
568 (i) vehicles moved solely by human power;
569 (ii) motorized wheelchairs;
570 (iii) an electric personal assistive mobility device;
571 (iv) an electric assisted bicycle;

- 572 (v) a motor assisted scooter;
- 573 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 574 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 575 [~~44~~] (46) "Motorcycle" means:
- 576 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 577 and designed to travel with not more than three wheels in contact with the ground; or
- 578 (b) an auticycle.
- 579 [~~45~~] (47) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 580 bicycle having:
- 581 (i) an engine with less than 150 cubic centimeters displacement; or
- 582 (ii) a motor that produces not more than five horsepower.
- 583 (b) "Motor-driven cycle" does not include:
- 584 (i) an electric personal assistive mobility device;
- 585 (ii) a motor assisted scooter; or
- 586 (iii) an electric assisted bicycle.
- 587 [~~46~~] (48) "Off-highway implement of husbandry" means the same as that term is defined
- 588 under Section 41-22-2.
- 589 [~~47~~] (49) "Off-highway vehicle" means the same as that term is defined under Section
- 590 41-22-2.
- 591 [~~48~~] (50) "Operate" means the same as that term is defined in Section 41-1a-102.
- 592 [~~49~~] (51) "Operator" means:
- 593 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 594 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 595 vehicle.
- 596 [~~50~~] (52) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 597 other device operated, alone or coupled with another device, on stationary rails.
- 598 [~~51~~] (53) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 599 occupied or not.
- 600 (b) "Park" or "parking" does not include:
- 601 (i) the standing of a vehicle temporarily for the purpose of and while actually
- 602 engaged in loading or unloading property or passengers; or
- 603 (ii) a motor vehicle with an engaged automated driving system that has achieved a
- 604 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 605 [~~52~~] (54) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,

606 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
607 violations of traffic laws.

608 [~~(53)~~] (55) "Pedestrian" means a person traveling:

609 (a) on foot; or

610 (b) in a wheelchair.

611 [~~(54)~~] (56) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
612 pedestrians.

613 [~~(55)~~] (57) "Person" means a natural person, firm, copartnership, association, corporation,
614 business trust, estate, trust, partnership, limited liability company, association, joint
615 venture, governmental agency, public corporation, or any other legal or commercial
616 entity.

617 [~~(56)~~] (58) "Pole trailer" means a vehicle without motive power:

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

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

624 [~~(57)~~] (59) "Private road or driveway" means every way or place in private ownership and
625 used for vehicular travel by the owner and those having express or implied permission
626 from the owner, but not by other persons.

627 [~~(58)~~] (60) "Railroad" means a carrier of persons or property upon cars operated on
628 stationary rails.

629 [~~(59)~~] (61) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
630 public body or official or by a railroad and intended to give notice of the presence of
631 railroad tracks or the approach of a railroad train.

632 [~~(60)~~] (62) "Railroad train" means a locomotive propelled by any form of energy, coupled
633 with or operated without cars, and operated upon rails.

634 [~~(61)~~] (63) "Restored-modified vehicle" means the same as the term defined in Section
635 41-1a-102.

636 [~~(62)~~] (64) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
637 lawful manner in preference to another vehicle or pedestrian approaching under
638 circumstances of direction, speed, and proximity that give rise to danger of collision
639 unless one grants precedence to the other.

- 640 ~~[(63)]~~ (65) (a) "Roadway" means that portion of highway improved, designed, or
641 ordinarily used for vehicular travel.
- 642 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
643 them are used by persons riding bicycles or other human-powered vehicles.
- 644 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
645 highway includes two or more separate roadways.
- 646 ~~[(64)]~~ (66) "Safety zone" means the area or space officially set apart within a roadway for
647 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
648 signs as to be plainly visible at all times while set apart as a safety zone.
- 649 ~~[(65)]~~ (67) (a) "School bus" means a motor vehicle that:
- 650 (i) complies with the color and identification requirements of the most recent edition
651 of "Minimum Standards for School Buses"; and
- 652 (ii) is used to transport school children to or from school or school activities.
- 653 (b) "School bus" does not include a vehicle operated by a common carrier in
654 transportation of school children to or from school or school activities.
- 655 ~~[(66)]~~ (68) (a) "Semitrailer" means a vehicle with or without motive power:
- 656 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
657 and
- 658 (ii) constructed so that some part of its weight and that of its load rests on or is
659 carried by another vehicle.
- 660 (b) "Semitrailer" does not include a pole trailer.
- 661 ~~[(67)]~~ (69) "Shoulder area" means:
- 662 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
663 edge line as established in the current approved "Manual on Uniform Traffic Control
664 Devices"; or
- 665 (b) that portion of the road contiguous to the roadway for accommodation of stopped
666 vehicles, for emergency use, and for lateral support.
- 667 ~~[(68)]~~ (70) "Sidewalk" means that portion of a street between the curb lines, or the lateral
668 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 669 ~~[(69)]~~ (71) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
670 that is designated for the use of a bicycle.
- 671 (b) "Soft-surface trail" does not mean a trail:
- 672 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
673 federal law, regulation, or rule; or

- 674 (ii) located in whole or in part on land granted to the state or a political subdivision
675 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 676 ~~[(70)]~~ (72) "Solid rubber tire" means a tire of rubber or other resilient material that does not
677 depend on compressed air for the support of the load.
- 678 ~~[(71)]~~ (73) "Stand" or "standing" means the temporary halting of a vehicle, whether
679 occupied or not, for the purpose of and while actually engaged in receiving or
680 discharging passengers.
- 681 ~~[(72)]~~ (74) "Stop" when required means complete cessation from movement.
- 682 ~~[(73)]~~ (75) "Stop" or "stopping" when prohibited means any halting even momentarily of a
683 vehicle, whether occupied or not, except when:
- 684 (a) necessary to avoid conflict with other traffic; or
685 (b) in compliance with the directions of a peace officer or traffic-control device.
- 686 ~~[(74)]~~ (76) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
687 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
688 the requirements of Section 41-6a-1509 to operate on highways in the state in
689 accordance with Section 41-6a-1509.
- 690 ~~[(75)]~~ (77) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 691 ~~[(76)]~~ (78) "Tow truck motor carrier" means the same as that term is defined in Section
692 72-9-102.
- 693 ~~[(77)]~~ (79) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
694 conveyances either singly or together while using any highway for the purpose of travel.
- 695 ~~[(78)]~~ (80) "Traffic signal preemption device" means an instrument or mechanism designed,
696 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 697 ~~[(79)]~~ (81) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
698 with this chapter placed or erected by a highway authority for the purpose of regulating,
699 warning, or guiding traffic.
- 700 ~~[(80)]~~ (82) "Traffic-control signal" means a device, whether manually, electrically, or
701 mechanically operated, by which traffic is alternately directed to stop and permitted to
702 proceed.
- 703 ~~[(81)]~~ (83) (a) "Trailer" means a vehicle with or without motive power designed for
704 carrying persons or property and for being drawn by a motor vehicle and constructed
705 so that no part of its weight rests upon the towing vehicle.
- 706 (b) "Trailer" does not include a pole trailer.
- 707 ~~[(82)]~~ (84) "Truck" means a motor vehicle designed, used, or maintained primarily for the

708 transportation of property.

709 [(83)] (85) "Truck tractor" means a motor vehicle:

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

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

713 [(84)] (86) "Two-way left turn lane" means a lane:

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

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

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

718 [(85)] (87) "Urban district" means the territory contiguous to and including any street, in
719 which structures devoted to business, industry, or dwelling houses are situated at
720 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

721 [(86)] (88) "Vehicle" means a device in, on, or by which a person or property is or may be
722 transported or drawn on a highway, except a mobile carrier, as defined in Section
723 41-6a-1120, or a device used exclusively on stationary rails or tracks.

724 Section 4. Section **41-6a-1626** is amended to read:

725 **41-6a-1626 . Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**
726 **control devices.**

727 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or
728 unusual noise.

729 (b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing
730 system in good working order and in constant operation.

731 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

732 (2) (a) [~~Except while the engine is being warmed to the recommended operating~~
733 ~~temperature, the] The engine and power mechanism of a gasoline-powered motor
734 vehicle may not emit visible contaminants during operation[-] unless:~~

735 (i) the engine of the motor vehicle is being warmed to the recommended operating
736 temperature; or

737 (ii) the motor vehicle is exempt from an emissions inspection under Section
738 41-6a-1642.

739 (b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the
740 vehicle's maximum tow weight.

741 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible

- 742 contaminants during operation:
- 743 (A) except while the engine is being warmed to the recommended operating
744 temperature or under a heavy tow; or
- 745 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle
746 weight rating in excess of 26,000 pounds.
- 747 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible
748 contaminants of a shade or density that obscures a contrasting background by
749 more than 20%, for more than five consecutive seconds:
- 750 (A) except while the engine is being warmed to the recommended operating
751 temperature or under a heavy tow; or
- 752 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle
753 weight rating in excess of 26,000 pounds.
- 754 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction
755 and shall be fined:
- 756 (i) not less than \$50 for a violation; or
- 757 (ii) not less than \$100 for a second or subsequent violation within three years of a
758 previous violation of this section.
- 759 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction
760 and shall be fined:
- 761 (i) not less than \$100 for a violation; or
- 762 (ii) not less than \$500 for a second or subsequent violation within three years of a
763 previous violation of this section.
- 764 (e) (i) As used in this section:
- 765 (A) "Local health department" means the same as that term is defined in Section
766 26A-1-102.
- 767 (B) "Nonattainment area" means a part of the state where air quality is determined
768 to exceed the National Ambient Air Quality Standards, as defined in the Clean
769 Air Act Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine
770 particulate matter (PM 2.5).
- 771 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection
772 (2)(a) or (2)(b), the court shall report the violations to the local health department
773 at a regular interval.
- 774 (iii) If the local health department receives a notification as described in Subsection
775 (2)(e)(ii), and the local health department determines that the registered vehicle is

776 unable to meet state or local air emission standards, the local health department
777 shall send notification to the Motor Vehicle Division.

778 (3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control
779 devices, the devices shall be maintained in good working order and in constant
780 operation.

781 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device may
782 be substituted for the manufacturer's original device if the substituted device is at
783 least as effective in the reduction of emissions from the vehicle motor as the air
784 pollution control device furnished by the manufacturer of the vehicle as standard
785 equipment for the same vehicle class.

786 (c) A person who renders inoperable an air pollution control device on a motor vehicle is
787 guilty of an infraction.

788 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel,
789 as defined under Section 59-13-102, when the emissions from the modified or altered
790 motor vehicle are at levels that comply with existing state or federal standards for the
791 emission of pollutants from a motor vehicle of the same class.

792 (5) A violation of Subsection (1), (2), or (3) is an infraction.

793 Section 5. Section **41-22-2** is amended to read:

794 **41-22-2 . Definitions.**

795 As used in this chapter:

796 (1) "Advisory council" means an advisory council appointed by the Division of Outdoor
797 Recreation that has within the advisory council's duties advising on policies related to
798 the use of off-highway vehicles.

799 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having
800 an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
801 tires, having a seat designed to be straddled by the operator, and designed for or capable
802 of travel over unimproved terrain.

803 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
804 traveling on four or more low pressure tires, having a steering wheel, non-straddle
805 seating, a rollover protection system, and designed for or capable of travel over
806 unimproved terrain, and is:

807 (i) an electric-powered vehicle; or

808 (ii) a vehicle powered by an internal combustion engine and has an unladen dry
809 weight of 3,500 pounds or less.

- 810 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry
811 a person with a disability, any vehicle not specifically designed or modified primarily
812 for recreational use on unimproved terrain, or farm tractors as defined under Section
813 41-1a-102.
- 814 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
815 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved
816 terrain.
- 817 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
818 carry a person with a disability, any vehicle not specifically designed or modified
819 primarily for recreational use on unimproved terrain, or farm tractors as defined
820 under Section 41-1a-102.
- 821 (5) "Commission" means the Outdoor Adventure Commission.
- 822 (6) "Cross-country" means across natural terrain and off an existing highway, road, route,
823 or trail.
- 824 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
825 wholesale or retail.
- 826 (8) "Division" means the Division of Outdoor Recreation.
- 827 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
828 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
829 of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 830 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway
831 vehicles.
- 832 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.
- 833 (b) "Motor vehicle" includes an off-highway vehicle.
- 834 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
835 and designed to travel on not more than two tires.
- 836 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
837 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
838 used by the owner or the owner's agent for agricultural operations.
- 839 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain
840 type II vehicle, all-terrain type III vehicle, or motorcycle.
- 841 (15) "Operate" means to control the movement of or otherwise use an off-highway vehicle.
- 842 (16) "Operator" means the person who is in actual physical control of an off-highway
843 vehicle.

- 844 (17) "Organized user group" means an off-highway vehicle organization incorporated as a
845 nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
846 Corporation Act, for the purpose of promoting the interests of off-highway vehicle
847 recreation.
- 848 (18) "Owner" means a person, other than a person with a security interest, having a
849 property interest or title to an off-highway vehicle and entitled to the use and possession
850 of that vehicle.
- 851 (19) "Public land" means land owned or administered by any federal or state agency or any
852 political subdivision of the state.
- 853 (20) "Register" means the act of assigning a registration number to an off-highway vehicle.
- 854 (21) "Roadway" is used as defined in Section 41-6a-102.
- 855 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered
856 and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.
- 857 (23) "Street or highway" means the entire width between boundary lines of every way or
858 place of whatever nature, when any part of it is open to the use of the public for
859 vehicular travel.
- 860 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
861 defined in Section 41-6a-102.
- 862 Section 6. **Effective date.**
- 863 This bill takes effect on November 1, 2024.