

# HB0441S01 compared with HB0441

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inserted text shows text that was not in HB0441 but was inserted into HB0441S01.

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Representative Norman K Thurston proposes the following substitute bill:

## REGISTRATION OF NOVEL VEHICLES

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

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

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### LONG TITLE

#### General Description:

This bill amends Title 41, Motor Vehicles, in relation to novel vehicles.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes a registration process for a novel vehicle;
- ▶ provides a process for an individual to appeal to the State Tax Commission to review a novel vehicle registration determination;
- ▶ addresses requirements for a street-legal novel vehicle; and
- ▶ requires the State Tax Commission to provide an annual report to the Transportation Interim Committee regarding the registration of novel vehicles.

#### Money Appropriated in this Bill:

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None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

#### AMENDS:

**41-1a-201**, as last amended by Laws of Utah 2023, Chapter 532

**41-6a-102**, as last amended by Laws of Utah 2023, Chapters 219, 532

**41-6a-1509**, as last amended by Laws of Utah 2022, Chapter 68

**41-6a-1601**, as last amended by Laws of Utah 2019, Chapter 428

**41-6a-1629**, as last amended by Laws of Utah 2014, Chapter 229

**41-22-10.3**, as last amended by Laws of Utah 2015, Chapter 412

**63I-1-241**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335

#### ENACTS:

**41-27-101**, Utah Code Annotated 1953

**41-27-201**, Utah Code Annotated 1953

**41-27-202**, Utah Code Annotated 1953

**41-27-301**, Utah Code Annotated 1953

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

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

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

(1) Unless exempted, a person or automated driving system may not operate and an owner may not engage an automated driving system, give another person permission to engage an automated driving system, or give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, [~~Title 41, Chapter 22, Off-highway Vehicles~~] Chapter 22, Off-highway Vehicles, Chapter 27, Novel Vehicle Registration, or Title 73, Chapter 18, State Boating Act.

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

(3) (a) In the event that materials are temporarily unavailable for registration items

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required under Section 41-1a-402, the commission may delay initial vehicle registration or renewal of vehicle registrations.

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

### Section 2. Section 41-6a-102 is amended to read:

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

As used in this chapter:

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

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

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Circular intersection" includes:

- (i) roundabouts;
- (ii) rotaries; and
- (iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (18)(d)(i).

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (18)(d)(ii).

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (18)(d)(iii).

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

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

- (a) designed primarily for through traffic; and
- (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

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

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

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

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

(15) "Direct supervision" means oversight at a distance within which:

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- (a) visual contact is maintained; and
  - (b) advice and assistance can be given and received.
- (16) "Divided highway" means a highway divided into two or more roadways by:

- (a) an unpaved intervening space;
- (b) a physical barrier; or
- (c) a clearly indicated dividing section constructed to impede vehicular traffic.

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

(18) "Electric assisted bicycle" means a bicycle with an electric motor that:

- (a) has a power output of not more than 750 watts;
- (b) has fully operable pedals on permanently affixed cranks;
- (c) is fully operable as a bicycle without the use of the electric motor; and
- (d) is one of the following:

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

- (A) provides assistance only when the rider is pedaling; and
- (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

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

- (A) may be used exclusively to propel the bicycle; and
- (B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

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

- (A) provides assistance only when the rider is pedaling;
- (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

(C) is equipped with a speedometer.

(19) (a) "Electric personal assistive mobility device" means a self-balancing device with:

- (i) two nontandem wheels in contact with the ground;
- (ii) a system capable of steering and stopping the unit under typical operating

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conditions;

- (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- (v) a deck design for a person to stand while operating the device.

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

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

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

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

(23) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

(24) (a) "Golf cart" means a device that:

- (i) is designed for transportation by players on a golf course;
- (ii) has not less than three wheels in contact with the ground;
- (iii) has an unladen weight of less than 1,800 pounds;
- (iv) is designed to operate at low speeds; and
- (v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

- (i) a low-speed vehicle or an off-highway vehicle;
- (ii) a motorized wheelchair;
- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or

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

(25) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

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

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

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

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

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

(29) "Highway authority" means the same as that term is defined in Section 72-1-102.

(30) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.

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

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

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

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

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

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

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

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

(33) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

(34) "Limited access highway" means a highway:

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

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

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

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

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

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

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

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

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

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

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

(i) designed for off-highway use; and

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

(39) "Mobile home" means:

(a) a trailer or semitrailer that is:

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



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

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

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

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

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

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

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

(ii) a motor that:

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

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

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

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

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

(i) at least two wheels in contact with the ground;

(ii) a braking system capable of stopping the unit under typical operating conditions;

(iii) an electric motor not exceeding 2,000 watts;

(iv) either:

(A) handlebars and a deck design for a person to stand while operating the device; or

(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;

(v) a design for the ability to be propelled by human power alone; and

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(vi) a maximum speed of 20 miles per hour on a paved level surface.

(b) "Motor assisted scooter" does not include:

(i) an electric assisted bicycle; or

(ii) a motor-driven cycle.

(43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

(i) vehicles moved solely by human power;

(ii) motorized wheelchairs;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

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

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

(44) "Motorcycle" means:

(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or

(b) an autocycle.

(45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

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

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

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

(i) an electric personal assistive mobility device;

(ii) a motor assisted scooter; or

(iii) an electric assisted bicycle.

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

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

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

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(49) "Operator" means:

- (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.

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

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

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

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

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

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

(53) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

(54) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

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

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

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

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

(57) "Private road or driveway" means every way or place in private ownership and

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used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

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

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

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

(61) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

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

(63) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

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

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

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

(65) (a) "School bus" means a motor vehicle that:

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

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

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

(66) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

(67) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

(72) "Stop" when required means complete cessation from movement.

(73) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

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

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

(74) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the

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requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

(75) "Street legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

(75)(76) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

(76)(77) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

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

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

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

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

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

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

(82)(83) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(83)(84) "Truck tractor" means a motor vehicle:

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

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

(84)(85) "Two-way left turn lane" means a lane:

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

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

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

~~[(85)]~~ [(86)] "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

~~[(86)]~~ [(87)] "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

### Section 3. Section 41-6a-1509 is amended to read:

#### **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways -- Registration and licensing requirements -- Equipment requirements.**

(1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section as a street-legal ATV on a street or highway.

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

(i) the highway is an interstate system as defined in Section 72-1-102; or

(ii) the highway is in a county of the first class and both of the following criterion is met:

(A) the highway is near a grade separated portion of the highway; and

(B) the highway has a posted speed limit higher than 50 miles per hour.

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

(2) (a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that is registered as a novel vehicle on a street or highway, if the vehicle meets the requirements of this section as a street-legal novel vehicle

(b) An individual may not operate a vehicle registered as a novel vehicle as a street-legal novel vehicle on a highway if:

(i) the highway is an interstate system as defined in Section 72-1-102; or

(ii) the highway is in a county of the first class and both of the following criterion is met:

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(A) the highway is near a grade separated portion of the highway; and

(B) the highway has a posted speed limit higher than 50 miles per hour.

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

~~[(2)]~~ (3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

(a) a motorcycle for:

(i) traffic rules under this chapter;

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

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

(b) a motor vehicle for:

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

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

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

(4) A street-legal novel vehicle shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section 41-27-201.

~~[(3)]~~ (5) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV or of a vehicle registered as a novel vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is equipped with:

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

(ii) one or more tail lamps;

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

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

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



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

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41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

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

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

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

(xvi) tires that:

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

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

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

~~[(4)]~~ (6) (a) Subject to the requirements of Subsection ~~[(4)(b)]~~ (6)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:

(i) the posted speed limit; or

(ii) 50 miles per hour.

(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

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

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

(7) (a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal novel vehicle, when operating as a street-legal novel vehicle on a highway, may not exceed the lesser of:

(i) the posted speed limit; or

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(ii) 50 milers per hour.

(b) An operator of a street-legal novel vehicle, when operating a street-legal novel vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

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

and

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

~~[(5)]~~ (8) (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV or street-legal novel vehicle that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection ~~[(5)(a)]~~ (8)(a).

~~[(6)]~~ (9) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.

~~[(7)]~~ (10) A violation of this section is an infraction.

Section 4. Section 41-6a-1601 is amended to read:

**41-6a-1601. Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.**

(1) (a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles that:

(i) is in an unsafe condition that may endanger any person;

(ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;

(iii) is equipped in any manner in violation of this chapter; or

(iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local

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health departments.

(b) A person may not do any act forbidden or fail to perform any act required under this chapter.

(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.

(b) The rules under Subsection (2)(a):

(i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;

(ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;

(iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

(iv) shall include standards for the emergency lights of authorized emergency vehicles;

(v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:

(A) this part;

(B) federal motor vehicle safety standards; and

(C) current specifications of the Society of Automotive Engineers;

(vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;

(vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;

(viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

(ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and

(x) shall include standards and specifications for both original equipment and parts

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included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.

(c) The following standards and specifications for vehicle equipment are adopted:

(i) 49 C.F.R. 571.209 related to safety belts;

(ii) 49 C.F.R. 571.213 related to child restraint devices;

(iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;

(iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

(v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.

(3) Nothing in this chapter or the rules made by the department prohibit:

(a) equipment required by the United States Department of Transportation; or

(b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.

(4) Except as specifically made applicable, this chapter and rules of the department with respect to equipment required on vehicles do not apply to:

(a) implements of husbandry;

(b) road machinery;

(c) road rollers;

(d) farm tractors;

(e) motorcycles;

(f) motor-driven cycles;

(g) motor assisted scooters;

(h) vehicles moved solely by human power;

(i) off-highway vehicles registered under Section 41-22-3 either:

(i) on a highway designated as open for off-highway vehicle use; or

(ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or

(j) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).

(5) The vehicles referred to in Subsections (4)~~(i)~~(i) and (j) are subject to the equipment requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that

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chapter.

(6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.

(ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles or street-legal novel vehicles on highways.

(b) The department:

(i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and

(ii) may adopt a rule to replace the superseded provision.

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

Section 5. Section 41-6a-1629 is amended to read:

**41-6a-1629. Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 --**

### **Definitions.**

(1) As used in Sections 41-6a-1629 through 41-6a-1633:

(a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.

(b) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.

(c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.

(d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards and Regulations.

(e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.

(f) "O.E.M." means original equipment manufacturer.

(g) "Original equipment" means an item of motor vehicle equipment, including tires,

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which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.

(h) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.

(2) (a) Except as provided in Subsections (2)(b) and (c), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles operated or parked on a highway.

(b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the following vehicles:

- (i) implements of husbandry;
- (ii) farm tractors;
- (iii) road machinery;
- (iv) road rollers; and
- (v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.

(c) The provisions of Subsection 41-6a-1631(2) and Sections 41-6a-1632 and 41-6a-1633 do not apply to a street-legal all-terrain vehicle or a street-legal novel vehicle operated in accordance with Section 41-6a-1509.

### Section 6. Section 41-22-10.3 is amended to read:

#### **41-22-10.3. Operation of vehicles on highways -- Limits.**

A person may not operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

(1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;

(2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;

(3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or

(4) when operating a street-legal all-terrain vehicle or a street-legal novel vehicle on a

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highway in accordance with Section 41-6a-1509.

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

Section ~~{2}~~7. Section **41-27-101** is enacted to read:

### CHAPTER 27. NOVEL VEHICLE REGISTRATION

#### Part 1. General Provisions

##### **41-27-101. Definitions.**

As used in this chapter:

(1) "Commission" means the State Tax Commission.

(2) "Division" means the Motor Vehicle Division.

(3) "Novel vehicle" means a vehicle:

(a) that is not expressly exempt from registration; and

(b) (i) that does not fit within a vehicle category;

(ii) with unique characteristics that make it unclear whether the vehicle fits within a vehicle category; or

(iii) that a reasonable person would not consider the vehicle to be clearly included in an existing vehicle category.

(4) "Vehicle" means a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle, off-highway vehicle, vessel, or park model recreational vehicle.

(5) (a) "Vehicle category" means a vehicle type:

(i) that is defined in this title or Title 73, Chapter 18, State Boating Act; and

(ii) for which registration is required under:

(A) this chapter;

(B) Chapter 1a, Motor Vehicle Act;

(C) Chapter 22, Off-highway Vehicles; or

(D) Title 73, Chapter 18, State Boating Act.

(b) "Vehicle category" does not include a novel vehicle.

(6) "VIN" means a vehicle identification number or a hull identification number.

Section ~~{3}~~8. Section **41-27-201** is enacted to read:

#### Part 2. Registration Process

##### **41-27-201. Novel vehicle registration.**



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(1) An owner registering a vehicle shall provide the VIN, if applicable.

(2) The division shall identify a vehicle category based on the VIN.

(3) If the vehicle does not have a VIN, or if the division is unable to determine the vehicle category based on the VIN:

(a) the owner shall provide the division with a description of the vehicle, including the vehicle's purpose; and

(b) if the description of the vehicle fits with an existing category of vehicle, the vehicle shall be registered in accordance with that vehicle category.

(4) The vehicle shall be registered as a novel vehicle if:

(a) the vehicle is not expressly exempt from registration; and

(b) (i) the vehicle does not fit within a vehicle category;

(ii) the unique characteristics of the vehicle make it unclear whether the vehicle fits within a vehicle category; or

(iii) a reasonable person would not consider the vehicle to be clearly included in an existing vehicle category.

(5) A person registering a novel vehicle shall pay:

(a) in accordance with Section 59-2-405, ~~fa~~an annual \$1 fee in lieu of property tax; and

(b) ~~fa~~an annual \$1 registration fee.

(6) A vehicle registered as a novel vehicle is subject to the requirements described in Section 41-6a-1509.

Section ~~41~~9. Section **41-27-202** is enacted to read:

**41-27-202. Appeal to commission.**

(1) ~~f~~

~~f~~If an owner disagrees with the division's decision, the owner may, within 14 days after the day on which the division makes the decision, appeal the decision to the commission by:

(a) filing a notice of appeal with the commission; and

(b) including any additional information regarding the vehicle.

(2) (a) In reviewing a decision described in Subsection (1), the commission may:

(i) admit additional evidence; and

(ii) make a correction or change in the vehicle category determination made by the

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division.

(b) The owner shall register the vehicle in accordance with the commission's determination.

(c) The division shall reduce the fee required to register a vehicle under Subsection (2)(b) by the amount paid by the owner of the vehicle under Subsection 41-27-201(4).

(3) The commission shall decide an appeal filed under Subsection (1) as soon as practicable and promptly notify:

(a) the owner; and

(b) the division.

Section ~~5~~10. Section **41-27-301** is enacted to read:

### **Part 3. Commission Reporting**

#### **41-27-301. Novel vehicle report to Transportation Interim Committee.**

†

† (1) The commission shall, at or before the October interim meeting of the Transportation Interim Committee, present a report on novel vehicle registrations that includes:

(a) the number of vehicles registered as novel vehicles; and

(b) a description of the vehicles registered as novel vehicles.

(2) The Transportation Interim Committee shall review the report described in Subsection (1) and determine whether to propose legislation relating to registration of a particular type of novel vehicle.

(3) A vehicle previously registered as a novel vehicle shall continue to be registered as a novel vehicle, unless the Legislature amends the Utah Code to:

(a) require the vehicle to be registered otherwise; or

(b) exempt the vehicle from registration.

Section 11. Section **63I-1-241** is amended to read:

**63I-1-241. Repeal dates: Title 41.**

(1) Subsection 41-1a-1201(8), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

(2) Section 41-3-106, which creates an advisory board related to motor vehicle business regulation, is repealed July 1, 2024.

(3) The following subsections addressing lane filtering are repealed on July 1, 2027:

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(a) the subsection in Section 41-6a-102 that defines "lane filtering";

(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

(4) Subsection 41-6a-1406(6)(b)(iii), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

(5) Subsections 41-22-2(1) and 41-22-10(1), which authorize an advisory council that includes in the advisory council's duties addressing off-highway vehicle issues, are repealed July 1, 2027.

(6) Subsection 41-22-8(3), related to the Neuro-Rehabilitation Fund, is repealed January 1, 2025.

Section ~~6~~12. **Effective date.**

This bill takes effect on October 1, 2024.