

**MOTOR VEHICLE ACT AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Karen M. Peterson

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**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 3 absent

**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:



- 28 [41-1a-102](#), as last amended by Laws of Utah 2023, Chapters 33, 532
- 29 [41-1a-507](#), as renumbered and amended by Laws of Utah 1992, Chapter 1
- 30 [41-6a-102](#), as last amended by Laws of Utah 2023, Chapters 219, 532
- 31 [41-6a-1626](#), as last amended by Laws of Utah 2021, Chapter 282
- 32 [41-22-2](#), as last amended by Laws of Utah 2022, Chapters 68, 88

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

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

36 **41-1a-102. Definitions.**

37 As used in this chapter:

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

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

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

43 (4) "All-terrain type II vehicle" means the same as that term is defined in Section  
 44 [41-22-2](#).

45 (5) "All-terrain type III vehicle" means the same as that term is defined in Section  
 46 [41-22-2](#).

47 (6) "Alternative fuel vehicle" means:

- 48 (a) an electric motor vehicle;
- 49 (b) a hybrid electric motor vehicle;
- 50 (c) a plug-in hybrid electric motor vehicle; or
- 51 (d) a motor vehicle powered exclusively by a fuel other than:
  - 52 (i) motor fuel;
  - 53 (ii) diesel fuel;
  - 54 (iii) natural gas; or
  - 55 (iv) propane.

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

- 59 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 60 (9) "Automated driving system" means the same as that term is defined in Section  
61 41-26-102.1.
- 62 (10) "Branded title" means a title certificate that is labeled:
- 63 (a) rebuilt and restored to operation;
- 64 (b) flooded and restored to operation; or
- 65 (c) not restored to operation.
- 66 (11) "Camper" means a structure designed, used, and maintained primarily to be  
67 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a  
68 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for  
69 camping.
- 70 (12) "Certificate of title" means a document issued by a jurisdiction to establish a  
71 record of ownership between an identified owner and the described vehicle, vessel, or outboard  
72 motor.
- 73 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a  
74 weighmaster.
- 75 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or  
76 maintained for the transportation of persons or property that operates:
- 77 (a) as a carrier for hire, compensation, or profit; or
- 78 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the  
79 owner's commercial enterprise.
- 80 (15) "Commission" means the State Tax Commission.
- 81 (16) "Consumer price index" means the same as that term is defined in Section  
82 59-13-102.
- 83 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,  
84 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on  
85 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established  
86 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.
- 87 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- 88 (19) "Division" means the Motor Vehicle Division of the commission, created in  
89 Section 41-1a-106.

90 (20) "Dynamic driving task" means the same as that term is defined in Section  
91 41-26-102.1.

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

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

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

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

102 (i) farm products, including livestock and its products, poultry and its products,  
103 floricultural and horticultural products;

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

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

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

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

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

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

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

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

121 (a) an internal combustion engine or heat engine using consumable fuel; and  
122 (b) a rechargeable energy storage system where energy for the storage system comes  
123 solely from sources onboard the vehicle.

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

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

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

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

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

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

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

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

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

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

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

155 (39) "Mobile home" means a transportable factory built housing unit built prior to June  
156 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
157 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

162 (i) an off-highway vehicle; or

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

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

165 (43) "Motorcycle" means:

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

168 (b) an autocyte.

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

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

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

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

181 (47) "Off-highway implement of husbandry" means the same as that term is defined in  
182 Section [41-22-2](#).

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

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

185 (i) to navigate a vessel; or

186 (ii) collectively, the activities performed in order to perform the entire dynamic driving

187 task for a given motor vehicle by:

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

189 (B) an engaged automated driving system.

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

191 (50) "Original issue license plate" means a license plate that is of a format and type  
192 issued by the state in the same year as the model year of a vehicle that is a model year 1973 or  
193 older.

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

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

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

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

207 (53) "Park model recreational vehicle" means a unit that:

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

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

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

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

214 (54) "Personalized license plate" means a license plate that has displayed on it a  
215 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned  
216 to the vehicle by the division.

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

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

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

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

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

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

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

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

239 (62) "Recreational vehicle" means the same as that term is defined in Section  
240 [13-14-102](#).

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



245 (64) "Registration decal" means the decal issued by the division that is evidence of  
246 compliance with the division's registration requirements.

247 (65) (a) "Registration year" means a 12 consecutive month period commencing with  
248 the completion of the applicable registration criteria.

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

251 (66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard  
252 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,  
253 or outboard motor, or by correcting the inoperative part.

254 (67) "Replica vehicle" means:

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

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

257 41-6a-1507(1)(a)(i)(B).

258 (68) "Restored-modified vehicle" means a motor vehicle that has been restored and  
259 modified with modern parts and technology, including emission control technology and an  
260 on-board diagnostic system.

261 (69) "Road tractor" means a motor vehicle designed and used for drawing other  
262 vehicles and constructed so it does not carry any load either independently or any part of the  
263 weight of a vehicle or load that is drawn.

264 (70) "Sailboat" means the same as that term is defined in Section 73-18-2.

265 (71) "Security interest" means an interest that is reserved or created by a security  
266 agreement to secure the payment or performance of an obligation and that is valid against third  
267 parties.

268 (72) "Semitrailer" means a vehicle without motive power designed for carrying persons  
269 or property and for being drawn by a motor vehicle and constructed so that some part of its  
270 weight and its load rests or is carried by another vehicle.

271 (73) "Special group license plate" means a type of license plate designed for a  
272 particular group of people or a license plate authorized and issued by the division in accordance  
273 with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

274 (74) (a) "Special interest vehicle" means a vehicle used for general transportation  
275 purposes and that is:

276 (i) 20 years or older from the current year; or  
277 (ii) a make or model of motor vehicle recognized by the division director as having  
278 unique interest or historic value.

279 (b) In making a determination under Subsection (74)(a), the division director shall give  
280 special consideration to:

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

289 (75) (a) "Special mobile equipment" means a vehicle:

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

293 (b) "Special mobile equipment" includes:

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

298 (c) "Special mobile equipment" does not include a commercial vehicle as defined  
299 under Section [72-9-102](#).

300 (76) "Specially constructed vehicle" means a vehicle of a type required to be registered  
301 in this state, not originally constructed under a distinctive name, make, model, or type by a  
302 generally recognized manufacturer of vehicles, and not materially altered from its original  
303 construction.

304 (77) (a) "Standard license plate" means a license plate for general issue described in  
305 Subsection [41-1a-402](#)(1).

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

307 issues before January 1, 2024.

308 (78) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard  
309 motor that meets the requirements of rules made by the commission pursuant to Subsection  
310 [41-1a-1101\(5\)](#).

311 (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term  
312 is defined in Section [41-6a-102](#).

313 [~~79~~] (80) "Symbol decal" means the decal that is designed to represent a special  
314 group and displayed on a special group license plate.

315 [~~80~~] (81) "Title" means the right to or ownership of a vehicle, vessel, or outboard  
316 motor.

317 [~~81~~] (82) (a) "Total fleet miles" means the total number of miles operated in all  
318 jurisdictions during the preceding year by power units.

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

322 [~~82~~] (83) "Tow truck motor carrier" means the same as that term is defined in Section  
323 [72-9-102](#).

324 [~~83~~] (84) "Tow truck operator" means the same as that term is defined in Section  
325 [72-9-102](#).

326 [~~84~~] (85) "Trailer" means a vehicle without motive power designed for carrying  
327 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
328 its weight rests upon the towing vehicle.

329 [~~85~~] (86) "Transferee" means a person to whom the ownership of property is  
330 conveyed by sale, gift, or any other means except by the creation of a security interest.

331 [~~86~~] (87) "Transferor" means a person who transfers the person's ownership in  
332 property by sale, gift, or any other means except by creation of a security interest.

333 [~~87~~] (88) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable  
334 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or  
335 vacation use that does not require a special highway movement permit when drawn by a  
336 self-propelled motor vehicle.

337 [~~88~~] (89) "Truck tractor" means a motor vehicle designed and used primarily for

338 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
339 vehicle and load that is drawn.

340 ~~[(89)]~~ (90) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
341 camper, park model recreational vehicle, manufactured home, and mobile home.

342 ~~[(90)]~~ (91) "Vessel" means the same as that term is defined in Section 73-18-2.

343 ~~[(91)]~~ (92) "Vintage vehicle" means the same as that term is defined in Section  
344 41-21-1.

345 ~~[(92)]~~ (93) "Waters of this state" means the same as that term is defined in Section  
346 73-18-2.

347 ~~[(93)]~~ (94) "Weighmaster" means a person, association of persons, or corporation  
348 permitted to weigh vehicles under this chapter.

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

350 **41-1a-507. Exceptions to title requirements for off-highway vehicles.**

351 (1) Each off-highway vehicle operated in this state and identified by the manufacturer  
352 as a 1988 year model or newer is subject to the titling provisions of this part except:

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

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

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

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

358 (a) a motorcycle; or

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

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

361 **41-6a-102. Definitions.**

362 As used in this chapter:

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

365 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
366 41-22-2.

367 (3) "All-terrain type II vehicle" means the same as that term is defined in Section  
368 41-22-2.

369 (4) "All-terrain type III vehicle" means the same as that term is defined in Section  
370 41-22-2.

371 [~~3~~] (5) "Authorized emergency vehicle" includes:

372 (a) fire department vehicles;

373 (b) police vehicles;

374 (c) ambulances; and

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

377 [~~4~~] (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

378 [~~5~~] (7) (a) "Bicycle" means a wheeled vehicle:

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

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

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

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

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

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

385 [~~6~~] (8) (a) "Bus" means a motor vehicle:

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

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

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

390 [~~7~~] (9) (a) "Circular intersection" means an intersection that has an island, generally  
391 circular in design, located in the center of the intersection where traffic passes to the right of  
392 the island.

393 (b) "Circular intersection" includes:

394 (i) roundabouts;

395 (ii) rotaries; and

396 (iii) traffic circles.

397 [~~8~~] (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle  
398 described in Subsection [~~(18)(d)(i).~~] (20)(d)(i).

399 [~~9~~] (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle

400 described in Subsection [~~(18)(d)(ii)~~] (20)(d)(ii).

401 [~~(10)~~] (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle

402 described in Subsection [~~(18)(d)(iii)~~] (20)(d)(iii).

403 [~~(11)~~] (13) "Commissioner" means the commissioner of the Department of Public  
404 Safety.

405 [~~(12)~~] (14) "Controlled-access highway" means a highway, street, or roadway:

406 (a) designed primarily for through traffic; and

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

410 [~~(13)~~] (15) "Crosswalk" means:

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

413 (i) (A) the curbs; or

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

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

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

420 [~~(14)~~] (16) "Department" means the Department of Public Safety.

421 [~~(15)~~] (17) "Direct supervision" means oversight at a distance within which:

422 (a) visual contact is maintained; and

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

424 [~~(16)~~] (18) "Divided highway" means a highway divided into two or more roadways  
425 by:

426 (a) an unpaved intervening space;

427 (b) a physical barrier; or

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

429 [~~(17)~~] (19) "Echelon formation" means the operation of two or more snowplows  
430 arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to

431 clear snow from two or more lanes at once.

432 [~~(18)~~] (20) "Electric assisted bicycle" means a bicycle with an electric motor that:

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

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

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

436 (d) is one of the following:

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

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

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

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

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

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

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

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

447 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per  
448 hour; and

449 (C) is equipped with a speedometer.

450 [~~(19)~~] (21) (a) "Electric personal assistive mobility device" means a self-balancing  
451 device with:

452 (i) two nontandem wheels in contact with the ground;

453 (ii) a system capable of steering and stopping the unit under typical operating  
454 conditions;

455 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

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

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

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

459 [~~(20)~~] (22) "Explosives" means a chemical compound or mechanical mixture

460 commonly used or intended for the purpose of producing an explosion and that contains any  
461 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so

462 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
463 compound or mixture may cause a sudden generation of highly heated gases, and the resultant  
464 gaseous pressures are capable of producing destructive effects on contiguous objects or of  
465 causing death or serious bodily injury.

466 ~~[(21)]~~ (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
467 implement, for drawing plows, mowing machines, and other implements of husbandry.

468 ~~[(22)]~~ (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or  
469 less, as determined by a Tagliabue or equivalent closed-cup test device.

470 ~~[(23)]~~ (25) "Freeway" means a controlled-access highway that is part of the interstate  
471 system as defined in Section [72-1-102](#).

472 ~~[(24)]~~ (26) (a) "Golf cart" means a device that:

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

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

- 479 (i) a low-speed vehicle or an off-highway vehicle;
- 480 (ii) a motorized wheelchair;
- 481 (iii) an electric personal assistive mobility device;
- 482 (iv) an electric assisted bicycle;
- 483 (v) a motor assisted scooter;
- 484 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 485 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

486 ~~[(25)]~~ (27) "Gore area" means the area delineated by two solid white lines that is  
487 between a continuing lane of a through roadway and a lane used to enter or exit the continuing  
488 lane including similar areas between merging or splitting highways.

489 ~~[(26)]~~ (28) "Gross weight" means the weight of a vehicle without a load plus the  
490 weight of any load on the vehicle.

491 ~~[(27)]~~ (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

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



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

495 ~~[(28)]~~ (30) "Highway" means the entire width between property lines of every way or  
496 place of any nature when any part of it is open to the use of the public as a matter of right for  
497 vehicular travel.

498 ~~[(29)]~~ (31) "Highway authority" means the same as that term is defined in Section  
499 72-1-102.

500 ~~[(30)]~~ (32) (a) "Intersection" means the area embraced within the prolongation or  
501 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways  
502 of two or more highways that join one another.

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

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

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

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

509 ~~[(31)]~~ (33) "Island" means an area between traffic lanes or at an intersection for control  
510 of vehicle movements or for pedestrian refuge designated by:

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

513 (b) channelizing devices;

514 (c) curbs;

515 (d) pavement edges; or

516 (e) other devices.

517 ~~[(32)]~~ (34) "Lane filtering" means, when operating a motorcycle other than an  
518 autocycle, the act of overtaking and passing another vehicle that is stopped in the same  
519 direction of travel in the same lane.

520 ~~[(33)]~~ (35) "Law enforcement agency" means the same as that term is as defined in  
521 Section 53-1-102.

522 ~~[(34)]~~ (36) "Limited access highway" means a highway:

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

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

527 ~~[(35)]~~ (37) "Local highway authority" means the legislative, executive, or governing  
528 body of a county, municipal, or other local board or body having authority to enact laws  
529 relating to traffic under the constitution and laws of the state.

530 ~~[(36)]~~ (38) (a) "Low-speed vehicle" means a four wheeled ~~[electric]~~ motor vehicle that:

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

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

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

535 ~~[(37)]~~ (39) "Metal tire" means a tire, the surface of which in contact with the highway  
536 is wholly or partly of metal or other hard nonresilient material.

537 ~~[(38)]~~ (40) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a  
538 seat or saddle that is less than 24 inches from the ground as measured on a level surface with  
539 properly inflated tires.

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

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

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

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

544 ~~[(39)]~~ (41) "Mobile home" means:

545 (a) a trailer or semitrailer that is:

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

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

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

550 constructed for use as a mobile home, as defined in Subsection ~~[(39)(a)]~~ (41)(a), but that is  
551 instead used permanently or temporarily for:

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

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

555            [~~(40)~~] (42) "Mobility disability" means the inability of a person to use one or more of  
556 the person's extremities or difficulty with motor skills, that may include limitations with  
557 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other  
558 condition.

559            [~~(41)~~] (43) (a) "Moped" means a motor-driven cycle having:

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

561            (ii) a motor that:

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

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

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

568            (c) "Moped" does not include:

569            (i) an electric assisted bicycle; or

570            (ii) a motor assisted scooter.

571            [~~(42)~~] (44) (a) "Motor assisted scooter" means a self-propelled device with:

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

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

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

575            (iv) either:

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

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

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

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

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

582            (i) an electric assisted bicycle; or

583            (ii) a motor-driven cycle.

584            [~~(43)~~] (45) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that  
585 is propelled by electric power obtained from overhead trolley wires, but not operated upon

586 rails.

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

588 (i) vehicles moved solely by human power;

589 (ii) motorized wheelchairs;

590 (iii) an electric personal assistive mobility device;

591 (iv) an electric assisted bicycle;

592 (v) a motor assisted scooter;

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

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

595 [~~44~~] (46) "Motorcycle" means:

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

598 (b) an auticycle.

599 [~~45~~] (47) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized  
600 bicycle having:

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

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

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

604 (i) an electric personal assistive mobility device;

605 (ii) a motor assisted scooter; or

606 (iii) an electric assisted bicycle.

607 [~~46~~] (48) "Off-highway implement of husbandry" means the same as that term is  
608 defined under Section 41-22-2.

609 [~~47~~] (49) "Off-highway vehicle" means the same as that term is defined under Section  
610 41-22-2.

611 [~~48~~] (50) "Operate" means the same as that term is defined in Section 41-1a-102.

612 [~~49~~] (51) "Operator" means:

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

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

616 [~~50~~] (52) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling

617 stock, or other device operated, alone or coupled with another device, on stationary rails.

618 ~~[(51)]~~ (53) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle  
619 is occupied or not.

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

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

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

625 ~~[(52)]~~ (54) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
626 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
627 traffic laws.

628 ~~[(53)]~~ (55) "Pedestrian" means a person traveling:

629 (a) on foot; or

630 (b) in a wheelchair.

631 ~~[(54)]~~ (56) "Pedestrian traffic-control signal" means a traffic-control signal used to  
632 regulate pedestrians.

633 ~~[(55)]~~ (57) "Person" means a natural person, firm, copartnership, association,  
634 corporation, business trust, estate, trust, partnership, limited liability company, association,  
635 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

636 ~~[(56)]~~ (58) "Pole trailer" means a vehicle without motive power:

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

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

642 ~~[(57)]~~ (59) "Private road or driveway" means every way or place in private ownership  
643 and used for vehicular travel by the owner and those having express or implied permission  
644 from the owner, but not by other persons.

645 ~~[(58)]~~ (60) "Railroad" means a carrier of persons or property upon cars operated on  
646 stationary rails.

647 ~~[(59)]~~ (61) "Railroad sign or signal" means a sign, signal, or device erected by

648 authority of a public body or official or by a railroad and intended to give notice of the presence  
649 of railroad tracks or the approach of a railroad train.

650 ~~[(60)]~~ (62) "Railroad train" means a locomotive propelled by any form of energy,  
651 coupled with or operated without cars, and operated upon rails.

652 ~~[(61)]~~ (63) "Restored-modified vehicle" means the same as the term defined in Section  
653 41-1a-102.

654 ~~[(62)]~~ (64) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
655 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
656 of direction, speed, and proximity that give rise to danger of collision unless one grants  
657 precedence to the other.

658 ~~[(63)]~~ (65) (a) "Roadway" means that portion of highway improved, designed, or  
659 ordinarily used for vehicular travel.

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

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

664 ~~[(64)]~~ (66) "Safety zone" means the area or space officially set apart within a roadway  
665 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
666 signs as to be plainly visible at all times while set apart as a safety zone.

667 ~~[(65)]~~ (67) (a) "School bus" means a motor vehicle that:

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

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

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

673 ~~[(66)]~~ (68) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

679            [~~(67)~~] (69) "Shoulder area" means:

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

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

685            [~~(68)~~] (70) "Sidewalk" means that portion of a street between the curb lines, or the  
686 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

687            [~~(69)~~] (71) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt  
688 that is designated for the use of a bicycle.

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

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

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

694            [~~(70)~~] (72) "Solid rubber tire" means a tire of rubber or other resilient material that  
695 does not depend on compressed air for the support of the load.

696            [~~(71)~~] (73) "Stand" or "standing" means the temporary halting of a vehicle, whether  
697 occupied or not, for the purpose of and while actually engaged in receiving or discharging  
698 passengers.

699            [~~(72)~~] (74) "Stop" when required means complete cessation from movement.

700            [~~(73)~~] (75) "Stop" or "stopping" when prohibited means any halting even momentarily  
701 of a vehicle, whether occupied or not, except when:

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

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

704            [~~(74)~~] (76) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
705 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
706 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with  
707 Section 41-6a-1509.

708            [~~(75)~~] (77) "Tow truck operator" means the same as that term is defined in Section  
709 72-9-102.

710 [~~(76)~~] (78) "Tow truck motor carrier" means the same as that term is defined in Section  
711 72-9-102.

712 [~~(77)~~] (79) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
713 conveyances either singly or together while using any highway for the purpose of travel.

714 [~~(78)~~] (80) "Traffic signal preemption device" means an instrument or mechanism  
715 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

716 [~~(79)~~] (81) "Traffic-control device" means a sign, signal, marking, or device not  
717 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
718 regulating, warning, or guiding traffic.

719 [~~(80)~~] (82) "Traffic-control signal" means a device, whether manually, electrically, or  
720 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

721 [~~(81)~~] (83) (a) "Trailer" means a vehicle with or without motive power designed for  
722 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
723 part of its weight rests upon the towing vehicle.

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

725 [~~(82)~~] (84) "Truck" means a motor vehicle designed, used, or maintained primarily for  
726 the transportation of property.

727 [~~(83)~~] (85) "Truck tractor" means a motor vehicle:

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

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

731 [~~(84)~~] (86) "Two-way left turn lane" means a lane:

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

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

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

736 [~~(85)~~] (87) "Urban district" means the territory contiguous to and including any street,  
737 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
738 less than 100 feet, for a distance of a quarter of a mile or more.

739 [~~(86)~~] (88) "Vehicle" means a device in, on, or by which a person or property is or may  
740 be transported or drawn on a highway, except a mobile carrier, as defined in Section



741 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

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

743 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
744 **control devices.**

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

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

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

750 (2) (a) [~~Except while the engine is being warmed to the recommended operating~~  
751 ~~temperature, the~~] The engine and power mechanism of a gasoline-powered ~~↗~~ [~~or diesel-powered~~  
751a ~~↖~~

752 motor vehicle may not emit visible contaminants during operation[:] unless:

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

755 (ii) the motor vehicle is exempt from an emissions inspection under Section  
756 [41-6a-1642](#) ~~↗~~ [~~or [41-6a-1644](#)~~ ~~↖~~ .

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

759 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible  
760 contaminants during operation:

761 (A) except while the engine is being warmed to the recommended operating  
762 temperature or under a heavy tow; or

763 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
764 rating in excess of 26,000 pounds.

765 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible  
766 contaminants of a shade or density that obscures a contrasting background by more than 20%,  
767 for more than five consecutive seconds:

768 (A) except while the engine is being warmed to the recommended operating  
769 temperature or under a heavy tow; or

770 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
771 rating in excess of 26,000 pounds.

772 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction  
773 and shall be fined:

774 (i) not less than \$50 for a violation; or

775 (ii) not less than \$100 for a second or subsequent violation within three years of a  
776 previous violation of this section.

777 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction  
778 and shall be fined:

779 (i) not less than \$100 for a violation; or

780 (ii) not less than \$500 for a second or subsequent violation within three years of a  
781 previous violation of this section.

782 (e) (i) As used in this section:

783 (A) "Local health department" means the same as that term is defined in Section  
784 [26A-1-102](#).

785 (B) "Nonattainment area" means a part of the state where air quality is determined to  
786 exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act  
787 Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).

788 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection  
789 (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular  
790 interval.

791 (iii) If the local health department receives a notification as described in Subsection  
792 (2)(e)(ii), and the local health department determines that the registered vehicle is unable to  
793 meet state or local air emission standards, the local health department shall send notification to  
794 the Motor Vehicle Division.

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

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

802 (c) A person who renders inoperable an air pollution control device on a motor vehicle

803 is guilty of an infraction.

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

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

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

810 **41-22-2. Definitions.**

811 As used in this chapter:

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

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

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

823 (i) an electric-powered vehicle; or

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

826 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
827 carry a person with a disability, any vehicle not specifically designed or modified primarily for  
828 recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.

829 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in  
830 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

831 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to  
832 carry a person with a disability, any vehicle not specifically designed or modified primarily for  
833 recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.

- 834 (5) "Commission" means the Outdoor Adventure Commission.
- 835 (6) "Cross-country" means across natural terrain and off an existing highway, road,  
836 route, or trail.
- 837 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
838 wholesale or retail.
- 839 (8) "Division" means the Division of Outdoor Recreation.
- 840 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
841 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
842 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 843 (10) "Manufacturer" means a person engaged in the business of manufacturing  
844 off-highway vehicles.
- 845 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.
- 846 (b) "Motor vehicle" includes an off-highway vehicle.
- 847 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the  
848 operator and designed to travel on not more than two tires.
- 849 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
850 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by  
851 the owner or the owner's agent for agricultural operations.
- 852 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
853 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.
- 854 (15) "Operate" means to control the movement of or otherwise use an off-highway  
855 vehicle.
- 856 (16) "Operator" means the person who is in actual physical control of an off-highway  
857 vehicle.
- 858 (17) "Organized user group" means an off-highway vehicle organization incorporated  
859 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
860 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.
- 861 (18) "Owner" means a person, other than a person with a security interest, having a  
862 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
863 vehicle.
- 864 (19) "Public land" means land owned or administered by any federal or state agency or

865 any political subdivision of the state.

866 (20) "Register" means the act of assigning a registration number to an off-highway  
867 vehicle.

868 (21) "Roadway" is used as defined in Section 41-6a-102.

869 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
870 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

871 (23) "Street or highway" means the entire width between boundary lines of every way  
872 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
873 travel.

874 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
875 defined in Section 41-6a-102.

876 Section 6. **Effective date.**

877 This bill takes effect on November 1, 2024.