

1 **SPORT VEHICLE MODIFICATIONS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David P. Hinkins**

5 House Sponsor: Derrin R. Owens

6
7 **LONG TITLE**

8 **General Description:**

9 This bill defines and amends definitions of certain types of all-terrain vehicles.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the definition of "all-terrain type II vehicle";
- 13 ▶ defines "all-terrain type III vehicle";
- 14 ▶ removes the definitions of "full-sized all-terrain vehicle" and "utility type vehicle";
- 15 ▶ modifies required equipment for an all-terrain type I vehicle operated as a
- 16 street-legal ATV; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-8-44.6**, as enacted by Laws of Utah 2015, Chapter 146

25 **13-35-102**, as last amended by Laws of Utah 2016, Chapter 414

26 **17-50-329.5**, as enacted by Laws of Utah 2015, Chapter 146

27 **41-1a-102**, as last amended by Laws of Utah 2016, Chapter 40



- 28 [41-6a-102](#), as last amended by Laws of Utah 2016, Chapters 40 and 173
- 29 [41-6a-1509](#), as last amended by Laws of Utah 2017, Chapters 393 and 406
- 30 [41-22-2](#), as last amended by Laws of Utah 2017, Chapter 38
- 31 [41-22-5.5](#), as last amended by Laws of Utah 2015, Chapters 208 and 412
- 32 [59-2-405.2](#), as last amended by Laws of Utah 2014, Chapter 237

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

35 Section 1. Section **10-8-44.6** is amended to read:

36 **10-8-44.6. Regulation of drive-through facilities.**

37 (1) As used in this section:

38 (a) "Business" means a private enterprise carried on for the purpose of gain or
 39 economic profit.

40 (b) (i) "Business lobby" means a public area, including a lobby, dining area, or other
 41 area accessible to the public where business is conducted within a place of business.

42 (ii) "Business lobby" does not include the area of a business where drive-through
 43 service is conducted.

44 (c) "Land use application" means the same as that term is defined in Section [10-9a-103](#).

45 ~~[(e)]~~ (d) (i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle,
 46 intended primarily for use and operation on the highways.

47 (ii) "Motor vehicle" does not include an off-highway vehicle.

48 ~~[(d)]~~ (e) "Motorcycle" means a motor vehicle having a saddle for the use of the
 49 operator and designed to travel on not more than two tires.

50 (f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, ~~[or]~~
 51 all-terrain type II vehicle, or all-terrain type III vehicle.

52 (2) A municipality may not withhold a business license, deny a land use application, or
 53 otherwise require a business that has a drive-through service as a component of its business
 54 operations to:

55 (a) allow a person other than a person in a motorized vehicle to use the drive-through
 56 service; or

57 (b) offer designated hours of the day that a customer is accommodated and business is
 58 conducted in the business lobby that are the same as or exceed the hours of the day that a

59 customer is accommodated and business is conducted in the drive-through service.

60 Section 2. Section **13-35-102** is amended to read:

61 **13-35-102. Definitions.**

62 As used in this chapter:

63 (1) "Advisory board" or "board" means the Utah Powersport Vehicle Franchise
64 Advisory Board created in Section [13-35-103](#).

65 (2) "Dealership" means a site or location in this state:

66 (a) at which a franchisee conducts the business of a new powersport vehicle dealer; and

67 (b) that is identified as a new powersport vehicle dealer's principal place of business
68 for registration purposes under Section [13-35-105](#).

69 (3) "Department" means the Department of Commerce.

70 (4) "Executive director" means the executive director of the Department of Commerce.

71 (5) "Franchise" or "franchise agreement" means a written agreement, for a definite or
72 indefinite period, in which:

73 (a) a person grants to another person a license to use a trade name, trademark, service
74 mark, or related characteristic; and

75 (b) a community of interest exists in the marketing of new powersport vehicles, new
76 powersport vehicle parts, and services related to the sale or lease of new powersport vehicles at
77 wholesale or retail.

78 (6) "Franchisee" means a person with whom a franchisor has agreed or permitted, in
79 writing or in practice, to purchase, sell, or offer for sale new powersport vehicles manufactured,
80 produced, represented, or distributed by the franchisor.

81 (7) (a) "Franchisor" means a person who has, in writing or in practice, agreed with or
82 permits a franchisee to purchase, sell, or offer for sale new powersport vehicles manufactured,
83 produced, represented, or distributed by the franchisor, and includes:

84 (i) the manufacturer or distributor of the new powersport vehicles;

85 (ii) an intermediate distributor;

86 (iii) an agent, officer, or field or area representative of the franchisor; and

87 (iv) a person who is affiliated with a manufacturer or a representative or who directly
88 or indirectly through an intermediary is controlled by, or is under common control with the
89 manufacturer.

90 (b) For purposes of Subsection (7)(a)(iv), a person is controlled by a manufacturer if
91 the manufacturer has the authority directly or indirectly by law or by an agreement of the
92 parties, to direct or influence the management and policies of the person.

93 (8) "Lead" means the referral by a franchisor to a franchisee of an actual or potential
94 customer for the purchase or lease of a new powersport vehicle, or for service work related to
95 the franchisor's vehicles.

96 (9) "Line-make" means the powersport vehicles that are offered for sale, lease, or
97 distribution under a common name, trademark, service mark, or brand name of the franchisor,
98 or manufacturer of the powersport vehicle.

99 (10) "New powersport vehicle dealer" means a person who is engaged in the business
100 of buying, selling, offering for sale, or exchanging new powersport vehicles either outright or
101 on conditional sale, bailment, lease, chattel mortgage, or otherwise who has established a place
102 of business for the sale, lease, trade, or display of powersport vehicles.

103 (11) "Notice" or "notify" includes both traditional written communications and all
104 reliable forms of electronic communication unless expressly prohibited by statute or rule.

105 (12) (a) "Powersport vehicle" means:

106 (i) an all-terrain type I [or], type II, or type III vehicle "ATV" defined in Section
107 [41-22-2](#);

108 (ii) a snowmobile as defined in Section [41-22-2](#);

109 (iii) a motorcycle as defined in Section [41-1a-102](#);

110 (iv) a personal watercraft as defined in Section [73-18-2](#);

111 (v) except as provided in Subsection (12)(b), a motor-driven cycle as defined in
112 Section [41-6a-102](#); or

113 (vi) a moped as defined in Section [41-6a-102](#).

114 (b) "Powersport vehicle" does not include:

115 (i) an electric assisted bicycle defined in Section [41-6a-102](#);

116 (ii) a motor assisted scooter as defined in Section [41-6a-102](#); or

117 (iii) an electric personal assistive mobility device as defined in Section [41-6a-102](#).

118 (13) "Relevant market area" means:

119 (a) for a powersport dealership in a county that has a population of less than 225,000:

120 (i) the county in which the powersport dealership exists or is to be established or

121 relocated; and

122 (ii) in addition to the county described in Subsection (13)(a)(i), the area within a
123 15-mile radius from the site of the existing, new, or relocated dealership; or

124 (b) for a powersport dealership in a county that has a population of 225,000 or more,
125 the area within a 10-mile radius from the site of the existing, new, or relocated dealership.

126 (14) "Sale, transfer, or assignment" means any disposition of a franchise or an interest
127 in a franchise, with or without consideration, including a bequest, inheritance, gift, exchange,
128 lease, or license.

129 (15) "Serve" or "served," unless expressly indicated otherwise by statute or rule,
130 includes any reliable form of communication.

131 (16) "Written," "write," "in writing," or other variations of those terms shall include all
132 reliable forms of electronic communication.

133 Section 3. Section **17-50-329.5** is amended to read:

134 **17-50-329.5. Regulation of drive-through facilities.**

135 (1) As used in this section:

136 (a) "Business" means a private enterprise carried on for the purpose of gain or
137 economic profit.

138 (b) (i) "Business lobby" means a public area, including a lobby, dining area, or other
139 area accessible to the public where business is conducted within a place of business.

140 (ii) "Business lobby" does not include the area of a business where drive-through
141 service is conducted.

142 (c) "Land use application" means the same as that term is defined in Section
143 [17-27a-103](#).

144 ~~[(e)]~~ (d) (i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle,
145 intended primarily for use and operation on the highways.

146 (ii) "Motor vehicle" does not include an off-highway vehicle.

147 ~~[(d)]~~ (e) "Motorcycle" means a motor vehicle having a saddle for the use of the
148 operator and designed to travel on not more than two tires.

149 (f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, ~~[or]~~
150 all-terrain type II vehicle, or all-terrain type III vehicle.

151 (2) A county may not withhold a business license, deny a land use application, or

152 otherwise require a business that has a drive-through service as a component of its business
153 operations to:

154 (a) allow a person other than a person in a motorized vehicle to use the drive-through
155 service; or

156 (b) offer designated hours of the day that a customer is accommodated and business is
157 conducted in the business lobby that are the same as or exceed the hours of the day that a
158 customer is accommodated and business is conducted in the drive-through service.

159 Section 4. Section **41-1a-102** is amended to read:

160 **41-1a-102. Definitions.**

161 As used in this chapter:

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

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

165 (3) "All-terrain type I vehicle" [~~has the same meaning provided~~] means the same as that
166 term is defined in Section [41-22-2](#).

167 (4) "All-terrain type II vehicle" [~~has the same meaning provided~~] means the same as
168 that term is defined in Section [41-22-2](#).

169 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
170 [41-22-2](#).

171 [~~(5)~~] (6) "Amateur radio operator" means any person licensed by the Federal
172 Communications Commission to engage in private and experimental two-way radio operation
173 on the amateur band radio frequencies.

174 [~~(6)~~] (7) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

175 [~~(7)~~] (8) "Branded title" means a title certificate that is labeled:

176 (a) rebuilt and restored to operation;

177 (b) flooded and restored to operation; or

178 (c) not restored to operation.

179 [~~(8)~~] (9) "Camper" means any structure designed, used, and maintained primarily to be
180 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
181 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
182 camping.

183 ~~[(9)]~~ (10) "Certificate of title" means a document issued by a jurisdiction to establish a
184 record of ownership between an identified owner and the described vehicle, vessel, or outboard
185 motor.

186 ~~[(10)]~~ (11) "Certified scale weigh ticket" means a weigh ticket that has been issued by
187 a weighmaster.

188 ~~[(11)]~~ (12) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
189 maintained for the transportation of persons or property that operates:

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

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

193 ~~[(12)]~~ (13) "Commission" means the State Tax Commission.

194 ~~[(13)]~~ (14) "Dealer" means a person engaged or licensed to engage in the business of
195 buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright
196 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an
197 established place of business for the sale, lease, trade, or display of vehicles, vessels, or
198 outboard motors.

199 ~~[(14)]~~ (15) "Division" means the Motor Vehicle Division of the commission, created in
200 Section [41-1a-106](#).

201 ~~[(15)]~~ (16) "Essential parts" means all integral and body parts of a vehicle of a type
202 required to be registered in this state, the removal, alteration, or substitution of which would
203 tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or
204 mode of operation.

205 ~~[(16)]~~ (17) "Farm tractor" means every motor vehicle designed and used primarily as a
206 farm implement for drawing plows, mowing machines, and other implements of husbandry.

207 ~~[(17)]~~ (18) (a) "Farm truck" means a truck used by the owner or operator of a farm
208 solely for ~~his~~ the owner's or operator's own use in the transportation of:

209 (i) farm products, including livestock and its products, poultry and its products,
210 floricultural and horticultural products;

211 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
212 agricultural, floricultural, horticultural, livestock, and poultry production; and

213 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or

214 other purposes connected with the operation of a farm.

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

217 [~~(18)~~] (19) "Fleet" means one or more commercial vehicles.

218 [~~(19)~~] (20) "Foreign vehicle" means a vehicle of a type required to be registered,
219 brought into this state from another state, territory, or country other than in the ordinary course
220 of business by or through a manufacturer or dealer, and not registered in this state.

221 [~~(20)~~] (21) "Gross laden weight" means the actual weight of a vehicle or combination
222 of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

223 [~~(21)~~] (22) "Highway" or "street" means the entire width between property lines of
224 every way or place of whatever nature when any part of it is open to the public, as a matter of
225 right, for purposes of vehicular traffic.

226 [~~(22)~~] (23) (a) "Identification number" means the identifying number assigned by the
227 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
228 motor.

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

231 [~~(23)~~] (24) "Implement of husbandry" means every vehicle designed or adapted and
232 used exclusively for an agricultural operation and only incidentally operated or moved upon the
233 highways.

234 [~~(24)~~] (25) (a) "In-state miles" means the total number of miles operated in this state
235 during the preceding year by fleet power units.

236 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
237 total number of miles that those vehicles were towed on Utah highways during the preceding
238 year.

239 [~~(25)~~] (26) "Interstate vehicle" means any commercial vehicle operated in more than
240 one state, province, territory, or possession of the United States or foreign country.

241 [~~(26)~~] (27) "Jurisdiction" means a state, district, province, political subdivision,
242 territory, or possession of the United States or any foreign country.

243 [~~(27)~~] (28) "Lienholder" means a person with a security interest in particular property.

244 [~~(28)~~] (29) "Manufactured home" means a transportable factory built housing unit

245 constructed on or after June 15, 1976, according to the Federal Home Construction and Safety
246 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is
247 eight body feet or more in width or 40 body feet or more in length, or when erected on site, is
248 400 or more square feet, and which is built on a permanent chassis and designed to be used as a
249 dwelling with or without a permanent foundation when connected to the required utilities, and
250 includes the plumbing, heating, air-conditioning, and electrical systems.

251 ~~[(29)]~~ (30) "Manufacturer" means a person engaged in the business of constructing,
252 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
253 outboard motors for the purpose of sale or trade.

254 ~~[(30)]~~ (31) "Mobile home" means a transportable factory built housing unit built prior
255 to June 15, 1976, in accordance with a state mobile home code which existed prior to the
256 Federal Manufactured Housing and Safety Standards Act (HUD Code).

257 ~~[(33)]~~ (32) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for
258 use and operation on the highways.

259 (b) "Motor vehicle" does not include an off-highway vehicle.

260 ~~[(31)]~~ (33) "Motorboat" has the same meaning as provided in Section [73-18-2](#).

261 ~~[(32)]~~ (34) "Motorcycle" means:

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

264 (b) an auticycle.

265 ~~[(34)]~~ (35) (a) "Nonresident" means a person who is not a resident of this state as
266 defined by Section [41-1a-202](#), and who does not engage in intrastate business within this state
267 and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

273 ~~[(35)]~~ (36) "Odometer" means a device for measuring and recording the actual distance
274 a vehicle travels while in operation, but does not include any auxiliary odometer designed to be
275 periodically reset.

276 [~~(36)~~] (37) "Off-highway implement of husbandry" has the same meaning as provided
277 in Section 41-22-2.

278 [~~(37)~~] (38) "Off-highway vehicle" has the same meaning as provided in Section
279 41-22-2.

280 [~~(38)~~] (39) "Operate" means to drive or be in actual physical control of a vehicle or to
281 navigate a vessel.

282 [~~(39)~~] (40) "Outboard motor" means a detachable self-contained propulsion unit,
283 excluding fuel supply, used to propel a vessel.

284 [~~(40)~~] (41) (a) "Owner" means a person, other than a lienholder, holding title to a
285 vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
286 subject to a security interest.

287 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
288 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
289 stated in the agreement and with an immediate right of possession vested in the conditional
290 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
291 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
292 chapter.

293 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
294 owner until the lessee exercises [~~his~~] the lessee's option to purchase the vehicle.

295 [~~(41)~~] (42) "Park model recreational vehicle" means a unit that:

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

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

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

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

302 [~~(42)~~] (43) "Personalized license plate" means a license plate that has displayed on it a
303 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
304 to the vehicle by the division.

305 [~~(43)~~] (44) (a) "Pickup truck" means a two-axle motor vehicle with motive power
306 manufactured, remanufactured, or materially altered to provide an open cargo area.

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

309 ~~[(44)]~~ (45) "Pneumatic tire" means every tire in which compressed air is designed to
310 support the load.

311 ~~[(45)]~~ (46) "Preceding year" means a period of 12 consecutive months fixed by the
312 division that is within 16 months immediately preceding the commencement of the registration
313 or license year in which proportional registration is sought. The division in fixing the period
314 shall conform it to the terms, conditions, and requirements of any applicable agreement or
315 arrangement for the proportional registration of vehicles.

316 ~~[(46)]~~ (47) "Public garage" means every building or other place where vehicles or
317 vessels are kept and stored and where a charge is made for the storage and keeping of vehicles
318 and vessels.

319 ~~[(47)]~~ (48) "Receipt of surrender of ownership documents" means the receipt of
320 surrender of ownership documents described in Section [41-1a-503](#).

321 ~~[(48)]~~ (49) "Reconstructed vehicle" means every vehicle of a type required to be
322 registered in this state that is materially altered from its original construction by the removal,
323 addition, or substitution of essential parts, new or used.

324 ~~[(49)]~~ (50) "Recreational vehicle" has the same meaning as provided in Section
325 [13-14-102](#).

326 ~~[(50)]~~ (51) "Registration" means a document issued by a jurisdiction that allows
327 operation of a vehicle or vessel on the highways or waters of this state for the time period for
328 which the registration is valid and that is evidence of compliance with the registration
329 requirements of the jurisdiction.

330 ~~[(51)]~~ (52) (a) "Registration year" means a 12 consecutive month period commencing
331 with the completion of all applicable registration criteria.

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

334 ~~[(52)]~~ (53) "Repair or replacement" means the restoration of vehicles, vessels, or
335 outboard motors to a sound working condition by substituting any inoperative part of the
336 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

337 ~~[(53)]~~ (54) "Replica vehicle" means:

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

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

340 41-6a-1507(1)(a)(i)(B).

341 [~~54~~] (55) "Road tractor" means every motor vehicle designed and used for drawing
342 other vehicles and constructed so it does not carry any load either independently or any part of
343 the weight of a vehicle or load that is drawn.

344 [~~55~~] (56) "Sailboat" means the same as that term is defined in Section 73-18-2.

345 [~~56~~] (57) "Security interest" means an interest that is reserved or created by a security
346 agreement to secure the payment or performance of an obligation and that is valid against third
347 parties.

348 [~~57~~] (58) "Semitrailer" means every vehicle without motive power designed for
349 carrying persons or property and for being drawn by a motor vehicle and constructed so that
350 some part of its weight and its load rests or is carried by another vehicle.

351 [~~58~~] (59) "Special group license plate" means a type of license plate designed for a
352 particular group of people or a license plate authorized and issued by the division in accordance
353 with Section 41-1a-418.

354 [~~59~~] (60) (a) "Special interest vehicle" means a vehicle used for general
355 transportation purposes and that is:

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

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

359 (b) In making a determination under Subsection [~~59~~] (60) (a), the division director
360 shall give special consideration to:

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

362 (ii) a make or model of motor vehicle produced in limited or token quantities;

363 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
364 designed exclusively for educational purposes or museum display; or

365 (iv) a motor vehicle of any age or make that has not been substantially altered or
366 modified from original specifications of the manufacturer and because of its significance is
367 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
368 leisure pursuit.

369 ~~[(60)]~~ (61) (a) "Special mobile equipment" means every vehicle:
370 (i) not designed or used primarily for the transportation of persons or property;
371 (ii) not designed to operate in traffic; and
372 (iii) only incidentally operated or moved over the highways.
373 (b) "Special mobile equipment" includes:
374 (i) farm tractors;
375 (ii) off-road motorized construction or maintenance equipment including backhoes,
376 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
377 (iii) ditch-digging apparatus.
378 (c) "Special mobile equipment" does not include a commercial vehicle as defined
379 under Section [72-9-102](#).

380 ~~[(61)]~~ (62) "Specially constructed vehicle" means every vehicle of a type required to be
381 registered in this state, not originally constructed under a distinctive name, make, model, or
382 type by a generally recognized manufacturer of vehicles, and not materially altered from its
383 original construction.

384 ~~[(62)]~~ (63) "Title" means the right to or ownership of a vehicle, vessel, or outboard
385 motor.

386 ~~[(63)]~~ (64) (a) "Total fleet miles" means the total number of miles operated in all
387 jurisdictions during the preceding year by power units.

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

391 ~~[(64)]~~ (65) "Trailer" means a vehicle without motive power designed for carrying
392 persons or property and for being drawn by a motor vehicle and constructed so that no part of
393 its weight rests upon the towing vehicle.

394 ~~[(65)]~~ (66) "Transferee" means a person to whom the ownership of property is
395 conveyed by sale, gift, or any other means except by the creation of a security interest.

396 ~~[(66)]~~ (67) "Transferor" means a person who transfers ~~[his]~~ the person's ownership in
397 property by sale, gift, or any other means except by creation of a security interest.

398 ~~[(67)]~~ (68) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
399 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or

400 vacation use that does not require a special highway movement permit when drawn by a
401 self-propelled motor vehicle.

402 [~~(68)~~] (69) "Truck tractor" means a motor vehicle designed and used primarily for
403 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
404 vehicle and load that is drawn.

405 [~~(69)~~] (70) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
406 camper, park model recreational vehicle, manufactured home, and mobile home.

407 [~~(70)~~] (71) "Vessel" means the same as that term is defined in Section 73-18-2.

408 [~~(71)~~] (72) "Vintage vehicle" means the same as that term is defined in Section
409 41-21-1.

410 [~~(72)~~] (73) "Waters of this state" means the same as that term is defined in Section
411 73-18-2.

412 [~~(73)~~] (74) "Weighmaster" means a person, association of persons, or corporation
413 permitted to weigh vehicles under this chapter.

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

415 **41-6a-102. Definitions.**

416 As used in this chapter:

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

419 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
420 41-22-2.

421 (3) "Authorized emergency vehicle" includes:

422 (a) fire department vehicles;

423 (b) police vehicles;

424 (c) ambulances; and

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

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

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

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

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

- 431 (iii) designed to be operated on the ground; and
- 432 (iv) whose wheels are not less than 14 inches in diameter.
- 433 (b) "Bicycle" includes an electric assisted bicycle.
- 434 (c) "Bicycle" does not include scooters and similar devices.
- 435 (6) (a) "Bus" means a motor vehicle:
- 436 (i) designed for carrying more than 15 passengers and used for the transportation of
- 437 persons; or
- 438 (ii) designed and used for the transportation of persons for compensation.
- 439 (b) "Bus" does not include a taxicab.
- 440 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 441 circular in design, located in the center of the intersection where traffic passes to the right of
- 442 the island.
- 443 (b) "Circular intersection" includes:
- 444 (i) roundabouts;
- 445 (ii) rotaries; and
- 446 (iii) traffic circles.
- 447 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 448 Subsection (17)(d)(i).
- 449 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 450 Subsection (17)(d)(ii).
- 451 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 452 Subsection (17)(d)(iii).
- 453 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 454 (12) "Controlled-access highway" means a highway, street, or roadway:
- 455 (a) designed primarily for through traffic; and
- 456 (b) to or from which owners or occupants of abutting lands and other persons have no
- 457 legal right of access, except at points as determined by the highway authority having
- 458 jurisdiction over the highway, street, or roadway.
- 459 (13) "Crosswalk" means:
- 460 (a) that part of a roadway at an intersection included within the connections of the
- 461 lateral lines of the sidewalks on opposite sides of the highway measured from:

- 462 (i) (A) the curbs; or
- 463 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 464 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 465 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 466 centerline; or
- 467 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 468 pedestrian crossing by lines or other markings on the surface.
- 469 (14) "Department" means the Department of Public Safety.
- 470 (15) "Direct supervision" means oversight at a distance within which:
- 471 (a) visual contact is maintained; and
- 472 (b) advice and assistance can be given and received.
- 473 (16) "Divided highway" means a highway divided into two or more roadways by:
- 474 (a) an unpaved intervening space;
- 475 (b) a physical barrier; or
- 476 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 477 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 478 (a) has a power output of not more than 750 watts;
- 479 (b) has fully operable pedals on permanently affixed cranks;
- 480 (c) is fully operable as a bicycle without the use of the electric motor; and
- 481 (d) is one of the following:
- 482 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 483 (A) provides assistance only when the rider is pedaling; and
- 484 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 485 hour;
- 486 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 487 (A) may be used exclusively to propel the bicycle; and
- 488 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 489 miles per hour; or
- 490 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 491 (A) provides assistance only when the rider is pedaling;
- 492 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

493 hour; and

494 (C) is equipped with a speedometer.

495 (18) (a) "Electric personal assistive mobility device" means a self-balancing device

496 with:

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

498 (ii) a system capable of steering and stopping the unit under typical operating

499 conditions;

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

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

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

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

504 (19) "Explosives" means any chemical compound or mechanical mixture commonly

505 used or intended for the purpose of producing an explosion and that contains any oxidizing and

506 combustive units or other ingredients in proportions, quantities, or packing so that an ignition

507 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture

508 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are

509 capable of producing destructive effects on contiguous objects or of causing death or serious

510 bodily injury.

511 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm

512 implement, for drawing plows, mowing machines, and other implements of husbandry.

513 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

514 as determined by a tagliabue or equivalent closed-cup test device.

515 (22) "Freeway" means a controlled-access highway that is part of the interstate system

516 as defined in Section [72-1-102](#).

517 ~~[(23) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for~~
518 ~~and capable of travel over unimproved terrain:]~~

519 ~~[(i) traveling on four or more tires;]~~

520 ~~[(ii) having a width that, when measured at the widest point of the vehicle:]~~

521 ~~[(A) is not less than 55 inches; or]~~

522 ~~[(B) does not exceed 92 inches;]~~

523 ~~[(iii) having an unladen dry weight of 6,500 pounds or less;]~~

524 ~~[(iv) having a maximum seat height of 50 inches when measured at the forward edge of~~
525 ~~the seat bottom; and]~~

526 ~~[(v) having a steering wheel for control.]~~

527 ~~[(b) "Full-sized all-terrain vehicle" does not include:]~~

528 ~~[(i) all-terrain type I vehicle;]~~

529 ~~[(ii) a utility type vehicle;]~~

530 ~~[(iii) a motorcycle; or]~~

531 ~~[(iv) a snowmobile as defined in Section 41-22-2.]~~

532 ~~[(24)]~~ (23) "Gore area" means the area delineated by two solid white lines that is
533 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
534 lane including similar areas between merging or splitting highways.

535 ~~[(25)]~~ (24) "Gross weight" means the weight of a vehicle without a load plus the
536 weight of any load on the vehicle.

537 ~~[(26)]~~ (25) "Highway" means the entire width between property lines of every way or
538 place of any nature when any part of it is open to the use of the public as a matter of right for
539 vehicular travel.

540 ~~[(27)]~~ (26) "Highway authority" means the same as that term is defined in Section
541 72-1-102.

542 ~~[(28)]~~ (27) (a) "Intersection" means the area embraced within the prolongation or
543 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
544 of two or more highways which join one another.

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

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

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

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

551 ~~[(29)]~~ (28) "Island" means an area between traffic lanes or at an intersection for control
552 of vehicle movements or for pedestrian refuge designated by:

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

555 (b) channelizing devices;

556 (c) curbs;

557 (d) pavement edges; or

558 (e) other devices.

559 ~~[(30)]~~ (29) "Law enforcement agency" means the same as that term is as defined in
560 Section [53-1-102](#).

561 ~~[(31)]~~ (30) "Limited access highway" means a highway:

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

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

566 ~~[(32)]~~ (31) "Local highway authority" means the legislative, executive, or governing
567 body of a county, municipal, or other local board or body having authority to enact laws
568 relating to traffic under the constitution and laws of the state.

569 ~~[(33)]~~ (32) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

571 (ii) has a capacity of not more than four passengers, including the driver.

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

573 ~~[(34)]~~ (33) "Metal tire" means a tire, the surface of which in contact with the highway
574 is wholly or partly of metal or other hard nonresilient material.

575 ~~[(35)]~~ (34) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
576 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
577 properly inflated tires.

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

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

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

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

582 ~~[(36)]~~ (35) "Mobile home" means:

583 (a) a trailer or semitrailer that is:

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

586 (ii) equipped for use as a conveyance on streets and highways; or
587 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
588 constructed for use as a mobile home, as defined in Subsection [~~(36)~~] (35)(a), but that is
589 instead used permanently or temporarily for:

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

593 [~~(37)~~] (36) (a) "Moped" means a motor-driven cycle having:

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

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

- 602 (c) "Moped" includes a motor assisted scooter.
- 603 (d) "Moped" does not include an electric assisted bicycle.

604 [~~(38)~~] (37) (a) "Motor assisted scooter" means a self-propelled device with:

- 605 (i) at least two wheels in contact with the ground;
- 606 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 607 (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- 608 (iv) either:

- 609 (A) a deck design for a person to stand while operating the device; or
- 610 (B) a deck and seat designed for a person to sit, straddle, or stand while operating the
611 device; and

- 612 (v) a design for the ability to be propelled by human power alone.

613 (b) "Motor assisted scooter" does not include an electric assisted bicycle.

614 [~~(41)~~] (38) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle
615 which is propelled by electric power obtained from overhead trolley wires, but not operated
616 upon rails.

617 (b) "Motor vehicle" does not include vehicles moved solely by human power,
618 motorized wheelchairs, an electric personal assistive mobility device, or an electric assisted
619 bicycle.

620 (39) "Motorcycle" means:

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

623 (b) an auticycle.

624 (40) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor
625 assisted scooter, and every motorized bicycle having:

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

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

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

629 (i) an electric personal assistive mobility device; or

630 (ii) an electric assisted bicycle.

631 [~~42~~] (41) "Off-highway implement of husbandry" means the same as that term is
632 defined under Section [41-22-2](#).

633 [~~43~~] (42) "Off-highway vehicle" means the same as that term is defined under Section
634 [41-22-2](#).

635 [~~44~~] (43) "Operator" means a person who is in actual physical control of a vehicle.

636 [~~45~~] (44) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
637 is occupied or not.

638 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
639 purpose of and while actually engaged in loading or unloading property or passengers.

640 [~~46~~] (45) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
641 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
642 traffic laws.

643 [~~47~~] (46) "Pedestrian" means a person traveling:

644 (a) on foot; or

645 (b) in a wheelchair.

646 [~~48~~] (47) "Pedestrian traffic-control signal" means a traffic-control signal used to
647 regulate pedestrians.

648 [~~(49)~~] (48) "Person" means every natural person, firm, copartnership, association, or
649 corporation.

650 [~~(50)~~] (49) "Pole trailer" means every vehicle without motive power:

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

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

656 [~~(51)~~] (50) "Private road or driveway" means every way or place in private ownership
657 and used for vehicular travel by the owner and those having express or implied permission
658 from the owner, but not by other persons.

659 [~~(52)~~] (51) "Railroad" means a carrier of persons or property upon cars operated on
660 stationary rails.

661 [~~(53)~~] (52) "Railroad sign or signal" means a sign, signal, or device erected by
662 authority of a public body or official or by a railroad and intended to give notice of the presence
663 of railroad tracks or the approach of a railroad train.

664 [~~(54)~~] (53) "Railroad train" means a locomotive propelled by any form of energy,
665 coupled with or operated without cars, and operated upon rails.

666 [~~(55)~~] (54) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
667 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
668 of direction, speed, and proximity that give rise to danger of collision unless one grants
669 precedence to the other.

670 [~~(56)~~] (55) (a) "Roadway" means that portion of highway improved, designed, or
671 ordinarily used for vehicular travel.

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

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

676 [~~(57)~~] (56) "Safety zone" means the area or space officially set apart within a roadway
677 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
678 signs as to be plainly visible at all times while set apart as a safety zone.

679 [~~(58)~~] (57) (a) "School bus" means a motor vehicle that:

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

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

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

685 [~~(59)~~] (58) (a) "Semitrailer" means a vehicle with or without motive power:

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

687 and

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

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

691 [~~(60)~~] (59) "Shoulder area" means:

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

694 or

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

697 [~~(61)~~] (60) "Sidewalk" means that portion of a street between the curb lines, or the
698 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

699 [~~(62)~~] (61) "Solid rubber tire" means a tire of rubber or other resilient material that
700 does not depend on compressed air for the support of the load.

701 [~~(63)~~] (62) "Stand" or "standing" means the temporary halting of a vehicle, whether
702 occupied or not, for the purpose of and while actually engaged in receiving or discharging
703 passengers.

704 [~~(64)~~] (63) "Stop" when required means complete cessation from movement.

705 [~~(65)~~] (64) "Stop" or "stopping" when prohibited means any halting even momentarily
706 of a vehicle, whether occupied or not, except when:

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

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

709 [~~(66)~~] (65) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain

710 type I vehicle, [~~utility type vehicle, or full-sized all-terrain vehicle~~] all-terrain type II vehicle, or
711 all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to
712 operate on highways in the state in accordance with Section 41-6a-1509.

713 [(67)] (66) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
714 conveyances either singly or together while using any highway for the purpose of travel.

715 [(70)] (67) "Traffic signal preemption device" means an instrument or mechanism
716 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

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

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

722 [(71)] (70) (a) "Trailer" means a vehicle with or without motive power designed for
723 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
724 part of its weight rests upon the towing vehicle.

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

726 [(72)] (71) "Truck" means a motor vehicle designed, used, or maintained primarily for
727 the transportation of property.

728 [(73)] (72) "Truck tractor" means a motor vehicle:

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

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

732 [(74)] (73) "Two-way left turn lane" means a lane:

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

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

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

737 [(75)] (74) "Urban district" means the territory contiguous to and including any street,
738 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
739 less than 100 feet, for a distance of a quarter of a mile or more.

740 [(76)] (a) "~~Utility type vehicle~~" means ~~any recreational vehicle designed for and capable~~

741 of travel over unimproved terrain:]
 742 ~~[(i) traveling on four or more tires;]~~
 743 ~~[(ii) having a width that, when measured at the widest point of the vehicle:]~~
 744 ~~[(A) is not less than 30 inches; or]~~
 745 ~~[(B) does not exceed 70 inches;]~~
 746 ~~[(iii) having an unladen dry weight of 2,200 pounds or less;]~~
 747 ~~[(iv) having a seat height of 20 to 40 inches when measured at the forward edge of the~~
 748 ~~seat bottom; and]~~
 749 ~~[(v) having side-by-side seating with a steering wheel for control.]~~
 750 ~~[(b) "Utility type vehicle" does not include:]~~
 751 ~~[(i) an all-terrain type I vehicle;]~~
 752 ~~[(ii) a motorcycle; or]~~
 753 ~~[(iii) a snowmobile as defined in Section 41-22-2.]~~
 754 ~~{(77)}~~ (75) "Vehicle" means a device in, on, or by which a person or property is or may
 755 be transported or drawn on a highway, except devices used exclusively on stationary rails or
 756 tracks.

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

758 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
 759 **Registration and licensing requirements -- Equipment requirements.**

760 (1) (a) An all-terrain type I vehicle, ~~[utility type vehicle, or full-sized all-terrain vehicle]~~
 761 all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this
 762 section may be operated as a street-legal ATV on a street or highway unless:

763 (i) the highway is an interstate freeway as defined in Section 41-6a-102; or
 764 (ii) (A) the highway is in a county of the first class;
 765 (B) the highway is near a grade separated portion of the highway;
 766 (C) the highway has a posted speed limit of 50 miles per hour or greater; and
 767 (D) the highway authority with jurisdiction over the highway has designated a portion
 768 of a highway as closed to street-legal ATVs.

769 (b) The restriction to street-legal ATVs described in Subsection (1)(a)(ii) is effective
 770 when appropriate signs giving notice are erected on the highway or portion of the highway.

771 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that

772 is not open to motor vehicle use.

773 (2) A street-legal ATV shall comply with Subsection 41-1a-205(1), Subsection
774 53-8-205(1)(b), and the same requirements as:

775 (a) a motorcycle for:

776 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

777 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
778 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

779 (iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and

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

782 (b) a motor vehicle for:

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

784 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
785 Motor Vehicle Owners and Operators Act; and

786 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
787 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
788 Regulation Act, unless otherwise specified in this section.

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

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

792 (ii) one or more tail lamps;

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

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

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

797 (vi) amber or red electric turn signals, one on each side of the front and rear;

798 (vii) a braking system, other than a parking brake, that meets the requirements of
799 Section 41-6a-1623;

800 (viii) a horn or other warning device that meets the requirements of Section
801 41-6a-1625;

802 (ix) a muffler and emission control system that meets the requirements of Section

- 803 41-6a-1626;
- 804 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 805 41-6a-1627;
- 806 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 807 (xii) a speedometer, illuminated for nighttime operation;
- 808 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 809 seat designed for passengers, including a footrest and handhold for each passenger; ~~§~~ **and** ~~§~~
- 810 ~~§~~ [(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 811 ~~§~~ (xv)] (xiv) ~~§~~ tires that:
- 812 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
- 813 for the all-terrain vehicle model; and
- 814 (B) have at least 2/32 inches or greater tire tread.
- 815 (b) The owner of ~~[a full-sized]~~ an all-terrain type II vehicle or all-terrain type III vehicle
- 816 being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
- 817 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 818 (ii) two tail lamps;
- 819 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 820 with a white light;
- 821 (iv) one or more red reflectors on the rear;
- 822 (v) two stop lamps on the rear;
- 823 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 824 (vii) a braking system, other than a parking brake, that meets the requirements of
- 825 Section 41-6a-1623;
- 826 (viii) a horn or other warning device that meets the requirements of Section
- 827 41-6a-1625;
- 828 (ix) a muffler and emission control system that meets the requirements of Section
- 829 41-6a-1626;
- 830 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 831 41-6a-1627;
- 832 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 833 (xii) a speedometer, illuminated for nighttime operation;

834 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
835 seat designed for passengers, including a footrest and handhold for each passenger;

836 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
837 occupant; [~~and~~]

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

840 [~~(xv)~~] (xvi) tires that:

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

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

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

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

848 (i) the posted speed limit; or

849 (ii) 50 miles per hour.

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

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

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

856 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
857 operated on the highways of another state has the same rights and privileges as a street-legal
858 ATV that is granted operating privileges on the highways of this state, subject to the
859 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
860 state offers reciprocal operating privileges to Utah residents.

861 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
862 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
863 privileges for nonresident users granted under Subsection (5)(a).

864 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating

865 the off-highway vehicle in accordance with Section [41-22-10.5](#).

866 (7) A violation of this section is an infraction.

867 Section 7. Section **41-22-2** is amended to read:

868 **41-22-2. Definitions.**

869 As used in this chapter:

870 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by
871 the Board of Parks and Recreation.

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

876 (3) ~~Ŝ~~ **(a)** ~~←Ŝ~~ "All-terrain type II vehicle" means any motor vehicle 80 inches or less in
876a width,

877 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
878 rollover protection system, and designed for or capable of travel over unimproved terrain, and
879 is:

880 ~~Ŝ~~ **(i)** ~~←Ŝ~~ an electric-powered vehicle; or

881 ~~Ŝ~~ **(ii)** ~~←Ŝ~~ a vehicle powered by an internal combustion engine and has an unladen
881a dry weight

882 of 2,500 pounds or less.

882a ~~Ŝ~~ **(b)** "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a
882b person with a disability, any vehicle not specifically designed for recreational use, or farm
882c tractors as defined under Section [41-1a-102](#). ~~←Ŝ~~

883 ~~[(3)]~~ (4) (a) "All-terrain type [H] III vehicle" means any other motor vehicle, not
884 defined in Subsection (2), ~~[(10), or (21)]~~ (3), (12), or (22), designed for or capable of travel
885 over unimproved terrain.

886 (b) "All-terrain type [H] III vehicle" does not include golf carts, any vehicle designed to
887 carry a person with a disability, any vehicle not specifically designed for recreational use, or
888 farm tractors as defined under Section [41-1a-102](#).

889 ~~[(4)]~~ (5) "Board" means the Board of Parks and Recreation.

890 ~~[(5)]~~ (6) "Cross-country" means across natural terrain and off an existing highway,
891 road, route, or trail.

892 ~~[(6)]~~ (7) "Dealer" means a person engaged in the business of selling off-highway
893 vehicles at wholesale or retail.

894 ~~[(7)]~~ (8) "Division" means the Division of Parks and Recreation.

895 ~~[(8)]~~ (9) "Low pressure tire" means any pneumatic tire six inches or more in width

896 designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating
897 pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

898 ~~[(9)]~~ (10) "Manufacturer" means a person engaged in the business of manufacturing
899 off-highway vehicles.

900 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

901 (b) "Motor vehicle" includes an off-highway vehicle.

902 ~~[(10)]~~ (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
903 operator and designed to travel on not more than two tires.

904 ~~[(12)]~~ (13) "Off-highway implement of husbandry" means every all-terrain type I
905 vehicle, all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
906 used by the owner or the owner's agent for agricultural operations.

907 ~~[(13)]~~ (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
908 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

909 ~~[(14)]~~ (15) "Operate" means to control the movement of or otherwise use an
910 off-highway vehicle.

911 ~~[(15)]~~ (16) "Operator" means the person who is in actual physical control of an
912 off-highway vehicle.

913 ~~[(16)]~~ (17) "Organized user group" means an off-highway vehicle organization
914 incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
915 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle
916 recreation.

917 ~~[(17)]~~ (18) "Owner" means a person, other than a person with a security interest,
918 having a property interest or title to an off-highway vehicle and entitled to the use and
919 possession of that vehicle.

920 ~~[(18)]~~ (19) "Public land" means land owned or administered by any federal or state
921 agency or any political subdivision of the state.

922 ~~[(19)]~~ (20) "Register" means the act of assigning a registration number to an
923 off-highway vehicle.

924 ~~[(20)]~~ (21) "Roadway" is used as defined in Section [41-6a-102](#).

925 ~~[(21)]~~ (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice
926 and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure

927 tires.

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

931 [~~22~~] (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same
932 meaning as defined in Section 41-6a-102.

933 Section 8. Section 41-22-5.5 is amended to read:

934 **41-22-5.5. Off-highway husbandry vehicles.**

935 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
936 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
937 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

938 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

939 (A) evidence of ownership;

940 (B) a title or a manufacturer's certificate of origin; and

941 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
942 purposes.

943 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
944 production of:

945 (A) the documents required under this Subsection (1); and

946 (B) payment of an off-highway implement of husbandry sticker fee established by the
947 board not to exceed \$10.

948 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
949 highways, it shall also be registered under Section 41-22-3.

950 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
951 prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, all-terrain
952 type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of
953 husbandry.

954 (2) The off-highway implement of husbandry sticker is valid only for the life of the
955 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type
956 III vehicle, or snowmobile and is not transferable.

957 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I

958 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
959 being operated adjacent to a roadway:

960 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
961 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
962 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another
963 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

964 (b) when this operation is necessary for the furtherance of agricultural purposes.

965 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
966 impractical, it may be operated on the roadway if the operator exercises due care towards
967 conventional motor vehicle traffic.

968 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
969 within the boundaries of an interstate freeway.

970 (6) A violation of this section is an infraction.

971 Section 9. Section **59-2-405.2** is amended to read:

972 **59-2-405.2. Definitions -- Uniform statewide fee on certain tangible personal**
973 **property -- Distribution of revenues -- Rulemaking authority -- Determining the length of**
974 **a vessel.**

975 (1) As used in this section:

976 (a) (i) Except as provided in Subsection (1)(a)(ii), "all-terrain vehicle" means a motor
977 vehicle that:

978 (A) is an:

979 (I) all-terrain type I vehicle as defined in Section [41-22-2](#); [~~or~~]

980 (II) all-terrain type II vehicle as defined in Section [41-22-2](#); or

981 (III) all-terrain type III vehicle as defined in Section [41-22-2](#);

982 (B) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
983 Vehicles; and

984 (C) has:

985 (I) an engine with more than 150 cubic centimeters displacement;

986 (II) a motor that produces more than five horsepower; or

987 (III) an electric motor; and

988 (ii) notwithstanding Subsection (1)(a)(i), "all-terrain vehicle" does not include a

- 989 snowmobile.
- 990 (b) "Camper" means a camper:
- 991 (i) as defined in Section [41-1a-102](#); and
- 992 (ii) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 993 Registration.
- 994 (c) (i) "Canoe" means a vessel that:
- 995 (A) is long and narrow;
- 996 (B) has curved sides; and
- 997 (C) is tapered:
- 998 (I) to two pointed ends; or
- 999 (II) to one pointed end and is blunt on the other end; and
- 1000 (ii) "canoe" includes:
- 1001 (A) a collapsible inflatable canoe;
- 1002 (B) a kayak;
- 1003 (C) a racing shell;
- 1004 (D) a rowing scull; or
- 1005 (E) notwithstanding the definition of vessel in Subsection (1)(bb), a canoe with an
- 1006 outboard motor.
- 1007 (d) "Dealer" is as defined in Section [41-1a-102](#).
- 1008 (e) "Jon boat" means a vessel that:
- 1009 (i) has a square bow; and
- 1010 (ii) has a flat bottom.
- 1011 (f) "Motor vehicle" is as defined in Section [41-22-2](#).
- 1012 (g) "Other motorcycle" means a motor vehicle that:
- 1013 (i) is:
- 1014 (A) a motorcycle as defined in Section [41-1a-102](#); and
- 1015 (B) designed primarily for use and operation over unimproved terrain;
- 1016 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 1017 Registration; and
- 1018 (iii) has:
- 1019 (A) an engine with more than 150 cubic centimeters displacement; or

- 1020 (B) a motor that produces more than five horsepower.
- 1021 (h) (i) "Other trailer" means a portable vehicle without motive power that is primarily
- 1022 used:
- 1023 (A) to transport tangible personal property; and
- 1024 (B) for a purpose other than a commercial purpose; and
- 1025 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 1026 purposes of Subsection (1)(h)(i)(B), the commission may by rule define what constitutes a
- 1027 purpose other than a commercial purpose.
- 1028 (i) "Outboard motor" is as defined in Section [41-1a-102](#).
- 1029 (j) "Park model recreational vehicle" is as defined in Section [41-1a-102](#).
- 1030 (k) "Personal watercraft" means a personal watercraft:
- 1031 (i) as defined in Section [73-18-2](#); and
- 1032 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
- 1033 Boating Act.
- 1034 (l) (i) "Pontoon" means a vessel that:
- 1035 (A) is:
- 1036 (I) supported by one or more floats; and
- 1037 (II) propelled by either inboard or outboard power; and
- 1038 (B) is not:
- 1039 (I) a houseboat; or
- 1040 (II) a collapsible inflatable vessel; and
- 1041 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1042 commission may by rule define the term "houseboat."
- 1043 (m) "Qualifying adjustment, exemption, or reduction" means an adjustment,
- 1044 exemption, or reduction:
- 1045 (i) of all or a portion of a qualifying payment;
- 1046 (ii) granted by a county during the refund period; and
- 1047 (iii) received by a qualifying person.
- 1048 (n) (i) "Qualifying payment" means the payment made:
- 1049 (A) of a uniform statewide fee in accordance with this section:
- 1050 (I) by a qualifying person;

- 1051 (II) to a county; and
- 1052 (III) during the refund period; and
- 1053 (B) on an item of qualifying tangible personal property; and
- 1054 (ii) if a qualifying person received a qualifying adjustment, exemption, or reduction for
- 1055 an item of qualifying tangible personal property, the qualifying payment for that qualifying
- 1056 tangible personal property is equal to the difference between:
- 1057 (A) the payment described in this Subsection (1)(n) for that item of qualifying tangible
- 1058 personal property; and
- 1059 (B) the amount of the qualifying adjustment, exemption, or reduction.
- 1060 (o) "Qualifying person" means a person that paid a uniform statewide fee:
- 1061 (i) during the refund period;
- 1062 (ii) in accordance with this section; and
- 1063 (iii) on an item of qualifying tangible personal property.
- 1064 (p) "Qualifying tangible personal property" means a:
- 1065 (i) qualifying vehicle; or
- 1066 (ii) qualifying watercraft.
- 1067 (q) "Qualifying vehicle" means:
- 1068 (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic
- 1069 centimeters but 150 or less cubic centimeters;
- 1070 (ii) an other motorcycle with an engine displacement that is 100 or more cubic
- 1071 centimeters but 150 or less cubic centimeters;
- 1072 (iii) a small motor vehicle with an engine displacement that is 100 or more cubic
- 1073 centimeters but 150 or less cubic centimeters;
- 1074 (iv) a snowmobile with an engine displacement that is 100 or more cubic centimeters
- 1075 but 150 or less cubic centimeters; or
- 1076 (v) a street motorcycle with an engine displacement that is 100 or more cubic
- 1077 centimeters but 150 or less cubic centimeters.
- 1078 (r) "Qualifying watercraft" means a:
- 1079 (i) canoe;
- 1080 (ii) collapsible inflatable vessel;
- 1081 (iii) jon boat;

- 1082 (iv) pontoon;
- 1083 (v) sailboat; or
- 1084 (vi) utility boat.
- 1085 (s) "Refund period" means the time period:
- 1086 (i) beginning on January 1, 2006; and
- 1087 (ii) ending on December 29, 2006.
- 1088 (t) "Sailboat" means a sailboat as defined in Section [73-18-2](#).
- 1089 (u) (i) "Small motor vehicle" means a motor vehicle that:
- 1090 (A) is required to be registered in accordance with Title 41, Motor Vehicles; and
- 1091 (B) has:
- 1092 (I) an engine with 150 or less cubic centimeters displacement; or
- 1093 (II) a motor that produces five or less horsepower; and
- 1094 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1095 commission may by rule develop a process for an owner of a motor vehicle to certify whether
- 1096 the motor vehicle has:
- 1097 (A) an engine with 150 or less cubic centimeters displacement; or
- 1098 (B) a motor that produces five or less horsepower.
- 1099 (v) "Snowmobile" means a motor vehicle that:
- 1100 (i) is a snowmobile as defined in Section [41-22-2](#);
- 1101 (ii) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
- 1102 Vehicles; and
- 1103 (iii) has:
- 1104 (A) an engine with more than 150 cubic centimeters displacement; or
- 1105 (B) a motor that produces more than five horsepower.
- 1106 (w) "Street motorcycle" means a motor vehicle that:
- 1107 (i) is:
- 1108 (A) a motorcycle as defined in Section [41-1a-102](#); and
- 1109 (B) designed primarily for use and operation on highways;
- 1110 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 1111 Registration; and
- 1112 (iii) has:

- 1113 (A) an engine with more than 150 cubic centimeters displacement; or
1114 (B) a motor that produces more than five horsepower.
- 1115 (x) "Tangible personal property owner" means a person that owns an item of qualifying
1116 tangible personal property.
- 1117 (y) "Tent trailer" means a portable vehicle without motive power that:
1118 (i) is constructed with collapsible side walls that:
1119 (A) fold for towing by a motor vehicle; and
1120 (B) unfold at a campsite;
1121 (ii) is designed as a temporary dwelling for travel, recreational, or vacation use;
1122 (iii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
1123 Registration; and
1124 (iv) does not require a special highway movement permit when drawn by a
1125 self-propelled motor vehicle.
- 1126 (z) (i) Except as provided in Subsection (1)(z)(ii), "travel trailer" means a travel trailer:
1127 (A) as defined in Section 41-1a-102; and
1128 (B) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
1129 Registration; and
1130 (ii) notwithstanding Subsection (1)(z)(i), "travel trailer" does not include:
1131 (A) a camper; or
1132 (B) a tent trailer.
- 1133 (aa) (i) "Utility boat" means a vessel that:
1134 (A) has:
1135 (I) two or three bench seating;
1136 (II) an outboard motor; and
1137 (III) a hull made of aluminum, fiberglass, or wood; and
1138 (B) does not have:
1139 (I) decking;
1140 (II) a permanent canopy; or
1141 (III) a floor other than the hull; and
1142 (ii) notwithstanding Subsection (1)(aa)(i), "utility boat" does not include a collapsible
1143 inflatable vessel.

1144 (bb) "Vessel" means a vessel:
 1145 (i) as defined in Section 73-18-2, including an outboard motor of the vessel; and
 1146 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
 1147 Boating Act.

1148 (2) (a) In accordance with Utah Constitution Article XIII, Section 2, Subsection (6),
 1149 beginning on January 1, 2006, the tangible personal property described in Subsection (2)(b) is:

- 1150 (i) exempt from the tax imposed by Section 59-2-103; and
- 1151 (ii) in lieu of the tax imposed by Section 59-2-103, subject to uniform statewide fees as
- 1152 provided in this section.

1153 (b) The following tangible personal property applies to Subsection (2)(a) if that
 1154 tangible personal property is required to be registered with the state:

- 1155 (i) an all-terrain vehicle;
- 1156 (ii) a camper;
- 1157 (iii) an other motorcycle;
- 1158 (iv) an other trailer;
- 1159 (v) a personal watercraft;
- 1160 (vi) a small motor vehicle;
- 1161 (vii) a snowmobile;
- 1162 (viii) a street motorcycle;
- 1163 (ix) a tent trailer;
- 1164 (x) a travel trailer;
- 1165 (xi) a park model recreational vehicle; and
- 1166 (xii) a vessel if that vessel is less than 31 feet in length as determined under Subsection
- 1167 (6).

1168 (3) Except as provided in Subsection (4) and for purposes of this section, the uniform
 1169 statewide fees are:

1170 (a) for an all-terrain vehicle, an other motorcycle, or a snowmobile:

| 1171 Age of All-Terrain Vehicle, Other Motorcycle, or Snowmobile | Uniform Statewide Fee |
|--|-----------------------|
| 1172 12 or more years | \$10 |
| 1173 9 or more years but less than 12 years | \$20 |

| | | |
|------|--|-----------------------|
| 1174 | 6 or more years but less than 9 years | \$30 |
| 1175 | 3 or more years but less than 6 years | \$35 |
| 1176 | Less than 3 years | \$45 |
| 1177 | (b) for a camper or a tent trailer: | |
| 1178 | Age of Camper or Tent Trailer | Uniform Statewide Fee |
| 1179 | 12 or more years | \$10 |
| 1180 | 9 or more years but less than 12 years | \$25 |
| 1181 | 6 or more years but less than 9 years | \$35 |
| 1182 | 3 or more years but less than 6 years | \$50 |
| 1183 | Less than 3 years | \$70 |
| 1184 | (c) for an other trailer: | |
| 1185 | Age of Other Trailer | Uniform Statewide Fee |
| 1186 | 12 or more years | \$10 |
| 1187 | 9 or more years but less than 12 years | \$15 |
| 1188 | 6 or more years but less than 9 years | \$20 |
| 1189 | 3 or more years but less than 6 years | \$25 |
| 1190 | Less than 3 years | \$30 |
| 1191 | (d) for a personal watercraft: | |
| 1192 | Age of Personal Watercraft | Uniform Statewide Fee |
| 1193 | 12 or more years | \$10 |
| 1194 | 9 or more years but less than 12 years | \$25 |
| 1195 | 6 or more years but less than 9 years | \$35 |
| 1196 | 3 or more years but less than 6 years | \$45 |
| 1197 | Less than 3 years | \$55 |
| 1198 | (e) for a small motor vehicle: | |
| 1199 | Age of Small Motor Vehicle | Uniform Statewide Fee |
| 1200 | 6 or more years | \$10 |

| | | |
|------|---|-----------------------|
| 1201 | 3 or more years but less than 6 years | \$15 |
| 1202 | Less than 3 years | \$25 |
| 1203 | (f) for a street motorcycle: | |
| 1204 | Age of Street Motorcycle | Uniform Statewide Fee |
| 1205 | 12 or more years | \$10 |
| 1206 | 9 or more years but less than 12 years | \$35 |
| 1207 | 6 or more years but less than 9 years | \$50 |
| 1208 | 3 or more years but less than 6 years | \$70 |
| 1209 | Less than 3 years | \$95 |
| 1210 | (g) for a travel trailer or park model recreational vehicle: | |
| 1211 | Age of Travel Trailer or Park Model Recreational Vehicle | Uniform Statewide Fee |
| 1212 | 12 or more years | \$20 |
| 1213 | 9 or more years but less than 12 years | \$65 |
| 1214 | 6 or more years but less than 9 years | \$90 |
| 1215 | 3 or more years but less than 6 years | \$135 |
| 1216 | Less than 3 years | \$175 |
| 1217 | (h) \$10 regardless of the age of the vessel if the vessel is: | |
| 1218 | (i) less than 15 feet in length; | |
| 1219 | (ii) a canoe; | |
| 1220 | (iii) a jon boat; or | |
| 1221 | (iv) a utility boat; | |
| 1222 | (i) for a collapsible inflatable vessel, pontoon, or sailboat, regardless of age: | |
| 1223 | Length of Vessel | Uniform Statewide Fee |
| 1224 | 15 feet or more in length but less than 19 feet in length | \$15 |
| 1225 | 19 feet or more in length but less than 23 feet in length | \$25 |
| 1226 | 23 feet or more in length but less than 27 feet in length | \$40 |
| 1227 | 27 feet or more in length but less than 31 feet in length | \$75 |
| 1228 | (j) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon, | |

1229 sailboat, or utility boat, that is 15 feet or more in length but less than 19 feet in length:

| 1230 | Age of Vessel | Uniform Statewide Fee |
|------|--|-----------------------|
| 1231 | 12 or more years | \$25 |
| 1232 | 9 or more years but less than 12 years | \$65 |
| 1233 | 6 or more years but less than 9 years | \$80 |
| 1234 | 3 or more years but less than 6 years | \$110 |
| 1235 | Less than 3 years | \$150 |

1236 (k) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
1237 sailboat, or utility boat, that is 19 feet or more in length but less than 23 feet in length:

| 1238 | Age of Vessel | Uniform Statewide Fee |
|------|--|-----------------------|
| 1239 | 12 or more years | \$50 |
| 1240 | 9 or more years but less than 12 years | \$120 |
| 1241 | 6 or more years but less than 9 years | \$175 |
| 1242 | 3 or more years but less than 6 years | \$220 |
| 1243 | Less than 3 years | \$275 |

1244 (l) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
1245 sailboat, or utility boat, that is 23 feet or more in length but less than 27 feet in length:

| 1246 | Age of Vessel | Uniform Statewide Fee |
|------|--|-----------------------|
| 1247 | 12 or more years | \$100 |
| 1248 | 9 or more years but less than 12 years | \$180 |
| 1249 | 6 or more years but less than 9 years | \$240 |
| 1250 | 3 or more years but less than 6 years | \$310 |
| 1251 | Less than 3 years | \$400 |

1252 (m) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
1253 sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:

| 1254 | Age of Vessel | Uniform Statewide Fee |
|------|--|-----------------------|
| 1255 | 12 or more years | \$120 |
| 1256 | 9 or more years but less than 12 years | \$250 |

| | | |
|------|---------------------------------------|-------|
| 1257 | 6 or more years but less than 9 years | \$350 |
| 1258 | 3 or more years but less than 6 years | \$500 |
| 1259 | Less than 3 years | \$700 |

1260 (4) For registrations under Section [41-1a-215.5](#), the uniform fee for purposes of this
 1261 section is as follows:

1262 (a) for a street motorcycle:

| 1263 | Age of Street Motorcycle | Uniform Statewide Fee |
|------|--|-----------------------|
| 1264 | 12 or more years | \$7.75 |
| 1265 | 9 or more years but less than 12 years | \$27 |
| 1266 | 6 or more years but less than 9 years | \$38.50 |
| 1267 | 3 or more years but less than 6 years | \$54 |
| 1268 | Less than 3 years | \$73 |

1269 (b) for a small motor vehicle:

| 1270 | Age of Small Motor Vehicle | Uniform Statewide Fee |
|------|---------------------------------------|-----------------------|
| 1271 | 6 or more years | \$7.75 |
| 1272 | 3 or more years but less than 6 years | \$11.50 |
| 1273 | Less than 3 years | \$19.25 |

1274 (5) Notwithstanding Section [59-2-407](#), tangible personal property subject to the
 1275 uniform statewide fees imposed by this section that is brought into the state shall, as a
 1276 condition of registration, be subject to the uniform statewide fees unless all property taxes or
 1277 uniform fees imposed by the state of origin have been paid for the current calendar year.

1278 (6) (a) The revenues collected in each county from the uniform statewide fees imposed
 1279 by this section shall be distributed by the county to each taxing entity in which each item of
 1280 tangible personal property subject to the uniform statewide fees is located in the same
 1281 proportion in which revenues collected from the ad valorem property tax are distributed.

1282 (b) Each taxing entity described in Subsection (6)(a) that receives revenues from the
 1283 uniform statewide fees imposed by this section shall distribute the revenues in the same
 1284 proportion in which revenues collected from the ad valorem property tax are distributed.

1285 (7) (a) For purposes of the uniform statewide fee imposed by this section, the length of

1286 a vessel shall be determined as provided in this Subsection (7).

1287 (b) (i) Except as provided in Subsection (7)(b)(ii), the length of a vessel shall be
1288 measured as follows:

1289 (A) the length of a vessel shall be measured in a straight line; and

1290 (B) the length of a vessel is equal to the distance between the bow of the vessel and the
1291 stern of the vessel.

1292 (ii) Notwithstanding Subsection (7)(b)(i), the length of a vessel may not include the
1293 length of:

1294 (A) a swim deck;

1295 (B) a ladder;

1296 (C) an outboard motor; or

1297 (D) an appurtenance or attachment similar to Subsections (7)(b)(ii)(A) through (C) as
1298 determined by the commission by rule.

1299 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1300 the commission may by rule define what constitutes an appurtenance or attachment similar to
1301 Subsections (7)(b)(ii)(A) through (C).

1302 (c) The length of a vessel:

1303 (i) (A) for a new vessel, is the length:

1304 (I) listed on the manufacturer's statement of origin if the length of the vessel measured
1305 under Subsection (7)(b) is equal to the length of the vessel listed on the manufacturer's
1306 statement of origin; or

1307 (II) listed on a form submitted to the commission by a dealer in accordance with
1308 Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b) is not equal to
1309 the length of the vessel listed on the manufacturer's statement of origin; or

1310 (B) for a vessel other than a new vessel, is the length:

1311 (I) corresponding to the model number if the length of the vessel measured under
1312 Subsection (7)(b) is equal to the length of the vessel determined by reference to the model
1313 number; or

1314 (II) listed on a form submitted to the commission by an owner of the vessel in
1315 accordance with Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b)
1316 is not equal to the length of the vessel determined by reference to the model number; and

1317 (ii) (A) is determined at the time of the:
1318 (I) first registration as defined in Section 41-1a-102 that occurs on or after January 1,
1319 2006; or
1320 (II) first renewal of registration that occurs on or after January 1, 2006; and
1321 (B) may be determined after the time described in Subsection (7)(c)(ii)(A) only if the
1322 commission requests that a dealer or an owner submit a form to the commission in accordance
1323 with Subsection (7)(d).
1324 (d) (i) A form under Subsection (7)(c) shall:
1325 (A) be developed by the commission;
1326 (B) be provided by the commission to:
1327 (I) a dealer; or
1328 (II) an owner of a vessel;
1329 (C) provide for the reporting of the length of a vessel;
1330 (D) be submitted to the commission at the time the length of the vessel is determined in
1331 accordance with Subsection (7)(c)(ii);
1332 (E) be signed by:
1333 (I) if the form is submitted by a dealer, that dealer; or
1334 (II) if the form is submitted by an owner of the vessel, an owner of the vessel; and
1335 (F) include a certification that the information set forth in the form is true.
1336 (ii) A certification made under Subsection (7)(d)(i)(F) is considered as if made under
1337 oath and subject to the same penalties as provided by law for perjury.
1338 (iii) (A) A dealer or an owner that submits a form to the commission under Subsection
1339 (7)(c) is considered to have given the dealer's or owner's consent to an audit or review by:
1340 (I) the commission;
1341 (II) the county assessor; or
1342 (III) the commission and the county assessor.
1343 (B) The consent described in Subsection (7)(d)(iii)(A) is a condition to the acceptance
1344 of any form.
1345 (8) (a) A county that collected a qualifying payment from a qualifying person during
1346 the refund period shall issue a refund to the qualifying person as described in Subsection (8)(b)
1347 if:

- 1348 (i) the difference described in Subsection (8)(b) is \$1 or more; and
1349 (ii) the qualifying person submitted a form in accordance with Subsections (8)(c) and
1350 (d).
- 1351 (b) The refund amount shall be calculated as follows:
- 1352 (i) for a qualifying vehicle, the refund amount is equal to the difference between:
- 1353 (A) the qualifying payment the qualifying person paid on the qualifying vehicle during
1354 the refund period; and
- 1355 (B) the amount of the statewide uniform fee:
- 1356 (I) for that qualifying vehicle; and
1357 (II) that the qualifying person would have been required to pay:
- 1358 (Aa) during the refund period; and
1359 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
1360 Chapter 3, Section 1, been in effect during the refund period; and
- 1361 (ii) for a qualifying watercraft, the refund amount is equal to the difference between:
- 1362 (A) the qualifying payment the qualifying person paid on the qualifying watercraft
1363 during the refund period; and
- 1364 (B) the amount of the statewide uniform fee:
- 1365 (I) for that qualifying watercraft;
1366 (II) that the qualifying person would have been required to pay:
- 1367 (Aa) during the refund period; and
1368 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
1369 Chapter 3, Section 1, been in effect during the refund period.
- 1370 (c) Before the county issues a refund to the qualifying person in accordance with
1371 Subsection (8)(a) the qualifying person shall submit a form to the county to verify the
1372 qualifying person is entitled to the refund.
- 1373 (d) (i) A form under Subsection (8)(c) or (9) shall:
- 1374 (A) be developed by the commission;
1375 (B) be provided by the commission to the counties;
1376 (C) be provided by the county to the qualifying person or tangible personal property
1377 owner;
- 1378 (D) provide for the reporting of the following:

- 1379 (I) for a qualifying vehicle:
- 1380 (Aa) the type of qualifying vehicle; and
- 1381 (Bb) the amount of cubic centimeters displacement;
- 1382 (II) for a qualifying watercraft:
- 1383 (Aa) the length of the qualifying watercraft;
- 1384 (Bb) the age of the qualifying watercraft; and
- 1385 (Cc) the type of qualifying watercraft;
- 1386 (E) be signed by the qualifying person or tangible personal property owner; and
- 1387 (F) include a certification that the information set forth in the form is true.
- 1388 (ii) A certification made under Subsection (8)(d)(i)(F) is considered as if made under
- 1389 oath and subject to the same penalties as provided by law for perjury.
- 1390 (iii) (A) A qualifying person or tangible personal property owner that submits a form to
- 1391 a county under Subsection (8)(c) or (9) is considered to have given the qualifying person's
- 1392 consent to an audit or review by:
- 1393 (I) the commission;
- 1394 (II) the county assessor; or
- 1395 (III) the commission and the county assessor.
- 1396 (B) The consent described in Subsection (8)(d)(iii)(A) is a condition to the acceptance
- 1397 of any form.
- 1398 (e) The county shall make changes to the commission's records with the information
- 1399 received by the county from the form submitted in accordance with Subsection (8)(c).
- 1400 (9) A county shall change its records regarding an item of qualifying tangible personal
- 1401 property if the tangible personal property owner submits a form to the county in accordance
- 1402 with Subsection (8)(d).
- 1403 (10) (a) For purposes of this Subsection (10), "owner of tangible personal property"
- 1404 means a person that was required to pay a uniform statewide fee:
- 1405 (i) during the refund period;
- 1406 (ii) in accordance with this section; and
- 1407 (iii) on an item of tangible personal property subject to the uniform statewide fees
- 1408 imposed by this section.
- 1409 (b) A county that collected revenues from uniform statewide fees imposed by this

1410 section during the refund period shall notify an owner of tangible personal property:
1411 (i) of the tangible personal property classification changes made to this section
1412 pursuant to Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1;
1413 (ii) that the owner of tangible personal property may obtain and file a form to modify
1414 the county's records regarding the owner's tangible personal property; and
1415 (iii) that the owner may be entitled to a refund pursuant to Subsection (8).

Legislative Review Note
Office of Legislative Research and General Counsel