

REGISTRATION OF NOVEL VEHICLES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 41-1a-201**, as last amended by Laws of Utah 2023, Chapter 532
- 41-1a-205**, as last amended by Laws of Utah 2017, Chapters 149, 406
- 41-6a-102**, as last amended by Laws of Utah 2023, Chapters 219, 532
- 41-6a-1509**, as last amended by Laws of Utah 2022, Chapter 68
- 41-6a-1601**, as last amended by Laws of Utah 2019, Chapter 428
- 41-6a-1629**, as last amended by Laws of Utah 2014, Chapter 229
- 41-6a-1642**, as last amended by Laws of Utah 2023, Chapters 22, 33 and 532

28 **41-22-10.3**, as last amended by Laws of Utah 2015, Chapter 412

29 **53-8-205**, as last amended by Laws of Utah 2017, Chapters 149, 406

30 ENACTS:

31 **41-27-101**, Utah Code Annotated 1953

32 **41-27-201**, Utah Code Annotated 1953

33 **41-27-202**, Utah Code Annotated 1953

34 **41-27-301**, Utah Code Annotated 1953

35

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

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

38 **41-1a-201 . Function of registration -- Registration required -- Penalty.**

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

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

48 (3) (a) In the event that materials are temporarily unavailable for registration items
49 required under Section 41-1a-402, the commission may delay initial vehicle
50 registration or renewal of vehicle registrations.

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

54 Section 2. Section **41-1a-205** is amended to read:

55 **41-1a-205 . Safety inspection certificate required for commercial motor vehicles**
56 **and initial registration of street-legal ATVs, street-legal novel vehicles, and**
57 **salvage vehicles.**

58 (1) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is
59 subject to a safety inspection the first time that a person registers an off-highway vehicle
60 as a street-legal all-terrain vehicle.

61 (2) A street-legal novel vehicle registered in accordance with Section 41-27-201 is subject

to a safety inspection the first time that a person registers a novel vehicle as a street-legal novel vehicle.

[(2)] (3) A salvage vehicle as defined in Section 41-1a-1001 is subject to a safety inspection when the owner makes the initial application to register the vehicle as a salvage vehicle.

[(3)] (4) A safety inspection certificate shall be displayed on:

- (a) all registered commercial vehicles as defined in Section 72-9-102;
- (b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;
- (c) a combination unit;
- (d) a bus or van for hire;
- (e) a taxicab; and
- (f) a motor vehicle operated by a ground transportation service provider as defined in Section 72-10-601.

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

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

41-6a-102 . Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "Authorized emergency vehicle" includes:
 - (a) fire department vehicles;
 - (b) police vehicles;
 - (c) ambulances; and
 - (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (4) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (5) (a) "Bicycle" means a wheeled vehicle:
 - (i) propelled by human power by feet or hands acting upon pedals or cranks;
 - (ii) with a seat or saddle designed for the use of the operator;
 - (iii) designed to be operated on the ground; and
 - (iv) whose wheels are not less than 14 inches in diameter.
- (b) "Bicycle" includes an electric assisted bicycle.
- (c) "Bicycle" does not include scooters and similar devices.

- 96 (6) (a) "Bus" means a motor vehicle:
97 (i) designed for carrying more than 15 passengers and used for the transportation of
98 persons; or
99 (ii) designed and used for the transportation of persons for compensation.
- 100 (b) "Bus" does not include a taxicab.
- 101 (7) (a) "Circular intersection" means an intersection that has an island, generally circular
102 in design, located in the center of the intersection where traffic passes to the right of
103 the island.
- 104 (b) "Circular intersection" includes:
105 (i) roundabouts;
106 (ii) rotaries; and
107 (iii) traffic circles.
- 108 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
109 Subsection (18)(d)(i).
- 110 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
111 Subsection (18)(d)(ii).
- 112 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
113 Subsection (18)(d)(iii).
- 114 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 115 (12) "Controlled-access highway" means a highway, street, or roadway:
116 (a) designed primarily for through traffic; and
117 (b) to or from which owners or occupants of abutting lands and other persons have no
118 legal right of access, except at points as determined by the highway authority having
119 jurisdiction over the highway, street, or roadway.
- 120 (13) "Crosswalk" means:
121 (a) that part of a roadway at an intersection included within the connections of the lateral
122 lines of the sidewalks on opposite sides of the highway measured from:
123 (i) (A) the curbs; or
124 (B) in the absence of curbs, from the edges of the traversable roadway; and
125 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
126 included within the extension of the lateral lines of the existing sidewalk at right
127 angles to the centerline; or
128 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
129 pedestrian crossing by lines or other markings on the surface.

- 130 (14) "Department" means the Department of Public Safety.
- 131 (15) "Direct supervision" means oversight at a distance within which:
- 132 (a) visual contact is maintained; and
- 133 (b) advice and assistance can be given and received.
- 134 (16) "Divided highway" means a highway divided into two or more roadways by:
- 135 (a) an unpaved intervening space;
- 136 (b) a physical barrier; or
- 137 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 138 (17) "Echelon formation" means the operation of two or more snowplows arranged
- 139 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 140 clear snow from two or more lanes at once.
- 141 (18) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 142 (a) has a power output of not more than 750 watts;
- 143 (b) has fully operable pedals on permanently affixed cranks;
- 144 (c) is fully operable as a bicycle without the use of the electric motor; and
- 145 (d) is one of the following:
- 146 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 147 (A) provides assistance only when the rider is pedaling; and
- 148 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles
- 149 per hour;
- 150 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 151 (A) may be used exclusively to propel the bicycle; and
- 152 (B) is not capable of providing assistance when the bicycle reaches the speed of
- 153 20 miles per hour; or
- 154 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 155 (A) provides assistance only when the rider is pedaling;
- 156 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles
- 157 per hour; and
- 158 (C) is equipped with a speedometer.
- 159 (19) (a) "Electric personal assistive mobility device" means a self-balancing device with:
- 160 (i) two nontandem wheels in contact with the ground;
- 161 (ii) a system capable of steering and stopping the unit under typical operating
- 162 conditions;
- 163 (iii) an electric propulsion system with average power of one horsepower or 750

- 164 watts;
- 165 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 166 (v) a deck design for a person to stand while operating the device.
- 167 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 168 (20) "Explosives" means a chemical compound or mechanical mixture commonly used or
- 169 intended for the purpose of producing an explosion and that contains any oxidizing and
- 170 combustive units or other ingredients in proportions, quantities, or packing so that an
- 171 ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 172 compound or mixture may cause a sudden generation of highly heated gases, and the
- 173 resultant gaseous pressures are capable of producing destructive effects on contiguous
- 174 objects or of causing death or serious bodily injury.
- 175 (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 176 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 177 (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
- 178 determined by a Tagliabue or equivalent closed-cup test device.
- 179 (23) "Freeway" means a controlled-access highway that is part of the interstate system as
- 180 defined in Section 72-1-102.
- 181 (24) (a) "Golf cart" means a device that:
- 182 (i) is designed for transportation by players on a golf course;
- 183 (ii) has not less than three wheels in contact with the ground;
- 184 (iii) has an unladen weight of less than 1,800 pounds;
- 185 (iv) is designed to operate at low speeds; and
- 186 (v) is designed to carry not more than six persons including the driver.
- 187 (b) "Golf cart" does not include:
- 188 (i) a low-speed vehicle or an off-highway vehicle;
- 189 (ii) a motorized wheelchair;
- 190 (iii) an electric personal assistive mobility device;
- 191 (iv) an electric assisted bicycle;
- 192 (v) a motor assisted scooter;
- 193 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 194 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 195 (25) "Gore area" means the area delineated by two solid white lines that is between a
- 196 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 197 including similar areas between merging or splitting highways.

- 198 (26) "Gross weight" means the weight of a vehicle without a load plus the weight of any
199 load on the vehicle.
- 200 (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 201 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 202 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
203 highway or railroad tracks.
- 204 (28) "Highway" means the entire width between property lines of every way or place of any
205 nature when any part of it is open to the use of the public as a matter of right for
206 vehicular travel.
- 207 (29) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 208 (30) (a) "Intersection" means the area embraced within the prolongation or connection of
209 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
210 two or more highways that join one another.
- 211 (b) Where a highway includes two roadways 30 feet or more apart:
- 212 (i) every crossing of each roadway of the divided highway by an intersecting
213 highway is a separate intersection; and
- 214 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
215 every crossing of two roadways of the highways is a separate intersection.
- 216 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 217 (31) "Island" means an area between traffic lanes or at an intersection for control of vehicle
218 movements or for pedestrian refuge designated by:
- 219 (a) pavement markings, which may include an area designated by two solid yellow lines
220 surrounding the perimeter of the area;
- 221 (b) channelizing devices;
- 222 (c) curbs;
- 223 (d) pavement edges; or
- 224 (e) other devices.
- 225 (32) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act
226 of overtaking and passing another vehicle that is stopped in the same direction of travel
227 in the same lane.
- 228 (33) "Law enforcement agency" means the same as that term is as defined in Section
229 53-1-102.
- 230 (34) "Limited access highway" means a highway:
- 231 (a) that is designated specifically for through traffic; and

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

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

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

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

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

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

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

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

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

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

(i) designed for off-highway use; and

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

(39) "Mobile home" means:

(a) a trailer or semitrailer that is:

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

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

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

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

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

(40) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking,

- 266 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.
- 267 (41) (a) "Moped" means a motor-driven cycle having:
- 268 (i) pedals to permit propulsion by human power; and
- 269 (ii) a motor that:
- 270 (A) produces not more than two brake horsepower; and
- 271 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
- 272 on level ground.
- 273 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 274 centimeters and the moped shall have a power drive system that functions directly or
- 275 automatically without clutching or shifting by the operator after the drive system is
- 276 engaged.
- 277 (c) "Moped" does not include:
- 278 (i) an electric assisted bicycle; or
- 279 (ii) a motor assisted scooter.
- 280 (42) (a) "Motor assisted scooter" means a self-propelled device with:
- 281 (i) at least two wheels in contact with the ground;
- 282 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 283 (iii) an electric motor not exceeding 2,000 watts;
- 284 (iv) either:
- 285 (A) handlebars and a deck design for a person to stand while operating the device;
- 286 or
- 287 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 288 operating the device;
- 289 (v) a design for the ability to be propelled by human power alone; and
- 290 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 291 (b) "Motor assisted scooter" does not include:
- 292 (i) an electric assisted bicycle; or
- 293 (ii) a motor-driven cycle.
- 294 (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 295 propelled by electric power obtained from overhead trolley wires, but not operated
- 296 upon rails.
- 297 (b) "Motor vehicle" does not include:
- 298 (i) vehicles moved solely by human power;
- 299 (ii) motorized wheelchairs;

- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- (vii) a mobile carrier, as defined in Section 41-6a-1120.

(44) "Motorcycle" means:

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

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

- (i) an engine with less than 150 cubic centimeters displacement; or
- (ii) a motor that produces not more than five horsepower.

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

- (i) an electric personal assistive mobility device;
- (ii) a motor assisted scooter; or
- (iii) an electric assisted bicycle.

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

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

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

(49) "Operator" means:

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

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

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

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

- (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or
- (ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

- 334 (52) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
335 Officer Classifications, to direct or regulate traffic or to make arrests for violations of
336 traffic laws.
- 337 (53) "Pedestrian" means a person traveling:
338 (a) on foot; or
339 (b) in a wheelchair.
- 340 (54) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
341 pedestrians.
- 342 (55) "Person" means a natural person, firm, copartnership, association, corporation,
343 business trust, estate, trust, partnership, limited liability company, association, joint
344 venture, governmental agency, public corporation, or any other legal or commercial
345 entity.
- 346 (56) "Pole trailer" means a vehicle without motive power:
347 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
348 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
349 and
350 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
351 pipes, or structural members generally capable of sustaining themselves as beams
352 between the supporting connections.
- 353 (57) "Private road or driveway" means every way or place in private ownership and used
354 for vehicular travel by the owner and those having express or implied permission from
355 the owner, but not by other persons.
- 356 (58) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- 357 (59) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
358 public body or official or by a railroad and intended to give notice of the presence of
359 railroad tracks or the approach of a railroad train.
- 360 (60) "Railroad train" means a locomotive propelled by any form of energy, coupled with or
361 operated without cars, and operated upon rails.
- 362 (61) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.
- 363 (62) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful
364 manner in preference to another vehicle or pedestrian approaching under circumstances
365 of direction, speed, and proximity that give rise to danger of collision unless one grants
366 precedence to the other.
- 367 (63) (a) "Roadway" means that portion of highway improved, designed, or ordinarily

used for vehicular travel.

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

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

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

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

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

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

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

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

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

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

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

(67) "Shoulder area" means:

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

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

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

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

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

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

(ii) located in whole or in part on land granted to the state or a political subdivision

- 402 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 403 (70) "Solid rubber tire" means a tire of rubber or other resilient material that does not
404 depend on compressed air for the support of the load.
- 405 (71) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or
406 not, for the purpose of and while actually engaged in receiving or discharging
407 passengers.
- 408 (72) "Stop" when required means complete cessation from movement.
- 409 (73) "Stop" or "stopping" when prohibited means any halting even momentarily of a
410 vehicle, whether occupied or not, except when:
- 411 (a) necessary to avoid conflict with other traffic; or
- 412 (b) in compliance with the directions of a peace officer or traffic-control device.
- 413 (74) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
414 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
415 the requirements of Section 41-6a-1509 to operate on highways in the state in
416 accordance with Section 41-6a-1509.
- 417 (75) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
418 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
419 operate on highways in the state in accordance with Section 41-6a-1509.
- 420 ~~[(75)]~~ (76) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 421 ~~[(76)]~~ (77) "Tow truck motor carrier" means the same as that term is defined in Section
422 72-9-102.
- 423 ~~[(77)]~~ (78) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
424 conveyances either singly or together while using any highway for the purpose of travel.
- 425 ~~[(78)]~~ (79) "Traffic signal preemption device" means an instrument or mechanism designed,
426 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 427 ~~[(79)]~~ (80) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
428 with this chapter placed or erected by a highway authority for the purpose of regulating,
429 warning, or guiding traffic.
- 430 ~~[(80)]~~ (81) "Traffic-control signal" means a device, whether manually, electrically, or
431 mechanically operated, by which traffic is alternately directed to stop and permitted to
432 proceed.
- 433 ~~[(81)]~~ (82) (a) "Trailer" means a vehicle with or without motive power designed for
434 carrying persons or property and for being drawn by a motor vehicle and constructed
435 so that no part of its weight rests upon the towing vehicle.

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

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

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

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

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

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

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

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

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

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

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

Section 4. Section **41-6a-1509** is amended to read:

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

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

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

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

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

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

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

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

(2) (a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that

470 is registered as a novel vehicle on a street or highway, if the vehicle meets the
471 requirements of this section as a street-legal novel vehicle.

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

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

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

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

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

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

481 [(2)] (3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205

482 (1), Subsection 53-8-205(1)(b), and the same requirements as:

483 (a) a motorcycle for:

484 (i) traffic rules under this chapter;

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

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

489 (b) a motor vehicle for:

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

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

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

496 (4) A street-legal novel vehicle shall comply with Subsection 41-1a-205(1), Subsection
497 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section
498 41-27-201.

499 [(3)] (5) (a) The owner of an all-terrain type I vehicle being operated as a street-legal
500 ATV shall ensure that the vehicle is equipped with:

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

502 (ii) one or more tail lamps;

503 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration

- 504 plate with a white light;
- 505 (iv) one or more red reflectors on the rear;
- 506 (v) one or more stop lamps on the rear;
- 507 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 508 (vii) a braking system, other than a parking brake, that meets the requirements of
- 509 Section 41-6a-1623;
- 510 (viii) a horn or other warning device that meets the requirements of Section
- 511 41-6a-1625;
- 512 (ix) a muffler and emission control system that meets the requirements of Section
- 513 41-6a-1626;
- 514 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 515 41-6a-1627;
- 516 (xi) a windshield, unless the operator wears eye protection while operating the
- 517 vehicle;
- 518 (xii) a speedometer, illuminated for nighttime operation;
- 519 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers,
- 520 a seat designed for passengers; and
- 521 (xiv) tires that:
- 522 (A) are not larger than the tires that the all-terrain vehicle manufacturer made
- 523 available for the all-terrain vehicle model; and
- 524 (B) have at least 2/32 inches or greater tire tread.
- 525 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
- 526 operated as a street-legal all-terrain vehicle or of a vehicle registered as a novel
- 527 vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is
- 528 equipped with:
- 529 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 530 (ii) two tail lamps;
- 531 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration
- 532 plate with a white light;
- 533 (iv) one or more red reflectors on the rear;
- 534 (v) two stop lamps on the rear;
- 535 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 536 (vii) a braking system, other than a parking brake, that meets the requirements of
- 537 Section 41-6a-1623;

- (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
- (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
- (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
- (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- (xii) a speedometer, illuminated for nighttime operation;
- (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers;
- (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;
- (xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and
- (xvi) tires that:
- (A) do not exceed 44 inches in height; and
 - (B) have at least 2/32 inches or greater tire tread.
- (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
- ~~[(4)]~~ (6) (a) Subject to the requirements of Subsection ~~[(4)(b)]~~ (6)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:
- (i) the posted speed limit; or
 - (ii) 50 miles per hour.
- (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and
 - (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
- (7) (a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal novel vehicle, when operating as a street-legal novel vehicle on a highway, may not

572 exceed the lesser of:

573 (i) the posted speed limit; or

574 (ii) 50 miles per hour.

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

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

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

581 ~~[(5)]~~ (8) (a) A nonresident operator of an off-highway vehicle that is authorized to be
582 operated on the highways of another state has the same rights and privileges as a
583 street-legal ATV or street-legal novel vehicle that is granted operating privileges on
584 the highways of this state, subject to the restrictions under this section and rules made
585 by the Division of Outdoor Recreation, after notifying the Outdoor Adventure
586 Commission, if the other state offers reciprocal operating privileges to Utah residents.

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

591 ~~[(6)]~~ (9) Nothing in this chapter restricts the owner of an off-highway vehicle from
592 operating the off-highway vehicle in accordance with Section 41-22-10.5.

593 ~~[(7)]~~ (10) A violation of this section is an infraction.

594 Section 5. Section **41-6a-1601** is amended to read:

595 **41-6a-1601 . Operation of unsafe or improperly equipped vehicles on public**
596 **highways -- Exceptions.**

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

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

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

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

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

- 606 made by local health departments.
- 607 (b) A person may not do any act forbidden or fail to perform any act required under this
608 chapter.
- 609 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
610 and in coordination with the rules made under Section 53-8-204, the department shall
611 make rules setting minimum standards covering the design, construction, condition,
612 and operation of vehicle equipment for safely operating a motor vehicle on the
613 highway as required under this part.
- 614 (b) The rules under Subsection (2)(a):
- 615 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards
616 and Regulations;
- 617 (ii) may incorporate by reference, in whole or in part, the federal standards under
618 Subsection (2)(b)(i) and nationally recognized and readily available standards and
619 codes on motor vehicle safety;
- 620 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;
- 621 (iv) shall include standards for the emergency lights of authorized emergency
622 vehicles;
- 623 (v) may provide standards and specifications applicable to lighting equipment on
624 school buses consistent with:
- 625 (A) this part;
- 626 (B) federal motor vehicle safety standards; and
- 627 (C) current specifications of the Society of Automotive Engineers;
- 628 (vi) shall provide procedures for the submission, review, approval, disapproval,
629 issuance of an approval certificate, and expiration or renewal of approval of any
630 part as required under Section 41-6a-1620;
- 631 (vii) shall establish specifications for the display or etching of a vehicle identification
632 number on a vehicle;
- 633 (viii) shall establish specifications in compliance with this part for a flare, fusee,
634 electric lantern, warning flag, or portable reflector used in compliance with this
635 part;
- 636 (ix) shall establish approved safety and law enforcement purposes when video
637 display is visible to the motor vehicle operator; and
- 638 (x) shall include standards and specifications for both original equipment and parts
639 included when a vehicle is manufactured and aftermarket equipment and parts

- 640 included after the original manufacture of a vehicle.
- 641 (c) The following standards and specifications for vehicle equipment are adopted:
- 642 (i) 49 C.F.R. 571.209 related to safety belts;
- 643 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 644 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 645 and trailers operated in interstate commerce;
- 646 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- 647 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
- 648 to air conditioning equipment.
- 649 (3) Nothing in this chapter or the rules made by the department prohibit:
- 650 (a) equipment required by the United States Department of Transportation; or
- 651 (b) the use of additional parts and accessories on a vehicle not inconsistent with the
- 652 provisions of this chapter or the rules made by the department.
- 653 (4) Except as specifically made applicable, this chapter and rules of the department with
- 654 respect to equipment required on vehicles do not apply to:
- 655 (a) implements of husbandry;
- 656 (b) road machinery;
- 657 (c) road rollers;
- 658 (d) farm tractors;
- 659 (e) motorcycles;
- 660 (f) motor-driven cycles;
- 661 (g) motor assisted scooters;
- 662 (h) vehicles moved solely by human power;
- 663 (i) off-highway vehicles registered under Section 41-22-3 either:
- 664 (i) on a highway designated as open for off-highway vehicle use; or
- 665 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
- 666 (j) off-highway implements of husbandry when operated in the manner prescribed by
- 667 Subsections 41-22-5.5(3) through (5).
- 668 (5) The vehicles referred to in Subsections (4)(i) and (j) are subject to the equipment
- 669 requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under
- 670 that chapter.
- 671 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety
- 672 standard supersedes any conflicting provision of this chapter.
- 673 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section

674 41-6a-1509 governing the requirements for and use of street-legal all-terrain
675 vehicles or street-legal novel vehicles on highways.

676 (b) The department:

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

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

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

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

682 **41-6a-1629 . Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 --**

683 **Definitions.**

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

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

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

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

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

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

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

702 (g) "Original equipment" means an item of motor vehicle equipment, including tires,
703 which were installed in or on a motor vehicle or available as an option for the
704 particular vehicle from the original manufacturer at the time of its delivery to the first
705 purchaser.

706 (h) "Wheel track" means the shortest distance between the center of the tire treads on the
707 same axle. On vehicles having dissimilar axle widths, the axle with the widest

distance is used for all calculations.

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

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

(i) implements of husbandry;

(ii) farm tractors;

(iii) road machinery;

(iv) road rollers; and

(v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.

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

Section 7. Section **41-6a-1642** is amended to read:

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

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

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

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

(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and

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

(i) the federal government;

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

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

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

- (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:
 - (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
 - (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
 - (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
 - (D) Volkswagen Golf Sportwagen, model year 2015;
 - (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
 - (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
 - (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
 - (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

- (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:
 - (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
 - (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
 - (E) Audi A8, model years 2014, 2015, and 2016;
 - (F) Audi A8L, model years 2014, 2015, and 2016;
 - (G) Audi Q5, model years 2014, 2015, and 2016; and
 - (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

- (b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).
- (ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed emissions test of the vehicle based solely on a modification to

- 776 the engine or component of the motor vehicle if:
- 777 (A) the modification is not likely to result in the motor vehicle having increased
- 778 emissions relative to the emissions of the motor vehicle before the
- 779 modification; and
- 780 (B) the motor vehicle modification is a change to an engine that is newer than the
- 781 engine with which the motor vehicle was originally equipped, or the engine
- 782 includes technology that increases the facility of the administration of an
- 783 emissions test, such as an on-board diagnostics system.
- 784 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
- 785 to registration of a restored-modified vehicle:
- 786 (A) the owner shall present the signed statement described in Subsection
- 787 41-1a-226(4); and
- 788 (B) the county emissions program shall perform the emissions test.
- 789 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
- 790 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
- 791 program may not refuse to perform an emissions test based solely on the
- 792 restored-modified status of the motor vehicle.
- 793 (3) (a) The legislative body of a county identified in Subsection (1), in consultation with
- 794 the Air Quality Board created under Section 19-1-106, shall make regulations or
- 795 ordinances regarding:
- 796 (i) emissions standards;
- 797 (ii) test procedures;
- 798 (iii) inspections stations;
- 799 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 800 (v) certificates of emissions inspections.
- 801 (b) In accordance with Subsection (3)(a), a county legislative body:
- 802 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 803 standards in the county, consistent with the state implementation plan and federal
- 804 requirements;
- 805 (ii) may allow for a phase-in of the program by geographical area; and
- 806 (iii) shall comply with the analyzer design and certification requirements contained in
- 807 the state implementation plan prepared under Title 19, Chapter 2, Air
- 808 Conservation Act.
- 809 (c) The county legislative body and the Air Quality Board shall give preference to an

inspection and maintenance program that:

(i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;

(ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and

(iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.

(d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

(i) may be accomplished in accordance with applicable federal requirements; and

(ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.

(4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:

(a) an implement of husbandry as defined in Section 41-1a-102;

(b) a motor vehicle that:

(i) meets the definition of a farm truck under Section 41-1a-102; and

(ii) has a gross vehicle weight rating of 12,001 pounds or more;

(c) a vintage vehicle as defined in Section 41-21-1:

(i) if the vintage vehicle has a model year of 1982 or older; or

(ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides proof of vehicle insurance that is a type specific to a vehicle collector;

(d) a custom vehicle as defined in Section 41-6a-1507;

(e) a vehicle registered as a novel vehicle under Section 41-27-201;

~~[(e)]~~ (f) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;

~~[(f)]~~ (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and

(ii) exclusively for the following purposes in operating the farm:

- 844 (A) for the transportation of farm products, including livestock and its products,
845 poultry and its products, floricultural and horticultural products; and
846 (B) in the transportation of farm supplies, including tile, fence, and every other
847 thing or commodity used in agricultural, floricultural, horticultural, livestock,
848 and poultry production and maintenance;
849 ~~[(g)]~~ (h) a motorcycle as defined in Section 41-1a-102;
850 ~~[(h)]~~ (i) an electric motor vehicle as defined in Section 41-1a-102; and
851 ~~[(i)]~~ (j) a motor vehicle with a model year of 1967 or older.
- 852 (5) The county shall issue to the registered owner who signs and submits a signed statement
853 under Subsection ~~[(4)(f)]~~ (4)(g) a certificate of exemption from emissions inspection
854 requirements for purposes of registering the exempt vehicle.
- 855 (6) A legislative body of a county described in Subsection (1) may exempt from an
856 emissions inspection program a diesel-powered motor vehicle with a:
857 (a) gross vehicle weight rating of more than 14,000 pounds; or
858 (b) model year of 1997 or older.
- 859 (7) The legislative body of a county required under federal law to utilize a motor vehicle
860 emissions inspection program shall require:
861 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
862 (i) a model year of 2007 or newer;
863 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
864 (iii) a model year that is five years old or older; and
865 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
866 (i) with a gross vehicle weight rating of 14,000 pounds or less;
867 (ii) that has a model year of 1998 or newer; and
868 (iii) that has a model year that is five years old or older.
- 869 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
870 federal law to utilize a motor vehicle emissions inspection and maintenance program
871 or in which an emissions inspection and maintenance program is necessary to attain
872 or maintain any national ambient air quality standard may require each college or
873 university located in a county subject to this section to require its students and
874 employees who park a motor vehicle not registered in a county subject to this section
875 to provide proof of compliance with an emissions inspection accepted by the county
876 legislative body if the motor vehicle is parked on the college or university campus or
877 property.

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

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

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

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).

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

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

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

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

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

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

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

- 912 (C) if the county establishes or changes the frequency under this section, state how
913 frequently the emissions testing will be required.
- 914 (d) If an emissions inspection is only required every two years for a vehicle under
915 Subsection (9)(c), the inspection shall be required for the vehicle in:
916 (i) odd-numbered years for vehicles with odd-numbered model years; or
917 (ii) in even-numbered years for vehicles with even-numbered model years.
- 918 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
919 required under this section may be made no more than two months before the
920 renewal of registration.
- 921 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an
922 emissions inspection certificate issued for the motor vehicle during the previous
923 11 months to satisfy the requirement under this section.
924 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner
925 may use an emissions inspection certificate issued for the motor vehicle in a
926 licensed and bonded motor vehicle dealer's name during the previous 11 months to
927 satisfy the requirement under this section.
- 928 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
929 lessee may use an emissions inspection certificate issued during the previous 11
930 months to satisfy the requirement under this section.
- 931 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use
932 an emissions inspection made more than 11 months before the renewal of registration
933 to satisfy the requirement under this section.
- 934 (e) If the application for renewal of registration is for a six-month registration period
935 under Section 41-1a-215.5, the owner may use an emissions inspection certificate
936 issued during the previous eight months to satisfy the requirement under this section.
- 937 (11) (a) A county identified in Subsection (1) shall collect information about and
938 monitor the program.
- 939 (b) A county identified in Subsection (1) shall supply this information to an appropriate
940 legislative committee, as designated by the Legislative Management Committee, at
941 times determined by the designated committee to identify program needs, including
942 funding needs.
- 943 (12) If approved by the county legislative body, a county that had an established emissions
944 inspection fee as of January 1, 2002, may increase the established fee that an emissions
945 inspection station may charge by \$2.50 for each year that is exempted from emissions

inspections under Subsection (9)(c) up to a \$7.50 increase.

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

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

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

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

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

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

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

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

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

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

(A) participation in club activities;

(B) exhibitions;

(C) tours; or

(D) parades; or

(ii) is only used for occasional transportation.

Section 8. Section **41-22-10.3** is amended to read:

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

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

- (1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
- (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;
- (3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
- (4) when operating a street-legal all-terrain vehicle or a street-legal novel vehicle on a highway in accordance with Section 41-6a-1509.
- (5) A violation of this section is an infraction.

Section 9. Section **41-27-101** is enacted to read:

CHAPTER 27. NOVEL VEHICLE REGISTRATION

Part 1. General Provisions

41-27-101 . Definitions.

As used in this chapter:

- (1) "Commission" means the State Tax Commission.
- (2) "Division" means the Motor Vehicle Division.
- (3) "Novel vehicle" means a vehicle:
 - (a) that is not expressly exempt from registration; and
 - (b) (i) that does not fit within a vehicle category;
 - (ii) with unique characteristics that make it unclear whether the vehicle fits within a vehicle category; or
 - (iii) that a reasonable person would not consider the vehicle to be clearly included in an existing vehicle category.
- (4) "Vehicle" means a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle, off-highway vehicle, vessel, or park model recreational vehicle.
- (5) (a) "Vehicle category" means a vehicle type:

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

(ii) for which registration is required under:

(A) this chapter;

(B) Chapter 1a, Motor Vehicle Act;

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

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

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

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

Section 10. Section **41-27-201** is enacted to read:

Part 2. Registration Process

41-27-201 . Novel vehicle registration.

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

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

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

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

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

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

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

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

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

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

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

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

(b) an annual \$1 registration fee, to be deposited into the Transportation Fund.

(6) The division shall issue a registration sticker or license plate for a vehicle that is registered as a novel vehicle, as appropriate.

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

1046 (8) The division may provide title to a novel vehicle.

1047 (9) Except as expressly provided in this chapter:

1048 (a) a novel vehicle that is not a watercraft is subject to the provisions applicable to an
1049 off-highway vehicle under Chapter 22, Off-Highway Vehicles; and

1050 (b) a novel vehicle that is a watercraft is subject to the provisions applicable to a
1051 motorboat under Title 73, Chapter 18, State Boating Act.

1052 Section 11. Section **41-27-202** is enacted to read:

1053 **41-27-202 . Appeal to commission.**

1054 (1) If an owner disagrees with the division's decision, the owner may, within 14 days after
1055 the day on which the division makes the decision, appeal the decision to the commission
1056 by:

1057 (a) filing a notice of appeal with the commission; and

1058 (b) including any additional information regarding the vehicle.

1059 (2) (a) In reviewing a decision described in Subsection (1), the commission may:

1060 (i) admit additional evidence; and

1061 (ii) make a correction or change in the vehicle category determination made by the
1062 division.

1063 (b) The owner shall register the vehicle in accordance with the commission's
1064 determination.

1065 (c) The division shall reduce the fee required to register a vehicle under Subsection
1066 (2)(b) by the amount paid by the owner of the vehicle under Subsection 41-27-201(4).

1067 (3) The commission shall decide an appeal filed under Subsection (1) as soon as practicable
1068 and promptly notify:

1069 (a) the owner; and

1070 (b) the division.

1071 Section 12. Section **41-27-301** is enacted to read:

1072

Part 3. Commission Reporting

1073 **41-27-301 . Novel vehicle report to Transportation Interim Committee.**

1074 (1) The commission shall, at or before the October interim meeting of the Transportation
1075 Interim Committee, present a report on novel vehicle registrations that includes:

1076 (a) the number of vehicles registered as novel vehicles; and

1077 (b) a description of the vehicles registered as novel vehicles.

1078 (2) The Transportation Interim Committee shall review the report described in Subsection

- 1079 (1) and determine whether to propose legislation relating to registration of a particular
1080 type of novel vehicle.
- 1081 (3) A vehicle previously registered as a novel vehicle shall continue to be registered as a
1082 novel vehicle, unless the Legislature amends the Utah Code to:
1083 (a) require the vehicle to be registered otherwise; or
1084 (b) exempt the vehicle from registration.
- 1085 Section 13. Section **53-8-205** is amended to read:
- 1086 **53-8-205 . Safety inspection required for certain vehicles -- Out-of-state permits.**
- 1087 (1) (a) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety
1088 inspection when an application is made for initial registration as a salvage vehicle.
- 1089 (b) An off-highway vehicle being registered for the first time as a street-legal all-terrain
1090 vehicle as described in Section 41-6a-1509 is required to pass a safety inspection
1091 when the owner makes the initial application to register the vehicle as a street-legal
1092 all-terrain vehicle.
- 1093 (c) A novel vehicle being registered for the first time as a street-legal novel vehicle as
1094 described in Section 41-27-201 is required to pass a safety inspection when the owner
1095 makes the initial application to register the vehicle as a street-legal novel vehicle.
- 1096 ~~[(e)]~~ (d) The owner of a commercial vehicle, as defined in Section 72-9-102, shall:
1097 (i) ensure that the commercial vehicle passes a safety inspection annually; or
1098 (ii) provide evidence of a valid annual federal inspection that complies with the
1099 requirements of 49 C.F.R. Sec. 396.17.
- 1100 ~~[(d)]~~ (e) The owner of a vehicle operated by a ground transportation service provider as
1101 defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection
1102 annually.
- 1103 ~~[(e)]~~ (f) An owner of one or more of the following types of vehicles shall ensure that the
1104 vehicle passes a safety inspection annually:
1105 (i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
1106 multiple axles;
1107 (ii) a combination unit;
1108 (iii) a bus or van for hire; or
1109 (iv) a taxicab.
- 1110 (2) A safety inspection station shall issue two safety inspection certificates to the owner of:
1111 (a) each motor vehicle that passes a safety inspection under this section; and
1112 (b) a street-legal all-terrain vehicle that meets all the equipment requirements in Section

1113 41-6a-1509.

1114 (3) A person operating a motor vehicle required to have an annual safety inspection shall
1115 have in the person's immediate possession a safety inspection certificate or other
1116 evidence of compliance.

1117 (4) The division may authorize the acceptance of a safety inspection certificate issued in
1118 another state having a safety inspection law similar to Utah's law.

1119 (5) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

1120 Section 14. **Effective date.**

1121 This bill takes effect on January 1, 2025.