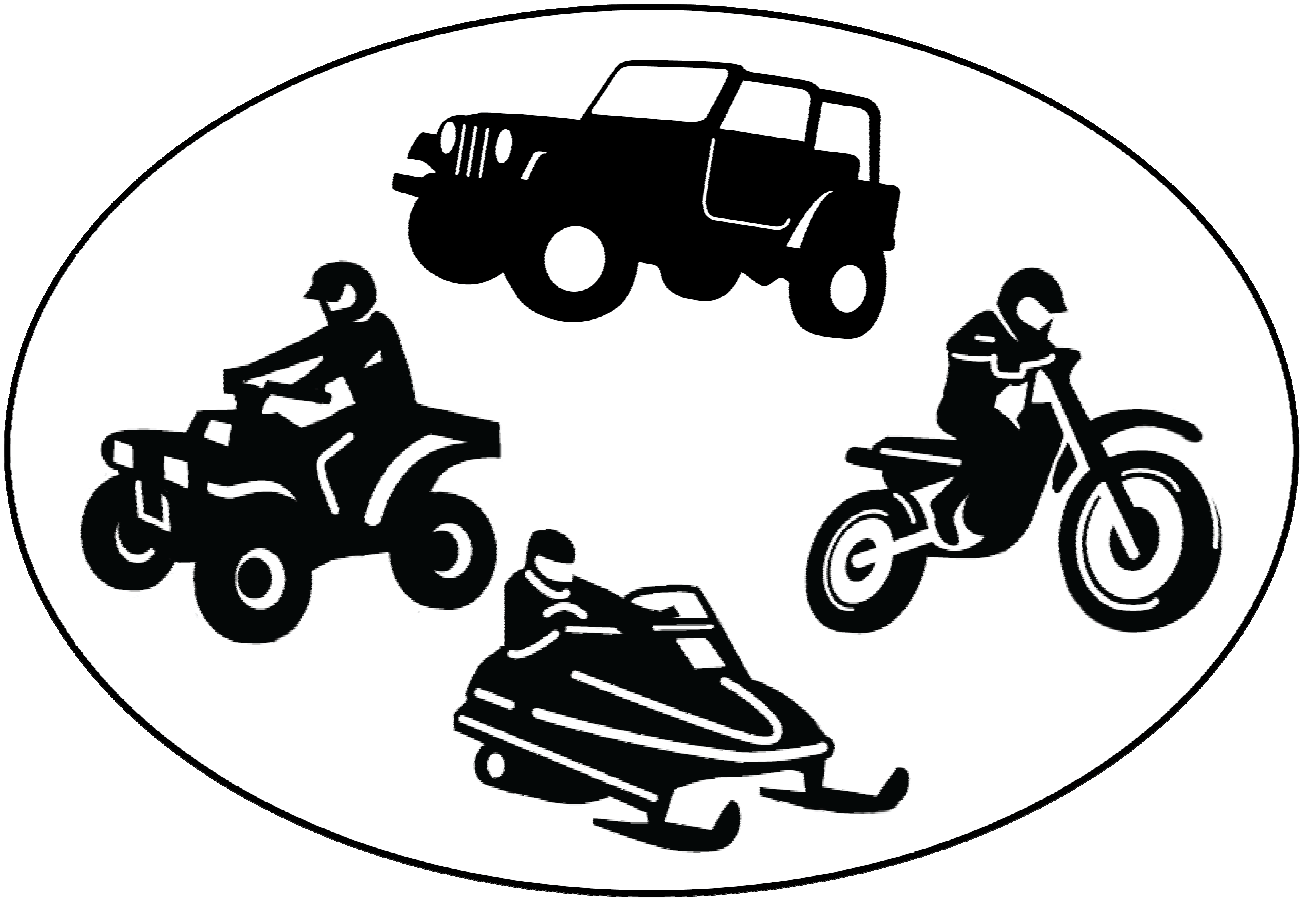
# Utah Off-Highway Vehicle Laws and Rules

April 2012



Utah State Parks

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# CHAPTER 22

UTAH OFF-HIGHWAY VEHICLE LAWS & RULES

(UPDATED APRIL 2012)

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# UTAH OFF-HIGHWAY VEHICLE ACT
# AND
# UTAH BOARD OF STATE PARKS AND RECREATION RULES

## TITLE 41, CHAPTER 22, UTAH CODE ANNOTATED 1953

### 41-22-1. Policy declaration.

It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

### 41-22-2. Definitions.

As used in this chapter:

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

(2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an un-laden dry weight of 1500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3)(a) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (11), or (22), designed for or capable of travel over unimproved terrain.

(b) “All-terrain type II vehicle” includes a class A side-by-side vehicle.

(c) “All-terrain type II vehicle” does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(4) "Board" means the Board of Parks and Recreation.

(5) “Class A side-by-side vehicle” means any motor vehicle 65 inches or less in width, having an unladen dry weight of 2,000 pounds or less, traveling on four or more non-highway tires, and designed for or capable or travel over unimproved terrain.

(6) “Cross Country” means across natural terrain and off an existing highway, road, route, or trail.

(7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(8) "Division" means the Division of Parks and Recreation.

(9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(11) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

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

(b) “Motor vehicle” includes an off-highway vehicle.

(12) "Off-highway implement of husbandry" means every all-terrain type I vehicle, motorcycle, or snowmobile, that is used by the owner or his agent for agricultural operations.

(13) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

(14) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

(15) "Operator" means the person who is in actual physical control of an off-highway vehicle.

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

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

(18) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

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

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

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

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

(23) “Street-legal all-terrain vehicle” or “street-legal ATV” has the same meaning as defined in Section 41-6a-102.

**41-6a-102 Definitions (abbreviated)**

(61) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle or utility type vehicle that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

**41-22-3. Registration of vehicles - Application - Issuance of stickers and card - Proof of property tax payment - Records.**

(1)(a) Unless exempted under Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.

(b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.

(2) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.

(3) Each application for registration of an off-highway vehicle shall be accompanied by:

(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;
(b) the past registration card; or
(c) the fee for a duplicate.

(4)(a) Upon each annual registration, the Motor Vehicle Division shall issue a registration sticker and a registration card for each off-highway vehicle registered

(b) The registration sticker shall:
(i) contain a unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle for which it is issued;
(ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible position as prescribed by rule of the board under Section 41-22-5.1; and
(iii) be maintained free of foreign materials and in a condition to be clearly legible.

(c) At all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.

(5)(a) Except as provided by Subsection (5)(c) an applicant for a registration card and registration sticker shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b) from the county assessor of the county in which the off-highway vehicle has situs for taxation.

(b) The certificate required under Subsection (5)(a) shall state one of the following:
(i) the property tax on the off-highway vehicle for the current year has been paid;
(ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or
(iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.

(c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under this Subsection (5).

(6)(a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.

**R651-401-1. Stickers**

Upon receipt of the application in the approved form, the Division of Motor Vehicles shall issue annual registration stickers which shall be displayed as follows: on snowmobiles, a sticker shall be mounted on both sides of the hood, tunnel or pan; on motorcycles, a sticker shall be mounted on both sides of the fork; and on all-terrain type I and type II vehicles, a sticker shall be mounted on the front and the rear of the vehicle. Vehicle types are defined in 41-22-2. In all instances, stickers shall be mounted in a visible location.

**41-22-3.5 Staggered registration dates—Registration renewal**

(1) Unless exempted under Section 41-22-9, every off-highway vehicle registration, every registration card, and every registration sticker issued under this chapter for the first

registration of the off-highway vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.

(2) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the off-highway vehicle is extended to 12 midnight of the next business day.

(3) (a) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.

(b) Applications for registration renewal shall be made in accordance with Section 41-22-3.

(4) (a) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired

(b) The year of registration expiration shall be changed to reflect the renewed registration period.

(5) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

**41-22-4. Falsification of documents unlawful - Alteration or removal of serial number unlawful - Display of sticker.**

A person may not:

(1) knowingly falsify an application for registration, affidavit of ownership, or bill of sale for any off-highway vehicle.

(2) alter, deface, or remove any manufacturer's serial number on any off-highway vehicle.

(3) use or permit the use or display of any registration sticker, registration card, or permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than the vehicle for which it was issued or assigned; or

(4) alter or deface a registration sticker, registration card, or permit or off-highway vehicle registration number issued or assigned to an off-highway vehicle.

**41-22-5.1 Rules of board relating to display of registration stickers**

In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board shall make rules for the display of a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

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

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

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

(A) evidence of ownership,

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

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

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

production of:

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

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

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

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

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

(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

(a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to travel from one parcel of land owned or operated by the owner of the vehicle to another parcel of land owned or operated by the owner; and

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

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

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

**R651-405-1 Off-highway Implement of Sticker Fee**

The sticker fee shall be $10.

**R651-405-2 Off-Highway Implement of Husbandry Sticker Display.**

For all off-highway vehicle types, the implement of husbandry sticker shall be permanently and visibly affixed on the left side of the machine. In all instances, the sticker shall be mounted in a visible location.

**41-22-7. Duplicate registration certificates.**

(1) If a registration card is lost or destroyed, or if an owner changes the owner's address from the address shown on the owner's registration card, the owner shall, within 15 days, apply for a duplicate registration card.

(2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

**41-22-8. Registration fees.**

(1) The board shall establish the fees which shall be paid in accordance with this chapter, subject to the following:

(a) (i) Except as provided in Subsection (1)(a)(ii) the fee for each off-highway vehicle registration may not exceed $18.

(ii) The fee for each snowmobile registration may not exceed $26.

(b) The fee for each duplicate registration card may not exceed $3.

(c) The fee for each duplicate registration sticker may not exceed $5.

(2) A fee may not be charged for an off-highway vehicle this is owned and operated by the United States Government, this state, or its political subdivisions.

**R651-406-1. Annual Registration Fee**

The annual registration fee is $17.

**R651-406-2. Fee for Duplicate Registration**

The fee for a duplicate certificate of registration is $3.

**R651-406-3. Fee for Duplicate Numbered Stickers**

The fee for duplicate numbered stickers is $5.

**41-22-9. Vehicles exempt from registration.**

(1) The following off-highway vehicles are exempt from the registration requirements of this chapter:

(a) vehicles that are currently registered for highway use, have a valid motor vehicle safety inspection sticker or certificate, and on which the required safety equipment has not been subsequently modified;

(b) except as provided in Subsection (2), a street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509;

(c) off-highway vehicles that are owned by a nonresident and that are displaying a current annual off-highway vehicle user decal in accordance with 41-22-35;

(d) off-highway vehicles sold by a dealer to a person who is not a resident of this state;

(e) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5); and

(f) new off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.

(2) In addition to the registration requirements imposed under Section 41-6a-1509, a street-legal all-terrain vehicle is subject to the fees under Sections 41-22-8, 41-22-33, 41-22-34, and 41-22-36.

**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 all-terrain type I or utility type vehicle that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless the highway is an interstate freeway or a limited access highway as defined in Section 41-6a-102.

(b) Unless a street or highway is designated as open for street-legal ATV use by the controlling highway authority in accordance with Section 41-22-10.5, a person may not operate a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway is under the jurisdiction of:

(i) a county of the first class;

(ii) a municipality that is within a county of the first class; or

(iii) a municipality with a population of 7,500 or more people.

(2) A street-legal ATV shall comply with the same requirements as:

(a) a motorcycle for:

(i) traffic rules under Title 41, Chapter 6a, Traffic Code;
(ii) registration, titling, odometer statement, vehicle identification, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
(iii) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and
(iv) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;

(b) a motor vehicle for:
(i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
(ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and
(iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection when registered for the first time; and

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

(3) A street-legal ATV shall be equipped with:
(a) one or more headlamps that meet the requirements of Section 41-6a-1603;
(b) one or more tail lamps;
(c) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(d) one or more red reflectors on the rear;
(e) one or more stop lamps on the rear;
(f) amber or red electric turn signals, one on each side of the front and rear;
(g) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
(h) a horn or other warning device that meets the requirements of Section 41-6a-1625;
(i) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
(j) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
(k) a windshield, unless the operator wears eye protection while operating the vehicle;
(l) a speedometer, illuminated for nighttime operation;
(m) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;
(n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
(o) tires that:
(i) do not exceed 26 inches in height;
(ii) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
(iii) have at least 2/32 inches or greater tire tread.

(4) (a) Subject to the requirement in Subsection (4)(b), an operator of a street-legal all-

terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance with this section, may not exceed the lesser of:

(i) the posted speed limit; or

(ii) 45 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 45 miles per hour, shall:

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

(ii) shall equip the street-legal all-terrain vehicle with a reflector or reflective tape.

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

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

(6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in accordance with Section 41-22-10.5.

**41-22-10. Powers of board relating to off-highway vehicles.**

(1) The board may:

(a) appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and

(b) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.

(2) The board shall receive and distribute voluntary contributions collected under Section 41-1a-230.6 in accordance with Section 41-22-19.5

**R651-407-1. Appointment and Description of Vehicle Advisory Council Membership.**

The board will appoint an eleven member off-highway vehicle advisory council representing off-highway vehicle users in the state. One member will be from each of the following interests: the Bureau of Land Management; the U.S.D.A. Forest Service; the Utah School and Institutional Trust Lands Administration; snowmobiling; motorcycling; all-terrain vehicle usage; four-wheel drive vehicle usage; off-highway vehicle dealers; off-highway vehicle safety; a youth member; and a member-at-large.

**41-22-10.1. Vehicles operated on posted public land.**

(1) Currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or description as open to off-highway vehicle use by the controlling federal, state, county, or municipal agency.

(2) The controlling federal, state, county, or municipal agency may:

(a) provide a map or description showing or describing land, trails, streets, or highways

open to off-highway vehicle use; or

(b) post signs designating lands, trails, streets, or highways open to off-highway vehicle use.

(3) Liability may not be imposed on any federal, state, county, or municipality relating to the designation or maintenance of any land, trail, street, or highway open for off-highway vehicle use.

**41-22-10.2. Off-highway vehicles - Prohibited on interstate freeway.**

It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in Section 41-6a-102.

**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.

(4) when operating a street-legal all-terrain vehicle on a highway in accordance with Section 41-6a-1509.

**41-22-10.4. Snowmobiles.**

Snowmobiles may be operated on streets or highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season by the public authority having jurisdiction.

**41-22-10.5. Vehicles - Local ordinances.**

(1) A municipality or county may adopt ordinances designating certain streets and highways under its respective jurisdiction:

(a) as open for street-legal all-terrain vehicle use;

(b) as open for general off-highway vehicle use; or

(c) as open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use.

(2) A municipality or county may adopt an ordinance requiring an operator who is under 16 years of age to be under the direct visual supervision of an adult who is at least 18 years of age while using a route designated under Subsection (1).

(3) A route designated under Subsection (1) may not be along, across, or within the boundaries of an interstate freeway or limited access highway.

(4) Except as provided under Section 41-22-10.3, a person may not operate an off-highway vehicle on any street or highway that is not designated or posted as open for off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.

(5) Subsection (4) does not apply to off-highway implements of husbandry used in

accordance with Section 41-22-5.5.

**41-22-10.6. Requiring compliance with traffic laws.**

(1) Any person operating an off-highway vehicle is subject to the provisions of Title 41, Chapter 6a, Traffic Code, unless specifically excluded.

(2) An off-highway vehicle accident shall be reported in accordance with the requirements of Section 41-6a-402.

**R651-411. OHV Use in State Parks**

**R651-411-1. Definitions.**

(1) "OHV" means "off-highway vehicle" and includes the following vehicle types:

(a) Four-wheel drive automobiles or trucks;

(b) All-terrain vehicles (ATVs) designed to carry one or two passengers; and

(c) Snowmobiles.

**R651-411-2. OHV Use-Restrictions.**

(1) OHVs are to be used only in designated areas.

(2) Designated ice areas for OHV use are only those ice areas that are accessed via the boat ramps to public ice fishing areas. These areas are at Bear Lake, East Canyon, Escalante, Hyrum, Jordanelle, Millsite, Otter Creek, Palisade, Piute, Red Fleet, Rockport, Scofield, Starvation, Steinaker and Yuba state parks.

(3) Responsibility for any accidents or problems while using OHVs in state parks rests with the user.

**41-22-10.7. Vehicle equipment requirements - Rulemaking - Exceptions**.

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device and except for a snowmobile, a spark arrestor device; and

(d) when operated on sand dunes designated by the board, a safety flag that is:

(i) red or orange in color;

(ii) a minimum of six by 12 inches; and

(iii) attached to:

(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or

(B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board may make rules which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

(3) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

**R651-410-1** Safety Flags Required on Designated Sand Dunes

Safety flags that meet the requirements of UCA 41-22-10.7, are required to be mounted on OHV's at Coral Pink Sand Dunes, Big Sand Mountain Recreation Management Area, and the

Little Sahara Special Recreation Management Area, which areas have boundaries as defined below:

(A) Coral Pink Sand Dunes Sand Dunes

Beginning at the junction of Hancock Road and Sand Springs Road, thence west along Hancock Road to Yellowjacket Road; thence south along Yellowjacket Road to Coral Pink Sand Dunes State Park South Boundary Road. Thence south along the South Boundary Road to the Utah-Arizona state line. Thence east along the Utah-Arizona state line to the east side of Moquith Mountain. Thence north along the east side of Moquith Mountain to Sand Springs Road. Thence north along Sand Springs Road to the junction of Hancock Road and Sand Springs Road.

(B) Big Sand Mountain Special Recreation Management Area.

Sand dunes located within that portion of Washington County bounded by the following: Starting at the intersection of the county maintained Washington Dam road and the main jeep road that runs east of and parallel to Warner Ridge. Thence south along the main jeep road to its intersection with the Warner Valley road. Thence south and east along the Warner Valley road to its intersection with the Hurricane Cliffs road. Thence north along the Hurricane Cliffs road to the north township line of Township 43 South, Salt Lake Meridian. Thence west along the township line and public land boundary to the southeast corner of Section 31, Township 42 South, Range 13 West, Salt Lake Meridian. Thence north along the section line and thereafter following the boundary of the proposed Sand Hollow Recreation Area to the principal OHV access road off the northwest corner of the recreation area. Thence northwest along the principal OHV access road to the Washington Dam road. Thence west along the Washington Dam road to the beginning.

(C) Little Sahara Special Recreation Management Area

Sand dunes located within that portion of Juab County lying within the fenced boundary of the Little Sahara Recreation Area.

**41-22-10.8. Protective headgear requirements - Owner duty - Penalty for violation.**

(1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.

(2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.

(3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.

(4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than $50 per offense.

(5) A court shall waive $8 of a fine charged for a violation of Title 41, Chapter 22, Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the person was:

(a) 18 years of age or older at the time of operation; and

(b) wearing protective headgear that complies with the requirements described under Subsection (1) at the time of operation.

(6) The failure to wear protective headgear:

(a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and

(b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

(7) Notwithstanding Subsection (5), a court may not waive $8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

**41-22-11. Agencies authorized to erect regulatory signs on public land.**

No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land.

**41-22-12. Restrictions on use of public lands.**

(1) Except as provided in Section 79-4-203 and 79-4-304, federal agencies are encouraged and agencies of the state and its subdivisions shall pursue opportunities to open public land to responsible off-highway vehicle use and cross-country motor vehicle travel.

(2) A person may not tear down, mutilate, deface or destroy

(a) a sign, signboard, or other notice that prohibits or regulates the use of an off-highway vehicle on public land; or

(b) a fence or other enclosure or a gate or bars belonging to the fence or other enclosure.

**41-22-12.1. Restrictions on use of snowmobile trails.**

A person may not operate a wheeled vehicle with gross vehicle weight of 800 pounds or more on any snowmobile trail that the division has marked, posted, designated, or maintained as a snowmobile trail.

**41-22-12.2 Unlawful cross-country motor vehicle travel on public lands.**

(1) A person may not operate and an owner of a motor vehicle may not give another person permission to operate a motor vehicle cross-country on any public land not designated for that use by the controlling agency.

(2) A person who violates his section is guilty of a Class C misdemeanor.

(3) As part of any sentence for a conviction of a violation of this section, the court:

(a) may impose a fine not to exceed $150; and

(b) may require the person to perform community service in the form of repairing any damage to the public land caused by the unlawful cross-country motor vehicle travel.

**41-22-12.5. Restrictions on use of privately-owned lands without permission - Unlawful for person to tamper with signs or fencing on privately-owned land.**

(1) (a) A person may not operate or accompany a person operating a motor vehicle on privately-owned land of any other person, firm, or corporation without permission from the owner or person in charge.

(b) A person operating or accompanying a person operating a motor vehicle may not refuse to immediately leave private land upon request of the owner or person in charge of

the land.

(c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately owned land.

(d) A person who violates Subsection (1)(a) or (b) is guilty of a Class C misdemeanor.

(e) As part of any sentence for a conviction of a violation of Subsection (1)(a) or (b), the court may:

(i) impose a fine of not more than $150;

(ii) require the person to pay restitution not to exceed $500 for any damage caused by the unlawful motor vehicle travel; and

(iii) require the person to perform community service in the form of repairing any damage caused by the unlawful motor vehicle travel.

(2) A person operating or accompanying a person operating a motor vehicle may not obstruct an entrance or exit to private property without the owner's permission.

(3) A person may not:

(a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating a motor vehicle on land; or

(b) tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to the fence or enclosure.

**41-22-12.7 Enhanced penalties for unlawful motor vehicle use on public or private property**

(1) A person is guilty of a class B misdemeanor for unlawful cross-country use of a motor vehicle on public land or unlawful motor vehicle use on private property if the person:

(a) violates Section 41-22-12.2, 41-22-12.5, or 41-22-13; and

(b) (i) has been convicted of violating Section 41-22-12, 41-22-12.2, 41-22-12.5, or 41-22-13 within the last two years; or

(ii) knowingly, intentionally, or recklessly;

(A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or improvements; or

(B) harasses wildlife or livestock.

(2) As part of any sentence for a conviction of a violation described in Subsection (1), the court may;

(a) impose a fine not to exceed $300;

(b) require the person to pay restitution not to exceed $1,000 for damage caused by the unlawful motor vehicle use; and

(c) require the person to perform community service in the form of repairing any damage to the public land caused by the unlawful motor vehicle use.

(3) As part of any sentence for a conviction described in Subsection (1) that is within five years of a prior conviction described in Subsection (1), the court may:

(a) impose a fine not to exceed $1,000;

(b) require the person to pay restitution not to exceed $2,000 for damage caused by the unlawful motor vehicle use; and

(c) require the person to perform community service in the form of repairing any damage caused by the unlawful motor vehicle use.

**41-22-12.8 Exceptions to off-highway vehicle use restrictions**

The cross-country motor vehicle and off-highway vehicle restrictions in Section 41-22-12.1, 41-22-12.2, 41-22-12.5, and 41-22-12.7 do not apply to:

(1) a law enforcement officer or emergency services personnel acting within the course and scope of their employment;

(2) an employee of the landowner or land manager acting within the course and scope of their employment;

(3) a person otherwise authorized to use a motor vehicle in a closed area by legal right or by permission of the landowner or land manager; and

(4) a person operating a motor vehicle on an R.S. 2477 right-of-way recorded or asserted by the state or a local highway authority.

**41-22-13. Prohibited uses.**

No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

**41-22-15. Permission required for race or organized event.**

No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.

**41-22-16. Authorized peace officers - Arrest provisions.**

(1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for the arrest is the same as outlined in Sections 77-7-22, 77-27-23, and 77-7-24.

**41-22-17. Penalties for violations.**

(1) Except as otherwise provided, a person who violates the provisions of this chapter is guilty of a class C misdemeanor.

(2) The division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the division, within 15 days of suspension or revocation, the suspended or revoked registration card and registration sticker.

**41-22-18. Ordinances or local laws relating to operation and equipment of vehicles.**

The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter or the rules promulgated under this chapter, but these ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter or the rules promulgated under this chapter.

**41-22-19. Deposit of fees and related moneys in Off-highway Vehicle Account - Use for facilities, costs and expenses of division, and education - Request for matching funds.**

(1) Except as provided under Subsections (3) and (4) and Sections 41-22-34 and 41-22-36, all registration fees and related moneys collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Division under this chapter shall be deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division. The balance of the money may be used by the division as follows:

(a) for the construction, improvement, operation, or maintenance of publicly owned or administered off-highway vehicle facilities;

(b) for the mitigation of impacts associated with off-highway vehicle use;

(c) as grants or as matching funds with any federal agency, state agency, political subdivision of the state, or organized user group for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities including public access facilities;

(d) for the administration and enforcement of the provisions of this chapter; and

(e) for the education of off-highway vehicle users.

(2) All agencies or political subdivisions requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the division for review and approval.

(3)(a) One dollar and 50 cents of each annual registration fee collected under Subsection 41-22-8(1) and each nonresident user fee collected under Subsection 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section 53C-3-101.

(b) The Utah School and Institutional Trust Lands Administration shall use the money deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally accessible lands within its jurisdiction as follows:

(i) to improve recreational opportunities on trust lands by constructing, improving, maintaining, or perfecting access for off-highway vehicle trails; and

(ii) to mitigate impacts associated with off-highway vehicle use.

(c) Any unused balance of the money deposited under Subsection (3)(a) exceeding $350,000 at the end of each fiscal year shall be deposited in the Off-Highway Vehicle Account under Subsection (1).

(4) One dollar of each off-highway vehicle registration fee collected under Subsection 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

**41-22-19.5. Off-highway Access and Education Restricted Account—Creation—Funding—Distribution of funds by the Board of Parks and Recreation**

(1) There is created in the General Fund a restricted account known as the Off-highway Access and Education Restricted Account

(2) The account shall be funded by

(a) contributions deposited into the Off-highway Access and Education Restricted Account in accordance with Section 41-1a-230.6;

(b) private contributions

(c) donations or grants from public or private entities.

(3) The Legislature shall appropriate money in the account to the board.

(4) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.

(5) The board may expend up to 10% of the money appropriated under Subsection (3) to

(a) administer account distributions in accordance with Subsections (6) through (9); and

(b) administer off-highway vehicle provisions under this chapter.

(6) The board shall distribute the funds to a charitable organization that:

(a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(b) has at least one full-time employee; and

(c) has as a primary part of its mission to:

(i) protect access to public lands by motor vehicle operators; and

(ii) educate the public about appropriate off-highway vehicle use.

(7) The board may only consider proposals that are:

(a) proposed by a charitable organization under Subsection (6); and

(b) designed to :

(i) protect access to public lands by motor vehicle and off-highway vehicle operators; and

(ii) educate the public about appropriate off-highway vehicle use.

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules providing procedures for an organization to apply to receive funds under this section.

(9) The board may not:

(a) require matching funds from a charitable organization as a condition of receiving funds; or

(b) prohibit the use of funds to cover litigation expenses incurred in protecting access to public lands by motor vehicle and off-highway vehicle operators.

**41-22-20. Public land administrating agencies to develop facilities and programs.**

All public land administering agencies are encouraged:

(1) to develop and maintain trails, parking areas, rest rooms, and other related facilities appropriate to off-highway vehicle use; and

(2) to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

**41-22-21. Publication of rules and amendments.**

The rules promulgated under this chapter and any amendments to those rules shall be published as required by the Utah Administrative Rulemaking Act.

**41-22-29. Operation by persons under eight years of age prohibited - Definitions - Exception - Penalty.**

(1) As used in this section:

(a) "Organized practice" means a scheduled motorcycle practice held in an off-road

vehicle facility designated by the division and conducted by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the practice.

(b) "Sanctioned race" means a motorcycle race conducted on a closed course and sponsored and sanctioned by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the race.

(2) Except as provided under Subsection (3), a person under eight years of age may not operate and an owner may not give another person who is under eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

(3) A child under eight years of age may participate in a sanctioned race or organized practice if:

(a) the child is under the immediate supervision of an adult;

(b) emergency medical service personnel, as defined in Section 26-8a-102, are on the premises and immediately available to provide assistance at all times during the sanctioned race or organized practice; and

(c) an ambulance provided, as defined in Section 26-8a-102, is on the premises and immediately available to provide assistance for a sanctioned race.

(4) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than $50 per offense.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules specifying the minimum amounts of liability coverage for an organized practice or sanctioned race.

**R651-409. Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race**

(1) The insurance specifications for Subsections 41-22-29(1)(a) and (b) for an organization conducting "organized practices" or "sanctioned races" shall be a continuously maintained policy fully covering insurable responsibilities. This insurance policy shall be obtained from a reliable insurance company that is authorized to do business in Utah and is at all times A.M. Best Company rated "A" or better with a financial size category of XII or larger. The policy shall include Comprehensive General Liability Insurance, including coverage for premises and operations, products, combined single limit per occurrence, and an aggregate of not less than $1,000,000 combined single limit per occurrence, and an aggregate of not less than $1,000,000, which shall be designated as applying only to the organization conducted under Subsections 41-22-29(1)(a) and (b) U.C.A. 1953. If this coverage is written on a claims-made basis, the certificate of insurance shall so indicate. The policy shall also contain an extended-reporting-period provision or similar "tail" provision that keeps full insurance in force for claims reported up to three (3) years after the organization ceases activities covered by the policy. The insurance policy shall be endorsed to add all persons providing services or who own lands affected by the activities conducted.

**41-22-30. Supervision, safety certificate, or driver license required - Penalty.**

(1) As used in this section, "direct supervision" means oversight at a distance;

(a) of no more than 300 feet; and

(b) within which:

(i) visual contact is maintained; and

(ii) advice and assistance can be given and received.

(2) A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person:

(a) is under the direct supervision of a certified off-highway vehicle safety instructor during a scheduled safety training course;

(b) (i) has in the person's possession the appropriate safety certificate issued or approved by the division; and

(ii) if under 18 years of age, is under the direct supervision of a person who is at least 18 years of age if operating on a public highway that is:

(A) open to motor vehicles; and

(B) not exclusively reserved for off-highway vehicle use; or

(c) has in the person's immediate possession a valid motor vehicle operator's license, as provided in Title 53, Chapter 3, Uniform Driver License Act.

(3) (a) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than $100 per offense.

(b) It is a defense to a charge under this section, if the person charged:

(i) produces in court a license or an appropriate safety certificate that was:

(A) valid at the time of the citation or arrest; and

(B) issued to the person operating the off-highway vehicle; and

(ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.

(4) The requirements of this section do not apply to an operator of an off-highway implement of husbandry.

**41-22-31. Board to set standards for safety program - Safety certificates issued – Cooperation with public and private entities - State immunity from suit.**

(1) The board shall establish curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.

(a) The program shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of an off-highway vehicle.

(b) Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.

(c) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.

(2) The division shall cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program

established under this section.

(3) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program.

**41-22-32. Certification of safety instructors.**

(1) The division may certify certain qualified persons as off-highway vehicle safety instructors. An instructor certified by the Division may act in behalf of the division as an agent in:

(a) conducting off-highway vehicle safety classes and examinations; and

(b) issuing safety certificates.

(2) A certified off-highway vehicle safety instructor shall:

(a) successfully complete an off-highway vehicle safety instructor program for the type of vehicle instruction to be given through a program:

(i) of the division; or

(ii) recognized by the division which is conducted by an off-highway vehicle safety organization;

(b) be at least 18 years of age and hold a valid motor vehicle operator's license;

(c) have no convictions as defined in Subsection 41-6a-501(2) for driving under the influence of alcohol or drugs during the previous five years; and

(d) have no convictions for a sexual offense against a minor or a violent crime against a minor.

**41-22-33. Fees for safety and education program - Penalty - Unlawful acts.**

(1) (a) A fee set by the board in accordance with Section 63J-1-504 shall be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program.

(b) The division may also collect a fee set by the board in accordance with Section 63J-1-504 from each person who:

(i) receives the training and takes the knowledge and skills test for off-highway vehicle use; or

(ii) takes the knowledge and skills test for off-highway vehicle use.

(c) If the board modifies the fee under Subsection (1)(a), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:

(i) notice from the board stating that the board will modify the fee; and

(ii) a copy of the fee modification.

(2) (a) To help defray instructors' costs, the division may reimburse volunteer certified off-highway vehicle safety instructors up to $6 for each student who receives the training and takes the knowledge and skills test.

(b) On or before the 10th day of each calendar month, volunteer off-highway vehicle safety instructors shall report to the division all fees collected and students trained and shall accompany the report with all money received for off-highway vehicle training.

(c) If a volunteer off-highway vehicle safety instructor intentionally or negligently fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total due together with interest.

(d) All fees collected from students shall be kept separate and apart from private funds of the instructor and shall at all times belong to the state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the instructor, receiver, or trustee for all money owing the state for training and shall not be stopped from asserting the claim by reason of commingling of funds or otherwise.

(e) A person may not:

(i) willfully misdate an off-highway vehicle education safety certificate;

(ii) issue an incomplete certificate; or

(iii) issue of a receipt in lieu of a certificate.

**R651-408-1. Student Requirements.**

(1) A student under 18 years old attending any off-highway vehicle education course shall be required to have a parent or adult responsible for that student attend at least the first hour of any classroom session, and all of any applicable skills module.

(2) All students shall submit to the course instructor a Parental Consent and Waiver form signed by their parent or legal guardian during any off-highway vehicle education class.

(3) All students participating in the skills module shall wear the following safety equipment: a properly fitted and fastened, safety-rated helmet, designed for motorized use, safety proven eye protection, gloves, and long pants and sturdy shoes or boots that cover the foot and ankle.

(4) A student must receive a grade of 70 percent or better on the written test before participating in a corresponding skills module. A score of 70 percent is also necessary on the skills module in order to be certified.

(5) A student may challenge the written test or any of the skills modules by passing the appropriate test.

(6) A student failing any test or skills module may be retested no sooner than seven days after the initial test. If the student fails the retest of a skills module, then he must retake the entire module.

(7) A student participating in the skills module must be able to straddle the machine, with a slight bend to his knees, while his feet are on the foot rests.

**R651-408-2. Safety Instructor Requirements.**

(1) An off-highway vehicle safety instructor shall teach a minimum of two off-highway vehicle courses or skills modules per year to maintain instructor certification.

**R651-408-3. Off-Highway Vehicle Education Fees.**

(1) The fee for the off-highway vehicle education course is $10.

(2) The fee to challenge the off-highway vehicle education course by taking the knowledge and skills test is $5.

(3) A duplicate off-highway vehicle education certificate is $2.

**R651-408-4 Volunteer Certified Safety Instructor Reimbursement**

Volunteer certified OHV safety instructors will be reimbursed $5 for each student they train and test in the Division's OHV Education Program.

**R651-412-1.** Rulemaking Authority.

Section 41-22-31 UCA states that the Board shall develop curriculum standards for a comprehensive OHV education program designed to instill the necessary knowledge, attitudes, skills necessary for safe OHV operation, and that the Division shall cooperate with the appropriate public and private organizations in the implementation of this program.

**R651-412-2**. Course Approval Process.

Outside providers wishing to have OHV education courses approved by the Division as adequate for meeting Utah's OHV education standard shall submit a copy of their proposed curricula to the OHV Education Specialist for evaluation. The OHV Education Specialist shall evaluate the proposed curricula against the standard specified in this rule and shall issue a letter of approval to providers who present curriculum packages that meet the standard.

**R651-412-3**. Course Completion.

Individuals who complete a training course approved under this rule shall be issued an OHV Education Certificate in accordance with 41-22-31 UCA.

**R651-412-4**. Curriculum Standards.

At a minimum, all courses approved by the Division shall provide the following course content and shall be presented at a level appropriate for the average fourth grade student. The method of course content delivery is not specified.

(a) Description of OHV riding in Utah.

(b) Utah State Parks regulatory responsibilities.

(c) OHV terminology including, but not imited, to: throttle, fuel shut-off valve, brakes, shift leer, engine stop switch, choke, spark arrestor/muffler, headlights, engine, footrest, ignition switch.

(d) Utah State Laws.

(e) Riding positions, turning and stopping.

(f) Hypothermia, wind chill and cold weather survival.

(g) Riding on different types of terrain.

(h) Pre-ride inspections.

(i) Towing a trailer.

(ii) Crossing roads and highways.

(iii) Dangers of drugs and alcohol.

(i) Ethics, responsible riding and trail etiquette.

(j) Tread Lightly

(k) Proper safety equipment.

(l) Snowmobile courses will also include avalanche safety information.

(m) Any hands-on training provided by an authorized provider shall be conducted in accordance with R651-408(1) and all applicable state and federal law.

**41-22-34. Search and rescue fee - Amount - Deposition.**

(1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be registered or renewed under Section 41-22-3.

(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.

(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2-107.

**41-22-35. Off-highway vehicle user fee - Decal - Agents - Penalty for fraudulent issuance of decal - Deposit and use of fee revenue.**

(1) (a) Except as provided in Subsection (1)(b), any nonresident owning an off-highway vehicle who operates or gives another person permission to operate the off-highway vehicle on any public land, trail, street, or highway in this state shall:

(i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;

(ii) pay an annual off-highway vehicle user fee; and

(iii) provide evidence that:

(A) the person is a nonresident; and

(B) the person is the owner of the off-highway vehicle

(b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:

(i) registered in another state that offers reciprocal operating privileges to Utah residents under rules made by the board: or

(ii) used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the board.

(iii) owned and operated by a state government agency and the operation of the off-highway vehicle within the boundaries of the state is within the course and scope of the duties of the agency.

(2) The off-highway vehicle user fee is $30.

(3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

(a) receive a nonresident off-highway vehicle user decal indicating compliance with the provisions of Subsection (1)(a); and

(b) display the decal on the off-highway vehicle in accordance with rules made by the board.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing:

(a) procedures for:

(i) the payment of off-highway vehicle user fees; and

(ii) the display of a decal on an off-highway vehicle as required under Subsection (3)(b);

(b) acceptable evidence indicating compliance with Subsection (1);
(c) eligibility requirements for reciprocal operating privileges for nonresident users; and
(d) eligibility for scheduled competitive events or other events under Subsection (1)(b)(ii).

(5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle user fee may be collected by the division or agents of the division.

(b) An agent shall retain 10% of all off-highway vehicle user fees collected.

(c) The division may require agents to obtain a bond in a reasonable amount.

(d) On or before the tenth day of each month, each agent shall:

(i) report all sales to the division; and

(ii) submit all off-highway vehicle user fees collected less the remuneration provided in Subsection (5)(b).

(e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20% of amount due.

(ii) Delinquent payments shall bear interest at the rate of 1% per month.

(iii) If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

(f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b), shall:

(i) be kept separate and apart from the private funds of the agent; and

(ii) belong to the state.

(g) An agent may not issue an off-highway vehicle user decal to any person unless the person furnishes evidence of compliance with the provisions of Subsection (1)(a).

(h) A violation of any provision of this Subsection (5) is a class B misdemeanor and may be cause for revocation of the agent authorization.

(6) Revenue generated by snowmobile user fees shall be deposited in the Off-highway Vehicle Account created in Section 41-22-19;

**R651-634-1. Nonresident OHV User Permits and Fees.**

Except as provided below, any nonresident owning an off-highway vehicle who operates or gives another person permission to operate the off-highway vehicle on any public land, trail, street or highway in this state, shall pay an annual off-highway vehicle user fee.

(1) A decal will be issued which proves payment has been made. The decal will then be displayed on the off-highway vehicle as follows: on snowmobiles, the decal shall be mounted on the left side of the hood, pan or tunnel; on motorcycles, the decal shall be mounted on the left fork, or on the left side body plastic; and on all-terrain vehicles, the decal shall be mounted on the rear of the vehicle. Vehicle types are defined in 41-22-2 UCA. In all instances, decal shall be mounted in a visible location. The decal shall be non-transferable.

(2) A receipt will be issued with the decal indicating the fee paid, the Vehicle Identification Number (VIN) of the off-highway vehicle, and the off-highway vehicle owner's name and address. This receipt shall remain with the off-highway vehicle at all times.

(3) Fees charged will be in accordance with S.B. 14 (1999 Utah Laws 1, effective July 1, 1999) and HB 51 (2004 Utah Laws, effective July 1, 2004) which states that the off-highway vehicle user annual fee will be $30 per year.

(4) Nonresident OHV user permits shall continue in effect for a period of 12 months beginning with the first day of the calendar month of purchase, and shall not expire until the last day of the same month in the following year.

-Applicants for a nonresident OHV user permit shall provide evidence that the applicant is the owner of the off-highway vehicle and is not a resident of Utah. Such evidence shall include:

(a) A government issued identification card showing the state of residency of the off-highway vehicle owner; and one of the following:

(i) A title or certificate of registration from a state other than Utah,

(ii) An original bill of sale; or

(b) A sworn affidavit stating that the off-highway vehicle is owned by a nonresident of the state of Utah. The affidavit must state the name and address of the vehicle owner, and a description of the off-highway vehicle, including the Vehicle Identification Number (VIN).

-Off-highway vehicles currently registered in a state offering reciprocal operating privileges to Utah residents shall be exempt from the nonresident user fee requirements of this rule. The Division shall maintain a list of states offering reciprocal operating privileges to Utah residents. This list shall be updated at least annually.

-Provisions of this rule shall not apply to off-highway vehicles exempt under 41-22-35(1)(b)(i) or to off-highway vehicles participating in scheduled competitive events sponsored by a public or private entity, or in noncompetitive events sponsored in whole or in part by any governmental entity; or to Street Legal All-terrain Vehicles as defined in 41-6a-102(61), and registered for highway use in a state that offers reciprocal highway operating privileges to Utah residents operating Street Legal All-Terrain vehicles.

**41-22-36 Fees to Cover the Costs of Electronic Payments**

(1) As used in this section:

(a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

(b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

(2) (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Section 41-22-8.

(b) The fee described in Subsection (2)(a) shall be imposed regardless of the method of payment for a particular transaction.

(3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.

(4) A fee imposed under this section:

(a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121;

(b) is not subject to Subsection 63J-2-202(2); and

(c) need not be separately identified from the fees imposed on registrations and renewals of registration under Section 41-22-8.

**41-22-37. Off-highway vehicle operator responsibilities.**

(1) An off-highway vehicle operator who is 18 years of age or older shall accept legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use.

(2) (a) An off-highway vehicle operator shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(b) Risks inherent in the sport of off-highway vehicle operation under Subsection 1 include:

(i) variations in terrain;
(ii) surface or subsurface conditions;
(iii) crevices;
(iv) ravines;
(v) streams;
(vi) poor visibility;
(vii) rocks;
(viii) trees;
(ix) other forms of forest growth or debris; and
(x) any other natural hazard.

(3) An off-highway vehicle operator is responsible for:

(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use, taking into consideration the conditions;
(b) maintaining control of speed and course at all times while operating the off-highway vehicle;
(c) heeding all posted warnings; and
(d) refraining from acting in a manner that may cause or contribute to the injury of any person.

(4) The provisions of this section do not affect a product liability cause of action based upon proper warning, design, or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.
(5) The provisions of this section do not affect a passenger's cause of action or ability to recover for injuries.
(6) The provisions of this section do not affect an off-highway vehicle owner's liability for negligent entrustment.

***Dealers***

**41-3-502. Special plates -- Permit to use dealer plate to demonstrate loaded motor vehicle.**

(1) Under rules established by the administrator, the division may issue a permit to a dealer to use a dealer plate to demonstrate a loaded motor vehicle to a bona fide prospective purchaser.
(2) To obtain a permit, the dealer or his authorized representative shall apply on a form prescribed by the division.
(3) If approved and issued, the permit shall be carried in the motor vehicle for which it is issued during the demonstration trip and shall be returned to the division properly completed and signed within 10 days after its expiration date.

**41-3-504. Special plates – Display.**
Special plates issued to dealers, dismantlers, manufacturers, remanufacturers, and transporters for the purpose of operating or moving motor vehicles on the highway under the provisions of this chapter shall be:

(1) prominently displayed on the rear of the motor vehicle where clearly visible;
(2) free from foreign materials;
(3) clearly legible; and
(4) securely fastened in a horizontal position.

***Title 41 Motor Vehicles specifically applies unless it is excluded.***

**41-1a-1009. Abandoned and inoperable vehicles, vessels, and outboard motors -- Determination by commission – Disposal of vehicles.**

(1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:
(a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and
(b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer or is a derelict vessel as defined in Section 73-18-2.

(2) (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.
(b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or outboard motor is required to keep copies of the signed statements and other written records required by the commission.

(3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011.

**41-6a-401. Accident involving property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2) (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting only in damage to another vehicle or other property:
(i) may move the vehicle as soon as possible off the roadway or freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and

(ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.

(b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.

(c) If the operator has reason to believe that the operator may have been involved in an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.

(3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:

(a) give to the persons involved:

(i) the operator's name, address, and the registration number of the vehicle being operated; and

(ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and

(b) upon request and if available, exhibit the operator's license to:

(i) any investigating peace officer present;

(ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and

(iii) the owner of property damaged in the accident, if present.

(4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of $1,500 or more.

(5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:

(a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or

(b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.

(6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.

(7) (a) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates the provision of Subsection (5) is guilty of a class B misdemeanor.

**41-6a-502. Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration – Reporting of convictions.**

(1) A person may not operate or be in actual physical control of a vehicle within this state if the person:

(a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(c) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

(2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

(3) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.

(4) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Occupational and Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving under the influence, in whole or in part, of a prescribed controlled substance.

**41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited – Definitions – Exceptions.**

(1) As used in this section:

(a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.

(b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.

(c) "Limousine" has the same meaning as defined in Section 32B-1-102.

(d) (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

(ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.

(iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.

(e) "Waters of the state" has the same meaning as defined in Section 73-18-2.

(2) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.

(3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially

consumed.
(4) Subsections (2) and (3) do not apply to a passenger:
(a) in the living quarters of a motor home or camper;
(b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or
(c) in a motorboat on the waters of the state.
(5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.

**41-6a-527. Seizure and impoundment of vehicles by peace officers – Impound requirements -- Removal of vehicle by owner -- Forfeiture.**

(1) If a peace officer arrests, cites, or refers for administrative action the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, 53-3-232, Subsections 53-3-227 (3)(a)(i) through (vi), Subsection 53-3-227 (3)(a)(ix), or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510 (1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).
(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:
(a) the registered owner:
(i) requests to remove the vehicle from the scene; and
(ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
(b) the registered owner identifies a driver with a valid operator's license who:
(i) complies with all restrictions of his operator's license; and
(ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502 , 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510 (1) if permitted to operate the vehicle; and
(c) the vehicle itself is legally operable.
(3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.
(4) A motor vehicle is subject to criminal or civil forfeiture under the procedures and substantive protections established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act, upon a finding by the court that:
(a) the motor vehicle was used in a violation of Section 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510 (1), Subsection 58-37-8 (2)(g), or Section 76-5-207 ;
(b) the operator of the vehicle has previously been convicted of a violation committed after May 12, 2009, of:
(i) a felony driving under the influence violation under Section 41-6a-502 ;
(ii) a felony violation of Subsection 58-37-8 (2)(g); or
(iii) automobile homicide under Section 76-5-207 ;
(c) the operator of the vehicle was driving on a denied, suspended, revoked, or

disqualified license; and

(d) (i) the denial, suspension, revocation, or disqualification under Subsection (4)(c) was imposed because of a violation of:

(A) Section 41-6a-502;

(B) Section 41-6a-517;

(C) a local ordinance which complies with the requirements of Subsection 41-6a-510 (1);

(D) Section 41-6a-520 ;

(E) Subsection 58-37-8 (2)(g);

(F) Section 76-5-207; or

(G) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances described in Subsections (4)(d)(i)(A) through (F); or

(ii) (A) the denial, suspension, revocation, or disqualification described in Subsection (4)(c) is an extension imposed under Subsection 53-3-220 (2) of a denial, suspension, revocation, or disqualification; and

(B) the original denial, suspension, revocation, or disqualification was imposed because of a violation described in Subsection (4)(d)(i)(A) through (G).