

UTAH STATUTES AND RULES

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

Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, or vessel in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

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

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

- (a) off-highway vehicles owned and operated by nonresidents of the state;
- (b) off-highway vehicles owned and operated by the federal government; and
- (c) off-highway vehicles that are registered for highway use.

(2) The division may not provide title to an off-highway vehicle identified by the manufacturer as a 1987 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

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41-1a-508. Prerequisites for titling.

(1) Except as otherwise provided, prior to titling a vehicle, vessel, or outboard motor an owner must provide evidence of:

- (a) title or ownership under Section **41-1a-509**;
- (b) payment of sales taxes in accordance with Section **41-1a-510**;
- (c) payment of all applicable fees under Part 12, Fee and Tax Requirements;
- (d) the identification number inspection required under Section **41-1a-511**;
- (e) the odometer statement required under Section **41-1a-902**; and
- (f) evidence of property tax clearance for manufactured homes and mobile homes.

(2) An application for registration or current registration is not a prerequisite for obtaining a title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

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41-1a-509. Manufacturer's certificate of origin or title.

(1) If a vehicle other than an off-highway vehicle older than a 1988 model year, or a vessel or outboard motor older than a 1985 model year has not been previously titled, the application for certificate of title shall include the manufacturer's certificate of origin properly endorsed for transfer.

(2) The manufacturer's certificate of origin shall show:

- (a) the date of sale to the dealer or person first receiving it from the manufacturer;
- (b) the name of the dealer or person;
- (c) a description sufficient to identify the vehicle, vessel, or outboard motor; and
- (d) a certification by the dealer that the vehicle, vessel, or outboard motor was new when sold to the applicant.

(3) (a) If the vehicle, vessel, or outboard motor is from a state or foreign country that does not issue or require certificates of title, the owner shall submit a bill of sale, sworn statement of ownership, or any other evidence of ownership required by the division.

(b) The division may refuse to issue a certificate of title or an affidavit of Mobile Home Affixture if the applicant fails to submit the evidence of ownership required.

Amended by Chapter 218, 1992 General Session

Renumbered and Amended by Chapter 1, 1992 General Session

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41-1a-510. Sales tax payment required.

(1) (a) Except as provided in Subsection (b), the division before issuing a certificate of title to a vehicle, vessel, or outboard motor shall require from every applicant:

(i) a receipt from the division showing that the sales tax has been paid to the state on the sale of the vehicle, vessel, or outboard motor upon which application for certificate of title has been made; or

(ii) a certificate from the division showing that no sales tax is due.

(b) If a licensed dealer has made a report of sale, no receipt or certificate is required.

(2) The division may also issue an Affidavit of Mobile Home Affixture for a manufactured home or mobile home if the applicant complies with Subsection (1).

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

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41-1a-511. Identification number inspection.

An application for a certificate of title for a vehicle, vessel, or outboard motor not previously titled in this state shall be accompanied by a certificate of identification number inspection obtained in accordance with Section **41-1a-802**, unless the vehicle, vessel, or outboard motor is new and was acquired from an in-state dealer or in-state manufacturer.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session
Download Code Section [Zipped WP 6/7/8 41_01084.ZIP](#) 1,814 Bytes

41-1a-512. Application for title.

- (1) The application for a certificate of title shall include:
 - (a) the signature of a person to be recorded on the certificate as owner;
 - (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
 - (c) a description of the vehicle, vessel, or outboard motor, including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, the identification number of the vehicle, vessel, or outboard motor, as applicable, and other information the division may require;
 - (d) other information required by the division to enable it to determine whether the owner is entitled to a certificate of title;
 - (e) a statement of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor; and
 - (f) the names and addresses of all persons having any ownership interest in the vehicle, vessel, or outboard motor and the nature of the ownership interest.
- (2) An application for a certificate of title for a new vehicle, vessel, or outboard motor purchased from a dealer shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

Amended by Chapter 51, 2002 General Session
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41-1a-514. Certificate of title - Contents.

- (1) The division upon approving an application for a certificate of title shall issue a certificate of title. The face of the certificate of title shall include:
 - (a) the date issued;
 - (b) the name and address of the owner;
 - (c) a description of the vehicle, vessel, or outboard motor titled, including the year, make, and identification number;
 - (d) a statement of the owner's title and of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor;
 - (e) any brand on the title; and
 - (f) an odometer statement, if applicable.
- (2) The certificate of title shall bear the seal of the division.
- (3) The certificate of title shall contain adequate space for:
 - (a) the assignment and warranty of title or interest by the owner;
 - (b) the release of interest by a recorded lien holder; and
 - (c) the notation of one lien or encumbrance, if any, existing at the time of transfer.

Amended by Chapter 218, 1992 General Session
Renumbered and Amended by Chapter 1, 1992 General Session
Download Code Section Zipped WP 6/7/8 41_01087.ZIP 2,051 Bytes

41-1a-519. Dealer requirements for certificate of title or Affidavit of Mobile Home Affixture.

(1) If a dealer delivers a new off-highway vehicle, vessel, or outboard motor to the purchaser, the dealer shall apply for issuance of a certificate of title or Affidavit of Mobile Home Affixture, as appropriate, in the purchaser's name within 45 days of the date of sale.

(2) A dealer who purchases or takes in trade a used off-highway vehicle, vessel, or outboard motor on which a certificate of title has previously been issued is not required to apply for a certificate of title.

Amended by Chapter 252, 2006 General Session
Download Code Section Zipped WP 6/7/8 41_01092.ZIP 1,880 Bytes

41-1a-803. Identification numbers -- Assigning numbers -- Requirement for sale.

(1) (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's identification number.

(b) If it has no permanent manufacturer's identification number, the division shall assign an identification number to it.

(c) An identification number assigned by the division shall be permanently affixed or imprinted on the vehicle, vessel, or outboard motor as directed by the division.

(2) A person may not sell or offer for sale in this state a new vehicle, vessel, or outboard motor without an identification number.

(3) (a) Each permanent manufacturer's identification number for a vehicle shall be clearly marked in an accessible place on a vehicle.

(b) (i) Each permanent manufacturer's identification number for a vessel shall be clearly marked in an accessible place on the starboard outboard side of the transom or to the starboard outboard side of the hull.

(ii) If the permanent manufacturer's identification number is displayed in a location other than on or near the starboard outboard side of the transom, the manufacturer shall notify the division of its location.

(4) A person may not destroy, remove, alter, or cover an identification number.

Renumbered and Amended by Chapter 1, 1992 General Session
Download Code Section Zipped WP 6/7/8 41_01118.ZIP 2,135 Bytes

41-1a-1210. Fees for original and duplicate certificates of title.

A fee of \$6 shall be paid to the division for the issuance of each original and duplicate certificate of title for a vehicle, vessel, or outboard motor.

Repealed and Re-enacted by Chapter 222, 1993 General Session
Download Code Section Zipped WP 6/7/8 41_01153.ZIP 1,624 Bytes

41-8-1 (Superseded 08/01/06). Operation of vehicle by persons under 16 prohibited -- Exceptions for off-highway vehicles, and off-highway implements of husbandry.

(1) A person under 16 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state.

(2) This section does not apply to a person operating:

(a) a motor vehicle under a permit issued under Section **53-3-210** or **53A-13-208**;

(b) an off-highway vehicle registered under Section **41-22-3** either:

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

(ii) in the manner prescribed by Section **41-22-10.3**; or

(c) an off-highway implement of husbandry in the manner prescribed by Subsections **41-22-5.5(3)** through (5).

Amended by Chapter 30, 2003 General Session
Download Code Section Zipped WP 6/7/8 41_05002.ZIP 2,140 Bytes

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.

Amended by Chapter 163, 1987 General Session
Download Code Section Zipped WP 6/7/8 41_0A002.ZIP 1,722 Bytes

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 unladen dry weight of 800 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) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain. This term 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) "Dealer" means a person engaged in the business of selling off-highway vehicles at

wholesale or retail.

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

(7) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of ten pounds per square inch or less as recommended by the vehicle manufacturer.

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

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

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

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

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

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

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

(15) "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.

(16) "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.

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

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

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

(20) "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.

(21) "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.

Amended by Chapter 2, 2005 General Session

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41-22-3. Registration of vehicles -- Application -- Issuance of sticker 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) 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.

(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**.

Amended by Chapter 159, 2004 General Session
Download Code Section [Zipped WP 6/7/8 41_0A004.ZIP](#) 3,206 Bytes

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.

Enacted by Chapter 317, 2003 General Session
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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

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

Amended by Chapter 160, 2006 General Session
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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**.

Amended by Chapter 160, 2006 General Session

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

(1) (a) The owner of an all-terrain type I vehicle, motorcycle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker. Each application shall be accompanied by evidence of ownership, a title, or a manufacturer's certificate of origin, and a signed statement certifying that the off-highway vehicle is used for agricultural purposes. The owner shall receive an off-highway implement of husbandry sticker upon production of the documents required above and 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.

Amended by Chapter 217, 1999 General Session

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41-22-7. Duplicate registration cards and registration stickers.

(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.

Amended by Chapter 159, 2004 General Session

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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) The fee for each registration may not exceed \$17.
- (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 that is owned and operated by the United States Government, this state, or its political subdivisions.

Amended by Chapter 159, 2004 General Session

Amended by Chapter 349, 2004 General Session

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41-22-9. Vehicles exempt from registration.

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

- (1) 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;
- (2) off-highway vehicles that are owned by a nonresident and that are displaying a current annual off-highway vehicle user decal in accordance with Section **41-22-35**;
- (3) off-highway vehicles sold by a dealer to a person who is not a resident of this state;
- (4) off-highway implements of husbandry operated in the manner prescribed by Subsections **41-22-5.5**(3) through (5); and
- (5) new off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.

Amended by Chapter 314, 2004 General Session

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

The board may:

- (1) appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and
- (2) 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.

Amended by Chapter 162, 1987 General Session

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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.

Amended by Chapter 73, 1999 General Session

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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**.

Amended by Chapter 2, 2005 General Session

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

No person may 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; or

(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.

Enacted by Chapter 1, 1986 Special Session 2
Download Code Section Zipped WP 6/7/8 41_0A015.ZIP 2,012 Bytes

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.

Enacted by Chapter 1, 1986 Special Session 2
Download Code Section Zipped WP 6/7/8 41_0A016.ZIP 1,677 Bytes

41-22-10.5. Local ordinances -- Designating routes -- Supervision.

(1) A municipality or county may adopt ordinances designating certain streets and highways under its respective jurisdiction as off-highway vehicle routes 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 a 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**.

Amended by Chapter 159, 2004 General Session
Download Code Section Zipped WP 6/7/8 41_0A017.ZIP 2,282 Bytes

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

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

Amended by Chapter 2, 2005 General Session
Download Code Section Zipped WP 6/7/8 41_0A018.ZIP 1,677 Bytes

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) a safety flag, red or orange in color and a minimum of six by 12 inches, attached to the off-highway vehicle at least eight feet above the surface of level ground, when operated on sand dunes designated by the board.

(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.

Amended by Chapter 148, 2002 General Session

Download Code Section [Zipped](#) WP 6/7/8 [41_0A019.ZIP](#) 2,232 Bytes

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.

Amended by Chapter 148, 2002 General Session

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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.

Amended by Chapter 1, 1986 Special Session 2

Download Code Section [Zipped](#) WP 6/7/8 [41_0A021.ZIP](#) 1,684 Bytes

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

(1) Except as provided in Section **63-11-17**, federal agencies are encouraged and agencies of the state and its subdivisions shall refrain from closing any public land to responsible off-highway vehicle use.

(2) A person may not operate and an owner of an off-highway vehicle may not give another person permission to operate an off-highway vehicle on any public land which is closed to off-highway vehicles.

Amended by Chapter 37, 1999 General Session

Download Code Section [Zipped WP 6/7/8 41_0A022.ZIP](#) 1,866 Bytes

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

A person may not operate a wheeled vehicle with a 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.

Amended by Chapter 148, 2002 General Session

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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) No person shall operate or accompany a person operating an off-highway vehicle upon privately-owned land of any other person, firm, or corporation without permission from the owner or person in charge.

(b) It is unlawful for any person operating or accompanying a person operating an off-highway vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.

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

(d) No person operating or accompanying a person operating an off-highway vehicle shall obstruct any entrance or exit to private property without the owner's permission.

(2) It is unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an off-highway vehicle on land; or to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to any such fence or enclosure.

Amended by Chapter 21, 1989 General Session

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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.

Amended by Chapter 1, 1986 Special Session 2
Download Code Section Zipped WP 6/7/8 41_0A025.ZIP 1,740 Bytes

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.

>

Amended by Chapter 21, 1989 General Session
Download Code Section Zipped WP 6/7/8 41_0A026.ZIP 1,677 Bytes

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**, **77-7-23**, and **77-7-24**.

Amended by Chapter 2, 2005 General Session
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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.

Amended by Chapter 159, 2004 General Session
Download Code Section Zipped WP 6/7/8 41_0A028.ZIP 1,841 Bytes

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.

Amended by Chapter 1, 1986 Special Session 2
Download Code Section Zipped WP 6/7/8 41_0A029.ZIP 1,867 Bytes

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 Subsection (3) 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 monies 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 off-highway vehicle 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 monies 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 monies 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).

Amended by Chapter 349, 2004 General Session
Download Code Section Zipped WP 6/7/8 41_0A030.ZIP 3,213 Bytes

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.

Amended by Chapter 363, 1997 General Session

Download Code Section Zipped WP 6/7/8 41_0A031.ZIP 1,770 Bytes

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.

Amended by Chapter 1, 1986 Special Session 2

Download Code Section Zipped WP 6/7/8 41_0A032.ZIP 1,613 Bytes

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) advanced life support personnel, as defined in Section **26-8-2**, are on the premises and immediately available to provide assistance at all times during the sanctioned race or organized practice; and

(c) ambulance service, as defined in Section **26-8-2**, 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 63, Chapter 46a, Utah Administrative Rulemaking Act, the division shall make rules specifying the minimum amounts of liability coverage for an organized practice or sanctioned race.

Amended by Chapter 114, 1999 General Session

Download Code Section Zipped WP 6/7/8 41_0A033.ZIP 2,656 Bytes

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

(1) 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) has in his possession the appropriate safety certificate issued or approved by the division; or

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

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

(b) It is a defense to a charge under this section, if the person charged produces in court a license or an appropriate safety certificate that was:

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

(ii) issued to the person operating the off-highway vehicle.

(3) The requirements of this section do not apply to an operator of an all-terrain type I vehicle with a properly displayed and current off-highway implement of husbandry sticker.

Amended by Chapter 349, 2004 General Session

Download Code Section [Zipped WP 6/7/8 41_0A034.ZIP](#) 2,343 Bytes

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 63, Chapter 30d, 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 \$2 fee 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. The division may also collect a fee not to exceed \$10 from each person who receives the training and takes the knowledge and skills test, or a fee not to exceed \$5 from each person who takes the knowledge and skills test for off-highway vehicle use.

(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 a receipt in lieu of a certificate.

Amended by Chapter 148, 2002 General Session

Download Code Section [Zipped WP 6/7/8 41_0A037.ZIP](#) 2,724 Bytes

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**.

Enacted by Chapter 281, 1997 General Session

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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.

(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 63, Chapter 46a, 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 the 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 off-highway vehicle user fees shall be deposited in the Off-highway Vehicle Account created in Section **41-22-19**.

Amended by Chapter 314, 2004 General Session

Download Code Section [Zipped WP 6/7/8 41_0A039.ZIP](#) 4,518 Bytes

41-22-36. Fees to cover the costs of electronic payments.

(1) In accordance with Section **63-38a-105**, the Division of Motor Vehicles may

collect an electronic payment fee on all registrations and renewals of registration under Section **41-22-8**.

(2) The division shall establish the fee according to the procedures and requirements of Section **63-38-3.2**.

Enacted by Chapter 212, 2003 General Session

Download Code Section Zipped WP 6/7/8 41_0A040.ZIP 1,808 Bytes

59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited in the Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax in limited circumstances.

(1) (a) Subject to the provisions of this section, a tax is imposed at the rate of 24-1/2 cents per gallon upon all motor fuel that is sold, used, or received for sale or used in this state.

(b) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a), rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in Section **59-13-102** and are sold, used, or received for sale or use in this state.

(2) Any increase or decrease in tax rate applies to motor fuel that is imported to the state or sold at refineries in the state on or after the effective date of the rate change.

(3) (a) No motor fuel tax is imposed upon:

(i) motor fuel that is brought into and sold in this state in original packages as purely interstate commerce sales;

(ii) motor fuel that is exported from this state if proof of actual exportation on forms prescribed by the commission is made within 180 days after exportation;

(iii) motor fuel or components of motor fuel that is sold and used in this state and distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in this state; or

(iv) motor fuel that is sold to the United States government, this state, or the political subdivisions of this state.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules governing the procedures for administering the tax exemption provided under Subsection (3)(a)(iv).

(4) The commission may either collect no tax on motor fuel exported from the state or, upon application, refund the tax paid.

(5) (a) All revenue received by the commission under this part shall be deposited daily with the state treasurer and credited to the Transportation Fund.

(b) An appropriation from the Transportation Fund shall be made to the commission to cover expenses incurred in the administration and enforcement of this part and the collection of the motor fuel tax.

(6) (a) The commission shall determine what amount of motor fuel tax revenue is received from the sale or use of motor fuel used in motorboats registered under the provisions of the State Boating Act, and this amount shall be deposited in a restricted revenue account in the General Fund of the state.

(b) The funds from this account shall be used for the construction, improvement,

operation, and maintenance of state-owned boating facilities and for the payment of the costs and expenses of the Division of Parks and Recreation in administering and enforcing the State Boating Act.

(7) (a) The United States government or any of its instrumentalities, this state, or a political subdivision of this state that has purchased motor fuel from a licensed distributor or from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this section is entitled to a refund of the tax and may file with the commission for a quarterly refund.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules governing the application and refund provided for in Subsection

(7)(a).

(8) (a) The commission shall refund annually into the Off-Highway Vehicle Account in the General Fund an amount equal to the lesser of the following:

- (i) .5% of the motor fuel tax revenues collected under this section; or
- (ii) \$1,050,000.

(b) This amount shall be used as provided in Section **41-22-19**.

(c) This Subsection (8) sunsets on July 1, 2010.

(9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that is sold, used, or received for sale or use in this state is reduced to the extent provided in Subsection (9)(b) if:

(i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor fuel is paid to the Navajo Nation;

(ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or not the person required to pay the tax is an enrolled member of the Navajo Nation; and

(iii) the commission and the Navajo Nation execute and maintain an agreement as provided in this Subsection (9) for the administration of the reduction of tax.

(b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this section:

(A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that difference is greater than \$0; and

(B) a person may not require the state to provide a refund, a credit, or similar tax relief if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

(ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

(A) the amount of tax imposed on the motor fuel by this section; less

(B) the tax imposed and collected by the Navajo Nation on the motor fuel.

(c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of motor fuel does not include any interest or penalties a taxpayer may be required to pay to the Navajo Nation.

(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules governing the procedures for administering the reduction of tax provided under this Subsection (9).

(e) The agreement required under Subsection (9)(a):

(i) may not:

(A) authorize the state to impose a tax in addition to a tax imposed under this chapter;
(B) provide a reduction of taxes greater than or different from the reduction described in this Subsection (9); or

(C) affect the power of the state to establish rates of taxation;

(ii) shall:

(A) be in writing;

(B) be signed by:

(I) the chair of the commission or the chair's designee; and

(II) a person designated by the Navajo Nation that may bind the Navajo Nation;

(C) be conditioned on obtaining any approval required by federal law;

(D) state the effective date of the agreement; and

(E) state any accommodation the Navajo Nation makes related to the construction and maintenance of state highways and other infrastructure within the Utah portion of the Navajo Nation; and

(iii) may:

(A) notwithstanding Section **59-1-403**, authorize the commission to disclose to the Navajo Nation information that is:

(I) contained in a document filed with the commission; and

(II) related to the tax imposed under this section;

(B) provide for maintaining records by the commission or the Navajo Nation; or

(C) provide for inspections or audits of distributors, carriers, or retailers located or doing business within the Utah portion of the Navajo Nation.

(f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a result of the change in the tax rate is not effective until the first day of the calendar quarter after a 60-day period beginning on the date the commission receives notice:

(A) from the Navajo Nation; and

(B) meeting the requirements of Subsection (9)(f)(ii).

(ii) The notice described in Subsection (9)(f)(i) shall state:

(A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on motor fuel;

(B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A); and

(C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

(g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not permitted under this Subsection (9) beginning on the first day of the calendar quarter after a 30-day period beginning on the day the agreement terminates.

(h) If there is a conflict between this Subsection (9) and the agreement required by Subsection (9)(a), this Subsection (9) governs.

Amended by Chapter 237, 2004 General Session

Download Code Section Zip WP 6/7/8 59_0E006.ZIP 5,807 Bytes

63-11-17. Powers and duties of Board and Division of Parks and Recreation.

- (1) (a) The board may make rules:
- (i) governing the use of the state park system;
 - (ii) to protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities; and
 - (iii) to provide for public safety and preserve the peace within state parks.
- (b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules that:
- (i) close or partially close state parks; or
 - (ii) establish use or access restrictions within state parks.
 - (c) Rules made under Subsection (1) may not have the effect of preventing the transfer of livestock along a livestock highway established in accordance with Section **72-3-112**.
- (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon it by law within state parks and on property controlled by the Division of Parks and Recreation with reference to fish and game.
- (3) The Division of Parks and Recreation shall permit multiple use of state parks and property controlled by it for purposes such as grazing, fishing and hunting, mining, and the development and utilization of water and other natural resources.
- (4) (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.
- (b) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.
- (c) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the legislature.
- (5) (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of its intention to acquire the property.
- (b) If the county legislative body requests a hearing within ten days of receipt of the notice, the board shall hold a public hearing in the county concerning the matter.
- (6) Acceptance of gifts or devises of land or other property shall be at the discretion of the division, subject to the approval of the executive director of the Department of Natural Resources and the governor.
- (7) Acquisition of property by eminent domain shall be in the manner authorized by Title 78, Chapter 34, Eminent Domain.
- (8) (a) The Division of Parks and Recreation may make charges for special services and use of facilities, the income from which shall be available for park and recreation purposes.
- (b) The division may conduct and operate those services necessary for the comfort and convenience of the public.
- (c) The board shall adopt appropriate rules governing the collection of charges under this Subsection (8).
- (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.

(b) The division shall comply with Title 63, Chapter 56, Utah Procurement Code, in selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

Amended by Chapter 328, 2003 General Session
Download Code Section Zipped WP 6/7/8 63_08014.ZIP 3,544 Bytes

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, stickers shall be mounted on the front and the rear of the vehicle. Vehicle types are defined in 41-22-2. In all instances, sticker shall be mounted in a visible location.

R651-401-2. Display of OHV Registration Numbers.

(1) The owner of an off-highway vehicle shall display the registration number assigned under 41-22-3.1 as follows: (a) on snowmobiles, the number shall be displayed on the left side of the hood, tunnel or pan; (b) on motorcycles, the number shall be displayed on the left fork, or on the left body plastic; and c) on all-terrain type I and type II vehicles, the number shall be displayed on the rear of the vehicle. (d) In all instances, the number shall be displayed in such a location as to be plainly visible from a distance of fifty feet during daylight.

(2) Letters and digits used in displaying the number assigned under 41-22-3.1 shall meet the following minimum standards: (a) The assigned number shall be displayed in upper case block letters and digits. Scripted or stylized lettering shall not be allowed. (b) Individual letters and digits shall be a minimum of one-inch high, and shall be of a color that contrasts with the color of the surface to which they are affixed.

R651-402-1

Snowmobile registrations shall expire annually on the last day of October. All other off-highway vehicle registrations shall expire annually on the last day of April.

R651-403-1

- (1) Each person acting as a dealer who has an established place of business and is engaged in the business of selling off-highway vehicles may make application to the Division of Motor Vehicles, who is acting as agent for the division, in order to obtain dealer registration.
- (2) The application shall contain the following information:
 - (a) the name of the business;
 - (b) the business address;
 - (c) the business owner's name (if the business is a corporation, the names of the principal officers of the corporation);
 - (d) the type of vehicles offered for sale; and
 - (e) the manufacture line of vehicles for which the dealer holds franchise from the manufacturer to sell. Attached to the application shall be copies of the appropriate city, county, and state licenses required to do business in this state.
- (3) Upon filing the application by the dealer the Division of Motor Vehicles may assign a dealer number and dealer registrations to the dealer.
- (4) Dealer registrations are valid only when demonstrating an off-highway vehicle to a prospective purchaser and shall not be permanently attached to a vehicle.
- (5) Every off-highway vehicle dealer who obtains dealer registration is responsible to maintain the registration and control its use.
- (6) Dealer registrations are not valid on any off-highway vehicle which is a rental or lease unit or on an off-highway vehicle which is not a part of the dealer inventory and available for immediate sale.
- (7) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, dealer registrations may be suspended. Upon suspension, the dealer will surrender all of his dealer registrations to the Division of Motor Vehicles within 15 days.

R651-404-1

- (1) An off-highway vehicle dealer may apply for temporary registrations to be used on off-highway vehicles sold by his business. The application to obtain temporary registrations is the same as outlined in Rule R651-403(1).
- (2) Each temporary registration will be valid for a period not to exceed 30 days from date of issue.

(3) A temporary registration will not be valid on any off-highway vehicle held in the dealer inventory for sale or any off-highway vehicle not sold by the same dealer who issued the registration.

(4) A dealer shall not issue more than one temporary registration for any off-highway vehicle.

(5) A dealer who obtains temporary registrations will be responsible for their issuance and is required to maintain records of each registration obtained and issued. Dealer records will contain a description of the off-highway vehicle sold, the name and address of the purchaser, and the date issued.

(6) Temporary registration records kept by the dealer shall be made available for inspection and audit by authorized agents of the Division of Motor Vehicles during regular business hours.

(7) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, temporary registrations may be suspended. Upon suspension, the dealer will surrender all of his unused temporary registrations to the Division of Motor Vehicles within 15 days.

R651-405-1.

The sticker fee shall be \$10.

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

For all off-highway vehicle types, the implementation of husbandry stickers 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.

R651-406-1.

The annual registration fee is \$14.

R651-406-2.

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

R651-406-3.

The fee for duplicate numbered stickers is \$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.

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.

R651-409-1. Insurance Policy Requirements Maintained.

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.

R651-601-1. Division.

"Division" means the Division of Parks and Recreation, Department of Natural Resources.

R651-601-2. Ranger.

"Ranger" means any employee of the Division who is designated by the Director or his designee as a law enforcement officer as defined in Section 53-13-103.

R651-601-3. Division Representative.

"Division Representative" means any employee of the Division authorized by the Director or his designee to act in an official capacity.

R651-601-4. Natural and Cultural Resources.

"Natural and Cultural Resources" means those features and values including all lands, minerals, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art and artifacts representative of a given culture occurring on or within any park area.

R651-601-5. Park System.

"Park system" means all natural and cultural resource, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

R651-601-6. Park Area.

"Park area" means any individual park property in the park system.

R651-601-7. Manager.

"Manager" means the Division representative in charge of a park area.

R651-601-8. Permission.

"Permission" means oral or written authorization by a park representative.

R651-601-9. Permit.

"Permit" means written authorization by a park representative.

R651-601-10. Posted.

"Posted" means displayed printed instruction or information.

R651-601-11. Person.

"Person" means individual, corporation, company, partnership, trust, firm, or association of persons.

R651-601-12. Commercial Activity.

"Commercial Activity" means any activity, private or otherwise, that is for the purpose of commercial gain, or that is part of any scheme or plan established for the purpose of obtaining commercial gain. This includes, but is not limited to:

- (1) sales of goods or merchandise.
- (2) rentals of equipment.
- (3) collection of entrance or admission fees.
- (4) collection of storage or use fees.
- (5) sales of services.

R651-601-13. Commercial Gain.

"Commercial gain" means compensation in money, services, or other consideration as part of a scheme or effort to generate income or financial advantage of any kind.

R651-601-14. Concession Contract.

"Concession Contract" means a use agreement granted to an individual, partnership, corporation, or other recognized organization, for the purpose of providing services or sales of goods or merchandise for conducting commercial activity.

R651-601-15. Special Use Permit.

"Special Use Permit" means a temporary authorization or concession, not to exceed one year, for the purpose of conducting commercial activity.

R651-601-16. Cooperative Agreement.

A written instrument whereby two or more parties agree to terms governing the parties' relationship, much as a contract. Informal interoffice communication definition does not apply in this case.

R651-601-17. Definitions.

(1) "Motorized Transportation Device" means any motorized device used as a mode of transportation that includes: "Electric assisted bicycles", "Mopeds", "Motor Assisted scooters", "motorcycles", "motor-driven cycle", and "personal motorized mobility device" as defined in Utah State Code 41-6-1. "Motorized wheelchairs" are also included under this definition.

R652-110-100. Authority.

This rule implements Section 41-22-10.1 which requires off-highway vehicle use designation.

R652-110-200. Off-Highway Vehicle Designations.

In accordance with Section 41-22-10.1 lands administered by the Division of Forestry, Fire and State Lands may be designated for Off-Highway Vehicle (OHV) use by designating certain roads, trails, and areas as "open" for various classes of OHVs. Pending completion of coordination efforts and detailed designations, all lands are open to over-snow vehicle use unless the use is the basis for a lease between the state and a second party. Existing roads and trails unless signed closed or previously designated closed, are open to OHV use so long as the use is otherwise consistent with state law and not in conflict with current leases or permits. All lands are closed to other than over-snow vehicles, until formally evaluated, at which time certain lands may be designated open.

R652-110-300. Scattered Sections and Isolated Parcel Designations.

The division will coordinate OHV designations with adjacent state and federal land management agencies to reduce confusion over ownership boundaries and complications with enforcement. Division land use and management objectives will be carefully considered when negotiating with other agencies. The division will coordinate designations with counties for all roads maintained by them and with local government to insure compliance with zoning and ordinances, unless otherwise justified.

R652-110-400. Blocked Land Designations.

Common primary roads across division lands may be designated consistent with adjacent land management agencies. All other roads, and areas within land blocks, will be designated in accordance with resource protection requirements, multiple use concepts, and current and projected land use. Coordination with counties will be made for all roads maintained by the counties, and with local government, to insure compliance with zoning and ordinances, unless otherwise justified.

R652-110-500. Method of Designating OHV Use.

Sovereign lands designated "open" for OHV use will be identified as specified in Section 41-22-10.1 with signs or upon maps which will be available for public distribution. Maps will be used to the extent possible and will be published in cooperation with other land management agencies when practicable. Signs will be used only as needed in special situations or when they can be added to boundary designation signs as appropriate.

R652-110-600. Director's Authority to Close Areas.

The director may designate specific areas as closed when necessary to protect endangered species, comply with local zoning and ordinances and for other justified reasons. These areas will be posted closed and amendments made to existing OHV designation maps accordingly.

R652-110-700. Off-Highway Vehicle Use Authorized by Lease or Permit.

Organized OHV events and long term use, primarily OHV connected, will be allowed only upon issuance of a temporary Right-of-Entry or Special Use Lease in accordance with current rules. Use of OHVs is authorized in connection with administration and operation of valid leases and permits as appropriate. OHV use is not authorized beyond that required for administration and operation of valid leases and permits, except as otherwise designated.

R652-110-800. Off-Highway Vehicle Use Categories.

Categories of designation and corresponding symbols may be utilized consistent with those already adopted by adjacent land management agencies or as follows:

Road Designations

1. Permitted except when signed as closed: high clearance 4 x 4 vehicles and pickups, 2-wheel motorized vehicles, all-terrain vehicles, bicycles, sedans, over-snow vehicles.
2. Permitted except when signed as closed: high clearance 4 x 4 vehicles and pickups, bicycles, sedans, over-snow vehicles.
3. Permitted except when signed as closed: high clearance 4 x 4 vehicles and pickups, 2-wheel motorized vehicles, all-terrain vehicles, bicycles, sedans.
4. Closed to all vehicles.

Trail Designations

1. High clearance 4 x 4 vehicles and pickups, sedans prohibited; 2-wheel motorized vehicles, over-snow vehicles, all-terrain vehicles, bicycles permitted.
2. All-terrain vehicles prohibited; 2-wheel motorized vehicles, over-snow vehicles, high clearance 4 x 4 vehicles and pickups, bicycles, sedans permitted.
3. 2-wheel motorized vehicles prohibited; 4 x 4 high clearance vehicles and pickups, all-terrain vehicles; over-snow vehicles, bicycles, sedans permitted.
4. 2 wheel motorized vehicles, all-terrain vehicles, bicycles prohibited; high clearance 4 x 4 vehicles and pickups, over-snow vehicles, sedans permitted.

5. Over-snow and all-terrain vehicles prohibited; 2-wheel motorized vehicles, high clearance 4 x 4 vehicles and pickups, bicycles, sedans permitted.

6. Sedans prohibited; all others permitted.

7. All vehicles prohibited.

Area Designations

1. Closed to all vehicles year around.

2. Ski area, entry only for ski area administration.

3. All vehicles restricted to designated routes. Area open to over-snow vehicles.

4. All vehicles restricted to designated routes. Over-snow vehicles prohibited.

5. Over-snow vehicles prohibited. All other vehicles restricted to designated routes except when signed as closed. Designations may be altered to suit special circumstances.