

1 **MODIFIED CAR EMISSIONS REQUIREMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: John D. Johnson**

5 House Sponsor: Ryan D. Wilcox

7 **LONG TITLE**

8 **General Description:**

9 This bill defines a restored-modified motor vehicle and provides procedures for an
10 emissions test as a prerequisite to registration of the restored-modified motor vehicle, if
11 required.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines the term, "restored modified vehicle";
- 15 ▶ at the request of the owner, allows the Motor Vehicle Division to notate the
16 registration certificate of a restored-modified vehicle indicating that the vehicle is a
17 restored-modified vehicle;
- 18 ▶ requires an emissions inspection as a prerequisite to registration of a
19 restored-modified vehicle;
- 20 ▶ prohibits a county emissions program from refusing to perform an emissions test
21 based solely on the status of a vehicle as a restored-modified vehicle; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-1a-102**, as last amended by Laws of Utah 2022, Chapters 92, 180

- 30 [41-1a-201](#), as last amended by Laws of Utah 2022, Chapter 259
 - 31 [41-1a-202](#), as last amended by Laws of Utah 2019, Chapters 251, 459
 - 32 [41-1a-226](#), as last amended by Laws of Utah 2022, Chapter 259
 - 33 [41-6a-102](#), as last amended by Laws of Utah 2022, Chapters 86, 92 and 104
 - 34 [41-6a-1642](#), as last amended by Laws of Utah 2022, Chapters 160, 259
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36 *Be it enacted by the Legislature of the state of Utah:*

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

38 **41-1a-102. Definitions.**

39 As used in this chapter:

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

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

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

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

47 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
48 [41-22-2](#).

49 (6) "Alternative fuel vehicle" means:

50 (a) an electric motor vehicle;

51 (b) a hybrid electric motor vehicle;

52 (c) a plug-in hybrid electric motor vehicle; or

53 (d) a motor vehicle powered exclusively by a fuel other than:

54 (i) motor fuel;

55 (ii) diesel fuel;

56 (iii) natural gas; or

57 (iv) propane.

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

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

62 (9) "Automated driving system" means the same as that term is defined in Section
63 41-26-102.1.

64 (10) "Branded title" means a title certificate that is labeled:

65 (a) rebuilt and restored to operation;

66 (b) flooded and restored to operation; or

67 (c) not restored to operation.

68 (11) "Camper" means a structure designed, used, and maintained primarily to be
69 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
70 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
71 camping.

72 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
73 record of ownership between an identified owner and the described vehicle, vessel, or outboard
74 motor.

75 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
76 weighmaster.

77 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
78 maintained for the transportation of persons or property that operates:

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

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

82 (15) "Commission" means the State Tax Commission.

83 (16) "Consumer price index" means the same as that term is defined in Section
84 59-13-102.

85 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,

86 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
87 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
88 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

89 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

90 (19) "Division" means the Motor Vehicle Division of the commission, created in
91 Section 41-1a-106.

92 (20) "Dynamic driving task" means the same as that term is defined in Section
93 41-26-102.1.

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

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

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

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

104 (i) farm products, including livestock and its products, poultry and its products,
105 floricultural and horticultural products;

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

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

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

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

113 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into

114 this state from another state, territory, or country other than in the ordinary course of business
115 by or through a manufacturer or dealer, and not registered in this state.

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

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

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

123 (a) an internal combustion engine or heat engine using consumable fuel; and

124 (b) a rechargeable energy storage system where energy for the storage system comes
125 solely from sources onboard the vehicle.

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

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

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

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

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

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

141 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or

142 possession of the United States or any foreign country.

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

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

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

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

157 (39) "Mobile home" means a transportable factory built housing unit built prior to June
158 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
159 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

164 (i) an off-highway vehicle; or

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

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

167 (43) "Motorcycle" means:

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

170 (b) an autocycle.

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

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

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

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

183 (47) "Off-highway implement of husbandry" means the same as that term is defined in
184 Section 41-22-2.

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

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

187 (i) to navigate a vessel; or

188 (ii) collectively, the activities performed in order to perform the entire dynamic driving
189 task for a given motor vehicle by:

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

191 (B) an engaged automated driving system.

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

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

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

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

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

206 (52) "Park model recreational vehicle" means a unit that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (63) (a) "Registration year" means a 12 consecutive month period commencing with
245 the completion of the applicable registration criteria.

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

248 (64) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
249 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
250 or outboard motor, or by correcting the inoperative part.

251 (65) "Replica vehicle" means:

252 (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

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

254 41-6a-1507(1)(a)(i)(B).

255 (66) "Restored-modified vehicle" means a motor vehicle that has been restored and
256 modified with modern parts and technology, including emission control technology and an
257 on-board diagnostic system.

258 [~~(66)~~] (67) "Road tractor" means a motor vehicle designed and used for drawing other
259 vehicles and constructed so it does not carry any load either independently or any part of the
260 weight of a vehicle or load that is drawn.

261 [~~(67)~~] (68) "Sailboat" means the same as that term is defined in Section 73-18-2.

262 [~~(68)~~] (69) "Security interest" means an interest that is reserved or created by a security
263 agreement to secure the payment or performance of an obligation and that is valid against third
264 parties.

265 [~~(69)~~] (70) "Semitrailer" means a vehicle without motive power designed for carrying
266 persons or property and for being drawn by a motor vehicle and constructed so that some part
267 of its weight and its load rests or is carried by another vehicle.

268 [~~(70)~~] (71) "Special group license plate" means a type of license plate designed for a
269 particular group of people or a license plate authorized and issued by the division in accordance
270 with Section 41-1a-418.

271 [~~(71)~~] (72) (a) "Special interest vehicle" means a vehicle used for general
272 transportation purposes and that is:

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

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

276 (b) In making a determination under Subsection [~~(71)(a)~~], (72)(a), the division director
277 shall give special consideration to:

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

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

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

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

286 [~~(72)~~] (73) (a) "Special mobile equipment" means a vehicle:

287 (i) not designed or used primarily for the transportation of persons or property;

288 (ii) not designed to operate in traffic; and

289 (iii) only incidentally operated or moved over the highways.

290 (b) "Special mobile equipment" includes:

291 (i) farm tractors;

292 (ii) off-road motorized construction or maintenance equipment including backhoes,
293 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

294 (iii) ditch-digging apparatus.

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

297 [~~(73)~~] (74) "Specially constructed vehicle" means a vehicle of a type required to be
298 registered in this state, not originally constructed under a distinctive name, make, model, or
299 type by a generally recognized manufacturer of vehicles, and not materially altered from its
300 original construction.

301 [~~(74)~~] (75) "State impound yard" means a yard for the storage of a vehicle, vessel, or
302 outboard motor that meets the requirements of rules made by the commission pursuant to
303 Subsection [41-1a-1101\(5\)](#).

304 [~~(75)~~] (76) "Title" means the right to or ownership of a vehicle, vessel, or outboard
305 motor.

306 [~~(76)~~] (77) (a) "Total fleet miles" means the total number of miles operated in all
307 jurisdictions during the preceding year by power units.

308 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
309 the number of miles that those vehicles were towed on the highways of all jurisdictions during

310 the preceding year.

311 ~~[(77)]~~ (78) "Tow truck motor carrier" means the same as that term is defined in Section
312 72-9-102.

313 ~~[(78)]~~ (79) "Tow truck operator" means the same as that term is defined in Section
314 72-9-102.

315 ~~[(79)]~~ (80) "Trailer" means a vehicle without motive power designed for carrying
316 persons or property and for being drawn by a motor vehicle and constructed so that no part of
317 its weight rests upon the towing vehicle.

318 ~~[(80)]~~ (81) "Transferee" means a person to whom the ownership of property is
319 conveyed by sale, gift, or any other means except by the creation of a security interest.

320 ~~[(81)]~~ (82) "Transferor" means a person who transfers the person's ownership in
321 property by sale, gift, or any other means except by creation of a security interest.

322 ~~[(82)]~~ (83) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
323 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
324 vacation use that does not require a special highway movement permit when drawn by a
325 self-propelled motor vehicle.

326 ~~[(83)]~~ (84) "Truck tractor" means a motor vehicle designed and used primarily for
327 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
328 vehicle and load that is drawn.

329 ~~[(84)]~~ (85) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
330 camper, park model recreational vehicle, manufactured home, and mobile home.

331 ~~[(85)]~~ (86) "Vessel" means the same as that term is defined in Section 73-18-2.

332 ~~[(86)]~~ (87) "Vintage vehicle" means the same as that term is defined in Section
333 41-21-1.

334 ~~[(87)]~~ (88) "Waters of this state" means the same as that term is defined in Section
335 73-18-2.

336 ~~[(88)]~~ (89) "Weighmaster" means a person, association of persons, or corporation
337 permitted to weigh vehicles under this chapter.

338 Section 2. Section **41-1a-201** is amended to read:

339 **41-1a-201. Function of registration -- Registration required -- Penalty.**

340 (1) Unless exempted, a person or automated driving system may not operate and an
341 owner may not engage an automated driving system, give another person permission to engage
342 an automated driving system, or give another person permission to operate a motor vehicle,
343 combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle,
344 off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been
345 registered in accordance with this chapter, Title 41, Chapter 22, Off-highway Vehicles, or Title
346 73, Chapter 18, State Boating Act.

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

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

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

354 Section 3. Section **41-1a-202** is amended to read:

355 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**
356 **vehicles after establishing residency.**

357 (1) In this section:

358 (a) "Domicile" means the place:

359 (i) where an individual has a fixed permanent home and principal establishment;

360 (ii) to which the individual if absent, intends to return; and

361 (iii) in which the individual and his family voluntarily reside, not for a special or
362 temporary purpose, but with the intention of making a permanent home.

363 (b) (i) "Resident" means any of the following:

364 (A) an individual who:

365 (I) has established a domicile in this state;

366 (II) regardless of domicile, remains in this state for an aggregate period of six months
367 or more during any calendar year;

368 (III) engages in a trade, profession, or occupation in this state or who accepts
369 employment in other than seasonal work in this state and who does not commute into the state;

370 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
371 license or motor vehicle registration; or

372 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
373 nonresidents, including going to school, or placing children in school without paying
374 nonresident tuition or fees; or

375 (B) any individual, partnership, limited liability company, firm, corporation,
376 association, or other entity that:

377 (I) maintains a main office, branch office, or warehouse facility in this state and that
378 bases and operates a motor vehicle in this state; or

379 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

380 (ii) "Resident" does not include any of the following:

381 (A) a member of the military temporarily stationed in Utah;

382 (B) an out-of-state student, as classified by the institution of higher education, enrolled
383 with the equivalent of seven or more quarter hours, regardless of whether the student engages
384 in a trade, profession, or occupation in this state or accepts employment in this state; and

385 (C) an individual domiciled in another state or a foreign country that:

386 (I) is engaged in public, charitable, educational, or religious services for a government
387 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code
388 Section 501(c)(3);

389 (II) is not compensated for services rendered other than expense reimbursements; and

390 (III) is temporarily in Utah for a period not to exceed 24 months.

391 (iii) Notwithstanding Subsections (1)(b)(i) and (ii), "resident" includes the owner of a
392 vehicle equipped with an automated driving system as defined in Section [41-26-102.1](#) if the
393 vehicle is physically present in the state for more than 30 consecutive days in a calendar year.

- 394 (2) (a) Registration under this chapter is not required for any:
- 395 (i) vehicle registered in another state and owned by a nonresident of the state or
- 396 operating under a temporary registration permit issued by the division or a dealer authorized by
- 397 this chapter, driven or moved upon a highway in conformance with the provisions of this
- 398 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;
- 399 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the
- 400 highway from one property to another;
- 401 (iii) implement of husbandry, whether of a type otherwise subject to registration or not,
- 402 that is only incidentally operated or moved upon a highway;
- 403 (iv) special mobile equipment;
- 404 (v) vehicle owned or leased by the federal government;
- 405 (vi) motor vehicle not designed, used, or maintained for the transportation of
- 406 passengers for hire or for the transportation of property if the motor vehicle is registered in
- 407 another state and is owned and operated by a nonresident of this state;
- 408 (vii) vehicle or combination of vehicles designed, used, or maintained for the
- 409 transportation of persons for hire or for the transportation of property if the vehicle or
- 410 combination of vehicles is registered in another state and is owned and operated by a
- 411 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight
- 412 of 26,000 pounds or less;
- 413 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and
- 414 maintained for hire for the transportation of property or person;
- 415 (ix) manufactured home or mobile home;
- 416 (x) off-highway vehicle currently registered under Section [41-22-3](#) if the off-highway
- 417 vehicle is:
- 418 (A) being towed;
- 419 (B) operated on a street or highway designated as open to off-highway vehicle use; or
- 420 (C) operated in the manner prescribed in Subsections [41-22-10.3\(1\)](#) through (3);
- 421 (xi) off-highway implement of husbandry operated in the manner prescribed in

422 Subsections 41-22-5.5(3) through (5);
423 (xii) modular and prebuilt homes conforming to the uniform building code and
424 presently regulated by the United States Department of Housing and Urban Development that
425 are not constructed on a permanent chassis;

426 (xiii) electric assisted bicycle defined under Section 41-6a-102;
427 (xiv) motor assisted scooter defined under Section 41-6a-102; or
428 (xv) electric personal assistive mobility device defined under Section 41-6a-102.

429 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),
430 incidental operation on a highway includes operation that is:

431 (i) transportation of raw agricultural materials or other agricultural related operations;
432 and
433 (ii) limited to 100 miles round trip on a highway.

434 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is
435 required for any motor vehicle, combination of vehicles, trailer, semitrailer, [or] vintage
436 vehicle, or restored-modified vehicle within 60 days of the owner establishing residency in this
437 state.

438 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
439 registration requirements of this part for the time period that the registration under Section
440 41-3-306 is valid.

441 (5) A vehicle that has been issued a nonrepairable certificate may not be registered
442 under this chapter.

443 Section 4. Section 41-1a-226 is amended to read:

444 **41-1a-226. Vintage vehicle -- Signed statement -- Restored-modified vehicle --**
445 **Registration.**

446 (1) The owner of a vintage vehicle who applies for registration under this part shall
447 provide a signed statement that the vintage vehicle:

448 (a) is owned and operated for the purposes described in Section 41-21-1; and
449 (b) is safe to operate on the highways of this state as described in Section 41-21-4.

450 (2) For a vintage vehicle with a model year of 1980 or older, the signed statement
451 described in Subsection (1) is in lieu of an emissions inspection, from which a vintage vehicle
452 is exempt under Subsection [41-6a-1642](#)(4).

453 (3) Before registration of a vintage vehicle that has a model year of 1981 or newer, an
454 owner shall:

455 (a) obtain a certificate of emissions inspection as provided in Section [41-6a-1642](#); or

456 (b) provide proof of vehicle insurance coverage for the vintage vehicle that is a type
457 specific to a vehicle collector.

458 (4) (a) If an owner of a restored-modified vehicle who applies for registration that
459 wishes to have the notation on the registration certificate as described in Subsection (4)(b), the
460 owner may provide a signed statement that the vehicle:

461 (i) meets the definition of a restored-modified vehicle, and has modern technology,
462 including emission control technology and an on-board diagnostic system; and

463 (ii) is safe to operate on the highways of this state.

464 (b) If a vehicle qualifies as a restored-modified vehicle, the division shall notate the
465 registration certificate indicating that the vehicle is a restored-modified vehicle.

466 (c) An owner of a restored-modified vehicle may elect to remove the restored-modified
467 notation on the registration certificate at the time of a subsequent registration.

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

469 **41-6a-102. Definitions.**

470 As used in this chapter:

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

473 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
474 [41-22-2](#).

475 (3) "Authorized emergency vehicle" includes:

476 (a) fire department vehicles;

477 (b) police vehicles;

478 (c) ambulances; and
479 (d) other publicly or privately owned vehicles as designated by the commissioner of the
480 Department of Public Safety.

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

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

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

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

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

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

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

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

489 (6) (a) "Bus" means a motor vehicle:

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

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

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

494 (7) (a) "Circular intersection" means an intersection that has an island, generally
495 circular in design, located in the center of the intersection where traffic passes to the right of
496 the island.

497 (b) "Circular intersection" includes:

498 (i) roundabouts;

499 (ii) rotaries; and

500 (iii) traffic circles.

501 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
502 Subsection (17)(d)(i).

503 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
504 Subsection (17)(d)(ii).

505 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in

506 Subsection (17)(d)(iii).

507 (11) "Commissioner" means the commissioner of the Department of Public Safety.

508 (12) "Controlled-access highway" means a highway, street, or roadway:

509 (a) designed primarily for through traffic; and

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

513 (13) "Crosswalk" means:

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

516 (i) (A) the curbs; or

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

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

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

523 (14) "Department" means the Department of Public Safety.

524 (15) "Direct supervision" means oversight at a distance within which:

525 (a) visual contact is maintained; and

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

527 (16) "Divided highway" means a highway divided into two or more roadways by:

528 (a) an unpaved intervening space;

529 (b) a physical barrier; or

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

531 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:

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

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

- 534 (c) is fully operable as a bicycle without the use of the electric motor; and
- 535 (d) is one of the following:
 - 536 (i) an electric assisted bicycle equipped with a motor or electronics that:
 - 537 (A) provides assistance only when the rider is pedaling; and
 - 538 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
 - 539 hour;
 - 540 (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - 541 (A) may be used exclusively to propel the bicycle; and
 - 542 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
 - 543 miles per hour; or
 - 544 (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - 545 (A) provides assistance only when the rider is pedaling;
 - 546 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
 - 547 hour; and
 - 548 (C) is equipped with a speedometer.
- 549 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
- 550 with:
 - 551 (i) two nontandem wheels in contact with the ground;
 - 552 (ii) a system capable of steering and stopping the unit under typical operating
 - 553 conditions;
 - 554 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - 555 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - 556 (v) a deck design for a person to stand while operating the device.
- 557 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 558 (19) "Explosives" means a chemical compound or mechanical mixture commonly used
- 559 or intended for the purpose of producing an explosion and that contains any oxidizing and
- 560 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
- 561 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture

562 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
563 capable of producing destructive effects on contiguous objects or of causing death or serious
564 bodily injury.

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

567 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
568 as determined by a Tagliabue or equivalent closed-cup test device.

569 (22) "Freeway" means a controlled-access highway that is part of the interstate system
570 as defined in Section [72-1-102](#).

571 (23) (a) "Golf cart" means a device that:

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

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

- 578 (i) a low-speed vehicle or an off-highway vehicle;
- 579 (ii) a motorized wheelchair;
- 580 (iii) an electric personal assistive mobility device;
- 581 (iv) an electric assisted bicycle;
- 582 (v) a motor assisted scooter;
- 583 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 584 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

585 (24) "Gore area" means the area delineated by two solid white lines that is between a
586 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
587 including similar areas between merging or splitting highways.

588 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of
589 any load on the vehicle.

590 (26) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

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

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

594 (27) "Highway" means the entire width between property lines of every way or place of
595 any nature when any part of it is open to the use of the public as a matter of right for vehicular
596 travel.

597 (28) "Highway authority" means the same as that term is defined in Section 72-1-102.

598 (29) (a) "Intersection" means the area embraced within the prolongation or connection
599 of the lateral [~~curblines~~] curb lines, or, if none, then the lateral boundary lines of the roadways
600 of two or more highways that join one another.

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

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

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

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

607 (30) "Island" means an area between traffic lanes or at an intersection for control of
608 vehicle movements or for pedestrian refuge designated by:

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

611 (b) channelizing devices;

612 (c) curbs;

613 (d) pavement edges; or

614 (e) other devices.

615 (31) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
616 act of overtaking and passing another vehicle that is stopped in the same direction of travel in
617 the same lane.

618 (32) "Law enforcement agency" means the same as that term is as defined in Section
619 [53-1-102](#).

620 (33) "Limited access highway" means a highway:

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

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

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

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

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

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

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

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

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

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

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

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

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

642 (38) "Mobile home" means:

643 (a) a trailer or semitrailer that is:

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

646 (ii) equipped for use as a conveyance on streets and highways; or
647 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
648 constructed for use as a mobile home, as defined in Subsection (38)(a), but that is instead used
649 permanently or temporarily for:

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

653 (39) "Mobility disability" means the inability of a person to use one or more of the
654 person's extremities or difficulty with motor skills, that may include limitations with walking,
655 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

656 (40) (a) "Moped" means a motor-driven cycle having:

657 (i) pedals to permit propulsion by human power; and
658 (ii) a motor that:

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

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

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

665 (c) "Moped" does not include:

666 (i) an electric assisted bicycle; or
667 (ii) a motor assisted scooter.

668 (41) (a) "Motor assisted scooter" means a self-propelled device with:

669 (i) at least two wheels in contact with the ground;
670 (ii) a braking system capable of stopping the unit under typical operating conditions;
671 (iii) an electric motor not exceeding 2,000 watts;
672 (iv) either:

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

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

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

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

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

679 (i) an electric assisted bicycle; or

680 (ii) a motor-driven cycle.

681 (42) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
682 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

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

684 (i) vehicles moved solely by human power;

685 (ii) motorized wheelchairs;

686 (iii) an electric personal assistive mobility device;

687 (iv) an electric assisted bicycle;

688 (v) a motor assisted scooter;

689 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or

690 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

691 (43) "Motorcycle" means:

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

694 (b) an auticycle.

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

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

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

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

700 (i) an electric personal assistive mobility device;

701 (ii) a motor assisted scooter; or

702 (iii) an electric assisted bicycle.

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

705 (46) "Off-highway vehicle" means the same as that term is defined under Section
706 41-22-2.

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

708 (48) "Operator" means:

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

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

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

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

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

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

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

721 (51) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
722 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
723 laws.

724 (52) "Pedestrian" means a person traveling:

725 (a) on foot; or

726 (b) in a wheelchair.

727 (53) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
728 pedestrians.

729 (54) "Person" means a natural person, firm, copartnership, association, corporation,

730 business trust, estate, trust, partnership, limited liability company, association, joint venture,
731 governmental agency, public corporation, or any other legal or commercial entity.

732 (55) "Pole trailer" means a vehicle without motive power:

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

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

738 (56) "Private road or driveway" means every way or place in private ownership and
739 used for vehicular travel by the owner and those having express or implied permission from the
740 owner, but not by other persons.

741 (57) "Railroad" means a carrier of persons or property upon cars operated on stationary
742 rails.

743 (58) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
744 public body or official or by a railroad and intended to give notice of the presence of railroad
745 tracks or the approach of a railroad train.

746 (59) "Railroad train" means a locomotive propelled by any form of energy, coupled
747 with or operated without cars, and operated upon rails.

748 (60) "Restored-modified vehicle" means the same as that term is defined in Section
749 [41-1a-102](#).

750 ~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
751 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
752 of direction, speed, and proximity that give rise to danger of collision unless one grants
753 precedence to the other.

754 ~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or
755 ordinarily used for vehicular travel.

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

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

760 ~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway
761 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
762 signs as to be plainly visible at all times while set apart as a safety zone.

763 ~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

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

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

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

769 ~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

775 ~~[(65)]~~ (66) "Shoulder area" means:

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

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

781 ~~[(66)]~~ (67) "Sidewalk" means that portion of a street between the curb lines, or the
782 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

783 ~~[(67)]~~ (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
784 that is designated for the use of a bicycle.

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

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

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

790 ~~[(68)]~~ (69) "Solid rubber tire" means a tire of rubber or other resilient material that
791 does not depend on compressed air for the support of the load.

792 ~~[(69)]~~ (70) "Stand" or "standing" means the temporary halting of a vehicle, whether
793 occupied or not, for the purpose of and while actually engaged in receiving or discharging
794 passengers.

795 ~~[(70)]~~ (71) "Stop" when required means complete cessation from movement.

796 ~~[(71)]~~ (72) "Stop" or "stopping" when prohibited means any halting even momentarily
797 of a vehicle, whether occupied or not, except when:

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

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

800 ~~[(72)]~~ (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
801 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
802 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
803 Section 41-6a-1509.

804 ~~[(73)]~~ (74) "Tow truck operator" means the same as that term is defined in Section
805 72-9-102.

806 ~~[(74)]~~ (75) "Tow truck motor carrier" means the same as that term is defined in Section
807 72-9-102.

808 ~~[(75)]~~ (76) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
809 conveyances either singly or together while using any highway for the purpose of travel.

810 ~~[(76)]~~ (77) "Traffic signal preemption device" means an instrument or mechanism
811 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

812 ~~[(77)]~~ (78) "Traffic-control device" means a sign, signal, marking, or device not
813 inconsistent with this chapter placed or erected by a highway authority for the purpose of

814 regulating, warning, or guiding traffic.

815 ~~[(78)]~~ (79) "Traffic-control signal" means a device, whether manually, electrically, or
816 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

817 ~~[(79)]~~ (80) (a) "Trailer" means a vehicle with or without motive power designed for
818 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
819 part of its weight rests upon the towing vehicle.

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

821 ~~[(80)]~~ (81) "Truck" means a motor vehicle designed, used, or maintained primarily for
822 the transportation of property.

823 ~~[(81)]~~ (82) "Truck tractor" means a motor vehicle:

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

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

827 ~~[(82)]~~ (83) "Two-way left turn lane" means a lane:

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

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

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

832 ~~[(83)]~~ (84) "Urban district" means the territory contiguous to and including any street,
833 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
834 less than 100 feet, for a distance of a quarter of a mile or more.

835 ~~[(84)]~~ (85) "Vehicle" means a device in, on, or by which a person or property is or may
836 be transported or drawn on a highway, except a mobile carrier, as defined in Section
837 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

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

839 **41-6a-1642. Emissions inspection -- County program.**

840 (1) The legislative body of each county required under federal law to utilize a motor
841 vehicle emissions inspection and maintenance program or in which an emissions inspection

842 and maintenance program is necessary to attain or maintain any national ambient air quality
843 standard shall require:

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

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

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

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

854 (i) the federal government;

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

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

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

863 ~~[(a)]~~ (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
864 emissions are mitigated in the state pursuant to a partial consent decree, including:

865 ~~[(i)]~~ (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and
866 2015;

867 ~~[(ii)]~~ (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013,
868 and 2014;

869 ~~[(iii)]~~ (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

- 870 [~~(iv)~~] (D) Volkswagen Golf Sportwagen, model year 2015;
- 871 [~~(v)~~] (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 872 [~~(vi)~~] (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 873 [~~(vii)~~] (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 874 [~~(viii)~~] (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- 875 [~~(b)~~] (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
- 876 emissions are mitigated in the state to a settlement, including:
- 877 [~~(i)~~] (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,
- 878 and 2016;
- 879 [~~(ii)~~] (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 880 [~~(iii)~~] (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 881 [~~(iv)~~] (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 882 [~~(v)~~] (E) Audi A8, model years 2014, 2015, and 2016;
- 883 [~~(vi)~~] (F) Audi A8L, model years 2014, 2015, and 2016;
- 884 [~~(vii)~~] (G) Audi Q5, model years 2014, 2015, and 2016; and
- 885 [~~(viii)~~] (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 886 (b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a
- 887 motor vehicle emissions inspection and maintenance program certificate of emissions
- 888 inspection as described in Subsection (1).
- 889 (ii) A county emissions program may not refuse to perform an emissions inspection or
- 890 indicate a failed emissions test of the vehicle based solely on a modification to the engine or
- 891 component of the motor vehicle if:
- 892 (A) the modification is not likely to result in the motor vehicle having increased
- 893 emissions relative to the emissions of the motor vehicle before the modification; and
- 894 (B) the motor vehicle modification is a change to an engine that is newer than the
- 895 engine with which the motor vehicle was originally equipped, or the engine includes
- 896 technology that increases the facility of the administration of an emissions test, such as an
- 897 on-board diagnostics system.

898 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to
899 registration of a restored-modified vehicle:

900 (A) the owner shall present the signed statement described in Subsection 41-1a-226(4);
901 and

902 (B) the county emissions program shall perform the emissions test.

903 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
904 certificate is notated as described in Subsection 41-1a-226(4), a county emissions program may
905 not refuse to perform an emissions test based solely on the restored-modified status of the
906 motor vehicle.

907 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
908 with the Air Quality Board created under Section 19-1-106, shall make regulations or
909 ordinances regarding:

910 (i) emissions standards;

911 (ii) test procedures;

912 (iii) inspections stations;

913 (iv) repair requirements and dollar limits for correction of deficiencies; and

914 (v) certificates of emissions inspections.

915 (b) In accordance with Subsection (3)(a), a county legislative body:

916 (i) shall make regulations or ordinances to attain or maintain ambient air quality
917 standards in the county, consistent with the state implementation plan and federal
918 requirements;

919 (ii) may allow for a phase-in of the program by geographical area; and

920 (iii) shall comply with the analyzer design and certification requirements contained in
921 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

922 (c) The county legislative body and the Air Quality Board shall give preference to an
923 inspection and maintenance program that:

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

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

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

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

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

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

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

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

938 (b) a motor vehicle that:

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

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

941 (c) a vintage vehicle as defined in Section [41-21-1](#):

942 (i) if the vintage vehicle has a model year of 1980 or older; or

943 (ii) for a vintage vehicle that has a model year of 1981 or newer, if the owner provides
944 proof of vehicle insurance that is a type specific to a vehicle collector;

945 (d) a custom vehicle as defined in Section [41-6a-1507](#);

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

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

953 (i) by the owner or operator of a farm located on property that qualifies as land in

954 agricultural use under Sections 59-2-502 and 59-2-503; and
955 (ii) exclusively for the following purposes in operating the farm:
956 (A) for the transportation of farm products, including livestock and its products,
957 poultry and its products, floricultural and horticultural products; and
958 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
959 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
960 and maintenance;
961 (g) a motorcycle as defined in Section 41-1a-102;
962 (h) an electric motor vehicle as defined in Section 41-1a-102; and
963 (i) a motor vehicle with a model year of 1967 or older.
964 (5) The county shall issue to the registered owner who signs and submits a signed
965 statement under Subsection (4)(f) a certificate of exemption from emissions inspection
966 requirements for purposes of registering the exempt vehicle.
967 (6) A legislative body of a county described in Subsection (1) may exempt from an
968 emissions inspection program a diesel-powered motor vehicle with a:
969 (a) gross vehicle weight rating of more than 14,000 pounds; or
970 (b) model year of 1997 or older.
971 (7) The legislative body of a county required under federal law to utilize a motor
972 vehicle emissions inspection program shall require:
973 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
974 (i) a model year of 2007 or newer;
975 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
976 (iii) a model year that is five years old or older; and
977 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
978 (i) with a gross vehicle weight rating of 14,000 pounds or less;
979 (ii) that has a model year of 1998 or newer; and
980 (iii) that has a model year that is five years old or older.
981 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under

982 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
983 which an emissions inspection and maintenance program is necessary to attain or maintain any
984 national ambient air quality standard may require each college or university located in a county
985 subject to this section to require its students and employees who park a motor vehicle not
986 registered in a county subject to this section to provide proof of compliance with an emissions
987 inspection accepted by the county legislative body if the motor vehicle is parked on the college
988 or university campus or property.

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

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

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

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

1000 (c) (i) To the extent allowed under the current federally approved state implementation
1001 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
1002 body of a county identified in Subsection (1) shall only require the emissions inspection every
1003 two years for each vehicle.

1004 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six
1005 years old on January 1.

1006 (iii) For a county required to implement a new vehicle emissions inspection and
1007 maintenance program on or after December 1, 2012, under Subsection (1), but for which no
1008 current federally approved state implementation plan exists, a vehicle shall be tested at a
1009 frequency determined by the county legislative body, in consultation with the Air Quality

1010 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
1011 maintain any national ambient air quality standard.

1012 (iv) If a county legislative body establishes or changes the frequency of a vehicle
1013 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment
1014 or change shall take effect on January 1 if the State Tax Commission receives notice meeting
1015 the requirements of Subsection (9)(c)(v) from the county before October 1.

1016 (v) The notice described in Subsection (9)(c)(iv) shall:

1017 (A) state that the county will establish or change the frequency of the vehicle emissions
1018 inspection and maintenance program under this section;

1019 (B) include a copy of the ordinance establishing or changing the frequency; and

1020 (C) if the county establishes or changes the frequency under this section, state how
1021 frequently the emissions testing will be required.

1022 (d) If an emissions inspection is only required every two years for a vehicle under
1023 Subsection (9)(c), the inspection shall be required for the vehicle in:

1024 (i) odd-numbered years for vehicles with odd-numbered model years; or

1025 (ii) in even-numbered years for vehicles with even-numbered model years.

1026 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
1027 required under this section may be made no more than two months before the renewal of
1028 registration.

1029 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an
1030 emissions inspection certificate issued for the motor vehicle during the previous 11 months to
1031 satisfy the requirement under this section.

1032 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may
1033 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded
1034 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under
1035 this section.

1036 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
1037 lessee may use an emissions inspection certificate issued during the previous 11 months to

1038 satisfy the requirement under this section.

1039 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not
1040 use an emissions inspection made more than 11 months before the renewal of registration to
1041 satisfy the requirement under this section.

1042 (e) If the application for renewal of registration is for a six-month registration period
1043 under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during
1044 the previous eight months to satisfy the requirement under this section.

1045 (11) (a) A county identified in Subsection (1) shall collect information about and
1046 monitor the program.

1047 (b) A county identified in Subsection (1) shall supply this information to an appropriate
1048 legislative committee, as designated by the Legislative Management Committee, at times
1049 determined by the designated committee to identify program needs, including funding needs.

1050 (12) If approved by the county legislative body, a county that had an established
1051 emissions inspection fee as of January 1, 2002, may increase the established fee that an
1052 emissions inspection station may charge by \$2.50 for each year that is exempted from
1053 emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

1054 (13) (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in
1055 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration
1056 within the county in accordance with the procedures and requirements of Section 41-1a-1223.

1057 (b) A county that imposes a local emissions compliance fee may use revenues
1058 generated from the fee for the establishment and enforcement of an emissions inspection and
1059 maintenance program in accordance with the requirements of this section.

1060 (c) A county that imposes a local emissions compliance fee may use revenues
1061 generated from the fee to promote programs to maintain a local, state, or national ambient air
1062 quality standard.

1063 (14) (a) If a county has reason to believe that a vehicle owner has provided an address
1064 as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county
1065 other than the county of the bona fide residence of the owner in order to avoid an emissions

1066 inspection required under this section, the county may investigate and gather evidence to
1067 determine whether the vehicle owner has used a false address or an address other than the
1068 vehicle owner's bona fide residence or place of business.

1069 (b) If a county conducts an investigation as described in Subsection (14)(a) and
1070 determines that the vehicle owner has used a false or improper address in an effort to avoid an
1071 emissions inspection as required in this section, the county may impose a civil penalty of
1072 \$1,000.