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# Utah Off-Highway Vehicle Laws and Rules

Utah DNR State Parks

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# Utah Off-Highway Vehicle Laws and Rules

**Taken from**

## The Utah Off-Highway Vehicle Act
**and**
## The Utah Board of Parks and Recreation Rules

## Title 41, Chapter 22, Utah Code Annotated 1953

UTAH
DNR
STATE PARKS

**NOTICE: Though the following laws and rules were screened for accuracy prior to publication, errors may still exist. In addition, changes in law and rule may be made at any time. Readers are encouraged to contact the Utah Division of Parks and Recreation for clarification of any law or rule contained herein.**

**NOTI**

# CHAPTER 22
# OFF-HIGHWAY VEHICLES

Revised March 2007

Section


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## 41-22-1. Policy declaration.

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

## 41-22-2. Definitions. (Effective May 1, 2001)

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 50 inches or less in width, having an un-laden 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) (a) "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.
(b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.
(4) "Board" means the Board of Parks and Recreation.
(5) "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, that 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 41-6-1.
(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.

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

(1) (a) Unless exempted under Section 41-22-9, no person may 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.

***R651-401-1**. Stickers*

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

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

(1) Unless exempted under Section 41-22-9, every off-highway vehicle registration, every registration card, and every registration sticker issued under this chapter for the first registration of the off-highway vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.

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

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

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

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

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

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

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

A person may not:

(1) knowingly falsify an application for registration, affidavit of ownership, or bill of sale for

any off-highway vehicle.

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

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

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

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

In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board shall make rules for the display of:

(1) a registration sticker on an off-highway vehicle in accordance with Section 41-22-3; and
(2) an off-highway vehicle registration number in accordance with Section 41-22-3.1.

**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.

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-405.*

***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 implement of husbandry sticker shall be permanently and visibly affixed on the left side of the machine.*

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

(1) If a registration card is lost or destroyed, or if an owner changes the owner's address from the address shown on the owner's registration card, the owner shall, within 15 days, apply for a duplicate registration card.
(2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

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

(1) The board shall establish the fees which shall be paid in accordance with this chapter, subject to the following:
(a) 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 this is owned and operated by the United States Government, this state, or its political subdivisions.

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-406.*

***R651-406-1.***

*The annual registration fee is $17.*

***R651-406-2.***

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

***R651-406-3.***

*The fee for duplicate numbered stickers is $5.*

**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 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.

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

1.

(1) The Board may:
   a. appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and
   b. adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.
(2) The board shall receive and distribute voluntary contributions collected under Section 41-1a-230.6 in accordance with Section 41-22-19.5

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-407.*

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

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

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

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

(2) The controlling federal, state, county, or municipal agency may:
   (a) provide a map or description showing or describing land, trails, streets, or highways open to off-highway vehicle use; or

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

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

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

It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in Section 41-6-1.

**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.

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

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

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

(1) A municipality or county may adopt ordinances designating certain streets and highways under its respective jurisdiction 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 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 under Section 41-22-5.5, when used in accordance with said section.

**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 6, unless specifically excluded.

**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.

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-410.*

***R651-410*** *Safety Flags*

*Safety flags shall be required at the following sand dune areas:*

*1) Coral Pink Sand Dunes*

*Sand dunes located within that portion of Kane County bounded by the following:*

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

*2) Big Sand Mountain Special Recreation Management Area.*

*Sand dunes located within that portion of Washington county bounded by the following:*

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

*3) Little Sahara Special Recreation Management Area*

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

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

(1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
(2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.
(3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.
(4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than $50 per offense.

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

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

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

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

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

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

**41-22-12.5. 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.

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

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

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

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

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R920-4.*

**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 41-6-166, 41-6-167, 41-6-168, and 41-6-169.

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

(1) Except as otherwise provided, a person who violates the provisions of this chapter is guilty of a class C misdemeanor.
(2) The division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the division, within 15 days of suspension or revocation, the suspended or revoked registration card and registration sticker.

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

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

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

(1) Except as provided under 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 nonresident user fee collected under Subsection 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section 53C-3-101.

(b) The Utah School and Institutional Trust Lands Administration shall use the 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).

**5-5-5.5. Off-highway Access and Education Restricted Account—Creation—Funding—Distribution of funds by the Board of Parks and Recreation (Effective October 1, 2007)**

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

(2) The account shall be funded by

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

b. Private contributions

c. Donations or grants from public or private entities; or

d. Interest and earnings on fund monies.

(3) Funds in the account are non-lapsing.

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

(5) The board may expend up to 10% of the monies appropriated under Subsection (4) to

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

b. Administer off-highway vehicle provisions under this chapter.

(6) The board shall distribute the funds to a charitable organization that:.
    a. Qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
    b. Has at least one full-time employee; and
    c. Has as a primary part of its mission to:
        i. Protect access to public lands by motor vehicle operators; and
        ii. Education the public about appropriate off-highway vehicle use.
(7) The board may only consider proposals that are:
    a. Proposed by a charitable organization under Subsection (6); and
    b. Designed to :
        i. Protect access to public lands by motor vehicle and off-highway vehicle operators; and
        ii. Educate the public about appropriate off-highway vehicle use.
(8) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board shall make rules providing procedures for an organization to apply to receive funds under this section.
(9) The board may not:
    a. Require matching funds from a charitable organization as a condition of receiving funds; or
    b. Prohibit the use of funds to cover litigation expenses incurred in protecting access to public lands by motor vehicle and off-highway vehicle operators.

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

All public land administering agencies are encouraged:
(1) to develop and maintain trails, parking areas, rest rooms, and other related facilities appropriate to off-highway vehicle use; and
(2) to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

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

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

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

(1) As used in this section:
    (a) "Organized practice" means a scheduled motorcycle practice held in an off-road vehicle facility designated by the division and conducted by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the practice.
    (b) "Sanctioned race" means a motorcycle race conducted on a closed course and sponsored and sanctioned by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the race.
(2) Except as provided under Subsection (3), a person under eight years of age may not operate and an owner may not give another person who is under eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

(3) A child under eight years of age may participate in a sanctioned race or organized practice if:
    (a) the child is under the immediate supervision of an adult;
    (b) 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.

**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-terain type I vehicle with a properly displayed and current off-highway implement of husbandry sticker

**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 30, Utah Governmental Immunity Act, 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) through a program 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 41-6-44(1) 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.

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-408.*

## 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 of a receipt in lieu of a certificate.

*Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R651-408.*

***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, DOT 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*

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

(1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be registered or renewed under Section 41-22-3.
(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.
(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2-107.

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

(1) (a) Except as provided in Subsection (1)(b), any nonresident owning an off-highway vehicle who operates or gives another person permission to operate the off-highway vehicle on any public land, trail, street, or highway in this state shall:
    (i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;
    (ii) pay an annual off-highway vehicle user fee; and
    (iii) provide evidence that:
        (A) the person is a nonresident; and
        (B) the person is the owner of the off-highway vehicle

(b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:
    (i) registered in another state that offers reciprocal operating privileges to Utah residents under rules made by the board: or
    (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the board.

(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 amount due.

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

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

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

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

(ii) belong to the state.

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

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

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

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

1. *Except as provided below, any nonresident owning an off-highway vehicle who operates or gives another person permission to operate the off-highway vehicle on any public land, trail, street or highway in this state, shall pay an annual off-highway vehicle user fee.*
   a. *A decal will be issued which proves payment has been made. The decal will then be displayed on the off-highway vehicle as follows: on snowmobiles, the decal shall be mounted on the left side of the hood, pan or tunnel; on motorcycles, the decal shall be mounted on the left fork, or on the left side body plastic; and on all-terrain vehicles, the decal shall be mounted on the rear of the vehicle. Vehicle types are defined in 41-22-2 UCA. In all instances, decal shall be mounted in a visible location. The decal shall be non-transferable.*
   b. *A receipt will be issued with the decal indicating the fee paid, the Vehicle Identification Number (VIN) of the off-highway vehicle, and the off-highway vehicle owner's name and address. This receipt shall remain with the off-highway vehicle at all times.*
   c. *Fees charged will be in accordance with S.B. 14 (1999 Utah Laws 1, effective July 1, 1999) and HB 51 (2004 Utah Laws, effective July 1, 2004) which states that the off-highway vehicle user annual fee will be $30 per year.*
   d. *Nonresident OHV user permits shall expire December 31 annually.*

2. *Applicants for a nonresident OHV user permit shall provide evidence that the applicant is the owner of the off-highway vehicle and is not a resident of Utah. Such evidence shall include:*
   a. *A government issued identification card showing the state of residency of the off-highway vehicle*

*owner; and one of the following:*

*i. A title or certificate of registration from a state other than Utah,*

*ii. An original bill of sale; or*

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

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

*4. Provisions of this rule shall not apply to off-highway vehicles exempt under 41-22-35(1)(b)(i) or to off-highway vehicles participating in scheduled competitive events sponsored by a public or private entity, or in noncompetitive events sponsored in whole or in part by any governmental entity.*

**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 registrations under 41-22-8

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