

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

- (1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
- (2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.
- (3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.
- (4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50 per offense.
- (5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22, Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the person was:
 - (a) 18 years of age or older at the time of operation; and
 - (b) wearing protective headgear that complies with the requirements described under Subsection (1) at the time of operation.
- (6) The failure to wear protective headgear:
 - (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
 - (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
- (7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

Amended by Chapter 363, 2010 General Session