

**Superseded 5/12/2015**

**41-8-2 Operation of vehicle by persons under 17 during night hours prohibited --  
Exceptions.**

- (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.
- (2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:
  - (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;
  - (b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;
  - (c) directly to the driver's residence from a school-sponsored activity if:
    - (i) transportation to the activity is provided by a school or school district; and
    - (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the school property where the driver is enrolled;
  - (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
  - (e) in an emergency.
- (3)
  - (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is a class C misdemeanor.
  - (b) A peace officer may not seize or impound a vehicle if:
    - (i) the operator of the vehicle is cited for a violation of this section; and
    - (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.