

OFF-HIGHWAY VEHICLE AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to off-highway vehicles.

Highlighted Provisions:

This bill:

- ▶ defines "direct supervision";
- ▶ requires that a person operating an off-highway vehicle with an appropriate safety certificate issued or approved by the Division of Parks and Recreation shall be under the direct supervision of a person who is at least 18 years of age if operating the off-highway vehicle on certain highways;
- ▶ increases the fine for violating the off-highway vehicle supervision, safety certificate, or driver license operating requirement; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-22-30, as last amended by Laws of Utah 2004, Chapter 349



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-22-30** is amended to read:

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

(1) As used in this section, "direct supervision" means oversight at a distance:

(a) of no more than 300 feet; and

(b) within which:

(i) visual contact is maintained; and

(ii) advice and assistance can be given and received.

~~[(1)]~~ (2) 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) (i) has in ~~[his]~~ the person's possession the appropriate safety certificate issued or approved by the division; ~~[or]~~ and

(ii) ~~H~~→ if under 18 years of age, ←~~H~~ is under the direct supervision of a person who is at least 18 years of age if operating on a public highway that is:

(A) open to motor vehicles; and

(B) not exclusively reserved for off-highway vehicle use; or

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

~~[(2)(a) Any]~~ (3) (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than ~~[\$50]~~ \$100 per offense.

(b) It is a defense to a charge under this section, if the person charged:

(i) produces in court a license or an appropriate safety certificate that was:

~~[(i)]~~ (A) valid at the time of the citation or arrest; and

~~[(ii)]~~ (B) issued to the person operating the off-highway vehicle~~[-];~~ and

(ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.

~~[(3)]~~ (4) The requirements of this section do not apply to an operator of an ~~[all-terrain~~

59 type I vehicle with a properly displayed and current] off-highway implement of husbandry
60 [sticker].

Legislative Review Note
as of 1-10-08 12:52 PM

Office of Legislative Research and General Counsel

H.B. 291 - Off-highway Vehicle Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
