

Oppose SB168 Sponsored by Sen Mike McKell

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1* UTV Utah is Utah's largest offroad group made up of over 25,000 Utah families representing over 200,000 Utah tax payers in every district in Utah. These are your constituents that are voicing massive concern because SB168 effects far more than just Moab. These are responsible citizens that work hard and want to exercise their ability to public amenities which includes roads and others without divisive and discriminatory legislation. **Over 15,000 members have expressed regret and concern for SB168's divisive public policy targeting a user group.** These people are made up of all walks of life and include ranchers, farmers, hunters, elderly, disabled, families and Utah businesses. Many rely on these vehicles to complete daily tasks, jobs and create revenue to support their family. SB168 immediately makes law abiding citizens driving on public roads criminals overnight. We cannot support SB168.

2* **Severe confusion on this bill between street legal OHV's and non-street legal OHV's.** The bill reads: 44 [(3)] (4) A municipality or a county may adopt an ordinance requiring an operator who is under 16 years [of age] old to be under the direct visual supervision of an adult who is at least 18 years [of age] old while using a route designated under Subsection (1)

- **SB168 is erroneous and redundant. According to existing Utah Code 41-6a-1509 which outlines street legal OHV's. Children under 16 cannot drive on Utah roads already. SB168 does nothing to change or address this and therefore should not be used as a reason to justify SB168.**

3* **SB168 violates the Americans with Disabilities ACT** updates that took effect on March 15, 2011 were implemented by the United States Department of Justice and are not subject to changes without Federal legislation. This unlawful bill will certainly be challenged in court by many.

- Many elderly and disabled use their street legal machines as their primary vehicle to access public roads, hospital visits and other amenities afforded to them under the ADA. This bill illegally strips those rights from Americans with disabilities without due process afforded under the United States Constitution.

4* **SB168 amends Utah Code 41-22-10.5. This is incorrect because Utah Code 41-22-10.5 specifically addresses Off Highway vehicles and not street legal vehicles as SB168 does.** The most recent Utah code for street legal OHV's is 41-6a-1509. SB168 leads to new ambiguous and redundant laws that create confusion and safety issues within the public community. This is specifically why Utah state law has conformity on street legal OHV's following the state law.

5* As someone who frequents Moab on a yearly basis this legislation is frightening for the reasons above as well as massive amounts of negative intended and unintended consequences. These also include logistics. If you have been to a trail head in Moab you will see that parking is already essentially non-existent and local leaders admit there's an issue there that they cannot address. Current OHV laws were put in place for this reason, to eliminate traffic, emissions/pollution from large vehicles hauling trailers to trail heads. SB168 takes this issue and magnifies this problem 1,000 fold and will lead to massive traffic jams, excessive pollution, illegal parking and overuse of amenities that already cannot be maintained properly. The negative impacts of such bad public policy will be used to further strip more OHV users rights and should not allowed.

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6* I have personally met with local leaders and the public to address their noise concerns and come up with solutions. These meetings are well documented and the group at UTV Utah offered to cover the expense of such solutions as well. There’s absolutely no reason why these issues cannot be addressed and rectified without the use of targeted and divisive legislation attacking one of the largest tax paying groups in Utah.

7* Moab City Noise Ordinance 9.16.020 is already in place. If noise is an issue we need to address the issue and start citing offenders causing problems. In the last 20 years Moab law enforcement has written ZERO citations for noise. This further suggests that it is not a noise issue but an issue targeting a specific vehicle owner or a law enforcement issue. None of which are addressed with SB168.

8* SB168 allows for zero public input, recommendations or processes before stripping users rights. This law is overpowering, absolute and incontestable once passed. Public rights are stripped indefinitely for future generations.

9* Replies have been made by some on this committee that they support local regulation. The OHV community does as well. We believe local law enforcement and enforcing current laws is the best way to achieve this. We also have offered to work with the community to help educate and prepare material and signage to address these issues. There’s plenty of ways to address these issues without creating legislation.

Just 5 of over 15,000 Public Comments:

Terry D. “What if you are disabled, don't own a traditional vehicle, & want to see the scenery in your street legal sxs? Wouldn't it be discriminatory?? We older folk can't hike anymore....one of the reasons we now ride and go to Moab and others is so we can drive to the trail.”

Kelly C. “In our riding group of five UTVs, ten adults), only two would have any chance to see the beauty in our state off the pavement and this is our main access to and from our place in Moab. We have handicapped parking plates.”

Brad F. “Ridiculous. It would be completely unreasonable to switch between being street legal to totally banned by both the time of day and the turn of a wheel.”

William R. “Look how this has escalated. A couple of months ago it was a local 180 day moritorium on group events/future UTV related businesses. Now it's gone to changing state law which could have far reaching negative effects for ANY user in the state. This has to be stopped!”

Scott M “We have a Polaris RZR. It has a quiet exhaust and we always respect the laws and go beyond to be courteous to our host town. I understand that that is not true of all off-roaders. In my almost 50 years of off-roading I have seen bad apples, but they were the exception not the rule. I believe that rather than punish all OHV families take to task those that are causing trouble. Include the local or state OHV clubs to promote signage and by-laws that promote common courtesy. Off-roaders were called the worst of the worst by Moab City and Grand County.”