

**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.
- (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 the person's possession the appropriate safety certificate issued or approved by the division; and
    - (ii) if under 18 years of age, 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 the person's immediate possession a valid motor vehicle operator's license, as provided in Title 53, Chapter 3, Uniform Driver License Act.
- (3)
  - (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$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:
      - (A) valid at the time of the citation or arrest; and
      - (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.
- (4) The requirements of this section do not apply to an operator of an off-highway implement of husbandry.

Amended by Chapter 79, 2008 General Session