

Chapter 8 Driving by Minors

41-8-1 Operation of vehicle by persons under 16 prohibited -- Exceptions for off-highway vehicles and off-highway implements of husbandry.

- (1) A person under 16 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state.
- (2) This section does not apply to a person operating:
 - (a) a motor vehicle under a permit issued under Section 53-3-210.5;
 - (b) an off-highway vehicle registered under Section 41-22-3 either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
 - (c) an off-highway implement of husbandry in the manner prescribed by Subsections 41-22-5.5(3) through (5).
- (3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

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 an infraction.
 - (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.

Amended by Chapter 412, 2015 General Session

41-8-3 Operation of vehicle by persons under 16 and six months -- Passenger limitations -- Exceptions -- Penalties.

- (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state with any passenger who is not an immediate family member of the driver until the earlier of:
 - (a) six months from the date the person's driver license was issued; or
 - (b) the person reaches 18 years of age.
- (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) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
 - (c) in an emergency.
- (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.
- (4)
 - (a) Enforcement of this section by state or local law enforcement officers shall be only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of Title 41, Motor Vehicles, other than this section, or for another offense.
 - (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.

Amended by Chapter 412, 2015 General Session

41-8-4 Operation of a vehicle by a person under 18 -- Use of wireless telephones prohibited -- Exceptions -- Penalty.

- (1) Except as provided in Subsection (2), a person younger than 18 years of age, whether a resident or nonresident of this state, may not use a wireless telephone to communicate with another person while operating a motor vehicle upon a highway of this state.
- (2) It is an affirmative defense to a violation of this section that a person younger than 18 years of age was using a wireless telephone while operating a motor vehicle:
 - (a) during a medical emergency;
 - (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - (c) when reporting a criminal activity or requesting assistance relating to a criminal activity; or
 - (d) when communicating with a parent or legal guardian.
- (3) A person who violates this section is guilty of an infraction and shall be fined a maximum of \$25.
- (4)
 - (a) A violation of this section is not a reportable violation.
 - (b) The Driver License Division may not assess points under Section 53-3-221 against the driving record of the person who violates this section.

Enacted by Chapter 326, 2013 General Session