

1                                   **OFF-HIGHWAY VEHICLE AMENDMENTS**

2                                                           2004 GENERAL SESSION

3                                                           STATE OF UTAH

4                                   **Sponsor: Brent H. Goodfellow**

5 

---

---

**LONG TITLE**

6 **General Description:**

7  
8           This bill modifies the Motor Vehicles Code and the Judicial Code to amend  
9 off-highway vehicle provisions.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ increases maximum fees for off-highway vehicle registrations, duplicate certificates,  
13 and duplicate stickers;
- 14           ▶ defines "direct supervision";
- 15           ▶ requires that a person with a safety certificate must be under the direct supervision  
16 of a person who is at least 18 years of age;
- 17           ▶ repeals the provision that the supervision, safety certificate, or motorcycle license  
18 provisions only apply to Utah residents;
- 19           ▶ provides that an off-highway vehicle safety instructor may not have a conviction for  
20 a sexual offense against a minor or violent crime against a minor;
- 21           ▶ requires district courts and justice courts to allocate a portion of a fine for a  
22 violation of the off-highway vehicle provisions to the Division of Parks and  
23 Recreation;
- 24           ▶ repeals the Board of Parks and Recreation rulemaking provisions relating to  
25 registration; and
- 26           ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill takes effect July 1, 2004.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **41-22-8**, as last amended by Chapter 163, Laws of Utah 1987

34 **41-22-30**, as last amended by Chapter 148, Laws of Utah 2002

35 **41-22-32**, as enacted by Chapter 163, Laws of Utah 1987

36 **78-3-14.5**, as last amended by Chapter 270, Laws of Utah 1998

37 **78-5-116**, as last amended by Chapter 270, Laws of Utah 1998

38 REPEALS:

39 **41-22-5**, as last amended by Chapter 317, Laws of Utah 2003



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

42 Section 1. Section **41-22-8** is amended to read:

43 **41-22-8. Registration fees.**

44 The board shall establish the fees which shall be paid in accordance with this chapter,  
45 subject to the following:

- 46 (1) The fee for each registration may not exceed [~~\$10~~] \$17.
- 47 (2) The fee for each duplicate certificate of registration may not exceed [~~\$2~~] \$3.
- 48 (3) The fee for each duplicate numbered [~~stickers~~] sticker may not exceed [~~\$4~~] \$5.
- 49 (4) [~~No~~] A fee may not be charged for an off-highway [~~vehicles which are~~] vehicle
- 50 owned and operated by the United States Government, this state, or its political subdivisions.

51 Section 2. Section **41-22-30** is amended to read:

52 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

53 (1) As used in this section, "direct supervision" means oversight at a distance within  
54 which visual contact is maintained for the purpose of advising and assisting.

55 [~~(1)~~] (2) A person may not operate and an owner may not give that person permission  
56 to operate an off-highway vehicle on any public land, trail, street, or highway of this state  
57 unless the person:

- 58 (a) is under the direct supervision of a certified off-highway vehicle safety instructor

59 during a scheduled safety training course;

60 (b) has in his possession the appropriate safety certificate issued or approved by the  
61 division and is under the direct supervision of a person who is at least 18 years of age; or

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

64 ~~[(2)]~~ (3) (a) Any person convicted of a violation of this section is guilty of an infraction  
65 and shall be fined not more than \$50 per offense.

66 (b) It is a defense to a charge under this section, if the person charged produces in court  
67 a license or an appropriate safety certificate that was:

68 (i) valid at the time of the citation or arrest; and

69 (ii) issued to the person operating the off-highway vehicle.

70 ~~[(3)]~~ (4) The requirements of this section ~~[(a) apply only to Utah residents, and (b)]~~  
71 do not apply to an operator of an all-terrain type I vehicle with a properly displayed and current  
72 off-highway implement of husbandry sticker.

73 Section 3. Section **41-22-32** is amended to read:

74 **41-22-32. Certification of safety instructors.**

75 (1) The division may certify certain qualified persons as off-highway vehicle safety  
76 instructors. ~~[These instructors]~~ An instructor certified by the division may act in behalf of the  
77 division as ~~[agents]~~ an agent in:

78 (a) conducting off-highway vehicle safety classes and examinations; and

79 (b) issuing safety certificates. ~~[To be]~~

80 (2) A certified~~[-]~~ off-highway vehicle safety ~~[instructors]~~ instructor shall:

81 ~~[(1)]~~ (a) successfully complete an off-highway vehicle safety instructor program for the  
82 type of vehicle instruction to be given through a program;

83 (i) of the division; or ~~[through a program]~~

84 (ii) recognized by the division which is conducted by an off-highway vehicle safety  
85 organization;

86 ~~[(2)]~~ (b) be at least 18 years of age and hold a valid motor vehicle operator's license;

87 ~~[and]~~

88 ~~[(3)]~~ (c) have no convictions as defined in Subsection 41-6-44(1) for driving under the  
89 influence of alcohol or drugs during the previous five years~~[-]~~; and

90            (d) have no convictions for a sexual offense against a minor or a violent crime against a  
91 minor.

92            Section 4. Section **78-3-14.5** is amended to read:

93            **78-3-14.5. Allocation of district court fees and forfeitures.**

94            (1) Except as provided in this section, district court fines and forfeitures collected for  
95 violation of state statutes shall be paid to the state treasurer.

96            (2) Fines and forfeitures collected by the court for violation of a state statute or county  
97 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the  
98 state treasurer and 1/2 to the treasurer of the government which prosecutes or which would  
99 prosecute the violation.

100            (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code  
101 of Utah, [or] Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating  
102 Act, shall be paid to the state treasurer.

103            (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of  
104 Wildlife Resources and 15% to the General Fund.

105            (b) For violations of Title 41, Chapter 22, or Title 73, Chapter 18, the state treasurer  
106 shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.

107            (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less  
108 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B  
109 and C road account. Fees established by the Judicial Council shall be deposited in the state  
110 General Fund. Money deposited in the class B and C road account is supplemental to the  
111 money appropriated under Section 72-2-107 but shall be expended in the same manner as other  
112 class B and C road funds.

113            (5) Fines and forfeitures collected for any violations not specified in this chapter or  
114 otherwise provided for by law shall be paid to the state treasurer.

115            (6) Fees collected in connection with civil actions filed in the district court shall be  
116 paid to the state treasurer.

117            (7) The court shall remit money collected in accordance with Title 51, Chapter 7, State  
118 Money Management Act.

119            Section 5. Section **78-5-116** is amended to read:

120            **78-5-116. Disposition of fines.**

121 (1) Except as otherwise specified by this section, fines and forfeitures collected by a  
122 justice court shall be remitted, one-half to the treasurer of the local government responsible for  
123 the court and one-half to the treasurer of the local government which prosecutes or which  
124 would prosecute the violation.

125 (2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife  
126 Resources and 15% to the general fund of the city or county government responsible for the  
127 justice court.

128 (b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter  
129 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and  
130 15% to the general fund of the city or county government responsible for the justice court.

131 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

132 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice  
133 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations  
134 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial  
135 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

136 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is  
137 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the  
138 same manner as other class B and C road funds.

139 **Section 6. Repealer.**

140 This bill repeals:

141 **Section 41-22-5, Rules of board relating to registration.**

142 **Section 7. Effective date.**

143 This bill takes effect July 1, 2004.

---

---

**Legislative Review Note**  
**as of 1-6-04 7:27 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

Revenue generated would depend on the level of fees established by the Board of Parks and Recreation. If the board established fees to the maximum levels allowed by this bill, revenues to the General Fund Restricted - Off-Highway Vehicle Account would increase by \$1,090,000 in FY 2005 and \$1,100,000 in FY 2006.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
Restricted Funds	\$0	\$0	\$1,090,000	\$1,100,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,090,000</b>	<b>\$1,100,000</b>

---

---

**Individual and Business Impact**

Off-highway vehicle owners would pay an increase current registration fees of \$10 to a maximum of \$17 per vehicle. The price of duplicate certificates and stickers would increase by \$1.

---

---

**Office of the Legislative Fiscal Analyst**