

**OFF-HIGHWAY VEHICLE AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions related 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 ~~H→~~ [18] 21 ~~←H~~ years of age;
- ▶ changes the penalty for violating the off-highway vehicle supervision, safety certificate, or driver license operating requirement from an infraction to a class C misdemeanor;
- ▶ requires an operator of ~~H→~~ [an] a moving ~~←H~~ off-highway vehicle involved in an accident to give notice of the accident to the nearest law enforcement agency in certain circumstances;
- ▶ provides that it is a class ~~H→~~ [B] C ~~←H~~ misdemeanor to not give required notice of an off-highway vehicle accident;
- ▶ provides that an owner of an off-highway vehicle permitting a person younger than 18 to operate the off-highway vehicle, or a person who gives or furnishes an off-highway vehicle to a person younger than 18, is liable for any damages caused by the negligent operation of the off-highway vehicle; 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 Chapter 349, Laws of Utah 2004

**ENACTS:**

**41-22-37**, Utah Code Annotated 1953

**41-22-38**, Utah Code Annotated 1953

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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) has in his possession the appropriate safety certificate issued or approved by the division and is under the direct supervision of a person who is at least ~~H~~→ [18] 21 ←~~H~~ years of age; or

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

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

(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.

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

Section 2. Section **41-22-37** is enacted to read:

**41-22-37. Accidents involving off-highway vehicles.**

(1) ~~Ĥ→~~ ~~[The]~~ Except as provided under Subsection (4), the ~~←Ĥ~~ operator of ~~Ĥ→~~ [an] a moving ~~←Ĥ~~ off-highway vehicle involved in an accident shall ~~Ĥ→~~ [immediately and] ~~←Ĥ~~ by the quickest means of communication available give notice or cause to give notice of the accident to the nearest law enforcement agency if the accident resulted in:

(a) injury requiring ~~Ĥ→~~ emergency ~~←Ĥ~~ medical attention or death of any person;  
~~Ĥ→~~ or ~~←Ĥ~~

(b) property damage to ~~Ĥ→~~ [the operator's property in excess] an apparent extent ~~←Ĥ~~ of \$1,000 ~~Ĥ→~~ or more ~~[-; or~~

~~—— (c) property damage of any kind to the property of another]~~ ~~←Ĥ~~ .

(2) Failure to give notice as required by this section is a class ~~Ĥ→~~ [B] ~~C~~ ~~←Ĥ~~ misdemeanor.

(3) The provisions of Section 41-6a-402 apply to accidents reported under this section.

~~Ĥ→~~ (4) An off-highway implement of husbandry operated in accordance with Section 41-22-5.5 is exempt from the provisions of this section. ~~←Ĥ~~

Section 3. Section **41-22-38** is enacted to read:

**41-22-38. Owner giving permission and minor liable for damages caused by minor operating off-highway vehicle.**

The owner of an off-highway vehicle causing or knowingly permitting a person younger than 18 years of age to operate the off-highway vehicle on any public land, trail, street, or highway of this state, or a person who gives or furnishes an off-highway vehicle to a person younger than 18 years of age, are each jointly and severally liable with the person younger than 18 years of age for any damages caused by the negligence of the person younger than 18 years of age in operating the off-highway vehicle.



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**Legislative Review Note**

**as of 1-16-06 2:27 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0355**

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**Off-highway Vehicle Amendments***07-Feb-06**2:24 PM*

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**State Impact**

A slight increase in number of citations and issued fines is anticipated as a result of this bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Restricted Funds	\$0	\$0	\$2,500	\$2,500
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$2,500</b>

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**