

**Representative Aaron Tilton** proposes the following substitute bill:

**REQUIREMENTS FOR OFF-HIGHWAY**

**VEHICLES**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Tilton**

Senate Sponsor: Darin G. Peterson

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to off-highway vehicles.

**Highlighted Provisions:**

This bill:

- ▶ defines "direct supervision";
- ▶ requires a person that is younger than 12 years of age and is operating an off-highway vehicle with an appropriate safety certificate issued or approved by the Division of Parks and Recreation shall be under the direction supervision of a person who is at least

~~H→~~ [18] 21 ←H

years of age;

- ▶ provides an affirmative defense to the violation of transporting an unregistered off-highway vehicle on a public land, trail, street, or highway in this state;

~~H→~~ [~~→~~ ~~prohibits a person from operating an off-highway vehicle on a public land, trail, street, or highway if the off-highway vehicle exceeds certain noise emission standards with exceptions;~~] ←H

- ▶ changes the age that a person is prohibited from operating an off-highway vehicle from younger than eight to younger than six years of age except in certain



26 circumstances;

27 ▶ provides that a person younger than ~~H~~→ [eight] ten ←~~H~~ years of age may not operate an  
27a off-

28 highway vehicle unless the off-highway vehicle ~~H~~→ [~~has certain maximum speeds~~] meets certain  
28a sizing guidelines ←~~H~~ ; ~~H~~→ [and]

28b ▶ grants the Board of Parks and Recreation rulemaking authority to establish sizing  
28c guidelines for off-highway vehicles that are operated by persons younger than [eight]

28d1 ten years of

28d age; and ←~~H~~

29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-22-3**, as last amended by Chapter 159, Laws of Utah 2004

37 **41-22-29**, as last amended by Chapter 114, Laws of Utah 1999

38 **41-22-30**, as last amended by Chapter 349, Laws of Utah 2004



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

41 Section 1. Section **41-22-3** is amended to read:

42 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**  
43 **Proof of property tax payment -- Records.**

44 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport  
45 and an owner may not give another person permission to operate or transport any off-highway  
46 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle  
47 is registered under this chapter for the current year.

48 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway  
49 vehicle which can be used or transported on any public land, trail, street, or highway in this  
50 state, unless the off-highway vehicle is registered or is in the process of being registered under  
51 this chapter for the current year.

52 (c) It is an affirmative defense to ~~H~~→ a ←~~H~~ charge under this Subsection (1) that the  
52a person is

53 transporting an off-highway vehicle directly to ~~H~~→ [~~and~~] or ←~~H~~ from ~~H~~→ a residence and ←~~H~~ :

54 ~~H~~→ [~~(i)~~] a residence;

55 ~~(ii)~~ (i) ←~~H~~ a business;

56 ~~H~~→ [~~(iii)~~] (ii) ←~~H~~ a storage facility; ~~H~~→ or

57 ~~[(iv)]~~ (iii) ~~←H~~ private property ~~H→~~ [3].

58 ~~[(v) a sanctioned race or competitive event conducted on a closed course and sponsored~~  
 59 ~~and sanctioned by an organization carrying liability insurance in at least the amounts specified~~  
 60 ~~by the division under Subsection 41-22-29(6) covering all activities associated with the race; or~~  
 61 ~~— (vi) an organized practice scheduled and held in an off-highway vehicle facility~~  
 62 ~~designated by the division and conducted by an organization carrying liability insurance in at~~  
 63 ~~least the amounts specified by the division under Subsection 41-22-29(6) covering all activities~~  
 64 ~~associated with the practice.] ←H~~

65 (2) The owner of an off-highway vehicle subject to registration under this chapter shall  
 66 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle  
 67 Division.

68 (3) Each application for registration of an off-highway vehicle shall be accompanied  
 69 by:

70 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of  
 71 sale showing ownership, make, model, horsepower or displacement, and serial number;

72 (b) the past registration card; or

73 (c) the fee for a duplicate.

74 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a  
 75 registration sticker and a registration card for each off-highway vehicle registered.

76 (b) The registration sticker shall:

77 (i) contain a unique number using numbers, letters, or combination of numbers and  
 78 letters to identify the off-highway vehicle for which it is issued;

79 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible  
 80 position as prescribed by rule of the board under Section 41-22-5.1; and

81 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

82 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall  
 83 be available for inspection by a law enforcement officer.

84 (5) (a) An applicant for a registration card and registration sticker shall provide the  
 85 Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county  
 86 assessor of the county in which the off-highway vehicle has situs for taxation.

87 (b) The certificate required under Subsection (5)(a) shall state one of the following:

88 (i) the property tax on the off-highway vehicle for the current year has been paid;

89 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to  
90 secure the payment of the tax; or

91 (iii) the off-highway vehicle is exempt by law from payment of property tax for the  
92 current year.

93 (6) (a) All records of the division made or kept under this section shall be classified by  
94 the Motor Vehicle Division in the same manner as motor vehicle records are classified under  
95 Section 41-1a-116.

96 (b) Division records are available for inspection in the same manner as motor vehicle  
97 records under Section 41-1a-116.

98 Section 2. Section ~~41-22-29~~ is amended to read:

99 **41-22-29. Operation by persons under six years of age prohibited -- Definitions --**  
100 **Exception -- Penalty.**

101 (1) As used in this section:

102 (a) "Organized practice" means a scheduled motorcycle practice held in an off-road  
103 vehicle facility designated by the division and conducted by an organization carrying liability  
104 insurance in at least the amounts specified b the division under Subsection [~~(5)~~] (6) covering  
105 all activities associated with the practice.

106 (b) "Sanctioned race" means a motorcycle race conducted on a closed course and  
107 sponsored and sanctioned by an organization carrying liability insurance in at least the amounts  
108 specified by the division under Subsection ~~H→~~ [(5)] (6) ~~←H~~ covering all activities associated with  
108a the race.

109 (2) [~~Except~~] Subject to the requirements of Subsection (3) and ~~except~~ as provided  
110 under Subsection [~~(3)~~] (4), a person under [~~eight~~] six years of age may not operate and an  
111 owner may not give another person who is under [~~eight~~] six years of age permission to operate  
112 an off-highway vehicle on any public land, trail, street, or highway of this state.

113 (3) ~~H→~~ (a) ~~←H~~ A person under ~~H→~~ [eight] ten ~~←H~~ years of age may not operate and  
113a1 an owner  
113a may not give  
114 another person who is under ~~H→~~ [eight] ten ~~←H~~ years of age permission to operate an off-highway  
114a vehicle on  
115 any public land, trail, street, or highway of this state unless the off-highway vehicle ~~H→~~ [has:  
116 —— (a) a maximum speed of 10 miles per hour with a speed limiting device; or  
117 —— (b) a maximum unrestricted speed of 15 miles per hour with the speed limiting device  
118 removed.] meets sizing guidelines established by the board in accordance with Subsection  
118a (3)(b).

118b (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

118c board shall makes rules establishing sizing guidelines for off-highway vehicles operated by  
118d persons under [eight] ten years of age. ←H

119 ~~[(3)]~~ (4) A child under ~~[eight]~~ six years of age may participate in a sanctioned race or  
 120 organized practice if:

121 (a) the child is under the immediate supervision of an adult;

122 (b) ~~[advanced life support]~~ emergency medical service personnel, as defined in Section  
 123 ~~[26-8-2]~~ 26-8a-102, are on the premises and immediately available to provide assistance at all  
 124 times during the sanctioned race or organized practice; and

125 (c) an ambulance ~~[service]~~ provider, as defined in Section ~~[26-8-2]~~ 26-8a-102, is on the  
 126 premises and immediately available to provide assistance for a sanctioned race.

127 ~~[(4)]~~ (5) Any person convicted of a violation of this section is guilty of an infraction  
 128 and shall be fined not more than \$50 per offense.

129 ~~[(5)]~~ (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
 130 Act, the division shall make rules specifying the minimum amounts of liability coverage for an  
 131 organized practice or sanctioned race.

132 Section 3. Section **41-22-30** is amended to read:

133 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

134 (1) As used in this section, "direct supervision" means oversight at a distance:

135 (a) of no more than 300 feet; ~~H→~~ and ~~←H~~

136 (b) within which:

137 (i) visual contact is maintained; and

138 (ii) advice and assistance can be given and received.

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

142 (a) is under the direct supervision of a certified off-highway vehicle safety instructor  
 143 during a scheduled safety training course;

144 (b) (i) has in ~~[his]~~ the person's possession the appropriate safety certificate issued or  
 145 approved by the division; ~~[or]~~ and

146 (ii) is under the direct supervision of a person who is at least ~~H→~~ [18] 21 ~~←H~~ years of age  
 146a if the

147 person is under 12 years of age and is operating on any public land, trail, street, or highway of  
 148 this state; or

149 (c) has in his immediate possession a valid motor vehicle operator's license, as

150 provided in Title 53, Chapter 3, Uniform Driver License Act.

151 ~~[(2)]~~ (3) (a) Any person convicted of a violation of this section is guilty of an infraction  
152 and shall be fined not more than \$50 per offense.

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

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

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

157 ~~[(3)]~~ (4) The requirements of this section do not apply to an operator of ~~[an all-terrain~~  
158 ~~type I vehicle with a properly displayed and current]~~ an off-highway implement of husbandry  
159 ~~[sticker]~~.

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**Fiscal Note****H.B. 237 1st Sub. (Buff) - Requirements for Off-highway Vehicles - As Amended**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will require appropriations to the Division of Parks and Recreation from the General Fund Restricted - OHV account as follows: \$8,800 for FY 2008 and \$6,300 for FY 2009. As a result of this bill, it is estimated that the Division will generate \$5,600 per year in additional restricted revenues.

	<u>FY 2007 Approp.</u>	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2007 Revenue</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>
General Fund Restricted	\$0	\$8,800	\$6,300	\$0	\$5,600	\$5,600
<b>Total</b>	<b>\$0</b>	<b>\$8,800</b>	<b>\$6,300</b>	<b>\$0</b>	<b>\$5,600</b>	<b>\$5,600</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.