

1 **OFF-HIGHWAY VEHICLE AMENDMENTS**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael E. Noel**

5 Senate Sponsor: Dennis E. Stowell

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines "direct supervision";
- 14 ▶ requires that a person operating an off-highway vehicle with an appropriate safety
15 certificate issued or approved by the Division of Parks and Recreation shall be
16 under the direct supervision of a person who is at least 18 years of age;
- 17 ▶ ~~H~~→ [changes the penalty] increases the fine ←~~H~~ for violating the off-highway vehicle

17a supervision, safety

18 certificate, or driver license operating requirement from ~~H~~→ [an infraction to a class C
19 misdemeanor] \$50 to \$100 ←~~H~~ ;

- 20 ▶ requires an operator of a moving off-highway vehicle involved in an accident on
21 any public land, trail, street, or highway to give notice of the accident to the nearest
22 law enforcement agency in certain circumstances;

22a ~~H~~→ ▶ provides an exception to the off-highway vehicle accident notice
22b requirement; ←~~H~~

- 23 ▶ provides that it is a class C misdemeanor to not give the required notice of an
24 off-highway vehicle accident; ~~H~~→ and ←~~H~~

25 ~~H~~→ [~~provides that an owner of an off-highway vehicle permitting a person younger than~~
26 ~~18 years of age to operate the off-highway vehicle, or a person who gives or~~
27 ~~furnishes an off-highway vehicle to a person younger than 18, is liable for any~~



28 ~~damages caused by the negligent operation of the off-highway vehicle; 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 **41-22-30**, as last amended by Chapter 349, Laws of Utah 2004

37 ENACTS:

38 **41-22-37**, Utah Code Annotated 1953

39 H→ [~~41-22-38, Utah Code Annotated 1953~~] ←H



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

42 Section 1. Section **41-22-30** is amended to read:

43 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

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

45 (a) of no more than 300 feet; and

46 (b) within which:

47 (i) visual contact is maintained; and

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

49 [~~(1)~~] (2) A person may not operate and an owner may not give that person permission
50 to operate an off-highway vehicle on any public land, trail, street, or highway of this state
51 unless the person:

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

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

56 (ii) is under the direct supervision of a person who is at least 18 years of age if
57 operating on a public highway that is:

58 (A) open to motor vehicles; and

59 (B) not exclusively reserved for off-highway vehicle use; or

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

62 ~~[(2)] (3) (a) [Any] A~~ person convicted of a violation of this section is guilty of

62a ~~H→ [f] an~~

63 **infraction and shall be fined not more than ~~[\$50] \$100~~ per offense [f] ~~[a class C~~
63a ~~misdemeanor]~~ ←H .**

64 (b) It is a defense to a charge under this section, if the person charged:

65 (i) produces in court a license or an appropriate safety certificate that was:

66 ~~[(i)] (A)~~ valid at the time of the citation or arrest; and

67 ~~[(ii)] (B)~~ issued to the person operating the off-highway vehicle[-]; and

68 (ii) can show that the direct supervision requirement under Subsection (2)(b) was not
69 violated.

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

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

74 **41-22-37. Accidents involving off-highway vehicles.**

75 (1) The operator of an off-highway vehicle involved in an accident on any public land,
76 trail, street, or highway of this state shall by the quickest means of communication available
77 give notice or cause to give notice of the accident to the nearest law enforcement agency if the
78 accident resulted in:

79 (a) injury requiring emergency or urgent medical attention or death of any person; or

80 (b) property damage of any kind to the property of another, unless the owner of the
81 damaged property agrees not to report.

82 (2) Failure to give notice as required by this section is a class C misdemeanor.

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

83a ~~H→~~ **(4) The requirements of this section do not apply to an operator of an off-highway**
83b **implement of husbandry if the off-highway implement of husbandry is being operated on**
83c **public lands or designated trails.**

84 ~~[Section 3. Section 41-22-38 is enacted to read:~~

85 ~~—— 41-22-38. Owner giving permission and minor liable for damages caused by~~
86 ~~minor operating off-highway vehicle.~~

87 ~~—— The owner of an off-highway vehicle causing or knowingly permitting a person younger~~
88 ~~than 18 years of age to operate the off-highway vehicle on any public land, trail, street, or~~
89 ~~highway of this state, or a person who gives or furnishes an off-highway vehicle to a person~~

90 ~~younger than 18 years of age, are each jointly and severally liable with the person younger than~~
91 ~~18 years of age for any damages caused by the negligence of the person younger than 18 years~~
92 ~~of age in operating the off-highway vehicle.] ←H~~

Legislative Review Note
as of 1-22-07 11:24 AM

Office of Legislative Research and General Counsel

H.B. 321 - Off-highway Vehicle Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/26/2007, 4:17:35 PM, Lead Analyst: Djambov, I.

Office of the Legislative Fiscal Analyst