

1                                   **OFF-HIGHWAY VEHICLE AMENDMENTS**

2   2008 GENERAL SESSION

3   STATE OF UTAH

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

5                                   Senate Sponsor: Mike Dmitrich

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines "direct supervision";
- 14           ▶ requires that certain persons operating an off-highway vehicle with an appropriate  
15 safety 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 if operating  
17 the off-highway vehicle on certain highways;
- 18           ▶ increases the fine for violating the off-highway vehicle supervision, safety certificate,  
19 or driver license operating requirement; and
- 20           ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27           **41-22-30**, as last amended by Laws of Utah 2004, Chapter 349

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

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

31 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

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

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

34 (b) within which:

35 (i) visual contact is maintained; and

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

37 ~~[(1)]~~ (2) A person may not operate and an owner may not give that person permission  
38 to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless  
39 the person:

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

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

44 (ii) if under 18 years of age, is under the direct supervision of a person who is at least  
45 18 years of age if operating on a public highway that is:

46 (A) open to motor vehicles; and

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

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

50 ~~[(2)(a) Any]~~ (3)(a) A person convicted of a violation of this section is guilty of an  
51 infraction and shall be fined not more than ~~[\$50]~~ \$100 per offense.

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

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

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

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

56 (ii) can show that the direct supervision requirement under Subsection (2)(b) was not  
57 violated at the time of citation or arrest.

58            [~~(3)~~] (4) The requirements of this section do not apply to an operator of an [~~all-terrain~~  
59 ~~type I vehicle with a properly displayed and current~~] off-highway implement of husbandry  
60 [~~sticker~~].