

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 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 if operating  
17 the off-highway vehicle on certain highways;
- 18           ▶ increases the fine for violating the off-highway vehicle supervision, safety  
19 certificate, 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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*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) (i) has in [his] the person's possession the appropriate safety certificate issued or approved by the division; [or] and

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

(A) open to motor vehicles; and

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

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

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

(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

~~[(i)]~~ (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 at the time of citation or arrest.

~~[(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].

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**Legislative Review Note**  
as of 1-10-08 12:52 PM

**Office of Legislative Research and General Counsel**

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**H.B. 291 - Off-highway Vehicle Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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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.

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