

**OFF-HIGHWAY VEHICLE USE ON PUBLIC
HIGHWAYS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions governing the use of off-highway vehicles on public highways.

Highlighted Provisions:

This bill:

- ▶ exempts insurance policies purchased to satisfy the owner's or operator's security requirement for an off-highway vehicle from the requirement to include personal injury protection on the policy;
- ▶ permits the operation of off-highway vehicles on public highways in limited circumstances and locations;
- ▶ eliminates a prohibition of off-highway vehicle use on public highways in limited circumstances; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **31A-22-302**, as last amended by Laws of Utah 2006, Chapter 69
- 29 **41-22-10.3**, as enacted by Laws of Utah 1986, Second Special Session, Chapter 1
- 30 **41-22-10.5**, as last amended by Laws of Utah 2004, Chapter 159
- 31 **41-22-10.6**, as last amended by Laws of Utah 2005, Chapter 2



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

34 Section 1. Section **31A-22-302** is amended to read:

35 **31A-22-302. Required components of motor vehicle insurance policies --**

36 **Exceptions.**

37 (1) Every policy of insurance or combination of policies purchased to satisfy the
38 owner's or operator's security requirement of Section 41-12a-301 shall include:

- 39 (a) motor vehicle liability coverage under Sections 31A-22-303 and 31A-22-304;
- 40 (b) uninsured motorist coverage under Section 31A-22-305, unless affirmatively
41 waived under Subsection 31A-22-305(4);

42 (c) underinsured motorist coverage under Section 31A-22-305.3, unless affirmatively
43 waived under Subsection 31A-22-305.3(2); and

44 (d) except as provided in Subsection (2) and subject to Subsection (3), personal injury
45 protection under Sections 31A-22-306 through 31A-22-309.

46 (2) A policy of insurance or combination of policies, purchased to satisfy the owner's
47 or operator's security requirement of Section 41-12a-301 for a motorcycle, off-highway vehicle,
48 trailer, or semitrailer is not required to have personal injury protection under Sections
49 31A-22-306 through 31A-22-309.

50 (3) (a) First party medical coverages may be offered or included in policies issued to
51 motorcycle, trailer, and semitrailer owners or operators.

52 (b) Owners and operators of motorcycles, trailers, and semitrailers are not covered by
53 personal injury protection coverages in connection with injuries incurred while operating any
54 of these vehicles.

55 (4) First party medical coverage expenses shall be governed by the relative value study
56 provisions under Subsections 31A-22-307(2) and (3).

57 Section 2. Section **41-22-10.3** is amended to read:

58 **41-22-10.3. Operation of vehicles on highways -- Limits.**

59 ~~[(1)]~~ (1) A person may operate an off-highway vehicle upon any street or highway, not
 60 designated as open to off-highway vehicle use~~[-except]:~~

61 ~~[(1)]~~ (a) when crossing a street or highway and the operator comes to a complete stop
 62 before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses
 63 at a right angle;

64 ~~[(2)]~~ (b) when loading or unloading an off-highway vehicle from a vehicle or trailer,
 65 which shall be done with due regard for safety, and at the nearest practical point of operation;
 66 ~~[or]~~

67 ~~[(3)]~~ (c) when an emergency exists, during any period of time and at those locations
 68 when the operation of conventional motor vehicles is impractical or when the operation is
 69 directed by a peace officer or other public authority~~[-]; or~~

70 (d) except as provided in Subsection (2) or Section 41-22-10.2, when:

71 (i) the street or highway has a posted speed limit of no more than 50 miles per hour;

72 (ii) the person operating the off-highway vehicle has in the person's immediate
 73 possession a valid motor vehicle operator's license, issued in accordance with Title 53, Chapter
 74 3, Uniform Driver License Act; and

75 (iii) owner's or operator's security issued in accordance with Title 41, Chapter 12a,
 76 Financial Responsibility of Motor Vehicle Owners and Operators Act, is in effect for the
 77 off-highway vehicle.

78 (2) Unless the street or highway is designated as open for off-highway vehicle use by
 79 the municipality or county in accordance with Section 41-22-10.5, a person may not operate an
 80 off-highway vehicle on a street or highway in accordance with Subsection (1)(d) if the street or
 81 highway is under the jurisdiction of:

82 (a) a county of the first or second class;

83 (b) a municipality that is within a county of the first or second class; or

84 (c) a municipality with a population of 30,000 or more people.

85 Section 3. Section **41-22-10.5** is amended to read:

86 **41-22-10.5. Local ordinances -- Designating routes -- Supervision.**

87 (1) A municipality or county may adopt ordinances designating certain streets and
 88 highways under its respective jurisdiction as off-highway vehicle routes to allow off-highway
 89 vehicle operators to gain direct access to or from a private or public area open for off-highway

90 vehicle use.

91 (2) A municipality or a county may adopt an ordinance requiring an off-highway
92 vehicle operator who is under 16 years of age to be under the direct visual supervision of an
93 adult who is at least 18 years of age while using a route designated under Subsection (1).

94 (3) A route designated under Subsection (1) may not be along, across, or within the
95 boundaries of an interstate freeway or limited access highway.

96 [~~(4) Except as provided under Section 41-22-10.3, a person may not operate an~~
97 ~~off-highway vehicle on any street or highway that is not designated or posted as open for~~
98 ~~off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.]~~

99 [~~(5) Subsection (4) does not apply to off-highway implements of husbandry used in~~
100 ~~accordance with Section 41-22-5.5.]~~

101 Section 4. Section **41-22-10.6** is amended to read:

102 **41-22-10.6. Requiring compliance with traffic laws.**

103 [~~Any~~] (1) Except as provided in Subsection (2), a person operating an off-highway
104 vehicle is subject to the provisions of Title 41, Chapter 6a, Traffic Code, unless specifically
105 excluded.

106 (2) A person operating an off-highway vehicle that meets the equipment requirements
107 of Section 41-22-10.7 is not required to meet the equipment requirements of Title 41, Chapter
108 6a, Traffic Code.

Legislative Review Note
as of **1-30-08 8:32 AM**

Office of Legislative Research and General Counsel

S.B. 181 - Off-highway Vehicle Use on Public Highways

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Insurance companies will re-evaluate policies related to off-highway vehicles. Owners of off-highway vehicles will likely experience changes to insurance policies. Depending on the locality, there may be increased costs for enforcement. Businesses are likely unaffected.
