

1 **OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES**

2 2011 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Off-Highway Vehicles Code by enacting provisions relating to
10 off-highway vehicle operator responsibilities.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that an off-highway vehicle operator ~~H~~ **who is 18 years of age or older** ~~H~~
13a shall ~~H~~ **requires an operator of an off-highway vehicle to** ~~H~~

14 ~~H~~ accept ~~H~~ **requires an operator of an off-highway vehicle to** ~~H~~ legal responsibility for injury or damage of any kind to
14a the extent that

15 the injury or damage results from risks inherent in the sport of off-highway
16 vehicle use; and

17 ~~H~~ **requires an operator of an off-highway vehicle to** ~~H~~ regulate personal conduct
17a at all times so that injury to self or other persons or

18 property that results from the risks inherent in the sport of off-highway vehicle
19 operation is avoided;

20 ▶ provides that an off-highway vehicle operator is responsible for:

21 • knowing the range of the operator's ability to navigate any slope, trail, or area
22 for off-highway vehicle use, taking into consideration the conditions;

23 • maintaining control of speed and course at all times while operating the
24 off-highway vehicle;

25 • heeding all posted warnings; and

26 • refraining from acting in a manner that may cause or contribute to the injury of
27 anyone; and



28 ▶ provides that these provisions do not affect certain products liability causes of
29 action ~~H→~~ [-] ;

29a ▶ provides that these provisions do not affect a passenger's cause of action or
29b ability to recover for injuries; and

29c ▶ provides that these provisions do not affect an off-highway vehicle owner's
29d liability for negligent entrustment. ←H

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **41-22-37**, Utah Code Annotated 1953



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

39 Section 1. Section **41-22-37** is enacted to read:

40 **41-22-37. Off-highway vehicle responsibilities.**

41 (1) (a) An off-highway vehicle operator ~~H→~~ who is 18 years of age or older ←H
41a shall ~~H→~~ [:

42 —(i) ←H accept ~~H→~~ [att] ←H legal responsibility for injury or damage of any kind
42a to the extent that the

43 injury or damage results from risks inherent in the sport of off-highway vehicle use ~~H→~~ [; and] .

44 [(ii)] (2)(a) An off-highway vehicle operator shall ←H regulate personal conduct at all
44a times so that injury to self or other persons or
45 property that results from the risks inherent in the sport of off-highway vehicle operation is
46 avoided.

47 (b) Risks inherent in the sport of off-highway vehicle operation under Subsection (1)
48 include:

49 (i) variations in terrain;

50 (ii) surface or subsurface conditions;

51 (iii) crevices;

52 (iv) ravines;

53 (v) streams;

54 (vi) poor visibility;

55 (vii) rocks;

56 (viii) trees;

57 (ix) other forms of forest growth or debris; and

58 (x) any other natural hazard.

59 (2) An off-highway vehicle operator is responsible for:
60 (a) knowing the range of the operator's ability to navigate any slope, trail, or area for
61 off-highway vehicle use, taking into consideration the conditions;

62 (b) maintaining control of speed and course at all times while operating the
63 off-highway vehicle;

64 (c) heeding all posted warnings; and

65 (d) refraining from acting in a manner that may cause or contribute to the injury of any
66 person.

67 (3) The provisions of this section do not affect a products liability cause of action
68 based upon ~~H~~→ [the] proper warning, ←~~H~~ design ~~H~~→, ←~~H~~ or manufacture of off-highway
68a equipment or products or safety
69 equipment used incidental to the operation of an off-highway vehicle.

69a **~~H~~→ (4) The provisions of this section do not affect a passenger's cause of action or ability to**
69b **recover for injuries.**

69c (5) The provisions of this section do not affect an off-highway vehicle owner's liability
69d for negligent entrustment. ←~~H~~

Legislative Review Note
as of 12-15-10 12:03 PM

Office of Legislative Research and General Counsel