

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

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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 shall:
- 14                   • accept all legal responsibility for injury or damage of any kind to the extent that
  - 15 the injury or damage results from risks inherent in the sport of off-highway
  - 16 vehicle use; and
  - 17                   • regulate personal conduct 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.

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 shall:

42           (i) accept all legal responsibility for injury or damage of any kind to the extent that the  
43 injury or damage results from risks inherent in the sport of off-highway vehicle use; and

44           (ii) regulate personal conduct at all 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 the design or manufacture of off-highway equipment or products or safety  
69 equipment used incidental to the operation of an off-highway vehicle.

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

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 68

SHORT TITLE: Off-highway Vehicle Operator Responsibilities

SPONSOR: Noel, M.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.