

1 **OFF-HIGHWAY VEHICLE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carl R. Albrecht**

5 Senate Sponsor: Derrin R. Owens

6 Cosponsor:

7 Travis M. Seegmiller

8

9 **LONG TITLE**

10 **General Description:**

11 This bill amends provisions related to the operation of off-highway vehicles.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ allows an individual under 18 years old to operate an off-highway vehicle under
15 certain conditions; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-22-30**, as last amended by Laws of Utah 2017, Chapter 38

24 REPEALS:

25 **41-22-29**, as last amended by Laws of Utah 2017, Chapter 38

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

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

29 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

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

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

32 (b) within which:

33 (i) visual contact is maintained; and

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

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

38 (a) is able to reach and operate each control necessary to safely operate the off-highway
39 vehicle;

40 ~~[(a)]~~ (b) (i) is under the direct supervision of an off-highway vehicle safety instructor
41 during a scheduled safety training course approved by the board [pursuant to] in accordance
42 with Section 41-22-32;

43 ~~[(b) (i) has in the person's possession the appropriate]~~

44 (ii) possesses a safety certificate issued or approved by the division[; and] in
45 accordance with Section 41-22-31; or

46 (iii) possesses a valid license to operate a motor vehicle issued in accordance with Title
47 53, Chapter 3, Uniform Driver License Act; and

48 ~~[(ii)]~~ (c) [if under 18 years of age,] is under the direct supervision of a person who is at
49 least 18 years [of age] old if the person operating the off-highway vehicle:

50 (i) is under 18 years old;

51 (ii) does not possess a valid license to operate a motor vehicle issued in accordance
52 with Title 53, Chapter 3, Uniform Driver License Act; and

53 (iii) is operating the off-highway vehicle on a public highway that is:

54 (A) open to motor vehicles; and

55 (B) not exclusively reserved for off-highway vehicle use[; or].

56 ~~[(c) has in the person's immediate possession a valid motor vehicle operator's license;~~

57 as provided in Title 53, Chapter 3, Uniform Driver License Act.]

58 (3) (a) A person convicted of a violation of this section is guilty of an infraction and
59 shall be fined not more than \$100 per offense.

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

61 (i) produces in court a license or ~~[an appropriate]~~ safety certificate described in
62 Subsection (2)(b) that was:

63 (A) valid at the time of the citation or arrest; and

64 (B) issued to the person operating the off-highway vehicle; and

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

67 (4) The requirements of this section do not apply to an operator of an off-highway
68 implement of husbandry.

69 (5) Nothing in this section allows an individual without a valid driver license issued in
70 accordance with Title 53, Chapter 3, Uniform Driver License Act, to operate a street-legal
71 all-terrain vehicle on a roadway.

72 **Section 2. Repealer.**

73 This bill repeals:

74 Section **41-22-29, Operation by persons under eight years of age prohibited --**
75 **Definitions -- Exception -- Penalty.**