

**OFF-HIGHWAY VEHICLE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: Derrin R. Owens

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ allows an individual under 18 years old to operate an off-highway vehicle under certain conditions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

REPEALS:

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

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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.**



- 28 (1) As used in this section, "direct supervision" means oversight at a distance:
- 29 (a) of no more than 300 feet; and
- 30 (b) within which:
- 31 (i) visual contact is maintained; and
- 32 (ii) advice and assistance can be given and received.
- 33 (2) A person may not operate and an owner may not give that person permission to
- 34 operate an off-highway vehicle on any public land, trail, street, or highway of this state unless
- 35 the person:
- 36 (a) is able to reach and operate each control necessary to safely operate the off-highway
- 37 vehicle;
- 38 ~~[(a)]~~ (b) (i) is under the direct supervision of an off-highway vehicle safety instructor
- 39 during a scheduled safety training course approved by the board [pursuant to] in accordance
- 40 with Section 41-22-32;
- 41 ~~[(b) (i) has in the person's possession the appropriate]~~
- 42 (ii) possesses a safety certificate issued or approved by the division[; and] in
- 43 accordance with Section 41-22-31; or
- 44 (iii) possesses a valid license to operate a motor vehicle issued in accordance with Title
- 45 53, Chapter 3, Uniform Driver License Act; and
- 46 ~~[(ii)]~~ (c) [if under 18 years of age;] is under the direct supervision of a person who is at
- 47 least 18 years [of age] old if the person operating the off-highway vehicle:
- 48 (i) is under 18 years old;
- 49 (ii) does not possess a valid license to operate a motor vehicle issued in accordance
- 50 with Title 53, Chapter 3, Uniform Driver License Act; and
- 51 (iii) is operating the off-highway vehicle on a public highway that is:
- 52 (A) open to motor vehicles; and
- 53 (B) not exclusively reserved for off-highway vehicle use[; or].
- 54 ~~[(c) has in the person's immediate possession a valid motor vehicle operator's license,~~
- 55 ~~as provided in Title 53, Chapter 3, Uniform Driver License Act.]~~
- 56 (3) (a) A person convicted of a violation of this section is guilty of an infraction and
- 57 shall be fined not more than \$100 per offense.
- 58 (b) It is a defense to a charge under this section, if the person charged:

59 (i) produces in court a license or ~~[an appropriate]~~ safety certificate described in  
60 Subsection (2)(b) that was:  
61 (A) valid at the time of the citation or arrest; and  
62 (B) issued to the person operating the off-highway vehicle; and  
63 (ii) can show that the direct supervision requirement under Subsection (2)(b) was not  
64 violated at the time of citation or arrest.

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

67 Section 2. **Repealer.**

68 This bill repeals:

69 Section **41-22-29, Operation by persons under eight years of age prohibited --**

70 **Definitions -- Exception -- Penalty.**