

Representative Carl R. Albrecht proposes the following substitute bill:

OFF-ROAD VEHICLE SAFETY EDUCATION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to off-highway vehicle safety education and registration.

Highlighted Provisions:

This bill:

- ▶ requires any individual operating an off-highway vehicle to complete an online education course;
- ▶ requires an individual under 18 years old without a driver license to complete an operational safety course before operating an off-highway vehicle;
- ▶ requires an individual convicted of certain off-highway vehicle laws to perform community services to repair damages caused by the violation;
- ▶ amends provisions related to off-highway vehicle registration and requires issuance and display of a license plate on each off-highway vehicle; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 [41-22-3](#), as last amended by Laws of Utah 2021, Chapters 135 and 280

29 [41-22-5.1](#), as last amended by Laws of Utah 2021, Chapter 280

30 [41-22-12.2](#), as last amended by Laws of Utah 2015, Chapter 412

31 [41-22-12.5](#), as last amended by Laws of Utah 2015, Chapter 412

32 [41-22-19](#), as last amended by Laws of Utah 2012, Chapter 71

33 [41-22-30](#), as last amended by Laws of Utah 2021, Chapters 110 and 280

34 [41-22-31](#), as last amended by Laws of Utah 2021, Chapter 280

35 [41-22-35](#), as last amended by Laws of Utah 2021, Chapter 280



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

38 Section 1. Section [41-22-3](#) is amended to read:

39 **[41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --](#)**
40 **[Proof of property tax payment -- Records.](#)**

41 (1) (a) Unless exempted under Section [41-22-9](#), a person may not operate or transport
42 and an owner may not give another person permission to operate or transport any off-highway
43 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
44 is registered under this chapter for the current year.

45 (b) Unless exempted under Section [41-22-9](#), a dealer may not sell an off-highway
46 vehicle which can be used or transported on any public land, trail, street, or highway in this
47 state, unless the off-highway vehicle is registered or is in the process of being registered under
48 this chapter for the current year.

49 (2) (a) The owner of an off-highway vehicle subject to registration under this chapter
50 shall apply to the Motor Vehicle Division for registration on forms approved by the Motor
51 Vehicle Division.

52 (b) An owner of an off-highway vehicle may apply for automatic registration renewal
53 as described in Section [41-1a-216](#).

54 (3) Each application for registration of an off-highway vehicle shall be accompanied
55 by:

56 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of

57 sale showing ownership, make, model, horsepower or displacement, and serial number;

58 (b) the past registration card; or

59 (c) the fee for a duplicate.

60 (4) (a) (i) Beginning on January 1, 2023, the first time an off-highway vehicle is
61 registered, the Motor Vehicle Division shall issue one off-highway vehicle license plate, a
62 registration decal, and a registration card.

63 (ii) If an off-highway vehicle has been registered previously in this state but has not
64 been issued an off-highway vehicle license plate, beginning on January 1, 2023, upon
65 application for registration renewal, the Motor Vehicle Division shall issue one off-highway
66 vehicle license plate, a registration decal, and a registration card.

67 ~~[(4)(a)]~~ (b) Upon each annual registration, the Motor Vehicle Division shall issue a
68 registration ~~[sticker]~~ decal and a registration card for each off-highway vehicle registered.

69 ~~[(b)]~~ (c) The ~~[registration sticker shall]~~ off-highway vehicle license plate:

70 (i) shall contain a unique five-digit number ~~[using numbers, letters, or combination of~~
71 ~~numbers and letters]~~ to identify the off-highway vehicle for which it is issued;

72 (ii) shall be affixed to the off-highway vehicle for which it is issued in a plainly visible
73 position as prescribed by rule of the division under Section 41-22-5.1; ~~[and]~~

74 (iii) shall be maintained free of foreign materials and in a condition to be clearly
75 legible~~[-];~~

76 (iv) shall be a distinct green color to identify the license plate as an off-highway
77 vehicle license plate;

78 (v) shall have a location to attach the registration decal; and

79 (vi) may not be a personalized license plate or a special group license plate.

80 ~~[(c)]~~ (d) At all times, a registration card shall be kept with the off-highway vehicle and
81 shall be available for inspection by a law enforcement officer.

82 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
83 registration ~~[sticker]~~ decal shall provide the Motor Vehicle Division a certificate, described
84 under Subsection (5)(b), from the county assessor of the county in which the off-highway
85 vehicle has situs for taxation.

86 (b) The certificate required under Subsection (5)(a) shall state one of the following:

87 (i) the property tax on the off-highway vehicle for the current year has been paid;

88 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
89 secure the payment of the tax; or

90 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
91 current year.

92 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
93 has been issued in accordance with Section 41-22-5.5 is:

94 (i) exempt from the requirement under this Subsection (5)[-];

95 (ii) not required to obtain or purchase an off-highway vehicle license plate; and

96 (iii) required to obtain and display an off-highway vehicle registration sticker.

97 (6) (a) All records of the division made or kept under this section shall be classified by
98 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
99 Section 41-1a-116.

100 (b) Division records are available for inspection in the same manner as motor vehicle
101 records under Section 41-1a-116.

102 (7) A violation of this section is an infraction.

103 Section 2. Section 41-22-5.1 is amended to read:

104 **41-22-5.1. Rules of division relating to display of registration stickers.**

105 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
106 division, after consultation with the commission, shall make rules for the display of [~~a~~
107 ~~registration sticker~~] an off-highway license plate and registration decal on an off-highway
108 vehicle in accordance with Section 41-22-3.

109 Section 3. Section 41-22-12.2 is amended to read:

110 **41-22-12.2. Unlawful cross-country motor vehicle travel on public land.**

111 (1) A person may not operate and an owner of a motor vehicle may not give another
112 person permission to operate a motor vehicle cross-country on any public land not designated
113 for that use by the controlling agency.

114 (2) A person who violates this section is guilty of an infraction.

115 (3) (a) (i) As part of any sentence for a conviction of a violation of this section, the
116 court[?] shall order the person to perform community service in the form of repairing any
117 damage to the public land caused by the unlawful cross-country motor vehicle travel, with a
118 minimum sentence calculated as described in Subsection (3)(b).

119 (ii) The court shall order the community service described in Subsection (3)(a)(i) to
120 occur at the location or locations where the person caused damage to the public land.

121 (b) For the community service required in Subsection (3)(a), the court shall:

122 (i) determine the approximate value of the damage caused by the unlawful

123 cross-country motor vehicle travel; and

124 (ii) calculate the number of hours of community service required to cover the cost of
125 the damage caused by dividing the approximate value determined pursuant to Subsection
126 (3)(b)(i) by a rate of \$25 per hour.

127 ~~[(a) may impose a fine not to exceed \$150; and]~~

128 ~~[(b) may require the person to perform community service in the form of repairing any~~
129 ~~damage to the public land caused by the unlawful cross-country motor vehicle travel.]~~

130 Section 4. Section 41-22-12.5 is amended to read:

131 **41-22-12.5. Restrictions on use of privately-owned lands without permission --**
132 **Unlawful for person to tamper with signs or fencing on privately-owned land.**

133 (1) (a) A person may not operate or accompany a person operating a motor vehicle on
134 privately-owned land of any other person, firm, or corporation without permission from the
135 owner or person in charge.

136 (b) A person operating or accompanying a person operating a motor vehicle may not
137 refuse to immediately leave private land upon request of the owner or person in charge of the
138 land.

139 (c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately
140 owned land.

141 (d) A person who violates Subsection (1)(a) is guilty of an infraction.

142 (e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

143 ~~[(f) As part of any sentence for a conviction of a violation of Subsection (1)(a) or (b),~~
144 ~~the court may:]~~

145 ~~[(i) impose a fine of not more than \$150;]~~

146 ~~[(ii) require the person to pay restitution not to exceed \$500 for any damage caused by~~
147 ~~the unlawful motor vehicle travel; and]~~

148 ~~[(iii) require the person to perform community service in the form of repairing any~~
149 ~~damage caused by the unlawful motor vehicle travel.]~~

150 (f) (i) As part of any sentence for a conviction of a violation of this Subsection (1), the
151 court shall order the person to perform community service in the form of repairing any damage
152 to the land or infrastructure caused by the unlawful motor vehicle travel, with a minimum
153 sentence calculated as described in Subsection (1)(f)(iii).

154 (ii) The court shall order the community service described in Subsection (1)(f)(i) to
155 occur at the location or locations where the person caused damage to the private land or
156 infrastructure.

157 (iii) For the community service required in Subsection (1)(f)(i), the court shall:

158 (A) determine the approximate value of the damage caused by the unlawful
159 cross-country motor vehicle travel; and

160 (B) calculate the number of hours of community service required to cover the cost of
161 the damage caused by dividing the approximate value determined pursuant to Subsection
162 (1)(f)(iii)(A) by a rate of \$25 per hour.

163 (2) A person operating or accompanying a person operating a motor vehicle may not
164 obstruct an entrance or exit to private property without the owner's permission.

165 (3) A person may not:

166 (a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates
167 trespassing for purposes of operating a motor vehicle on land; or

168 (b) tear down, deface, or destroy any fence or other enclosure or any gate or bars
169 belonging to the fence or enclosure.

170 (4) (a) A violation of Subsection (2) is an infraction.

171 (b) A violation of Subsection (3) is a class C misdemeanor.

172 (5) (a) (i) As part of any sentence for a conviction of a violation of Subsection (2) or
173 (3), the court shall order the person to perform community service in the form of repairing any
174 damage to the land or infrastructure caused by the unlawful motor vehicle travel, with a
175 minimum sentence calculated as described in Subsection (5)(b).

176 (ii) The court shall order the community service described in Subsection (5)(a)(i) to
177 occur at the location or locations where the person caused damage to the land or infrastructure.

178 (b) For the community service required in Subsection (5)(a), the court shall:

179 (i) determine the approximate value of the damage caused by the unlawful
180 cross-country motor vehicle travel; and

181 (ii) calculate the number of hours of community service required to cover the cost of
 182 the damage caused by dividing the approximate value determined pursuant to Subsection
 183 (5)(b)(i) by a rate of \$25 per hour.

184 Section 5. Section **41-22-19** is amended to read:

185 **41-22-19. Deposit of fees and related money into Off-highway Vehicle Account --**
 186 **Use for facilities, costs and expenses of division, and education -- Request for matching**
 187 **funds.**

188 (1) (a) Except as provided under Subsections (3) and (4) and Sections **41-22-34** and
 189 **41-22-36**, all registration fees and related money collected by the Motor Vehicle Division or
 190 any agencies designated to act for the Motor Vehicle Division under this chapter shall be
 191 deposited as restricted revenue ~~[m]~~ into the Off-highway Vehicle Account in the General Fund
 192 less the costs ~~[of]~~ incurred by the Motor Vehicle Division for collecting off-highway vehicle
 193 registration fees ~~[by the Motor Vehicle Division]~~ or issuing an off-highway vehicle license
 194 plate.

195 (b) The balance of the money may be used by the division as follows:

196 ~~[(a)]~~ (i) for the construction, improvement, operation, or maintenance of publicly
 197 owned or administered off-highway vehicle facilities;

198 ~~[(b)]~~ (ii) for the mitigation of impacts associated with off-highway vehicle use;

199 ~~[(c)]~~ (iii) as grants or as matching funds with any federal agency, state agency, political
 200 subdivision of the state, or organized user group for the construction, improvement, operation,
 201 acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities
 202 including public access facilities;

203 ~~[(d)]~~ (iv) for the administration and enforcement of the provisions of this chapter; and

204 ~~[(e)]~~ (v) for the education of off-highway vehicle users.

205 (2) All agencies or political subdivisions requesting matching funds shall submit plans
 206 for proposed off-highway vehicle facilities to the division for review and approval.

207 (3) (a) One dollar and 50 cents of each annual registration fee collected under
 208 Subsection **41-22-8**(1) and each off-highway vehicle user fee collected under Subsection
 209 **41-22-35**(2) shall be deposited ~~[m]~~ into the Land Grant Management Fund created under
 210 Section **53C-3-101**.

211 (b) The Utah School and Institutional Trust Lands Administration shall use the money

212 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
213 accessible lands within its jurisdiction as follows:

214 (i) to improve recreational opportunities on trust lands by constructing, improving,
215 maintaining, or perfecting access for off-highway vehicle trails; and

216 (ii) to mitigate impacts associated with off-highway vehicle use.

217 (c) Any unused balance of the money deposited under Subsection (3)(a) exceeding
218 \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account
219 under Subsection (1).

220 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
221 ~~41-22-8~~(1) shall be deposited ~~[in]~~ into the Utah Highway Patrol Aero Bureau Restricted
222 Account created in Section ~~53-8-303~~.

223 Section 6. Section ~~41-22-30~~ is amended to read:

224 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

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

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

227 (b) within which:

228 (i) visual contact is maintained; and

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

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

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

235 (b) (i) is under the direct supervision of an off-highway vehicle safety instructor during
236 a scheduled safety training course approved by the division in accordance with Section
237 ~~41-22-32~~; or

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

240 ~~[(iii) possesses a valid license to operate a motor vehicle issued in accordance with~~
241 ~~Title 53, Chapter 3, Uniform Driver License Act; and]~~

242 (c) is under the direct supervision of a person who is at least 18 years old if the person

243 operating the off-highway vehicle:

244 (i) is under 18 years old;

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

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

248 (A) open to motor vehicles; and

249 (B) not exclusively reserved for off-highway vehicle use.

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

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

253 (i) produces in court a license or safety certificate described in Subsection (2)(b) that
254 was:

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

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

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

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

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

264 Section 7. Section **41-22-31** is amended to read:

265 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
266 **-- Cooperation with public and private entities -- State immunity from suit.**

267 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
268 the division shall make rules, after consultation with the commission, that establish curriculum
269 standards for a comprehensive off-highway vehicle safety education and training program and
270 shall implement this program.

271 (b) The program shall be designed to develop and instill the knowledge, attitudes,
272 habits, and skills necessary for the safe operation of an off-highway vehicle.

273 (c) (i) The program shall include:

274 (A) an operational skills instruction and examination component required for every
275 operator under 18 years old and does possess a valid license to operate a motor vehicle issued
276 in accordance with Title 53, Chapter 3, Uniform Driver License Act; and

277 (B) a written knowledge instruction and examination component required for every
278 operator.

279 (ii) An individual with valid license to operate a motor vehicle issued in accordance
280 with Title 53, Chapter 3, Uniform Driver License Act, is not required to complete the
281 operational skills instruction and examination component of the course.

282 ~~[(c)]~~ (d) Components of the program shall include:

283 (i) the preparation and dissemination of off-highway vehicle information and safety
284 advice to the public and the training of off-highway vehicle operators[-]; and

285 (ii) education concerning the importance of gates and fences used in agriculture and
286 how to properly close a gate.

287 ~~[(d)]~~ (e) Off-highway vehicle safety certificates shall be issued to those who
288 successfully complete training or pass the knowledge and skills test established under the
289 program.

290 (f) The division shall ensure that an individual may complete the written component of
291 the program online.

292 (2) (a) (i) Except as provided in Subsection (2)(d), an individual under 18 years old
293 may not operate an off-highway vehicle in the state unless the individual has completed both
294 the skills component and the written component of the off-highway vehicle safety education
295 and training program described in Subsection (1).

296 (ii) Except as provided in Subsection (2)(d), an individual 18 years old or older may
297 not operate an off-highway vehicle in the state unless the individual has completed the written
298 component of the off-highway vehicle safety education and training program described in
299 Subsection (1).

300 (b) Except as provided in Subsection (2)(d), a person may not rent an off-highway
301 vehicle to an individual until the individual that will operate the off-highway vehicle has
302 completed the off-highway vehicle safety education and training program described in
303 Subsection (1).

304 (c) Except as provided in Subsection (2)(d), a dealer may not sell an off-highway

305 vehicle to an individual until the individual that will operate the off-highway vehicle has
306 completed the relevant components of the off-highway vehicle safety education and training
307 program described in Subsection (1).

308 (d) Subsections (2)(a) through (c) do not apply to a snowmobile or an off-highway
309 implement of husbandry.

310 [~~2~~] (3) The division shall cooperate with appropriate private organizations and
311 associations, private and public corporations, and local government units to implement the
312 program established under this section.

313 [~~3~~] (4) In addition to the governmental immunity granted in Title 63G, Chapter 7,
314 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
315 act, in any capacity relating to the off-highway vehicle safety education and training program.
316 The state is also not responsible for any insufficiency or inadequacy in the quality of training
317 provided by this program.

318 Section 8. Section 41-22-35 is amended to read:

319 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
320 **issuance of decal -- Deposit and use of fee revenue.**

321 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
322 nonresident off-highway vehicle who operates or gives another person permission to operate
323 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
324 shall:

325 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
326 vehicle owned by a nonresident of the state;

327 (ii) pay an annual off-highway vehicle user fee; [~~and~~]

328 (iii) provide evidence that the owner is a nonresident[-]; and

329 (iv) provide evidence of completion of the safety course and program described in
330 Section 41-22-35.

331 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
332 off-highway vehicle is:

333 (i) used exclusively as an off-highway implement of husbandry;

334 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
335 public or private entity or another event sponsored by a governmental entity under rules made

336 by the division, after consultation with the commission;

337 (iii) owned and operated by a state government agency and the operation of the
338 off-highway vehicle within the boundaries of the state is within the course and scope of the
339 duties of the agency; or

340 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
341 sponsored event within the state under rules made by the division.

342 (2) The off-highway vehicle user fee is \$30.

343 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

344 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
345 provisions of Subsection (1)(a); and

346 (b) display the decal on the off-highway vehicle in accordance with rules made by the
347 division.

348 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
349 division, after consultation with the commission, shall make rules establishing:

350 (a) procedures for:

351 (i) the payment of off-highway vehicle user fees; and

352 (ii) the display of a decal on an off-highway vehicle as required under Subsection
353 (3)(b);

354 (b) acceptable evidence indicating compliance with Subsection (1);

355 (c) eligibility for scheduled competitive events or other events under Subsection
356 (1)(b)(ii); and

357 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
358 Subsection (1)(b)(iv).

359 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
360 user fee may be collected by the division or agents of the division.

361 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.

362 (c) The division may require agents to obtain a bond in a reasonable amount.

363 (d) On or before the tenth day of each month, each agent shall:

364 (i) report all sales to the division; and

365 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
366 Subsection (5)(b).

367 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
368 of the amount due.

369 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

370 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
371 a penalty of 100% of the total amount due together with interest.

372 (f) All fees collected by an agent, except the remuneration provided in Subsection
373 (5)(b), shall:

374 (i) be kept separate and apart from the private funds of the agent; and

375 (ii) belong to the state.

376 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
377 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

378 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
379 may be cause for revocation of the agent authorization.

380 (6) Revenue generated by off-highway vehicle user fees shall be deposited ~~[in]~~ into the
381 Off-highway Vehicle Account created in Section [41-22-19](#).

382 Section 9. **Effective date.**

383 This bill takes effect on January 1, 2023.