

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 who is 18 years of age or older shall
14 accept legal responsibility for injury or damage of any kind to the extent that the
15 injury or damage results from risks inherent in the sport of off-highway vehicle use;

16 ▶ requires an operator of an off-highway vehicle to regulate personal conduct at all
17 times so that injury to self or other persons or property that results from the risks
18 inherent in the sport of off-highway vehicle operation is avoided;

19 ▶ provides that an off-highway vehicle operator is responsible for:
20 • knowing the range of the operator's ability to navigate any slope, trail, or area
21 for off-highway vehicle use, taking into consideration the conditions;

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

24 • heeding all posted warnings; and
25 • refraining from acting in a manner that may cause or contribute to the injury of
26 anyone;

27 ▶ provides that these provisions do not affect certain products liability causes of
28 action;

29 ▶ provides that these provisions do not affect a passenger's cause of action or ability to

30 recover for injuries; and

31 ▶ provides that these provisions do not affect an off-highway vehicle owner's liability
32 for negligent entrustment.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 ENACTS:

39 **41-22-37**, Utah Code Annotated 1953



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

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

43 **41-22-37. Off-highway vehicle operator responsibilities.**

44 (1) An off-highway vehicle operator who is 18 years of age or older shall accept legal
45 responsibility for injury or damage of any kind to the extent that the injury or damage results
46 from risks inherent in the sport of off-highway vehicle use.

47 (2) (a) An off-highway vehicle operator shall regulate personal conduct at all times so
48 that injury to self or other persons or property that results from the risks inherent in the sport of
49 off-highway vehicle operation is avoided.

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

- 52 (i) variations in terrain;
- 53 (ii) surface or subsurface conditions;
- 54 (iii) crevices;
- 55 (iv) ravines;
- 56 (v) streams;
- 57 (vi) poor visibility;

- 58 (vii) rocks;
- 59 (viii) trees;
- 60 (ix) other forms of forest growth or debris; and
- 61 (x) any other natural hazard.
- 62 (3) An off-highway vehicle operator is responsible for:
- 63 (a) knowing the range of the operator's ability to navigate any slope, trail, or area for
- 64 off-highway vehicle use, taking into consideration the conditions;
- 65 (b) maintaining control of speed and course at all times while operating the
- 66 off-highway vehicle;
- 67 (c) heeding all posted warnings; and
- 68 (d) refraining from acting in a manner that may cause or contribute to the injury of any
- 69 person.
- 70 (4) The provisions of this section do not affect a product liability cause of action based
- 71 upon proper warning, design, or manufacture of off-highway equipment or products or safety
- 72 equipment used incidental to the operation of an off-highway vehicle.
- 73 (5) The provisions of this section do not affect a passenger's cause of action or ability
- 74 to recover for injuries.
- 75 (6) The provisions of this section do not affect an off-highway vehicle owner's liability
- 76 for negligent entrustment.