

OUTDOOR RECREATION RELATED EDUCATION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions to require outdoor recreation education related to gates or fences used for agricultural purposes.

Highlighted Provisions:

This bill:

- ▶ requires that the importance of gates or fences used for agriculture and how to close gates be part of hunter education and the off-highway vehicle safety education and training program;
- ▶ clarifies rulemaking authority; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-11, as last amended by Laws of Utah 2017, Chapter 46

23-19-12, as last amended by Laws of Utah 1979, Chapter 90

41-22-31, as last amended by Laws of Utah 2021, Chapter 280

41-22-32, as repealed and reenacted by Laws of Utah 2017, Chapter 38



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section 23-19-11 is amended to read:

23-19-11. Age restriction -- Hunter education required.

(1) (a) Except as provided in Section 23-19-14.6, an individual born after December 31, 1965, may not acquire or possess a hunting license or permit unless the individual has successfully completed a division-approved hunter education course.

(b) A division-approved hunter education course shall include education concerning the importance of gates and fences used in agriculture and how to properly close a gate.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing:

(a) criteria and standards for approving a hunter education course, including a course offered in another state or country; and

(b) procedures for verifying and documenting that an individual seeking a hunting license or permit has successfully completed a division-approved hunter education course.

(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting license or permit in violation of the hunter education requirements in Subsection (1).

(b) A hunting license or permit obtained or possessed in violation of this section is invalid.

Section 2. Section 23-19-12 is amended to read:

23-19-12. Instruction in hunter education -- Issuance of certificate of competency.

(1) The Division of Wildlife Resources shall provide for individuals interested in obtaining an instructor's certificate in hunter education a course of instruction in:

(a) the safe handling of firearms[;];

(b) conservation[;];

(c) hunting ethics[;];

(d) information required by Subsection 23-19-11(1)(b); and

(e) related subject matter [~~for individuals interested in obtaining an instructor's certificate in hunter education. Certified instructors will~~].

(2) A certified instructor may, on a voluntary basis, give instruction in the course of hunter education, as established by the Division of Wildlife Resources, to [aH] eligible persons

59 who, upon the successful completion of the course, shall be issued a certificate of competency
60 in hunter education.

61 Section 3. Section 41-22-31 is amended to read:

62 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
63 **-- Cooperation with public and private entities -- State immunity from suit.**

64 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
65 the division shall:

66 (i) make rules, after consultation with the commission, that establish curriculum
67 standards for a comprehensive off-highway vehicle safety education and training program; and
68 ~~shall~~

69 (ii) implement ~~this~~ the program.

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

72 (c) Components of the program shall include:

73 (i) the preparation and dissemination of off-highway vehicle information and safety
74 advice to the public ~~and~~;

75 (ii) the training of off-highway vehicle operators~~[-]~~; and

76 (iii) education concerning the importance of gates and fences used in agriculture and
77 how to properly close a gate.

78 (d) Off-highway vehicle safety certificates shall be issued to those who successfully
79 complete training or pass the knowledge and skills test established under the program.

80 (2) The division shall cooperate with appropriate private organizations and
81 associations, private and public corporations, and local government units to implement the
82 program established under this section.

83 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,
84 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
85 act, in any capacity relating to the off-highway vehicle safety education and training program.
86 The state is also not responsible for any insufficiency or inadequacy in the quality of training
87 provided by this program.

88 Section 4. Section 41-22-32 is amended to read:

89 **41-22-32. Approval of safety courses.**

90 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
91 the division may make rules, after consultation with the commission, that establish standards
92 for an off-highway vehicle safety course for instruction on the safe operation of an off-highway
93 vehicle.

94 (b) The division shall require that the information described in Subsection
95 41-22-31(1)(c)(iii) be part of an off-highway vehicle safety course for instruction on the safe
96 operation of an off-highway vehicle.

97 (2) If a private organization meets the standards set by the division under Subsection
98 (1), the division shall approve the off-highway vehicle safety course as compliant with the
99 standards and purposes of this chapter.