

**MOTORCYCLE AND OFF-HIGHWAY VEHICLE
AMENDMENTS**

2010 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to wearing protective headgear while operating a motorcycle, motor-driven cycle, or off-highway vehicle.

Highlighted Provisions:

This bill:

▶ provides that a court shall waive \$ ~~10~~ **8** of a fine charged to a person operating a motorcycle or motor-driven cycle for a moving traffic violation if the person was:

- 18 years of age or older at the time of operation; and
- wearing protective headgear at the time of operation;

▶ provides that a court shall waive \$ ~~10~~ **8** of a fine charged for certain violations to a person operating an off-highway vehicle on public land if the person was:

- 18 years of age or older at the time of operation; and
- wearing protective headgear at the time of operation; ~~S~~ **[and]**

▶ provides that the failure to wear protective headgear:
• does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
• may not be introduced as evidence in any civil litigation on the issue of



22e **negligence, injuries, or the mitigation of damages;**

22f ▶ **provides that a court may not waive \$8 of a fine charged to a person for a driving under the**

22g **influence violation; and** ←§

23 ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-6a-1505**, as last amended by Laws of Utah 2007, Chapter 8631 **41-22-10.8**, as last amended by Laws of Utah 2002, Chapter 14832

33 *Be it enacted by the Legislature of the state of Utah:*34 Section 1. Section **41-6a-1505** is amended to read:35 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**
36 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**
37 **assistive mobility devices.**38 (1) A person under the age of 18 may not operate or ride on a motorcycle or
39 motor-driven cycle on a highway unless the person is wearing protective headgear which
40 complies with specifications adopted under Subsection (3).

41 (2) This section does not apply to persons riding within an enclosed cab.

42 (3) The following standards and specifications for protective headgear are adopted:

43 (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

44 (b) 49 C.F.R. 1203 related to protective headgear for bicycles, motor assisted scooters,
45 and electric personal assistive mobility devices.46 (4) A court shall waive \$ ~~10~~ 8 ~~10~~ of a fine charged to a person operating a
46a motorcycle or
47 motor-driven cycle for a moving traffic violation if the person was:48 (a) 18 years of age or older at the time of operation; and49 (b) wearing protective headgear that complies with the specifications adopted under
50 Subsection (3) at the time of operation.50a **§→ (5) The failure to wear protective headgear:**50b **(a) does not constitute contributory or comparative negligence on the part of a person**
50c **seeking recovery for injuries; and**50d **(b) may not be introduced as evidence in any civil litigation on the issue of negligence,**
50e **injuries, or the mitigation of damages.**50f **(6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person**
50g **operating a motorcycle or motor-driven cycle for a driving under the influence violation of**
50h **Section 41-6a-502. ←§**51 Section 2. Section **41-22-10.8** is amended to read:52 **41-22-10.8. Protective headgear requirements -- Owner duty -- Penalty for**

53 **violation.**

54 (1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles,
55 snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and
56 fastened, United States Department of Transportation safety-rated protective headgear designed
57 for motorized vehicle use.

58 (2) The owner of an off-highway vehicle or any other person may not give permission

59 to a person who is under 18 years of age to operate or ride on an off-highway vehicle in
60 violation of this section.

61 (3) An operator and passengers of off-highway implements of husbandry operated in
62 the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements
63 of this section.

64 (4) Any person convicted of violations of this section is guilty of an infraction and
65 shall be fined not more than \$50 per offense.

66 (5) A court shall waive \$ ~~H~~→ [10] 8 ←~~H~~ of a fine charged for a violation of Title 41,
66a Chapter 22,
67 Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the
68 person was:

69 (a) 18 years of age or older at the time of operation; and

70 (b) wearing protective headgear that complies with the requirements described under
71 Subsection (1) at the time of operation.

71a **Ŝ→ (6) The failure to wear protective headgear:**

71b (a) **does not constitute contributory or comparative negligence on the part of a person**
71c **seeking recovery for injuries; and**

71d (b) **may not be introduced as evidence in any civil litigation on the issue of negligence,**
71e **injuries, or the mitigation of damages.**

71f **(7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person**
71g **operating an off-highway vehicle on public land for a driving under the influence violation of**
71h **Section 41-6a-502. ←Ŝ**

Legislative Review Note
as of 1-8-10 7:03 AM

Office of Legislative Research and General Counsel

H.B. 93 - Motorcycle and Off-highway Vehicle Amendments - As Amended

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will reduce state revenues by \$4,300 in General Funds and \$5,000 in Restricted Funds beginning FY 2011.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$4,300)	(\$4,300)
Restricted Funds	\$0	\$0	\$0	\$0	(\$5,000)	(\$5,000)
Total	\$0	\$0	\$0	\$0	(\$9,300)	(\$9,300)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments may lose revenue associated with fines.
