

CHAPTER 22

OFF-HIGHWAY VEHICLES

Section	Definitions.
41-22-2.	Registration of vehicles — Application
41-22-3.	— Issuance of stickers and card — Proof of property tax payment.
41-22-4.	Falsification of documents unlawful — Alteration or removal of serial number unlawful — Display of sticker.
41-22-5.	Regulations of board relating to regis- tration.
41-22-5.5.	Off-highway husbandry vehicles.
41-22-6.	Repealed.
41-22-7.	Duplicate registration certificates.
41-22-8.	Registration fees.
41-22-9.	Vehicles exempt from registration.
41-22-10.	Powers of board relating to off-high- way vehicles.
41-22-10.1.	Vehicles operated on posted public land.
41-22-10.2.	Off-highway vehicles — Prohibited on interstate freeway.
41-22-10.3.	Operation of vehicles on highways — Limits.
41-22-10.4.	Snowmobiles.
41-22-10.5.	Vehicles — Local ordinances.
41-22-10.6.	Requiring compliance with traffic laws.
41-22-10.7.	Vehicle equipment requirements.
41-22-10.8.	Protective headgear requirements — Exceptions — Penalty for violation
41-22-10.9.	License or safety certificate required for operation — Penalty.
41-22-11.	Agencies authorized to erect regula- tory signs on public land.
41-22-12.	Restrictions on use of public lands.
41-22-12.1.	Restrictions on use of snowmobile trails.
41-22-12.5.	Restrictions on use of privately-owned lands without permission — Unlaw- ful for person to tamper with signs or fencing on privately-owned land.
41-22-13.	Prohibited uses.
41-22-14.	Operation of vehicle under the influ- ence of liquor or drugs unlawful.
41-22-15.	Permission required for race or orga- nized event.
41-22-16.	Authorized enforcement officers — Arrest provisions.
41-22-17.	Penalties for violations.
41-22-18.	Ordinances or local laws relating to operation and equipment of vehi- cles.
41-22-19.	Deposit of fees and related moneys in Off-highway Vehicle Account — Use for facilities, costs and expenses of division, and education — Re- quest for matching funds.
41-22-20.	Public land administrating agencies to develop facilities and programs.
41-22-21.	Publication and filing of regulations and amendments.
41-22-22 to 41-22-28.	Repealed.
41-22-29.	Operation by persons under eight years of age prohibited — Penalty.
41-22-30.	Operation by persons eight years of age or older but under 16 years of age — Safety certificate required — Penalty.
41-22-31.	Board to set standards for safety pro- gram — Safety certificates issued —

Section

entities — State immunity from suit.

41-22-32. Certification of safety instructors.

41-22-33. Fees for safety and education program
— Penalty — Unlawful acts.

41-22-1. Policy declaration.

It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

1987

41-22-2. Definitions.

As used in this chapter:

(1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by the Board of Parks and Recreation.

(2) "All-terrain type I vehicle" means any motor vehicle 50 inches or less in width, having an unladen dry weight of 700 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection 41-22-2(2), (9), or (19), designed for or capable of travel over unimproved terrain. This term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1-1.

(4) "Board" means the Board of Parks and Recreation.

(5) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(6) "Division" means the Division of Parks and Recreation.

(7) "Low pressure tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of ten pounds per square inch or less as recommended by the vehicle manufacturer.

(8) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(9) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(10) "Motor vehicle" means every vehicle which is self-propelled.

(11) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

(12) "Off-highway implement of husbandry" means every all-terrain type I vehicle, motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

(13) "Operator" means the person who is in actual physical control of an off-highway vehicle.

(14) "Operator" means the person who is in actual physical control of an off-highway vehicle.

(15) "Owner" means a person, other than a person with a security interest, having a proprietary interest or title to an off-highway vehicle

and entitled to the use and possession of that vehicle.

(16) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

(17) "Register" means the act of assigning a registration number to an off-highway vehicle.

(18) "Roadway" is used as defined in Section 41-6-1.

(19) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

(20) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

1987

41-22-3. Registration of vehicles — Application — Issuance of stickers and card — Proof of property tax payment.

(1) (a) Unless exempted under Section 41-22-9, no person may operate or transport and no owner may give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle has been registered under this chapter for the current year.

(b) Unless exempted under Section 41-22-9, no dealer may sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless it has been registered or is in the process of being registered under this chapter for the current year.

(2) The owner of any off-highway vehicle requiring registration under this chapter shall file an application for registration with the Motor Vehicle Division on forms approved by it.

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

(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;

(b) the past certificate of registration; or

(c) the fee for a duplicate.

(4) With every initial registration, the Motor Vehicle Division shall assign a number which shall remain with the vehicle and be valid until ownership of the vehicle is transferred. The number shall be displayed on the vehicle in a manner prescribed by the board. With every initial and subsequent annual registration, the Motor Vehicle Division shall issue numbered stickers to be affixed to the vehicles as prescribed by the board and a registration card, which shall be available for inspection on the vehicle at all times.

(5) The Motor Vehicle Division, before issuing a registration card and registration stickers, shall require from each applicant a certificate from the county assessor of the county in which the off-highway vehicle has situs for taxation. The certificate shall state one of the following:

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

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

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

1988

41-22-4. Falsification of documents unlawful — Alteration or removal of serial number unlawful — Display of sticker.

(1) No person may knowingly falsify an application for registration, affidavit of ownership, or bill of sale for any off-highway vehicle.

(2) No person may alter, deface, or remove any manufacturer's serial number on any off-highway vehicle.

(3) No person may use or permit the use or display of any registration sticker, registration card, or permit upon or in the operation of any off-highway vehicle other than the vehicle for which it was issued.

1966 (2nd S.S.)

41-22-5. Regulations of board relating to registration.

The board shall adopt rules which:

(1) determine the day and month when the annual registration expires;

(2) provide for the issuance and control of dealer registrations for use by dealers and manufacturers for demonstrating and testing purposes; and

(3) provide for the issuance and control of temporary permits for use by purchasers of off-highway vehicles pending completion of the registration.

1966 (2nd S.S.)

41-22-5.5. Off-highway husbandry vehicles.

(1) (a) The owner of an all-terrain type I vehicle, motorcycle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker. Each application shall be accompanied by evidence of ownership, a title, or a manufacturer's certificate of origin, and an affidavit certifying that the off-highway vehicle is used for agricultural purposes. The owner shall receive an off-highway implement of husbandry sticker upon production of the documents required above and payment of an off-highway implement of husbandry sticker fee established by the board not to exceed \$10.

(b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section 41-22-3.

(c) The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, or snowmobile as an off-highway implement of husbandry.

(2) The off-highway implement of husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.

(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

(a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to travel from one parcel of land owned or operated by the owner of the vehicle to another parcel of land owned or operated by the owner; and

(b) when this operation is necessary for the furtherance of agricultural purposes.

(4) If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.

(5) It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.

1966

41-22-6. Repealed.

1966 (2nd S.S.)

41-22-7. Duplicate registration certificates.

If a certificate of registration is lost or destroyed, or if an owner changes his address from that shown on his certificate of registration, the owner shall, within 15 days, apply for a duplicate certificate.

1966 (2nd S.S.)

41-22-8. Registration fees.

The board shall establish the fees which shall be paid in accordance with this chapter, subject to the following:

(1) The fee for each registration may not exceed \$10.

(2) The fee for each duplicate certificate of registration may not exceed \$2.

(3) The fee for duplicate numbered stickers may not exceed \$4.

(4) No fee may be charged for off-highway vehicles which are owned and operated by the United States Government, this state, or its political subdivisions.

1967

41-22-9. Vehicles exempt from registration.

The following off-highway vehicles are exempt from the registration requirements of this chapter:

(1) vehicles which are currently registered for highway use, have a valid motor vehicle safety inspection sticker or certificate, and on which the required safety equipment has not been subsequently modified;

(2) off-highway vehicles which are not in the state more than 14 days in any year and are owned by a nonresident;

(3) off-highway vehicles sold by a dealer to a person who is not a resident of this state;

(4) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5); and

(5) new off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.

1969

41-22-10. Powers of board relating to off-highway vehicles.

The board may:

(1) appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and

(2) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of highway vehicle use.

1967

41-22-10.1. Vehicles operated on posted public land.

(1) Currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or description by the controlling federal, state, county, or city agency, as open to off-highway vehicle use.

(2) The Utah Division of Parks and Recreation shall meet once within six months of the effective date of this act, with the county commissioners to explain the provisions of these sections of the Utah Code.

(3) The controlling federal, state, county, or city agency shall:

(a) provide a map or description showing or describing land, trails, streets, or highways open to off-highway vehicle use; or

(b) post signs designating lands, trails, streets, or highways open to off-highway vehicle use.

(4) No liability may be imposed on any federal, state, county, or city relating to the designation or maintenance of any land, trail, street, or highway open for off-highway vehicle use. 1988

41-22-10.2. Off-highway vehicles — Prohibited on interstate freeway.

It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in Section 41-6-1. 1987

41-22-10.3. Operation of vehicles on highways — Limits.

No person may operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

(1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;

(2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation; or

(3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority. 1986 (2nd S.S.)

41-22-10.4. Snowmobiles.

Snowmobiles may be operated on streets or highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season by the public authority having jurisdiction. 1986 (2nd S.S.)

41-22-10.5. Vehicles — Local ordinances.

All municipalities, including counties, may adopt ordinances designating streets and highways as off-highway vehicle routes, but these routes may not be along, across, or within the boundaries of an interstate freeway or limited access highway. 1986 (2nd S.S.)

41-22-10.6. Requiring compliance with traffic laws.

Any person operating an off-highway vehicle is subject to the provisions of Chapter 6, Title 41, unless specifically excluded. 1987

41-22-10.7. Vehicle equipment requirements.

(1) An off-highway vehicle registered under this chapter and an off-highway implement of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5) shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device; and

(d) a safety flag when operated on sand dunes.

(2) The board may promulgate rules which set standards for the equipment referred to in Subsection (1). 1988

41-22-10.8. Protective headgear requirements — Exceptions — Penalty for violation.

(1) Operators and passengers of all-terrain type I vehicles, snowmobiles, or motorcycles are required to wear properly fitted, safety-rated protective headgear:

(a) when operating the vehicle in competitive events on lands or highways designated as open for off-highway vehicle use; or

(b) if under 18 years of age.

(2) Operators and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5) are exempt from the requirements of this section.

(3) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50 per offense. 1988

41-22-10.9. License or safety certificate required for operation — Penalty.

(1) No person may operate an off-highway vehicle on any land, trail, street, or highway designated as open to off-highway vehicle use or in the manner prescribed by Section 41-22-10.3 unless the person possesses:

(a) a valid motor vehicle operator's license, as provided in Chapter 2, Title 41; or

(b) the appropriate safety certificate issued by the division under this chapter.

(2) (a) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

(b) It is a defense to a charge under this section, if the person charged produces in court a license or an appropriate safety certificate issued to him and valid at the time of his citation or arrest.

(3) The requirements of this section shall apply only to Utah residents. 1988

41-22-11. Agencies authorized to erect regulatory signs on public land.

No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land. 1986 (2nd S.S.)

41-22-12. Restrictions on use of public lands.

(1) All federal agencies are encouraged and agencies of the state and its subdivisions shall refrain from closing any public land to responsible off-highway vehicle use except where just and reasonable cause can be demonstrated such as protection of watersheds, plant, and animal life.

(2) No person may operate and no owner of a off-highway vehicle may give another person permission to operate an off-highway vehicle on any public land which has not been designated as open to off-highway vehicles. 1987

41-22-12.1. Restrictions on use of snowmobile trails.

No person may operate a wheeled vehicle with gross vehicle weight of 700 pounds or more on any snowmobile trail that has been marked, posted, designated, or maintained as a snowmobile trail by the division. 1987

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

(1) (a) No person shall operate or accompany a

person operating an off-highway vehicle upon privately-owned land of any other person, firm, or corporation without permission from the owner or person in charge.

(b) It is unlawful for any person operating or accompanying a person operating an off-highway vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.

(c) Subsections (a) and (b) shall not apply to prescriptive easements on privately owned land.

(d) No person operating or accompanying a person operating an off-highway vehicle shall obstruct any entrance or exit to private property without the owner's permission.

(2) It is unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an off-highway vehicle on land; or to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to any such fence or enclosure.

1999

41-22-13. Prohibited uses.

No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

1996 (2nd S.S.)

41-22-14. Operation of vehicle under the influence of liquor or drugs unlawful.

It is unlawful for any person who is under the influence of intoxicating liquor or any narcotic drugs to drive or be in actual physical control of any off-highway vehicle within this state. Violators of this section are subject to all procedures, implied consent, presumptions, and punishment provisions of Sections 41-6-44 and 41-6-44.10.

1996 (2nd S.S.)

41-22-15. Permission required for race or organized event.

No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.

1999

41-22-16. Authorized enforcement officers — Arrest provisions.

(1) Any law enforcement officer authorized under Chapter 1a, Title 77 may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for the arrest is the same as outlined in Sections 41-6-166, 41-6-167, 41-6-168, and 41-6-169.

1997

41-22-17. Penalties for violations.

(1) Unless another penalty is provided for in this chapter or elsewhere in the laws of this state, any person who violates any provision of this chapter or the rules promulgated under this chapter, upon conviction, is guilty of a class C misdemeanor.

(2) The division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the division, within 15 days of suspen-

sion or revocation, any suspended or revoked certificate of registration and stickers.

1991

41-22-18. Ordinances or local laws relating to operation and equipment of vehicles.

The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter or the rules promulgated under this chapter, but these ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter or the rules promulgated under this chapter.

1996

41-22-19. Deposit of fees and related moneys in Off-highway Vehicle Account — Use for facilities, costs and expenses of division, and education — Request for matching funds.

(1) All registration fees and related moneys collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Division under this chapter shall be deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division. The balance of the monies may be used by the division as follows:

(a) for the construction, improvement, operation, or maintenance of state-owned or administered off-highway vehicle facilities;

(b) as matching funds with any federal agency or political subdivision of the state, for the construction, improvement, operation, or maintenance of federal, municipal, or county-owned or administered off-highway vehicle facilities;

(c) for the administration and enforcement of the provisions of this chapter; and

(d) for the education of off-highway vehicle users.

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

1989

41-22-20. Public land administering agencies to develop facilities and programs.

All public land administering agencies are encouraged to develop and maintain trails, parking areas, rest rooms, and other related facilities appropriate to off-highway vehicle use when a need can be demonstrated, and to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

1996 (2nd S.S.)

41-22-21. Publication and filing of regulations and amendments.

The rules promulgated under this chapter and any amendments to those rules shall be published as required by the Utah Administrative Rulemaking Act.

1996 (2nd S.S.)

41-22-22 to 41-22-28. Repealed.

1996 (2nd S.S.), 1997

41-22-29. Operation by persons under eight years of age prohibited — Penalty.

(1) No person under eight years of age may operate and no owner may give another person who is under

eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

(2) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense. 1989

41-22-30. Operation by persons eight years of age or older but under 16 years of age — Safety certificate required — Penalty.

(1) No person who is eight years of age or older but under 16 years of age may operate and no owner may give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person is operating the vehicle under one of the following conditions:

(a) He is under the direct supervision of a certified off-highway vehicle safety instructor during a scheduled safety training course.

(b) He has in his possession the appropriate safety certificate issued by the division.

(2) (a) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

(b) It is a defense to a charge under this section, if the person charged produces in court an appropriate safety certificate that was issued to the youth operating the off-highway vehicle and was valid at the time of the citation or arrest.

(3) The requirements of this section shall apply only to Utah residents. 1989

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

(1) The board shall establish curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.

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

(b) Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.

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

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

(3) In addition to the governmental immunity granted in Chapter 30, Title 63, Utah Governmental Immunity Act, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program. 1989

41-22-32. Certification of safety instructors.

The division may certify certain qualified persons as off-highway vehicle safety instructors. These instructors may act in behalf of the division as agents in conducting off-highway vehicle safety classes and

examinations and issuing safety certificates. To be certified, off-highway vehicle safety instructors shall:

(1) successfully complete an off-highway vehicle safety instructor program for the type of vehicle instruction to be given through a program of the division or through a program recognized by the division which is conducted by an off-highway vehicle safety organization;

(2) be at least 18 years of age and hold a valid motor vehicle operator's license; and

(3) have no convictions for driving under the influence of alcohol or drugs during the previous five years. 1987

41-22-33. Fees for safety and education program — Penalty — Unlawful acts.

(1) Beginning July 1, 1987, a \$2 fee will be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program. The division may also collect a fee not to exceed \$10 from each person who receives the training and takes the knowledge and skills test, or a fee not to exceed \$5 from each person who takes the knowledge and skills test for off-highway vehicle use.

(2) (a) To help defray instructors' costs, the division may allow volunteer certified off-highway vehicle safety instructors to retain up to \$3 of the fee collected from each student who receives the training and takes the knowledge and skills test.

(b) On or before the 10th day of each calendar month, volunteer off-highway vehicle safety instructors shall report to the division all fees collected and students trained and shall accompany the report with all money received for off-highway vehicle training, less the remuneration described.

(c) If a volunteer off-highway vehicle safety instructor intentionally or negligently fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total due together with interest.

(d) All fees collected from students, except the remuneration, shall be kept separate and apart from private funds of the instructor and shall at all times belong to the state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the instructor, receiver, or trustee for all money owing the state for training and shall not be stopped from asserting the claim by reason of commingling of funds or otherwise.

(e) The willful misdating of an off-highway vehicle education safety certificate, the issuance of an incompleting certificate, or the issuance of a receipt in lieu of a certificate is unlawful. 1989