



MODEL STATE ALL-TERRAIN VEHICLE LEGISLATION

(November 30, 2007)

Chapter 1. Definitions

Section 101. Definitions. As used in this Act:

(a) “All-Terrain Vehicle” or “ATV” means a motorized off-highway vehicle designed to travel on 3 or 4 low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer for use by a single operator or an operator and no more than one passenger. ATVs intended by the manufacturer for use by an operator and a passenger shall be equipped with a designated seating position behind the operator designed to be straddled by no more than one passenger.

(b) “Commissioner” means the commissioner of _____.

(c) “Dealer” means any person engaged in the business of selling, leasing, or renting all-terrain vehicles at retail, at a regular place of business.

(d) “Department” means the Department of _____.

(e) “Owner” means any person, other than a person with a security interest, having a property interest or title to an all-terrain vehicle and entitled to the use and possession of the vehicle.

(f) “Person” means every natural person, firm, co-partnership, association, or corporation.

(g) “Public street,” “road,” or “highway” [the state will define these terms to correspond to other legislation and its road system, but it is not intended that this definition cover such public thoroughfares as logging roads, woodland trails or other unimproved ways.]

Chapter 2. Education and Training Program

Section 201. Establishment of Program.

(a) The Commissioner shall establish or adopt standards for and shall implement a comprehensive all-terrain vehicle safety education and training program. The program shall

provide for the hands-on training of all-terrain vehicle operators, and for the issuance of all-terrain vehicle safety certificates to operators who successfully complete the training. Courses shall meet or exceed the requirements of the nationally recognized All-Terrain Vehicle Safety Institute's ("ASI") ATV RiderCourse.

(b) The Commissioner may authorize persons, clubs, associations, municipalities, or other political subdivisions of the state to conduct classes and issue all-terrain vehicle safety certificates (referenced in paragraph (a)) in the Commissioner's name. Any authorized person, club, association, municipality, or political subdivision may charge a reasonable fee for providing an approved training course and issuing ATV certificates, subject to approval by the Commissioner.

Section 202. Safety Certificate.

(a) Except as provided in paragraph (d) of this section, all operators seeking a safety certificate must receive training as required by Section 201.

(b) The training program shall be offered to anyone who may lawfully operate an ATV under Section 301.

(c) By the effective date of this Act [or later date determined by the state as appropriate] any person operating an ATV on public land shall have a safety certificate issued pursuant to this act or issued by another state or Canadian province, unless operating in the state temporarily for a period not to exceed [____] days.

(d) The Commissioner may issue an "exceptional" safety certificate to any adult applicant (18 years of age or older) upon a satisfactory showing by the applicant of at least [____] year(s) of ATV operating experience.

Section 203. Safety Instructors.

(a) The Commissioner shall establish a program to certify or license all-terrain vehicle safety instructors, clubs, associations, municipalities or political subdivisions thereof to conduct a training program and to issue safety certificates in the Commissioner's name.

(b) All-terrain vehicle safety instructors at a minimum shall meet the following requirements to become and remain certified:

(1) possess a current all-terrain vehicle safety instructor credential that meets or exceeds the requirements for an Instructor license issued by the All-Terrain Vehicle Safety Institute ("ASI");

(2) be at least 18 years of age;

(3) have no convictions relating to or as a result of the use of alcohol or drugs during the immediately preceding two (2) years; and

(4) have no previous felony convictions.

Section 204. Certification Fees.

The Commissioner may authorize collection of a fee, not to exceed \$____, from each applicant for a safety certificate. Fees collected shall be retained in a dedicated fund to support the ATV safety training and education program.

Chapter 3. Operation

Section 301. Age Restrictions.

(a) No person under age 6 may operate an ATV.

(b) No person shall operate an all-terrain vehicle bearing a Certification Label conforming to ANSI/SVIA 1 – 2007 in violation of the Age Recommendation Warning Label affixed by the manufacturer.

(c) No person shall operate an all-terrain vehicle not bearing a Certification Label conforming to ANSI/SVIA 1 – 2007 except as follows:

(1) All terrain vehicles with engine capacity less than 70 cubic centimeter displacement shall be operated only by those aged 6 and older.

(2) All terrain vehicles with engine capacity 70 cubic centimeter displacement (“cc”) up to and including 90 cc shall be operated only by those aged 12 and older.

(3) All-terrain vehicles with engine capacity greater than 90 cc shall be operated only by those aged 16 and older.

(d) A person under 16 years of age may only operate an ATV under the direct supervision of an adult age 18 or older.

Section 302. Equipment Requirements.

Any all-terrain vehicle operated in this state shall comply with the American National Standard for Four Wheel All-Terrain Vehicles, ANSI/SVIA 1-2007, or later revision, or meet the following requirements:

(a) Every all-terrain vehicle must be equipped with a brake system maintained in good operating condition.

(b) Every all-terrain vehicle must be equipped with an effective muffler system in good working condition.

(c) Every all-terrain vehicle must be equipped with an effective spark arrester in good working condition.

(d) All-terrain vehicles participating in certain competitive events may be exempted from all or any part or parts of Section 302 at the discretion of the Commissioner.

Chapter 4 Prohibited Acts

Section 401. Prohibited Acts by Owner and Operator.

The following acts are prohibited when an all-terrain vehicle is operated on public land.

(a) No person shall operate an all-terrain vehicle without having been issued an all-terrain vehicle safety certificate if such certificate is required by Section 202.

(b) No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or to cause injury or damage to any person or property.

(c) An all-terrain vehicle shall not be driven or operated on any public street, road, or highway of this state unless such street, road, or highway is part of a designated trail system permitting such operation or except for purposes of crossing if:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) the operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;

(4) if equipped, both the headlight and tail light are on when the crossing is made.

(d) The crossing on any interstate or limited access highway is not permitted.

(e) No person shall operate an all-terrain vehicle during hours of darkness without displaying a lighted headlamp and tail lamp. These lights must be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions, unless use of lights is prohibited by other applicable state laws such as a prohibition on use of lamps when hunting at night.

(f) No person shall operate an all-terrain vehicle unless the person wears eye protection and an approved safety helmet.

(g) No operator of an all-terrain vehicle shall carry a passenger, except the operator of an ATV intended by the manufacturer for use by an operator and a passenger may carry one passenger.

(h) No person shall operate an all-terrain vehicle while under the influence of alcohol or any controlled substance, or under the influence of a prescription or non-prescription drug that impairs vision, motor coordination or judgment.

(i) No person shall operate an all-terrain vehicle in a manner inconsistent with the age restrictions of Section 301 or the equipment requirements of Section 302.

(j) No owner shall authorize an all-terrain vehicle to be operated contrary to this Act.

Section 402. Prohibited Acts by Seller.

(a) No person shall knowingly sell or offer to sell an all-terrain vehicle bearing a Certification Label conforming to ANSI/SVIA 1 – 2007 in violation of the Age Recommendation Warning Label affixed by the manufacturer.

(b) For all-terrain vehicles not bearing a Certification Label conforming to ANSI/SVIA 1 – 2007 no person shall knowingly sell or offer to sell at retail:

(1) An all-terrain vehicle for use by a person under 6 years of age.

(2) An all-terrain vehicle for use by those age 6 – 11 with engine capacity of 70 cubic centimeter displacement or greater.

(3) An all terrain vehicle for use by those age 12 -15 with engine capacity greater than 90 cc.

Chapter 5 Miscellaneous Provisions

Section 501. Powers of the Commissioner.

The Commissioner may promulgate rules and regulations as may be deemed necessary to carry out and enforce the provisions of this Act.

Section 502. Penalties.

Any person who violates any of the provisions in Chapter 4 of this Act shall be subject to a fine of not less than \$__ or more than \$___. However, for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, a fine of not less and \$__ or more than \$__ shall be imposed.

Section 503. Effective Date.

This Act shall take effect on _____.