

SB64 INTRODUCED



1 SB64
2 V4A4VLL-1
3 By Senators Stutts, Gudger, Williams, Givhan, Shelnuttt,
4 Chesteen, Stewart, Singleton
5 RFD: Agriculture, Conservation, and Forestry
6 First Read: 07-Feb-24



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SYNOPSIS:

This bill would authorize the operation of off-road vehicles on certain county roads if the vehicle meets certain conditions including licensure. The bill also authorizes other off-road vehicles to cross a county road under certain conditions.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to off-road vehicles; to provide for the
34 operation of off-road vehicles on certain county roads under
35 certain conditions; to provide penalties for a violation; and
36 in connection therewith would have as its purpose or effect
37 the requirement of a new or increased expenditure of local
38 funds within the meaning of Section 111.05 of the Constitution
39 of Alabama of 2022.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. (a) As used in this act, the following
42 terms have the following meanings:

43 (1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle 60
44 inches or less in width, measured from the outside of the tire
45 rim to the outside of the tire rim directly across on the
46 vehicle, having a dry weight of 1,500 pounds or less, designed
47 to travel on three or more non-highway tires, and manufactured
48 for off-road use by a single operator or by an operator and
49 not more than one passenger as provided by the manufacturer.

50 (2) COUNTY ROAD. A road or bridge that has been
51 classified as a county road or a road for which a county has
52 otherwise assumed control. The term does not include an
53 interstate or national defense highway. The term does not
54 include any public road for which the speed limit is greater
55 than 55 miles per hour.

56 (3) OFF-ROAD VEHICLE. Any all-terrain or recreational



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57 off-highway vehicle. The term does not include any electric
58 bicycle; any golf cart; any vehicle used for military, fire,
59 emergency, or law enforcement purposes; any motorboat; any
60 vehicles used exclusively on airport property; all farm
61 machinery, farm tractors, and other self-propelled equipment
62 for harvesting and transportation of forest products, for
63 clearing land for planting, for utility services and
64 maintenance, or for earth moving, construction, or mining; and
65 self-propelled lawnmowers, snowblowers, and garden or lawn
66 tractors while such vehicles are being used exclusively for
67 their designed purposes.

68 (4) RECREATIONAL OFF-HIGHWAY VEHICLE. Any off-road
69 vehicle 80 inches or less in width, measured from the outside
70 of the tire rim to the outside of the tire rim directly across
71 on the vehicle, having a dry weight of 3,500 pounds or less,
72 designed and manufactured to travel on four or more
73 non-highway tires for off-road use by an operator and the
74 number of passengers as provided by the manufacturer.

75 (b) An off-road vehicle may be operated on a county
76 road if the vehicle is registered as a motor vehicle, issued a
77 license tag, and meets the requirements of this section.

78 (c) An off-road vehicle may be registered as a motor
79 vehicle upon payment of the required taxes and fees provided
80 pursuant Article 5 of Chapter 12 of Title 40, Code of Alabama
81 1975, and following certification by the manufacturer or
82 dealer that the vehicle is equipped with all of the following:

83 (1) Brakes meeting the requirements of Section
84 32-5-212, Code of Alabama 1975.



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85 (2) Head lamps and tail lamps as required under
86 subsection (b) and (c) of Section 32-5-240, Code of Alabama
87 1975.

88 (3) A horn meeting the requirements of Section
89 32-5-213, Code of Alabama 1975.

90 (4) A roll bar.

91 (5) Seat belts for each seat, as required under Section
92 32-5-217, Code of Alabama 1975.

93 (6) A manufacturer-installed or equivalent spark
94 arrester.

95 (7) A manufacturer-installed or equivalent muffler in
96 proper working order and properly connected to the vehicle's
97 exhaust system.

98 (8) A windshield, with or without wipers; except, that
99 if the vehicle is not equipped with a windshield, then the
100 operator and each passenger shall wear glasses containing
101 impact resistant lenses, safety goggles, or a transparent face
102 shield.

103 (d) The operator of an off-road vehicle shall be at
104 least 16 years of age and possess a valid driver license from
105 this state or an equivalent license from another state.

106 (e) The off-road vehicle shall be covered by a
107 liability insurance policy in an amount not less than the
108 minimum amounts required under Chapter 7A of Title 32, Code of
109 Alabama 1975.

110 (f) The operator of an off-road vehicle shall obey all
111 of the duties applicable to the operator of a motor vehicle
112 under Chapter 5 and Chapter 5A of Title 32, Code of Alabama



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113 1975, except as to those provisions that by their nature can
114 have no application.

115 (g) Notwithstanding the requirements of subsections (b)
116 and (e), an off-road vehicle may cross a county road if all of
117 the following conditions are satisfied:

118 (1) The crossing is made at an angle of approximately
119 90 degrees to the direction of the county road and at a place
120 where no obstruction prevents a quick and safe crossing.

121 (2) The vehicle is brought to a complete stop before
122 crossing the shoulder or main traveled way of the county road.

123 (3) The operator yields the operator's right-of-way to
124 all oncoming traffic that constitutes an immediate potential
125 hazard.

126 (4) The vehicle has both headlights and taillights that
127 are illuminated when the crossing is made.

128 (h) A person who violates this section is guilty of a
129 violation.

130 (i) Operation of an off-road vehicle shall be exempt
131 from the registration requirements and equipment and safety
132 requirements of this section under any of the following
133 conditions:

134 (1) On any private or public recreational trail or
135 area.

136 (2) Operated on an affiliated trail or area operated by
137 a person or entity which has in place a safety program.

138 (3) Operated for agricultural purposes.

139 (4) Operated for wildlife management, law enforcement,
140 emergency services, and other such official purposes.



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141 Section 2. Although this bill would have as its purpose
142 or effect the requirement of a new or increased expenditure of
143 local funds, the bill is excluded from further requirements
144 and application under Section 111.05 of the Constitution of
145 Alabama of 2022, because the bill defines a new crime or
146 amends the definition of an existing crime.

147 Section 3. This act shall become effective on October
148 1, 2024.