

SB255 INTRODUCED



1 VQ55LL-1
2 By Senator Kelley
3 RFD: County and Municipal Government
4 First Read: 25-Apr-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, an all-terrain vehicle, off-road vehicle, or recreational off-highway vehicle may be registered with the Alabama State Law Enforcement Agency for private use or public use.

This bill would provide for the licensing and registration of these vehicles for use on certain public roads 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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A BILL
TO BE ENTITLED
AN ACT

Relating to all-terrain vehicles; to provide for the licensing and registration of certain off-road vehicles for use on certain public roads under certain conditions; to provide penalties for a violation; and to amend Section 32-12A-1, Code of Alabama 1975, as last amended by Act 2022-371, 2022 Regular Session, to further provide definitions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-12A-1, Code of Alabama 1975, as last amended by Act 2022-371, 2022 Regular Session, is amended to read as follows:

"§32-12A-1

For purposes of this chapter, the following terms shall have the following meanings:

(1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle 60 inches or less in width, measured from the outside of the tire rim to the outside of the tire rim directly across on the vehicle, having a dry weight of 1,500 pounds or less, designed to travel on three or more non-highway tires, and manufactured



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57 for off-road use by a single operator or by an operator and
58 not more than one passenger as provided by the manufacturer.

59 (2) DEPARTMENT. The Department of Revenue.

60 ~~(2)~~ (3) OFF-ROAD VEHICLE. Any motorized vehicle not
61 designed for use on a highway and capable of cross-country
62 travel on land, snow, ice, marsh, swampland, or other natural
63 terrain. The term includes any all-terrain vehicle and
64 recreational off-highway vehicle. The term excludes any
65 electric bicycle; any golf cart; any vehicle used for
66 military, fire, emergency, or law enforcement purposes; any
67 motorboat; any vehicles used exclusively on airport property;
68 all farm machinery, farm tractors, and other self-propelled
69 equipment for harvesting and transportation of forest
70 products, for clearing land for planting, for utility services
71 and maintenance, or for earth moving, construction, or mining;
72 and self-propelled lawnmowers, snowblowers, and garden or lawn
73 tractors while such vehicles are being used exclusively for
74 their designed purposes. The term does not include any motor
75 vehicle for which a certificate of title is required by
76 Chapter 8.

77 (4) COUNTY ROAD. A road or bridge that has been
78 classified as a county road or a road for which a county has
79 otherwise assumed control. The term does not include an
80 interstate or national defense highway. The term does not
81 include any public road for which the speed limit is greater
82 than 55 miles per hour.

83 ~~(3)~~ (5) PRIVATE USE. Use exclusively on private property
84 or as an implement of husbandry, as defined in Section 32-8-2.



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85 ~~(4)~~ (6) PUBLIC USE. Off-road public use in designated
86 public areas.

87 ~~(5)~~ (7) RECREATIONAL OFF-HIGHWAY VEHICLE. Any off-road
88 vehicle 80 inches or less in width, measured from the outside
89 of the tire rim to the outside of the tire rim directly across
90 on the vehicle, having a dry weight of 3,500 pounds or less,
91 designed and manufactured to travel on four or more
92 non-highway tires for off-road use by an operator and the
93 number of passengers as provided by the manufacturer.

94 ~~(6) SECRETARY. The Secretary of the Alabama State Law~~
95 ~~Enforcement Agency."~~

96 Section 2. (a) Any off-road vehicle or recreational
97 off-highway vehicle, as those terms are defined under Section
98 32-12A-1, Code of Alabama 1975, may be operated on a county
99 road, as defined under Section 32-5A-1, Code of Alabama 1975,
100 if the vehicle is registered as a motor vehicle pursuant to
101 Article 5 of Chapter 12 of Title 40, issued a license tag, and
102 meets the requirements of this section.

103 (b) An off-road vehicle or recreational off-highway
104 vehicle may be registered as a motor vehicle upon payment of
105 the required taxes and fees provided pursuant Article 5 of
106 Chapter 12 of Title 40 and following certification by the
107 manufacture of the vehicle or an inspection and approval by
108 the judge of probate or local license issuing official that
109 the vehicle is equipped with all of the following:

110 (1) Brakes meeting the requirements of Section
111 32-5-212, Code of Alabama 1975.

112 (2) Head lamps and tail lamps as required under



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113 subsection (b) and (c) of Section 32-5-240, Code of Alabama
114 1975.

115 (3) A horn meeting the requirements of Section
116 32-5-213, Code of Alabama 1975.

117 (4) A roll bar.

118 (5) Seat belts for each seat, as required under Section
119 32-5-217, Code of Alabama 1975.

120 (6) A manufacturer-installed or equivalent spark
121 arrester.

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

125 (8) A windshield, with or without wipers; except, that
126 if the vehicle is not equipped with a windshield, then the
127 operator and each passenger shall wear glasses containing
128 impact resistant lenses, safety goggles, or a transparent face
129 shield.

130 (c) The operator of an off-road or recreational
131 off-highway vehicle shall be at least 16 years of age and
132 possess a valid driver license from this state or an
133 equivalent license from another state.

134 (d) The off-road vehicle or recreational off-highway
135 vehicle shall be covered by a liability insurance policy in an
136 amount no less than the minimum amounts required under Chapter
137 7A of Title 32, Code of Alabama 1975.

138 (e) The operator an off-road or recreational
139 off-highway vehicle shall obey all of the duties applicable to
140 the operator of a motor vehicle under Chapter 5 and Chapter 5A



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141 of Title 32, Code of Alabama 1975, except as to those
142 provisions that by their nature can have no application.

143 (f) Notwithstanding subsection (a), any off-road
144 vehicle or recreational off-highway vehicle may cross from a
145 county road, field, or area of operation to another, or across
146 a state highway or other noncounty road, not to include an
147 interstate or national defense highway system, if all of the
148 following conditions are satisfied:

149 (1) The crossing is made at an angle of approximately
150 90 degrees to the direction of the highway and at a place
151 where no obstruction prevents a quick and safe crossing.

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

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

157 (4) Both the headlights and taillights are illuminated
158 when the crossing is made.

159 (g) A person who violates this section is guilty of a
160 misdemeanor.

161 (h) Operation of an off-road or recreational
162 off-highway vehicles shall be exempt from the registration
163 requirements and equipment and safety requirements of this
164 section under any of the following conditions:

165 (1) On any private or public recreational trail or
166 area.

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



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169 (3) Operated for agricultural purposes.

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

172 (i) Nothing in this section authorizes the operation on
173 county roads of any all-terrain vehicle or other off-highway
174 vehicles other than off-road vehicles or recreational
175 off-highway vehicles.

176 (j) In addition to any taxes or fees charged and
177 collected under Article 5 of Chapter 12 of Title 40, Code of
178 Alabama 1975, for the registration of an off-road vehicle or
179 recreational off-highway vehicle under this section, there
180 shall be charged and collected a five dollar (\$5) fee, to be
181 remitted to the local county sheriff's fund, to be used for
182 law enforcement purposes.

183 Section 3. Although this bill would have as its purpose
184 or effect the requirement of a new or increased expenditure of
185 local funds, the bill is excluded from further requirements
186 and application under Section 111.05 of the Constitution of
187 Alabama of 2022, because the bill defines a new crime or
188 amends the definition of an existing crime.

189 Section 4. This act shall become effective on the first
190 day of the third month following its passage and approval by
191 the Governor, or its otherwise becoming law.