

SENATE BILL 90

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 3; Title 55, Chapter 4 and Title 55, Chapter 8, relative to operation of off-highway vehicles on certain roads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-3-101(c)(1), is amended by deleting the language "Class I and Class II off-highway vehicles" and substituting instead the language "utility task vehicles and Class I and Class II off-highway vehicles".

SECTION 2. Tennessee Code Annotated, Section 55-3-101(c)(2), is amended by inserting the language "utility task vehicle," immediately before the language "off-highway motor vehicle,".

SECTION 3. Tennessee Code Annotated, Section 55-3-101(d), is amended by deleting the subsection and substituting instead the following:

(d) Utility task vehicles and Class I and Class II off-highway vehicles may be registered with the department of revenue in accordance with chapter 4, part 7 of this title and operated on county roads and state highways in accordance with § 55-8-203.

SECTION 4. Tennessee Code Annotated, Section 55-4-111(a)(1), is amended by adding the following new subdivision in Class (H):

(iii) Utility task vehicles—registration fee.....\$14.00

SECTION 5. Tennessee Code Annotated, Section 55-4-201(5), is amended by deleting the language "Class I and Class II off-highway vehicles" and substituting instead the language "utility task vehicles and Class I and Class II off-highway vehicles".

SECTION 6. Tennessee Code Annotated, Section 55-4-203(a)(15), is amended by deleting the subdivision and substituting instead the following:

(15) Off-highway vehicles:

- (A) Class I off-highway vehicles;
- (B) Class II off-highway vehicles; and
- (C) Utility task vehicles;

SECTION 7. Tennessee Code Annotated, Section 55-4-204(a)(16), is amended by deleting the language "Class I off-highway vehicles and Class II off-highway vehicles" and substituting instead the language "utility task vehicles, Class I off-highway vehicles, and Class II off-highway vehicles".

SECTION 8. Tennessee Code Annotated, Section 55-4-210(f)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The department is authorized to design, issue, and renew, or to authorize a designee to issue and renew, off-highway vehicle plates for the following vehicles registered by residents of this state:

- (A) Class I off-highway vehicles;
- (B) Class II off-highway vehicles; and
- (C) Utility task vehicles.

SECTION 9. Tennessee Code Annotated, Section 55-4-701(a), is amended by deleting the language "a Class I or Class II off-highway vehicle" and substituting instead the language "a utility task vehicle or a Class I or Class II off-highway vehicle".

SECTION 10. Tennessee Code Annotated, Section 55-4-701(c), is amended by deleting the language "a Class I or Class II off-highway vehicle upon a county road" and substituting instead the language "a utility task vehicle or a Class I or Class II off-highway vehicle upon a county road or state highway".

SECTION 11. Tennessee Code Annotated, Section 55-4-702(a), is amended by deleting the language "a Class I or Class II off-highway vehicle" and substituting instead the language "a utility task vehicle or a Class I or Class II off-highway vehicle".

SECTION 12. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following as a new, appropriately designated subdivision:

() "Utility task vehicle" means a motorized vehicle with four (4) nonhighway tires, or tracks, that possesses a four-wheel drive capability, that is propelled by an internal combustion engine with a piston displacement capacity of one thousand two hundred cubic centimeters (1,200 cc) or less, that has a total dry weight between one thousand two hundred pounds (1,200 lbs.) and two thousand six hundred pounds (2,600 lbs.), and that has a nonstraddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel;

SECTION 13. Tennessee Code Annotated, Section 55-8-101(45), is amended by inserting the language "utility task vehicle," immediately after the language "Class II off-highway vehicle,".

SECTION 14. Tennessee Code Annotated, Section 55-8-185(a), is amended by deleting the language "is registered as a Class I or Class II off-highway vehicle pursuant to chapter 4, part 7 of this title, and operated on county roads pursuant to § 55-8-203;" and substituting instead the language "is registered as a utility task vehicle or a Class I or Class II off-highway vehicle pursuant to chapter 4, part 7 of this title, and operated on county roads or state highways pursuant to § 55-8-203;".

SECTION 15. Tennessee Code Annotated, Section 55-8-203, is amended by deleting the section and substituting instead the following:

(a) Any utility task vehicle, Class I off-highway vehicle, or Class II off-highway vehicle, as defined in § 55-8-101, that is registered pursuant to chapter 4, part 7 of this

title may be operated on county roads or state highways if the requirements in this section are met.

(b) A utility task vehicle or Class I or Class II off-highway vehicle operated on county roads or state highways pursuant to subsection (a) shall not be operated on the interstate and national defense highway system and must only be operated on county roads or state highways where the posted speed limit is forty-five miles per hour (45 mph) or less.

(c) A utility task vehicle or Class I or Class II off-highway vehicle authorized by subsection (a) may be operated on a county road or state highway if:

(1) The vehicle is equipped with:

(A) Brakes;

(B) At least two (2) taillights, stoplights, and headlights;

(C) Two (2) turn signal lamps or other devices meeting the requirements of § 55-8-144;

(D) A horn meeting the requirements of § 55-9-201;

(E) A roll bar; except, that if the vehicle is not equipped with a roll bar, then the operator and each passenger must wear a crash helmet in accordance with § 55-9-302;

(F) Seat belts for each seat; except, that if the vehicle is not equipped with seat belts, then the operator and each passenger must wear a crash helmet in accordance with § 55-9-302;

(G) A manufacturer-installed or equivalent spark arrester;

(H) A manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system;
and

(l) A windshield, with or without wipers; except, that if the vehicle is not equipped with a windshield, then the operator and each passenger must wear glasses containing impact resistant lenses, safety goggles, or a transparent face shield; and

(2) The operator is at least sixteen (16) years of age and possesses a valid driver license from this state or an equivalent license from another state, and otherwise complies with this chapter.

(d) A utility task vehicle and Class I and Class II off-highway vehicle and any person operating such vehicle is subject to all of the requirements or laws applicable to motor vehicles, including the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12, part 1 of this title, relating to financial responsibility; chapter 50 of this title, relating to driver licenses; and chapters 3 and 4 of this title, relating to titling and registration, except as otherwise provided in chapter 4, part 7 of this title, or this section.

(e) A person who operates a utility task vehicle or Class I or Class II off-highway vehicle upon a county road or state highway pursuant to this section shall obey all of the duties applicable to the driver of a motor vehicle under part 1 of this chapter, and chapter 10, parts 1-5 of this title, except as to those provisions that by their nature can have no application.

(f) A person who violates subsections (a)-(e) commits a Class C misdemeanor.

(g) Operation of the following off-highway vehicles are exempt from the registration requirements of chapter 4, part 7 of this title, and equipment and safety requirements of this section:

(1) An off-highway vehicle operated on any private or public recreational trail or area;

(2) An off-highway vehicle operated on an affiliated trail or area operated by a person or entity which has in place a safety program;

(3) Off-highway vehicles operated for agricultural purposes;

(4) Publicly-owned and operated off-highway vehicles that are used for wildlife management, law enforcement, emergency services, and other such purposes; and

(5) Off-highway motor vehicles operated pursuant to § 55-8-185, except those registered as a utility task vehicle or Class I or Class II off-highway vehicle pursuant to chapter 4, part 7 of this title, and operated on county roads or state highways pursuant to this section.

(h) This section does not:

(1) Authorize the operation on county roads or state highways of any motorcycle commonly referred to as a dirt bike, snowmobile or other vehicle designed to travel exclusively over snow or ice, or off-highway vehicle other than utility task vehicles or Class I or Class II off-highway vehicles; or

(2) Require any person to obtain a license pursuant to chapter 17 of this title in order to transfer, sell, or lease any utility task vehicle or Class I or Class II off-highway vehicle.

(i) As used in this section, "county road" means a road that has been classified as a county road pursuant to § 54-10-103 or a road for which a county has otherwise assumed control, and does not include a state highway or an interstate or national defense highway.

SECTION 16. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.