

SENATE BILL 2255

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to operation of off-highway vehicles on
certain roadways.

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

SECTION 1. Tennessee Code Annotated, Section 55-3-101, is amended by adding the following as a new subsection:

(d) Class I and Class II off-highway vehicles as defined in § 55-8-101 may be registered with the department of revenue in accordance with chapter 4, part 7 of this title and operated on county roads in accordance with Section 9 of this act.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by deleting subdivision (1) and adding the following new, appropriately designated subdivisions:

() "All-terrain vehicle" means either:

(A) A motorized non-highway tire vehicle with no less than four (4) nonhighway tires, but no more than six (6) nonhighway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

(B) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

() "Class I off-highway vehicle" means a motorized vehicle with not less than four (4) nonhighway tires, nor more than six (6) nonhighway tires, whose top speed is greater than thirty-five miles per hour (35 mph), that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.), that is sixty-five inches (65") or less in width, and that has a nonstraddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel. "Class I off-highway vehicle" includes mini-trucks;

() "Class II off-highway vehicle" means any off-highway vehicle that is designed to be primarily used for recreational purposes, that has a nonstraddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel, and that is commonly referred to as a sand buggy, dune buggy, rock crawler, or sand rail. "Class II off-highway vehicle" does not include a snowmobile or other vehicle designed to travel exclusively over snow or ice;

() "Off-highway vehicle" or "off-highway motor vehicle" means any vehicle designed primarily to be operated off public highways, including any Class I off-highway vehicle, Class II off-highway vehicle, all-terrain vehicle, any motorcycle commonly referred to as a dirt bike, or any snowmobile or other vehicle designed to travel exclusively over snow or ice;

SECTION 3. Tennessee Code Annotated, Section 55-4-111(a)(1), is amended by adding the following language to the subdivision:

Class (H):

- (i) Class I off-highway vehicles - registration fee \$10.00
- (ii) Class II off-highway vehicles - registration fee \$11.00

SECTION 4. Tennessee Code Annotated, Section 55-4-202(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Off-highway vehicles:

(A) Class I off-highway vehicles; and

(B) Class II off-highway vehicles;

SECTION 5. Tennessee Code Annotated, Section 55-4-203(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Regular fee as provided for in Class H of § 55-4-111(a)(1) and as provided for in part 7 of this chapter for Class I off-highway vehicles and Class II off-highway vehicles;

SECTION 6. Tennessee Code Annotated, Section 55-4-209, is amended by adding the following language as a new, appropriately designated subdivision:

() "Off-highway vehicle plate" or "off-highway vehicle license plate" means those motor vehicle registration plates, as enumerated in § 55-4-202(a)() and described in chapter 4, part 7 of this title, that are issued to Class I and Class II off-highway vehicles as defined in § 55-8-101;

SECTION 7. Tennessee Code Annotated, Section 55-4-210, is amended by adding the following as a new subsection:

(f)

(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; and

(B) Class II off-highway vehicles.

(2) The department is authorized to design, issue, and renew, or to authorize a designee to issue and renew off-highway vehicle temporary permits in lieu of plates for off-highway vehicles registered by nonresidents; provided, however, that a nonresident may apply directly to the department for an off-

highway vehicle permit. An off-highway vehicle temporary permit shall be valid for thirty (30) days.

(3) The department is authorized to contract with county clerks and with private vendors for the issuance and renewal of off-highway vehicle plates and off-highway temporary permits.

SECTION 8. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following language as a new part 7:

55-4-701.

(a) An owner or lessee of a Class I or Class II off-highway vehicle as defined in § 55-8-101 who is a resident of this state shall be issued an off-highway vehicle license plate authorized by § 55-4-210(f) upon:

(1) Compliance with the applicable provisions of chapters 1-6, including applications for certificates of title, and with rules promulgated by the department; and

(2) Payment of the fee applicable to the vehicle as provided in Class H of § 55-4-111(a)(1).

(b) The fees imposed by Class H of § 55-4-111(a)(1) and collected by the department shall be allocated pursuant to § 55-6-107(a) in the same manner as registration fees imposed by this chapter are allocated.

(c) As a condition precedent to operating a Class I or Class II off-highway vehicle upon a county road in this state the operator shall comply with chapter 12 of this title relative to financial responsibility.

55-4-702.

(a) An owner or lessee of a Class I or Class II off-highway vehicle as defined in § 55-8-101 who is a not a resident of this state, upon complying with rules promulgated by

the department and paying both a four-dollar fee and a fee equal to the cost of designing and manufacturing the permit, shall be issued an off-highway vehicle temporary permit authorized for the off-highway vehicles enumerated in § 55-4-210(f)(1); provided, however, that in the event the temporary permit is issued through the offices of the county clerks of the state or a vendor selected by the department an additional fee of two dollars (\$2.00) shall be imposed and retained by the clerks or by the vendor as compensation for services.

(b) The four-dollar fee imposed by subsection (a) shall be apportioned in the same manner as provided in § 55-4-701(b).

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 8, Part 2, is amended by adding the following as a new section:

(a) Any Class I or Class II off-highway vehicle as defined in § 55-8-101 registered pursuant to chapter 4, part 7 of this title, may be operated on county roads, if the requirements in this section are met. No Class I or Class II off-highway vehicle shall be operated on a state highway or on the interstate and national defense highway system. Nothing in this section authorizes the operation on county roads of any all-terrain vehicle or off-highway vehicles other than Class I or Class II off-highway vehicles.

(b) Any Class I or Class II off-highway vehicle operated on county roads pursuant to subsection (a) may, for the purpose of crossing from one (1) road, field, or area of operation to another, be operated upon a state highway or other noncounty road, except upon the interstate and national defense highway system, if:

(1) The crossing is made at an angle of approximately ninety (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 operator's right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

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

(c) A Class I or Class II off-highway vehicle authorized by subsection (a) may be operated if, while on the county roads:

(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;

(F) Seat belts for each seat;

(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

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

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

(d) A 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 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, or this section.

(e) Every person operating a Class I or Class II off-highway vehicle upon a county road 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 shall be 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.

SECTION 10. Tennessee Code Annotated, Section 55-3-101(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(1) Notwithstanding any other law to the contrary, off-highway motor vehicles purchased after June 1, 1983, shall be subject to the certificate of title and special identification device provisions of this chapter and § 55-6-101, when the off-highway motor vehicles are operated on lands, other than a highway, in this state; except, that this subdivision (c)(1) does not apply to Class I and Class II off-highway vehicles.

(2) For purposes of this chapter and chapter 52 of this title, "off-highway motor vehicle", "Class I off-highway vehicle", and "Class II off-highway vehicle" have the same meanings as defined in § 55-8-101.

SECTION 11. Tennessee Code Annotated, Section 55-8-185(a), is amended by deleting the language "No off-highway motor vehicle defined in § 55-3-101(c)(2) shall be operated or driven upon a highway unless the vehicle is registered as a medium speed vehicle pursuant to §§ 55-8-101 and 55-4-136;" and substituting instead the language "No off-highway motor vehicle as defined in § 55-3-101(c)(2) shall be operated or driven upon a highway unless the vehicle is registered as a medium speed vehicle pursuant to §§ 55-8-101 and 55-4-136; is registered as a Class I or Class II off-highway vehicle pursuant to chapter 4, part 7, and operated on county roads pursuant to Section 9 of this act;".

SECTION 12. Tennessee Code Annotated, Section 55-8-185(c)(1), is further amended by deleting the language "three- or four-wheel all-terrain vehicles" and substituting instead the language "three- or four-wheel all-terrain vehicles or three- or four-wheel off-highway vehicles".

SECTION 13. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.