

By the Committee on Transportation; and Senator Dean

596-02585-14

20141024c1

1                   A bill to be entitled  
2       An act relating to off-highway vehicles; amending s.  
3       261.03, F.S.; revising the terms "ATV" and "ROV";  
4       amending s. 261.20, F.S.; revising a violation for  
5       carrying an operator and more than a single passenger  
6       on certain off-highway vehicles to prohibit carrying  
7       more passengers than the vehicle is designed to carry;  
8       amending a penalty provision to apply to off-highway  
9       vehicles; amending s. 316.2074, F.S.; revising the  
10      term "all-terrain vehicle"; amending s. 317.0003,  
11      F.S.; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Subsections (2) and (8) of section 261.03,  
16 Florida Statutes, are amended to read:

17       261.03 Definitions.—As used in this chapter, the term:

18       (2) "ATV" means any motorized off-highway or all-terrain  
19 vehicle 50 inches or less in width, having a dry weight of 1,200  
20 pounds or less, designed to travel on three or more nonhighway  
21 tires, and manufactured for recreational use by one or more  
22 persons having a seat designed to be straddled by the operator  
23 and handlebars for steering control, and intended for use by a  
24 single operator with no passenger.

25       (8) "ROV" means any motorized recreational off-highway  
26 vehicle 65 ~~64~~ inches or less in width, having a dry weight of  
27 2,000 pounds or less, designed to travel on four or more  
28 nonhighway tires, ~~having nonstraddle seating and a steering~~  
29 ~~wheel,~~ and manufactured for recreational use by one or more

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30 persons. The term "ROV" does not include a golf cart as defined  
31 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined  
32 in s. 320.01.

33 Section 2. Subsections (5) and (6) of section 261.20,  
34 Florida Statutes, are amended to read:

35 261.20 Operations of off-highway vehicles on public lands;  
36 restrictions; safety courses; required equipment; prohibited  
37 acts; penalties.—

38 (5) It is a violation of this section:

39 (a) To carry more passengers ~~a passenger~~ on an off-highway  
40 vehicle than, ~~unless~~ the machine is specifically designed by the  
41 manufacturer to carry ~~an operator and a single passenger~~.

42 (b) To operate an off-highway vehicle while under the  
43 influence of alcohol, a controlled substance, or any  
44 prescription or over-the-counter drug that impairs vision or  
45 motor condition.

46 (c) For a person who has not attained 16 years of age, to  
47 operate an off-highway vehicle without wearing eye protection,  
48 over-the-ankle boots, and a safety helmet that is approved by  
49 the United States Department of Transportation or Snell Memorial  
50 Foundation.

51 (d) To operate an off-highway vehicle in a careless or  
52 reckless manner that endangers or causes injury or damage to  
53 another person or property.

54 (6) Any person who violates this section commits a  
55 noncriminal infraction and is subject to a fine of not less than  
56 \$100 and may have his or her privilege to operate an off-highway  
57 vehicle ~~ATV~~ on public lands revoked. However, a person who  
58 commits such acts with intent to defraud, or who commits a

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59 second or subsequent violation, is subject to a fine of not less  
60 than \$500 and may have his or her privilege to operate an off-  
61 highway vehicle ~~ATV~~ on public lands revoked.

62 Section 3. Subsection (2) of section 316.2074, Florida  
63 Statutes, is amended to read:

64 316.2074 All-terrain vehicles.—

65 (2) As used in this section, the term "all-terrain vehicle"  
66 means any motorized off-highway vehicle 50 inches or less in  
67 width, having a dry weight of 1,200 pounds or less, designed to  
68 travel on three or more nonhighway tires, and manufactured for  
69 recreational use by one or more persons ~~having a seat designed~~  
70 ~~to be straddled by the operator and handlebars for steering~~  
71 ~~control, and intended for use by a single operator with no~~  
72 ~~passenger.~~ For the purposes of this section, "all-terrain  
73 vehicle" also includes a any "two-rider ATV" as defined in s.  
74 317.0003.

75 Section 4. Subsections (1) and (9) of section 317.0003,  
76 Florida Statutes, are amended to read:

77 317.0003 Definitions.—As used in this chapter, the term:

78 (1) "ATV" means any motorized off-highway or all-terrain  
79 vehicle 50 inches or less in width, having a dry weight of 1,200  
80 pounds or less, designed to travel on three or more nonhighway  
81 tires, and manufactured for recreational use by one or more  
82 persons ~~having a seat designed to be straddled by the operator~~  
83 ~~and handlebars for steering control, and intended for use by a~~  
84 ~~single operator and with no passenger.~~

85 (9) "ROV" means any motorized recreational off-highway  
86 vehicle 65 ~~64~~ inches or less in width, having a dry weight of  
87 2,000 pounds or less, designed to travel on four or more

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88 nonhighway tires, ~~having nonstraddle seating and a steering~~  
89 ~~wheel,~~ and manufactured for recreational use by one or more  
90 persons. The term "ROV" does not include a golf cart as defined  
91 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined  
92 in s. 320.01.

93 Section 5. This act shall take effect July 1, 2014.