

By Senator Smith

14-1490-05

1 A bill to be entitled
2 An act relating to all-terrain vehicles;
3 creating s. 261.20, F.S.; providing safety and
4 equipment requirements for the operation of
5 ATVs on public lands; restricting the
6 operatoion by children of certain ages;
7 requiring safety training; requiring the
8 Department of Agriculture and Consumer Services
9 to implement a safety training program;
10 providing instructor qualifications; providing
11 equipment and safe-operating requirements;
12 prohibiting certain acts; providing penalties;
13 providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 261.20, Florida Statutes, is
18 created to read:

19 261.20 Operation of all-terrain vehicles on public
20 lands; restrictions; safety courses; required equipment;
21 prohibited acts; penalties.--

22 (1) This section applies only to the operation of ATVs
23 on public lands.

24 (2) A person who is under the age of:

25 (a) Six may not operate an ATV.

26 (b) Twelve may not operate an ATV having an engine
27 displacement of 70 cubic centimeters or more.

28 (c) Sixteen may not operate an ATV having an engine
29 displacement of more than 90 cubic centimeters.

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1 Any person operating an ATV as permitted in this subsection,
2 must be under continuous adult supervision while operating the
3 ATV.

4 (3) Effective July 1, 2006, a person who was born on
5 or after January 1, 1990, must have in his or her possession
6 while operating an ATV, a certificate evidencing the
7 satisfactory completion of an ATV safety course in this state
8 or another jurisdiction. A nonresident who is in this state
9 temporarily for a period not to exceed 30 days is exempt from
10 this subsection.

11 (4)(a) The department shall develop and implement an
12 ATV safety-education program to provide training for operators
13 of ATVs. The course content shall be adopted from a curriculum
14 developed by a national safety organization, such as the
15 All-Terrain Vehicle Safety Institute.

16 (b) The department shall certify course sponsors and
17 course instructors, including individuals, clubs,
18 associations, or governmental entities to conduct ATV
19 safety-education courses and issue certificates evidencing
20 successful completion of such courses. A course sponsor may
21 charge a course fee in an amount approved by the department,
22 not to exceed \$10.

23 (c) A course instructor must:

- 24 1. Hold an ATV instructor certificate or license from
25 a national ATV safety organization;
26 2. Be 18 years of age or older;
27 3. Have had no convictions relating to alcohol or
28 controlled-substance abuse within the preceding 2 years; and
29 4. Have had no felony convictions.

30 (d)1. An ATV must be equipped with a braking system,
31 muffler, and spark arrestor in operating condition.

1 2. An ATV that is operated between sunset and sunrise,
2 or when visibility is reduced because of rain, smoke, or smog,
3 must display a lighted headlamp and taillamp unless the use of
4 such lights is prohibited by other laws, such as a prohibition
5 on the use of lights when hunting at night.

6 3. An ATV that is used in certain competitive events
7 may be exempted from any equipment requirement in this
8 paragraph by departmental rule.

9 (5) It is a violation of this section to:

10 (a) Carry a passenger on an ATV.

11 (b) Operate an ATV while under the influence of
12 alcohol, a controlled substance, or any prescription or
13 over-the-counter drug that impairs vision or motor
14 coordination.

15 (c) Operate an ATV without wearing eye protection and
16 an approved safety helmet.

17 (d) Sell at retail or lease an ATV, knowing that it is
18 intended for use by an underage person in violation of
19 subsection (2).

20 (e) Operate an ATV in a careless or reckless manner
21 that endangers or causes injury or damage to another person or
22 property.

23 (f) Any person who violates this section commits a
24 noncriminal infraction and is subject to a fine of not less
25 than \$25 nor more than \$500. However, a person who commits
26 such acts with intent to defraud, or who commits a second or
27 subsequent violation, is subject to a fine of not less than
28 \$50 nor more than \$1,000.

29 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Establishes requirements for the safe operation of all-terrain vehicles on public lands. Provides age limitations for operators. Requires a safety course and provides for the establishment of a safety-course program. Provides instructor qualifications. Provides equipment and other safety requirements. Provides fines for violations.