

By Senator Garcia

40-1156-06

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 operation  
6            by children of certain ages; requiring safety  
7            training; requiring the Department of  
8            Agriculture and Consumer Services to implement  
9            a safety training program; providing instructor  
10           qualifications; providing equipment and  
11           safe-operating requirements; prohibiting  
12           certain acts; providing penalties; providing an  
13           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 younger than 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, 2007, a person who was born on  
5 or after January 1, 1991, 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 the 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) Operate an ATV in a careless or reckless manner  
18 that endangers or causes injury or damage to another person or  
19 property.

20           (6) Any person who violates this section commits a  
21 noncriminal infraction and is subject to a fine of not less  
22 than \$25 or more than \$500. However, a person who commits the  
23 acts with intent to defraud, or who commits a second or  
24 subsequent violation, is subject to a fine of not less than  
25 \$50 or more than \$1,000.

26           Section 2. This act shall take effect July 1, 2006.  
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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.