

20141024e1

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.; revising the terms "ATV" and "ROV"; providing an  
12          effective date.

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

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

18          261.03 Definitions.—As used in this chapter, the term:

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

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

20141024e1

30 ~~wheel,~~ and manufactured for recreational use by one or more  
31 persons. The term "ROV" does not include a golf cart as defined  
32 in ss. 320.01 and 316.003(68) or a low-speed vehicle as defined  
33 in s. 320.01.

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

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

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

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

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

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

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

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

20141024e1

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

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

65 316.2074 All-terrain vehicles.—

66 (2) As used in this section, the term "all-terrain vehicle"  
67 means any motorized off-highway vehicle 50 inches or less in  
68 width, having a dry weight of 1,200 pounds or less, designed to  
69 travel on three or more nonhighway tires, and manufactured for  
70 recreational use by one or more persons ~~having a seat designed~~  
71 ~~to be straddled by the operator and handlebars for steering~~  
72 ~~control, and intended for use by a single operator with no~~  
73 ~~passenger~~. For the purposes of this section, "all-terrain  
74 vehicle" also includes a ~~any~~ "two-rider ATV" as defined in s.  
75 317.0003.

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

78 317.0003 Definitions.—As used in this chapter, the term:

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

86 (9) "ROV" means any motorized recreational off-highway  
87 vehicle 65 ~~64~~ inches or less in width, having a dry weight of

20141024e1

88 2,000 pounds or less, designed to travel on four or more  
89 nonhighway tires, ~~having nonstraddle seating and a steering~~  
90 ~~wheel,~~ and manufactured for recreational use by one or more  
91 persons. The term "ROV" does not include a golf cart as defined  
92 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined  
93 in s. 320.01.

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