

By Senator Wright

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1                                   A bill to be entitled  
2       An act relating to multipassenger all-terrain  
3       vehicles; creating s. 316.20741, F.S.; defining the  
4       term "multipassenger all-terrain vehicle"; prohibiting  
5       multipassenger all-terrain vehicle operation on public  
6       roads, streets, or highways; prohibiting  
7       multipassenger all-terrain vehicles from being  
8       operated on roads or streets with a speed limit of 60  
9       miles per hour or greater; authorizing local  
10      governmental entities to allow multipassenger all-  
11      terrain vehicles to be operated on certain roads or  
12      streets; requiring the local government's decision to  
13      be based on a certain determination; prohibiting  
14      multipassenger all-terrain vehicles from being  
15      operated on the State Highway System; authorizing  
16      multipassenger all-terrain vehicles to be operated on  
17      certain streets or highways for a specified purpose;  
18      providing applicability; requiring that multipassenger  
19      all-terrain vehicles be operated only between sunrise  
20      and sunset; providing an exception; providing  
21      requirements for multipassenger all-terrain vehicles  
22      operated on a public road or street; prohibiting a  
23      person under the age of 16 from operating a  
24      multipassenger all-terrain vehicle on public roads;  
25      authorizing local governmental entities to enact  
26      ordinances relating to multipassenger all-terrain  
27      vehicle operation; exempting multipassenger all-  
28      terrain vehicles from requirements relating to the  
29      display of license plates; providing penalties;

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30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Section 316.20741, Florida Statutes, is created  
35 to read:

36 316.20741 Multipassenger all-terrain vehicles; operation on  
37 roads, streets, or highways.-

38 (1) As used in this section, the term "multipassenger all-  
39 terrain vehicle" means any motorized off-highway vehicle 55  
40 inches or less in width which has a dry weight of 1,500 pounds  
41 or less, is designed to travel on three or more nonhighway  
42 tires, and is manufactured for recreational use by two or more  
43 persons.

44 (2) A multipassenger all-terrain vehicle may not be  
45 operated upon the public roads, streets, or highways of this  
46 state except as provided in this section.

47 (a) A multipassenger all-terrain vehicle may not be  
48 operated on any road or street with a speed limit of 60 miles  
49 per hour or greater.

50 (b) A multipassenger all-terrain vehicle may be operated  
51 only upon a county road that has been designated by a county, a  
52 municipal street that has been designated by a municipality, or  
53 a two-lane county road located within the jurisdiction of a  
54 municipality and designated by that municipality for use by  
55 multipassenger all-terrain vehicles. Before making such a  
56 designation, the responsible local governmental entity must  
57 first determine that multipassenger all-terrain vehicles may  
58 safely travel on or cross the public road or street, considering

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59 factors that include the speed, volume, and character of motor  
60 vehicle traffic using the road or street. Upon a determination  
61 that multipassenger all-terrain vehicles may be safely operated  
62 on a designated road or street, the responsible governmental  
63 entity shall post appropriate signs to indicate that such  
64 operation is allowed.

65 (c) A multipassenger all-terrain vehicle may not be  
66 operated on any part of the State Highway System.

67 (d) Notwithstanding any other provision of this subsection,  
68 a multipassenger all-terrain vehicle may be operated for the  
69 purpose of crossing a street or highway where a single mobile  
70 home park is located on both sides of the street or highway and  
71 is divided by that street or highway, provided that the  
72 governmental entity having original jurisdiction over such  
73 street or highway shall review and approve the location of the  
74 crossing and require implementation of any traffic controls  
75 needed for safety purposes. This paragraph shall apply only to  
76 residents or guests of the mobile home park. If notice is posted  
77 at the entrance and exit of any mobile home park where residents  
78 of the park operate multipassenger all-terrain vehicles or  
79 electric vehicles within the confines of the park, it is not  
80 necessary for the park to have a gate or other device at the  
81 entrance and exit in order for such multipassenger all-terrain  
82 vehicles or electric vehicles to be lawfully operated in the  
83 park.

84 (e) A multipassenger all-terrain vehicle may be operated  
85 only during the hours between sunrise and sunset, unless the  
86 responsible governmental entity has determined that a  
87 multipassenger all-terrain vehicle may be operated during the

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88 hours between sunset and sunrise and the multipassenger all-  
89 terrain vehicle is equipped with headlights, brake lights, turn  
90 signals, and a windshield.

91 (f) A multipassenger all-terrain vehicle may not be  
92 operated on a public road or street unless it is equipped with:

93 1. Effective front and rear brakes;

94 2. Low-beam and high-beam headlights;

95 3. A windshield and windshield wipers;

96 4. A horn;

97 5. A reliable steering apparatus;

98 6. Safe tires;

99 7. A rearview mirror or mirrors on both the left and right  
100 sides;

101 8. A seatbelt for each passenger;

102 9. Front and rear bumpers, with the front bumper allowed to  
103 be a brush guard; and

104 10. Red reflectorized warning devices on both the front and  
105 rear of the vehicle.

106 (g) A multipassenger all-terrain vehicle may not be  
107 operated on a public road or street by any person younger than  
108 16 years of age.

109 (h) A local governmental entity may enact an ordinance  
110 relating to:

111 1. Multipassenger all-terrain vehicle operation and  
112 equipment which is more restrictive than those enumerated in  
113 this section. Upon enactment of such ordinance, the local  
114 governmental entity shall post appropriate signs or otherwise  
115 inform the residents that such an ordinance exists and that it  
116 will be enforced within the local government's jurisdictional

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117 territory. An ordinance referred to in this subparagraph must  
118 apply only to an unlicensed driver.

119 2. Multipassenger all-terrain vehicle operation on  
120 sidewalks adjacent to specific segments of municipal streets,  
121 county roads, or state highways within the jurisdictional  
122 territory of the local governmental entity if:

123 a. The local governmental entity determines, after  
124 considering the condition and current use of the sidewalks, the  
125 character of the surrounding community, and the locations of  
126 authorized multipassenger all-terrain vehicle crossings, that  
127 multipassenger all-terrain vehicles, bicycles, and pedestrians  
128 may safely share the sidewalk;

129 b. The local governmental entity consults with the  
130 Department of Transportation before adopting the ordinance;

131 c. The ordinance restricts multipassenger all-terrain  
132 vehicles to a maximum speed of 15 miles per hour and permits  
133 such use on sidewalks adjacent to state highways only if the  
134 sidewalks are at least 8 feet wide;

135 d. The ordinance requires multipassenger all-terrain  
136 vehicles to meet the equipment requirements in paragraph (f).  
137 However, the ordinance may require additional equipment; and

138 e. The local governmental entity posts appropriate signs or  
139 otherwise informs residents that the ordinance exists and  
140 applies to such sidewalks.

141 (3) When operated in accordance with this section,  
142 multipassenger all-terrain vehicles are exempt from the  
143 provisions of chapter 320 which require the display of license  
144 plates.

145 (4) A violation of this section is a noncriminal traffic

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146 infraction, punishable pursuant to chapter 318 as a moving  
147 violation for infractions of paragraphs (2)(a)-(e) or a local  
148 ordinance corresponding thereto and enacted pursuant to  
149 paragraph (2)(h), or punishable pursuant to chapter 318 as a  
150 nonmoving violation for infractions of paragraph (2)(f),  
151 paragraph (2)(g), or a local ordinance corresponding thereto and  
152 enacted pursuant to paragraph (2)(h).

153 Section 2. This act shall take effect July 1, 2021.