

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 474

INTRODUCER: Senator Perry

SUBJECT: Recreational Off-highway Vehicles

DATE: January 25, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
3.	<u>Becker</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**I. Summary:**

SB 474 increases the dry weight allowed for recreational off-highway vehicles (ROVs) from 2,500 pounds to 3,500 pounds.

The bill has an effective date of July 1, 2022.

**II. Present Situation:**

The 2002 Legislature found that off-highway vehicles were becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.<sup>1</sup> The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act<sup>2</sup> was passed to develop an Off-Highway Vehicle recreational system. The program provides a set of guidelines to follow for developing and maintaining state lands, as well as provides restrictions on vehicles allowed on authorized state lands.

The Department of Highway Safety and Motor Vehicles (DHSMV) and its agents (Tax Collector Offices) are responsible for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of related fees.<sup>3</sup> The funds for these title transactions, less administrative costs of \$2 per transaction (which are deposited into the Highway Safety Operating Trust Fund) are deposited into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services (DACS).<sup>4</sup>

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<sup>1</sup> Section 261.02(1), F.S.

<sup>2</sup> Section 261.01, F.S.

<sup>3</sup> Section 317.0004(1), F.S.

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 474*, (November 30, 2021), p. 2 (on file in the Senate Committee on Transportation).

The definition of ROVs is distinguished by width, weight, and the number of non-highway wheels. Current law provides that an ROV must:

- Be 80 inches or less in width;
- Have a dry weight of 2,500 pounds or less;
- Be designed to travel on four or more nonhighway tires; and
- Be manufactured for recreational use by one or more persons.<sup>5</sup>

Any person operating an off-highway vehicle who has not attained 16 years of age must be supervised by an adult while operating the off-highway vehicle. In addition, a person who has not attained 16 years of age must have in their possession a certificate evidencing the satisfactory completion of an approved off-highway vehicle safety course in this state or another jurisdiction. A nonresident who has not attained 16 years of age and who is in this state temporarily for a period not to exceed 30 days is exempt from this requirement.<sup>6</sup>

An ROV that is operated between sunset and sunrise, or when visibility is reduced because of rain, smoke, or smog, must display a lighted headlamp and tail lamp unless the use of such lights is prohibited by other laws, such as a prohibition on the use of lights when hunting at night. An ROV that is used in certain organized and sanctioned competitive events being held on a closed course may be exempted by DACS rule from any equipment requirement.<sup>7</sup>

Any person who commits one of the following violations commits a noncriminal infraction and is subject to a fine of not less than \$100 and may have their privilege to operate an ROV on public lands revoked:<sup>8</sup>

- Carrying more passengers on an off-highway vehicle than the machine is specifically designed by the manufacturer to carry;
- Operating an ROV while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition;
- A person, who has not attained 16 years of age, operating an ROV without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation; and
- Operating an ROV in a careless or reckless manner that endangers or causes injury or damage to another person or property.<sup>9</sup>

Some ROV manufacturers are adding hydrogen and electric models to their lineup. The weight of these new models has the potential to be greater than the traditional combustion engine models. For instance, Polaris produces the electric powered Ranger EV (dry weight of 1,762 pounds)<sup>10</sup> and Ranger XP Kinetic (dry weight of 1,980 pounds)<sup>11</sup> models; Nikola produces the

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<sup>5</sup> Sections 261.03(8) and 317.0003(9), F.S.

<sup>6</sup> Sections 261.20(2) and (3), F.S.

<sup>7</sup> *Ibid.*

<sup>8</sup> Section 261.20(6), F.S.

<sup>9</sup> Section 261.20(5), F.S.

<sup>10</sup> Polaris, *Ranger EV*, <https://ranger.polaris.com/en-us/ranger-ev/> (last visited January 5, 2022).

<sup>11</sup> Polaris, *Ranger XP Kinetic*, <https://ranger.polaris.com/en-us/ranger-xp-kinetic-ultimate-polaris-pursuit-camo/specs/> (last visited January 5, 2022).

NTZ model (dry weight of 2,300 to 4,400 pounds depending on motor and battery capacity);<sup>12</sup> and Lexus has revealed a new ROV hydrogen concept model.<sup>13</sup> However, SB 474 does not address any specifications that an increased weight allowance would be associated with, it only increases the dry weight allowance for ROVs which would apply regardless of engine type or ROV capabilities.

### III. Effect of Proposed Changes:

SB 474 increases the dry weight allowed for ROVs from 2,500 pounds to 3,500 pounds. The bill does not change any of the current equipment and operational requirements relating to ROVs.

The bill has an effective date of July 1, 2022.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None identified.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Additional ROVs may be eligible to be titled in Florida.

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<sup>12</sup> Nikola Motor, *NZT*, <https://nikolamotor.com/nzt> (last visited January 5, 2022); Lucas Cooney, *590-Horsepower Electric Nikola NZT Specs*, ATV.com, <https://www.atv.com/manufacturers/nikola/590-horsepower-electric-nikola-nzt-specs> (last visited January 5, 2022).

<sup>13</sup> *Lexus Unveils Hydrogen-Engined ROV Concept*, Green Car Congress, <https://www.greencarcongress.com/2021/12/20211204-lexusrov.html> (last visited January 5, 2022).

C. **Government Sector Impact:**

If additional ROVs are titled in Florida, the DHSMV, tax collectors, and the Incidental Trust Fund of the Florida Forest Service of the DACS may see an indeterminate increase in revenue.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill amends sections 261.03 and 317.0003 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.