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HOUSE BILL NO. 1956

Offered January 10, 2001

Prefiled January 9, 2001

A BILL to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to over-the-road operation of all-terrain vehicles by law-enforcement officers, firefighters, and rescue squad personnel responding to emergencies.

Patrons—Louderback, Landes, Tata and Weatherholtz

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-915.1 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-915.1. All-terrain vehicles; penalty.

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities or (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or rescue squad personnel responding to emergencies;

2. By any person under the age of sixteen, except that children between the ages of twelve and sixteen may operate all-terrain vehicles powered by engines of no less than seventy nor more than ninety cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time.

B. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A of this section.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

D. Violation of any provision of this section shall be punishable by a civil penalty of not more than \$500.

E. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

F. For the purposes of this section, "all-terrain vehicle" shall mean a three-wheeled or four-wheeled motor vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering, which is intended for off-road use by an individual rider on various types of nonpaved terrain. The term does not include four-wheeled vehicles which have low centers of gravity and are typically used in racing and on relatively level surfaces, commonly known as "go-carts."

INTRODUCED

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