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**HOUSE BILL NO. 2183**

Offered January 14, 2009

Prefiled January 14, 2009

*A BILL to amend and reenact §§ 46.2-619, 46.2-679.1, and 46.2-915.1 of the Code of Virginia, relating to all-terrain vehicles.*

\_\_\_\_\_  
Patron—Phillips

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-619, 46.2-679.1, and 46.2-915.1 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-619. New indicia of title; procedure as to leased vehicles.

When the Department receives a certificate of title properly assigned and acknowledged, accompanied by an application for registration, it shall register the motor vehicle, trailer, or semitrailer described in the application and shall issue to the person entitled to it by reason of the transfer a new registration card, license plate, or plates and certificate of title in the manner and form and for the fees provided in this chapter for original registration. For leased vehicles, such application shall include, when available, the name and address of the lessee and the name of the locality in which the leased vehicle will be principally garaged or parked. The Department shall also make this information available to the commissioner of the revenue or other assessing officer of the locality in which the leased vehicle is to be principally garaged or parked. Nothing in this section shall permit the registration of ~~all-terrain vehicles~~ off-road motorcycles titled pursuant to this title.

§ 46.2-679.1. All-terrain vehicles.

No person shall be required to obtain the registration certificate, license plate, and decals, or pay a registration fee for any all-terrain vehicle. *However, any person who wishes to do so may obtain a registration certificate, license plate, and decals for an all-terrain vehicle in order to engage in limited operation of the all-terrain vehicle on the highway as provided in § 46.2-915.1, provided the all-terrain vehicle meets all the requirements of this chapter for registration of a motorcycle.*

§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; 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 (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 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 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, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

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59 7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

60 No provision of this subsection shall be construed to require all-terrain vehicles operated on a  
61 highway as provided in this subsection to comply with lighting requirements contained in this title.

62 *C. Notwithstanding subsection A or B, an all-terrain vehicle may be operated on the highways of the*  
63 *Commonwealth if (i) the vehicle has been registered as a motorcycle, subject to all requirements to*  
64 *which registration of a motorcycle is subject under Chapter 6 (§ 46.2-600 et seq.), and (ii) the operator*  
65 *of the vehicle has in his possession (a) the registration card issued by the Department for the all-terrain*  
66 *vehicle and (b) a valid driver's license with a motorcycle classification. Operation of all-terrain vehicles*  
67 *under this subsection shall be for distances of no more than two miles and shall be only from one*  
68 *all-terrain vehicle trail to another. Operation of an all-terrain vehicle on the highways as provided in*  
69 *this section shall obey all the rules of the road applicable to motorcycles.*

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

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

78 E. Violation of any provision of this section shall be punishable by a civil penalty of not more than  
79 \$500.

80 F. The provisions of this section shall not apply:

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

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

84 G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in  
85 § 46.2-100.