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HOUSE BILL NO. 1296

Offered January 21, 2016

A BILL to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to local regulation of all-terrain vehicles and off-road motorcycles.

Patron—Morefield

Referred to Committee on Transportation

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 and off-road motorcycles; local regulation; penalty.

A. The governing body of (i) any city, (ii) any town that receives payments for maintaining its own streets pursuant to § 33.2-319, and (iii) any county that has withdrawn from the secondary state highway system pursuant to § 33.-366 may by ordinance regulate the distance an all-terrain vehicle or off-road motorcycle may travel on any such road or street which distance shall not exceed 10 miles if the following conditions are met:

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

2. 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;

3. Signs required by this subsection are purchased and installed by the person or club requesting the governing body's approval for such over-the-road operation of all-terrain vehicles or off-road motorcycles;

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

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

6. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour; and

B. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities the local governing body pursuant to subsection A, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or emergency medical services 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 and Tazewell 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 and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to §- 2.2-1150;

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

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59 Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

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

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

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

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

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

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

74 E. Violation of any provision of this section shall be punishable by a civil penalty of not more than
75 \$500.

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

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

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

80 G. For the purposes of this section, "all-terrain vehicle" *and "off-road motorcyle"* shall have the
81 ~~meaning~~ *meanings* ascribed in § 46.2-100.