

CHAPTER 2014-187

Committee Substitute for Senate Bill No. 1024

An act relating to off-highway vehicles; amending s. 261.03, F.S.; revising the terms “ATV” and “ROV”; amending s. 261.20, F.S.; revising a violation for carrying an operator and more than a single passenger on certain off-highway vehicles to prohibit carrying more passengers than the vehicle is designed to carry; amending a penalty provision to apply to off-highway vehicles; amending s. 316.2074, F.S.; revising the term “all-terrain vehicle”; amending s. 317.0003, F.S.; revising the terms “ATV” and “ROV”; providing an effective date.

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

Section 1. Subsections (2) and (8) of section 261.03, Florida Statutes, are amended to read:

261.03 Definitions.—As used in this chapter, the term:

(2) “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.

(8) “ROV” means any motorized recreational off-highway vehicle ~~65~~ 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, ~~having nonstraddle seating and a steering wheel,~~ and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in ss. 320.01 and 316.003(68) or a low-speed vehicle as defined in s. 320.01.

Section 2. Subsections (5) and (6) of section 261.20, Florida Statutes, are amended to read:

261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.—

(5) It is a violation of this section:

(a) To carry more passengers ~~a passenger~~ on an off-highway vehicle than, ~~unless~~ the machine is specifically designed by the manufacturer to carry an operator and a single passenger.

(b) To operate an off-highway vehicle while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition.

(c) For a person who has not attained 16 years of age, to operate an off-highway vehicle 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.

(d) To operate an off-highway vehicle in a careless or reckless manner that endangers or causes injury or damage to another person or property.

(6) Any person who violates this section commits a noncriminal infraction and is subject to a fine of not less than \$100 and may have his or her privilege to operate an off-highway vehicle ATV on public lands revoked. However, a person who commits such acts with intent to defraud, or who commits a second or subsequent violation, is subject to a fine of not less than \$500 and may have his or her privilege to operate an off-highway vehicle ATV on public lands revoked.

Section 3. Subsection (2) of section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(2) As used in this section, the term “all-terrain vehicle” means any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger. For the purposes of this section, “all-terrain vehicle” also includes a any “two-rider ATV” as defined in s. 317.0003.

Section 4. Subsections (1) and (9) of section 317.0003, Florida Statutes, are amended to read:

317.0003 Definitions.—As used in this chapter, the term:

(1) “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

(9) “ROV” means any motorized recreational off-highway vehicle 65 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, ~~having nonstraddle seating and a steering wheel,~~ and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in ss. 320.01 and 316.003(68) or a low-speed vehicle as defined in s. 320.01.

Section 5. This act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.