

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1148**

**As Engrossed: 1/26/2017**

**Bill Subtitle: TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY.**

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### **Basic Change :**

#### **Sponsors: Representatives Tosh, Nicks, and Drown**

HB1148 (as Engrossed 1/26/2017) amends § 27-21-109 by adding additional defenses to prosecution for a violation of operating an all-terrain vehicle (ATV) upon a public street or highway. The bill adds as defenses to prosecution if the vehicle operator can show the purpose for riding on the public street or highway was to get from:

1. The off-road trail where the operator parked the motor vehicle used to transport the all-terrain vehicle to another off-road trail; or
2. The operator's private property to an off-road trail or to a tract of land that is private property. However, the vehicle may not travel more than three (3) miles on a public street or highway.

The bill further defines "private property" to mean real property that the operator of the vehicle owns, leases, resides at with the owner or lease, or is staying at for a specific period of time as an invitee, including without limitation a: (1) vacation resort; (2) rental cabin; (3) deeded timeshare; or (4) right-to-use timeshare.

This bill requires the operator to carry proof when operating an ATV on a public street or highway of his or her property interest in the private property and the location of the private property. The operator must display this proof upon demand of a law enforcement officer. In addition, a person operating an ATV with a private property owner who presents the proof required shall have the same authority as the private property owner to operate his or her all-terrain vehicle on a public street or highway.

### **Revenue Impact :**

None.

### **Taxpayer Impact :**

This bill provides additional defenses from prosecution for a taxpayer who operates an all-terrain vehicle upon a public street or highway.

### **Resources Required :**

None.

### **Time Required :**

None.

### **Procedural Changes :**

None.

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### **Other Comments :**

None.

### **Legal Analysis :**

HB1148 amends the defenses to using ATVs on public streets. Amendment 1 to HB1148, as engrossed, changes the distance an ATV driver may travel on a public road from five (5) miles to three (3) miles. The amendment also allows a driver of an ATV traveling with the property owner to use the same defense to prosecution as provided in the bill.