



## MODEL STATE RECREATIONAL OFF-HIGHWAY VEHICLE LEGISLATION

### Chapter 1. Definitions

**Section 101. Definitions.** As used in this Act:

(a) “Recreational Off-Highway Vehicle” or “ROV” means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer primarily for recreational use by one or more persons and having the following characteristics: a steering wheel for steering control; non-straddle seating; maximum speed capability greater than 35mph (56.3 km/h); Gross Vehicle Weight Rating (GVWR) no greater than 1700 kg (3750 lbs); less than 2030mm (80 in) in overall width, exclusive of accessories; engine displacement of less than 1,000cc (61ci); identification by means of a 17 character PIN or VIN.

(b) “Department” means the Department of \_\_\_\_\_.

(c) “Owner” means any person, other than a person with a security interest, having a property interest or title to an ROV and entitled to the use and possession of the vehicle.

(d) “Person” means every natural person, firm, co-partnership, association, or corporation.

(e) “Public street,” “road,” or “highway” [the state will define these terms to correspond to other legislation and its road system, but it is not intended that this definition cover such public thoroughfares as logging roads, woodland trails or other unimproved ways.]

### Chapter 2. Operation

#### **Section 201. Rider Requirements**

(a) An ROV operator must be at least 16 years of age or possess a valid driver’s license.

(b) No operator may carry any passenger who is unable: (1) to place both feet flat on the floorboard while seated upright with his or her back against the seatbacks; and (2) to reach the occupant handhold(s) when seated.

(c) No person shall operate or be a passenger in an ROV unless the person wears eye protection and an approved safety helmet.

**Section 202. Equipment Requirements.**

Any ROV operated in this state shall meet the following requirements:

(a) Every ROV must be equipped with a brake system maintained in good operating condition.

(b) Every ROV must be equipped with an effective muffler system in good working condition.

(c) Every ROV must be equipped with an effective spark arrester in good working condition.

(d) ROVs participating in certain competitive events may be exempted from all or any part or parts of Section 202 at the discretion of the Department.

**Chapter 3 Prohibited Acts**

**Section 301. Prohibited Acts by Owner and Operator.**

The following acts are prohibited when an ROV is operated on public land.

(a) No person shall operate an ROV in a careless or reckless manner so as to endanger or to cause injury or damage to any person or property.

(b) An ROV shall not be driven or operated on any public street, road, or highway of this state unless such street, road, or highway is part of a designated trail system permitting such operation or except for purposes of crossing if:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) the operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;

(4) both the headlight and tail light are on when the crossing is made.

(c) The crossing of any interstate or limited access highway is not permitted.

(d) No person shall operate an ROV during hours of darkness without displaying a lighted headlamp and tail lamp. These lights must be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions, unless use of lights is prohibited by other applicable state laws such as a prohibition on use of lamps when hunting at night.

(e) No person shall operate or be a passenger in an ROV unless wearing a seat belt if so equipped.

(f) No operator of an ROV shall carry more passengers than recommended by the manufacturer in the vehicle owner's manual.

(g) No operator shall carry a passenger in the bed of an ROV.

(i) No person shall operate an ROV while under the influence of alcohol or any controlled substance, or under the influence of a prescription or non-prescription drug that impairs vision, motor coordination or judgment.

(j) No owner shall authorize an ROV to be operated contrary to this Act.

## **Chapter 4 Miscellaneous Provisions**

### **Section 401. Powers of the Department.**

The Department may promulgate rules and regulations as may be deemed necessary to carry out and enforce the provisions of this Act.

### **Section 402. Penalties.**

Any person who violates any of the provisions in Chapter 4 of this Act shall be subject to a fine of not less than \$\_\_ or more than \$\_\_\_. However, for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, a fine of not less than \$\_\_ or more than \$\_\_ shall be imposed.

### **Section 503. Effective Date.**

This Act shall take effect on \_\_\_\_\_.