

1 AN ACT relating to off-highway vehicles and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Off-Highway Vehicle" or "OHV" means a motorized vehicle that is  
7 designed to be primarily used for recreational purposes and:

8 1. Is equipped with four (4) to six (6) highway or nonhighway tires;

9 2. Has a maximum speed that is greater than thirty-five (35) miles per  
10 hour; and

11 3. Is equipped with a steering wheel, brakes, head lights, turn signals, a  
12 roll bar, seat belts, a working muffler, and a spark arrestor;

13 (b) "Local government" means a city, county, charter county government,  
14 urban-county government, consolidated local government, or unified local  
15 government that is located within the boundaries of a regional authority;  
16 and

17 (c) "Regional authority" means:

18 1. The Kentucky Mountain Regional Recreation Authority established in  
19 KRS 148.0222; and

20 2. Any other authority established in Kentucky Revised Statutes that  
21 oversees lands in two (2) or more contiguous counties, on which there  
22 is a system of recreational trails, including streams, rivers, and other  
23 waterways, and appurtenant facilities, including trailhead centers,  
24 parking areas, camping facilities, picnic areas, recreational areas,  
25 historic or cultural interpretive sites, and other facilities in Kentucky  
26 and designated by the regional authority.

27 (2) (a) The legislative body of a local government may, by ordinance, authorize and

1 regulate the operation of an OHV on any public roadway or any section of  
2 city or county roadway for which it bears responsibility.

3 (b) If a local government wishes to include a state-maintained roadway in an  
4 ordinance adopted under paragraph (a) of this section, the legislative body  
5 of a local government shall submit to the Transportation Cabinet a list of  
6 state-maintained roadways or sections of state-maintained roadways within  
7 the local government's jurisdictional boundaries, to be considered for OHV  
8 use under this section.

9 (c) The Transportation Cabinet shall, within thirty (30) days of receipt of a list  
10 of roadways under paragraph (b) of this section from a local government,  
11 respond to the local government with approval or denial of any roadway or  
12 section of a roadway that has been submitted for OHV use under paragraph  
13 (b) of this subsection. A local government shall include any roadways  
14 approved by the cabinet in any ordinance adopted under this subsection.

15 (3) A fully controlled access highway shall not be designated for OHV use under this  
16 section.

17 (4) An ordinance adopted under subsection (2) of this section shall require that an  
18 OHV operated on a designated public roadway:

19 (a) Be issued an annual permit for the OHV by the local government; and

20 (b) Display a sticker or permit that identifies that the OHV is allowed to be  
21 operated on specific roadways within the local government's jurisdictional  
22 boundaries.

23 (5) The local government may assess a fee of:

24 (a) Thirty dollars (\$30) for an annual OHV permit issued to a resident of this  
25 Commonwealth; and

26 (b) Fifty dollars (\$50) for an annual OHV permit issued to a nonresident.

27 (6) Of the fees assessed by the local government under subsection (5) of this section:

- 1        (a) Five dollars (\$5) shall be forwarded to the regional authority; and
- 2        (b) Five dollars (\$5) shall be forwarded to the Transportation Cabinet.
- 3        (7) Annual permits issued under this section shall expire on April 1 of each year.
- 4        (8) A local government may establish an online issuance system for the sale of OHV  
5        permits under this section.
- 6        (9) A local government may contract with a:
- 7            (a) Regional authority for the issuance and sale of OHV permits under this  
8            section; and
- 9            (b) Private vendor for the issuance and sale of OHV permits under this section,  
10           at retail locations within the Commonwealth.
- 11        (10) Permit fees paid under this section shall be separate from any fee that may be  
12        assessed to the operator of an OHV for the use of a private or public riding trail.
- 13        (11) A person may operate an OHV on a public roadway pursuant to subsection (2) of  
14        this section if the:
- 15            (a) Operator is eighteen (18) years of age or older;
- 16            (b) Operator has a valid operator's license in his or her possession;
- 17            (c) OHV is insured by the owner or operator, for the payment of tort liabilities  
18            in the same form and amounts as set forth in KRS 304.39-110 for  
19            motorcycles; and
- 20            (d) Proof of insurance is inside the OHV at all times of operation on a public  
21            roadway.
- 22        (12) Any person operating an OHV on a public roadway under this section shall be  
23        subject to the traffic regulations of KRS Chapter 189.
- 24        (13) Any passenger of an OHV that is under the age of eighteen (18), shall be required  
25        to wear a helmet that meets the standards prescribed by the cabinet for all-terrain  
26        vehicle use.
- 27        (14) An operator and any passengers shall wear eye protection when operating or

1 riding an OHV that is not equipped with a windshield.

2 (15) An OHV permit issued under this section shall allow for the operation of a permit  
 3 holder's OHV on:

4 (a) Roadways designated under subsection (2) of this section by the local  
 5 government that issued the owner an OHV permit under this section; and

6 (b) Roadways of any other local government in the Commonwealth that have  
 7 been designated for OHV use under subsection (2) of this section.

8 (16) (a) Transportation Cabinet shall be responsible for the placement of signage  
 9 denoting state highways that have been authorized for OHV use under this  
 10 section.

11 (b) The local government shall be responsible for the placement of signage  
 12 denoting local roadways that have been designated for OHV use under this  
 13 section.

14 (17) An OHV operating on a public roadway designated by a local government under  
 15 subsection (2) of this section is not considered to be a motor vehicle and shall be  
 16 exempt from:

17 (a) Title requirements of KRS 186.020;

18 (b) Vehicle registration requirements of KRS 186.050; and

19 (c) Emissions compliance certificates pursuant to KRS 224.20-720.

20 (18) A local government may adopt more stringent local ordinances governing OHV  
 21 safety equipment and operation than specified in this section.

22 (19) If deemed in the interest of public safety, the Transportation Cabinet may:

23 (a) Prohibit the operation of an OHV on any public roadway designated under  
 24 subsection (2) of this section that crosses a state-maintained roadway; or

25 (b) Rescind approval given under subsection (2)(c) of this section.

26 (20) This section shall not apply to:

27 (a) An OHV operated on any private or public recreational trail or area;

1 (b) An OHV operating under the exemptions for highway use under Section 2  
2 of this Act; or

3 (c) A publicly owned and operated OHV used for wildlife management, law  
4 enforcement, emergency services, or other governmental purposes.

5 ➔Section 2. KRS 189.515 is amended to read as follows:

- 6 (1) As used in this section, "federal all-terrain vehicle standards" means the all-terrain  
7 vehicle standards set forth by the American National Standards Institute/Specialty  
8 Vehicle Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3,  
9 to the extent those standards are applicable.
- 10 (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998,  
11 and except as provided in subsection (7) of this section, a person shall not operate  
12 an all-terrain vehicle upon any public highway or roadway or upon the right-of-way  
13 of any public highway or roadway.
- 14 (3) A person shall not operate an all-terrain vehicle on private property without the  
15 consent of the landowner, tenant, or individual responsible for the property.
- 16 (4) A person shall not operate an all-terrain vehicle on public property unless the  
17 governmental agency responsible for the property has approved the use of all-terrain  
18 vehicles.
- 19 (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16)  
20 years of age or older operating an all-terrain vehicle on public property shall wear  
21 approved protective headgear, in the manner prescribed by the secretary of the  
22 Transportation Cabinet, at all times that the vehicle is in motion. The approved  
23 headgear requirement shall not apply when the operator of any all-terrain vehicle is  
24 engaged in:
- 25 (a) Farm or agriculture related activities;
  - 26 (b) Mining or mining exploration activities;
  - 27 (c) Logging activities;

- 1 (d) Any other business, commercial, or industrial activity;
- 2 (e) Use of that vehicle on private property; or
- 3 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
- 4 miles per hour or less. The crossing of a public roadway outlined in this
- 5 paragraph shall be in compliance with subsection (7)(a) of this section.
- 6 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
- 7 knowingly allow that person to operate an all-terrain vehicle.
- 8 (b) A person under the age of sixteen (16) years shall not operate an all-terrain
- 9 vehicle except under direct parental supervision.
- 10 (c) A person under the age of sixteen (16) years, when operating or riding as a
- 11 passenger on an all-terrain vehicle, shall wear approved protective headgear,
- 12 in the manner prescribed by the secretary of the Transportation Cabinet, at all
- 13 times that the vehicle is in motion.
- 14 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who
- 15 does not possess an instruction permit, an intermediate license, or an
- 16 operator's license, shall not knowingly allow that person to carry a passenger
- 17 while operating an all-terrain vehicle.
- 18 (e) A parent or guardian of a minor under the age of sixteen (16) shall not
- 19 knowingly allow that person to operate an all-terrain vehicle in violation of
- 20 the age restriction warning label affixed by the manufacturer as required by
- 21 the federal all-terrain vehicle standards.
- 22 (7) (a) Except for off-highway vehicles in Section 1 of this Act, a person may
- 23 operate an all-terrain vehicle on any two (2) lane public highway in order to
- 24 cross the highway. In crossing the highway under this paragraph, the operator
- 25 shall cross the highway at as close to a ninety (90) degree angle as is practical
- 26 and safe, and shall not travel on the highway for more than two-tenths (2/10)
- 27 of a mile.

- 1 (b) A person may operate an all-terrain vehicle on any two (2) lane public  
2 highway, if the operator is engaged in farm or agricultural related activities,  
3 construction, road maintenance, or snow removal.
- 4 (c) The Transportation Cabinet may designate, and a city or county government  
5 may designate, those public highways, segments of public highways, and  
6 adjoining rights-of-way of public highways under its jurisdiction where all-  
7 terrain vehicles that are prohibited may be operated.
- 8 (d) A person operating an all-terrain vehicle on a public highway under this  
9 subsection shall possess a valid operator's license.
- 10 (e) A person operating an all-terrain vehicle on a public highway under this  
11 subsection shall comply with all applicable traffic regulations.
- 12 (f) A person shall not operate an all-terrain vehicle under this subsection unless  
13 the all-terrain vehicle has at least one (1) headlight and two (2) taillights,  
14 which shall be illuminated at all times the vehicle is in operation.
- 15 (g) A person operating an all-terrain vehicle under this subsection shall restrict  
16 the operation to daylight hours, except when engaged in snow removal or  
17 emergency road maintenance.
- 18 (h) It shall be unlawful for a person to remove from an all-terrain vehicle the  
19 manufacturer age restriction warning label required by the federal all-terrain  
20 vehicle standards.