

**KY Interim Joint Committee on Transportation
July 7, 2020 Hearing**

RE: SB 75 (2020)

https://apps.legislature.ky.gov/recorddocuments/bill/20RS/sb75/orig_bill.pdf

American Property and Casualty Insurance Association (APCIA) members provided over \$2 billion (almost 57 percent) of the combined personal and commercial automobile insurance in KY in 2018. Our members believe that transportation safety is extremely important and that is critical to consider not only the safety implications of broadening the scope of Off Highway Vehicle (OHV) operation but also to consider the important insurance and financial responsibility implications of doing so too. We urge you to consider these related provisions of KY SB 75 (2020) very carefully.

From a safety perspective, one should review the attached material from the Insurance Institute for Highway Safety (IIHS), which illustrates the safety related issues posed by All Terrain Vehicle (ATV) or OHV use on public roads. Of particular note, “deaths of ATV riders on public roads have increased nearly nine-fold since 1982, the first year they were explicitly identified in the US Department of Transportation’s Fatality Analysis Reporting System (FARS).” For more detailed information please see “ATVS” in the IIHS report: <https://www.iihs.org/topics/fatality-statistics/detail/motorcycles-and-atvs#yearly-snapshot>

Also of information is the following overview of the subject from *GOVERNING*:

<https://www.governing.com/topics/public-justice-safety/gov-roads-atvs-fatalities.html>

From an insurance and financial responsibility perspective, we urge you to amend the legislation to specifically exclude these vehicles from coverage under their owners’ automobile, homeowner, farm owner or similar insurance policies. However, because authorization for ATV/OHVs to use public roads portends additional significant risk of accidents and damage, owners should provide separate insurance coverage to ensure there is commensurate coverage available in the event of an accident, this coverage should include uninsured and underinsured motorist coverage.

We urge you to consider this information and these recommendations carefully as you evaluate SB 75,

We would be pleased to answer any questions.

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