

1 AN ACT relating to all-terrain vehicles.

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

3 ➔Section 1. KRS 189.515 is amended to read as follows:

4 (1) ***As used in this section, "federal all-terrain vehicle standards" means the all-***
5 ***terrain vehicle standards set forth by the American National Standards***
6 ***Institute/Specialty Vehicle Institute of America and incorporated by reference in***
7 ***16 C.F.R. sec. 1420.3, to the extent those standards are applicable.***

8 (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998,
9 and except as provided in subsection (7)~~(6)~~ of this section, a person shall not
10 operate an all-terrain vehicle upon any public highway or roadway or upon the
11 right-of-way of any public highway or roadway.

12 ~~(3)~~~~(2)~~ A person shall not operate an all-terrain vehicle on private property without
13 the consent of the landowner, tenant, or individual responsible for the property.

14 ~~(4)~~~~(3)~~ A person shall not operate an all-terrain vehicle on public property unless the
15 governmental agency responsible for the property has approved the use of all-terrain
16 vehicles.

17 ~~(5)~~~~(4)~~ Except for vehicles authorized to operate on a public highway, a person
18 sixteen (16) years of age or older operating an all-terrain vehicle on public property
19 shall wear approved protective headgear, in the manner prescribed by the secretary
20 of the Transportation Cabinet, at all times that the vehicle is in motion. The
21 approved headgear requirement shall not apply when the operator of any all-terrain
22 vehicle is engaged in:

- 23 (a) Farm or agriculture related activities;
- 24 (b) Mining or mining exploration activities;
- 25 (c) Logging activities;
- 26 (d) Any other business, commercial, or industrial activity;
- 27 (e) Use of that vehicle on private property; or

1 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
2 miles per hour or less. The crossing of a public roadway outlined in this
3 paragraph shall be in compliance with subsection (6)(a) of this section.

4 ~~(6)~~~~(5)~~ (a) **A parent or legal guardian of a minor who is under the age of six (6)**
5 **shall not knowingly allow that person to operate an all-terrain vehicle.**

6 **(b)** A person under the age of sixteen (16) years shall not operate ~~an all-terrain~~
7 ~~vehicle with an engine size exceeding ninety (90) cubic centimeters~~
8 ~~displacement, and a person under the age of sixteen (16) years shall not~~
9 ~~operate~~ an all-terrain vehicle except under direct parental supervision.

10 ~~[(b) A person under the age of twelve (12) years shall not operate an all-terrain~~
11 ~~vehicle with an engine size exceeding seventy (70) cubic centimeters~~
12 ~~displacement.]~~

13 (c) A person under the age of sixteen (16) years, when operating or riding as a
14 passenger on an all-terrain vehicle, shall wear approved protective headgear,
15 in the manner prescribed by the secretary of the Transportation Cabinet, at all
16 times that the vehicle is in motion.

17 **(d) A parent or guardian of a minor who is under the age of sixteen (16), or**
18 **who does not possess an instruction permit, an intermediate license, or an**
19 **operator's license, shall not knowingly allow that person to carry a**
20 **passenger while operating an all-terrain vehicle.**

21 **(e) A parent or guardian of a minor under the age of sixteen (16) shall not**
22 **knowingly allow that person to operate an all-terrain vehicle in violation of**
23 **the age restriction warning label affixed by the manufacturer as required by**
24 **the federal all-terrain vehicle standards.**

25 ~~(7)~~~~(6)~~ (a) A person may operate an all-terrain vehicle on any two (2) lane public
26 highway in order to cross the highway. In crossing the highway under this
27 paragraph, the operator shall cross the highway at as close to a ninety (90)

1 degree angle as is practical and safe, and shall not travel on the highway for
2 more than two-tenths (2/10) of a mile.

3 (b) A person may operate an all-terrain vehicle on any two (2) lane public
4 highway, if the operator is engaged in farm or agricultural related activities,
5 construction, road maintenance, or snow removal.

6 (c) The Transportation Cabinet may designate, and a city or county government
7 may designate, those public highways, segments of public highways, and
8 adjoining rights-of-way of public highways under its jurisdiction where all-
9 terrain vehicles that are prohibited may be operated.

10 (d) A person operating an all-terrain vehicle on a public highway under this
11 subsection shall possess a valid operator's license.

12 (e) A person operating an all-terrain vehicle on a public highway under this
13 subsection shall comply with all applicable traffic regulations.

14 (f) A person shall not operate an all-terrain vehicle under this subsection unless
15 the all-terrain vehicle has at least one (1) headlight and two (2) taillights,
16 which shall be illuminated at all times the vehicle is in operation.

17 (g) A person operating an all-terrain vehicle under this subsection shall restrict
18 the operation to daylight hours, except when engaged in snow removal or
19 emergency road maintenance.

20 **(h) It shall be unlawful for a person to remove from an all-terrain vehicle the**
21 **manufacturer age restriction warning label required by the federal all-**
22 **terrain vehicle standards.**