

HB403 INTRODUCED



1 HB403
2 7KDQEEE-1
3 By Representative Bolton
4 RFD: County and Municipal Government
5 First Read: 02-Apr-24



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SYNOPSIS:

This bill would require the operator of an ATV park to obtain a permit from the county.

This bill would provide for the permitting and inspection of ATV parks.

This bill would also provide fines for violations.

A BILL
TO BE ENTITLED
AN ACT

Relating to ATV parks; to provide for the permitting, inspection, and operation of ATV parks; and to provide fines for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) ACCESS POINT. Any point along the entire perimeter of an ATV park or proposed ATV park where the owner intends for customers to enter or exit the property by automobile, regardless of whether the point is constructed or natural.

(2) APPROVED ACCESS POINT. Either of the following:



HB403 INTRODUCED

29 a. A location which has previously been approved,
30 permitted, or grandfathered through the county's driveway or
31 access management policy and has been previously used to
32 access the tract.

33 b. A location that has previously been used to access
34 the tract, if the county does not have a driveway or access
35 management policy.

36 (3) ATV. As defined in Section 32-12A-1, Code of
37 Alabama 1975.

38 (4) ATV PARK. Any privately-owned location that charges
39 a fee to operate an ATV at the location and meets two or more
40 of the following criteria:

41 a. Consists of over 100 acres.

42 b. Has collected over 100 ATV operation fees in any
43 calendar month.

44 c. Has collected more than two thousand dollars
45 (\$2,000) from ATV operation fees in any calendar month.

46 d. Has hosted an ATV race.

47 Section 2. (a) Commencing January 1, 2025, no person
48 may operate an ATV park unless the person has a valid permit
49 from the county.

50 (b) As a condition for the issuance of an ATV park
51 permit, a county commission may require a permit fee not to
52 exceed fifty dollars (\$50).

53 (c) A county may not issue or renew an ATV park permit
54 until the person seeking a permit has submitted each of the
55 following:

56 (1) Proof of at least five million dollars (\$5,000,000)



HB403 INTRODUCED

113 permit. The fines shall be doubled and separately assessed
114 against the owner for each subsequent citation issued by the
115 license inspector.

116 Section 4. (a) Any person operating an ATV park shall
117 follow the best management practices established by the
118 Alabama Forestry Commission as they pertain to forested
119 watersheds.

120 (b) A county may contract with the State Forester to
121 provide inspectors to investigate compliance with this
122 section.

123 Section 5. This act shall become effective on October
124 1, 2024.