

1 SB211
2 210571-4
3 By Senator Orr
4 RFD: Governmental Affairs
5 First Read: 09-FEB-21

1 SB211

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4 ENROLLED, An Act,

5 Relating to all-terrain vehicles (ATVs) and
6 recreational off-highway vehicles; to amend Sections 32-12A-1,
7 32-12A-3, 32-12A-4, 32-12A-5, and 32-12A-12 of the Code of
8 Alabama 1975, as last amended by Act 2019-104, 2019 Regular
9 Session, to increase the authorized width of the vehicles and
10 the authorized weight of recreational off-highway vehicles; to
11 further provide for the registration of the vehicles; to
12 provide for the fees relating to the registration of the
13 vehicles to be deposited in the Public Safety Fund of the
14 Alabama State Law Enforcement Agency in lieu of a separate
15 off-road vehicle account; to delete the earmarked use of the
16 funds; and to repeal Section 32-12A-14 of the Code of Alabama
17 1975, relating to the administration of the chapter in the
18 event the Division of Marine Police is transferred to another
19 agency.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 32-12A-1, 32-12A-3, 32-12A-4,
22 32-12A-5, and 32-12A-12 of the Code of Alabama 1975, as last
23 amended by Act 2019-104, are amended to read as follows:

24 "§32-12A-1.

1 "For purposes of this chapter, the following terms
2 shall have the following meanings:

3 "(1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle
4 60 inches or less in width, measured from the outside of the
5 tire rim to the outside of the tire rim directly across on the
6 vehicle, having a dry weight of 1,500 pounds or less, designed
7 to travel on three or more non-highway tires, and manufactured
8 for off-road use by a single operator or by an operator and
9 not more than one passenger as provided by the manufacturer.

10 "(2) PRIVATE USE. Use exclusively on private
11 property or as an implement of husbandry as defined in Section
12 32-8-2.

13 "(3) PUBLIC USE. Off-road public use in designated
14 public areas.

15 "~~(2)~~ (4) OFF-ROAD VEHICLE. Any motorized vehicle not
16 designed for use on a highway and capable of cross-country
17 travel on land, snow, ice, marsh, swampland, or other natural
18 terrain. The term includes any all-terrain vehicle and
19 recreational off-highway vehicle. The term excludes any golf
20 cart; any vehicle used for military, fire, emergency, or law
21 enforcement purposes; any motorboat; any vehicles used
22 exclusively on airport property; all farm machinery, farm
23 tractors, and other self-propelled equipment for harvesting
24 and transportation of forest products, for clearing land for
25 planting, for utility services and maintenance, or for earth

1 moving, construction, or mining; and self-propelled
2 lawnmowers, snowblowers, and garden or lawn tractors while
3 such vehicles are being used exclusively for their designed
4 purposes. The term does not include any motor vehicle for
5 which a certificate of title is required by Chapter 8.

6 "~~(3)~~ (5) RECREATIONAL OFF-HIGHWAY VEHICLE. Any
7 off-road vehicle 80 inches or less in width, measured from the
8 outside of the tire rim to the outside of the tire rim
9 directly across on the vehicle, having a dry weight of ~~2,500~~
10 3,500 pounds or less, designed and manufactured to travel on
11 four or more non-highway tires for off-road use by an operator
12 and the number of passengers as provided by the manufacturer.

13 "~~(4)~~ (6) SECRETARY. The Secretary of the Alabama
14 State Law Enforcement Agency.

15 "§32-12A-3.

16 "(a) An application for registration or continued
17 registration shall be made to the Secretary of the Alabama
18 State Law Enforcement Agency or an authorized agent of the
19 agency in a form prescribed by the secretary. The form shall
20 state the name and address of every owner of the vehicle.

21 "(b) A person who purchases an all-terrain vehicle
22 or recreational off-highway vehicle from a retail dealer ~~shall~~
23 may make application for registration to the dealer at the
24 point of sale. The dealer shall provide the registration
25 application to the purchaser and submit the completed

1 registration application and fees to the secretary at least
2 once each month. The dealer may deduct a fee of two dollars
3 fifty cents (\$2.50) for each registration.

4 "(c) ~~Upon~~ Within 30 days after the receipt of the
5 application and the appropriate fee, the secretary or agent
6 shall issue to the applicant or provide to the dealer an
7 assigned registration sticker. Once issued, the registration
8 sticker shall be affixed to the vehicle in a manner prescribed
9 by the secretary. ~~A dealer subject to subsection (b) shall~~
10 ~~provide the registration materials to the purchaser.~~

11 "(d) Each agent for the registration of boats ~~shall~~
12 may also be a registered agent for all-terrain vehicle or
13 recreational off-highway vehicle registration. The secretary
14 may prescribe the accounting and procedural requirements
15 necessary to assure efficient handling of registrations and
16 registration fees. Agents shall strictly comply with the
17 accounting and procedural requirements.

18 "(e) In addition to other fees prescribed by law, an
19 issuance fee of five dollars (\$5) shall be charged for each
20 all-terrain vehicle or recreational off-highway vehicle
21 registration renewal, duplicate or replacement registration
22 ~~card~~ certificate, replacement decal, or an all-terrain vehicle
23 or recreational off-highway vehicle registration transfer
24 issued.

25 "§32-12A-4.

1 "All-terrain vehicles or recreational off-highway
2 vehicles may be registered for private use ~~that are used~~
3 ~~exclusively for private or agricultural use or used~~
4 ~~exclusively on private property~~ or for public use. Public use
5 includes private use. ~~Private use registration~~ Registration is
6 valid for three years from the date of issuance. ~~Private or~~
7 ~~agricultural use registrations are~~ and is not transferable.

8 "§32-12A-5.

9 "The secretary shall provide to the registrant a
10 registration ~~card~~ certificate that includes the registration
11 number, the date of registration, the make and serial number
12 of the vehicle, the owner's name and address, and additional
13 information the secretary may require. Information concerning
14 each registration shall be retained by the secretary. The
15 registration is not valid unless signed by at least one owner.
16 Upon a satisfactory showing that the registration ~~card~~
17 certificate has been lost or destroyed, the secretary shall
18 issue a replacement registration ~~card~~ certificate upon payment
19 of a fee of five dollars (\$5). The fees collected from
20 replacement registration ~~cards~~ certificates shall be deposited
21 in the ~~off-road vehicle account in the~~ State Treasury and
22 credited to the Public Safety Fund of the Alabama State Law
23 Enforcement Agency.

24 "§32-12A-12.

1 ~~"(a)~~ Fees from the registration of all-terrain
2 vehicles and recreational off-highway vehicles shall be
3 deposited in the State Treasury and credited to the ~~off-road~~
4 ~~vehicle account~~ Public Safety Fund.

5 ~~"(b)~~ ~~Subject to appropriation by the Legislature,~~
6 ~~money in the account may only be used for the following~~
7 ~~purposes:~~

8 ~~"(1)~~ ~~Education and training on all-terrain vehicle~~
9 ~~and recreational off-highway vehicle safety.~~

10 ~~"(2)~~ ~~Administration, enforcement, and implementation~~
11 ~~of this chapter.~~

12 ~~"(3)~~ ~~Acquisition, maintenance, and development of~~
13 ~~off-road vehicle trails and use areas.~~

14 ~~"(4)~~ ~~Grant-in-aid programs to counties and~~
15 ~~municipalities to construct and maintain off-road vehicle~~
16 ~~trails and use areas."~~

17 Section 2. Section 32-12A-14 of the Code of Alabama
18 1975, relating to the administration of the chapter in the
19 event the Division of Marine Police is transferred to another
20 agency, is repealed.

21 Section 3. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB211

Senate 02-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 22-APR-21

By: Senator Orr