

SENATE BILL 1205

By Yager

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 5; Title 6; Title 11; Title 54; Title 55; Title 67;  
Title 68 and Title 70, relative to the development of  
adventure tourism in Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 11, is amended by adding the following language as a new, appropriately designated part:

11-11-201.

This part shall be known and may be cited as the “Tennessee Adventure Tourism and Rural Development Act of 2011.”

11-11-202.

The department of tourist development, in cooperation with the department of environment and conservation and the department of economic and community development, is directed to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of Tennessee. Such study and plan shall be developed within existing departmental resources. The departments are directed to consider natural areas, best available science, existing recreational opportunities, economic conditions, including but not limited to persistent high unemployment, safety and environmental issues, and community interest in developing such plan. Such plan shall identify those areas of the state where those activities currently exist and could easily be developed and should include recommendations on whether and to what extent existing laws should be amended in order to encourage development of adventure tourism in Tennessee. The

departments are authorized to promulgate rules and regulations in order to effectuate the purposes of this part.

11-11-203.

As used in this part, unless the context otherwise requires:

(1) "Adventure tourism" means outdoor recreational opportunities such as equine and motorized trail riding, white-water rafting and kayaking, rappelling, rock climbing, hang-gliding, spelunking, and other such activities;

(2) "Adventure tourism area" means an area identified by the department as an appropriate region for the promotion and development of adventure tourism;

(3) "Adventure tourism district" means a defined geographic area identified and approved by a two-thirds vote of a local governing body as an area where the promotion of adventure tourism is encouraged;

(4) "All terrain vehicle" means either:

(A) A motorized flotation-tire vehicle with no less than four (4) low-pressure tires, but no more than six (6) low-pressure tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

(B) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.), and that has a non-straddle seating and a steering wheel;

(5) "Department" means the department of tourist development;

(6) "Hang-gliding" means an air sport in which a pilot flies a light and un-motorized aircraft launched by foot;

(7) "Kayaking" means the use of a kayak for navigations of waterways;

(8) "Local governing body" means the elected legislative body of a municipal, metropolitan, or county government;

(9) "Motorized trail riding" means the exploration of trails and natural areas by use of all terrain vehicles;

(10) "Rappelling" is the controlled descent down a rope by climbers used to explore cliffs or slopes that are too steep to descend without protection;

(11) "Rock climbing" means the recreational sport of climbing up or across natural rock formations;

(12) "Spelunking" means the recreational sport of exploring noncommercial cave systems;

(13) "Triathlon" means the recreational activity of sporting contests involving open waters swimming, bicycle riding, and running, whether on trails or improved roads; and

(14) "White water rafting" means the recreational activity of using an inflatable raft to navigate rough water.

11-11-204.

The department of tourist development shall, prior to February 1, 2012, identify geographic regions of the state where promotion and development of adventure tourism is suitable. The department shall identify for each area the appropriate types of recreational activities suitable to the region and shall recommend rules and regulations to apply within appropriately designated adventure tourism districts.

11-11-205.

When the department of tourist development has identified suitable areas of the state for the promotion of adventure tourism, a local governing body, may, by a two-thirds (2/3) vote of its governing body, authorize the creation of a district within the boundaries of such governing body as an adventure tourism district. Alternatively, one (1) or more counties or one (1) or more municipalities may enter into an intergovernmental agreement pursuant to the Interlocal Cooperation Act, compiled in title 12, chapter 9, to designate jointly an adventure tourism district that contains area within the boundaries of more than one (1) local government.

11-11-206.

The department of tourist development and the department of economic and community development may work together to provide assistance as deemed appropriate by the departments to encourage the development of adventure tourism within those regions of the state designated as suitable for such activities and where persistent high unemployment exists.

SECTION 2. Tennessee Code Annotated, Section 55-8-185, is amended by adding the following as a new, appropriately designated subsection:

(e) In addition to the provisions above, an all terrain vehicle as defined in § 55-3-101(d) may be operated or driven upon any streets, roads, or highways designated for such purpose and included within the boundaries of an adventure tourism district established pursuant to Section 1 of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.