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## **The Vermont Legislative Research Shop**

### **All – Terrain Vehicles**

An all-terrain vehicle is a off road motor vehicle that is equipped with a saddle, has three or four tires that have contact with the ground and has 50 inches or less in width (U.S. Consumer Product Safety Commission, 2004).

#### **Safety**

Although the sale of new 3-wheeled ATV's was banned in 1988, there are currently no national regulations regarding the use of 4-wheeled ATV's, nor are there any national restrictions on the drivers' age (Keenan and Bratton, 2004). The U.S. Consumer Product Safety Commission (CPSC) estimates that ATV-related injuries in the U.S. have doubled in a recent five-year period and deaths have also continue to climb (U.S. Consumer Product Safety Commission, 2004). CPSC reports up to 90,000 accidents and 120 deaths related to ATV use each year. Nearly 50% of these involve riders under the age of 16 (Taylor, 2002). In 2002, children under 16 years old made up 33% of the total ATV deaths reported to CPSC, with children under 12 years old accounting for 10% of total deaths (Keenan and Bratton, 2004).

While there are no federal laws, states have enacted several different laws on age restrictions of ATV use. The age at which any individual in the State of Florida can operate an ATV is 16 years of age. However, if that individual wears a safety helmet meeting United States Department of Transportation standards and eye protection, they can operate an ATV at any age (Florida Division of Forestry, 2004).

Meanwhile in Kentucky, a person under the age of 16 cannot operate an ATV with an engine that exceeds 90 cubic centimeters displacement, and cannot operate an ATV without parental supervision (Division of Driver Safety, 2004).

In 2000, legislation passed in West Virginia's state government dealing with the operation of ATVs. Anyone between the ages of 12 and 16 must not operate any type of ATV with an engine of greater capacity than 70 cubic centimeters of displacement, those between the ages of 16 and 18 must always complete an all terrain vehicle rider training course

approved by the Commissioner of the Division of Motor Vehicles, and must remain in plain sight of an adult ATV operator. Finally, applicable to both groups, everyone under the age of 18 must wear a protective helmet approved by the United States Department of Transportation and prohibits them to ever operate an ATV with a passenger at any time. Violation of any of these regulations would be a misdemeanor with fines of up to \$100 for the first conviction; up to \$200 for the second conviction; and up to \$500 or imprisonment for the third and subsequent convictions (All-Terrain Vehicle Safety Regulation Act, 2000).

The Missouri Public Safety Department estimates that in an average year, 44 percent of the ATV accidental death toll involves children less than 16 years of age and 20 percent of the fatalities are children under 12. Therefore, the state passed a new law stating that any person under the age of 16 can legally operate an ATV, but must be under adult supervision while on land owned by anyone other than the parent or guardian (Baker, 2000).

In the State of Maine, it is unlawful for a person under the age of 16 to operate an ATV over a public roadway unless accompanied by an adult (“State of Maine All-Terrain Vehicles 2003 Regulations”, 2004).

For safety reasons, Virginia law prohibits any children between the ages of 12 and 16 to operate all-terrain vehicles powered by engines of no less than 70 nor more than 90 cubic centimeters displacement. Following suit, regardless of age, any person operating an ATV must wear a helmet that has been approved by the Superintendent of State Police for use by motorcycle operators. Furthermore, the state prohibits anyone to ride an ATV with a passenger at any time, unless the all-terrain vehicle is designed and equipped to be operated with more than one rider (“Summary of ATV Laws in Virginia”, 2001).

### **Prohibitions On Use**

Due to the fact that there are no federal laws on ATV use, states have enacted several different laws dealing with restrictions on ATV use on public roads, highways and private property.

#### **Roads and Highways**

Florida law prohibits ATV's from use on public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency. If these rules are violated, the operator will face a non-criminal traffic infraction punishable as a non-moving violation (Florida Division of Forestry, 2004).

In the State of Kentucky, all ATVs are barred from being operated on any public highway or roadway (Division of Driver Safety, 2004).

Operation of ATVs is strictly prohibited on Missouri highways. Exceptions to this rule include ATVs owned by a government entity, held for official use, or operated for

agricultural purposes between sunrise and sunset. The governing body of each city and county may also issue special permits to licensed drivers for special use of ATVs on city streets or county roads. All operators of any ATV being used on a public roadway must have a valid driver's license (Baker, 2000).

As far as prohibition of riding in public areas, the Connecticut law says that an ATV may not be operated on any public highway, not even for crossing purposes (Fazzalano, 2002).

### **Private Property**

In Florida, if an individual operates an ATV and creates an opening in enclosed land that is not his or her own then that individual has committed a misdemeanor of the first degree. Punishment may also require full compensation to the damaged property resulting directly or indirectly from the break in any fence (Florida Division of Forestry, 2004).

Kentucky law says that ATVs cannot be operated on a private property without consent from the owner of the property. The violation of this provision will lead to a penalty of no less than \$10.00 but no more than \$500.00 (Division of Driver Safety, 2004).

According to Maine's state law, an individual abuses another person property when they tear down or destroy fences. The destroying of crops or land is furthermore constitutes abuse. The violator is then liable for the damage of the property in a civil action. Specifically the person doing the damage is liable to the owner for 2 times the actual damage plus additional costs such as attorney fees ("State of Maine All-Terrain Vehicles 2003 Regulations", 2004).

Not only does the Virginia state law protect ATV operators, it protects landowners from violation by ATV riders. There is a provision of the law that forbids ATVs to be ridden on another person's property without the written consent of the owner of the property or as explicitly authorized by law. Violations of any of these provisions lead to a civil penalty of no more than \$500.00 ("Summary of ATV Laws in Virginia", 2001).

The Connecticut State Law dealing with ATVs clearly states that the vehicle owner is responsible to the owner of any land where trees, shrubs, crops, fences, or other property has been damaged as a result of the snowmobile or ATV traveling over the land, or where consequential damage has resulted from such travel (Fazzalano, 2002).

### **Environmental Issues**

ATVs presently emit approximately 130,000 tons of hydro-carbon (HC), 550,000 tons of carbon monoxide (CO), and 4,000 tons of oxides of nitrogen (Nox) each year in the United States. Reducing these emission will help combat smog and other toxins in the environment. For the first time, the EPA has set strict guidelines to meet new emission standards by the year 2006. Consequently, any ATV made before 2006 is not affected by these new restrictions (Environmental Protection Agency, 2002).

The EPA does not tell manufacturers how they should actually comply with the restrictions on emissions. The EPA suggests, however, that manufacturers use four-stroke engines, optimizing air-fuel mixtures, the addition of air to exhaust streams, use of fuel-injection systems, or catalytic converters to control emissions. The EPA confirms that controls will not affect the performance or safety for ATV riders (Environmental Protection Agency, 2002).

Engine Category	ATV Emission Rates (grams per mile)*			
	HC	CO	NOx	PM
Baseline two-stroke	53.9	54.1	0.2	2.1
Baseline four-stroke	2.4	48.5	0.4	0.1
ATVs meeting EPA standards	1.6	42.9	0.3	0.1

Source: Environmental Protection Agency, 2002

The graph above is an estimation about how these EPA stands will translate into lower emissions. It is clear by the new emission standards that dangerous levels of toxins will dramatically be shortened.

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