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3 SENATE GA COMMITTEE SUBSTITUTE FOR SB211  
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8 SYNOPSIS: Under existing law, an all-terrain vehicle  
9 (ATV) and a recreational off-highway vehicle are  
10 off-road vehicles that may be registered by the  
11 owner with the Alabama State Law Enforcement  
12 Agency. An all-terrain vehicle is defined to  
13 include a vehicle of not more than 60 inches in  
14 width. A recreational off-highway vehicle is  
15 defined to include a vehicle of not more than 80  
16 inches in width or more than 2,500 pounds.

17 This bill would specify that the authorized  
18 width of an all-terrain vehicle or a recreational  
19 off-highway vehicle would be measured from the  
20 outside of the tire rim directly across on the  
21 other side of the vehicle and would increase the  
22 authorized weight of a recreational off-highway  
23 vehicle to 3,500 pounds.

24 Under existing law, the registration fees  
25 are forty-five dollars (\$45) for a vehicle used for  
26 public use and fifteen dollars (\$15) for a vehicle

1 used for private use. Private use includes  
2 agricultural use.

3 This bill would amend the definition of  
4 private use to include vehicles used as an  
5 implement of husbandry. This bill would define  
6 public use as off-road public use on designated  
7 public areas.

8 Under existing law, fees from the  
9 registrations and other fees are credited to the  
10 off-road vehicle account in the State Treasury and  
11 are subject to appropriation generally for  
12 education and training on all-terrain vehicle and  
13 recreational off-highway vehicle safety,  
14 administration and enforcement of the law,  
15 development of off-vehicle trails, and grants to  
16 local government for off road trails.

17 This bill would deposit the fees in the  
18 State Treasury to the credit of the Public Safety  
19 Fund of the Alabama State Law Enforcement Agency.

20 Under existing law, agents for the  
21 registration of boats are automatically designated  
22 as agents for registration of all-terrain and  
23 off-highway recreational vehicles.

24 This bill would provide that the automatic  
25 designation of the agents for registration purposes  
26 would be permissive.

1                   This bill would also make other changes to  
2                   the registration process.

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4                   A BILL  
5                   TO BE ENTITLED  
6                   AN ACT

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

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.

25                  "For purposes of this chapter, the following terms  
26                  shall have the following meanings:

1           "(1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle  
2           60 inches or less in width, measured from the outside of the  
3           tire rim to the outside of the tire rim directly across on the  
4           vehicle, having a dry weight of 1,500 pounds or less, designed  
5           to travel on three or more non-highway tires, and manufactured  
6           for off-road use by a single operator or by an operator and  
7           not more than one passenger as provided by the manufacturer.

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

11          "(3) PUBLIC USE. Off-road public use in designated  
12          public areas.

13          "~~(2)~~(4) OFF-ROAD VEHICLE. Any motorized vehicle not  
14          designed for use on a highway and capable of cross-country  
15          travel on land, snow, ice, marsh, swampland, or other natural  
16          terrain. The term includes any all-terrain vehicle and  
17          recreational off-highway vehicle. The term excludes any golf  
18          cart; any vehicle used for military, fire, emergency, or law  
19          enforcement purposes; any motorboat; any vehicles used  
20          exclusively on airport property; all farm machinery, farm  
21          tractors, and other self-propelled equipment for harvesting  
22          and transportation of forest products, for clearing land for  
23          planting, for utility services and maintenance, or for earth  
24          moving, construction, or mining; and self-propelled  
25          lawnmowers, snowblowers, and garden or lawn tractors while  
26          such vehicles are being used exclusively for their designed

1 purposes. The term does not include any motor vehicle for  
2 which a certificate of title is required by Chapter 8.

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

10 "~~(4)~~ (6) SECRETARY. The Secretary of the Alabama  
11 State Law Enforcement Agency.

12 "§32-12A-3.

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

18 "(b) A person who purchases an all-terrain vehicle  
19 or recreational off-highway vehicle from a retail dealer ~~shall~~  
20 may make application for registration to the dealer at the  
21 point of sale. The dealer shall provide the registration  
22 application to the purchaser and submit the completed  
23 registration application and fees to the secretary at least  
24 once each month. The dealer may deduct a fee of two dollars  
25 fifty cents (\$2.50) for each registration.

26 "(c) ~~Upon~~ Within 30 days after the receipt of the  
27 application and the appropriate fee, the secretary or agent

1 shall issue to the applicant or provide to the dealer an  
2 assigned registration sticker. Once issued, the registration  
3 sticker shall be affixed to the vehicle in a manner prescribed  
4 by the secretary. ~~A dealer subject to subsection (b) shall~~  
5 ~~provide the registration materials to the purchaser.~~

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

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

20 "§32-12A-4.

21 "All-terrain vehicles or recreational off-highway  
22 vehicles may be registered for private use ~~that are used~~  
23 ~~exclusively for private or agricultural use or used~~  
24 ~~exclusively on private property~~ or for public use. Public use  
25 includes private use. Private use registration Registration is  
26 valid for three years from the date of issuance. ~~Private or~~  
27 ~~agricultural use registrations are~~ and is not transferable.

1           "§32-12A-5.

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

17           "§32-12A-12.

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

22           "~~(b)~~ ~~Subject to appropriation by the Legislature,~~  
23 ~~money in the account may only be used for the following~~  
24 ~~purposes:~~

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

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

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

5                   ~~"(4) Grant-in-aid programs to counties and~~  
6 ~~municipalities to construct and maintain off-road vehicle~~  
7 ~~trails and use areas."~~

8                   Section 2. This act shall become effective  
9 immediately following its passage and approval by the  
10 Governor, or its otherwise becoming law.