

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	5 - 1 - 1
Yeas:	Buckley, Gilman, Read, Tomei, Beyer
Nays:	Smith G.
Exc.:	Butler
Prepared By:	Judith Callens, Administrator
Meeting Dates:	5/14, 5/23

WHAT THE MEASURE DOES: Phases in new permit and training requirements for Class I and Class III all-terrain vehicle (ATV) operators beginning with those under the age of 16 in 2009. Applies requirements to all Class I (quad) and Class III (off-road motorcycle) operators by 2014. Provides exemption for riders aged 16 or older with at least five years experience who pass an equivalency exam. Requires operators of ATVs under the age of 16 to be supervised by an adult with an operator permit. Clarifies that supervision means being able to immediately offer assistance and direction. Creates the offense, a Class C traffic violation, of endangering a Class I ATV operator for a parent, legal guardian, or person legally responsible for a child's safety, if a child under 16 operates the vehicle in violation of the requirements. Raises the age of the child (from 12 to 16) for the existing offense of endangering a Class III ATV operator. Applies requirements and restrictions to use on public lands, including private lands that are open to the public as a result of funding from the ATV Account. Requires Class I ATV operators to ride on appropriately sized ATVs, meeting "rider-fit" guidelines to be set by the Department of Parks and Recreation. Allows use of the ATV Allocation Account for law enforcement activities outside of designated ATV recreation areas. Requires ATV operators under 18 years of age to fasten the chin strap when wearing required helmet. Exempts from ATV requirements all-terrain vehicles used exclusively in farming, agricultural, forestry, nursery or Christmas tree growing operations and being used on land owned or leased by the owner of the vehicle.

ISSUES DISCUSSED:

- Agreement between ATV users, ATV dealers, safety advocates and Department of Parks and Recreation
- ATV operator requirements; age distinctions
- Rider fit vs. specific engine size for age distinctions
- Support of Specialty Vehicle Institute, representing ATV manufactures and distributors, and ATV user groups including All-Terrain Vehicle Association and American Motorcyclist Association

EFFECT OF COMMITTEE AMENDMENT: Requires ATV operators under 18 years of age to fasten the chin strap when wearing required helmet. Exempts from ATV requirements all-terrain vehicles used exclusively in farming, agricultural, forestry, nursery or Christmas tree growing operations and being used on land owned or leased by the owner of the vehicle.

BACKGROUND: The Parks and Recreation Department recommends safety training for all ATV riders, and current law requires an operator permit certifying completion of training for some riders on public lands. Current law requires Class I (quad) operator training for anyone without a valid drivers license unless accompanied by an adult with an operator permit or driver's license. Current law requires Class III (off-road motorcycle) training for operators between the ages of seven and 12 and the child must be accompanied by an adult with a driver's license or operator permit. Class III operators age 12 or older must have a permit unless the operator has a valid driver's license or is accompanied by an adult with a driver's license. There is a lower age limit of seven for Class III operators on public lands. On-the-bike training is available from private providers, and the cost for youth training is subsidized by the Parks and Recreation Department's ATV fund. The ATV fund derives from vehicle permit fees on ATVs and estimated state fuel taxes paid on ATV fuel.

As ATV riding becomes more popular, deaths and injuries are increasing. There have been 109 deaths attributable to ATV accidents in the past 20 years, half of which having occurred in the past five years. The Parks and Recreation Department intends to continue requiring the youth programs for training and to develop curriculum and testing for older operators, including on-line versions. Senate Bill 101-B expands permit requirements to all operators over the next seven years, increases supervision of youth operators, and initiates rider-fit standards for Class I operators. Further, under current law, ATV operators under 18 years of age are required to wear a motorcycle helmet. The measure requires the chin strap to be fastened when these young operators are wearing the required helmet. Finally, the measure exempts from ATV requirements all-terrain vehicles used exclusively in farming, agricultural, forestry, nursery or Christmas tree growing operations and being used on land owned or leased by the owner of the vehicle.