

HOUSE BILL 3220

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 55,  
relative to all-terrain vehicles on public highways.

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

SECTION 1. Tennessee Code Annotated, Section 55-3-101, is amended by adding the following language as a new subsection:

(d) For purposes of this title, "all-terrain vehicle" means a motor vehicle fifty-two inches (52") or less in width, having at least one (1) head light and one (1) tail light, an unladen weight of eight hundred pounds (800 lbs.) or less, traveling on three (3) or more low pressure tires with a seat designed to be straddled by the rider and designed for or capable of travel over unimproved terrain.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated section:

§ 55-8-\_\_\_\_.

(a) All-terrain vehicles may be operated or driven upon a highway, but no all-terrain vehicle may be operated on any:

(1) Highway that is a part of the interstate and defense highway system; or

(2) Highway having more than two (2) lanes, except for the purpose of crossing such highway if:

(A) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard;  
and

(D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped.

(b) An all-terrain vehicle may, for the purpose of crossing from one (1) trail, field or area of operation to another, be operated upon any road, street or highway having two (2) lanes or less, if:

(1) The vehicle is operated at a speed of twenty-five miles per hour (25 m.p.h.) or less;

(2) Such road, street or highway is designated by a municipality or county and marked in accordance with subsection (d);

(3) The vehicle is operated only between from one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset;

(4) The headlight and taillight shall be illuminated at all times;

(5) The number of passengers on such vehicle does not exceed the manufacturers' recommendations; and

(6) The operator:

(A) Possesses a valid driver license from this state or an equivalent license from another state;

(B) And all passengers comply with § 55-9-302; and

(C) Otherwise complies with the provisions of this chapter.

(c) A violation of subsections (a) or (b) is a Class C misdemeanor.

(d)

(1) The governing body of any county may by lawfully enacted resolution regulate or prohibit the operation of all-terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides appropriate signage designating such street, road or highway for all-terrain vehicle use. A county may charge a fee to an operator of an all terrain vehicle, no more than twenty-five dollars (\$25.00) annually, for the use and marking of any such road.

(2) The governing body of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of all-terrain vehicles upon any street, road or highway solely under the municipality's jurisdiction; provided, that such municipality posts appropriate signage designating such street, road or highway for all-terrain vehicle use. A municipality may charge a fee to an operator of an all terrain vehicle, no more than twenty-five dollars (\$25.00) annually, for the use and marking of any such highway.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.