

1 HB519
2 185242-1
3 By Representative Ainsworth
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 18-APR-17

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8 SYNOPSIS: This bill would provide for the voluntary
9 registration of all-terrain vehicles and off-road
10 vehicles with the Alabama State Law Enforcement
11 Agency.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To provide for the voluntary registration of
18 all-terrain vehicles and off-road vehicles with the Alabama
19 State Law Enforcement Agency; to provide fees; and to provide
20 for the use of the funds from this act.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. For purposes of this act, the following
23 terms shall have the following meanings:

24 (1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle
25 50 inches or less in width, having a dry weight of 1,200
26 pounds or less, designed to travel on three or more
27 non-highway tires, and manufactured for off-road use by a

1 single operator or by an operator and not more than one
2 passenger as provided by the manufacturer.

3 (2) OFF-ROAD VEHICLE. Any recreational motorized
4 motor vehicle 72 inches or less in width, having a dry weight
5 of 2,000 pounds or less, designed and manufactured to travel
6 on four or more non-highway tires for off-road use by an
7 operator and the number of passengers as provided by the
8 manufacturer. The term includes any all-terrain vehicle. The
9 term shall exclude any golf cart; any vehicle used for
10 military, fire, emergency, or law enforcement purposes; any
11 motorboat; any vehicles used exclusively on airport property;
12 all farm machinery, farm tractors, and other self-propelled
13 equipment for harvesting and transportation of forest
14 products, for clearing land for planting, for utility services
15 and maintenance, for earth moving, construction, or mining;
16 and self-propelled lawnmowers, snowblowers, and garden or lawn
17 tractors while such vehicles are being used exclusively for
18 their designed purposes. The term shall not be interpreted to
19 include any motor vehicle for which a certificate of title is
20 required by Chapter 8 of this title.

21 (3) SECRETARY. The Secretary of the Alabama State
22 Law Enforcement Agency.

23 Section 2. The owner of an all-terrain vehicle or
24 off-road vehicle may register the vehicle with the Alabama
25 State Law Enforcement Agency.

26 Section 3. (a) An application for registration or
27 continued registration shall be made to the Secretary of the

1 Alabama State Law Enforcement Agency or an authorized agent of
2 the agency in a form prescribed by the secretary. The form
3 shall state the name and address of every owner of the
4 vehicle.

5 (b) A person who purchases an all-terrain vehicle or
6 off-road vehicles from a retail dealer shall make application
7 for registration to the dealer at the point of sale. The
8 dealer shall submit the completed registration application and
9 fees to the secretary at least once each month. The dealer may
10 deduct a fee of two dollars fifty cents (\$2.50) for each
11 registration.

12 (c) Upon receipt of the application and the
13 appropriate fee, the secretary or agent shall issue to the
14 applicant or provide to the dealer an assigned registration
15 sticker. Once issued, the registration sticker shall be
16 affixed to the vehicle in a manner prescribed by the
17 secretary. A dealer subject to subsection (b) shall provide
18 the registration materials to the purchaser.

19 (d) Each agent for the registration of boats shall
20 also be a registered agent for all-terrain vehicle or off-road
21 vehicle registration. The secretary may prescribe the
22 accounting and procedural requirements necessary to assure
23 efficient handling of registrations and registration fees.
24 Agents shall strictly comply with the accounting and
25 procedural requirements.

26 (e) In addition to other fees prescribed by law, an
27 issuance fee of five dollars (\$5) shall be charged for each

1 all-terrain vehicle or off-road vehicle registration renewal,
2 duplicate or replacement registration card, replacement decal,
3 or an all-terrain vehicle registration transfer issued.

4 Section 4. All-terrain vehicles or off-road vehicles
5 may be registered for private use that are used exclusively
6 for private or agricultural use or used exclusively on private
7 property. Private use registration is valid for three years
8 from the date of issuance. Private or agricultural use
9 registrations are not transferable.

10 Section 5. The secretary shall provide to the
11 registrant a registration card that includes the registration
12 number, the date of registration, the make and serial number
13 of the vehicle, the owner's name and address, and additional
14 information the secretary may require. Information concerning
15 each registration shall be retained by the secretary. The
16 registration is not valid unless signed by at least one owner.
17 Upon a satisfactory showing that the registration card has
18 been lost or destroyed, the secretary shall issue a
19 replacement registration card upon payment of a fee of five
20 dollars (\$5). The fees collected from replacement registration
21 cards shall be deposited in the all-terrain vehicle account in
22 the state treasury.

23 Section 6. (a) An application for transfer of
24 ownership may be made to the secretary within 30 days of the
25 date of transfer.

1 (b) An application for transfer shall be executed by
2 the registered owner and the purchaser using a bill of sale
3 that includes the vehicle serial number.

4 Section 7. (a) The fee for a three-year registration
5 of an all-terrain vehicle or off-road vehicle under this
6 section, other than those registered by a dealer or
7 manufacturer, is as follows:

8 (1) For public use, forty-five dollars (\$45).

9 (2) For private use, fifteen dollars (\$15).

10 (3) For a duplicate or transfer, five dollars (\$5).

11 (b) The total registration fee for all-terrain
12 vehicles owned by a dealer and operated for demonstration or
13 testing purposes is fifty dollars (\$50) per year. A dealer
14 registration is not transferable.

15 (c) The total registration fee for vehicles owned by
16 a manufacturer and operated for research, testing,
17 experimentation, or demonstration purposes is one hundred
18 fifty dollars (\$150) per year. A manufacturer registration is
19 not transferable.

20 (d) In addition to the fees provided above, an
21 issuance fee of two dollars fifty cents (\$2.50) shall be
22 charged for the issuance of registration by an agent of the
23 agency pursuant to this act. The fee shall be retained by the
24 agent for the use of the office of the agent.

25 (e) Every owner of a vehicle may renew registration
26 in a manner prescribed by the secretary upon payment of the
27 renewal registration fees.

1 Section 8. Upon application, a registration sticker
2 shall be issued without the payment of a fee for vehicles
3 owned by the state or a political subdivision of the state.

4 Section 9. No political subdivision of this state
5 shall require licensing or registration of all-terrain
6 vehicles or off-road vehicles covered by this act.

7 Section 10. A person applying for initial
8 registration in this state of an all-terrain vehicle or
9 off-road vehicle shall provide a purchaser's certificate
10 showing a complete description of the vehicle including serial
11 number or other identifying numbers and the seller's name and
12 address.

13 Section 11. The secretary may issue a refund of a
14 registration, not including any issuance fees paid, if either
15 of the following apply:

16 (1) The vehicle was registered incorrectly.

17 (2) The vehicle was registered by the dealer and by
18 the customer.

19 Section 12. (a) Fees from the registration of
20 all-terrain vehicles and off-road vehicles shall be deposited
21 in the state treasury and credited to the all-terrain and
22 off-road vehicle account.

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

26 (1) Education and training on all-terrain vehicle
27 and off-road vehicle safety.

1 (2) Administration, enforcement, and implementation
2 of this act.

3 (3) Acquisition, maintenance, and development of
4 vehicle trails and use areas.

5 (4) Grant-in-aid programs to counties and
6 municipalities to construct and maintain all-terrain vehicle
7 trails and use areas.

8 Section 13. The secretary may adopt rules necessary
9 to administer this act.

10 Section 14. In the event the Division of Marine
11 Police of the Alabama State Law Enforcement Agency is
12 transferred to any other agency, the administration of this
13 act shall be transferred to that agency.

14 Section 15. This act shall be operative January 1,
15 2018.

16 Section 16. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.