

SB254 INTRODUCED



1 SB254
2 Z6PCRWW-1
3 By Senator Jones
4 RFD: Veterans and Military Affairs
5 First Read: 21-Mar-24



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SYNOPSIS:

This bill would require the operator of an ATV park to obtain a permit from the county.

This bill would provide for the permitting and inspection of ATV parks.

This bill would also provide fines for violations.

A BILL
TO BE ENTITLED
AN ACT

Relating to ATV parks; to provide for the permitting, inspection, and operation of ATV parks; and to provide fines for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) ACCESS POINT. Any point along the entire perimeter of an ATV park or proposed ATV park where the owner intends for customers to enter or exit the property by automobile, regardless of whether the point is constructed or natural.

(2) APPROVED ACCESS POINT. Either of the following:



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29 a. A location which has previously been approved,
30 permitted, or grandfathered through the county's driveway or
31 access management policy and has been previously used to
32 access the tract.

33 b. A location that has previously been used to access
34 the tract, if the county does not have a driveway or access
35 management policy.

36 (3) ATV. As defined in Section 32-12A-1, Code of
37 Alabama 1975.

38 (4) ATV PARK. Any privately-owned location that charges
39 a fee to operate an ATV at the location and meets two or more
40 of the following criteria:

41 a. Consists of over 100 acres.

42 b. Has collected over 100 ATV operation fees in any
43 calendar month.

44 c. Has collected more than two thousand dollars
45 (\$2,000) from ATV operation fees in any calendar month.

46 d. Has hosted an ATV race.

47 Section 2. (a) Commencing January 1, 2025, no person
48 may operate an ATV park unless the person has a valid permit
49 from the county.

50 (b) As a condition for the issuance of an ATV park
51 permit, a county commission may require a permit fee not to
52 exceed fifty dollars (\$50).

53 (c) A county may not issue or renew an ATV park permit
54 until the person seeking a permit has submitted each of the
55 following:

56 (1) Proof of at least five million dollars (\$5,000,000)



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57 of liability insurance coverage that indemnifies the county
58 commission, neighboring property owners for damage to their
59 property, and downstream property owners for damage to their
60 water access.

61 (2) A copy of a written contract for emergency services
62 for the proposed park.

63 (3) A detailed map of the area which identifies the
64 location of any tract included in the park and each access
65 point to any tract from a public road.

66 (4) With respect to any access point to the tract,
67 whether the access point is a new or approved access point,
68 including details outlining how this access will be
69 accomplished while maintaining the normal drainage features on
70 each public road.

71 (5) The expected routes upon public roads for travel to
72 and from the park related to the operations of the park.

73 (6) The estimated acreage of each tract.

74 (7) The estimated date that access to the public roads
75 will commence.

76 (8) The name, address, and daytime telephone number of
77 the person that operates the park.

78 (9) The name and address for the liability insurance
79 carrier of the person that operates the park.

80 (10) Copies of any other certifications or approvals
81 necessary for the park to operate any other commercial
82 activity taking place on park property but not related to
83 ATVs.

84 (d) No permit application shall be approved or



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85 disapproved by the county commission without the ATV park
86 first being inspected by the county engineer or his or her
87 designee. Following the inspection, the county engineer or his
88 or her designee shall certify to the commission whether the
89 ATV park has satisfied the requirements of this section. If
90 the ATV park satisfies the requirements, the application shall
91 be approved by the commission. Should the ATV park be
92 determined by the engineer to be deficient in any regard, the
93 engineer shall detail the deficiency to the commission along
94 with a recommendation that the application be denied. Notice
95 of the recommendation shall be sent to the applicant.

96 (e) A permit is not required under this section for a
97 location using ATVs solely for agricultural purposes.

98 (f) A permit issued pursuant to this section does not
99 authorize any ATV to cross or drive on any county road.

100 Section 3. (a) Any entity operating an ATV park without
101 a valid permit may be fined five thousand dollars (\$5,000) for
102 each day a violation continues to take place. All fines
103 collected shall be payable to the county and deposited into
104 the county's road and bridge fund. Additionally, the county
105 may enjoin the ATV park operator from operating the ATV park
106 by a civil action for the injunction brought in a court of
107 competent jurisdiction in the county. In addition to
108 injunction, the county commission may recover any penalties
109 assessed pursuant to this act.

110 (b) This act may be enforced by the county license
111 inspector under Section 40-12-10, Code of Alabama 1975,
112 including issuing citations for failure to properly obtain a



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113 permit. The fines shall be doubled and separately assessed
114 against the owner for each subsequent citation issued by the
115 license inspector.

116 Section 4. (a) Any person operating an ATV park shall
117 follow the best management practices established by the
118 Alabama Forestry Commission as they pertain to forested
119 watersheds.

120 (b) A county may contract with the State Forester to
121 provide inspectors to investigate compliance with this
122 section.

123 Section 5. This act shall become effective on October
124 1, 2024.