

SB218 INTRODUCED



1 SB218
2 U93N9DX-1
3 By Senator Kelley
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 29-Jan-26



SYNOPSIS:

This bill would authorize the operation of off-road vehicles on certain public roads in the same manner as private passenger automobiles, provided the off-road vehicles satisfy various registration, licensure, equipment, and insurance requirements.

This bill would restrict the operation of off-road vehicles to those public roads in the unincorporated portions of a county which have a maximum speed limit of 45 miles per hour.

This bill would require the operator of an off-road vehicle on a public road to have a driver license.

This bill would provide exemptions under certain conditions, including when operated on private property and for agricultural purposes.

This bill would also provide that operating an off-road vehicle in violation of the law is a traffic infraction.

This bill would also provide a limitation of liability for county engineers, county governing bodies, and their officials and employees for injuries arising from the use of an off-road vehicle.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to off-road vehicles; to provide for the
34 operation of off-road vehicles on certain public roads; to
35 provide for the registration and licensure of off-road
36 vehicles; to require the Department of Revenue to adopt rules;
37 to provide a limitation of liability under certain conditions;
38 and to provide a penalty for a violation.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. (a) An off-road vehicle, as defined under
41 Section 32-8-2, Code of Alabama 1975, may be operated on a
42 public road subject to the requirements of this section.

43 (b) (1) The Department of Revenue shall establish a
44 certification form for off-road vehicle dealers, as defined
45 under Section 32-8-2, Code of Alabama 1975, to certify that,
46 regardless of the age of the vehicle, the off-road vehicle is
47 installed with all of the following equipment:

48 a. Brakes.

49 b. Head lights, tail lights, brake lights, and turn
50 signal lights.

51 c. A horn meeting the requirements of Section 32-5-213,
52 Code of Alabama 1975.

53 d. A seat belt for each passenger.

54 e. A roll bar.

55 f. A manufacturer-installed or equivalent spark
56 arrester.



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g. A manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system.

h. A windshield, with or without wipers.

i. Roadworthy tires.

(2) If a vehicle is certified by an off-road vehicle dealer as meeting the requirements of subdivision (1), the owner of the vehicle may present the certification to the local licensing official and apply for a tag. Upon meeting the requirements of the foregoing and payment of all applicable fees, the local licensing official shall register and issue a tag for the vehicle pursuant to Article 2 of Chapter 6 of Title 32, Code of Alabama 1975. The tag shall be securely attached in the same manner as a private passenger vehicle and shall indicate that the off-road vehicle is for restricted use.

(3) The off-road vehicle must be covered by a liability insurance policy in an amount no less than the minimum amounts required under Chapter 7A of Title 32, Code of Alabama 1975.

(c) An off-road vehicle may only be operated on a public road by an operator who is at least 16 years of age and who possesses a valid driver license from this state or an equivalent license from another state. The operator shall obey all of the duties applicable to the operator of a private motor vehicle under Chapter 5 and Chapter 5A of Title 32, Code of Alabama 1975, except as to those provisions that by their nature can have no application.

(d) The operation of an off-road vehicle under this



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85 section is limited to public roads in the unincorporated
86 portions of a county which have a maximum posted speed limit
87 of 45 miles per hour. Nothing in this section authorizes the
88 operation of an off-road vehicle on an interstate highway or
89 within a municipality.

90 (e) No provision of this section shall serve to exempt
91 the owner or operator of an off-road vehicle from being
92 responsible for damage to public roads and rights-of-way as
93 provided in Section 32-5-9, Code of Alabama 1975.

94 (f) The provisions of this section shall not authorize
95 a person to operate an off-road vehicle on private property
96 without the consent of the respective landowner.

97 (g) Notwithstanding any other provision of this section
98 to the contrary, an off-road vehicle that does not otherwise
99 meet the requirements of subsection (b) may be operated to
100 cross from a county road, field, or other area of operation to
101 another, or cross a state highway or other noncounty road, not
102 to include an interstate or national defense highway system,
103 if all of the following conditions are satisfied:

104 (1) The crossing is made at an angle of approximately
105 90 degrees to the direction of the highway and at a place
106 where no obstruction prevents a quick and safe crossing.

107 (2) The vehicle is brought to a complete stop before
108 crossing the shoulder or main traveled way of the highway.

109 (3) The operator yields the operator's right-of-way to
110 all oncoming traffic that constitutes an immediate potential
111 hazard.

112 (4) Both the head lights and tail lights are



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113 illuminated when the crossing is made, if the vehicle is
114 equipped with head lights and tail lights.

115 (h) An off-road vehicle is exempt from the requirements
116 of subsection (b) while operated under any of the following
117 conditions:

118 (1) On private land with the permission of the owner
119 thereof.

120 (2) For agricultural purposes.

121 (3) For wildlife management, law enforcement, emergency
122 services, or other official governmental purpose.

123 (i) The annual license tax and registration fee for an
124 off-road vehicle shall be the same as a private passenger
125 automobile, and the fee shall be distributed in the same
126 manner as for a private passenger automobile.

127 (j) The mere use of an off-road vehicle pursuant to
128 this section shall not be evidence of product misuse,
129 contributory negligence, or assumption of the risk.

130 (k) The Department of Revenue shall adopt rules to
131 implement and administer this section, including providing for
132 the creation of an off-road vehicle certification form.

133 (l) The county engineer, a county governing body, and
134 its employees and officials shall not be held liable for any
135 bodily injury, death, damages, or loss of property arising
136 from the operation of an off-road vehicle pursuant to this
137 section. Nothing in this section requires counties to alter
138 the construction, design, or maintenance of roads or bridges
139 in a manner to accommodate the operational characteristics of
140 off-road vehicles.



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141 (m) Any individual operating an off-road vehicle on any
142 part of a public road, including the berm or shoulder of a
143 public road, except as authorized in this section shall be
144 cited in the same manner as an individual operating a motor
145 vehicle without a proper license tag.

146 (n) The Alabama State Law Enforcement Agency shall
147 collect data on crashes, including the frequency and severity
148 thereof, involving off-road vehicles during the first 24
149 months following the effective date of this act. ALEA shall
150 compile the data into a report and shall present the report to
151 the Joint Transportation Committee of the Legislature in
152 advance of the 2029 legislative session.

153 Section 2. This act shall become effective on January
154 1, 2027.