

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 2226

INTRODUCER: Senator Baker

SUBJECT: Off-highway Vehicles/ROV

DATE: March 29, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hill	Poole	AG	<b>Favorable</b>
2.	Davis	Meyer	TR	<b>Favorable</b>
3.			TA	
4.				
5.				
6.				

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**I. Summary:**

Several commercially available vehicles designed for off-highway use exceed current statutory size and weight limits, or otherwise do not fall within current statutory definitions of all-terrain vehicles (ATV) or off-highway vehicles (OHV). Vehicles that do not meet the statutory definitions may not be operated on public lands and, therefore, are not required to comply with the safety and titling requirements for OHVs.

This bill expands the definition of a recreational off-highway vehicle (ROV) to include vehicles of an increased width and weight. The new definition increases the number of vehicle types that may be titled under chs. 261 and 317, F.S., and consequently, the number of vehicle types authorized for operation on public lands. Expanding the types of vehicles titled under chs. 261 and 317, F.S., will have a positive, but indeterminate fiscal impact on state revenues.

This bill amends sections 261.03 and 317.0003 of the Florida Statutes.

**II. Present Situation:**

Chapters 261 and 317, F.S., define "Off-highway vehicle" as any ATV, two-rider ATV, ROV or off-highway motorcycle (OHM) operated off the roads or highways of this state and not registered and licensed for highway use under ch. 320, F.S.

Section 261.11, F.S., prohibits off-highway vehicles from being operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing local, state, or federal agency. A violation is a noncriminal traffic infraction.

A number of commercially available vehicles designed for off-highway use exceed current statutory size and weight limits, or otherwise do not fall within the current statutory definitions of ATV or OHV. Vehicles not meeting the statutory definitions may not be operated on public lands designated as OHV riding areas and, therefore, are not required to comply with the safety and titling requirements for OHVs.

Chapter 317, F.S., provides for OHV titling by the Department of Highway Safety and Motor Vehicles (DHSMV). DHSMV may adopt rules and prescribe the forms necessary for the titling and registering of OHVs by residents of the state. Any OHV purchased by a resident of this state and operated on public lands must be titled. Chapter 317, F.S., exempts from the titling and registration requirements non-Florida residents, governmental entities, vehicles used for agriculture, and OHVs rented from a franchisee of a public entity that controls a public beach.

Chapters 261 and 317, F.S., define “ROV” as any motorized recreational off-highway vehicle 60 inches or less in width, having a dry weight of 1,500 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons.

Presently there are a number of ROVs that are commercially available which exceed the width or weight requirements under the current law. As a result, these vehicles are ineligible to be titled and operated on public lands designated as off-highway vehicle riding areas.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 261.03(9), F.S., to increase the allowable width of an ROV from 60 inches or less to 64 inches or less. It also increases the allowable weight of an ROV from 1,500 pounds or less to 2,000 pounds or less.

**Section 2** amends s. 317.0003(9), F.S., to increase the allowable width of an ROV from 60 inches or less to 64 inches or less. It also increases the allowable weight of an ROV from 1,500 pounds or less to 2,000 pounds or less.

**Section 3** provides an effective date of July 1, 2010.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The titling of larger ROVs is expected to lead to an increase in the amount of titling fees received by DHSMV. The \$29.00 fee, less an administrative cost of \$2.00 is deposited by DHSMV into the Incidental Trust Fund of the Division of Forestry of DACS for the purpose of implementing the OHV Recreation Program and other OHV-related purposes. In addition to the title fee, DHSMV may issue a validation sticker whose fees are established in ss. 320.03(5), 320.031 and 320.04, F.S.

**B. Private Sector Impact:**

In order to operate on “public lands” vehicles meeting the new definition of ROV will be required to pay a \$29.00 title application fee. The bill will allow for larger ROVs to be regulated under chs. 261 and 317, F.S. Consequently, these vehicles, upon being titled, would be eligible to be operated on public lands designated as OHV riding areas and would have to comply with certain safety requirements.

**C. Government Sector Impact:**

According to DHSMV, the number of vehicles that will pay the \$29.00 title application fee and possible validation sticker fee is indeterminate. For the first six months of Fiscal Year 2009-2010, the DHSMV titled a total of 462 ROVs under the current weight and width restrictions.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The department has expressed concerns about the effective date of the bill allowing sufficient time for implementation to make necessary programming modifications. The department suggests an effective date of October 1, 2010.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.