

2015 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVE ARMES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Authorizes the use of "utility terrain vehicles" on certain roads.

1 AN ACT

2 To enact R.S. 32:299.3, relative to off-road vehicles; to provide relative to "utility terrain
3 vehicles" as "off-road vehicles"; to provide relative to safety equipment required for
4 utility terrain vehicles; to provide for restrictions on speed and eligible roadways to
5 be used by utility terrain vehicles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:299.3 is hereby enacted to read as follows:

8 §299.3. Off-road vehicles; utility terrain vehicles

9 A.(1) For purposes of this Section, "utility terrain vehicle" shall mean any
10 recreational motor vehicle designed for and capable of travel over designated roads,
11 traveling on four or more tires with a maximum tire width of twenty-seven inches,
12 a maximum wheel cleat or lug of three-fourths of an inch, a minimum width of fifty
13 inches but not exceeding seventy-four inches, a minimum weight of at least seven
14 hundred pounds but not exceeding two thousand pounds, and a minimum wheelbase
15 of sixty-one inches but not exceeding one hundred ten inches. "Utility terrain
16 vehicle" shall include those vehicles not equipped with a certification label as
17 required by 49 CFR Part 567.4.

18 (2) "Utility terrain vehicle" does not include golf carts, vehicles specially
19 designed to carry a disabled person, or vehicles otherwise registered under R.S.
20 32:299. A "utility terrain vehicle" or "UTV" also means a recreational off-highway
21 vehicle or ROV.

1 B. Notwithstanding the provisions in R.S. 32:299, the operation of a utility
2 terrain vehicle upon the public roads or streets of this state is prohibited, except as
3 follows:

4 (1) A utility terrain vehicle may be operated only upon a parish road that has
5 been designated by a parish or a municipal street that has been designated by a
6 municipality for use by a utility terrain vehicle. Upon a designation that a utility
7 terrain vehicle may be operated on a designated road or street, the responsible
8 governmental entity shall post appropriate signage indicating that the operation is
9 authorized.

10 (2) A utility terrain vehicle may cross any divided highway, highway,
11 roadway, or street with a posted speed limit in excess of thirty-five miles per hour
12 at an intersection.

13 C. A utility terrain vehicle operated on any roadway or street shall be
14 equipped with the minimum motor vehicle equipment appropriate for motor vehicle
15 safety including, headlamps, front and rear turn signal lamps, tail lamps, stop lamps,
16 reflex reflectors, including one on each side as far to the rear as practicable and one
17 red reflector on the rear of the vehicle, an exterior mirror mounted on the driver's
18 side of the vehicle and either an exterior mirror mounted on the passenger's side of
19 the vehicle or an interior mirror, a parking brake, an adequate windshield, a
20 windshield wiper, speedometer, odometer, braking for each wheel, a seat belt
21 assembly installed at each designated seating position, and a vehicle identification
22 or serial number.

23 D. Any utility terrain vehicle operated upon a parish road or municipal street
24 shall be registered with the state of Louisiana through the Department of Public
25 Safety and Corrections, office of motor vehicles, as an off-road vehicle and shall
26 display a decal issued by the office of motor vehicles.

27 E. A person operating a utility terrain vehicle shall be at least twenty-one
28 years of age and possess a valid driver's license.

1 F. Any utility terrain vehicle operated upon a highway of this state shall have
2 liability insurance with the same minimum limits as required by the provisions of
3 R.S. 32:900(B).

4 G.(1) No person shall be a passenger in the open bed of a utility terrain
5 vehicle while traveling upon a parish road or municipal street. The provisions of this
6 Subsection shall not apply in an emergency situation.

7 (2) The number of persons permitted to travel in a utility terrain vehicle is
8 limited to the number of available seat belts.

9 H. Nothing contained in this Section shall be construed to prevent parish or
10 municipal governments from prohibiting the operation of any utility terrain vehicle
11 on any parish road or municipal street under its jurisdiction if the parish or municipal
12 government determines that the prohibition is necessary for the safety of the
13 motoring public.

14 I. The Department of Public Safety and Corrections, public safety services,
15 shall promulgate rules and regulations in accordance with the Administrative
16 Procedure Act, subject to oversight by the House and Senate committees on
17 transportation, highways, and public works, as necessary to implement the provisions
18 of this Section. The rules and regulations shall become effective no later than
19 January 15, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 581 Reengrossed

2015 Regular Session

Armes

Abstract: Authorizes the use of "utility terrain vehicles" on certain roads.

Proposed law defines a "utility terrain vehicle" (UTV) as any recreational motor vehicle designed for and capable of travel over designated roads, traveling on four or more tires, a maximum tire width of 27 inches, a maximum wheel cleat of 3/4th inches, a minimum width of 50 inches but not exceeding 74 inches, a minimum weight of at least 700 pounds but not exceeding 2000 pounds, and having a minimum wheelbase of 61 inches but not exceeding 110 inches.

Proposed law adds that UTV does not include golf carts, vehicles specially designed to carry a disabled person, or vehicles otherwise registered under present law. A UTV also means a recreational off-highway vehicle or ROV.

Proposed law prohibits the operation of UTVs on public roads, except as follows: (1) the operation of UTVs on parish and municipal roads if designated by a parish or municipal government and (2) UTVs used to cross public roads where the posted speed exceeds 35 miles per hour.

Proposed law requires certain minimum safety equipment on UTVs operating on the roadways and streets including signal lights, tail lights, break lights, reflectors, exterior mirrors, an adequate windshield, wipers, a speedometer, an odometer, brakes for each wheel, seat belts, and a vehicle identification or serial number.

Proposed law further requires registration of a UTV operated on a parish road or municipal street with the office of motor vehicles (OMV) as an off-road vehicle and requires display of a decal issued by the OMV.

Proposed law restricts operation of a UTV to a person at least 21 years of age who possesses a valid driver's license.

Proposed law requires appropriate liability insurance.

Proposed law prohibits a passenger in the open bed of a UTV while moving upon a parish road or municipal street and limits the number of passengers to the number of available seat belts.

Proposed law specifies that proposed law shall not restrict parish or municipal governments from prohibiting the operation of UTVs on parish roads or municipal streets for safety purposes.

Proposed law requires the promulgation of necessary rules by public safety services. Also, requires the rules and regulations be effective no later than January 15, 2016.

(Adds R.S. 32:299.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Add a provision that requires a UTV to have a maximum tire width of 27 inches and a maximum wheel cleat of 3/4th inches.
3. Add a provision that specifies that a UTV does not have to be equipped with a federal certification label.
4. Delete a provision that specifies that UTVs may not operate at a speed exceeding 25 miles per hour on a roadway or street where the posted speed limit is 35 miles per hour or less.
5. Add provisions that proscribe the operation of a UTV on state roads except under the following circumstances: (1) the operation of UTVs on parish and municipal roads if designated by a parish or municipal government and (2) UTVs used to cross public roads where the posted speed limit exceeds 35 miles per hour.

6. Delete a provision that requires a UTVs windshield to comply with rules of the American National Standard Institute.
7. Add a requirement that a windshield must be adequate.
8. Add a requirement that a UTV includes a vehicle with a serial number.
9. Modify a provision that requires UTVs operating on a public road be registered with the Department of Public Safety and Corrections, office of motor vehicles by restricting the application to parish and municipal roads.
10. Delete a provision prohibiting a UTV being operated by an unlicensed driver and instead prescribes operation of a UTV by a person at least 21 years of age and possesses a valid driver's license.
11. Delete a provision that grants the Department of Transportation and Development (DOTD) the authority to prohibit the operation of neighborhood vehicles on public roads if necessary for public safety.
12. Add provisions that prohibit a passenger in the open bed of a UTV while moving upon a parish road or municipal street and limits the number of passengers to the number of available seat belts.
13. Delete a provision that allows the office of motor vehicles to promulgate rules for operation of UTVs on public roads and instead provides such authority to the DOTD, public safety services.
14. Add a provision that requires the Department of Public Safety and Corrections, public safety services to promulgate rules for the operation of UTVs on parish roads and municipal streets by Jan. 15, 2016.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.