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1 **HOUSE BILL NO. 2771**

2 Offered January 17, 2025

3 A BILL to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to all-terrain vehicles and  
4 off-road motorcycles; penalty.

5 Patron—Garrett

6 Referred to Committee on Transportation

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 46.2-915.1 of the Code of Virginia is amended and reenacted as follows:**9 **§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

10 A. No all-terrain vehicle shall be operated:

11 1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to  
12 the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers,  
13 firefighters, or emergency medical services personnel responding to emergencies;14 2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate  
15 all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children  
16 less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic  
17 centimeters displacement;18 3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of  
19 State Police for use by motorcycle operators;20 4. On another person's property without the written consent of the owner of the property or as explicitly  
21 authorized by law; or22 5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated  
23 with more than one rider.24 B. *Notwithstanding subsection A, all-terrain vehicles may be operated on the Secondary Highway System  
25 if the following conditions are met:*26 1. *Such operation is approved by action of the Board of Supervisors or City Council for operation on the  
27 Secondary Highways within their jurisdiction;*28 2. *All-terrain vehicles operated between dusk and dawn are equipped with two front and two rear lights  
29 that render discernible a person or object at a distance of 200 feet.*30 C. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan  
31 County and Tazewell County if the following conditions are met:32 1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along  
33 the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and  
34 approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in  
35 and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and  
36 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the  
37 Virginia Department of Corrections in Tazewell County, provided that permission is granted for such  
38 operation pursuant to § 2.2-1150;39 2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation,  
40 have been posted warning motorists that all-terrain vehicles may be operating on the highway;41 3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile  
42 between one off-road trail and another;43 4. Signs required by this subsection are purchased and installed by the person or club requesting the Board  
44 of Supervisors' approval for such over-the-road operation of all-terrain vehicles;45 5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road  
46 applicable to other motor vehicles;

47 6. Riders of such all-terrain vehicles shall wear approved helmets; and

48 7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

49 No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as  
50 provided in this subsection to comply with lighting requirements contained in this title.51 C. D. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a  
52 decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the  
53 prohibition contained in subsection A.54 D. E. A violation of this section shall not constitute negligence, be considered in mitigation of damages of  
55 whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the  
56 recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or

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HB2771

59 off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining  
60 to any such civil action, nor shall this section bar any claim which otherwise exists.

61     *E. F.* Violation of any provision of this section shall be punishable by a civil penalty of not more than  
62 \$500.

63     *F. G.* The provisions of this section shall not apply:

64       1. To any all-terrain vehicle being used in conjunction with farming activities; or  
65       2. To members of the household or employees of the owner or lessee of private property on which the all-  
66 terrain vehicle is operated.

67     *G. H.* The governing body of any city may by ordinance provide for the lawful seizure, impounding, and  
68 disposition of an unlawfully operated all-terrain vehicle or off-road motorcycle operated on a highway or  
69 sidewalk within the boundaries of such city.

70     *H. I.* For the purposes of this section, "all-terrain vehicle" and "off-road motorcycle" shall have the  
71 meanings ascribed in § 46.2-100.