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HOUSE BILL NO. 302

Offered January 14, 2026

A BILL to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to all-terrain vehicles and off-road motorcycles; operation in the Southwest Regional Recreation Authority.

Patron—Morefield

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-915.1 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.****A. No all-terrain vehicle shall be operated:**

1. On any public highway, or other public property, except (i) as authorized by proper authorities; (ii) to the extent necessary to cross a public highway by the most direct route; or (iii) by law-enforcement officers, firefighters, or emergency medical services personnel responding to emergencies; or (iv) by employees of the Southwest Regional Recreation Authority conducting official business;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in ~~Buchanan County and Tazewell County~~ the localities embraced by the Southwest Regional Recreation Authority if the following conditions are met:

1. Such operation is approved by action of the ~~Buchanan County Board of Supervisors~~ governing body of the locality in which such highway is located for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; in such locality and across property of the Virginia Department of Corrections in Tazewell County such locality, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours between sunrise and sunset on the approved highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval local governing body or the Southwest Regional Recreation Authority for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the approved highway, obey all rules of the road applicable to other motor vehicles and all trail rules of the Southwest Regional Recreation Authority;

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

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

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

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

60 F. The provisions of this section shall not apply:

61 1. To any all-terrain vehicle being used in conjunction with farming activities; or

62 2. To members of the household or employees of the owner or lessee of private property on which the all-
63 terrain vehicle is operated.

64 G. The governing body of any city *or any locality embraced by the Southwest Regional Recreation*
65 *Authority* may by ordinance provide for the lawful seizure, impounding, and disposition of an unlawfully
66 operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within the boundaries
67 of such ~~city~~ *locality*.

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