



# OLR RESEARCH REPORT

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## MINORS AND ATV SAFETY

By: Katherine Dwyer, Legislative Analyst II

You asked about laws in Connecticut and other states regarding (1) all-terrain vehicle (ATV) use by minors, (2) ATV passenger ridership, and (3) associated penalties.

### SUMMARY

Connecticut law places age and training restrictions on ATV use by minors on state land. The law does not address ATV use by minors on private property. Currently, Connecticut does not (1) require ATV riders to wear helmet or eye protection or (2) prohibit ATV riders from carrying passengers.

The Specialty Vehicle Institute of America (SVIA) compiles information on state ATV laws. According to SVIA, 33 states place some restrictions or requirements on ATV use based on age. 31 states require riders to wear helmet or eye protection in some circumstances, 24 states require riders to carry safety education certificates in some circumstances, and 18 states place limits on ATV riders carrying passengers. In some instances, these restrictions may only apply to ATV use on public land while others also apply to use on private land.

To provide examples, we surveyed the ATV laws in five states (California, Florida, Michigan, New Hampshire, and North Dakota) with requirements in each of SVIA's categories. These states' requirements

vary based on the child’s age and location. Of the five, Michigan is the only one to impose a minimum age limit (age 10) for children riding ATVs on both public and private land. North Dakota is the only state of the five that does not impose any adult supervision requirement. California and Michigan require all ATV riders to wear helmets while on public land, while Florida, New Hampshire, and North Dakota require helmets for children under a certain age, but only in certain locations. All five states have some type of (1) ATV safety education requirement based on a minor ATV rider’s age and (2) ATV passenger restriction. Penalties range from a \$20 fine in North Dakota to a \$500 fine and revocation of ATV rider privileges (for a second violation) in Florida.

**ATV SAFETY LAWS IN 50 STATES**

SVIA compiles information on state ATV laws. Table 1 depicts which states currently have laws regarding restrictions or requirements based on age, helmet or eye protection, safety education certificates, and passenger restrictions.

**Table 1: ATV Safety Restrictions in 50 States**

<i>State</i>	<i>Restrictions or Requirements Based on Age</i>	<i>Helmet and/or Eye Protection</i>	<i>Safety Education Certificate</i>	<i>Passenger Restrictions</i>
Alabama	no	no	no	no
Alaska	yes	no	no	no
Arizona	no	yes	no	no
Arkansas	yes	no	no	no
California	yes	yes	yes	yes
Connecticut	yes	no	yes	no
Delaware	yes	no	no	no
Dist. of Col.	no	no	no	no
Florida	yes	yes	yes	yes
Georgia	no	no	no	no
Hawaii	no	no	no	no
Idaho	no	yes	no	no
Illinois	no	no	no	no
Indiana	yes	no	no	no
Iowa	yes	no	yes	yes
Kansas	no	no	no	no
Kentucky	yes	yes	no	no
Louisiana	no	no	no	no
Maine	yes	yes	yes	no
Maryland	yes	yes	no	no
Massachusetts	yes	yes	yes	no
Michigan	yes	yes	yes	yes
Minnesota	yes	yes	yes	yes
Mississippi	no	yes	yes	no
Missouri	yes	yes	no	yes
Montana	no	no	no	no
Nebraska	no	no	no	yes
Nevada	no	no	no	no
New Hampshire	yes	yes	yes	yes
New Jersey	yes	yes	yes	no
New Mexico	yes	yes	yes	yes

<b>State</b>	<b>Restrictions or Requirements Based on Age</b>	<b>Helmet and/or Eye Protection</b>	<b>Safety Education Certificate</b>	<b>Passenger Restrictions</b>
New York	yes	yes	yes	yes
N. Carolina	yes	yes	yes	yes
N. Dakota	yes	yes	yes	yes
Ohio	yes	yes	no	yes
Oklahoma	no	yes	no	yes
Oregon	yes	yes	yes	no
Pennsylvania	yes	yes	yes	no
Rhode Island	yes	yes	yes	no
S. Carolina	yes	yes	yes	yes
S. Dakota	no	no	no	no
Tennessee	no	yes	no	no
Texas	yes	yes	yes	yes
Utah	yes	yes	yes	no
Vermont	yes	no	yes	no
Virginia	yes	yes	no	yes
Washington	yes	yes	no	no
West Virginia	yes	yes	yes	yes
Wisconsin	yes	yes	yes	no
Wyoming	no	no	no	no

Source: Specialty Vehicle Institute of America, "State All-Terrain Vehicle Requirements", February, 2012.  
<http://www.svia.org/Downloads/SVIA-Summary-Chart-February-2012.pdf>

## **CONNECTICUT ATV LAWS REGARDING MINORS**

By law, a child under age 12 cannot operate an ATV on state land. A child between age 12 and 16 may operate an ATV on state land if he or she (1) has obtained an ATV operation certificate from the energy and environmental protection commissioner after completing an ATV safety education course and (2) is supervised by a person age 18 or older who has completed an ATV safety education course (CGS § 23-26e). A child age 17 must have an ATV operation certificate to ride on state land, but does not need to be supervised.

A person commits an infraction if he or she:

1. knowingly allows a child under age 18 who has not obtained an ATV operation certificate to ride an ATV on state land,
2. permits a child under age 12 to operate an ATV on state land, or
3. allows a child between age 12 and 16 to operate an ATV on state land without being supervised by a person over age 18 (CGS § 23-26g(b)).

Connecticut law does not require helmet or eye protection and does not prohibit ATV passenger ridership.

## **OTHER STATES' ATV LAWS REGARDING MINORS**

### ***California***

In California, no child under age 18 can operate an ATV on public lands unless he or she:

1. is taking a prescribed safety training course under the direct supervision of a certified ATV safety instructor,
2. is under the direct supervision of an adult who possesses an appropriate state-issued safety certificate, or
3. possesses an appropriate state-issued safety certificate (Cal. Veh. Code § 38503).

In order for a child under age 14 to ride an ATV on public land, he or she must (1) satisfy one of the requirements above and (2) be under the direct supervision of a parent, guardian, or authorized adult (Cal. Veh. Code § 38504). A parent, guardian, or authorized adult who allows a child under age 14 to violate this rule may be:

1. for a first conviction, fined \$125 or be ordered to take or retake the ATV safety training course;
2. for a second conviction, fined between \$125 and \$250; and
3. for a third or subsequent conviction, fined between \$250 and \$500 (Cal. Veh. Code § 38504.1).

The court may require any child under age 14 who rides without proper supervision to attend and complete an ATV safety course accompanied by a parent, guardian, or authorized adult (Cal. Veh. Code § 38504.2).

Anyone riding an ATV on public land must wear a safety helmet that meets motorcycle and motorized bicycle requirements (Cal Veh. Code § 38505). No one may carry a passenger while operating an ATV on public lands unless the ATV is designed for off-highway use while carrying the rider and one passenger (Cal. Veh. Code § 38506). There is no penalty stated for violating either of these statutes.

## **Florida**

Florida's ATV statutes only apply to use on public lands. A child under age 16 must:

1. be supervised by an adult when riding an ATV;
2. wear eye protection, over-the-ankle boots, and a safety helmet approved by the U.S. Department of Transportation or Snell Memorial Foundation; and
3. complete an off-highway vehicle safety course and possess a certificate of completion (Fla. Stat. Ann. 261.20(5)).

Additionally, Florida law prohibits an ATV rider from carrying a passenger unless the ATV is specifically designed by the manufacturer to carry an operator and a single passenger (Fla. Stat. Ann. 261.20(6)).

A person who violates the ATV statutes is subject to a minimum \$100 fine and may have his or her privilege to operate an ATV on public lands revoked. Additionally, a person who commits a second or subsequent violation is subject to a \$500 fine and may have his or her privilege to operate an ATV on public land revoked (Fla. Stat. Ann. 261.20(6)).

## **Michigan**

In Michigan, a child under age 10 cannot ride a four-wheeled ATV. A child age 10 or 11 can only ride a four-wheeled ATV on private land owned by the child's parent or guardian. Children under age 16 are prohibited from riding 3-wheeled ATVs. A child from age 12 to 16 must (1) possess an off road vehicle safety certificate and (2) be supervised by a parent or legal guardian when riding an ATV (Mich. Comp. Laws Ann. § 324.81129).

A child age 16 or 17 must either (1) possess a driver's license or (2) possess an off road vehicle safety certificate and be supervised by a parent or legal guardian when riding an ATV (Mich. Comp. Laws Ann. § 324.81131(9)).

All riders must wear crash helmets and protective eyewear approved by the U.S. Department of Transportation. No rider can transport a passenger on the ATV "unless the manufacturing standards for the vehicle make provisions for transporting passengers" (Mich. Comp. Laws Ann. § 324.81133(b) and (t)).

A person who violates these rules commits a municipal civil infraction, for which he or she may be fined up to \$500. The court must also order the violator to pay the cost of repairing any damage to the environment, a road or street, or public property as a result of the violation.

### ***New Hampshire***

In New Hampshire, if the land is not owned by the ATV rider, or the rider's parents or guardian, the rider must:

1. if age 12 or older, have (a) successfully completed a snowmobile or OHRV training program or (b) hold a valid driver's license and
2. if under age 14, be accompanied by someone at least age 18 who has either completed a snowmobile or off highway recreational vehicle (OHRV) training program or who holds a valid driver's license (N.H. Rev. Stat. § 215-A:29(I)).

Children under age 18 are prohibited from riding an ATV without eye protection and protective headgear. They are also prohibited from transporting or carrying passengers on an ATV (N.H. Rev. Stat. Ann. § 215-A:29(XVI-XVII)).

The Fish and Game Department executive director may suspend a rider's OHRV training program certificate for violating these statutes (N.H. Rev. Stat. Ann. § 215-A:29(V)).

### ***North Dakota***

A child under age 16 who does not possess an off-highway vehicle (OHV) permit may only ride an ATV on land owned by his or her parent or guardian. A child at least age 12 may ride an ATV on land designated for such use if he or she has completed an OHV safety training course and received a certificate of completion (N.D. Cent. Code § 39-29-10). There is no parental supervision requirement. There is also no penalty listed for violating these statutes.

A child under age 18 must wear a helmet that meets the U.S. Department of Transportation standards. An ATV rider cannot carry a passenger unless the ATV manufacturer recommends such use ((N.D. Cent. Code § 39-29-09). Anyone who violates these laws commits an infraction and can be fined \$20 (N.D. Cent. Code § 39-29-12).

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