

### **189.515 Restrictions on operation of all-terrain vehicles.**

- (1) As used in this section, "federal all-terrain vehicle standards" means the all-terrain vehicle standards set forth by the American National Standards Institute/Specialty Vehicle Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3, to the extent those standards are applicable.
- (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998, and except as provided in subsection (7) of this section, a person shall not operate an all-terrain vehicle upon any public highway or roadway or upon the right-of-way of any public highway or roadway.
- (3) A person shall not operate an all-terrain vehicle on private property without the consent of the landowner, tenant, or individual responsible for the property.
- (4) A person shall not operate an all-terrain vehicle on public property unless the governmental agency responsible for the property has approved the use of all-terrain vehicles.
- (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16) years of age or older operating an all-terrain vehicle on public property shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion. The approved headgear requirement shall not apply when the operator of any all-terrain vehicle is engaged in:
  - (a) Farm or agriculture related activities;
  - (b) Mining or mining exploration activities;
  - (c) Logging activities;
  - (d) Any other business, commercial, or industrial activity;
  - (e) Use of that vehicle on private property; or
  - (f) The crossing of a public roadway with a posted speed limit of fifty-five (55) miles per hour or less. The crossing of a public roadway outlined in this paragraph shall be in compliance with subsection (7)(a) of this section.
- (6)
  - (a) A parent or legal guardian of a minor who is under the age of six (6) shall not knowingly allow that person to operate an all-terrain vehicle.
  - (b) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle except under direct parental supervision.
  - (c) A person under the age of sixteen (16) years, when operating or riding as a passenger on an all-terrain vehicle, shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion.
  - (d) A parent or guardian of a minor who is under the age of sixteen (16), or who does not possess an instruction permit, an intermediate license, or an operator's license, shall not knowingly allow that person to carry a passenger while operating an all-terrain vehicle.
  - (e) A parent or guardian of a minor under the age of sixteen (16) shall not knowingly allow that person to operate an all-terrain vehicle in violation of

the age restriction warning label affixed by the manufacturer as required by the federal all-terrain vehicle standards.

- (7) (a) A person may operate an all-terrain vehicle on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.
- (b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the operator is engaged in farm or agricultural related activities, construction, road maintenance, or snow removal.
- (c) The Transportation Cabinet may designate, and a city or county government may designate, those public highways, segments of public highways, and adjoining rights-of-way of public highways under its jurisdiction where all-terrain vehicles that are prohibited may be operated.
- (d) A person operating an all-terrain vehicle on a public highway under this subsection shall possess a valid operator's license.
- (e) A person operating an all-terrain vehicle on a public highway under this subsection shall comply with all applicable traffic regulations.
- (f) A person shall not operate an all-terrain vehicle under this subsection unless the all-terrain vehicle has at least one (1) headlight and two (2) taillights, which shall be illuminated at all times the vehicle is in operation.
- (g) A person operating an all-terrain vehicle under this subsection shall restrict the operation to daylight hours, except when engaged in snow removal or emergency road maintenance.
- (h) It shall be unlawful for a person to remove from an all-terrain vehicle the manufacturer age restriction warning label required by the federal all-terrain vehicle standards.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 64, sec. 1, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 86, sec. 1, effective July 15, 2014. -- Amended 2006 Ky. Acts ch. 180, sec. 8, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 460, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 47, sec. 2, effective July 15, 1998. -- Created 1990 Ky. Acts ch. 400, sec. 2, effective July 13, 1990.