



All-Terrain Vehicles

Code of Virginia

Excerpts from Chapter 8. Regulation of Traffic - Article 13. Motorcycles and Mopeds and All-Terrain Vehicles

§ 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;
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 if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors 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; and across property of the Virginia Department of Corrections in Tazewell County, 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 on the 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 for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

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.**

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

- ##### **F. The provisions of this section shall not apply:**

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

- ##### **G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § [46.2-100](#).**

§ 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;

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. This section refers to laws related to ATV operation on public highways in Buchanan County and Tazewell County see complete text in § 46.2-915.1

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.

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



F. The provisions of this section shall not apply:

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

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

G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

Code of Virginia
Excerpts from Chapter 8 - Article 13.

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- Always ride at a safe speed on a designated ATV trail.
- Know basic first aid to treat minor injuries, and be able to get help in an emergency.
- It's important to never do the following while riding an ATV:
 - Never ride on a three-wheel ATV.
 - Never ride while drinking alcohol or using drugs.
 - Never ride on paved surfaces or public roads (except to cross them).
 - Never exceed the number of passengers recommended by the manufacturer.
 - Never let kids and teens drive an ATV with a passenger.

- **Safety Guidelines**
Kids age 16 and younger should not ride an ATV equipped with more than 90 cc.
- **Anyone who does ride an ATV should follow these tips before and during riding:**
 - Take a safety training course to learn how to operate an ATV safely, and only ride an ATV that's right for your size and age. Visit the ATV Safety Institute's website for information.
 - Always wear an approved helmet and eye protection. In many states, helmets and eye protection are required by law, particularly for kids.
 - Wear long pants, long sleeves, gloves, and over-the-ankle boots to help prevent scrapes and cuts.
 - Only ride during daylight hours.

- **Go-cart** defined as having a low center of gravity and typically used for racing on relatively level surfaces.
- **Golf Cart** described as a self-propelled vehicle designed to transport persons playing golf and their equipment on a golf course.
- **Utility Vehicle** a motor vehicle that is designed for off-road use, powered by a motor, and used for general agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. This definition does not include utility pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

- **All-Terrain Vehicles, Off-Road Motorcycles, Other - Definitions**
Virginia Code § 46.2-100
- **All-terrain Vehicle** a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. This definition does not include go-carts or any riding lawn mower.
- **Farm Utility Vehicle** a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. This definition does not include utility pickup or panel



Note:
The above pocket guide is an abbreviated version of § 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty. The full code section is listed on the first page of this handout.

- **Review all motor vehicle laws**
- **Review and practice safe ATV operations**