

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

Article XI. Miscellaneous Rules

§ 11-1117. All-terrain vehicle passenger restrictions—Penalties and enforcement—Liability of parents or vehicle owners—Applicability

Cite as: 47 CNCA § 11-1117

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars (\$25.00). Any peace officer of this Nation including, but not limited to, park rangers, is authorized to enforce the provisions of this section.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, "all-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

Historical Data

LA 02-21, eff. January 11, 2021.