

**Florida Department of Revenue
Tax Information Publication**

TIP 02A01-11

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**New Law Makes Title Transfers
of Off-Highway Vehicles Between Individuals
Subject to Sales and Use Tax**

New Titling Law

Beginning July 1, 2002, all off-highway vehicles must be titled if:

- * Purchased by a Florida resident on or after July 1, 2002;
or
- * Purchased by a Florida resident prior to July 1, 2002, and operated on unrestricted public lands of this state.

As a result of this law change, sales of off-highway vehicles between individuals are now taxable at the time the title to the vehicle is transferred. Sales by dealers were not affected and continue to be taxable.

What is an Off-Highway Vehicle?

The term "off-highway vehicle" means any all-terrain vehicle (ATV) or off-highway motorcycle (OHM) that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use pursuant to Chapter 320 of the Florida Statutes.

ATV means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

OHM means any motor vehicle used off the roads or highways of

this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

Tax Rate Imposed

All off-highway vehicles are taxable at the 6 percent state sales tax rate plus any applicable discretionary sales surtax. These transactions will be subject to the same provisions of Chapter 212, Florida Statutes, and applicable Department of Revenue rules.

Partial Exemption

Off-highway vehicles that are to be used exclusively on a farm or in a forest for agricultural production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, are taxed at 2.5% instead of the normal 6% state rate. However, to qualify for this reduced tax rate, the purchaser must present a statement that the vehicle is for this use only and will not be used for any other purpose.

Information and Instructions for Titling

Information and instructions for titling off-highway vehicles can be obtained from the Department of Highway Safety and Motor Vehicles website:

<http://www.hsmv.state.fl.us/html/titlinf.html>

References: Section 60 of CS/HB 1681; Chapter 2002-295, Laws of Florida

FOR MORE INFORMATION

This document is intended to alert you to the requirements contained in Florida laws and administrative rules. It does not by its own effect create rights or require compliance.

For forms and other information, visit our Internet site at www.myflorida.com/dor. Or call Taxpayer Services, 8:00 a.m., to 7:00 p.m., ET, Monday through Friday, excluding holidays, at 800-352-3671 (Florida only), or 850-488-6800.

Hearing- or speech-impaired persons should call our TDD at 800-367-8331 or 850-922-1115.

For a detailed written response to your questions, write the Florida Department of Revenue, Taxpayer Services, 1379 Blountstown Highway, Tallahassee, FL 32304-2716.

To receive a fax copy of a form, call 850-922-3676 from your fax machine telephone.