

**Florida Department of Revenue
Tax Information Publication**

**TIP 05A01-04
Dated June 23, 2005**

**Changes to Titling Law Makes Title Transfers
of Two-Rider ATV Off-Highway Vehicles Between
Individuals Subject to Sales and Use Tax**

Changes to Titling Law

Beginning July 1, 2005, off-highway vehicles required to be titled will include two-rider ATV's.

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

What is an Off-Highway Vehicle?

The term "off-highway vehicle" means any all-terrain vehicle (ATV, including two-rider ATV's) or off-highway motorcycle (OHM) that is used off the roads or highways of this state 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.

"Two-rider ATV" means any ATV that is specifically designed by the manufacturer for a single operator and one 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 sales of 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 provisions of Chapter 212, Florida Statutes, and applicable Department of Revenue rules.

Exemption

Effective July 1, 2005, 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 exempt from tax. However, to qualify for this exemption, the purchaser must furnish the seller with a written statement certifying that the vehicle is for this use only and will not be used for any other purpose. A suggested certificate is attached.

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 43 of HB 1697; Chapter 2005-164, 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 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.

**EXEMPTION CERTIFICATE
ATV's USED AS POWER FARM EQUIPMENT**

This is to certify that the ATV* identified below, purchased on or after _____ (date) from _____ (Selling Dealer's Business Name) is purchased, leased, licensed, or rented for the following purpose:

() Power farm equipment for exclusive use in the agricultural production of crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S., or

() Power farm equipment for exclusive use in fire prevention and suppression work for such crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S.

ATV USED AS POWER FARM EQUIPMENT:

I understand that if I use the ATV for any purpose other than the one stated, then I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue. I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1-800-352-3671.

Purchaser's Name: _____

Purchaser's Address: _____

Name and Title of Purchaser's Authorized Representative: _____

By _____

(Signature of Purchaser or Authorized Representative)

Title: _____

(Title - only if purchased by an authorized representative of a business entity)

Date _____

**"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. ATV also means any two-rider ATV that is specifically designed by the manufacturer for a single operator and one passenger.