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**IDAHO DEPARTMENT OF PARKS AND RECREATION
POLICY AND PROCEDURES MANUAL**

PROCEDURE TITLE: Other Power-Driven Mobility Devices (OPDMD)

APPROVALS:

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1.0 PURPOSE:

This policy describes the statutory authority and defines the process to determine the circumstances under which the use of “Other Power-Driven Mobility Devices” (OPDMDs) by individuals with a mobility disability will be permitted upon trails and other facilities open to pedestrian use within Idaho Department of Parks and Recreation (IDPR) facilities. The focus of the analysis is on the appropriateness of the use of OPDMDs at, upon, or within each Department facility, rather than whether it is necessary for an individual to use a particular OPDMD.

This policy is in response to the Department of Justice (DOJ), Civil Rights Division 28 Code of Federal Regulations (CFR) Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services Final Rule, which requires public entities to make reasonable modifications in their policies, practices, and procedures to permit the use of OPDMDs by individuals with disabilities, unless the public entity can demonstrate that the use of the device is not reasonable or that its use will result in a fundamental alteration in the public entity’s services, programs, or activities.

The DOJ’s final rule established a two-tiered definition approach to mobility devices by separating “wheelchairs” from “OPDMDs.” This process provides balance between ensuring access for individuals with disabilities and addressing the fundamental concerns of IDPR with altering facilities/opportunities, negatively impacting resources, and providing a safe environment. It also allows IDPR to preserve and protect traditional wheelchair and other manually powered mobility aid uses, while recognizing the use of other devices that may be more beneficial for individuals with certain mobility disabilities.

Consequently, IDPR will, as in the past, continue to accommodate wheelchairs based upon the respective access specifications. With respect to OPDMDs, IDPR will assess whether reasonable modifications can be made to permit the use of OPDMDs without changing the fundamental nature of each trail or other facility open to pedestrian use. IDPR will consider the following in making such a determination: the device’s type, size, weight, dimensions, and speed; the facility’s volume of pedestrian traffic; the facility’s design and operational characteristics; whether the device conflicts with legitimate safety requirements; and whether the device poses a substantial risk of serious harm to the immediate environment or natural or cultural resources, or conflicts with Federal land management laws or regulations.

IDPR will describe the circumstances under which persons with disabilities may use OPDMDs using clear, concise rules governing the operation of such devices. IDPR will post these rules through its website, brochures, and at each facility to provide individuals with disabilities who use OPDMDs with notice regarding the use of such devices and what rules apply to the operation of these devices. With respect to enforcement, IDPR will not inquire as to the nature of a person's mobility disability but will require a person using an OPDMD to provide credible assurance that the mobility device is necessary because of the person's disability. IDPR will accept the presentation of a valid, state-issued, disability parking placard or card, other state-issued proof of disability or a verbal representation of a mobility disability, not contradicted by observable fact.

2.0 GOALS AND OBJECTIVES:

IDPR has identified the following goals and objectives in developing and implementing this policy:

- To maintain a quality experience for all users;
- To protect IDPR resources and facilities;
- To ensure public safety;
- To identify reasonable modifications in policies, practices, or procedures that will allow persons with mobility disabilities to use IDPR resources and facilities.

3.0 DEFINITIONS:

- 3.1 **All-Terrain Vehicle (ATV).** Any recreation vehicle with three (3) or more tires, fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering, and a seat designed to be straddled by the operator. Idaho Code (IC) 67-7101 (1)
- 3.2 **Department / IDPR.** Means the Idaho Department of Parks and Recreation.
- 3.3 **Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules.
- 3.4 **Electric Bicycle.** The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing less than one hundred (100) pounds, with a top motor-powered speed not in excess of twenty (20) miles per hour.
- 3.5 **Electronic Personal Assistance Mobility Device (EPAMD).** A two-wheeled, gyroscopically stabilized, battery-powered personal transportation device, including, but not limited to, devices manufactured by Segway®.
- 3.6 **Fundamental Nature or Use.** The specific purposes and essential aspects that define a particular activity or facility, including design, maintenance, and user expectations of the activity or facility.
- 3.7 **Golf Cart.** A motor vehicle that: (1) has not less than three [3] wheels in contact with the ground; (2) has an unloaded weight less than one thousand three hundred [1,300] pounds; (3) is designed to be and is operated at not more than fifteen [15] miles per hour; and (4) is designed primarily to carry golf equipment and not more than four [4] persons, including the driver.

- 3.8 Individual with a Mobility Disability.** Any person who is subject to any physical impairment or condition regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair; or any other form of support or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function.
- 3.9 Low-Speed Vehicle.** A four (4) wheeled motor vehicle capable of speeds of not more than twenty five (25) miles per hour on a paved level surface, and whose gross vehicle weight is less than three thousand (3,000) pounds.
- 3.10 Mobility Scooters.** Electrically powered wheeled device on which a single user sits—also called a Powerchair—for use by an individual with a mobility disability for indoor or for both indoor and outdoor locomotion.
- 3.11 Motorbike or Motorcycle.** Any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling on or off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes, or dual-purpose motorcycles. IC 67-7101 (9)
- 3.12 Non-Classified Motorized Device.** Any device that has been modified with the addition of a motor for propulsion, i.e. skateboard, cooler with wheels.
- 3.13 Off-Highway Vehicle (OHV).** Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. (36 CFR 212.1) This definition can include ATVs, UTVs, SOHVs, motorcycles designed for off-highway use, and vehicles over fifty (50) inches, such as sport utility vehicles, 4-wheel drives or "jeeps" that are designed for off-road travel.
- 3.14 Official Use.** Official use of motorized vehicles by Department employees and authorized agents to include contractors, service providers, partner agency personnel, emergency vehicles, and so on anywhere within lands administered by the Department.
- 3.15 Other Power-Driven Mobility Devices (OPDMD).** Any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMD) such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.
- 3.16 Pedestrian Width.** A minimum width of twenty-eight (28) inches to a maximum width of thirty-two (32) inches.
- 3.17 Recreational Off-Highway Vehicle (ROV).** Motorized off-road vehicles designed to travel on four (4) or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, an occupant protective structure, and engine displacement up to one thousand (1,000) cc. Sometimes referred to as side-by-sides or UTVs. Current ROV models are designed with seats for a driver and one or more passengers; and are used for a variety of outdoor recreational purposes as well as many work applications.

- 3.18 Road.** Any route, either paved or non-paved, that is designed, maintained, and designated by IDPR for use by motorized vehicles, except for trails and areas which are clearly marked by signs for OHV use.
- 3.19 Roadway.** That portion of a road improved, designed, and ordinarily used for travel by motorized vehicles.
- 3.20 Snowmobile.** Any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.
- 3.21 Specialty Off-Highway Vehicle (SOHV).** Any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an ATV, UTV, motorbike, or snowmobile as defined in this section.
- 3.22 Trail.** Any route, either paved or non-paved, that is designed, maintained, and designated by IDPR for transportation use by means other than use by motorized vehicles designed for use on roads.
- 3.23 Utility Type Vehicle (UTV).** Any recreational motor vehicle other than an ATV, motorbike, or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A UTV must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds, or a wheelbase of over sixty-one (61) inches. UTV does not include golf carts, low-speed vehicles, vehicles specially designed to carry a disabled person, implements of husbandry as defined in IC 49-110(2), or vehicles otherwise registered under IC 49. IC 67-7101 (17). UTV, as used herein, also includes ROVs meeting the above criteria.
- 3.24 Wheelchair.** A manually operated or power-driven (maximum eight [8] mph) device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in Section 508(c)(2) of the Americans with Disabilities Act (ADA), 42 United States Code (U.S.C). 12207(c)(2).

4.0 OPDMD ASSESSMENT:

IDPR will use the OPDMD Assessment Form (see Appendix A: Form OPE 232) to evaluate pedestrian use routes and areas for the safe and appropriate use of an OPDMD for specific areas. Where these assessments have been completed, any restriction of OPDMD use will be posted for the public. The assessment will address:

4.1 For Each Type of Device:

- Dimensions;
- Emissions;
- Licensing or other legal requirements for operation;
- Maneuverability;
- Noise;
- Potential for resource or facility damage;
- Safety concerns posed to other types of use (pedestrian, bicycle, equestrian);

- Size;
- Speed (top speed and minimum operating speed);
- Storage requirements; and
- Weight.

4.2 For Each Type/Class of Facility:

- Volume/density of pedestrian traffic (and whether it varies at different seasons or at different times of the week);
- Types of use (pedestrian, bicycle, equestrian, motorized);
- Design and operational characteristics of the facility (terrain, slope, surface, width, etc.);
- Whether one or more types of mobility devices pose a substantial risk of serious harm to other users of the facility;
- Whether one or more types of mobility devices pose a substantial risk of serious harm to the facility or to natural or cultural resources;
- Whether legitimate safety requirements (speed limits, time or place restrictions, etc.) can be established to allow the safe operation of one or more types of mobility devices;
- Whether legitimate operational restrictions can be imposed to prevent damage to resources or facilities;
- Whether storage for mobility devices can be made available if requested.

5.0 DISABILITY CLAIMS ASSESSMENT PROCEDURE:

- 5.1** Possession of a disability placard or license plate issued pursuant to IC 49-410 or pursuant to similar provisions in other state codes shall be accepted as credible assurance that the mobility device is necessary because of the person's disability.
- 5.2** A verbal representation, not contradicted by observable fact, shall be accepted as credible assurance that the mobility device is necessary because of the person's disability.
- 5.3** Upon the presentation of a disability placard, license plate, or verbal representation of disability, no further inquiry will be made as to the nature or extent of the individual's disability.
- 5.4** If the individual is observed engaging in a physical activity that is contrary to the nature of the represented disability, the individual can be prevented from using the device.

6.0 GENERAL PEDESTRIAN USE AREA AND TRAIL ASSESSMENT:

IDPR develops and maintains pedestrian areas and trails, and provides for their use by a variety of users including pedestrian, bicyclist, rollerblade, cross-country skiers, snowmobilers, equestrian, OHV riders, and others. The Department's primary goal is to provide for access and public safety while protecting the facilities and resources that it manages.

- 6.1 Pedestrian Use Areas** are primarily designed to provide public movement within an area without the conflict of motorized vehicles. Such areas include beaches,

plazas, courtyards, and other areas where general public movement across an area is expected and not restricted by rule or law.

- 6.2 **Motorized Trails** are primarily designed and maintained to provide for the use of OHVs. Specific use and permitting requirements are in place for users of motorbike, snowmobile, ATV, UTV, and SOHV. Many of these trails also accommodate non-motorized use.
- 6.2 **Non-Motorized Trails** have been designed and are maintained for pedestrian use, with certain trails also accommodating bicycle, rollerblade, and equestrian uses. These trail routes typically provide a natural or historic experience, but also offer a trail experience with slower speeds and without the conflicts associated with motorized vehicles.
- 6.4 **Roads and Roadways** within state parks are designed primarily for the use of motorized vehicles by licensed operators in compliance with state laws.
- 6.5 **ADA Statement.** Wheelchairs, manual assist devices, and mobility scooters are allowed in all areas designated for pedestrian use. Routes that meet design and safety guidelines are designated as such. All other routes do not have a prohibition but may not be suitable (i.e. slope, grade, surface conditions, width) for use by wheelchairs and manual assist devices; and are to be used at the person's own risk.

7.0 **OPDMD USE GENERAL GUIDELINES:**

- 7.1 **Passengers.** The use of an OPDMD is limited to the person(s) providing credible assurance of disability. OPDMDs may not be used to transport non-disabled passengers.
- 7.2 **Roads and Roadways.** OPDMD use is allowed on roadways only where both the OPDMD and the operator are in compliance with those provisions in Idaho Code Title 49 relating to the licensing, registration, and operation of motorized vehicles on public roadways; provided that OPDMDs may be operated under the terms of this policy on those portions of Department roads, including but not limited to sidewalks or shoulders, that are designated for pedestrian use.
- 7.3 **Motorized Trails.** For motorized trails OPDMDs may be used where they do not conflict with federal laws or federal land management practices; and where the design of the OPDMDs are within the parameters of the OHVs that the trails were designed to accommodate (motorbike, snowmobile, ATV, UTV, SOHV).
- 7.4 **Pedestrian Use Areas and Non-Motorized Trails.** The fundamental nature and use of pedestrian use areas and non-motorized trails is to provide a specific service/experience to the public that is not impacted by motorized vehicles. Any exception for an OPDMD should not unduly impair non-motorized use of the trail or pedestrian walkway, violate the expectations of adjacent or nearby property owners, nor conflict with federal laws or federal land management practices. The Department—in addressing mobility needs of the public without making a fundamental change to this non-motorized service/experience that otherwise see no motorized use or only sporadic use by authorized contract, maintenance, or emergency vehicles—will allow the use of powered vehicles that are limited to

pedestrian width and are not fuel or combustion powered, while being able to be safely operated on the specific surface at pedestrian speeds (four [4] mph).

The type of OPDMDs allowed are to be of a similar nature as the non-motorized use the trails were designed to accommodate (electric bicycle/bicycle, EAMPD/pedestrian). The use of this type of OPDMD in pedestrian use areas and on non-motorized trails (areas that may have changing slopes, grades, surface conditions, and widths that hinder OPDMD operation) is at the person's own risk and liability. The OPDMD may be restricted from these areas and trail routes if an assessment rating is on file identifying safety or resource concerns inconsistent with operation of OPDMDs.

In other pedestrian use areas and on non-motorized trails where consistent motorized use occurs due to authorized contract, maintenance, or emergency requirements, and where public motorized use is not prohibited by federal laws or federal land management practices; IDPR will use the assessment criteria to determine additional suitable OPDMD use. Such use may be impacted by the continued use of vehicle barriers in place to protect non-authorized or non-legitimate motorized vehicles from use of the trail.

8.0 PERMITTING:

IDPR may require the use of a permit at specific sites for OPDMDs so that others using the non-motorized facility can recognize the legitimacy of this use.

Where required, the permit will have the following parameters:

- 8.1** All disabled users with mobility concerns using a motorized vehicle on any trail designated for non-motorized use must obtain a daily permit.
- 8.2** The daily permit will be dated for the day of use.
- 8.3** The permit will be displayed on the device to be used on the trail so it can be clearly seen by Department staff and other trail users.
- 8.4** The permit will list rules and regulations on trail use (speed limit, etc.).
- 8.5** The permit may be obtained—free of charge with verification of disability—from the Idaho State destination Park or other Department program overseeing that trail.

9.0 POSTING OF POLICY.

In order to provide appropriate general information on the Department's policy on accessibility for the mobility impaired and the use of OPDMDs, the following statements will be made available to the public via the Department's website and on facility signage, respectively.

9.1 Department Website

Idaho Department of Parks and Recreation Accessibility Statement

The Idaho Department of Parks and Recreation (IDPR) maintains a strong commitment to providing the greatest access to the wide variety of unique natural

and cultural resources under its management. IDPR has adopted a policy addressing the use of Other Power-Driver Mobility Devices (OPDMD) designed to ensure reasonable and equitable access to facilities and programs to all individuals, including those with disabilities, and to ensure compliance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Architectural Barriers Act of 1968 and associated amendments and rulings.

1. Access to IDPR Services and Facilities

The design, construction, and operation of new buildings and facilities will provide, to the greatest extent possible, access for all users, and to ensure compliance with all applicable laws, regulations, and standards. Users will also find modifications have been made, and will continue to be made, to numerous older facilities to ensure increased access to IDPR facilities. Despite IDPR's best efforts, some facilities will be found inaccessible due to conditions such as terrain, historic nature, and other factors.

Whenever possible, IDPR will ensure that all people, including those with disabilities, will have access to program and activity opportunities. Every effort is made to present programming and activities at accessible facilities and to provide reasonable accommodations to those with special requests. However, IDPR is not required to take actions which would fundamentally change the nature of a program or activity.

IDPR will provide the highest feasible level of physical access to cultural and natural sites to all people, including those with disabilities, which is reasonable and consistent with preservation of each property's unique features and the desired visitor experience.

2. Use of Assistance Devices

On all IDPR managed properties wheelchairs, manual assistance devices, and mobility scooters are permitted for use at all areas available to pedestrian traffic. Routes and facilities designed to meet safety and design criteria for their use are designated. In other areas, though not prohibited, the use of such devices may not be suitable. At these locations, please use caution and accept the risks of their use.

The use of OPDMDs on IDPR properties is determined based upon site characteristics such as terrain, safety to users, impacts on natural/cultural resources, and other factors. Assessments have been made at each site to determine appropriate uses. Please contact specific locations to learn which facilities are available for their use. At some locations, the use of some or all types of OPDMDs may be prohibited. At locations allowing the use of motorized assistance devices in areas designated as non-motorized, a free daily permit may be required to identify the vehicle to other trail users. Please contact the specific locations for more details.

3. Concessionaires

Concessionaires working with the IDPR strive to provide employees and visitors the greatest degree of access to facilities, programs, and services that is reasonable, within the terms of existing contracts and/or agreements.

4. Request for Access Information

Access requests and inquiries concerning accessible facilities should be directed to specific parks or programs. For contact information for a facility or program, visit the IDPR homepage: <http://parksandrecreation.idaho.gov/>.

5. Complaints

In the event that a direct request for access to a facility, program, or activity is not resolved in an acceptable manner, a complaint may be filed in writing or submitted by telephone to the IDPR Communication Program Manager.

Communication Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
PO Box 83720
Boise, ID 83720-0065
(208) 334-4199

For more information on the Americans with Disabilities Act, visit the Department of Justice's ADA Homepage at www.ada.gov.

9.2 Signage

The Idaho Department of Parks and Recreation (IDPR) is committed to ensuring that visitors with mobility impairments have access to IDPR managed lands to the greatest extent possible. At each IDPR location the facilities, trails, and pedestrian use areas have been assessed and those capable of accommodating wheelchairs and OPDMDs have been identified. Contact IDPR staff to learn what areas may be available to OPDMDs, and for any restrictions of certain types of OPDMDs.

(SITE SPECIFIC ADDITION AS WARRANTED): A **free daily pass is required** for use of OPDMDs at this location. Please contact IDPR staff for further information.

OPDMD ASSESSMENT FORM
Idaho Department of Parks and Recreation

Park/Area Name _____ Date of Assessment _____

Facility/Area Name _____ Assessed by _____

Facility/Area Designation: Non-motorized Motorized Other _____

Length _____ Width _____ Max Slope* _____ Surface Type _____

*Estimate slope as < 1:20 (meets ADA, provided the cross-slope is < 1:50) or > 1:20 (does not meet ADA).

Mobility Device	Not Allowed (List Exclusion #)	Allowed by Policy/Conditions	Limitations
All-Terrain Vehicle (ATV)			
Electric Bicycle			
Electric Personal Assistive Mobility Device (EPAMD)			
Golf Cart			
Low Speed Vehicle			
Mobility Scooter (Powerchair)			
Motorbike or Motorcycle			
Off-Highway Vehicle (OHV)			
Recreation Off-Highway Vehicle (ROV)			
Snowmobile			
Specialty Off-Highway Vehicle (SOHV)			
Utility-Type Vehicle (UTV)			
Wheelchair		Permitted by law	

NOTES: _____

EXCLUSIONS: The Mobility Device is not allowed because its use on the trail would:

1. Endanger the operator of the device. The device was not intended for use on the terrain's conditions (conditions may include grade, surface material, or turning radius).
2. Pose a risk of substantial harm to other users of the facility/area.
3. Require fundamental changes to the design of the facility area. A substantial cost is required to redesign.
4. Fundamentally changes the use of the facility/area, such as the use of combustion engine on a trail to a wildlife viewing area/blind, or similar conflicting use.
5. Fundamentally changes the nature or experience of the facility/area, such as trails to escape motorized vehicles and/or noise, such as a backcountry trail or historic site.
6. Result in impacts to natural resources due to the weight, size, or width of the device.
7. Result in impacts to cultural (historical or archeological) resources due to the weight, size or width of the device.

MOBILITY DEVICE DEFINITIONS ON REVERSE PAGE

OPDMD ASSESSMENT FORM MOBILITY DEVICE DEFINITIONS

All-Terrain Vehicle (ATV). Any recreation vehicle with three or more tires, 50 inches or less in width, having a wheelbase of 61 inches or less, has handlebar steering and a seat designed to be straddled by the operator.

Electric Bicycle. The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

Electronic Personal Assistance Mobility Device (EPAMD). A two-wheeled, gyroscopically stabilized, battery-powered personal transportation device, including, but not limited to devices manufactured by Segway®.

Golf Cart. A motor vehicle that: (1) has not less than three wheels in contact with the ground; (2) has an unloaded weight less than 1,300 pounds; (3) is designed to be and is operated at not more than 15 miles per hour; and (4) is designed primarily to carry golf equipment and not more than two persons, including the driver.

Low Speed Vehicle. A four-wheeled motor vehicle capable of speeds of not more than 25 miles per hour on a paved level surface, and whose gross vehicle weight is less than 3,000 pounds.

Mobility Scooters. Electrically powered wheeled device on which a single user sits, also called a Powerchair, for use by an individual with a mobility disability for indoor or both indoor and outdoor locomotion.

Motorbike or Motorcycle. Any self-propelled two wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

Off-Highway Vehicle (OHV). Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. This definition can include: ATVs, UTVs, SOHV's, motorcycles designed for off-highway use, and vehicles over 50 inches, such as sport utility vehicles, 4-wheel drives or "jeeps" that are designed for off-road travel.

Other Power Driven Mobility Device (OPDMD). Any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, EPAMDs, such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Recreational Off-Highway Vehicle (ROV). Motorized off-road vehicles designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, an occupant protective structure, and engine displacement up to 1,000 cc.

Snowmobile. Any self-propelled vehicle under 1,000 pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

Specialty Off-Highway Vehicle (SOHV). Any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an ATV, UTV or motorbike.

Utility Type Vehicle (UTV). Any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, and having a wheelbase of one 110 inches or less. A UTV must have a minimum width of 50 inches, a minimum weight of at least 900 pounds or a wheelbase of over 61 inches. UTV does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in IC 49-110(2), or vehicles otherwise registered under IC 49. UTV as used herein, also includes ROVs meeting the above criteria.

Wheelchair. A manually operated or power-driven (max 8mph) device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).