

3742--A

2011-2012 Regular Sessions

I N S E N A T E

March 3, 2011

Introduced by Sens. GRIFFO, BONACIC, LARKIN, O'MARA, RANZENHOFER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the definition and use of all terrain vehicles and recreational off-highway vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 2281 of the vehicle and traffic
2 law, as amended by chapter 319 of the laws of 1997, is amended to read
3 as follows:
4 1. (a) "All terrain vehicle" or "ATV" means any self-propelled vehicle
5 which is manufactured for sale for operation primarily on off-highway
6 trails or off-highway competitions and only incidentally operated on
7 public highways providing that such vehicle does not exceed [seventy]
8 FIFTY inches in width, or one thousand TWO HUNDRED pounds dry weight.
9 Provided, however, this definition shall not include a "snowmobile" or
10 other self-propelled vehicles manufactured for off-highway use exclu-
11 sively designed for travel on snow or ice, steered by skis or runners
12 and supported in whole or in part by one or more skis, belts or cleats
13 which utilize an endless belt tread.
14 (b) "RECREATIONAL OFF-HIGHWAY VEHICLE" OR "ROV" MEANS ANY SELF-PRO-
15 PELLEDED VEHICLE WHICH IS MANUFACTURED FOR SALE FOR OPERATION PRIMARILY ON
16 OFF-HIGHWAY TRAILS OR OFF-HIGHWAY COMPETITIONS AND ONLY INCIDENTALLY
17 OPERATED ON PUBLIC HIGHWAYS PROVIDING THAT SUCH VEHICLE DOES NOT EXCEED
18 SEVENTY INCHES IN WIDTH, OR TWO THOUSAND POUNDS DRY WEIGHT. PROVIDED,
19 HOWEVER, THAT THIS DEFINITION SHALL NOT INCLUDE A "SNOWMOBILE" OR OTHER
20 SELF-PROPELLED VEHICLES MANUFACTURED FOR OFF-HIGHWAY USE EXCLUSIVELY
21 DESIGNED FOR TRAVEL ON SNOW OR ICE, STEERED BY SKIS OR RUNNERS AND
22 SUPPORTED IN WHOLE OR IN PART BY ONE OR MORE SKIS, BELTS OR CLEATS WHICH
23 UTILIZE AN ENDLESS BELT TREAD.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09335-03-1

1 (C) Notwithstanding the provisions of [paragraph] PARAGRAPHS (a) AND
2 (B) of this subdivision, the [term] TERMS "all terrain vehicle" [or],
3 "ATV", "RECREATIONAL OFF-HIGHWAY VEHICLE" AND "ROV" shall not include
4 any vehicle used for agricultural purposes or for snowplowing, other
5 than for hire, provided, however, that any such vehicle shall register
6 as an "all terrain vehicle" [or], "ATV", "RECREATIONAL OFF-HIGHWAY VEHI-
7 CLE" OR "ROV" pursuant to the provisions of this article if such vehicle
8 is used or is intended to be used for any purpose other than agricul-
9 tural purposes or for snowplowing and shall be regulated in accordance
10 with provisions governing the operation of "all terrain vehicles" [or],
11 "ATV's", "RECREATIONAL OFF-HIGHWAY VEHICLES" OR "ROV'S" while in such
12 use.

13 S 2. Section 2405 of the vehicle and traffic law, as added by chapter
14 402 of the laws of 1986, is amended to read as follows:

15 S 2405. Designation of highways and public lands for travel by ATVs
16 AND ROVS. 1. Highways. Except with respect to interstate highways or
17 controlled access highways, the department of transportation with
18 respect to state highways, maintained by the state and any other govern-
19 mental agency with respect to highways, including bridge and culvert
20 crossings, under its jurisdiction may designate and post any such public
21 highway or portion thereof as open for travel by ATVs [when in the
22 determination of the governmental agency concerned, it is otherwise
23 impossible for ATVs] AND ROVS to gain access to areas or trails adjacent
24 to the highway. Such designations by a state agency shall be by rule or
25 regulation, and such designations by any municipality other than a state
26 agency shall be by local law or ordinance.

27 2. Public lands other than highways. A governmental agency other than
28 a municipality, by regulation or order, and a municipality, by ordinance
29 or local law, may designate any appropriate public lands, waters and
30 properties other than highways under its jurisdiction as a place open
31 for travel by ATVs AND ROVS upon written request for such designation by
32 any person, and may impose restrictions and conditions for the regu-
33 lation and safe operation of ATVs AND ROVS on such public property, such
34 as travel on designated trails and hours of operation. In addition ther-
35 eto, such agency or municipality may not require the operator of an ATV
36 OR ROV to possess a motor vehicle operator's license. A municipality may
37 charge a fee for use of ATVs AND ROVS on such public lands.

38 3. Signs and markers. (a) Such designated highways or portions thereof
39 or designated lands shall be identified by markers in such manner as may
40 be provided by rules and regulations of the commissioner.

41 (b) All signs or markers shall be erected at the expense of the state
42 or municipality, provided, however, that the municipality may accept
43 funds or contributions therefor from private persons, clubs or associ-
44 ations interested in the promotion of ATVs AND ROVS.

45 4. Any regulation, order, local law or ordinance which designates a
46 highway or portion thereof or designated lands which may be used for ATV
47 AND ROV operations may include rules and impose restrictions and condi-
48 tions for the regulation and safe operation of ATVs AND ROVS on the
49 highways and lands so designated, such as travel on designated trails
50 and hours of operation. Any restriction or condition not contained in
51 this chapter must be posted.

52 5. Copies of orders, regulations, local laws or ordinances adopted by
53 governmental agencies pursuant to this section shall be filed with the
54 commissioner.

55 S 3. This act shall take effect on the thirtieth day after it shall
56 have become a law.