

4673

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to all terrain vehicles and agricultural use

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

1 Section 1. Section 401 of the vehicle and traffic law is amended by
2 adding a new subdivision 14 to read as follows:
3 14. REGISTRATION OF ALL TERRAIN VEHICLES OPERATED UPON PUBLIC HIGHWAYS
4 CONNECTING PORTIONS OF A FARM OR FARMS, MUNICIPAL SANITARY LANDFILLS AND
5 LICENSED MOTOR VEHICLE REPAIR SHOPS. NOTWITHSTANDING ANY OTHER PROVISION
6 OF LAW TO THE CONTRARY, ALL TERRAIN VEHICLES TO BE OPERATED BY ANY
7 PERSON, UPON A PUBLIC HIGHWAY FOR THE PURPOSE OF TRAVELING BY THE MOST
8 DIRECT ROUTE, BUT IN NO EVENT FURTHER THAN TWENTY-FIVE MILES ONE-WAY
9 FROM A POINT ON A FARM AS DESIGNATED BY THE VEHICLE OWNER AND SET FORTH
10 IN AN ATTACHMENT TO THE VEHICLE REGISTRATION, (A) BETWEEN FIELDS, BUILD-
11 INGS, AND FACILITIES MANAGED OR OPERATED AS PART OF A SINGLE FARM ENTER-
12 PRISE IN CONNECTION WITH PRODUCTION, HARVESTING, PROCESSING OR MARKETING
13 ON THAT FARM OF CROPS, LIVESTOCK, OR LIVESTOCK PRODUCTS PRODUCED ON THAT
14 FARM; OR (B) FOR THE PURPOSE OF TRANSPORTING MATERIALS FROM A FARM TO
15 THE NEAREST AVAILABLE MUNICIPAL SANITARY LANDFILL; OR (C) FOR THE
16 PURPOSE OF TRANSPORTING THE ALL TERRAIN VEHICLE TO A MOTOR VEHICLE
17 REPAIR SHOP LICENSED PURSUANT TO THIS CHAPTER FOR THE REPAIR OR ADJUST-
18 MENT OF EQUIPMENT PROVIDED THAT, IN ADDITION TO THE ROUTE RESTRICTIONS
19 SET FORTH IN THIS SUBDIVISION, NO SUCH TRANSPORT SHALL BE AUTHORIZED (I)
20 IF SUCH VEHICLE HAS AN OUT-OF-SERVICE DEFECT RELATING TO LOAD SECURE-
21 MENT, BRAKE SYSTEMS, STEERING COMPONENTS AND/OR COUPLING DEVICES, OR
22 AFTER IT HAS BEEN PLACED OUT-OF-SERVICE; (II) ON ANY LIMITED ACCESS
23 HIGHWAY; AND (III) DURING THE PERIOD OF ONE HOUR BEFORE SUNSET TO ONE
24 HOUR AFTER SUNRISE, MAY BE REGISTERED AS PROVIDED IN THIS SUBDIVISION.
25 EVERY OWNER OF SUCH VEHICLES MAY CAUSE TO BE FILED BY MAIL OR OTHERWISE,

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

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1 WITH THE COMMISSIONER OR WITH ANY AGENT OF THE COMMISSIONER, AN APPLICA-
2 TION FOR REGISTRATION OF SUCH VEHICLE, ADDRESSED TO THE COMMISSIONER,
3 AND ON A BLANK FORM TO BE FURNISHED BY THE COMMISSIONER FOR THAT
4 PURPOSE, CONTAINING THE INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS
5 SECTION AND SUCH OTHER INFORMATION AS THE COMMISSIONER SHALL REQUIRE.
6 THE COMMISSIONER OR AGENT SHALL MAKE SUCH INVESTIGATION, AS HE OR SHE
7 SHALL DETERMINE NECESSARY, AND IF SATISFIED THAT THE VEHICLE IS TO BE
8 OPERATED EXCLUSIVELY AS PROVIDED IN THIS SUBDIVISION SHALL, UPON THE
9 PAYMENT OF A FEE OF ONE DOLLAR, ASSIGN TO SUCH VEHICLE A DISTINCTIVE
10 NUMBER AND ISSUE AND DELIVER TO THE APPLICANT A SET OF NUMBER PLATES AND
11 A CERTIFICATE OF REGISTRATION IN SUCH FORM AS THE COMMISSIONER SHALL
12 PRESCRIBE, INDICATING THE EXTENT TO WHICH THE VEHICLE REGISTERED MAY BE
13 OPERATED ON THE PUBLIC HIGHWAYS AND SUCH VEHICLE MAY BE OPERATED ONLY AS
14 SO INDICATED. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "FARM" AND
15 "CROPS, LIVESTOCK OR LIVESTOCK PRODUCTS," SHALL HAVE THE SAME MEANING AS
16 "LAND USED IN AGRICULTURAL PRODUCTION" AND "CROPS, LIVESTOCK AND LIVE-
17 STOCK PRODUCTS," RESPECTIVELY, AS DEFINED IN SECTION THREE HUNDRED ONE
18 OF THE AGRICULTURE AND MARKETS LAW, EXCEPT THAT FARMERS WITH AN AVERAGE
19 GROSS SALES VALUE OF AT LEAST ONE THOUSAND DOLLARS PER YEAR OF CROPS,
20 LIVESTOCK, AND LIVESTOCK PRODUCTS SHALL BE ELIGIBLE TO REGISTER VEHICLES
21 PURSUANT TO THIS SUBDIVISION.

22 S 2. This act shall take effect immediately.