

4673--A

Cal. No. 949

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 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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

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

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

25 S 2. This act shall take effect on the ninetieth day after it shall
26 have become a law.