S T A T E O F N E W Y O R K

4711

2013-2014 Regular Sessions

I N S E N A T E

April 18, 2013

Introduced by Sens. RITCHIE, GRIFFO, VALESKY, YOUNG -- 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 the all terrain vehicle trial registration program

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

Section 1. The vehicle and traffic law is amended by adding a new section 2292 to read as follows:

S 2292. ALL TERRAIN VEHICLE TRIAL REGISTRATION PROGRAM. 1. TRIAL PROGRAM. FOR THE COUNTIES OF ALLEGANY, OSWEGO, JEFFERSON AND MADISON, AND THE PORTIONS OF SAINT LAWRENCE AND LEWIS COUNTIES THAT ARE LOCATED OUTSIDE OF THE ADIRONDACK PARK, THE DEPARTMENT SHALL AUTHORIZE A TWO YEAR TRIAL REGISTRATION PROGRAM FOR ALL TERRAIN VEHICLES (ATV) OF UP TO ONE THOUSAND FIVE HUNDRED POUNDS.

2. SUCH ATVS SHALL BE REGISTERED WITH THE DEPARTMENT AND SHALL REQUIRE A REGISTRATION NUMBER WITH A PLATE ON THE BACK OF SUCH VEHICLES. SUCH PLATE SHALL NOT BE OBSCURED BY GLASS OR PLASTIC AND SHALL NOT BE OBSTRUCTED BY ANY PART OF THE VEHICLE.

3. FAILURE TO COMPLY WITH ANY PART OF THIS SECTION SHALL CONSTITUTE A NON-CRIMINAL VIOLATION AND SHALL BE PUNISHABLE BY:

(A) A ONE HUNDRED DOLLAR FINE FOR THE FIRST OFFENSE;

(B) A ONE HUNDRED FIFTY DOLLAR FINE FOR THE SECOND OFFENSE;

(C) A TWO HUNDRED FIFTY DOLLAR FINE FOR A THIRD OR SUBSEQUENT OFFENSE.

4. A POLICE OFFICER OR ENFORCEMENT OFFICIAL FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY IMPOUND AN ATV FOR THE FOLLOWING REASONS:

(A) OPERATION OF AN ATV ON OTHER THAN DESIGNATED ROUTES WITHIN THE FOREST PRESERVE; OR

(B) VIOLATION OF SECTION TWENTY-TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE WHEN SUCH VIOLATION CONSTITUTES BOTH A SECOND OFFENSE OF SUCH

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

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SECTION AND IS A VIOLATION OF SECTION TWENTY-FOUR HUNDRED THREE OF THIS TITLE; OR

(C) OPERATION OF AN ATV UPON ANY PUBLIC OR PRIVATE PROPERTY WITHIN THE STATE DURING THE COMMISSION OF A SEPARATE MISDEMEANOR OR FELONY ACT AS DEFINED IN THE PENAL LAW; PROVIDED HOWEVER THAT A VIOLATION OF SUBDIVISION (A) OF SECTION 140.10 OF THE PENAL LAW SHALL NOT IN ITSELF CONSTITUTE A SEPARATE MISDEMEANOR FOR PURPOSES OF THIS SUBDIVISION.

5. PARENTS OF MINORS FOUND IN VIOLATION OF THIS SECTION SHALL BE LIABLE FOR SUCH FINES AND PENALTIES ENUMERATED IN THIS SECTION.

6. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL ENFORCE THE PROVISIONS OF THIS SECTION.

7. AT THE CONCLUSION OF SUCH PILOT PROGRAM, THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL ASSESS THE PROGRAM AND SUBMIT A REPORT TO THE LEGISLATURE AND THE GOVERNOR WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ENVIRONMENTAL IMPACT OF SUCH PROGRAM, THE ECONOMIC IMPACT OF SUCH PROGRAM, THE REVENUE GENERATED AND OTHER CONSIDERATIONS DETERMINED TO BE RELEVANT BY THE COMMISSIONER AND THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

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