

STATE OF NEW YORK

6075

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to prohibiting the sale of ATVs and off-highway motorcycles in the city of New York; and to amend the vehicle and traffic law, in relation to requiring the purchaser of an ATV purchased for use in the state of New York to sign a declaration stating that such purchaser understands all laws and regulations governing the use of such ATV in the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13-A to read as follows:

SUBCHAPTER 13-A

SALES OF ALL TERRAIN VEHICLES AND OFF-HIGHWAY MOTORCYCLES

§ 20-764 Off-highway motorcycle. a. For purposes of this section, an off-highway motorcycle shall have the same definition set forth in section one hundred twenty-five-a of the vehicle and traffic law.

b. No corporation, partnership, firm, sole proprietorship or other entity or person shall sell, lease or rent or attempt to sell, lease or rent an off-highway motorcycle to another person in the city of New York.

c. Any corporation, partnership, firm, sole proprietorship or other entity or person who violates subdivision b of this section shall be liable for a civil penalty of one thousand dollars for a first violation and a civil penalty of two thousand dollars for each subsequent violation within one year. Each sale, lease or rental, or attempt to sell, lease or rent, an off-highway motorcycle shall be deemed a separate violation. Authorized employees of the department, the police

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

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1 department, and of any other agency designated by the mayor, shall have
2 the authority to enforce the provisions of this section. Such penalties
3 shall be recovered in a civil action or in a proceeding commenced by the
4 service of a notice of hearing that shall be returnable before the
5 administrative tribunal of the department. In addition, such violation
6 shall be a traffic infraction and shall be punishable in accordance with
7 section eighteen hundred of the vehicle and traffic law.

8 d. Any off-highway motorcycle that has been used or is being used in
9 violation of the provisions of this section may be impounded and shall
10 not be released until any and all removal charges and storage fees and
11 the applicable fines have been paid or a bond has been posted in an
12 amount satisfactory to the commissioner of the agency that impounded
13 such device.

14 § 20-766 All terrain vehicle. a. For purposes of this section, an all
15 terrain vehicle shall have the same definition set forth in section
16 twenty-two hundred eighty-one of the vehicle and traffic law.

17 b. No corporation, partnership, firm, sole proprietorship or other
18 entity or person shall sell, lease or rent or attempt to sell, lease or
19 rent an all terrain vehicle to another person in the city of New York.

20 c. Any corporation, partnership, firm, sole proprietorship or other
21 entity or person who violates subdivision b of this section shall be
22 liable for a civil penalty of one thousand dollars for a first violation
23 and a civil penalty of two thousand dollars for each subsequent
24 violation within one year. Each sale, lease or rental, or attempt to
25 sell, lease or rent, an all terrain vehicle shall be deemed a separate
26 violation. Authorized employees of the department, the police depart-
27 ment, and of any other agency designated by the mayor, shall have the
28 authority to enforce the provisions of this section. Such penalties
29 shall be recovered in a civil action or in a proceeding commenced by the
30 service of a notice of hearing that shall be returnable before the
31 administrative tribunal of the department. In addition, such violation
32 shall be a traffic infraction and shall be punishable in accordance with
33 section eighteen hundred of the vehicle and traffic law.

34 d. Any all terrain vehicle that has been used or is being used in
35 violation of the provisions of this section may be impounded and shall
36 not be released until any and all removal charges and storage fees and
37 the applicable fines have been paid or a bond has been posted in an
38 amount satisfactory to the commissioner of the agency that impounded
39 such device.

40 § 2. Subdivisions 6 and 6-a of section 2282 of the vehicle and traffic
41 law, subdivision 6 as amended by chapter 402 of the laws of 1986 and
42 subdivision 6-a as added by section 1 of part D of chapter 59 of the
43 laws of 2005, are amended to read as follows:

44 6. Dealers. (a) Any person who is a dealer, and who is not registered
45 as a dealer pursuant to section four hundred fifteen of this chapter,
46 shall register as an ATV dealer and operate in accordance with the rules
47 and regulations of the commissioner for ATV dealers. The commissioner,
48 upon receipt of an application and the required fee, shall assign a
49 distinctive dealer registration number to the registrant and issue an
50 appropriate registration certificate to him and assign two dealer demon-
51 strator registration numbers and upon the payment of the appropriate
52 fee, such additional numbers as shall be requested. Dealer registrations
53 and dealer demonstrator registration numbers shall not be transferable.
54 Provided, however, the commissioner may limit the number of dealer
55 demonstration registration numbers issued to a dealer.

1 (b) No dealer shall sell or offer for retail sale any ATV, other than
2 an ATV identified and sold for use only in off-highway competitions,
3 which is not equipped with all equipment necessary for the registration
4 of an ATV.

5 (c) No dealer shall sell or offer for retail sale any ATV, other than
6 an ATV identified and sold for use outside the city of New York.

7 6-a. Registration at time of sale. (a) Every all terrain vehicle
8 defined by section twenty-two hundred eighty-one of this article sold by
9 a dealer shall be registered at the time of sale of such vehicle. Such
10 registration shall be valid until the thirty-first day of August follow-
11 ing the date of such sale; provided, however, that any all terrain vehi-
12 cle sold after April first of each year shall be issued a registration
13 valid until the thirty-first day of August in the year following that in
14 which the all terrain vehicle is sold. Any all terrain vehicle purchased
15 for use exclusively outside of the state of New York shall not require
16 registration at the time of purchase, and the purchaser of such all
17 terrain vehicle shall sign a declaration, provided by the dealer, which
18 shall state that such purchaser understands the conditions under which
19 an all terrain vehicle must be registered and the penalty for violation
20 of such registration provisions.

21 (b) Each purchaser of an all terrain vehicle purchased for use in the
22 state of New York shall sign a declaration, provided by the dealer,
23 which shall state that such purchaser understands all laws and regu-
24 lations governing the use of such all terrain vehicle on public road-
25 ways, sidewalks, and public highways including without limitation the
26 prohibition on operating an all terrain vehicle on public property with-
27 in the city of New York. Such declaration shall also state that the
28 purchaser understands the penalties for violation of such laws. Each
29 signed declaration shall be forwarded by the dealer to the commissioner.
30 The form of such declaration shall be provided by the commissioner to
31 each dealer.

32 § 3. This act shall take effect on the first of January next succeed-
33 ing the date upon which it shall have become a law. Effective imme-
34 diately, the addition, amendment and/or repeal of any rule or regulation
35 necessary for the implementation of this act on its effective date are
36 authorized to be made and completed on or before such effective date.