STATE OF NEW YORK

10543

IN SENATE

May 19, 2026

Introduced by Sen. WEBB -- 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 enacting the "ATV, UTV, ROV safe riding protection act"

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

Section 1. Short title. This act shall be known and may be cited as the "ATV, UTV, ROV safe riding protection act".

§ 2. Section 2403 of the vehicle and traffic law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. Minimum age and licensure. No person shall operate an ATV unless they are over the age of sixteen years and maintain a valid driver's license to operate a motor vehicle in accordance with New York state law.

6. Speed of operation. No person shall operate an ATV at a speed in excess of thirty miles per hour, unless such ATV is being operated upon a dedicated ATV track or thoroughfare, in accordance with corresponding guidelines and safety equipment approved by the commissioner.

§ 3. Subdivisions 1, 2, 4 and 5 of section 2410 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, subdivisions 1 and 2 as amended by chapter 539 of the laws of 2023, are amended to read as follows:

1. Except as provided by subdivision two of this section, no person under the age of sixteen years shall operate an ATV [~~except upon lands owned or leased by his or her parent or guardian, unless he or she is under general supervision of a person eighteen years of age or over. "Leased lands" as herein used shall not include lands leased by an organization of which said operator or his or her parent or guardian is a member~~].

2. [~~A person fourteen years of age but less than sixteen years of age who has received safety training as prescribed by the commissioner and has received the appropriate ATV safety certificate issued by the commissioner may operate an ATV in the same manner as a person who is sixteen years of age or older.~~] **No person shall operate an ATV unless**

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

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they are over the age of sixteen years and maintain a valid driver's license to operate a motor vehicle in accordance with New York state law. A person fourteen years or older, and any person who does not maintain a valid driver's license, may however, operate an ATV, exclusively upon lands owned or leased by such operator's parent or guardian, under the supervision of such parent or guardian, or a person eighteen years of age or over designated by such parent or guardian to supervise such operation. "Leased lands" as used in this subdivision shall not include lands leased by an organization of which said operator or such operator's parent or guardian is a member.

4. [~~No~~] Except as provided by subdivision two of this section, no parent or guardian shall authorize or knowingly permit [~~his~~] such parent or guardian's child or ward, if under sixteen years of age, or who does not maintain a valid driver's license to operate a motor vehicle, to operate an ATV in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

5. [~~No~~] Except as provided by subdivision two of this section, no owner or other person in possession of any ATV shall authorize or knowingly permit any person under sixteen years of age, or who does not maintain a valid driver's license to operate a motor vehicle, to operate [~~such~~] an ATV in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

§ 4. The vehicle and traffic law is amended by adding a new article 48-D to read as follows:

ARTICLE 48-D

REGISTRATION OF UTILITY TASK VEHICLES

Section 2500. Jurisdiction of department.
2501. Definitions.
2502. Registration and permit.
2503. Display of registration.
2504. Registration record.
2505. Certificate of registration.
2506. Licensing by municipalities.
2507. Special events.
2508. Responsibility for operation by minors.
2509. Violations.
2510. Rules and regulations.
2511. Disposition of fees.

§ 2500. Jurisdiction of department. 1. The registration of utility task vehicles shall be under the jurisdiction of the department.

2. Except as otherwise expressly provided, all of the provisions of this chapter shall apply to utility task vehicles.

§ 2501. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. (a) "utility task vehicle" or "UTV" shall mean:

(i) a side-by-side, four-wheel drive, off-road vehicle that is ridden in and not on, has four wheels, that is propelled by an internal combustion engine with a piston displacement capacity of one thousand two hundred cubic centimeters or less, and has a total dry weight of five hundred but less than two thousand six hundred pounds, and that may or may not contain a roll over protection system and/or roll bar protection; or

(ii) a side-by-side, four wheel drive, off-road vehicle that is ridden in and not on, has four wheels, that is propelled by an electric engine,

which has the equivalent power of an internal combustion engine with a piston displacement capacity of one thousand two hundred cubic centimeters or less, and has a total dry weight of five hundred but less than two thousand six hundred pounds, and that may or may not contain a roll over protection system and/or roll bar protection.

(b) Provided, however, that the term "utility task vehicle" or "UTV" shall not include an all terrain vehicle, a golf cart, a mini truck, or a snowmobile, or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subdivision, the term "utility task vehicle" or "UTV" shall not include any vehicle used for agricultural purposes or for snowplowing, other than for hire, provided, however, that any such vehicle shall register as an utility task vehicle or UTV pursuant to the provisions of this article if such vehicle is used or is intended to be used for any purpose other than agricultural purposes or for snowplowing and shall be regulated in accordance with provisions governing the operation of utility task vehicles or UTVs while in such use.

2. "dealer" means any person engaged in the business of selling UTVs at wholesale or retail.

§ 2502. Registration and permit. 1. Except as provided in this section, no person shall operate any UTV within the state unless such UTV has been registered and numbered in accordance with the provisions of this article, and the registration number for such UTV is in full force and effect and displayed as provided under this article and regulations promulgated thereunder.

2. The commissioner is authorized to register a UTV, issue a registration certificate and assign a registration number to such UTV. All such registrations shall be valid for a period prescribed by the commissioner unless, prior to expiration of the period prescribed by the commissioner, it is surrendered, cancelled, revoked or suspended pursuant to the provisions of this article.

3. Unless otherwise prescribed by regulation of the commissioner, a number once assigned under this section shall remain with the registered UTV until the UTV is destroyed, abandoned or permanently removed from the state, or until changed or terminated by the commissioner.

4. Fees for registration of UTVs to be collected by the commissioner under this article are as follows:

(a) an annual fee of twelve dollars and fifty cents for each individual resident registration.

(b) an annual fee of twelve dollars and fifty cents for each individual nonresident registration.

(c) an annual fee of twenty-five dollars for each dealer registration.

(d) an annual fee of five dollars for each additional dealer demonstrator registration number.

(e) a fee of three dollars for replacement of a lost, mutilated or destroyed certificate.

(f) Provided, however, that the provisions of paragraphs (c) and (d) of this subdivision with respect to the payment of dealer registration fees shall not apply to dealers registered pursuant to section four hundred fifteen of this chapter.

(g) Annual fees shall not be prorated, and such fees shall be applicable to a year or any portion of a year.

(h) Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in paragraphs (a) and (b) of this subdivision in effect on and after September first, two thousand twenty-five and the fees set forth in such paragraphs in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund, established pursuant to section eighty-nine-b of the state finance law.

5. The owner of each UTV requiring registration under this section shall present an application for registration to the commissioner, on a document to be prepared and furnished by the commissioner for that purpose. Such application shall contain or be accompanied by such evidence of the ownership of the UTV described in the application as may be required by the commissioner.

6. (a) Any person who is a dealer, and who is not registered as a dealer pursuant to section four hundred fifteen of this chapter, shall register as a UTV dealer and operate in accordance with the rules and regulations of the commissioner for UTV dealers.

(b) The commissioner, upon receipt of an application and the required fee, shall assign a distinctive dealer registration number to the registrant and issue an appropriate registration certificate to such person and assign two dealer demonstrator registration numbers and upon the payment of the appropriate fee, such additional numbers as shall be requested. Dealer registrations and dealer demonstrator registration numbers shall not be transferable. Provided, however, the commissioner may limit the number of dealer demonstrator registration numbers issued to a dealer.

(c) No dealer shall sell or offer for retail sale any UTV, other than a UTV identified and sold for use only in off-highway competitions, which is not equipped with all equipment necessary for the registration of a UTV.

7. (a) Every utility vehicle sold by a dealer shall be registered at the time of sale of such vehicle. Such registration shall be valid until the thirty-first day of August following the date of such sale; provided, however, that any utility task vehicle sold after April first of each year shall be issued a registration valid until the thirty-first day of August in the year following that in which the utility task vehicle is sold.

(b) Any utility task vehicle purchased for use exclusively outside of the state of New York shall not require registration at the time of purchase, and the purchaser of such utility task vehicle shall sign a declaration, provided by the dealer, which shall state that such purchaser understands the conditions under which an utility task vehicle must be registered and the penalty for violation of such registration provisions. Each signed declaration shall be forwarded by the dealer to the commissioner. The form of such declaration shall be provided by the commissioner to each dealer.

8. Every owner of a UTV and dealer shall renew their registration in such manner as the commissioner shall prescribe, on payment of the same registration fees as provided in subdivision four of this section.

9. (a) At the time of the original registration and at the time of each renewal thereof, the commissioner shall also issue validating forms in a manner such commissioner has prescribed indicating the validity of the current registration and the expiration date thereof, which indicia of registration shall be affixed to the vehicle in such manner as the commissioner may prescribe.

(b) No UTV shall be considered as validly registered within the meaning of this section unless a current registration certificate, registration number and current indicia of registration have been issued.

10. No UTV shall be registered, nor shall such a registration be renewed, unless the UTV is equipped with brakes, muffler, spark arrester and tires as prescribed in subdivision one of section twenty-six hundred six of this title.

11. A registration number shall be assigned, without payment of a fee, for UTVs owned by governmental agencies, or by volunteer organizations if used exclusively for emergency purposes, provided that each such UTV shall display the proper registration number assigned to it.

12. No registrations shall be required for the following described UTVs:

a. UTVs owned and used by the United States, another state, or a political subdivision thereof, but such UTV shall display the name of the owner on the vehicle thereof.

b. UTVs covered by a valid registration or license of another state, province or country, as provided in subdivision thirteen of this section.

13. (a) The registration provisions of this article shall not apply to non-resident owners who have registered their UTVs in compliance with the registration and licensing laws of the state, province, district or country of residence, provided that the UTV is appropriately identified in accordance with the laws of the state of residence.

(b) The provisions of this subdivision shall not apply to a resident of another state, province, district or country which does not have a UTV registration and identification law.

(c) Nothing in this subdivision shall be construed to authorize the operation of any UTV contrary to the provisions of this article.

§ 2503. Display of registration. 1. The registration number with indicia of registration assigned to a UTV shall be displayed on the vehicle at all times in such a manner as the commissioner may, by regulation, prescribe.

2. Dealer demonstrator registration numbers shall conform to the requirements as set forth in subdivision one of this section with the exception that, unless otherwise prescribed by regulation of the commissioner, the numbers assigned may be printed upon or attached to a removable plaque or plaques to be temporarily but firmly affixed to the UTV being demonstrated or tested.

3. Numbers issued to dealers and manufacturers for the purpose of demonstration or testing shall be used exclusively for these purposes and no other use is permitted.

§ 2504. Registration record. Upon receipt of sufficient application for registration of a UTV, as provided in this article, the commissioner shall enter upon the records of the department the registration of such vehicle under the distinctive number assigned to such UTV as provided in this article.

§ 2505. Certificate of registration. 1. Certificate. Upon the filing of the application and payment of the fee as provided in this article, the commissioner shall assign to such UTV a distinctive number, and, without further expense to the applicant, issue a certificate of registration, in such manner and form as the commissioner shall prescribe. In the event of the loss, mutilation or destruction of any certificate of registration, the owner of the registered UTV may file such statement and proof of the facts as the commissioner shall require with a fee of

three dollars, with the department, for the issuance of a duplicate or substitute.

2. Carrying certificate. Every person operating a UTV registered in accordance with any of the provisions of this article shall, upon demand of any magistrate, police officer or peace officer, when acting pursuant to their special duties, produce for inspection the certificate of registration for such UTV and shall furnish to such person any information necessary for the identification of such UTV and its owner. The failure to produce the certificate of registration shall not be an offense, but shall be presumptive evidence of operating a UTV which is not registered as required by this article.

3. Change of residence. It shall be the duty of every owner holding a certificate of registration to notify the department, in writing, of any change of residence of such owner within ten days after such change occurs, and to inscribe on such certificate, in the place provided a record of such change of residence.

4. Change of ownership. (a) Whenever a UTV is transferred, the certificate of registration shall be properly signed and executed by the owner showing that the ownership of the UTV has been transferred and such certificate shall be given to the new owner.

(b) In the case of transfer, except a transfer to a registered dealer, the new owner shall apply for a new certificate by completing an application for registration. Such application shall be submitted to the department together with the old certificate of registration, properly signed by the previous owner, and the required fee of ten dollars.

(c) The old certificate of registration, properly signed by the previous owner or other indicia as prescribed by regulation of the commissioner, shall constitute a temporary registration for such new owner for a period determined by the commissioner from the date such UTV was transferred to the new owner.

(d) In the event that such UTV was purchased from a registered dealer, the application shall be accompanied by the old certificate of registration transferred to the dealer, the required fee, and any other forms or documents completed and submitted as prescribed by the commissioner.

5. Destruction, theft or removal from state. It shall be the duty of every owner of a UTV registered pursuant to the provisions of this article to notify the department, in writing, of the destruction, theft or permanent removal of such UTV from the state, within fifteen days of acquiring knowledge thereof. In the event of destruction or theft, the certificate or registration shall be surrendered with such notice.

§ 2506. Licensing by municipalities. No municipality shall require licensing or registration of UTVs which are covered by the provisions of this article. Nothing in this section shall prohibit the requirement of a permit by the agency or municipality having jurisdiction over any state or local park or any other public lands for use of UTVs on such public lands. A municipality may charge a fee for use of UTVs on such public lands.

§ 2507. Special events. UTVs operated at special events pursuant to section twenty-six hundred eight of this title may be exempted from the provisions of this article concerning registration.

§ 2508. Responsibility for operation by minors. No owner or other person in possession of any UTV shall authorize or knowingly permit any person under sixteen years of age to operate such UTV in violation of any provision of this article.

§ 2509. Violations. Any person who violates any provision of this article or regulation adopted pursuant thereto shall be guilty of a traffic infraction.

§ 2510. Rules and regulations. The commissioner shall make such rules and regulations as they may deem necessary to carry out the provisions of this article.

§ 2511. Disposition of fees. The commissioner shall deposit all monies received from the registration of UTVs and all fees otherwise collected under this article to the credit of the general fund.

§ 5. The vehicle and traffic law is amended by adding a new article 48-E to read as follows:

ARTICLE 48-E

RULES FOR OPERATION OF UTILITY TASK VEHICLES

Section 2600. Legislative purpose.
2601. Definitions.
2602. Rules and regulations.
2603. Operation of UTVs; where permitted.
2604. Operating rules.
2605. Designation of highways and public lands for travel by UTVs.
2606. Equipment.
2607. Liability insurance.
2608. Special events.
2609. UTV safety course and safety certificate.
2610. Operation by minors.
2611. Liability for negligence.
2612. Service on nonresidents and certain residents, administrators or executors.
2613. Accidents; reports.

§ 2600. Legislative purpose. It is the purpose of this article to promote the safe and proper use of UTVs for recreation and commerce in this state, to ensure the safety and well-being of all persons concerning the use of UTVs, to minimize detrimental effects of such use upon the environment, and to provide a method whereby municipalities shall consider the designation of appropriate public lands for UTV use and regulation thereof.

§ 2601. Definitions. As used in this article, the following terms shall have the following meanings, unless the context requires otherwise:

1. "Governmental agency" means any agency of the state of New York and all municipalities within the state.

2. "Utility task vehicle" or "UTV" means a utility task vehicle or UTV as defined in section twenty-five hundred one of this title.

3. (a) "Owner" means any person having a title to a UTV.

(b) If a UTV is sold under a contract of conditional sale whereby the title remains in the possession of the vendor, such vendor or their assignee shall not, after delivery of such UTV, be deemed an owner within the provisions of this section, but the vendee or their assignee, upon receipt of possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or their assignee shall retake possession.

(c) A person holding only a security interest in a UTV shall not be deemed an owner unless such person also has possession of such UTV.

4. "Operate" means to ride in or on, other than as a passenger, or use or control the operation of a UTV in any manner, whether or not said UTV is under way.

5. "Operator" means every person who operates or is in actual physical control of a UTV.

6. "Special event" shall mean an organized rally, race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

7. "Authorized emergency UTV" shall mean a UTV designated as such in writing by the chief executive officer of any duly organized volunteer ambulance company, fire department, or paid fire department, operated by a member thereof and equipped with emergency lights as provided in section twenty-six hundred six of this article.

8. "Authorized police UTV" shall mean a UTV operated by a police or other peace officer while engaged in the performance of their official duties within the area of their territorial jurisdiction.

9. "Authorized civil defense UTV" shall mean a UTV designated as such in writing by the chief executive officer of a municipality and operated by a member of a civil defense organization of the municipality and equipped with emergency lights as provided in section twenty-six hundred six of this article.

10. "Operation as emergency vehicle" shall mean the operation or parking of an authorized emergency UTV, police or civil defense UTV, including attendant equipment, displaying emergency lights as provided in section twenty-six hundred six of this article and which UTV is engaged in transporting a sick or injured person to the nearest medical facility or appropriate site for transfer to an ambulance as defined in article thirty of the public health law, transporting emergency medical services, personnel and equipment to sick or injured persons, pursuing an actual or suspected violator of the law or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm or other emergency but shall not include returning from such service.

§ 2602. Rules and regulations. 1. With a view of achieving enjoyable and proper use of UTVs and minimizing the detrimental effect thereof upon the environment, rules and regulations relating to, but not limited to, the following may be adopted and promulgated as herein provided.

2. The commissioner may adopt rules and regulations:

(a) for conducting special events as provided in section twenty-six hundred eight of this article;

(b) for the administration and enforcement of the provisions of section twenty-six hundred seven of this article relating to liability insurance;

(c) establishing a comprehensive UTV information and safety education and training program or programs including provision for issuance of UTV safety certificates for operation of UTVs by youthful operators;

(d) with respect to uniform signs or markers to be used by governmental agencies which are necessary or desirable to control, direct or regulate the operation and use of UTVs. Such signs as may be designated for use on highways shall also be approved by the commissioner of transportation; and

(e) with respect to such other matters as may be necessary or desirable to provide for the effective administration and enforcement of the provisions of this article.

3. Any state agency may adopt rules and regulations not inconsistent with the provisions of this chapter in a manner appropriate to such agency to permit or regulate the use of UTVs on specifically designated land, including highways, under its jurisdiction.

§ 2603. Operation of UTVs; where permitted. 1. Highways. No person shall operate a UTV on a highway except as provided in this section.

(a) A UTV may make a direct crossing on a highway other than an interstate highway or a controlled access highway, provided:

(i) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(ii) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(iii) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(iv) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway; and

(v) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are lit.

(b) A UTV may be operated on any highway which has been designated and posted as open for travel by UTVs in accordance with the provisions of section twenty-six hundred five of this article.

2. Public lands other than highways. No person shall operate a UTV on any public lands, waters and property other than a highway, except that a UTV may be operated on any such lands which have been designated and posted for travel by UTVs in accordance with the provisions of section twenty-six hundred five of this article.

3. Private property. No person shall operate a UTV on the private property of another without the consent of the owner or lessee thereof.

4. Real property of a farm operation. (a) No person shall operate a UTV on the real property of a farm operation, as defined in subdivision eleven of section three hundred one of the agriculture and markets law, without the consent of the owner or lessee thereof, where such owner or lessee has erected or maintained any sign, structure, display, or device prohibiting the trespass thereon, and which shall include a sign stating: "No Trespassing".

(b) A violation of this subdivision shall be a traffic infraction, and shall, upon a conviction of a first violation be punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; upon a conviction of a second violation, both of which were committed within a period of eighteen months, shall be punishable by a fine of not more than four hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, shall be punishable by a fine of not more than five hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

5. Emergency vehicle. The provisions of subdivisions one, two and three of this section shall not apply to operation as an emergency vehicle by any authorized emergency, police or civil defense utility task vehicle.

6. Minimum age and licensure. No person shall operate an UTV unless they are over the age of sixteen years, and maintain a valid driver's license to operate a motor vehicle in accordance with New York state law. A person fourteen years or older, and any person who does not maintain a valid driver's license, may however, operate an UTV, exclusively upon lands owned or leased by such operator's parent or guardian, under the supervision of such parent or guardian, or a person eighteen years of age or over designated by such parent or guardian to supervise such operation. "Leased lands" as used in this subdivision shall not include

lands leased by an organization of which said operator or such operator's parent or guardian is a member.

7. Speed of operation. No person shall operate an UTV at a speed in excess of thirty miles per hour, unless such UTV is being operated upon a dedicated UTV track or thoroughfare, in accordance with corresponding guidelines and safety equipment approved by the commissioner.

§ 2604. Operating rules. 1. No person shall operate a UTV:

(a) at a rate of speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, and in accordance with subdivisions six and seven of section twenty-six hundred three of this article;

(b) in a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or cause injury or damage thereto on the tracks or right-of-way of an operating railroad;

(c) in any tree nursery or planting in a manner that damages or destroys growing stock, or creates a substantial risk thereto;

(d) while pulling a person on skis or drawing or towing a sleigh, sled, toboggan, inflatable device or trailer which carries or transports any person unless attached by a rigid support, connection or towbar;

(e) on the frozen surface of public waters: within one hundred feet of any person other than a person riding on an UTV except at the minimum speed required to maintain forward movement of the UTV, nor within one hundred feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the UTV nor on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water;

(f) within one hundred feet of a dwelling between midnight and six a.m., at a speed greater than minimum required to maintain forward movement of the UTV; and

(g) on public lands, other than highways, or on private property of another while in an intoxicated condition or under the influence of narcotics or drugs.

2. The operator of a UTV shall:

(a) stop and yield to an authorized ambulance, civil defense, or police UTV or police vehicle being operated as an emergency vehicle and approaching from any direction; and

(b) comply with any lawful order or direction of any police officer or other person duly empowered to enforce the laws relating to UTVs.

3. No person shall ride on or in a sleigh, sled, toboggan, inflatable device or trailer which is being towed or trailed by an UTV unless attached by a rigid support, connection or towbar.

4. A person operating a UTV shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a UTV unless such UTV is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the UTV at the rear or side of the operator.

5. For the purposes of title seven of this chapter, a UTV shall be a motor vehicle and the provisions of such title shall be applicable to UTVs.

6. Local laws and ordinances. Nothing contained in this article shall be deemed to limit the authority of a county, city, town or village from adopting or amending a local law or ordinance which imposes stricter restrictions and conditions on the operation of UTVs than are provided or authorized by this section so long as such local law or ordinance is

consistent with its authority to protect the order, conduct, health, safety and general welfare of persons or property.

§ 2605. Designation of highways and public lands for travel by UTVs. 1. Except with respect to interstate highways or controlled access highways, the department of transportation with respect to state highways, maintained by the state and any other governmental agency with respect to highways, including bridge and culvert crossings, under its jurisdiction may designate and post any such public highway or portion thereof as open for travel by UTVs when in the determination of the governmental agency concerned, it is otherwise impossible for UTVs to gain access to areas or trails adjacent to the highway. Such designations by a state agency shall be by rule or regulation, and such designations by any municipality other than a state agency shall be by local law or ordinance.

2. A governmental agency other than a municipality, by regulation or order, and a municipality, by ordinance or local law, may designate any appropriate public lands, waters and properties other than highways under its jurisdiction as a place open for travel by UTVs upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of UTVs on such public property, such as travel on designated trails and hours of operation. In addition thereto, such agency or municipality may not require the operator of a UTV to possess a motor vehicle operator's license. A municipality may charge a fee for use of UTVs on such public lands.

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

(b) All signs or markers shall be erected at the expense of the state or municipality, provided, however, that the municipality may accept funds or contributions therefor from private persons, clubs or associations interested in the promotion of UTVs.

4. Any regulation, order, local law or ordinance which designates a highway or portion thereof or designated lands which may be used for UTV operations may include rules and impose restrictions and conditions for the regulation and safe operation of UTVs on the highways and lands so designated, such as travel on designated trails and hours of operation. Any restriction or condition not contained in this chapter shall be posted.

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

§ 2606. Equipment. 1. No person shall operate a UTV unless it is equipped with:

(a) brakes in good operating condition;

(b) a muffler system in good operating condition which meets federal standards as established in 40 CFR Part 205.166, sub Part E;

(c) a spark arrester approved by the United States Forest Service;

(d) tires having at least two-thirty seconds of an inch of tread with no visible breaks, cuts, exposed cords, bumps or bulges;

(e) a lighted white headlight approved by the commissioner and a lighted red taillight approved by the commissioner when operated for one-half hour after sunset to one-half hour before sunrise.

2. No person shall operate an UTV or ride as a passenger on a UTV unless such person is wearing a protective helmet of a type approved by the commissioner pursuant to subdivision six of section three hundred eighty-one of this chapter.

3. No person shall operate a UTV:

(a) on a highway with tires equipped with any studs other than automotive studs;

(b) except as an authorized emergency UTV, police, or civil defense UTV as an emergency vehicle, while displaying one or more lighted red or a combination red or white lights which are revolving, rotating, flashing, oscillating or constantly moving;

(c) as an authorized emergency UTV or civil defense UTV, as an emergency vehicle unless it is equipped with one or more lighted, red or combination red or white light or lights which is or are revolving, rotating, flashing, oscillating or constantly moving and which has or have minimum candle power of sufficient intensity to be plainly visible from a distance of five hundred feet in all directions under normal atmospheric conditions.

§ 2607. Liability insurance. 1. A UTV which is operated anywhere in this state other than on lands of the owner of the UTV shall be covered by a policy of insurance, in such language and form as shall be determined and established by the superintendent of financial services, issued by an insurance carrier authorized to do business in this state. Such policy shall provide for coverages required of an owner's policy of liability insurance as set forth in paragraph (a) of subdivision four of section three hundred eleven of this chapter.

2. In lieu of such insurance coverage as required in subdivision one of this section, the commissioner, in their discretion and upon application of a governmental agency having registered in its name one or more UTVs, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when such commissioner is satisfied that such governmental agency is possessed of financial ability to respond to judgments obtained against it, arising out of the ownership, use or operation of such UTVs.

3. The commissioner may also waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance upon application of any person or any other corporation, having registered in its name, one or more UTVs and furnishing of proof that a certificate of self-insurance has been issued and is in effect pursuant to the provisions of section three hundred sixteen of this chapter.

4. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such UTV upon the request of any magistrate or any person having authority to enforce the provisions of this chapter.

5. The failure to produce such proof upon the request of any such person shall not be an offense but shall be presumptive evidence that the UTV is being operated without having such insurance in force and effect.

6. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such UTV to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such UTV by the owner or operator, if such insurance coverage was required under the circumstances of such operation. It shall be an affirmative defense to any prosecution for a violation of this subdivision that such proof was so produced or displayed within twenty-four hours of receiving notice of such injury or damage, or the claim of such injury or damage.

7. No owner of a UTV shall operate or permit the same to be operated anywhere in this state other than on lands of the owner of the UTV without having in full force and effect the liability insurance coverage

required by this section, and no person shall operate a UTV anywhere in this state other than on lands of the owner of the UTV with the knowledge that such insurance is not in full force and effect.

§ 2608. Special events. 1. The commissioner shall adopt and may, from time to time, amend rules and regulations determining the special events which shall be subject to permit and designating the equipment and facilities necessary for safe operation of UTVs and for the safety of operators, participants, and observers in such special events. Copies of such regulations shall be furnished by the commissioner to any person making an application therefor.

2. Whenever a special event is proposed to be held, the person in charge thereof shall, at least thirty days prior thereto, file an application with appropriate governmental agencies having jurisdiction over the site of such event to hold such special event. The application shall set forth the date and location of the proposed special event and such other information as the governmental agencies may require, and such event shall not be conducted without written authorization from such governmental agencies. Governmental agencies shall either grant or deny authorization to hold a special event within thirty days after receipt of an application for authorization. The commissioner shall be furnished with a copy of all such applications. No permit shall be required for a closed-circuit special event held entirely on private property, but appropriate governmental agencies shall be notified of such event at least thirty days prior thereto.

3. UTVs operated at special events shall be exempted from the provisions of this article concerning mufflers, lights and tires during the time of such event, including all pre-race practice at the location of such event.

§ 2609. UTV safety course and safety certificate. 1. Safety course or courses. The commissioner shall establish a curriculum or curricula for a UTV safety training course or courses. Any such curriculum may include, but not be limited to, on-vehicle training and safe riding practices. The commissioner may establish different courses and curricula for different types of utility task vehicles. The commissioner may permit any such safety training course to be given by any private person, club, association or municipality which meets standards established by the commissioner. The commissioner may establish a reasonable fee which any such person or entity may charge for such course or courses.

2. Safety certificate. Upon successful completion of a safety course given in conformity with subdivision one of this section by a person fourteen years of age or over, the person or entity which gave the course shall notify the commissioner of such completion in a manner prescribed by the commissioner. The commissioner shall, upon receipt of such information, issue a UTV safety certificate to the person who has successfully completed the course. Such certificate may be limited to the type of vehicle for which the course was given.

§ 2610. Operation by minors. 1. No person under the age of sixteen years shall operate a UTV.

2. No person shall operate a UTV unless they are over the age of sixteen years, and maintain a valid driver's license to operate a motor vehicle in accordance with New York state law.

3. The failure of a person to exhibit a UTV safety certificate upon demand to any magistrate or any other officer having authority to enforce the provisions of this article shall not be an offense, but

shall be presumptive evidence that such person is not the holder of such certificate.

4. No parent or guardian shall authorize or knowingly permit their child or ward, if under sixteen years of age, or who does not maintain a valid driver's license to operate a motor vehicle, to operate a UTV in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

5. No owner or other person in possession of any UTV shall authorize or knowingly permit any person under sixteen years of age, or who does not maintain a valid driver's license to operate a motor vehicle, to operate a UTV in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

§ 2611. Liability for negligence. 1. Negligence in the use of operation of a UTV shall be attributable to the owner.

2. Every owner of a UTV used or operated in this state shall be liable and responsible for the death or injury to person or damage to property resulting from negligence in the use or operation of such UTV by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or their legal representative for such injuries or death.

§ 2612. Service on nonresidents and certain residents, administrators or executors. For the purposes of section two hundred fifty-two of this chapter, a UTV shall be a vehicle and the provisions of that section and section two hundred fifty-three of this chapter shall apply to UTVs.

§ 2613. Accidents; reports. 1. The operator of any UTV involved in any accident resulting in injuries to or death of any person or in which property damage in the estimated amount of six hundred dollars or more is sustained, shall immediately notify the nearest law enforcement agency and shall within ten days after such accident report the matter in writing to the department, with a copy thereof to the sheriff or police commissioner of the county in which said accident occurred. If such operator is physically incapable of making such report and there is another participant in the accident not so incapacitated such participant shall make the report within the allotted time after such accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to their knowledge relating to such accident. Every such operator of a UTV, or participant of any such accident, or the owner, of the UTV involved in any such accident, shall make such other and additional reports as the commissioner shall require.

2. Whenever any UTV meets with an accident involving a loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, such operator shall stop and give their name and address, the name and address of the owner thereof and the registration number assigned to said UTV to the injured person or the person sustaining the damage, or to a peace or police officer. In the event the person sustaining the damage is not present at the place where the damage occurred, the operator shall, as soon as physically able, report the same to the nearest law enforcement agency.

3. A peace, police, or judicial officer who investigates or receives information of an accident involving a UTV shall make a written report

of the investigation or information received, and such additional facts relating to the accident as may come to such officer's knowledge and mail the same within forty-eight hours to the department and keep a record thereof in such officer's office.

4. Failure of any person to report an accident as provided in this section or failure to give correctly the information required of such person by the commissioner in connection with such report shall be a misdemeanor and shall constitute a ground for suspension or revocation of the UTV safety certificate of any person or the certificate of registration of any UTV involved in the accident. The commissioner may temporarily suspend the UTV safety certificate of the person failing to make such report or the certificate of registration of the UTV involved in the accident until such report has been filed.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.