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

1946

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. MORELLE, ENGLEBRIGHT, HOYT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the enforcement of the operation of all terrain vehicles and to the registration of such vehicles; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 1 of section 2283 of the vehicle and traffic law is amended by adding three new paragraphs (a), (b) and (c) to read as follows:

(A) A SET OF PERMANENT REGISTRATION NUMBER PLATES SHALL BE PLACED ON AN ALL TERRAIN VEHICLE. ONE PLATE SHALL BE PLACED ON THE FRONT OF THE VEHICLE AND ONE ON THE REAR OF THE VEHICLE, AS HIGH AS POSSIBLE ABOVE AND BETWEEN THE REAR TIRES, EACH SECURELY FASTENED SO AS TO PREVENT THE SAME FROM SWINGING.

(B) SUCH PLATES SHALL DISPLAY THE REGISTRATION NUMBER, CORRESPONDING TO THAT OF THE REGISTRATION CERTIFICATE. THERE SHALL BE A MARKED CONTRAST BETWEEN THE COLOR OF THE PLATES AND THAT OF THE NUMERALS OR LETTERS THEREON. SUCH PLATES SHALL BE OF SUCH MATERIAL, FORM, DESIGN AND DIMENSION, AS THE COMMISSIONER SHALL PRESCRIBE; PROVIDED THAT, SUCH DIMENSIONS AT A MINIMUM SHALL BE THREE AND ONE-HALF INCHES VERTICAL AND SIX INCHES HORIZONTAL.

(C) SUCH PLATES SHALL BE KEPT CLEAN AND IN A CONDITION SO AS TO BE EASILY READABLE AND SHALL NOT BE COVERED BY GLASS OR ANY PLASTIC, AND THE VIEW THEREOF SHALL NOT BE OBSTRUCTED BY ANY PART OF THE VEHICLE OR BY ANYTHING CARRIED THEREON.

S 2. The vehicle and traffic law is amended by adding a new section 2414 to read as follows:

S 2414. FAILURE TO COMPLY; FINES AND PENALTIES. 1. FAILURE TO COMPLY WITH A PROVISION OF LAW REGARDING THE OPERATION OF AN ATV SHALL CONSTI-

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

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TUTE A VIOLATION AND SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS; PROVIDED, HOWEVER, THAT A VIOLATION OF SECTION TWENTY-FOUR HUNDRED SIX OF THIS ARTICLE SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIFTY DOLLARS. A REPEAT VIOLATION OF SUCH LAW WITHIN A FIVE YEAR PERIOD SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS, PROVIDED HOWEVER THAT A REPEAT VIOLATION OF SECTION TWENTY-FOUR HUNDRED SIX OF THIS ARTICLE SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS.

2. IN ADDITION TO THE PENALTIES SET FORTH IN SUBDIVISION ONE OF THIS SECTION, A POLICE OFFICER, ENVIRONMENTAL CONSERVATION OFFICER OR PEACE OFFICER MAY IMMEDIATELY IMPOUND AN ATV OPERATED 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 TITLE WHEN SUCH VIOLATION CONSTITUTES BOTH A SECOND OFFENSE OF SUCH SECTION AND IS A VIOLATION OF SECTION TWENTY-FOUR HUNDRED THREE OF THIS ARTICLE; 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.

3. SUCH IMPOUNDED ATV SHALL BE PROCESSED CONSISTENT WITH THE PROVISIONS OF SECTION FIVE HUNDRED ELEVEN-B OF THIS CHAPTER.

4. IN THE EVENT THAT A FINE IS ASSESSED AGAINST A MINOR FOR ILLEGAL OPERATION OF AN ATV, THE LEGAL PARENT OR GUARDIAN OF SUCH MINOR SHALL BE WHOLLY RESPONSIBLE FOR THE REMITTANCE OF SUCH FINE.

5. FIFTY PERCENT OF THE PROCEEDS COLLECTED IN ACCORDANCE WITH THIS SECTION SHALL BE PROVIDED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE PURPOSE OF ENSURING THAT ALL TERRAIN VEHICLES DO NOT TRESPASS ONTO PUBLIC LANDS UNDER JURISDICTION OF THE STATE, EXCEPT THAT IN CASES WHERE THE ARRESTING OFFICER IS A PEACE OFFICER EMPLOYED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHEREIN THE DEPARTMENT SHALL RECEIVE ONE HUNDRED PERCENT OF SUCH PROCEEDS.

S 3. Subdivision 4 of section 2404 of the vehicle and traffic law is REPEALED and subdivisions 5 and 6 are renumbered subdivisions 4 and 5.

S 4. Subdivision 3 of section 2406 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, is amended to read as follows:

3. No person shall operate an ATV:

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

(b) except as an authorized emergency ATV, police, or civil defense ATV 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 ATV or civil defense ATV, 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[.]; OR

(D) EXCEPT WHILE SEATED UPON THE PERMANENT AND REGULAR SEAT ATTACHED THERETO, AND SUCH OPERATOR SHALL NOT CARRY ANY OTHER PERSON NOR SHALL ANY OTHER PERSON RIDE ON AN ATV UNLESS SUCH ATV 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 ATV AT THE REAR OR SIDE OF THE OPERATOR.

S 5. Nothing in this act 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 all terrain vehicles than are provided or authorized by this act, 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. Nothing in this act shall be deemed to alter or invalidate any local law or ordinance already in effect as of the effective date of this act.

S 6. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the amendment, addition and/or repeal of any rule or regulation necessary for the timely implementation of this act upon its effective date is hereby authorized to be made on or before such effective date.