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

2941

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sen. NOZZOLIO -- 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 all terrain vehicles and agricultural use

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

Section 1. Section 401 of the vehicle and traffic law is amended by adding a new subdivision 14 to read as follows:

14. REGISTRATION OF ALL TERRAIN VEHICLES OPERATED UPON PUBLIC HIGHWAYS CONNECTING PORTIONS OF A FARM OR FARMS, MUNICIPAL SANITARY LANDFILLS AND LICENSED MOTOR VEHICLE REPAIR SHOPS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL TERRAIN VEHICLES TO BE OPERATED BY ANY PERSON, UPON A PUBLIC HIGHWAY FOR THE PURPOSE OF TRAVELING BY THE MOST DIRECT ROUTE, BUT IN NO EVENT FURTHER THAN TWENTY-FIVE MILES ONE-WAY FROM A POINT ON A FARM AS DESIGNATED BY THE VEHICLE OWNER AND SET FORTH IN AN ATTACHMENT TO THE VEHICLE REGISTRATION, (A) BETWEEN FIELDS, BUILDINGS, AND FACILITIES MANAGED OR OPERATED AS PART OF A SINGLE FARM ENTERPRISE IN CONNECTION WITH PRODUCTION, HARVESTING, PROCESSING OR MARKETING ON THAT FARM OF CROPS, LIVESTOCK, OR LIVESTOCK PRODUCTS PRODUCED ON THAT FARM; OR (B) FOR THE PURPOSE OF TRANSPORTING MATERIALS FROM A FARM TO THE NEAREST AVAILABLE MUNICIPAL SANITARY LANDFILL; OR (C) FOR THE PURPOSE OF TRANSPORTING THE ALL TERRAIN VEHICLE TO A MOTOR VEHICLE REPAIR SHOP LICENSED PURSUANT TO THIS CHAPTER FOR THE REPAIR OR ADJUSTMENT OF EQUIPMENT PROVIDED THAT, IN ADDITION TO THE ROUTE RESTRICTIONS SET FORTH IN THIS SUBDIVISION, NO SUCH TRANSPORT SHALL BE AUTHORIZED (I) IF SUCH VEHICLE HAS AN OUT-OF-SERVICE DEFECT RELATING TO LOAD SECUREMENT, BRAKE SYSTEMS, STEERING COMPONENTS AND/OR COUPLING DEVICES, OR AFTER IT HAS BEEN PLACED OUT-OF-SERVICE; (II) ON ANY LIMITED ACCESS HIGHWAY; AND (III) DURING THE PERIOD OF ONE HOUR BEFORE SUNSET TO ONE HOUR AFTER SUNRISE, MAY BE REGISTERED AS PROVIDED IN THIS SUBDIVISION. EVERY OWNER OF SUCH VEHICLES MAY CAUSE TO BE FILED BY MAIL OR OTHERWISE,

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

LBD00765-01-9

WITH THE COMMISSIONER OR WITH ANY AGENT OF THE COMMISSIONER, AN APPLICATION FOR REGISTRATION OF SUCH VEHICLE, ADDRESSED TO THE COMMISSIONER, AND ON A BLANK TO BE FURNISHED BY THE COMMISSIONER FOR THAT PURPOSE, CONTAINING THE INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION AND SUCH OTHER INFORMATION AS THE COMMISSIONER SHALL REQUIRE. THE COMMISSIONER OR AGENT SHALL MAKE SUCH INVESTIGATION, AS HE OR SHE SHALL DETERMINE NECESSARY, AND IF SATISFIED THAT THE VEHICLE IS TO BE OPERATED EXCLUSIVELY AS PROVIDED IN THIS SUBDIVISION SHALL, UPON THE PAYMENT OF A FEE OF ONE DOLLAR, ASSIGN TO SUCH VEHICLE A DISTINCTIVE NUMBER AND ISSUE AND DELIVER TO THE APPLICANT A SET OF NUMBER PLATES AND A CERTIFICATE OF REGISTRATION IN SUCH FORM AS THE COMMISSIONER SHALL PRESCRIBE, INDICATING THE EXTENT TO WHICH THE VEHICLE REGISTERED MAY BE OPERATED ON THE PUBLIC HIGHWAYS AND SUCH VEHICLE MAY BE OPERATED ONLY AS SO INDICATED. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "FARM" AND "CROPS, LIVESTOCK OR LIVESTOCK PRODUCTS," SHALL HAVE THE SAME MEANING AS "LAND USED IN AGRICULTURAL PRODUCTION" AND "CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS," RESPECTIVELY, AS DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, EXCEPT THAT FARMERS WITH AN AVERAGE GROSS SALES VALUE OF AT LEAST ONE THOUSAND DOLLARS PER YEAR OF CROPS, LIVESTOCK, AND LIVESTOCK PRODUCTS SHALL BE ELIGIBLE TO REGISTER VEHICLES PURSUANT TO THIS SUBDIVISION.

S 2. This act shall take effect immediately.