

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 prohibiting the storage and operation of all terrain vehicles in certain places

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

1 Section 1. Subdivision 2 of section 2403 of the vehicle and traffic
2 law, as added by chapter 402 of the laws of 1986, is amended to read as
3 follows:

4 2. Public lands other than highways. No person shall operate an ATV on
5 any public lands, waters and property other than a highway, except that
6 an ATV may be operated on any such lands which have been designated and
7 posted for travel by ATVs in accordance with the provisions of section
8 twenty-four hundred five of this article. PUBLIC LANDS SHALL INCLUDE,
9 BUT NOT BE LIMITED TO, ANY PUBLIC STREET OR SIDEWALK IN ANY CITY WITH A
10 POPULATION OF A MILLION OR MORE.

11 S 2. The vehicle and traffic law is amended by adding a new section
12 2414 to read as follows:

13 S 2414. STORAGE OF ATVS. 1. IN ANY CITY WITH A POPULATION OF A MILLION
14 OR MORE, NO PERSON SHALL STORE AN ATV INSIDE ANY PRIVATE RESIDENTIAL
15 PREMISES, EXCEPT IN A GARAGE OR OTHER AREA WHICH IS STRUCTURALLY SEGRE-
16 GATED FROM RESIDENTIAL LIVING AREAS.

17 2. ANY PERSON WHO VIOLATES SUBDIVISION ONE OF THIS SECTION SHALL BE
18 GUILTY OF A MISDEMEANOR PUNISHABLE BY NOT MORE THAN NINETY DAYS IMPRI-
19 SONMENT OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY BOTH
20 SUCH FINE AND IMPRISONMENT. A NOTICE OF VIOLATION OF THIS SECTION SHALL
21 BE PERSONALLY SERVED UPON SUCH PERSON IN ACCORDANCE WITH THE CIVIL PRAC-
22 TICE LAW AND RULES. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LOCAL
23 LAW, WHERE A SUMMONS OR A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION
24 OF SUBDIVISION ONE OF THIS SECTION, A MEMBER OF A POLICE DEPARTMENT IN

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

1 ANY CITY WITH A POPULATION OF A MILLION OR MORE MAY SEIZE AND IMPOUND
2 THE ALL TERRAIN VEHICLE.

3 (A) AN ALL TERRAIN VEHICLE SEIZED AND IMPOUNDED PURSUANT TO THIS
4 SECTION SHALL BE RELEASED TO THE OWNER OR OTHER PERSON LAWFULLY ENTITLED
5 TO POSSESSION UPON PAYMENT OF THE COSTS OF REMOVAL AND STORAGE AND PROOF
6 OF PAYMENT OF ANY FINE OR CIVIL PENALTY IMPOSED FOR THE VIOLATION OR, IF
7 A PROCEEDING IN CONNECTION WITH THE VIOLATION IS PENDING BEFORE A COURT,
8 UPON THE POSTING OF A BOND OR OTHER FORM OF ACCEPTABLE SECURITY IN AN
9 AMOUNT WHICH WILL SECURE THE PAYMENT OF SUCH COSTS AND ANY FINE OR CIVIL
10 PENALTY WHICH MAY BE IMPOSED FOR THE VIOLATION. IF A COURT FINDS IN
11 FAVOR OF THE RESPONDENT, THE OWNER SHALL BE ENTITLED FORTHWITH TO
12 POSSESSION OF THE ALL TERRAIN VEHICLE WITHOUT CHARGE AND TO THE EXTENT
13 THAT ANY AMOUNT HAS BEEN PREVIOUSLY PAID FOR RELEASE OF THE ALL TERRAIN
14 VEHICLE SUCH AMOUNT SHALL BE REFUNDED.

15 (B) UPON THE SEIZURE OF AN ALL TERRAIN VEHICLE PURSUANT TO THIS
16 SECTION, WRITTEN NOTICE SHALL BE GIVEN OF THE PROCEDURE FOR REDEMPTION
17 OF THE ALL TERRAIN VEHICLE. WHERE THE ALL TERRAIN VEHICLE IS REGISTERED
18 PURSUANT TO THIS CHAPTER, SUCH NOTICE SHALL ALSO BE MAILED TO THE REGIS-
19 TERED OWNER.

20 (C) THE COMMISSIONER, IN CONSULTATION WITH A POLICE COMMISSIONER OF
21 ANY CITY WITH A POPULATION OF A MILLION OR MORE AND A FIRE COMMISSIONER
22 OF SUCH A CITY, SHALL PROMULGATE SUCH RULES AS ARE NECESSARY, TO SET
23 FORTH THE PROCEDURES WHICH MUST BE FOLLOWED REGARDING THE SEIZURE AND
24 RELEASE OF ANY ALL TERRAIN VEHICLE PURSUANT TO THIS SECTION; TO ESTAB-
25 LISH THE TIME WITHIN WHICH AN ALL TERRAIN VEHICLE WHICH IS NOT REDEEMED
26 SHALL BE DEEMED ABANDONED, AND THE PROCEDURES FOR SUBSEQUENT DISPOSAL;
27 AND TO PROVIDE FOR REASONABLE FEES FOR THE TRANSPORTATION AND STORAGE OF
28 SUCH VEHICLES.

29 S 3. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law.