

7710

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the definition and use of all terrain vehicles

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

1 Section 1. Subdivision 1 of section 2281 of the vehicle and traffic
2 law, as amended by chapter 319 of the laws of 1997, is amended to read
3 as follows:
4 1. (a) "All terrain vehicle" or "ATV" means (I) any self-propelled
5 vehicle which is manufactured for sale for operation primarily on off-
6 highway trails or off-highway competitions and only incidentally oper-
7 ated on public highways providing that such vehicle does not exceed
8 [seventy] SIXTY inches in width, or one thousand pounds dry weight.
9 Provided, however, this definition shall not include a "snowmobile" or
10 other self-propelled vehicles manufactured for off-highway use exclu-
11 sively designed for travel on snow or ice, steered by skis or runners
12 and supported in whole or in part by one or more skis, belts or cleats
13 which utilize an endless belt tread; OR
14 (II) ANY SELF-PROPELLED VEHICLE WHICH IS MANUFACTURED FOR SALE FOR
15 OPERATION PRIMARILY ON OFF-HIGHWAY TRAILS OR OFF-HIGHWAY COMPETITIONS
16 AND ONLY INCIDENTALLY OPERATED ON PUBLIC HIGHWAYS PROVIDING THAT SUCH
17 VEHICLE DOES NOT EXCEED SEVENTY INCHES IN WIDTH, OR ONE THOUSAND FIVE
18 HUNDRED POUNDS DRY WEIGHT, CONSISTS OF A SIDE-BY-SIDE PASSENGER CONFIG-
19 URATION, IS DESIGNED FOR NO MORE THAN THREE PASSENGERS AND HAS SAFETY
20 FEATURES WHICH INCLUDE, BUT ARE NOT LIMITED TO, SEAT BELTS AND ROLL-OVER
21 BARS. PROVIDED, HOWEVER, THAT THIS DEFINITION SHALL NOT INCLUDE A
22 "SNOWMOBILE" OR OTHER SELF-PROPELLED VEHICLES MANUFACTURED FOR OFF-HIGH-
23 WAY USE EXCLUSIVELY DESIGNED FOR TRAVEL ON SNOW OR ICE, STEERED BY SKIS
24 OR RUNNERS AND SUPPORTED IN WHOLE OR IN PART BY ONE OR MORE SKIS, BELTS
25 OR CLEATS WHICH UTILIZE AN ENDLESS BELT TREAD.

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

LBD11221-02-1

1 (b) Notwithstanding the provisions of [paragraph (a)] SUBPARAGRAPHS
2 (I) AND (II) OF PARAGRAPH (A) of this subdivision, the [term] TERMS "all
3 terrain vehicle" [or], "ATV" shall not include any vehicle used for
4 agricultural purposes or for snowplowing, other than for hire, provided,
5 however, that any such vehicle shall register as an "all terrain vehi-
6 cle" or "ATV" pursuant to the provisions of this article if such vehicle
7 is used or is intended to be used for any purpose other than agricul-
8 tural purposes or for snowplowing and shall be regulated in accordance
9 with provisions governing the operation of "all terrain vehicles" or
10 "ATV's" while in such use.

11 S 2. Subdivision 1 of section 2405 of the vehicle and traffic law, as
12 added by chapter 402 of the laws of 1986, is amended to read as follows:

13 1. Highways. Except with respect to interstate highways or controlled
14 access highways, the department of transportation with respect to state
15 highways, maintained by the state and any other governmental agency with
16 respect to highways, including bridge and culvert crossings, under its
17 jurisdiction may designate and post any such public highway or portion
18 thereof as open for travel by ATVs [when in the determination of the
19 governmental agency concerned, it is otherwise impossible for ATVs] to
20 gain access to areas or trails adjacent to the highway. Such desig-
21 nations by a state agency shall be by rule or regulation, and such
22 designations by any municipality other than a state agency shall be by
23 local law or ordinance.

24 S 3. This act shall take effect on the thirtieth day after it shall
25 have become a law.