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

1946--A

Cal. No. 646

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. RITCHIE, GRIFFO, BONACIC, GALLIVAN, LARKIN, LITTLE, MARCHIONE, MAZIARZ, O'MARA, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV"

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

Section 1. Subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended to read as follows:

1. (a) "All terrain vehicle" or "ATV" means (I) any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand pounds dry weight. Provided, however, this definition shall not include 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; OR

(II) ANY SELF-PROPELLED VEHICLE WHICH IS MANUFACTURED FOR SALE FOR OPERATION PRIMARILY ON OFF-HIGHWAY TRAILS OR OFF-HIGHWAY COMPETITIONS AND ONLY INCIDENTALLY OPERATED ON PUBLIC HIGHWAYS PROVIDING THAT SUCH VEHICLE DOES NOT EXCEED SEVENTY INCHES IN WIDTH, OR ONE THOUSAND FIVE HUNDRED POUNDS DRY WEIGHT, CONSISTS OF A SIDE-BY-SIDE PASSENGER CONFIG-

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

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URATION, IS DESIGNED FOR NO MORE THAN THREE PASSENGERS AND HAS SAFETY FEATURES WHICH INCLUDE, BUT ARE NOT LIMITED TO, SEAT BELTS AND ROLL-OVER BARS. PROVIDED, HOWEVER, THAT THIS DEFINITION SHALL NOT INCLUDE 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.

(b) Notwithstanding the provisions of [paragraph (a)] SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) of this subdivision, the [term] TERMS "all terrain vehicle" [or], "ATV" 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 "all terrain vehicle" or "ATV" 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 "all terrain vehicles" or "ATV's" while in such use.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.