

7132

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 1, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to the all terrain vehicle trial registration program

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

1     Section 1. The vehicle and traffic law is amended by adding a new  
2     section 2292 to read as follows:  
3     S 2292. ALL TERRAIN VEHICLE TRIAL REGISTRATION PROGRAM. 1. TRIAL  
4     PROGRAM. FOR THE COUNTIES OF ALLEGANY, OSWEGO, JEFFERSON AND MADISON,  
5     AND THE PORTIONS OF SAINT LAWRENCE AND LEWIS COUNTIES THAT ARE LOCATED  
6     OUTSIDE OF THE ADIRONDACK PARK, THE DEPARTMENT SHALL AUTHORIZE A TWO  
7     YEAR TRIAL REGISTRATION PROGRAM FOR ALL TERRAIN VEHICLES (ATV) OF UP TO  
8     ONE THOUSAND FIVE HUNDRED POUNDS.  
9     2. SUCH ATVS SHALL BE REGISTERED WITH THE DEPARTMENT AND SHALL REQUIRE  
10    A REGISTRATION NUMBER WITH A PLATE ON THE BACK OF SUCH VEHICLES. SUCH  
11    PLATE SHALL NOT BE OBSCURED BY GLASS OR PLASTIC AND SHALL NOT BE  
12    OBSTRUCTED BY ANY PART OF THE VEHICLE.  
13    3. FAILURE TO COMPLY WITH ANY PART OF THIS SECTION SHALL CONSTITUTE A  
14    NON-CRIMINAL VIOLATION AND SHALL BE PUNISHABLE BY:  
15    (A) A ONE HUNDRED DOLLAR FINE FOR THE FIRST OFFENSE;  
16    (B) A ONE HUNDRED FIFTY DOLLAR FINE FOR THE SECOND OFFENSE;  
17    (C) A TWO HUNDRED FIFTY DOLLAR FINE FOR A THIRD OR SUBSEQUENT OFFENSE.  
18    4. A POLICE OFFICER OR ENFORCEMENT OFFICIAL FROM THE DEPARTMENT OF  
19    ENVIRONMENTAL CONSERVATION MAY IMPOUND AN ATV FOR THE FOLLOWING REASONS:  
20    (A) OPERATION OF AN ATV ON OTHER THAN DESIGNATED ROUTES WITHIN THE  
21    FOREST PRESERVE; OR  
22    (B) VIOLATION OF SECTION TWENTY-TWO HUNDRED EIGHTY-THREE OF THIS ARTI-  
23    CLE WHEN SUCH VIOLATION CONSTITUTES BOTH A SECOND OFFENSE OF SUCH  
24    SECTION AND IS A VIOLATION OF SECTION TWENTY-FOUR HUNDRED THREE OF THIS  
25    TITLE; OR

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

LBD09999-01-3

1 (C) OPERATION OF AN ATV UPON ANY PUBLIC OR PRIVATE PROPERTY WITHIN THE  
2 STATE DURING THE COMMISSION OF A SEPARATE MISDEMEANOR OR FELONY ACT AS  
3 DEFINED IN THE PENAL LAW; PROVIDED HOWEVER THAT A VIOLATION OF SUBDIVI-  
4 SION (A) OF SECTION 140.10 OF THE PENAL LAW SHALL NOT IN ITSELF CONSTI-  
5 TUTE A SEPARATE MISDEMEANOR FOR PURPOSES OF THIS SUBDIVISION.

6 5. PARENTS OF MINORS FOUND IN VIOLATION OF THIS SECTION SHALL BE  
7 LIABLE FOR SUCH FINES AND PENALTIES ENUMERATED IN THIS SECTION.

8 6. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL ENFORCE THE  
9 PROVISIONS OF THIS SECTION.

10 7. AT THE CONCLUSION OF SUCH PILOT PROGRAM, THE COMMISSIONER IN  
11 CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL  
12 CONSERVATION SHALL ASSESS THE PROGRAM AND SUBMIT A REPORT TO THE LEGIS-  
13 LATURE AND THE GOVERNOR WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
14 ENVIRONMENTAL IMPACT OF SUCH PROGRAM, THE ECONOMIC IMPACT OF SUCH  
15 PROGRAM, THE REVENUE GENERATED AND OTHER CONSIDERATIONS DETERMINED TO BE  
16 RELEVANT BY THE COMMISSIONER AND THE COMMISSIONER OF THE DEPARTMENT OF  
17 ENVIRONMENTAL CONSERVATION.

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