

7723

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 26, 2015

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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; to amend the environmental conservation law, in relation to regulating the use of all terrain vehicles within the forest preserve, the Long Island central pine barrens and the Albany pine bush preserve, and providing penalties for violations of all terrain vehicle laws in such sensitive areas; and to amend the state finance law, in relation to establishing the all terrain vehicle trail development and maintenance fund

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 inches in width, or one thousand pounds dry weight. Provided,  
9     however, this definition shall not include a "snowmobile" or other self-  
10    propelled vehicles manufactured for off-highway use exclusively designed  
11    for travel on snow or ice, steered by skis or runners and supported in  
12    whole or in part by one or more skis, belts or cleats which utilize an  
13    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 AND HAS SAFETY FEATURES WHICH INCLUDE, BUT ARE NOT LIMITED TO,

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

LBD11311-01-5

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. Section 9-0303 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. ALL TERRAIN VEHICLES. A. FOR THE PURPOSES OF THIS SUBDIVISION:

(I) "ALL TERRAIN VEHICLE" OR "ATV" MEANS (1) 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

(2) 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 CONFIGURATION 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.

(II) "SNOWMOBILE" SHALL MEAN A MOTOR VEHICLE DESIGNED FOR TRAVEL ON SNOW OR ICE BY MEANS OF A COMBINATION OF TRACKS AND A SKI OR SKIS.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE USE OF ALL TERRAIN VEHICLES BY THE GENERAL PUBLIC WITHIN THE FOREST PRESERVE IS PROHIBITED.

C. A QUALIFIED PERSON WITH A DISABILITY TO WHOM THE DEPARTMENT HAS ISSUED A NONTRANSFERABLE TEMPORARY REVOCABLE PERMIT PROVIDING MOTOR VEHICLE ACCESS TO CERTAIN STATE LANDS UNDER THE JURISDICTION OF THE DEPARTMENT MAY USE AN ALL TERRAIN VEHICLE PURSUANT TO THE TERMS AND CONDITIONS OF SUCH PERMIT.

D. EMPLOYEES OF THE DEPARTMENT MAY USE ALL TERRAIN VEHICLES FOR APPROPRIATE ADMINISTRATIVE PURPOSES WHERE NECESSARY AND CONSISTENT WITH THE PROVISIONS OF THE ADIRONDACK PARK STATE LAND MASTER PLAN OR THE CATSKILL PARK STATE LAND MASTER PLAN. THE DEPARTMENT SHALL NOT DELEGATE ITS AUTHORITY PURSUANT TO THIS PARAGRAPH.

E. ALL TERRAIN VEHICLES MAY BE USED BY APPROPRIATE OFFICIALS WHERE NECESSARY FOR LAW ENFORCEMENT.

F. ALL TERRAIN VEHICLES MAY BE USED, BY OR UNDER THE SUPERVISION OF APPROPRIATE OFFICIALS, IN CASES OF SUDDEN, ACTUAL AND ONGOING EMERGENCIES THAT INVOLVE THE PROTECTION OR PRESERVATION OF HUMAN LIFE OR INTRINSIC RESOURCE VALUES, AND THAT INVOLVE SEARCH AND RESCUE OPERATIONS, FOREST FIRES OR LARGE-SCALE CONTAMINATION OF WATER BODIES.

S 3. Subparagraph (v) of paragraph a of subdivision 2 of section 46-0111 of the environmental conservation law, as added by chapter 792 of the laws of 1988, is amended to read as follows:

(v) other recreational uses; PROVIDED, HOWEVER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE USE OF ALL TERRAIN VEHICLES BY THE GENERAL PUBLIC WITHIN THE ALBANY PINE BUSH PRESERVE IS PROHIBITED.

S 4. Paragraph (d) of subdivision 2 of section 57-0121 of the environmental conservation law, as added by chapter 262 of the laws of 1993, is amended to read as follows:

(d) promote active and passive recreational and environmental educational uses that are consistent with the land use plan; PROVIDED, HOWEVER, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE USE OF ALL TERRAIN VEHICLES BY THE GENERAL PUBLIC WITHIN THE CENTRAL PINE BARRENS AREA IS PROHIBITED; and

S 5. The environmental conservation law is amended by adding a new section 71-0717 to read as follows:

S 71-0717. ADDITIONAL ALL TERRAIN VEHICLE ENFORCEMENT ON SENSITIVE STATE LANDS.

1. IN ADDITION TO THE PENALTIES SET FORTH IN SUBDIVISION ONE OF SECTION 71-0703 OF THIS TITLE, AND SECTIONS 71-4001 AND 71-4003 OF THIS ARTICLE, A POLICE OFFICER OR PEACE OFFICER MAY IMMEDIATELY IMPOUND ANY ALL TERRAIN VEHICLE OPERATED IN VIOLATION OF SUBDIVISION EIGHT OF SECTION 9-0303, PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION 57-0121 OR SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION TWO OF SECTION 46-0111 OF THIS CHAPTER. A SURCHARGE OF ONE HUNDRED DOLLARS SHALL BE PAID BY THE OWNER OF SUCH VEHICLE, AND MONIES THEREFROM SHALL BE DEPOSITED INTO A SEPARATE, NON-LAPSING ALL TERRAIN VEHICLE ENFORCEMENT FUND OF THE IMPOUNDING LAW ENFORCEMENT AGENCY, EXCEPT AS PROVIDED BY SUBDIVISION TWO OF THIS SECTION.

2. WHERE THE IMPOUNDING OFFICER IS A PEACE OFFICER EMPLOYED BY THE DEPARTMENT, THE ENVIRONMENTAL REGULATORY ACCOUNT OF THE ENVIRONMENTAL CONSERVATION SPECIAL REVENUE FUND SHALL BE CREDITED WITH THE MONIES RECEIVED FROM THE SURCHARGE REQUIRED BY SUBDIVISION ONE OF THIS SECTION. MONIES COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE MADE AVAILABLE TO THE DEPARTMENT FOR THE PURPOSE OF ENFORCING ALL TERRAIN VEHICLE LAWS APPLICABLE TO THE FOREST PRESERVE, LONG ISLAND CENTRAL PINE BARRENS AREA AND THE ALBANY PINE BUSH PRESERVE.

S 6. The state finance law is amended by adding a new section 92-gg to read as follows:

S 92-GG. ALL TERRAIN VEHICLE TRAIL DEVELOPMENT AND MAINTENANCE FUND.

1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION AND THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "ALL TERRAIN VEHICLE TRAIL DEVELOPMENT AND MAINTENANCE FUND". THE MONEYS IN SUCH FUND SHALL BE AVAILABLE FOR PAYMENT OF ANY AND ALL COSTS AND EXPENDITURES INCURRED IN PERFORMING ANY OF THE WORK REQUIRED IN DEVELOPING AND MAINTAINING A SYSTEM OF ALL TERRAIN VEHICLE TRAILS PURSUANT TO SECTION TWO THOUSAND TWO HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, INCLUDING COSTS AND EXPENSES INCIDENTAL AND APPURTENANT THERETO.

1 2. MONEYS IN ALL TERRAIN VEHICLE TRAIL DEVELOPMENT AND MAINTENANCE  
2 FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY  
3 OTHER MONEYS IN THE JOINT OR SOLE CUSTODY OF THE STATE COMPTROLLER OR  
4 THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION.

5 3. THE ALL TERRAIN VEHICLE TRAIL DEVELOPMENT AND MAINTENANCE FUND  
6 SHALL CONSIST OF THE REVENUES REQUIRED TO BE DEPOSITED THEREIN PURSUANT  
7 TO THE PROVISIONS OF SECTION TWO THOUSAND TWO HUNDRED EIGHTY-TWO OF THE  
8 VEHICLE AND TRAFFIC LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED  
9 THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

10 4. THE MONEYS IN SUCH FUND SHALL BE APPROPRIATED BY THE LEGISLATURE  
11 AND PAID OUT PURSUANT TO SECTION TWO THOUSAND TWO HUNDRED NINETY-TWO OF  
12 THE VEHICLE AND TRAFFIC LAW.

13 S 7. The vehicle and traffic law is amended by adding a new section  
14 2292 to read as follows:

15 S 2292. ATV TRAIL DEVELOPMENT AND MAINTENANCE. 1. EVERY COUNTY ENGAG-  
16 ING AND ASSISTING IN THE DEVELOPMENT AND MAINTENANCE OF A SYSTEM OF ATV  
17 TRAILS AND A PROGRAM WITH RELATION THERETO WITHIN ITS BOUNDARIES IN  
18 ORDER TO ENCOURAGE SAFETY, TOURISM AND UTILIZATION AND, IN THE EVENT A  
19 COUNTY DOES NOT UNDERTAKE SUCH A PROGRAM, OR SYSTEM OF TRAILS, ANY CITY,  
20 TOWN OR VILLAGE WITHIN SUCH COUNTY WHICH UNDERTAKES THE SAME, SHALL BE  
21 ENTITLED TO RECEIVE, IN ACCORDANCE WITH RULES AND REGULATIONS TO BE  
22 PROMULGATED BY THE COMMISSIONER, STATE AID AS HEREINAFTER PROVIDED.

23 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
24 COMMISSIONER SHALL ESTABLISH A PLAN FOR THE DEVELOPMENT AND MAINTENANCE  
25 OF ATV TRAILS AND FACILITIES IN THE VARIOUS COUNTIES OR WHERE APPLICA-  
26 BLE, CITIES, TOWNS OR VILLAGES OF THE STATE AS MAY BE APPROPRIATE AND  
27 SHALL TAKE WHATEVER ACTION HE OR SHE DEEMS NECESSARY TO FOSTER AND  
28 PROMOTE THE SAFE UTILIZATION OF SUCH TRAILS AND FACILITIES; FOR THESE  
29 PURPOSES, HE OR SHE MAY DRAW UPON THE MONEYS DEPOSITED IN THE ATV TRAIL  
30 DEVELOPMENT AND MAINTENANCE FUND PURSUANT TO SECTION NINETY-TWO-GG OF  
31 THE STATE FINANCE LAW FOR EXPENSES, INCLUDING PERSONAL SERVICES, AS  
32 APPROVED BY THE COMPTROLLER AND IS HEREBY AUTHORIZED TO ASSIGN THREE  
33 EMPLOYEES OF HIS OR HER OFFICE TO CARRY OUT SUCH RESPONSIBILITIES AND TO  
34 PAY THEIR SALARIES, BENEFITS AND EXPENSES OUT OF SUCH FUND.

35 3. EVERY COUNTY OR, WHERE APPLICABLE, ANY CITY, TOWN OR VILLAGE WITHIN  
36 SUCH COUNTY, SHALL BE ELIGIBLE FOR A GRANT FOR THE DEVELOPMENT AND MAIN-  
37 TENANCE OF A SYSTEM OF ATV TRAILS AND A PROGRAM WITH RELATION THERETO  
38 WITHIN ITS BOUNDARIES. SUCH GRANTS SHALL BE MADE BY THE COMMISSIONER AND  
39 MAY CONSTITUTE UP TO ONE HUNDRED PERCENT OF THE COST OF SUCH PROGRAM  
40 INCLUDING EXPENDITURES INCURRED FOR SIGNS AND MARKERS OF SNOWMOBILE  
41 TRAILS. ANY COUNTY OR, WHERE APPLICABLE, ANY CITY, TOWN OR VILLAGE WITH-  
42 IN SUCH COUNTY, APPLYING FOR SUCH GRANT SHALL SUBMIT TO THE COMMISSIONER  
43 BY SEPTEMBER FIRST OF EACH YEAR AN ESTIMATE OF SUCH EXPENDITURES FOR THE  
44 CURRENT FISCAL YEAR, IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE  
45 COMMISSIONER MAY REQUIRE. NO CITY, TOWN OR VILLAGE MAY APPLY FOR SUCH  
46 GRANT WHERE THE COUNTY WITHIN WHICH IT IS CONTAINED HAS SUBMITTED AN  
47 APPLICATION FOR THE SAME FISCAL YEAR. FOR THE PURPOSE OF THIS SECTION,  
48 "FISCAL YEAR" SHALL MEAN THE PERIOD FROM APRIL FIRST THROUGH MARCH THIR-  
49 TY-FIRST. THE COMMISSIONER SHALL REVIEW ALL SUCH APPLICATIONS AND SHALL  
50 DETERMINE THE AMOUNT OF STATE AID TO BE ALLOCATED TO EACH COUNTY OR,  
51 WHERE APPLICABLE, ANY CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY IN  
52 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION. OF  
53 THE AMOUNT THE COMMISSIONER DETERMINES EACH COUNTY OR, WHERE APPLICABLE,  
54 ANY CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY IS ELIGIBLE TO RECEIVE,  
55 SEVENTY PERCENT SHALL BE MADE AVAILABLE FOR DISTRIBUTION BY NOVEMBER

1 FIRST AND THIRTY PERCENT FOR DISTRIBUTION UPON DEMONSTRATION OF  
2 COMPLETION, SUBMITTED BY JUNE FIRST, OF THE PROGRAM.

3 4. NOT MORE THAN THIRTY PERCENT OF THE ATV TRAIL DEVELOPMENT AND MAIN-  
4 TENANCE FUND PURSUANT TO SECTION NINETY-TWO-GG OF THE STATE FINANCE LAW,  
5 AS DETERMINED BY THE COMMISSIONER, SHALL BE MADE AVAILABLE TO THE  
6 COMMISSIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION FOR ATV  
7 TRAIL DEVELOPMENT AND MAINTENANCE ON STATE OWNED LANDS; PROVIDED, HOWEV-  
8 ER, THAT ANY SUCH MAINTENANCE AND DEVELOPMENT ON FOREST PRESERVE LANDS  
9 SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE MASTER PLAN FOR THE MANAGE-  
10 MENT OF STATE LANDS PURSUANT TO SECTION EIGHT HUNDRED SIXTEEN OF THE  
11 EXECUTIVE LAW.

12 5. THE AMOUNT OF STATE AID TO BE ALLOCATED TO EACH COUNTY OR, WHERE  
13 APPLICABLE, ANY CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY, SHALL BE DRAWN  
14 UPON THE MONIES REMAINING IN THE ATV TRAIL DEVELOPMENT AND MAINTENANCE  
15 FUND PURSUANT TO SECTION NINETY-TWO-GG OF THE STATE FINANCE LAW AFTER  
16 WITHDRAWAL PURSUANT TO SUBDIVISIONS TWO AND FOUR OF THIS SECTION AND  
17 SHALL BE DETERMINED BY THE COMMISSIONER AS HEREINAFTER PROVIDED. THE  
18 COMMISSIONER SHALL DETERMINE THE PERCENTAGE PROPORTION WHICH THE AUTHOR-  
19 IZED EXPENDITURES OF EACH INDIVIDUAL COUNTY OR, WHERE APPLICABLE, ANY  
20 CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY SHALL BEAR TO THE TOTAL AUTHOR-  
21 IZED EXPENDITURES OF ALL THE COUNTIES, CITIES, TOWNS OR VILLAGES FOR ATV  
22 TRAIL DEVELOPMENT AND MAINTENANCE PURSUANT TO THIS SECTION DURING THE  
23 FISCAL YEAR. SUCH PERCENTAGE PROPORTION SHALL THEN BE APPLIED AGAINST  
24 THE AMOUNT RECEIVED IN ADDITIONAL FEES IMPOSED BY SECTION TWO THOUSAND  
25 TWO HUNDRED EIGHTY-TWO OF THIS CHAPTER FOR REGISTRATION OF ATVS DURING  
26 SUCH FISCAL YEAR, TO THE EXTENT ONLY AND NOT EXCEEDING THE BALANCE OF  
27 SUCH FUND REMAINING AFTER THE PAYMENT OF EXPENSES AS SET FORTH IN THIS  
28 SECTION. THE AMOUNT THUS DETERMINED SHALL CONSTITUTE THE MAXIMUM AMOUNT  
29 OF STATE AID TO WHICH EACH COUNTY OR, WHERE APPLICABLE, ANY CITY, TOWN  
30 OR VILLAGE WITHIN SUCH COUNTY, SHALL BE ENTITLED. THE COMMISSIONER SHALL  
31 CERTIFY TO THE COMPTROLLER THE AMOUNT THUS DETERMINED FOR EACH COUNTY  
32 OR, WHERE APPLICABLE, ANY CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY, AS  
33 THE AMOUNT OF STATE AID TO BE APPORTIONED TO SUCH COUNTY OR, WHERE  
34 APPLICABLE, ANY CITY, TOWN OR VILLAGE WITHIN SUCH COUNTY.

35 S 8. Subdivision 1 of section 2403 of the vehicle and traffic law is  
36 amended by adding a new paragraph (c) to read as follows

37 (C) AN ATV MAY OPERATE ON HIGHWAYS, FOR A DISTANCE NOT TO EXCEED FIVE  
38 HUNDRED YARDS, WHEN IN THE DETERMINATION OF THE GOVERNMENTAL AGENCY  
39 CONCERNED IT IS OTHERWISE IMPOSSIBLE FOR ATVS TO GAIN ACCESS TO AREAS OR  
40 TRAILS ADJACENT TO THE HIGHWAY, FOR THE PURPOSE ONLY OF GAINING ACCESS  
41 TO AND FROM THE AREAS OF OPERATION.

42 S 9. Section 2403 of the vehicle and traffic law is amended by adding  
43 a new subdivision 5 to read as follows:

44 5. TRESPASS. THE VIOLATION OF SUBDIVISION ONE, TWO, THREE, OR THREE-A  
45 OF THIS SECTION SHALL BE A MISDEMEANOR AND SHALL CONSTITUTE A GROUND FOR  
46 SUSPENSION OR REVOCATION OF THE ATV SAFETY CERTIFICATE OF ANY PERSON OR  
47 THE CERTIFICATE OF REGISTRATION OF ANY ATV INVOLVED IN SUCH VIOLATION.  
48 THE COMMISSIONER MAY SUSPEND OR REVOKE THE ATV SAFETY CERTIFICATE OF THE  
49 PERSON COMMITTING SUCH VIOLATION OR THE CERTIFICATE OF REGISTRATION OF  
50 THE ATV INVOLVED IN SUCH VIOLATION IN ACCORDANCE WITH THE PROVISIONS OF  
51 SUBDIVISION THREE OF SECTION FIVE HUNDRED TEN OF THIS CHAPTER.

52 S 10. Subdivision 1 of section 2405 of the vehicle and traffic law, as  
53 added by chapter 402 of the laws of 1986, is amended to read as follows:

54 1. Highways. (A) Except with respect to interstate highways or  
55 controlled access highways, the department of transportation with  
56 respect to state highways, maintained by the state and any other govern-

1 mental agency with respect to highways, including bridge and culvert  
2 crossings, under its jurisdiction may designate and post any such public  
3 highway or portion thereof as open for travel by ATVs when in the deter-  
4 mination of the governmental agency concerned, it is otherwise impossi-  
5 ble for ATVs to gain access to areas or trails adjacent to the highway.  
6 Such designations by a state agency shall be by rule or regulation, and  
7 such designations by any municipality other than a state agency shall be  
8 by local law or ordinance.

9 (B) ANY ATV OPERATOR UTILIZING A HIGHWAY IN ACCORDANCE WITH PARAGRAPH  
10 (A) OF THIS SUBDIVISION SHALL BE IN POSSESSION OF A VALID DRIVER'S  
11 LICENSE; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS PARAGRAPH SHALL  
12 NOT APPLY TO AN OPERATOR UTILIZING A HIGHWAY IN ACCORDANCE WITH PARA-  
13 GRAPH (C) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED THREE OF  
14 THIS ARTICLE.

15 S 11. Nothing in this act shall be deemed to limit the authority of  
16 any county, city, town or village to adopt or amend any local law or  
17 ordinance which imposes stricter restrictions and conditions on the  
18 operation of all terrain vehicles than are provided or authorized by  
19 this act, so long as such local law or ordinance is consistent with the  
20 authority to protect the order, conduct, health, safety and general  
21 welfare of persons or property. Nothing in this act shall be deemed to  
22 alter or invalidate any local law or ordinance in effect on the effec-  
23 tive date of this act.

24 S 12. This act shall take effect on the thirtieth day after it shall  
25 have become a law.