

# STATE OF NEW YORK

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1429--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 12, 2017

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Introduced by M. of A. JENNE -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT 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; to amend the vehicle and traffic law, in relation to the definition and use of all terrain vehicles; to amend the state finance law, in relation to establishing the all terrain vehicle trail development and maintenance fund and the ATV environmental restoration fund; and to amend the tax law and the state finance law, in relation to establishing tax credits for landowners who allow all terrain vehicle access

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (v) of paragraph a of subdivision 2 of section  
2 46-0111 of the environmental conservation law, as added by chapter 792  
3 of the laws of 1988, is amended to read as follows:

4 (v) other recreational uses; provided, however, that, notwithstanding  
5 any other provision of law to the contrary, the use of all terrain vehi-  
6 cles by the general public within the Albany Pine Bush preserve is  
7 prohibited.

8 § 2. Paragraph (d) of subdivision 2 of section 57-0121 of the environ-  
9 mental conservation law, as added by chapter 262 of the laws of 1993, is  
10 amended to read as follows:

11 (d) promote active and passive recreational and environmental educa-  
12 tional uses that are consistent with the land use plan; provided, howev-  
13 er, that, notwithstanding any other provision of law to the contrary,  
14 the use of all terrain vehicles by the general public within the Central  
15 Pine Barrens area is prohibited; and

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

LBD02533-02-7

§ 3. 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 five hundred 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.

(iii) "Travel corridor" shall mean natural and man-made undeveloped areas of land or water adjacent to and within sight of transportation routes such as interstate, state, county and town highways, boating and canoe routes, and hiking and horse trails.

(iv) "Environmentally sensitive lands" shall have the same meaning as in section 52-0101 of the environmental conservation law.

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, subject to land management plans.

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.

g. All terrain vehicles may be used on trail connectors, including designated highways, or travel corridors in the Adirondack Park, including the roadbed and right-of-way for highways, the Remsen to Lake Placid railroad right-of-way, and those state lands immediately adjacent to and

1 visible from these facilities when in the determination of the govern-  
2 mental agency concerned it is impractical due to natural barriers or  
3 environmentally intrusive for all terrain vehicles to gain access to  
4 areas or trails adjacent to the highway and travel corridors; provided,  
5 however, that such operation shall not exceed five hundred yards, and is  
6 for the sole purpose of gaining access to and from the areas of opera-  
7 tion; and provided that the aggregate of such trail connectors shall not  
8 exceed five miles in the Adirondack Park, as determined by the depart-  
9 ment, except that such five mile limit shall not apply to the Remsen to  
10 Lake Placid railroad right-of-way, and such five mile limit shall  
11 increase to ten miles five years after the effective date of this subdi-  
12 vision.

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

16 1. (a) "All terrain vehicle" or "ATV" means (i) any self-propelled  
17 vehicle which is manufactured for sale for operation primarily on off-  
18 highway trails or off-highway competitions and only incidentally oper-  
19 ated on public highways providing that such vehicle does not exceed  
20 seventy inches in width, or one thousand five hundred pounds dry weight.  
21 Provided, however, this definition shall not include a "snowmobile" or  
22 other self-propelled vehicles manufactured for off-highway use exclu-  
23 sively designed for travel on snow or ice, steered by skis or runners  
24 and supported in whole or in part by one or more skis, belts or cleats  
25 which utilize an endless belt tread; or

26 (ii) any self-propelled vehicle which is manufactured for sale for  
27 operation primarily on off-highway trails or off-highway competitions  
28 and only incidentally operated on public highways providing that such  
29 vehicle does not exceed seventy inches in width, or one thousand five  
30 hundred pounds dry weight, consists of a side-by-side passenger config-  
31 uration and has safety features which include, but are not limited to,  
32 seat belts and roll-over bars. Provided, however, that this definition  
33 shall not include a "snowmobile" or other self-propelled vehicles manu-  
34 factured for off-highway use exclusively designed for travel on snow or  
35 ice, steered by skis or runners and supported in whole or in part by one  
36 or more skis, belts or cleats which utilize an endless belt tread.

37 (b) Notwithstanding the provisions of [~~paragraph (a)~~] subparagraphs  
38 (i) and (ii) of paragraph (a) of this subdivision, the [~~term~~] terms "all  
39 terrain vehicle" or "ATV" shall not include any vehicle used for agri-  
40 cultural purposes or for snowplowing, other than for hire, provided,  
41 however, that any such vehicle shall register as an "all terrain vehi-  
42 cle" or "ATV" pursuant to the provisions of this article if such vehicle  
43 is used or is intended to be used for any purpose other than agricul-  
44 tural purposes or for snowplowing and shall be regulated in accordance  
45 with provisions governing the operation of "all terrain vehicles" or  
46 "ATV's" while in such use.

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

49 § 71-0717. Additional all terrain vehicle enforcement on sensitive state  
50 lands.

51 1. In addition to the penalties set forth in subdivision one of  
52 section 71-0703 of this title, and sections 71-4001 and 71-4003 of this  
53 article, a police officer or peace officer may immediately impound any  
54 all terrain vehicle operated in violation of subdivision eight of  
55 section 9-0303, paragraph (d) of subdivision two of section 57-0121 or  
56 subparagraph (v) of paragraph a of subdivision two of section 46-0111 of

1 this chapter. A surcharge of one hundred dollars shall be paid by the  
2 owner of such vehicle, and monies therefrom shall be deposited into a  
3 separate, non-lapsing enforcement fund of the impounding law enforcement  
4 agency, except as provided by subdivision two of this section.

5 2. Where the impounding officer is a peace officer employed by the  
6 department, the environmental regulatory account of the environmental  
7 conservation special revenue fund shall be credited with the monies  
8 received from the surcharge required by subdivision one of this section.  
9 Monies collected pursuant to this subdivision shall be made available to  
10 the department for the purpose of enforcing laws applicable to the  
11 forest preserve, Long Island Central Pine Barrens area and the Albany  
12 Pine Bush preserve.

13 3. A qualified person with a disability to whom the department has  
14 issued a nontransferable temporary revocable permit providing motor  
15 vehicle access to certain state lands under the jurisdiction of the  
16 department may use an all terrain vehicle pursuant to the terms and  
17 conditions of such permit, subject to land management plans.

18 4. Employees of the department may use all terrain vehicles for appro-  
19 priate administrative purposes where necessary and consistent with the  
20 provisions of the Adirondack park state land master plan or the Catskill  
21 park state land master plan. The department shall not delegate its  
22 authority pursuant to this paragraph.

23 5. All terrain vehicles may be used by appropriate officials where  
24 necessary for law enforcement.

25 6. All terrain vehicles may be used, by or under the supervision of  
26 appropriate officials, in cases of sudden, actual and ongoing emergen-  
27 cies that involve the protection or preservation of human life or  
28 intrinsic resource values, and that involve search and rescue oper-  
29 ations, forest fires or large-scale contamination of water bodies.

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

32 § 92-gg. ATV trail development and maintenance fund. 1. There is here-  
33 by established in the joint custody of the commissioner of motor vehi-  
34 cles and the state comptroller a special fund to be known as the "all  
35 terrain vehicle trail development and maintenance fund". The moneys in  
36 such fund shall be available for payment of any and all costs and  
37 expenditures incurred in performing any of the work required in develop-  
38 ing and maintaining a system of all terrain vehicle trails pursuant to  
39 section two thousand two hundred ninety-two of the vehicle and traffic  
40 law, including costs and expenses incidental and appurtenant thereto.

41 2. Moneys in the all terrain vehicle trail development and maintenance  
42 fund shall be kept separately from and shall not be commingled with any  
43 other moneys in the joint or sole custody of the state comptroller or  
44 the commissioner of motor vehicles.

45 3. The all terrain vehicle trail development and maintenance fund  
46 shall consist of the revenues required to be deposited therein pursuant  
47 to the provisions of section two thousand two hundred eighty-two of the  
48 vehicle and traffic law and all other moneys credited or transferred  
49 thereto from any other fund or source pursuant to law.

50 4. The moneys in such fund shall be appropriated by the legislature  
51 and paid out pursuant to section two thousand two hundred ninety-two of  
52 the vehicle and traffic law.

53 § 7. The state finance law is amended by adding a new section 92-hh to  
54 read as follows:

55 § 92-hh. ATV environmental restoration fund. 1. There is hereby estab-  
56 lished in the joint custody of the commissioner of motor vehicles and

1 the state comptroller a special fund to be known as the "ATV environ-  
2 mental restoration fund". The moneys in such fund shall be available for  
3 the payment of any and all costs and expenditures for the repair of any  
4 environmental damage caused by all terrain vehicles, including costs and  
5 expenses incidental and appurtenant thereto.

6 2. Moneys in the ATV environmental restoration fund shall be kept  
7 separately from and shall not be commingled with any other moneys in the  
8 joint or sole custody of the state comptroller or the commissioner of  
9 motor vehicles.

10 3. The ATV environmental restoration fund shall consist of the reven-  
11 ues required to be deposited therein pursuant to the provisions of  
12 section two thousand two hundred ninety-four of the vehicle and traffic  
13 law and all other moneys credited or transferred thereto from any other  
14 fund or source pursuant to law.

15 § 8. The vehicle and traffic law is amended by adding a new section  
16 2292 to read as follows:

17 § 2292. ATV trail development and maintenance. 1. Every county engag-  
18 ing and assisting in the development and maintenance of a system of ATV  
19 trails and a program with relation thereto within its boundaries in  
20 order to encourage safety, tourism and utilization and, in the event a  
21 county does not undertake such a program, or system of trails, any city,  
22 town or village within such county which undertakes the same, shall be  
23 entitled to receive, in accordance with rules and regulations to be  
24 promulgated by the commissioner, state aid as hereinafter provided.

25 2. Notwithstanding any other provision of law to the contrary, the  
26 commissioner shall establish a plan for the development and maintenance  
27 of ATV trails and facilities in the various counties or where applica-  
28 ble, cities, towns or villages of the state as may be appropriate and  
29 shall take whatever action he or she deems necessary to foster and  
30 promote the safe utilization of such trails and facilities; for these  
31 purposes, he or she may draw upon the moneys deposited in the ATV trail  
32 development and maintenance fund pursuant to section ninety-two-gg of  
33 the state finance law for expenses, including personal services, as  
34 approved by the comptroller and is hereby authorized to assign three  
35 employees of his or her office to carry out such responsibilities and to  
36 pay their salaries, benefits and expenses out of such fund.

37 3. Every county or, where applicable, any city, town or village within  
38 such county, shall be eligible for a grant for the development and main-  
39 tenance of a system of ATV trails and a program with relation thereto  
40 within its boundaries. Such grants shall be made by the commissioner and  
41 may constitute up to one hundred percent of the cost of such program  
42 including expenditures incurred for signs and markers of ATV trails. Any  
43 county or, where applicable, any city, town or village within such coun-  
44 ty, applying for such grant shall submit to the commissioner by April  
45 first of each year an estimate of such expenditures for the current  
46 fiscal year, in such form and containing such information as the commis-  
47 sioner may require. No city, town or village may apply for such grant  
48 where the county within which it is contained has submitted an applica-  
49 tion for the same fiscal year. For the purpose of this section, "fiscal  
50 year" shall mean the period from April first through March thirty-first.  
51 The commissioner shall review all such applications and shall determine  
52 the amount of state aid to be allocated to each county or, where appli-  
53 cable, any city, town or village within such county in accordance with  
54 the provisions of subdivision five of this section. Of the amount the  
55 commissioner determines each county or, where applicable, any city, town  
56 or village within such county is eligible to receive, seventy percent



1 shall be made available for distribution by June first and thirty  
2 percent for distribution upon demonstration of completion, submitted by  
3 December first, of the program.

4 4. Not more than ten percent of the ATV trail development and mainte-  
5 nance fund pursuant to section ninety-two-gg of the state finance law,  
6 as determined by the commissioner, shall be made available to the  
7 commissioner and the commissioner of environmental conservation for ATV  
8 trail development and maintenance on state owned lands.

9 5. The amount of state aid to be allocated to each county or, where  
10 applicable, any city, town or village within such county, shall be drawn  
11 upon the monies remaining in the ATV trail development and maintenance  
12 fund pursuant to section ninety-two-gg of the state finance law after  
13 withdrawal pursuant to subdivisions two and four of this section and  
14 shall be determined by the commissioner as hereinafter provided. The  
15 commissioner shall determine the percentage proportion which the author-  
16 ized expenditures of each individual county or, where applicable, any  
17 city, town or village within such county shall bear to the total author-  
18 ized expenditures of all the counties, cities, towns or villages for ATV  
19 trail development and maintenance pursuant to this section during the  
20 fiscal year. Such percentage proportion shall then be applied against  
21 the amount received in additional fees imposed by section two thousand  
22 two hundred eighty-two of this article for registration of ATVs during  
23 such fiscal year, to the extent only and not exceeding the balance of  
24 such fund remaining after the payment of expenses as set forth in this  
25 section. The amount thus determined shall constitute the maximum amount  
26 of state aid to which each county or, where applicable, any city, town  
27 or village within such county, shall be entitled. The commissioner shall  
28 certify to the comptroller the amount thus determined for each county  
29 or, where applicable, any city, town or village within such county, as  
30 the amount of state aid to be apportioned to such county or, where  
31 applicable, any city, town or village within such county.

32 § 9. The vehicle and traffic law is amended by adding a new section  
33 2293 to read as follows:

34 § 2293. Fee for ATV trail development and maintenance. 1. A fee of  
35 seventy-seven dollars is hereby imposed upon the owner of an ATV for the  
36 ATV trail development and maintenance fund pursuant to section ninety-  
37 two-gg of the state finance law to be paid to the commissioner upon the  
38 registration thereof in addition to the registration fee required by  
39 this article, the payment of which fee hereby imposed shall be a condi-  
40 tion precedent to such individual resident, individual nonresident or  
41 dealer registration.

42 2. Notwithstanding the fee as established in subdivision one of this  
43 section, an individual registering an ATV who provides proof at the time  
44 of registration, that such individual is a member of an organized New  
45 York state ATV club, that is a member of the New York state off-highway  
46 recreational vehicle association or is a member of an organized New York  
47 state ATV club that is a trail maintenance entity and a member of the  
48 New York state off-highway recreational vehicle association, shall pay  
49 thirty dollars for each ATV for the ATV trail development and mainte-  
50 nance fund pursuant to section ninety-two-gg of the state finance law in  
51 addition to the registration required by this article. In the event that  
52 an individual seeking ATV club membership is unable, for any reason, to  
53 secure such club membership, he or she may contact the New York state  
54 off-highway recreational vehicle association, who shall secure such  
55 membership for such person.

§ 10. The vehicle and traffic law is amended by adding a new section 2294 to read as follows:

§ 2294. Disposition of penalties and fines. The commissioner shall deposit all monies received from all penalties and fines collected pursuant to this article and article forty-eight-c of this title or as a result of a 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 the environmental conservation law to the credit of the ATV environmental restoration fund.

§ 11. Subdivision 1 of section 2403 of the vehicle and traffic law is amended by adding a new paragraph (c) to read as follows:

(c) All terrain vehicles may be used on trail connectors, including designated highways, or travel corridors in the Adirondack Park including the roadbed and right-of-way for highways, the Remsen to Lake Placid railroad right-of-way, and those state lands immediately adjacent to and visible from these facilities when in the determination of the governmental agency concerned it is impractical due to natural barriers or environmentally intrusive for ATVs to gain access to areas or trails adjacent to the highway and travel corridors; provided, however, that highway operation shall not exceed five hundred yards and is for the sole purpose of gaining access to and from the areas of operation; and provided that the aggregate of such trail connectors shall not exceed five miles in the Adirondack Park, as determined by the department of environmental conservation, except that such five mile limit shall not apply to the Remsen to Lake Placid railroad right-of-way, and such five mile limit shall increase to ten miles five years after the effective date of this paragraph.

§ 12. Section 2403 of the vehicle and traffic law is amended by adding a new subdivision 5 to read as follows:

5. Trespass. The violation of subdivision one, two, three, or three-a of this section shall be a misdemeanor and shall constitute a ground for suspension or revocation of the ATV safety certificate of any person or the certificate of registration of any ATV involved in such violation. The commissioner may suspend or revoke the ATV safety certificate of the person committing such violation or the certificate of registration of the ATV involved in such violation in accordance with the provisions of subdivision three of section five hundred ten of this chapter.

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

1. Highways. (a) Except with respect to interstate highways or controlled access highways, the department of transportation with respect to state highways, maintained by the state and any other governmental agency with respect to highways, including bridge and culvert crossings, under its jurisdiction may designate and post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway. Such designations by a state agency shall be by rule or regulation, and such designations by any municipality other than a state agency shall be by local law or ordinance.

(b) Any ATV operator utilizing a highway in accordance with paragraph (a) of this subdivision shall be in possession of a valid driver's license; provided, however, that the provisions of this paragraph shall not apply to an operator utilizing a highway in accordance with para-

1 graph g of subdivision eight of section 9-0303 of the environmental  
2 conservation law.

3 § 14. The vehicle and traffic law is amended by adding a new section  
4 2414 to read as follows:

5 § 2414. Operating an ATV upon a street, highway, public trails, lands,  
6 bodies of water, or private property of another while under the influ-  
7 ence of alcohol or drugs. 1. Offenses; criminal penalties. (a) No person  
8 shall operate an ATV upon a street, highway, public trails, lands,  
9 bodies of water, or private property of another while his or her ability  
10 to operate such ATV is impaired by the consumption of alcohol. A  
11 violation of this subdivision shall be an offense and shall be punisha-  
12 ble by a fine of not less than two hundred fifty dollars nor more than  
13 three hundred fifty dollars, or by imprisonment in a penitentiary or  
14 county jail for not more than fifteen days, or by both such fine and  
15 imprisonment. A person who operates an ATV in violation of this subdivi-  
16 sion after being convicted of a violation of any subdivision of this  
17 section within the preceding five years shall be punished by a fine of  
18 not less than five hundred dollars nor more than fifteen hundred  
19 dollars, or by imprisonment of not more than thirty days in a penitenti-  
20 ary or county jail or by both such fine and imprisonment.

21 (b) No such person shall operate an ATV upon a street, highway, public  
22 trails, lands, bodies of water, or private property of another while he  
23 or she has .08 of one per centum or more by weight of alcohol in his or  
24 her blood, breath, urine, or saliva, as determined by the chemical test  
25 made pursuant to the provisions of subdivision six of this section.

26 (c) No person shall operate an ATV upon a street, highway, public  
27 trails, lands, bodies of water, or private property of another while he  
28 or she is in an intoxicated condition.

29 (d) No person shall operate an ATV upon a street, highway, public  
30 trails, lands, bodies of water, or private property of another while his  
31 or her ability to operate such ATV is impaired by the use of a drug as  
32 defined by section one hundred fourteen-a of this chapter.

33 (e) A violation of paragraph (b), (c), or (d) of this subdivision  
34 shall be a misdemeanor and shall be punishable by imprisonment in a  
35 penitentiary or county jail for not more than ninety days, or by a fine  
36 of not less than three hundred fifty dollars nor more than five hundred  
37 dollars, or by both such fine and imprisonment. A person who operates an  
38 ATV in violation of paragraph (b), (c), or (d) of this subdivision after  
39 having been convicted of a violation of paragraph (b), (c), or (d) of  
40 this subdivision, or of operating an ATV while intoxicated or while  
41 under the influence of drugs, within the preceding ten years, shall be  
42 guilty of a misdemeanor and shall be punished by imprisonment for not  
43 more than one year, or by a fine of not less than five hundred dollars  
44 nor more than fifteen hundred dollars, or by both such fine and impri-  
45 sonment. A person who operates an ATV in violation of paragraph (b),  
46 (c), or (d) of this subdivision after having been twice convicted of a  
47 violation of paragraph (b), (c), or (d) of this subdivision, or of oper-  
48 ating an ATV while intoxicated or under the influence of drugs, within  
49 the preceding ten years, shall be guilty of a class E felony and shall  
50 be punished by a fine of not less than five hundred dollars nor more  
51 than five thousand dollars or by a period of imprisonment as provided in  
52 the penal law, or by both such fine and imprisonment.

53 2. Privilege to operate an ATV; suspensions. (a) The court shall  
54 suspend a person's privilege to operate an ATV and may suspend an ATV  
55 registration for:



1 (1) a period of six months where an operator is convicted of a  
2 violation of paragraph (a) of subdivision one of this section;

3 (2) a period of twelve months where an operator is convicted of a  
4 violation of paragraph (b), (c), or (d) of subdivision one of this  
5 section;

6 (3) a period of twenty-four months where a person is convicted of a  
7 violation of paragraph (b), (c), or (d) of subdivision one of this  
8 section after having been convicted of a violation of paragraph (b),  
9 (c), or (d) of subdivision one of this section or of operating an ATV  
10 while intoxicated or under the influence of drugs within the preceding  
11 ten years.

12 (b) The court shall report each conviction recorded pursuant to this  
13 section to the commissioner on forms provided by the department. Such  
14 reports shall include the length of any suspension imposed on the privi-  
15 lege to operate an ATV and any suspension imposed against an ATV regis-  
16 tration. The department shall maintain a record of all convictions and  
17 suspensions in order to effectuate the provisions of this section.

18 3. Operation of an ATV while operating privileges have been suspended.

19 (a) No person shall operate an ATV upon a street, highway, public  
20 trails, lands, bodies of water, or private property of another while  
21 operating privileges have been suspended pursuant to this section. A  
22 violation of the provisions of this paragraph shall be a violation and  
23 shall be punishable by a fine of not less than three hundred fifty  
24 dollars nor more than seven hundred fifty dollars or by imprisonment for  
25 a period of not more than ninety days, or by both such fine and impri-  
26 sonment.

27 (b) A person who is in violation of the provisions of paragraph (a) of  
28 this subdivision, and in addition is in violation of the provisions of  
29 any paragraph of subdivision one of this section arising out of the same  
30 incident, shall be guilty of a misdemeanor punishable by a fine of not  
31 less than five hundred dollars nor more than five thousand dollars or by  
32 a period of imprisonment for a period of not more than one year or by  
33 both such fine and imprisonment.

34 4. Sentencing limitations. Notwithstanding any provision of the penal  
35 law, no judge or magistrate shall impose a sentence of unconditional  
36 discharge for a violation of paragraph (b), (c), or (d) of subdivision  
37 one of this section nor shall he or she impose a sentence of conditional  
38 discharge unless such conditional discharge is accompanied by a sentence  
39 of a fine as provided in this section.

40 5. Arrest and testing. (a) Arrest. Notwithstanding the provisions of  
41 section 140.10 of the criminal procedure law, a police officer may,  
42 without a warrant, arrest a person, in case of a violation of any para-  
43 graph of subdivision one of this section, if such violation is coupled  
44 with an accident or collision in which such person is involved, which in  
45 fact had been committed, though not in the police officer's presence,  
46 when he or she has reasonable cause to believe that the violation was  
47 committed by such person. For the purposes of this subdivision police  
48 officer shall also include a peace officer authorized to enforce the  
49 provisions of this chapter when the alleged violation constitutes a  
50 crime.

51 (b) Breath test for operators of an ATV. Every person operating an ATV  
52 upon a street, highway, public trails, lands, bodies of water, or  
53 private property of another which has been involved in an accident or  
54 which is operated in violation of any of the provisions of this chapter  
55 which regulate the manner in which an ATV is to be properly operated  
56 shall, at the request of a police officer, submit to a breath test to be

1 administered by the police officer. If such test indicates that such  
2 operator has consumed alcohol, the police officer may request such oper-  
3 ator to submit to a chemical test in the manner set forth in subdivision  
4 six of this section.

5 6. Chemical tests. (a) Any person who operates an ATV upon a street,  
6 highway, public trails, lands, bodies of water, or private property of  
7 another shall be requested to consent to a chemical test of one or more  
8 of the following: breath, blood, urine or saliva for the purpose of  
9 determining the alcoholic or drug content of his or her blood, provided  
10 that such test is administered at the direction of a police officer: (1)  
11 having reasonable cause to believe such person to have been operating in  
12 violation of this subdivision or paragraph (a), (b), (c), or (d) of  
13 subdivision one of this section and within two hours after such person  
14 has been placed under arrest for any such violation or (2) within two  
15 hours after a breath test as provided in paragraph (b) of subdivision  
16 five of this section indicates that alcohol has been consumed by such  
17 person and in accordance with the rules and regulations established by  
18 the police force of which the officer is a member.

19 (b) If such person having been placed under arrest or after a breath  
20 test indicates the presence of alcohol in the person's system and having  
21 thereafter been requested to submit to such chemical test and having  
22 been informed that the person's privilege to operate an ATV shall be  
23 immediately suspended for refusal to submit to such chemical test or any  
24 portion thereof, whether or not the person is found guilty of the charge  
25 for which such person is arrested, refuses to submit to such chemical  
26 test or any portion thereof, unless a court order has been granted  
27 pursuant to subdivision seven of this section, the test shall not be  
28 given and a written report of such refusal shall be immediately made by  
29 the police officer before whom such refusal was made. Such report may be  
30 verified by having the report sworn to, or by affixing to such report a  
31 form notice that false statements made therein are punishable as a class  
32 A misdemeanor pursuant to section 210.45 of the penal law and such form  
33 notice together with the subscription of the deponent shall constitute a  
34 verification of the report. The report of the police officer shall set  
35 forth reasonable grounds to believe such arrested person to have been  
36 operating an ATV in violation of any paragraph of subdivision one of  
37 this section, that such person had refused to submit to such chemical  
38 test, and that no chemical test was administered pursuant to the  
39 requirements of subdivision seven of this section. The report shall be  
40 presented to the court upon the arraignment of the arrested person. The  
41 privilege to operate an ATV shall, upon the basis of such written  
42 report, be temporarily suspended by the court without notice pending the  
43 determination of a hearing as provided herein. Copies of such report  
44 must be transmitted by the court to the commissioner and such transmit-  
45 tal may not be waived even with the consent of all the parties. Such  
46 report shall be forwarded to the commissioner within forty-eight hours  
47 of such arraignment. The court shall provide such person with a hearing  
48 date schedule, a waiver form, and such other information as may be  
49 required by the commissioner. If a hearing, as provided for in paragraph  
50 (c) of this subdivision, is waived by such person, the commissioner of  
51 motor vehicles shall immediately suspend the privilege to operate an  
52 ATV, as of the date of receipt of such waiver in accordance with the  
53 provisions of paragraph (d) of this subdivision.

54 (c) Any person whose privilege to operate an ATV has been suspended  
55 pursuant to paragraph (b) of this subdivision is entitled to a hearing  
56 in accordance with a hearing schedule to be promulgated by the commis-

1 sioner. If the department fails to provide for such hearing fifteen days  
2 after the date of the arraignment of the arrested person, the privilege  
3 to operate an ATV of such person shall be reinstated pending a hearing  
4 pursuant to this section. The hearing shall be limited to the following  
5 issues: (1) did the police officer have reasonable cause to believe that  
6 such person had been operating an ATV in violation of any paragraph of  
7 subdivision one of this section; (2) did the police officer make a  
8 lawful arrest of such person; (3) was such person given sufficient warn-  
9 ing, in clear and unequivocal language, prior to such refusal that such  
10 refusal to submit to such chemical test or any portion thereof, would  
11 result in the immediate suspension of such person's privilege to operate  
12 an ATV whether or not such person is found guilty of the charge for  
13 which the arrest was made; and (4) did such person refuse to submit to  
14 such chemical test or any portion thereof. If, after such hearing, the  
15 hearing officer, acting on behalf of the commissioner, finds on any one  
16 of said issues in the negative, the hearing officer shall immediately  
17 terminate any suspension arising from such refusal. If, after such hear-  
18 ing, the hearing officer, acting on behalf of the commissioner finds all  
19 of the issues in the affirmative, such officer shall immediately suspend  
20 the privilege to operate an ATV in accordance with the provisions of  
21 paragraph (d) of this subdivision. A person who has had the privilege to  
22 operate an ATV suspended pursuant to this subdivision may appeal the  
23 findings of the hearing officer in accordance with the provisions of  
24 article three-A of this chapter. Any person may waive the right to a  
25 hearing under this section. Failure by such person to appear for the  
26 scheduled hearing shall constitute a waiver of such hearing, provided,  
27 however, that such person may petition the commissioner for a new hear-  
28 ing which shall be held as soon as practicable.

29 (d) (1) Any privilege to operate an ATV which has been suspended  
30 pursuant to paragraph (c) of this subdivision shall not be restored for  
31 six months after such suspension. However, no such privilege shall be  
32 restored for at least one year after such suspension in any case where  
33 the person has had a prior suspension resulting from refusal to submit  
34 to a chemical test pursuant to this subdivision, or has been convicted  
35 of a violation of any paragraph of subdivision one of this section not  
36 arising out of the same incident, within the five years immediately  
37 preceding the date of such suspension.

38 (2) Any person whose privilege to operate an ATV is suspended pursuant  
39 to the provisions of this subdivision shall also be liable for a civil  
40 penalty in the amount of two hundred dollars except that if such suspen-  
41 sion is a second or subsequent suspension pursuant to this subdivision  
42 issued within a five year period, or such person has been convicted of a  
43 violation of any paragraph of subdivision one of this section within the  
44 past five years not arising out of the same incident, the civil penalty  
45 shall be in the amount of five hundred dollars. The privilege to operate  
46 an ATV shall not be restored to such person unless such penalty has been  
47 paid. The first one hundred dollars of each penalty collected by the  
48 department pursuant to the provisions of this subdivision shall be paid  
49 to the commissioner for deposit to the general fund and the remainder of  
50 all such penalties shall be paid to the commissioner for deposit in the  
51 ATV environmental restoration fund established pursuant to section nine-  
52 ty-two-hh of the state finance law.

53 (e) The commissioner shall promulgate such rules and regulations as  
54 may be necessary to effectuate the provisions of this subdivision.

55 (f) Evidence of a refusal to submit to such chemical test shall be  
56 admissible in any trial, proceeding or hearing based upon a violation of

1 the provisions of this section, but only upon a showing that the person  
2 was given sufficient warning, in clear and unequivocal language, of the  
3 effect of such refusal and that the person persisted in his or her  
4 refusal.

5 (g) Upon the request of the person tested, the results of such test  
6 shall be made available to him or her.

7 7. Compulsory chemical tests. (a) Notwithstanding the provisions of  
8 subdivision six of this section, no person who operates an ATV upon a  
9 street, highway, public trails, lands, bodies of water, or private prop-  
10 erty of another may refuse to submit to a chemical test of one or more  
11 of the following: breath, blood, urine or saliva, for the purpose of  
12 determining the alcoholic and/or drug content of the blood when a court  
13 order for such chemical test has been issued in accordance with the  
14 provisions of this subdivision.

15 (b) Upon refusal by any person to submit to a chemical test or any  
16 portion thereof as described in paragraph (a) of this subdivision, the  
17 test shall not be given unless a police officer or a district attorney,  
18 as defined in subdivision thirty-two of section 1.20 of the criminal  
19 procedure law, requests and obtains a court order to compel a person to  
20 submit to a chemical test to determine the alcoholic or drug content of  
21 the person's blood upon a finding of reasonable cause to believe that:

22 (1) such person was the operator of an ATV and in the course of such  
23 operation a person other than the operator was killed or suffered seri-  
24 ous physical injury as defined in section 10.00 of the penal law; and

25 (2) (i) either such person operated the ATV in violation of any para-  
26 graph of subdivision one of this section, or

27 (ii) a breath test administered by a police officer in accordance with  
28 subdivision five of this section indicates that alcohol has been  
29 consumed by such person; and

30 (3) such person has been placed under lawful arrest; and

31 (4) such person has refused to submit to a chemical test or any  
32 portion thereof, requested in accordance with the provisions of subdivi-  
33 sion six of this section or is unable to give consent to such a test.

34 (c) For the purpose of this subdivision "reasonable cause" shall be  
35 determined by viewing the totality of circumstances surrounding the  
36 incident which, when taken together, indicate that the operator was  
37 operating an ATV in violation of any paragraph of subdivision one of  
38 this section. Such circumstances may include, but are not limited to:  
39 evidence that the operator was operating an ATV in violation of any  
40 provision of this chapter which regulates the manner in which an ATV is  
41 to be properly operated at the time of the incident; any visible indi-  
42 cation of alcohol or drug consumption or impairment by the operator; any  
43 other evidence surrounding the circumstances of the incident which indi-  
44 cates that the operator has been operating an ATV while impaired by the  
45 consumption of alcohol or drugs or was intoxicated at the time of the  
46 incident.

47 (d) (1) An application for a court order to compel submission to a  
48 chemical test or any portion thereof, may be made to any supreme court  
49 justice, county court judge or district court judge in the judicial  
50 district in which the incident occurred, or if the incident occurred in  
51 the city of New York before any supreme court justice or judge of the  
52 criminal court of the city of New York. Such application may be communi-  
53 cated by telephone, radio or other means of electronic communication, or  
54 in person.

55 (2) The applicant must provide identification by name and title and  
56 must state the purpose of the communication. Upon being advised that an

1 application for a court order to compel submission to a chemical test is  
2 being made, the court shall place under oath the applicant and any other  
3 person providing information in support of the application as provided  
4 in subparagraph three of this paragraph. After being sworn the applicant  
5 must state that the person from whom the chemical test was requested was  
6 the operator of an ATV and in the course of such operation a person,  
7 other than the operator, has been killed or seriously injured and, based  
8 upon the totality of circumstances, there is reasonable cause to believe  
9 that such person was operating an ATV in violation of any paragraph of  
10 subdivision one of this section and, after being placed under lawful  
11 arrest such person refused to submit to a chemical test or any portion  
12 thereof, in accordance with the provisions of this section or is unable  
13 to give consent to such a test or any portion thereof. The applicant  
14 must make specific allegations of fact to support such statement. Any  
15 other person properly identified may present sworn allegations of fact  
16 in support of the applicant's statement.

17 (3) Upon being advised that an oral application for a court order to  
18 compel a person to submit to a chemical test is being made, a judge or  
19 justice shall place under oath the applicant and any other person  
20 providing information in support of the application. Such oath or oaths  
21 and all of the remaining communication must be recorded, either by means  
22 of a voice recording device or verbatim stenographic or verbatim long-  
23 hand notes. If a voice recording device is used or a stenographic record  
24 made, the judge must have the record transcribed, certify to the accura-  
25 cy of the transcription and file the original record and transcription  
26 with the court within seventy-two hours of the issuance of the court  
27 order. If the longhand notes are taken, the judge shall subscribe a copy  
28 and file it with the court within twenty-four hours of the issuance of  
29 the order.

30 (4) If the court is satisfied that the requirements for the issuance  
31 of a court order pursuant to the provisions of paragraph (b) of this  
32 subdivision have been met, it may grant the application and issue an  
33 order requiring the accused to submit to a chemical test to determine  
34 the alcoholic and/or drug content of his or her blood and ordering the  
35 withdrawal of a blood sample in accordance with the provisions of subdi-  
36 vision eight of this section. When a judge or justice determines to  
37 issue an order to compel submission to a chemical test based on an oral  
38 application, the applicant therefor shall prepare the order in accord-  
39 ance with the instructions of the judge or justice. In all cases the  
40 order shall include the name of the issuing judge or justice, the name  
41 of the applicant, and the date and time it was issued. It must be signed  
42 by the judge or justice if issued in person, or by the applicant if  
43 issued orally.

44 (5) Any false statement by an applicant or any other person in support  
45 of an application for a court order shall subject such person to the  
46 offenses for perjury set forth in article two hundred ten of the penal  
47 law.

48 (e) An order issued pursuant to the provisions of this subdivision  
49 shall require that a chemical test to determine the alcoholic and/or  
50 drug content of the operator's blood must be administered. The  
51 provisions of paragraphs (a), (b) and (c) of subdivision eight of this  
52 section shall be applicable to any chemical test administered pursuant  
53 to this section.

54 (f) A defendant who has been compelled to submit to a chemical test  
55 pursuant to the provisions of this subdivision may move for the  
56 suppression of such evidence in accordance with article seven hundred



1 ten of the criminal procedure law on the grounds that the order was  
2 obtained and the test administered in violation of the provisions of  
3 this subdivision or any other applicable law.

4 8. Testing procedures. (a) At the request of a police officer, the  
5 following persons may withdraw blood for the purpose of determining the  
6 alcohol or drug content therein: (1) a physician, a registered profes-  
7 sional nurse or a registered physician's assistant; or (2) under the  
8 supervision and at the direction of a physician: a medical laboratory  
9 technician or medical technologist as classified by civil service; a  
10 phlebotomist; an advanced emergency medical technician as certified by  
11 the department of health, or a medical laboratory technician or medical  
12 technologist employed by a clinical laboratory approved under title five  
13 of article five of the public health law. This limitation shall not  
14 apply to the taking of a urine, saliva or breath specimen.

15 (b) No person entitled to withdraw blood pursuant to paragraph (a) of  
16 this subdivision or hospital employing such person and no other employer  
17 of such person shall be sued or held liable for any act done or omitted  
18 in the course of withdrawing blood at the request of a police officer or  
19 peace officer acting pursuant to his or her special duties pursuant to  
20 this subdivision.

21 (c) Any person who may have a cause of action arising from the with-  
22 drawal of blood as aforesaid, for which no personal liability exists  
23 under paragraph (b) of this subdivision, may maintain such action  
24 against the state if the person entitled to withdraw blood pursuant to  
25 paragraph (a) of this subdivision acted at the request of a police offi-  
26 cer or peace officer acting pursuant to his or her special duties,  
27 employed by the state, or against the appropriate political subdivision  
28 of the state if the person acted at the request of a police officer or  
29 peace officer acting pursuant to his or her special duties, employed by  
30 a political subdivision of the state. No action shall be maintained  
31 pursuant to this paragraph unless notice of claim is duly filed or  
32 served in compliance with law.

33 (d) Notwithstanding the foregoing provisions of this subdivision, an  
34 action may be maintained by the state or a political subdivision thereof  
35 against a person entitled to withdraw blood pursuant to paragraph (a) of  
36 this subdivision or hospital employing such person for whose act or  
37 omission the state or the political subdivision has been held liable  
38 under this subdivision to recover damages, not exceeding the amount  
39 awarded to the claimant, that may have been sustained by the state or  
40 the political subdivision by reason of gross negligence on the part of  
41 such person entitled to withdraw blood.

42 (e) The testimony of any person, other than a physician, entitled to  
43 draw blood pursuant to paragraph (a) of this subdivision in respect to  
44 any such withdrawal of blood made by him or her may be received in  
45 evidence with the same weight, force and effect as if such withdrawal of  
46 blood were made by a physician.

47 (f) The provisions of paragraphs (b), (c) and (d) of this subdivision  
48 shall also apply with regard to any person employed by a hospital as  
49 security personnel for any act done or omitted in the course of with-  
50 drawing blood at the request of a police officer pursuant to a court  
51 order in accordance with this subdivision.

52 (g) The person tested shall be permitted to choose a physician to  
53 administer a chemical test in addition to the one administered at the  
54 direction of the police officer.

55 9. Chemical test evidence. (a) Upon the trial of any such action or  
56 proceeding arising out of actions alleged to have been committed by any

1 person arrested for a violation of any paragraph of subdivision one of  
2 this section, the court shall admit evidence of the amount of alcohol or  
3 drugs in the defendant's blood as shown by a test administered pursuant  
4 to the provisions of subdivision six or seven of this section.

5 (b) The following effect shall be given to evidence of blood alcohol  
6 content, as determined by such tests, of a person arrested for a  
7 violation of any paragraph of subdivision one of this section and who  
8 was operating an ATV:

9 (1) evidence that there was .05 of one per centum or less by weight of  
10 alcohol in such person's blood shall be prima facie evidence that the  
11 ability of such person to operate an ATV was not impaired by the  
12 consumption of alcohol, and that such person was not in an intoxicated  
13 condition.

14 (2) evidence that there was more than .05 of one per centum but less  
15 than .07 of one per centum of weight in such person's blood shall be  
16 prima facie evidence that such person was not in an intoxicated condi-  
17 tion, but such evidence shall be relevant evidence but not be given  
18 prima facie effect, in determining whether the ability of such person to  
19 operate an ATV was impaired by the consumption of alcohol.

20 (3) evidence that there was .07 of one per centum or more but less  
21 than .08 of one per centum by weight of alcohol in such person's blood  
22 shall be prima facie evidence that such person was not in an intoxicated  
23 condition, but such evidence shall be given prima facie effect in deter-  
24 mining whether the ability of such person to operate an ATV was impaired  
25 by the consumption of alcohol.

26 (c) Evidence of a refusal to submit to a chemical test or any portion  
27 thereof shall be admissible in any trial or hearing provided the request  
28 to submit to such a test was made in accordance with the provisions of  
29 subdivision six of this section.

30 10. Limitations. (a) An ATV operator may be convicted of a violation  
31 of paragraph (a), (b), (c), or (d) of subdivision one of this section,  
32 notwithstanding that the charge laid before the court alleged a  
33 violation of paragraph (b), (c), or (d) of subdivision one of this  
34 section, and regardless of whether or not such conviction is based on a  
35 plea of guilty.

36 (b) In any case wherein the charge laid before the court alleges a  
37 violation of paragraph (b), (c), or (d) of subdivision one of this  
38 section, any plea of guilty thereafter entered in satisfaction of such  
39 charge must include at least a plea of guilty to the violation of the  
40 provisions of one of the paragraphs of such subdivision one and no other  
41 disposition by plea of guilty to any other charge in satisfaction of  
42 such charge shall be authorized; provided, however, if the district  
43 attorney upon reviewing the available evidence determines that the  
44 charge of a violation of subdivision one of this section is not  
45 warranted, he or she may consent, and the court may allow a disposition  
46 by plea of guilty to another charge in satisfaction of such charge.

47 11. Suspension pending prosecution. (a) Without notice, pending any  
48 prosecution, the court may suspend the right to operate an ATV where the  
49 ATV operator has been charged with vehicular assault in the second  
50 degree or vehicular manslaughter in the second degree as defined,  
51 respectively, in sections 120.03 and 125.12 of the penal law.

52 (b) A suspension under this subdivision shall occur no later than  
53 twenty days after the ATV operator's first appearance before the court  
54 on the charges or at the conclusion of all proceedings required for the  
55 arraignment, whichever comes first. In order for the court to impose  
56 such suspension it must find that the accusatory instrument conforms to

1 the requirements of section 100.40 of the criminal procedure law and  
2 there exists reasonable cause to believe that the accused operated an  
3 ATV in violation of section 120.03 or 125.12 of the penal law. At such  
4 time the operator shall be entitled to an opportunity to make a state-  
5 ment regarding the enumerated issues and to present evidence tending to  
6 rebut the court's findings. Where such suspension is imposed upon such  
7 pending charge and the operator has requested a hearing pursuant to  
8 article one hundred eighty of the criminal procedure law, the court  
9 shall conduct such hearing. If upon completion of the hearing, the court  
10 fails to find that there is reasonable cause to believe that the opera-  
11 tor committed a felony under section 120.03 or 125.12 of the penal law  
12 the court shall promptly direct restoration of such operating privileges  
13 to the operator unless such operating privileges are suspended or  
14 revoked pursuant to any other provision of this chapter.

15 12. ATV safety course. Upon the conviction of any subdivision of this  
16 section, the court shall, in addition to any other penalties invoked  
17 under this section, require the convicted person, as a condition of the  
18 sentence, to complete an ATV safety course approved by the commissioner  
19 and show proof of successful completion of such course to the court or  
20 its designee.

21 § 15. Section 606 of the tax law is amended by adding a new subsection  
22 (n-3) to read as follows:

23 (n-3) Credit for certain landowners who allow all terrain vehicle  
24 access. (1) An individual taxpayer who meets the eligibility standards  
25 in paragraph two of this subsection shall be allowed a credit against  
26 the taxes imposed by this article in the amount specified in paragraph  
27 three of this subsection.

28 (2) To be eligible for the credit, the taxpayer (or taxpayers filing  
29 joint returns) on the personal income tax return must allow all terrain  
30 vehicle access in the form of a state-funded all terrain vehicle trail  
31 or portion thereof on property owned by the taxpayer that either  
32 receives an agricultural assessment under section three hundred five or  
33 three hundred six of the agriculture and markets law or is eligible  
34 forest land under section four hundred eighty-a of the real property tax  
35 law.

36 (3) A taxpayer shall be allowed a credit equal to ten cents per linear  
37 foot of state-funded all terrain vehicle trail on eligible property  
38 pursuant to paragraph two of this subsection.

39 § 16. Paragraph (d) of subdivision 6 of section 92-s of the state  
40 finance law, as amended by section 13 of part E of chapter 61 of the  
41 laws of 2000, is amended to read as follows:

42 (d) Moneys from the open space account shall be available, pursuant to  
43 appropriation, for any open space land conservation project, bio-diver-  
44 sity stewardship and research pursuant to chapter five hundred fifty-  
45 four of the laws of nineteen hundred ninety-three, for the purposes of  
46 agricultural and farmland protection activities as authorized by article  
47 twenty-five-AAA of the agriculture and markets law, for support of the  
48 landowner all terrain vehicle access tax credit pursuant to subsection  
49 (n-3) of section six hundred six of the tax law, non-point source abate-  
50 ment and control projects pursuant to section 17-1409 of the environ-  
51 mental conservation law and section eleven-b of the soil and water  
52 conservation districts law, for Long Island Central Pine Barrens area  
53 planning or Long Island south shore estuary reserve planning pursuant to  
54 title thirteen of article fifty-four of the environmental conservation  
55 law, and for operation and management of the Albany Pine Bush preserve

1 commission pursuant to subdivision two of section 54-0303 of the envi-  
2 ronmental conservation law.

3 § 17. Nothing in this act shall be deemed to limit the authority of  
4 any county, city, town or village to adopt or amend any local law or  
5 ordinance which imposes stricter restrictions and conditions on the  
6 operation of all terrain vehicles than are provided or authorized by  
7 this act, so long as such local law or ordinance is consistent with the  
8 authority to protect the order, conduct, health, safety and general  
9 welfare of persons or property. Nothing in this act shall be deemed to  
10 alter or invalidate any local law or ordinance in effect on the effec-  
11 tive date of this act.

12 § 18. This act shall take effect on the thirtieth day after it shall  
13 have become a law; provided, however that sections fifteen and sixteen  
14 of this act shall take effect on the first of January next succeeding  
15 the date on which it shall have become a law and shall apply to taxable  
16 years beginning on or after such date; provided, however, that the  
17 department of taxation and finance is authorized and directed to promul-  
18 gate rules and regulations necessary for the timely implementation of  
19 sections fifteen and sixteen of this act on or before such effective  
20 date.