STATE OF NEW YORK

2773--A

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sens. KRUEGER, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to prohibiting the sale of ATVs and off-highway motorcycles in the city of New York; and to amend the vehicle and traffic law, in relation to requiring the purchaser of an ATV purchased for use in the state of New York to sign a declaration stating that such purchaser understands all laws and regulations governing the use of such ATV in the state

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

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13-A to read as follows:

SUBCHAPTER 13-A
SALES OF ALL TERRAIN VEHICLES AND OFF-HIGHWAY MOTORCYCLES

§ 20-764 Off-highway motorcycle. a. For purposes of this section, an off-highway motorcycle shall have the same definition set forth in section one hundred twenty-five-a of the vehicle and traffic law.

b. No corporation, partnership, firm, sole proprietorship or other entity or person shall sell, lease or rent or attempt to sell, lease or rent an off-highway motorcycle to another person in the city of New York.

c. Any corporation, partnership, firm, sole proprietorship or other entity or person who violates subdivision b of this section shall be liable for a civil penalty of one thousand dollars for a first violation and a civil penalty of two thousand dollars for each subsequent violation within one year. Each sale, lease or rental, or attempt to

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

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sell, lease or rent, an off-highway motorcycle shall be deemed a separate violation. Authorized employees of the department, the police department, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of hearing that shall be returnable before the administrative tribunal of the department. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the vehicle and traffic law.

d. Any off-highway motorcycle that has been used or is being used in violation of the provisions of this section may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such device.

§ 20-766 All terrain vehicle. a. For purposes of this section, an all terrain vehicle shall have the same definition set forth in section twenty-two hundred eighty-one of the vehicle and traffic law.

b. No corporation, partnership, firm, sole proprietorship or other entity or person shall sell, lease or rent or attempt to sell, lease or rent an all terrain vehicle to another person in the city of New York.

c. Any corporation, partnership, firm, sole proprietorship or other entity or person who violates subdivision b of this section shall be liable for a civil penalty of one thousand dollars for a first violation and a civil penalty of two thousand dollars for each subsequent violation within one year. Each sale, lease or rental, or attempt to sell, lease or rent, an all terrain vehicle shall be deemed a separate violation. Authorized employees of the department, the police department, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of hearing that shall be returnable before the administrative tribunal of the department. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the vehicle and traffic law.

d. Any all terrain vehicle that has been used or is being used in violation of the provisions of this section may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such device.

§ 2. Subdivisions 6 and 6-a of section 2282 of the vehicle and traffic law, subdivision 6 as amended by chapter 402 of the laws of 1986 and subdivision 6-a as added by section 1 of part D of chapter 59 of the laws of 2005, are amended to read as follows:

6. Dealers. (a) Any person who is a dealer, and who is not registered as a dealer pursuant to section four hundred fifteen of this chapter, shall register as an ATV dealer and operate in accordance with the rules and regulations of the commissioner for ATV dealers. The commissioner, upon receipt of an application and the required fee, shall assign a distinctive dealer registration number to the registrant and issue an appropriate registration certificate to him and assign two dealer demonstrator registration numbers and upon the payment of the appropriate fee, such additional numbers as shall be requested. Dealer registrations and dealer demonstrator registration numbers shall not be transferable.

Provided, however, the commissioner may limit the number of dealer demonstration registration numbers issued to a dealer.

(b) No dealer shall sell or offer for retail sale any ATV, other than an ATV identified and sold for use only in off-highway competitions, which is not equipped with all equipment necessary for the registration of an ATV.

(c) No dealer shall sell or offer for retail sale any ATV, other than an ATV identified and sold for use outside the city of New York.

6-a. Registration at time of sale. **(a)** Every all terrain vehicle defined by section twenty-two hundred eighty-one of this article sold by a dealer shall be registered at the time of sale of such vehicle. Such registration shall be valid until the thirty-first day of August following the date of such sale; provided, however, that any all terrain vehicle sold after April first of each year shall be issued a registration valid until the thirty-first day of August in the year following that in which the all terrain vehicle is sold. Any all terrain vehicle purchased for use exclusively outside of the state of New York shall not require registration at the time of purchase, and the purchaser of such all terrain vehicle shall sign a declaration, provided by the dealer, which shall state that such purchaser understands the conditions under which an all terrain vehicle must be registered and the penalty for violation of such registration provisions. **Each signed declaration shall be forwarded by the dealer to the commissioner. The form of such declaration shall be provided by the commissioner to each dealer.**

(b) Each purchaser of an all terrain vehicle purchased for use in the state of New York shall sign a declaration, provided by the dealer, which shall state that such purchaser understands all laws and regulations governing the use of such all terrain vehicle on public roadways, sidewalks, and public highways including without limitation the prohibition on operating an all terrain vehicle on public property within the city of New York. Such declaration shall also state that the purchaser understands the penalties for violation of such laws. Each signed declaration shall be forwarded by the dealer to the commissioner. The form of such declaration shall be provided by the commissioner to each dealer.

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.