

STATE OF NEW YORK

2773--B

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 -- 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

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 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

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

LBD07380-04-3

1 the authority to enforce the provisions of this section. Such penalties
2 shall be recovered in a civil action or in a proceeding commenced by the
3 service of a notice of hearing that shall be returnable before the
4 administrative tribunal of the department. In addition, such violation
5 shall be a traffic infraction and shall be punishable in accordance with
6 section eighteen hundred of the vehicle and traffic law.

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

13 § 20-766 All terrain vehicle. a. For purposes of this section, an all
14 terrain vehicle shall have the same definition set forth in section
15 twenty-two hundred eighty-one of the vehicle and traffic law.

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

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

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

39 § 2. Subdivision 6 of section 2282 of the vehicle and traffic law, as
40 amended by chapter 402 of the laws of 1986, is amended to read as
41 follows:

42 6. Dealers. (a) Any person who is a dealer, and who is not registered
43 as a dealer pursuant to section four hundred fifteen of this chapter,
44 shall register as an ATV dealer and operate in accordance with the rules
45 and regulations of the commissioner for ATV dealers. The commissioner,
46 upon receipt of an application and the required fee, shall assign a
47 distinctive dealer registration number to the registrant and issue an
48 appropriate registration certificate to him and assign two dealer demon-
49 strator registration numbers and upon the payment of the appropriate
50 fee, such additional numbers as shall be requested. Dealer registrations
51 and dealer demonstrator registration numbers shall not be transferable.
52 Provided, however, the commissioner may limit the number of dealer
53 demonstration registration numbers issued to a dealer.

54 (b) No dealer shall sell or offer for retail sale any ATV, other than
55 an ATV identified and sold for use only in off-highway competitions,

1 which is not equipped with all equipment necessary for the registration
2 of an ATV.

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

5 § 3. This act shall take effect on the first of January next succeed-
6 ing the date upon which it shall have become a law. Effective imme-
7 diately, the addition, amendment and/or repeal of any rule or regulation
8 necessary for the implementation of this act on its effective date are
9 authorized to be made and completed on or before such effective date.