STATE OF NEW YORK

8399--A

2025-2026 Regular Sessions

IN SENATE

June 9, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law, the vehicle and traffic law, the state finance law and the environmental conservation law, in relation to the creation of an ATV recreation fund and the use of ATVs

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

Section 1. Legislative intent and purpose. In order to best organize and sustain an environmentally sustainable statewide system of trails for all terrain vehicles, the legislature hereby creates an ATV recreation fund. The control and supervision of the recreation fund shall be maintained by the office of parks, recreation and historic preservation upon consultation with the department of environmental conservation. The recreation fund is created for the purpose of designating state, municipal and private lands as part of a statewide network of ATV trails. Fees obtained by the office of parks, recreation and historic preservation for the maintenance of the recreation fund shall be divided between administration, enforcement, and a motorized access program for people with disabilities. It is the purpose of this act to promote the safe and proper use of all terrain vehicles for recreation and commerce in this state by encouraging their use and development, while minimizing detrimental effects of such use upon the environment and also promoting access to all regardless of ability.

§ 2. Title D of the parks, recreation and historic preservation law is amended by adding a new article 26 to read as follows:

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

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ARTICLE 26

ALL-TERRAIN VEHICLE RECREATION FUND

Section 26.01 Rules and regulations.

§ 26.01 Rules and regulations. The department shall promulgate regulations for the use of ATVs with a view towards achieving maximum use of ATVs and minimizing the detrimental effect thereof upon the environment. Nothing in this section shall prohibit the department or the department of environmental conservation pursuant to section 9-0303 of the environmental conservation law from authorizing other ATV use on state-owned lands. The commissioner shall adopt rules and regulations relating to and including, but not limited to the following:

a. Use of ATVs insofar as fish and wildlife resources and natural resources of the state.

b. Use of ATVs on public lands under the jurisdiction of the department, providing for incorporating recreational and sportsman use into UMPs developed for such lands.

c. Uniform signs or markers.

d. Requirements that new connector trails must comply with state laws and regulations and, where applicable for state-owned lands, comply with a unit management plan.

e. Provisions for current trails and trails pending approval on or before the effective date of this article are preserved in perpetuity and nothing shall restrict the use of commissioner policy three (CP3) permits issued by the department of environmental conservation on these trails.

§ 3. Subdivision 1 of section 2282 of the vehicle and traffic law, as amended by chapter 402 of the laws of 1986, is amended to read as follows:

1. Except as hereinafter provided, no person shall operate any ATV within the state **on lands other than those privately owned by the ATV owner** unless such ATV has been registered and numbered in accordance with the provisions of this article, and the registration number for such ATV is in full force and effect and displayed as provided under this article and regulations promulgated thereunder.

§ 4. The closing paragraph of subdivision 4 of section 2282 of the vehicle and traffic law, as added by section 4 of part G of chapter 59 of the laws of 2009, is amended and a new paragraph (h) is added to read as follows:

[~~**Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in paragraphs (a) and (b) of this subdivision in effect on and after September first, two thousand nine and the fees set forth in such paragraphs in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund.**~~]

(h) Fees collected pursuant to this section shall be deposited into the ATV recreation fund established pursuant to section ninety-nine-uu of the state finance law, and used only for those purposes enumerated in such section.

§ 5. Subdivision 12 of section 2282 of the vehicle and traffic law, as added by chapter 671 of the laws of 1985, is amended to read as follows:

12. Out of state ATV registration. **(a)** The registration provisions of this article shall not apply to non-resident owners who have registered their ATVs in compliance with the registration and licensing laws of the state, province, district or country of residence, provided that the ATV is appropriately identified in accordance with the laws of the state of residence. The provisions of this subdivision shall not apply to a resi-

dent of another state, province, district or country which does not have an ATV registration and identification law. Nothing in this subdivision shall be construed to authorize the operation of any ATV contrary to the provisions of this article.

(b) Non-resident owners who reside in a jurisdiction which does not have an ATV registration and identification law, shall pay an annual fee, equal to that provided for pursuant to paragraph (b) of subdivision four of this section to lawfully operate such ATV in the state on lands other than those privately owned by the ATV owner.

§ 6. Section 2411 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, is amended to read as follows:

§ 2411. Liability for negligence. **1.** Negligence in the use [~~of~~] **or** operation of an ATV shall be attributable to the owner. Every owner of an ATV **used or operated in this state on lands other than those privately owned by the ATV owner must be insured. Owners of ATVs** used or operated in this state shall be liable and responsible for death or injury to [~~person~~] **persons** or damage to property resulting from negligence in the use or operation of such ATV [~~by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death~~].

2. Duties of ATV owners and operators. It is recognized that driving an ATV is a voluntary activity that may be hazardous. It shall be the duty of ATV owners and operators:

(a) To keep their ATVs in proper working order.

(b) To follow any and all other rules of conduct as are prescribed pursuant to section 26.01 of the parks, recreation and historic preservation law.

(c) Not to operate an ATV in any area not designated for driving ATVs.

(d) Not to operate an ATV beyond the conditions that limit speed.

(e) To familiarize themselves with rules of the trail.

(f) Not to leave the scene of any accident resulting in personal injury or damage to the property beyond the trail.

§ 7. The state finance law is amended by adding a new section 99-uu to read as follows:

§ 99-uu. ATV recreation fund. 1. There is hereby established in the joint custody of the commissioner of parks, recreation and historic preservation and the comptroller a fund to be known as the "ATV recreation fund".

2. The ATV recreation fund shall consist of moneys appropriated thereto, and funds transferred from any other fund or source including the payment of fees pursuant to section twenty-two hundred eighty-two of the vehicle and traffic law.

3. Ten percent of all moneys in the ATV recreation fund shall be available for the administrative costs of administering such fund. Forty-five percent of all moneys in the ATV recreation fund shall be made available for the maintenance and construction for motorized access for the disabled. Forty-five percent of all moneys in the ATV recreation fund shall be made available for enforcing and educating the public about the provisions of article twenty-six of the parks, recreation and historic preservation law.

4. Monies shall be payable from the fund on the audit and warrant of the state comptroller on vouchers approved and certified by the commissioner of parks, recreation and historic preservation.

§ 8. Paragraph (a) of subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended to read as follows:

(a) "All terrain vehicle" or "ATV" means 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~~] two thousand two hundred pounds dry weight, including vehicles that are classified as "utility terrain vehicles" or "UTVs". 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.

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

§ 2414. Trespass violation fine. Operators of ATVs which have been cited for trespass shall be fined one hundred dollars for a first violation; two hundred dollars for a second violation within three hundred sixty-five days of the initial violation; and five hundred dollars for subsequent violations within three hundred sixty-five days of the initial violation. The money collected from the fines shall be put into the ATV recreation fund established by section ninety-nine-uu of the state finance law and shall be split fifty percent for enforcement, education and remediation and the other fifty percent for trail maintenance and trails construction and maintenance for the motorized access for the disabled.

§ 10. Section 1-0303 of the environmental conservation law is amended by adding four new subdivisions 27, 28, 29 and 30 to read as follows:

27. "All terrain vehicle" or "ATV" shall have the meaning set forth in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law.

28. "Connector trail" shall mean a public highway or portion thereof open for travel by ATVs, any trails or portions thereof; and any existing railroad beds and private roads or portions thereof.

29. "Private road" shall have the meaning set forth in section one hundred thirty-three of the vehicle and traffic law.

30. "Public highway" shall have the meaning set forth in section one hundred thirty-four of the vehicle and traffic law.

§ 11. 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. After April first, two thousand twenty-seven, the department, in consultation with the office of parks, recreation and historic preservation may authorize the public use of ATVs on forest preserve lands by the general public both inside and outside the boundaries of the Adirondack park and on other state-owned lands under the department's jurisdiction which are located within the boundaries of the Adirondack park shall comply with the requirements of the Adirondack park state land master plan.

b. Connector trails on forest preserve lands inside the Adirondack park boundary:

i. shall follow the shortest reasonable route;

ii. shall not generally exceed one and six-tenths mile in length; and

iii. total connector trails shall not exceed a total mileage of five miles and such mileage shall be administered by the department; provided, however, that in the event that the total area of the Adiron-

dack park is expanded after the effective date of this subdivision, such five total mileage limitation shall be expanded to reflect the ratio that five miles is to the total acreage of such park on April first, two thousand twenty-seven.

Provided, however, connector trails in use prior to the effective date of this subdivision may remain in use. Connector trails not exceeding the mileage limits established by this subdivision may be extended on state lands under the jurisdiction of the department other than those described in this subdivision.

c. Persons with qualifying disabilities to whom the department has issued a permit and a companion may use ATVs at the locations authorized by such permit and pursuant to the terms and conditions of such permit. Such authorization shall comply with the requirements of section twenty-four hundred five of the vehicle and traffic law and other applicable law.

d. ATVs may be used on state land under the department's jurisdiction for appropriate administrative, law enforcement, and emergency purposes.

e. The provisions of this subdivision shall only apply to lands within the boundaries of the Adirondack park or under the jurisdiction of the department on or before January first, two thousand twenty-seven.

§ 12. This act shall take effect immediately.