§ 2403. Operation of ATVs; where permitted. 1. Highways. No person shall operate an ATV on a highway except as provided herein.

(a) An ATV may make a direct crossing on a highway other than an interstate highway or a controlled access highway, provided:

(i) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(ii) the vehicle is brought to a complete stop before crossing the shoulder or main travelled way of the highway;

(iii) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(iv) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway, and

(v) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are lighted.

(b) An ATV may be operated on any highway which has been designated and posted as open for travel by ATVs in accordance with the provisions of section twenty-four hundred five of this article.

2. Public lands other than highways. No person shall operate an ATV on any public lands, waters and property other than a highway, except that an ATV may be operated on any such lands which have been designated and posted for travel by ATVs in accordance with the provisions of section twenty-four hundred five of this article.

3. Private property. No person shall operate an ATV on the private property of another without the consent of the owner or lessee thereof.

3-a. Real property of a farm operation. No person shall operate an ATV on the real property of a farm operation, as defined in subdivision eleven of section three hundred one of the agriculture and markets law, without the consent of the owner or lessee thereof, where such owner or lessee has erected or maintained any sign, structure, display, or device prohibiting the trespass thereon, and which shall include a sign stating: "No Trespassing". A violation of this subdivision shall be a traffic infraction, and shall, upon a conviction of a first violation be

punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; upon a conviction of a second violation, both of which were committed within a period of eighteen months, shall be punishable by a fine of not more than four hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, shall be punishable by a fine of not more than five hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

4. Emergency vehicle. The provisions of subdivisions one, two and three of this section shall not apply to operation as emergency vehicle by any authorized emergency, police or civil defense all terrain vehicle.