

## New York Laws

§ 2281. Definitions. For the purposes of this article: 1. (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 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.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the term "all terrain vehicle" or "ATV" shall not include any vehicle used for agricultural purposes or for snowplowing, other than for hire, provided, however, that any such vehicle shall register as an "all terrain vehicle" or "ATV" pursuant to the provisions of this article if such vehicle is used or is intended to be used for any purpose other than agricultural purposes or for snowplowing and shall be regulated in accordance with provisions governing the operation of "all terrain vehicles" or "ATV's" while in such use.

### **Title 11, ARTICLE 48-B**

#### REGISTRATION OF ALL TERRAIN VEHICLES

§ 2282. Registration and permit. 1. Except as hereinafter provided, no person shall operate any ATV within the state 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.

2. The commissioner is authorized to register an ATV, issue a registration certificate and assign a registration number to such ATV. All such registrations shall be valid for a period prescribed by the commissioner unless, prior to expiration of the period prescribed by the commissioner, it is surrendered, cancelled, revoked or suspended pursuant to the provisions of this article.

3. Unless otherwise prescribed by regulation of the commissioner, a number once assigned under this section shall remain with the registered ATV until the ATV is destroyed, abandoned or permanently removed from the state, or until changed or terminated by the commissioner.

4. Fees. Fees for registration of ATVs to be collected by the commissioner under this article are as follows.

(a) An annual fee of ten dollars for each individual resident registration.

(b) An annual fee of ten dollars for each individual nonresident registration.

(c) An annual fee of twenty-five dollars for each dealer registration.

(d) An annual fee of five dollars for each additional dealer demonstrator registration number.

(e) A fee of three dollars for replacement of a lost, mutilated or destroyed certificate.

(f) Provided, however, that the provisions of paragraphs (c) and (d) of this subdivision with respect to the payment of dealer registration

fees shall not apply to dealers registered pursuant to section four hundred fifteen of this chapter.

(g) Annual fees shall not be prorated and such fees shall be applicable to a year or any portion of a year.

4-a. Additional fee. In addition to the fees provided for in paragraphs (a) and (b) of subdivision four of this section the commissioner shall, upon application in such cases for the registration of an all terrain vehicle or the renewal thereof, collect an additional fifteen dollar fee for each individual resident and nonresident registration. This fee shall also be collected from dealers at the time of original registration and at the time of each renewal.

5. Application. The owner of each ATV requiring registration under this section shall present an application for registration to the commissioner, on a blank to be prepared and furnished by the commissioner for that purpose. Such application shall contain or be accompanied by such evidence of the ownership of the ATV described in the application as may be required by the commissioner.

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.

6-a. Registration at time of sale. 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.

7. Renewal. Every owner of an ATV and dealer shall renew his registration in such manner as the commissioner shall prescribe, on payment of the same registration fees as provided in subdivision four of this section.

8. Indicia of registration. At the time of the original registration and at the time of each renewal thereof, the commissioner shall also issue validating forms in a manner he has prescribed indicating the validity of the current registration and the expiration date thereof, which indicia of registration shall be affixed to the vehicle in such manner as the commissioner may prescribe.

No ATV shall be considered as validly registered within the meaning of this section unless a current registration certificate, registration number and current indicia of registration have been issued.

9. Equipment required. No ATV shall be registered, nor shall such a registration be renewed, unless the ATV is equipped with brakes, muffler, spark arrester and tires as prescribed in subdivision one of section twenty-four hundred six of this chapter.

10. ATVs owned by governmental agencies. A registration number shall be assigned, without payment of a fee, for ATVs owned by governmental agencies, or by volunteer organizations if used exclusively for emergency purposes, provided that each such ATV shall display the proper registration number assigned to it.

11. Exemption. No registrations shall be required for the following described ATVs:

(a) ATVs owned and used by the United States, another state, or a political subdivision thereof, but such ATV shall display the name of the owner on the vehicle thereof.

(b) ATVs covered by a valid registration or license of another state, province or country, as provided in subdivision twelve of this section.

12. Out of state ATV registration. 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 resident 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.

#### § 2285. Certificate of registration.

1. Certificate. Upon the filing of the application and payment of the fee as provided in this article, the commissioner shall assign to such ATV a distinctive number, and, without further expense to the applicant, issue a certificate of registration, in such manner and form as the commissioner shall prescribe. In the event of the loss, mutilation or destruction of any certificate of registration, the owner of the registered ATV may file such statement and proof of the facts as the commissioner shall require with a fee of three dollars, with the department, for the issuance of a duplicate or substitute.

2. Carrying certificate. Every person operating an ATV registered in accordance with any of the provisions of this article shall, upon demand of any magistrate, police officer or peace officer, when acting pursuant to his special duties, produce for inspection the certificate of registration for such ATV and shall furnish to such person any

information necessary for the identification of such ATV and its owner. The failure to produce the certificate of registration as provided herein shall not be an offense, but shall be presumptive evidence of operating an ATV which is not registered as required by this article.

3. Change of residence. It shall be the duty of every owner holding a certificate of registration to notify the department, in writing, of any change of residence of such owner within ten days after such change occurs, and to inscribe on such certificate, in the place provided a record of such change of residence.

4. Change of ownership. Whenever an ATV is transferred, the certificate of registration shall be properly signed and executed by the owner showing that the ownership of the ATV has been transferred and such certificate shall be given to the new owner. In the case of transfer, except a transfer to a registered dealer, the new owner shall apply for a new certificate by completing an application for registration. Such application shall be submitted to the department together with old certificate of registration, properly signed by the previous owner, and the required fee of ten dollars. The old certificate of registration, properly signed by the previous owner or other indicia as prescribed by regulation of the commissioner, shall constitute a temporary registration for such new owner for a period determined by the commissioner from the date such ATV was transferred to the new owner. In the event that such ATV was purchased from a registered dealer, the application must be accompanied by the old certificate of registration transferred to the dealer, the required fee, and by any other forms or documents completed and submitted as prescribed by the commissioner.

5. Destruction, theft or removal from state. It shall be the duty of every owner of an ATV registered pursuant to the provisions of this article to notify the department, in writing, of the destruction, theft or permanent removal of such ATV from the state, within fifteen days of acquiring knowledge thereof. In the event of destruction or theft, the certificate or registration shall be surrendered with such notice.

§ 2288. Responsibility for operation by minors. No owner or other person in possession of any ATV shall authorize or knowingly permit any person under sixteen years of age to operate such ATV in violation of any provision of this article.

## **Title 11, ARTICLE 48-C**

§ 2402. Rules and regulations. With a view of achieving enjoyable and proper use of ATVs and minimizing the detrimental effect thereof upon the environment, rules and regulations relating to, but not limited to, the following may be adopted and promulgated as herein provided.

1. The commissioner may adopt rules and regulations:

(a) for conducting special events as provided in section twenty-four hundred eight of this article;

(b) for the administration and enforcement of the provisions of section twenty-four hundred seven of this article relating to liability insurance;

(c) establishing a comprehensive ATV information and safety education and training program or programs including provision for issuance of ATV safety certificates for operation of ATVs by youthful operators;

(d) with respect to uniform signs or markers to be used by governmental agencies which are necessary or desirable to control, direct or regulate the operation and use of ATVs. Such signs as may be designated for use on highways shall also be approved by the commissioner of transportation; and

(e) with respect to such other matters as may be necessary or desirable to provide for the effective administration and enforcement of the provisions of this article.

2. Any state agency may adopt rules and regulations not inconsistent with the provisions of the vehicle and traffic law in a manner appropriate to such agency to permit or regulate the use of ATVs on specifically designated land, including highways, under its jurisdiction.

§ 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.

§ 2405. Designation of highways and public lands for travel by ATVs.

1. Highways. 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.

2. Public lands other than highways. A governmental agency other than a municipality, by regulation or order, and a municipality, by ordinance or local law, may designate any appropriate public lands, waters and properties other than highways under its jurisdiction as a place open for travel by ATVs upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of ATVs on such public property, such as travel on designated trails and hours of operation. In addition thereto, such agency or municipality may not require the operator of an ATV to possess a motor vehicle operator's license. A municipality may charge a fee for use of ATVs on such public lands.

3. Signs and markers. (a) Such designated highways or portions thereof or designated lands shall be identified by markers in such manner as may be provided by rules and regulations of the commissioner.

(b) All signs or markers shall be erected at the expense of the state or municipality, provided, however, that the municipality may accept funds or contributions therefor from private persons, clubs or associations interested in the promotion of ATVs.

4. Any regulation, order, local law or ordinance which designates a highway or portion thereof or designated lands which may be used for ATV operations may include rules and impose restrictions and conditions for the regulation and safe operation of ATVs on the highways and lands so designated, such as travel on designated trails and hours of operation. Any restriction or condition not contained in this chapter must be

posted.

5. Copies of orders, regulations, local laws or ordinances adopted by governmental agencies pursuant to this section shall be filed with the commissioner.

§ 2409. ATV safety course and safety certificate. 1. Safety course or courses. The commissioner shall establish a curriculum or curricula for an ATV safety training course or courses. Any such curriculum may include, but not be limited to, on-vehicle training and safe riding practices. The commissioner may establish different courses and curricula for different types of all terrain vehicles. The commissioner may permit any such safety training course to be given by any private person, club, association or municipality which meets standards established by the commissioner. The commissioner may establish a reasonable fee which any such person or entity may charge for such course or courses.

2. Safety certificate. Upon successful completion of a safety course given in conformity with subdivision one of this section by a person ten years of age or over, the person or entity which gave the course shall notify the commissioner of such completion in a manner prescribed by the commissioner. The commissioner shall, upon receipt of such information, issue an ATV safety certificate to the person who has successfully completed the course. Such certificate may be limited to the type of vehicle for which the course was given.

§ 2410. Operation by minors. 1. Except as provided by subdivision two of this section, no person under the age of sixteen years shall operate an ATV except upon lands owned or leased by his parent or guardian, unless he is under general supervision of a person eighteen years of age or over or a person sixteen years of age or over who holds an ATV safety certificate. "Leased lands" as herein used shall not include lands leased by an organization of which said operator or his parent or guardian is a member.

2. A person ten years of age but less than sixteen years of age who has received safety training as prescribed by the commissioner and has received the appropriate ATV safety certificate issued by the commissioner may operate an ATV in the same manner as a person who is sixteen years of age or older.

3. The failure of a person to exhibit an ATV safety certificate upon demand to any magistrate or any other officer having authority to enforce the provisions of this article shall not be an offense, but shall be presumptive evidence that such person is not the holder of such certificate.

4. No parent or guardian shall authorize or knowingly permit his child or ward, if under sixteen years of age, to operate an ATV in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

5. No owner or other person in possession of any ATV shall authorize or knowingly permit any person under sixteen years of age to operate such an ATV in violation of any provision of this article, any rules or

regulations promulgated thereunder, or the provisions of any local law or ordinance.

2411. Liability for negligence. Negligence in the use of operation of an ATV shall be attributable to the owner. Every owner of an ATV used or operated in this state shall be liable and responsible for death or injury to person 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.

§ 2412. Service on nonresidents and certain residents, administrators or executors. For the purposes of section two hundred fifty-two of this chapter, an ATV shall be a vehicle and the provisions of that section and section two hundred fifty-three of this chapter shall apply to ATVs.

§ 2413. Accidents; reports. 1. The operator of any ATV involved in any accident resulting in injuries to or death of any person or in which property damage in the estimated amount of six hundred dollars or more is sustained, shall immediately notify the nearest law enforcement agency and shall within ten days after such accident report the matter in writing to the department, with a copy thereof to the sheriff or police commissioner of the county in which said accident occurred. If such operator is physically incapable of making such report and there is another participant in the accident not so incapacitated such participant shall make the report within the allotted time after such accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every such operator of an ATV, or participant of any such accident, or the owner, of the ATV involved in any such accident, shall make such other and additional reports as the commissioner shall require.

2. Whenever any ATV meets with an accident involving a loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number assigned to said ATV to the injured person or the person sustaining the damage, or to a peace or police officer. In the event the person sustaining the damage is not present at the place where the damage occurred, the operator shall, as soon as physically able, report the same to the nearest law enforcement agency.

3. A peace, police, or judicial officer who investigates or receives information of an accident involving an ATV shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge and mail the same within forty-eight hours to the department and keep a record thereof in his office.

4. Failure of any person to report an accident as herein provided or failure to give correctly the information required of him by the commissioner in connection with such report 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 the accident. The commissioner may temporarily suspend the ATV safety certificate of the person failing to make such report or the certificate of registration of the ATV involved in the accident until such report has been filed.