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H.287

Introduced by Representatives Hubert of Milton, Ainsworth of Royalton,
Bancroft of Westford, Batchelor of Derby, Beck of
St. Johnsbury, Brumsted of Shelburne, Canfield of Fair Haven,
Cupoli of Rutland City, Devereux of Mount Holly, Dickinson
of St. Albans Town, Donahue of Northfield, Frenier of Chelsea,
Gage of Rutland City, Gamache of Swanton, Gannon of
Wilmington, Graham of Williamstown, Higley of Lowell,
Keefe of Manchester, Kitzmiller of Montpelier, LaClair of
Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis
of Berlin, Marcotte of Coventry, Martel of Waterford, McCoy
of Poultney, McFaun of Barre Town, Morrissey of Bennington,
Myers of Essex, Nolan of Morrystown, Parent of St. Albans
Town, Rosenquist of Georgia, Savage of Swanton, Shaw of
Pittsford, Strong of Albany, Tate of Mendon, Townsend of
South Burlington, Van Wyck of Ferrisburgh, and Viens of
Newport City

Referred to Committee on

Date:

Subject: Ways used for vehicular travel; property; torts; duty of care

1 Statement of purpose of bill as introduced: This bill proposes to:

2 (1) regulate the use of chains across public or private ways used for
3 vehicular travel;

4 (2) eliminate certain limitations that may exist on the liability of a
5 person responsible for the installation of, or who owns or controls property
6 with, a chain across a public or private way that the person knows or should
7 know lawfully is used for vehicular travel.

8 An act relating to ways used for vehicular travel

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 19 V.S.A. chapter 29 is added to read:

11 CHAPTER 29. WAYS USED FOR VEHICULAR TRAVEL

12 § 2901. DEFINITIONS

13 As used in this chapter:

14 (1) “Chain” means a chain, rope, cable, wire, or like material.

15 (2) “Property owner” means a person who owns, leases, or otherwise

16 controls ownership or manages the use of real property, including waters

17 thereon.

18 (3)(A) “Vehicle” means every device upon which any person or

19 property can be transported or drawn, except conveyances that run on rails.

1 (B) “Vehicle” includes motor vehicles as defined in 23 V.S.A. § 4,
2 bicycles, all-terrain vehicles, snowmobiles, and watercraft.

3 (C) “Vehicle” does not include sleds, skis, snowboards, or the like.

4 (4) “Vehicular travel” means travel by a person upon a vehicle.

5 (5) “Way” includes a strip of public or private property or a body of
6 water.

7 § 2902. WAYS USED FOR VEHICULAR TRAVEL; CHAINS; DUTY;

8 LIABILITY

9 (a)(1) A person who knows, or should know, that a way lawfully is used for
10 vehicular travel and who causes to be installed a chain across all or part of the
11 way, shall mark the chain with flags, or other devices or markings, that are
12 retroreflective or otherwise readily visible in the presence of natural and artificial
13 light.

14 (2) A property owner who knows, or should know, that a way on the
15 property lawfully is used for vehicular travel, and that a chain exists across all
16 or part of the way, shall:

17 (A) maintain markings as may be required under subdivision (1) of
18 this subsection; or

19 (B) cause the chain to be removed.

1 (b) A person does not violate this section if markings in compliance with
2 this section are removed or detached and the person does not know or have
3 reason to know of their removal or detachment.

4 (c)(1) An unexcused violation of this section is negligence in itself.

5 (2) A person's liability for a violation of this section to a person who
6 lawfully uses a way for vehicular travel shall not be limited under Vermont's
7 recreational use statutes, including 12 V.S.A. § 5793, 23 V.S.A. § 3206(d), and
8 23 V.S.A. § 3506(c).

9 (3) Except as expressly provided in this section, this section is not
10 intended to modify causes of action or defenses otherwise available under
11 Vermont statute or common law.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2017.