

1 H.536

2 Introduced by Representative Helm of Castleton

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; public waters; all-terrain vehicles

6 Statement of purpose: This bill proposes to authorize the operation of
7 all-terrain vehicles on a frozen body of public water if the secretary of natural
8 resources has designated by rule or procedure the body of water for use by
9 all-terrain vehicles.

10 An act relating to the operation of all-terrain vehicles on frozen waters

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

12 Sec. 1. 23 V.S.A. § 3506 is amended to read:

13 § 3506. OPERATION

14 (a) A person may only operate or permit an all-terrain vehicle owned by
15 him or under his or her control to be operated in accordance with this chapter.

16 (b) An all-terrain vehicle may not be operated:

17 (1) Along a public highway unless it is not being maintained during the
18 snow season or unless the highway has been opened to all-terrain vehicle travel
19 by the selectmen or trustees or local governing body and is so posted by the
20 municipality except an all-terrain vehicle being used for agricultural purposes

1 may be operated not closer than three feet from the traveled portion of any
2 highway for the purpose of traveling within the confines of the farm.

3 (2) Across a public highway unless:

4 (A) the crossing is made at an angle of approximately 90 degrees to
5 the direction of the highway and at a place where no obstruction prevents a
6 quick and safe crossing; and

7 (B) the operator brings the all-terrain vehicle to a complete stop
8 before entering the travelled portion of the highway; and

9 (C) the operator yields the right-of-way to motor vehicles and
10 pedestrians using the highway; and

11 (D) the operator is 12 years of age or older and that an operator under
12 16 years of age must be under the direct supervision of a person 18 years of
13 age or older.

14 (3) On any privately owned land or body of private water unless:

15 (A) the operator is the owner, or member of the immediate family of
16 the owner of the land; or

17 (B) the operator has, on his or her person, the written consent of the
18 owner or lessee of the land to operate an all-terrain vehicle in the specific area
19 and during specific hours and/or days in which the operator is operating, or the
20 all-terrain vehicle displays a valid TAD decal as required by subsection
21 3502(a) of this title that serves as proof that the all-terrain vehicle and its

1 operator, by virtue of the TAD, are members of a VASA-affiliated club to
2 which such consent has been given orally or in writing to operate an all-terrain
3 vehicle in the area in which the operator is operating;

4 (C) the owner of the land has designated the area for use by
5 all-terrain vehicles by posting the area in a manner approved by the secretary
6 to give reasonable notice that use is permitted.

7 (4) On any public land, ~~body of public water~~ or natural area established
8 under the provisions of section 2607 of Title 10 unless the secretary has
9 designated the area for use by all-terrain vehicles pursuant to rules
10 promulgated under provisions of 3 V.S.A. chapter 25.

11 (5) By a person under 12 years of age unless:

12 (A) he or she is on land owned by his or her parents, family, or
13 guardian;

14 (B) he or she has written permission of the landowner or lessee; or

15 (C) he or she is under the direct supervision of a person at least 18
16 years of age.

17 (6) In any manner intended or reasonably to be expected to harass,
18 drive, or pursue any wildlife;

19 (7) If the registration certificate or consent form is not available for
20 inspection and the registration number, or plate of a size and type approved by

1 the commissioner, is not displayed on the all-terrain vehicle in a manner
2 approved by the commissioner;

3 (8) While the operator is under the influence of drugs or intoxicating
4 beverages as defined by this title;

5 (9) In a careless or negligent manner or in a manner so as to endanger a
6 person or property;

7 (10) Within a cemetery, public or private, as defined in 18 V.S.A.
8 § 5302;

9 (11) On limited access highways, rights-of-way or approaches unless
10 permitted by the traffic committee under section 1004 of this title. In no cases
11 shall the use of all-terrain vehicles be permitted on any portion of the national
12 system of interstate and defense highways unless the traffic committee permits
13 operation on these highways;

14 (12) On a sidewalk unless permitted by the selectmen or trustees of the
15 local governing body.

16 * * *

17 (d) In addition to all other requirements, an all-terrain vehicle may not be
18 operated:

19 (1) if equipped with an exhaust system with a cut out, bypass, or similar
20 device; or

1 (2) with the spark arrester removed or modified, except for use in closed
2 course competition events.

3 (e) In addition to all other requirements, an all-terrain vehicle may not be
4 operated by an operator who is less than 18 years of age unless one of the
5 following criteria is met:

6 (1) the operator is operating on property owned or leased by the operator
7 or his or her parents or guardian; or

8 (2) the operator is taking a prescribed safety education training course
9 and operating under the direct supervision of a certified all-terrain vehicle
10 safety instructor; or

11 (3) the operator holds an appropriate safety education certificate issued
12 by this state or issued under the authority of another state or province of
13 Canada.

14 (f) A person who is required to hold an appropriate safety education
15 certificate under the provisions of subsection (e) of this section shall exhibit
16 the safety education certificate upon demand of a law enforcement officer
17 having authority to enforce the provisions of this section.

18 (g) Notwithstanding any other provision of law or rule to the contrary, the
19 commissioner may authorize the temporary operation of all-terrain vehicles not
20 registered in this state on Route 253 in Beecher Falls for an annual special
21 event, provided the all-terrain vehicle is registered in another state or province.

1 (h) An all-terrain vehicle may be operated on a frozen body of public water
2 if the secretary has designated by rule or procedure the body of water for use
3 by all-terrain vehicles.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect upon passage.