

# The Vermont Statutes Online

## Title 23 : Motor Vehicles

### Chapter 031 : All-terrain Vehicles

#### § 3506. Operation

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

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

(1) Along a public highway unless it is not being maintained during the snow season or unless the highway has been opened to all-terrain vehicle travel by the selectboard or trustees or local governing body and is so posted by the municipality except an all-terrain vehicle being used for agricultural purposes may be operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.

(2) Across a public highway unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) If the registration certificate or consent form is not available for inspection and the registration number, or plate of a size and type approved by the Commissioner, is not displayed on the all-terrain vehicle in a manner approved by the Commissioner.

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

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

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

(11) On limited access highways, rights of way, or approaches unless permitted by the Traffic Committee under section 1004 of this title. In no cases shall the use of all-terrain vehicles be permitted on any portion of the National System of Interstate and Defense Highways unless the Traffic Committee permits operation on these highways.

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

(c) No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an all-terrain vehicle or upon a vehicle or other device drawn by an all-terrain vehicle upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land, unless the public or private landowner charges a cash fee to the operator or owner of the all-terrain vehicle for the use of the property or unless damage or injury is intentionally inflicted by the landowner.

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

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

or

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

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

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

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

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

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

(g) Notwithstanding any other provision of law or rule to the contrary, the Commissioner may authorize the temporary operation of all-terrain vehicles not registered in this State on Route 253 in Beecher Falls for an annual special event, provided the all-terrain vehicle is registered in another state or province. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1985, No. 8; 1991, No. 123 (Adj. Sess.), § 3; 2009, No. 50, § 81; 2013, No. 161 (Adj. Sess.), § 72.)