

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred House Bill No.
3 287 entitled “An act relating to ways used for vehicular travel” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 CHAPTER 29. WAYS USED FOR VEHICULAR TRAVEL

9 § 2901. DEFINITIONS

10 As used in this chapter:

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

12 (2) “Property owner” means a person who owns, leases, or otherwise
13 controls ownership or manages the use of land or frozen water, but does not
14 include [option 1: the State or a political subdivision thereof] [option 2: any
15 agency, authority, or instrumentality of the State or a political subdivision
16 thereof].

17 (3)(A) “Vehicle” means every device upon which any person or
18 property can be transported or drawn, except conveyances that run on rails.

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

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

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

2 (5) “Way” includes a strip of land or of frozen water of a property
3 owner.

4 § 2902. WAYS USED FOR VEHICULAR TRAVEL; CHAINS; DUTY;

5 CIVIL PENALTY

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

12 (2) A property owner who knows, or should know, that a way on the
13 property lawfully is used for vehicular travel, and that a chain exists across all
14 or part of the way at a height that may risk contact with a vehicle or individual
15 upon a vehicle, shall:

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

18 (B) cause the chain to be removed.

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

