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 any agency, authority, or instrumentality of the State or a political
15	subdivision thereof.
16	(3)(A) "Vehicle" means every device upon which any person or
17	property can be transported or drawn, except conveyances that run on rails.
18	(B) "Vehicle" includes motor vehicles as defined in 23 V.S.A. § 4,
19	bicycles, all-terrain vehicles, and snowmobiles.
20	(C) "Vehicle" does not include sleds, skis, snowboards, or the like.
21	(4) "Vehicular travel" means travel by a person upon a vehicle.

1	(5) "Way" includes a strip of land or of frozen water of a property
2	owner.
3	§ 2902. WAYS USED FOR VEHICULAR TRAVEL; CHAINS; DUTY;
4	<u>CIVIL PENALTY</u>
5	(a)(1) A person who knows, or should know, that a way lawfully is used for
6	vehicular travel and who causes to be installed a chain across all or part of the
7	way at a height that may risk contact with a vehicle or individual upon a
8	vehicle, shall mark the chain with flags, or other devices or markings, that are
9	retroflective or otherwise readily visible in the presence of natural and artificial
10	<u>light.</u>
11	(2) A property owner who knows, or should know, that a way on the
12	property lawfully is used for vehicular travel, and that a chain exists across all
13	or part of the way at a height that may risk contact with a vehicle or individual
14	upon a vehicle, shall:
15	(A) maintain markings as may be required under subdivision (1) of
16	this subsection; or
17	(B) cause the chain to be removed.
18	(b) A person does not violate this section if markings in compliance with
19	this section are removed or detached and the person does not know or have
20	reason to know of their removal or detachment.

1	(c)(1) A person who violates this section shall be subject to a civil penalty
2	of \$##.00.
3	(2) An enforcement officer may not enter property solely to enforce this
4	section, but may enforce this section if the officer entered the property while
5	exercising law enforcement authority for another violation of the law or while
6	acting in a community caretaking capacity.
7	(d) Nothing in this section is intended to modify the rights, duties,
8	liabilities, or defenses available to any person under any other law.
9	Sec. 2. 4 V.S.A. § 1102 is amended to read:
10	§ 1102. JUDICIAL BUREAU; JURISDICTION
11	(a) A Judicial Bureau is created within the Judicial Branch under the
12	supervision of the Supreme Court.
13	(b) The Judicial Bureau shall have jurisdiction of the following matters:
14	* * *
15	(27) Violations of 19 V.S.A. § 2902, relating to chains across ways used
16	for vehicular travel.
17	* * *
18	Sec. 3. EFFECTIVE DATE
19	This act shall take effect on July 1, 2017.

4/12/2017 - HMG - 08:23 AM

(Committee vote: _____)

3 Representative _____

4 FOR THE COMMITTEE

(Draft No. 2.1 – H.287)

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