

1 Sec. XX. 23 V.S.A. §§ 3501 and 3502 are amended to read:

2 § 3501. DEFINITIONS

3 As used in this chapter:

4 (1) ~~“Commissioner” means the Commissioner of Motor Vehicles unless~~
5 ~~otherwise stated.~~

6 (2) ~~“Department” means Department of Motor Vehicles unless~~
7 ~~otherwise stated.~~

8 (3) ~~“Operate” includes an attempt to operate and shall be construed to~~
9 ~~cover all matters and things connected with the presence and use of all terrain~~
10 ~~vehicles whether they be at motion or rest.~~

11 (4) ~~“Secretary” means the Secretary of Natural Resources.~~

12 (5) “All-terrain vehicle” or “ATV” means any nonhighway recreational
13 vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires
14 (10 pounds per square inch, or less), not wider than 64 inches with two-wheel
15 ATVs having permanent, full-time power to both wheels, and having a dry
16 weight of less than 1,700 pounds, when used for cross-country travel on trails
17 or on any one of the following or a combination thereof: land, water, snow,
18 ice, marsh, swampland, and natural terrain. An ATV on a public highway shall
19 be considered a motor vehicle, as defined in section 4 of this title, only for the
20 purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),
21 (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);

1 (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.

2 An ATV shall not include an electric personal assistive mobility device.

3 (2) “Department” means the Department of Motor Vehicles unless
4 otherwise stated.

5 (3) “Direct supervision” means that the supervisor shall be sufficiently
6 close and able to control, by communicating visually or orally, the operation of
7 an ATV by an operator under 16 years of age, taking into account the noise
8 created by an ATV and protective headgear worn by the operator.

9 (4) “Farm” means a parcel or parcels of land owned, leased, or managed
10 by a person and devoted primarily to farming.

11 (5) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).

12 (6) “Forestry operation” has the same meaning as in 10 V.S.A. § 2602.

13 (7) “Secretary” means the Secretary of Natural Resources.

14 (8) “State lands” means land owned, leased, or otherwise controlled by
15 the State.

16 ~~(6)(9) “Club or association” means an all-terrain vehicle club or~~
17 “VASA” means the Vermont ATV Sportsman’s Association, a statewide
18 association of ATV clubs.

1 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

2 REQUIRED; EXCEPTIONS

3 (a)(1) ~~An all-terrain vehicle may not be operated~~ Except as otherwise
4 provided in this section, an individual shall not operate an ATV on the VASA
5 Trail System, on State land designated by the Secretary pursuant to subdivision
6 3506(b)(4) of this title, or along any highway that is not adjacent to the
7 property of the operator unless the ATV:

8 (A) ~~is registered pursuant to this chapter or any other section of this~~
9 ~~title by the State of Vermont and unless the all-terrain vehicle~~ or in accordance
10 with subsection (e) of this subsection; and

11 (B) ~~displays a valid Vermont ATV Sportsman's Association (VASA)~~
12 VASA Trail Access Decal (TAD) when operating on a VASA trail, except
13 ~~when operated;.~~

14 (1)(2) Notwithstanding subdivision (1) of this subsection, neither
15 registration nor display of a TAD is required to operate an ATV:

16 (A) ~~On~~ on the property of the owner of the ~~all-terrain vehicle.~~ ATV;

17 (B)(2) ~~Off the highway, In in a ski area while being used,~~ off the
18 highway, for the purpose of grooming snow, maintenance, or in rescue
19 ~~operations;.~~

1 ~~(3)(C) For~~ for official use by a federal, State, or municipal agency
2 ~~and only~~ if the ~~all-terrain vehicle~~ ATV is identified with the name or seal of the
3 agency in a manner approved by the Commissioner;

4 ~~(D)(4) Solely~~ on privately owned land when the operator is
5 specifically invited to do so by the owner of ~~that~~ the property and ~~has on his or~~
6 ~~her person~~ carries the written consent of the owner;

7 (E) by an operator engaged in farming on a farm, provided that at no
8 time shall the ATV be operated within three feet of the traveled portion of a
9 highway; or

10 (F) by an operator conducting forestry operations at the site of the
11 forestry operation, provided that at no time shall the ATV be operated within
12 three feet of the traveled portion of a highway.

13 ~~(3)(5) By a person who~~ Notwithstanding subdivision (1) of this
14 subsection, an operator may operate an ATV without a TAD displayed if the
15 operator possesses a completed TAD form processed electronically and within
16 the prior 10 days that is either printed out or displayed on a portable electronic
17 device. ~~The printed or electronic TAD form shall be valid for 10 days after the~~
18 ~~electronic transaction.~~ Use of a portable electronic device to display a
19 completed TAD form does not in itself constitute consent for an enforcement
20 officer to access other contents of the device.

21 * * *

1 (c) The possession of a valid TAD or registration of an all-terrain vehicle
2 ATV does not constitute a license to ~~cross or~~ operate an ~~all-terrain vehicle~~
3 ATV on public or private lands, even if temporarily while crossing the public
4 or private lands.

5 (d) An ~~all-terrain vehicle which~~ ATV that does not comply with the
6 provisions of this chapter ~~may~~ shall not be registered by the Commissioner.

7 (e) An ~~all-terrain vehicle~~ ATV owned by a person who is a resident of any
8 other state or province shall be deemed to be properly registered for the
9 purposes of this chapter if it is registered in accordance with the laws of the
10 state or province in which its owner resides. An operator who is a resident of
11 any other state or province shall be subject to the provisions of this chapter
12 while operating an ATV within this State, including possessing a valid TAD in
13 the same circumstances that a resident of this State is required to possess a
14 valid TAD.

15 Sec. XX. 23 V.S.A. § 3506 is amended to read:

16 § 3506. OPERATION; PROHIBITED ACTS; FINANCIAL
17 RESPONSIBILITY; HEADGEAR

18 (a) A person shall only operate an ATV, or permit an ~~all-terrain vehicle~~
19 ATV owned by him or her or under his or her control to be operated, in
20 accordance with this chapter.

21 (b) An ~~all-terrain vehicle~~ ATV shall not be operated:

1 (1) Along a public highway except if one or more of the following
2 applies:

3 (A) ~~the highway is not being maintained during the snow season;~~

4 (B) the highway has been opened to ~~all-terrain vehicle~~ ATV travel by
5 the ~~selectboard or trustees or local governing body~~ legislative body of the
6 municipality where the town highway is located or, for State highways, the
7 Secretary of Transportation and is so posted ~~by the municipality; or~~

8 (C)(B) the ~~all-terrain vehicle~~ ATV is being used for ~~agricultural~~
9 ~~purposes~~ farming or a forestry operation and is not operated ~~not closer than~~
10 ~~three feet from the traveled portion of any highway for the purpose of traveling~~
11 ~~within the confines of the farm~~ within three feet of the traveled portion of a
12 highway, as specified in subdivision 3502(a)(2)(E) or (F) of this title; or

13 (D)(C) the ~~all-terrain vehicle~~ ATV is being used by an employee or
14 agent of an electric transmission or distribution company subject to the
15 jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility
16 purposes, including safely accessing utility corridors, provided that the ~~all-~~
17 ~~terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall
18 yield to other vehicles.

19 (2) Across a public highway ~~unless~~ except if all of the following
20 conditions are met:

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

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

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

8 (D) the operator is 12 years of age or older; ~~and that~~

9 (E) in the case of an operator under 16 years of age, must be under
10 the direct supervision of a person an individual 18 years of age or older who
11 does not have a suspended operator's license or privilege to operate.

12 (3) On any privately owned land or privately owned body of ~~private~~
13 water unless either:

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

16 (B) the operator ~~has, on his or her person,~~ carries the written consent
17 of the owner or lessee of the land or the land surrounding the privately owned
18 body of water to operate an ~~all-terrain vehicle~~ ATV in the specific area and
19 during specific hours ~~and/or~~ or days, or both in which the operator is operating;
20 ~~or;~~

1 (C) the ~~all-terrain vehicle~~ ATV displays a valid ~~TAD decal~~ VASA
2 Trail Access Decal (TAD) as required by subsection 3502(a) of this title that
3 serves as proof that the ~~all-terrain vehicle~~ ATV and its operator, by virtue of
4 the TAD, are members of a ~~VASA-affiliated club to which such~~ VASA and
5 consent has been given orally or in writing to operate an ~~all-terrain vehicle~~
6 ATV in the area ~~in which~~ where the operator is operating; or

7 ~~(C)~~(D) the owner of the land ~~has~~ or the land surrounding the privately
8 owned body of water designated the area for use by ~~all-terrain vehicles~~ ATVs
9 by posting the area in a manner approved by the Secretary to give reasonable
10 notice that use is permitted.

11 (4) On any ~~public land~~ municipal lands unless opened to ATV travel by
12 the legislative body of the municipality where the land is located, or on any
13 State lands, body of public water, or natural area established under the
14 provisions of 10 V.S.A. § 2607 unless ~~the Secretary has~~ designated the area by
15 the Secretary for use by ~~all-terrain vehicles pursuant to~~ ATVs in rules
16 ~~promulgated~~ adopted under ~~provisions of~~ 3 V.S.A. chapter 25.

17 (5) By ~~a person~~ an individual under 12 years of age unless he or she is
18 wearing on his or her head protective headgear of a type approved by the
19 Commissioner while operating the ATV or riding as a passenger on the ATV
20 and either:

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

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

4 (C) he or she is under the direct supervision of ~~a person at least an~~
5 individual 18 years of age or older who does not have a suspended operator's
6 license or privilege to operate.

7 (6) In any manner ~~intended or~~ that could reasonably ~~to~~ be expected to
8 harm, harass, drive, or pursue any wildlife.

9 (7) If the registration certificate or consent form ~~is~~ and proof of
10 insurance are not available for inspection, and the registration number, or plate
11 of a size and type approved by the Commissioner, is not displayed on the ~~all-~~
12 ~~terrain vehicle~~ ATV in a manner approved by the Commissioner.

13 (8) While the operator is under the influence of drugs or alcohol as
14 defined by this title.

15 (9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent
16 with the duty of ordinary care, so as to endanger ~~a person~~ an individual or
17 property.

18 (10) Within a cemetery, public or private, as defined in 18 V.S.A. §
19 5302.

20 (11) On limited access highways, ~~rights-of-way~~ rights-of-way, or
21 approaches unless permitted by the Traffic Committee under section 1004 of

1 this title. In no cases shall the use of ~~all-terrain vehicles~~ ATVs be permitted on
2 any portion of the Dwight D. Eisenhower National System of Interstate and
3 Defense Highways unless the Traffic Committee permits operation on these
4 highways.

5 (12) On a sidewalk unless permitted by the ~~selectboard or trustees of the~~
6 ~~local governing~~ legislative body of the municipality where the sidewalk is
7 located.

8 (13) Without liability insurance as described in this subdivision. The
9 owner or operator of an ATV shall not operate or permit the operation of an
10 ATV at locations where the ATV must be registered in order to be lawfully
11 operated under section 3502 of this title without having in effect a bond or a
12 liability policy in the amounts of at least \$25,000.00 for one individual and
13 \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for
14 damages to property in any one accident. In lieu of a bond or liability policy,
15 evidence of self-insurance in the amount of \$115,000.00 must be filed with the
16 Commissioner. Financial responsibility shall be maintained and evidenced in a
17 form prescribed by the Commissioner, and persons who self-insure shall be
18 subject to the provisions of subsection 801(c) of this title.

19 (14) While the operator's license or privilege to operate a motor vehicle
20 is suspended, unless operated at a location described in subdivision
21 3502(a)(2)(A) or (D) of this title.

1 (15) Outside the boundaries of trails established by the VASA Trail
2 System unless such operation is specifically authorized pursuant to another
3 provision of this chapter.

4 (16) Unless the operator and all passengers wear properly secured
5 protective headgear, of a type approved by the Commissioner and as intended
6 by the manufacturer, if the ATV is operated at locations where the ATV must
7 be registered in order to be lawfully operated under section 3502 of this title.

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

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

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

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

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

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

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

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

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

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

20 [Repealed.]