

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) “Secretary” means the Secretary of Natural Resources.

12 (6) “State lands” means land owned, leased, or otherwise controlled by  
13 the State.

14 (6)(7) ~~“Club or association” means an all-terrain vehicle club or~~  
15 “VASA” means the Vermont ATV Sportsman’s Association, a statewide  
16 association of ATV clubs.

17 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

18 REQUIRED; EXCEPTIONS

19 (a)(1) ~~An all-terrain vehicle may not be operated~~ Except as otherwise  
20 provided in this section, an individual shall not operate an ATV on the VASA  
21 Trail System, on State land designated by the Secretary pursuant to subdivision

1 3506(b)(4) of this title, or along any highway that is not adjacent to the  
2 property of the operator unless the ATV:

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

6 (B) displays a valid Vermont ATV Sportsman's Association (VASA)  
7 VASA Trail Access Decal (TAD) when operating on a VASA trail, except  
8 when operated;

9 (1)(2) Notwithstanding subdivision (1) of this subsection, neither  
10 registration nor display of a TAD is required to operate an ATV:

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

12 (B)(2) Off the highway, In in a ski area while being used, off the  
13 highway, for the purpose of grooming snow, maintenance, or in rescue  
14 operations;

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

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

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

9   \* \* \*

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

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

16          (e) An ~~all-terrain vehicle~~ ATV owned by a person who is a resident of any  
17 other state or province shall be deemed to be properly registered for the  
18 purposes of this chapter if it is registered in accordance with the laws of the  
19 state or province in which its owner resides. An operator who is a resident of  
20 any other state or province shall be subject to the provisions of this chapter  
21 while operating an ATV within this State, including possessing a valid TAD in

1 the same circumstances that a resident of this State is required to possess a  
2 valid TAD.

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

4 § 3506. OPERATION; PROHIBITED ACTS; FINANCIAL  
5 RESPONSIBILITY; HEADGEAR

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

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

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

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

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

17 (C) ~~the all-terrain vehicle~~ ATV is being used for agricultural  
18 purposes and is operated not closer than three feet from the traveled portion of  
19 any highway for the purpose of traveling within the confines of the farm; or

20 (D) ~~the all-terrain vehicle~~ ATV is being used by an employee or  
21 agent of an electric transmission or distribution company subject to the

1 jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility  
2 purposes, including safely accessing utility corridors, provided that the ~~all-~~  
3 ~~terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall  
4 yield to other vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1           (10) Within a cemetery, public or private, as defined in 18 V.S.A. §  
2           5302.

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

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

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

1 form prescribed by the Commissioner, and persons who self-insure shall be  
2 subject to the provisions of subsection 801(c) of this title.

3 (14) While the operator’s license or privilege to operate a motor vehicle  
4 is suspended, unless operated at a location described in subdivision  
5 3502(a)(2)(A) or (D) of this title.

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

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

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

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

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

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

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

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

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

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

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

1           (g) ~~Notwithstanding any other provision of law or rule to the contrary, the~~  
2           ~~Commissioner may authorize the temporary operation of all terrain vehicles~~  
3           ~~not registered in this State on Route 253 in Beecher Falls for an annual special~~  
4           ~~event, provided the all-terrain vehicle is registered in another state or province.~~  
5           [Repealed.]