

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL

REQUIRED; EXCEPTIONS

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

(A) the ATV is registered by the State of Vermont pursuant to ~~this chapter or any other~~ section of ~~this title~~ by the State of Vermont or in accordance with subsection (e) of this section; and unless

(B) the all-terrain vehicle displays a valid ~~Vermont ATV Sportsman's Association~~ (VASA) Trail Access Decal (TAD) ~~when operating on a VASA trail, except when operated:~~

(2) Notwithstanding subdivision (1) of this subsection, registration and display of a TAD is not required for operation:

~~(1)~~(A) On the property of the owner of the all-terrain vehicle.

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

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

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

~~(5)~~(E) By a person engaged in farming on a farm, provided that at no time shall the person operate the ATV within three feet of the traveled portion of a highway.

(F) By a person conducting a forestry operation on the site of the forestry operation, provided that at no time shall the person operate the ATV within three feet of the traveled portion of a highway.

(3) Notwithstanding subdivision (1) of this subsection, display of a TAD is not required for operation of an ATV:

(A) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

(c) The possession of a valid TAD or registration of an all-terrain vehicle does not constitute a license to cross or operate an all-terrain vehicle on public or private lands.

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

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

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

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

(1) Along a public highway unless:

~~(A) it is not being maintained and plowed for use during the snow season; or unless~~

~~(B) the highway has been opened to all-terrain vehicle travel by the selectboard or trustees or local governing body~~ legislative body of the municipality in which the highway is located in the case of town highways, or by the Secretary of Transportation in the case of State highways, and is so posted by the municipality except as ~~or~~

~~(B) the all-terrain vehicle is being used for agricultural purposes may be farming or a forestry operation and is operated not closer than at least three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm or the forestry operation, as specified in subdivision 3502(a)(2)(E) or (F) of this title.~~

(2) Across a public highway unless all of the following conditions are met:

(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~~ traveled portion of the highway; ~~and~~

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

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

~~(E)~~ an operator under 16 years of age ~~must be~~ is under the direct supervision of a person 18 years of age or older who does not have a suspended motor vehicle license.

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

(A) the operator is the owner; or is a member of the immediate family of the owner of the land or the land surrounding the private water; ~~or~~

(B) the operator has; on his or her person; the written consent of the owner or lessee of the land or the land surrounding the private water to operate an all-terrain vehicle in the specific area, and during the specific hours and/or or days, or both, in which the operator is operating; ~~or~~;

~~(C)~~ the all-terrain vehicle displays a valid VASA Trail Access Decal ~~TAD decal~~ (TAD) 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~~ VASA and consent has been given orally or in writing to operate an all-terrain vehicle in the area in which the operator is operating; or

~~(C)~~(D) the owner of the land or the land surrounding the private water 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~~ municipal lands unless opened for use by the legislative body of the municipality, or on any State lands, body of public water, or natural area established under the provisions of 10 V.S.A. § 2607 unless ~~the Secretary has designated the area by the Secretary~~ for use by all-terrain vehicles ~~pursuant to~~ in rules ~~promulgated~~ adopted under provisions of 3 V.S.A. chapter 25.

(5) By a person under 12 years of age unless he or she is wearing on his or her head protective headgear of a type approved by the Commissioner while operating the all-terrain vehicle or while riding as passenger and either:

(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 or older who does not have a suspended motor vehicle license.

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

(7) If the registration certificate or consent form ~~is~~ and proof of insurance are 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 alcohol as defined by this title.

(9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent with the duty of ordinary care, 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~~ 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.

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

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

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

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