

**[PROPOSED INSTANCES OF AMENDMENT FROM DEPARTMENT
OF FISH AND WILDLIFE]**

XXX: In Sec. 17, 23 V.S.A. §§ 3501 and 3502, by striking out section 3501
in its entirety and inserting in lieu thereof the following:

§ 3501. DEFINITIONS

As used in this chapter:

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

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

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

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

(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational
vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires
(10 pounds per square inch, or less), not wider than 64 inches with two-wheel
ATVs having permanent, full-time power to both wheels, and having a dry
weight of less than 1,700 pounds, when used for cross-country travel on trails
or on any one of the following or a combination thereof: land, water, snow,
ice, marsh, swampland, and natural terrain. An ATV on a public highway shall

1 be considered a motor vehicle, as defined in section 4 of this title, only for the
2 purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),
3 (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);
4 (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.

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

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

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

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

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

15 (6) “Secretary” means the Secretary of Natural Resources.

16 (7) “State lands” means land owned, leased, or otherwise controlled by
17 the State.

18 ~~(6)~~(8) “Club or association” means an all-terrain vehicle club or
19 “VASA” means the Vermont ATV Sportsman’s Association, a statewide
20 association of ATV clubs.

1 ~~XXX~~: In Sec. 18, 23 V.S.A. § 3506, by striking out subdivision (b)(1) in its
2 entirety and inserting in lieu thereof the following:

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

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

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

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

13 (C) the ATV is being use for forestry purposes and is operated not
14 closer than three feet from the traveled portion of any highway for the purpose
15 of traveling within the confines of the forestry operation; or

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