

VERMONT STATUTES

Title 23: Motor Vehicles
Chapter 31: ALL-TERRAIN VEHICLES

§ 3501. Definitions

For the purpose of 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 the agency of natural resources.
- (5) "All-terrain vehicle" or "ATV" means any nonhighway recreational vehicle, except snowmobiles, 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 be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (ZZ); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A), and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.
- (6) "Club or association" means an all-terrain vehicle club or association.

§ 3502. Registration

- (a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title, by the state of Vermont except when operated:
 - (1) on the property of the owner of the all-terrain vehicle; or
 - (2) off the highway, in a ski area while being used for the purpose of grooming snow, maintenance or in rescue operations; or
 - (3) 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; or
 - (4) solely on privately owned land when the operator is specifically invited to do so by the owner of that property and has on his person the written consent of the owner.
- (b) An all-terrain vehicle registration shall become void two years from the first day of the month following the month of issue, except the registration of a vehicle registered under subsection 3504(b) of this title shall become void on the last day of February next following the date of issue. The provisions of section 305 of this title shall apply to a registration.
- (c) The registration of an all-terrain vehicle does not constitute a license to cross or operate an all-terrain vehicle on public or private lands.
- (d) An all-terrain vehicle which does not comply with the provisions of this chapter may not be registered by the commissioner.
- (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, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for all-terrain vehicles registered in this state by a resident of this state.

§ 3503. Transfer of registration

The registration of an all-terrain vehicle ends when the owner transfers title to another person. The former owner shall immediately return to the commissioner the registration certificate and plate previously assigned to the transferred all-terrain vehicle with the date of sale, name and residence of the new owner endorsed on the back of the certificate. When a person transfers the ownership of a registered all-terrain vehicle to another person, files a new application and pays a fee of \$10.00, he may have registered in his name another all-terrain vehicle for the remainder of the registration year without payment of any additional registration fee.

§ 3504. Registration fees and plates

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is \$35.00. Duplicate registration certificates may be obtained upon payment of \$5.00 to the department.

(b) Any person engaged in the manufacture or sale of all-terrain vehicles shall obtain registration certificates and identifying number plates subject to rules which may be

adopted by the commissioner which shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows or races when no charge is made. Fees for registration certificates shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

§ 3505. Equipment

(a) All all-terrain vehicles shall be equipped with one or more headlights, a red rear light all in working order, and brakes in good mechanical condition and be equipped with an efficient muffler and such other equipment and devices as may be required to meet the noise level specifications of subsection (b) of this section, and if equipped with a windshield it shall be free from sharp or jagged edges. Lights shall be on during operation from 30 minutes after sunset to 30 minutes before sunrise.

(b) Subject to regulation by rule of the commissioner, any all-terrain vehicles shall be equipped with a muffler system and such other equipment or devices which reduce maximum machine operating noise to a noise level of not more than 82 decibels on the A scale at 50 feet, in a normal operating environment.

(c) No person shall sell or offer to sell within the state of Vermont an all-terrain vehicle unless it complies with the sound requirements specified in subsection (b) of this section. No all-terrain vehicle shall be equipped in any manner which permits the operator to bypass the muffler system; no person shall sell or offer to sell at either wholesale or retail a replacement exhaust

muffler system which will not meet or exceed the exhaust noise reduction capabilities of the all-terrain vehicle. In addition, any person selling or offering to sell an all-terrain vehicle or replacement muffler system, whether at wholesale or retail, shall include in the specifications, precise information concerning the designed maximum sound levels of the all-terrain vehicle or replacement muffler system.

(d) This section and section 3504 of this title shall not apply to any all-terrain vehicle entered into a racing contest sponsored by a racing or all-terrain vehicle organization or association during the period the all-terrain vehicle is actually participating in or practicing or preparing for a racing event at an area especially provided for the purpose.

(e) The provisions of section 1222 of this title shall not apply to any all-terrain vehicle registered pursuant to this chapter.

(f) Every all-terrain vehicle shall be equipped with a United States Forest Service qualified spark arrester.

§ 3506. Operation

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

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

(1) Along a public highway unless it is not being maintained during the snow season or unless the highway has been opened to all-terrain vehicle travel by the selectmen or trustees or local governing body and is so posted by the municipality except an all-terrain vehicle being used for agricultural purposes may be operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.

(2) Across a public highway unless:

(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 portion of the highway; and

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

(D) the operator is 12 years of age or older and that an operator under 16 years of age must be under the direct supervision of a person 18 years of age or older.

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

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

(B) the operator has, on his person, the written consent of the owner or lessee of the land to operate an all-terrain vehicle in the specific area and during specific hours and/or days in which the operator is operating, or proof that he is a member of a club or association to which consent has been given orally or in writing; or

(C) the owner of the land 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, body of public water or natural area established under the provisions of section 2607 of Title 10 unless the secretary has designated the area for use by all-terrain vehicles pursuant to rules promulgated under provisions of 3 V.S.A. chapter

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(5) By a person under 12 years of age unless:

- (A) he is on land owned by his parents, family, or guardian;
 - (B) he has written permission of the landowner or lessee; or
 - (C) he is under the direct supervision of a person at least 18 years of age.
 - (6) In any manner intended or reasonably to be expected to harass, drive or pursue any wildlife;
 - (7) If the registration certificate or consent form is 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 intoxicating beverages as defined by this title;
 - (9) In a careless or negligent manner or in a manner 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 or approaches unless permitted by the traffic committee under 23 V.S.A. § 1004. 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 selectmen or trustees of the local governing body.
- (c) No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an all-terrain vehicle or upon a vehicle or other device drawn by an all-terrain vehicle upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land unless the public or private landowner charges a cash fee to the operator or owner of the all-terrain vehicle for the use of the property or unless damage or injury is intentionally inflicted by the landowner.
- (d) In addition to all other requirements, an all-terrain vehicle may not be operated:
- (1) if equipped with an exhaust system with a cut out, bypass, or similar device; or
 - (2) with the spark arrester removed or modified, except for use in closed course competition events.
- (e) In addition to all other requirements, an all-terrain vehicle may not be operated by an operator who is less than 18 years of age unless one of the following criteria is met:
- (1) the operator is operating on property owned or leased by the operator or his or her parents or guardian; or
 - (2) the operator is taking a prescribed safety education training course and operating under the direct supervision of a certified all-terrain vehicle safety instructor; or
 - (3) the operator holds an appropriate safety education certificate issued by this state or issued under the authority of another state or province of Canada.
- (f) A person who is required to hold an appropriate safety education certificate under the provisions of subsection (e) of this section shall exhibit the safety education certificate upon demand of a law enforcement officer having authority to enforce the provisions of this section.
- (g) Notwithstanding any other provision of law or rule to the contrary, the commissioner may authorize the temporary operation of all-terrain vehicles not registered in this state on Route 253 in Beecher Falls for an annual special event, provided the all-terrain vehicle is registered in another state or province.

§ 3507. Penalties and revocation of registration

- (a) A person who violates a provision of this chapter shall be fined not more than

\$300.00 for each offense unless otherwise provided by law.

(b) In addition to the fines provided in subsection (a) of this section, the commissioner may suspend or revoke the registration of an all-terrain vehicle involved in a violation of this chapter.

§ 3508. Designated areas

The secretary shall print a list of public lands and waters designated for use by all-terrain vehicles pursuant to section 3506(b)(4) of this title and make the publication available to the public.

§ 3509. Defacing identifying numbers; signs

(a) A person may not wilfully change or attempt to change, or tamper with, obliterate, deface, or in any manner interfere with the original or assigned motor number or manufacturer's serial number of any all-terrain vehicle.

(b) A person may not remove, deface, alter or destroy trail signs, markers or posters erected pursuant to this chapter.

§ 3510. Municipal ordinances

Municipalities shall have the power to adopt ordinances pursuant to 24 V.S.A. chapter 59 for the purpose of regulating the time, manner and location or operation of all-terrain vehicles within their limits provided the ordinances do not controvert the provisions of this chapter.

§ 3511. Accidents; duty to stop and report

(a) The operator of an all-terrain vehicle who has caused or is involved in an accident resulting in injury to any person or property, other than the all-terrain vehicle then under his control, shall immediately stop and render whatever assistance may be reasonably necessary. He shall give his name, residence, registration number and the name of the owner of the all-terrain vehicle to the party whose person or property is injured.

(b) The operator of an all-terrain vehicle involved in an accident resulting in death or injury to any person or damage to property, other than the all-terrain vehicle he is operating, in excess of \$100.00, shall notify an enforcement officer immediately and file a report of the incident with the commissioner within 72 hours, on forms prescribed by the commissioner.

§ 3512. Attempting to elude a police officer

An operator of an all-terrain vehicle shall bring his vehicle to a stop when signalled to do so by an enforcement officer wearing identifying insignia, or operating a law enforcement vehicle sounding a siren or displaying a flashing blue or blue and white signal lamp.

§ 3513. Liability insurance; authority to contract for law enforcement services

(a) The amount of 85 percent of the fees and penalties collected under this subchapter, except interest, is hereby appropriated to the agency of natural resources for use by the Vermont ATV sportsman's association (VASA) for development and maintenance of a statewide ATV trail program on private property, for trail liability insurance, and to contract for law

enforcement services with any constable, sheriff's department, municipal police department, the department of public safety, and the department of fish and wildlife for purposes of trail compliance pursuant to this chapter. The departments of public safety and fish and wildlife are authorized to contract with VASA to provide these law enforcement services. The agency of natural resources may retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the state grant that supports this program.

(b) The department of buildings and general services shall assist VASA with the procurement of trail liability and other related insurance.

(c) VASA shall purchase a trail liability insurance policy in the amount of \$1,000,000.00. The state of Vermont shall be named an additional insured. The policy shall extend to all VASA-affiliated ATV clubs and their respective employees and agents to provide for trail liability coverage for development and maintenance of the statewide ATV trails program.

(d) Nothing contained in this section shall authorize or create any cause of action to accrue or to be maintained against the state of Vermont.

(e) Any fees and penalties appropriated pursuant to subsection (a) of this section shall not revert but shall be available until spent. Any accrued interest shall be deposited in the transportation fund.

§ 3514. Administration of chapter; rules

The commissioner shall administer this chapter and shall adopt rules, prescribe forms and procedures for application and registration, consistent with this chapter as necessary to carry its provisions into effect.

§ 3515. All-terrain safety education course; issuance of certificate

(a) The commissioner of public safety shall establish and oversee a program of examination and certification of all-terrain vehicle operators. In order for an operator to be awarded a safety education certificate, he or she must submit evidence of successful completion of an all-terrain vehicle safety education course approved by the commissioner and must successfully pass a written examination which shall test the applicant's knowledge of safe all-terrain vehicle operating practices and the applicable laws of the state of Vermont.

(b) The commissioner may approve any appropriate all-terrain vehicle safety education course, regardless of whether or not it includes hands-on instruction in operating the vehicle, if the course meets minimum standards established by the commissioner. An approved course shall include information about the appropriate use of helmets and the dangers of carrying a passenger. Such courses offered by the manufacturers or distributors of all-terrain vehicles, by community organizations such as 4-H, or by others, may be approved.

(c) The commissioner shall develop and make available a written examination appropriate for certification of all-terrain vehicle operators as required by this section. In the discretion of the commissioner, the examination may be administered by employees of the department of public safety or by the persons who offer any approved all-terrain vehicle safety education course.

(d) No all-terrain vehicle safety education course which includes actual operation of the vehicle shall be approved unless adequate insurance coverage is provided.

(e) The instructors and persons providing an all-terrain vehicle safety education course

approved by the commissioner are exempt from compliance with the state's driver training laws.

§ 3516. Training fee

(a) A person or organization conducting an approved all-terrain vehicle safety education course may charge a reasonable fee to persons completing the course, as appropriate and necessary to defray the expenses of providing the course.

(b) The commissioner of public safety shall review and approve the maximum fee to be charged for any approved course prior to any fee being charged.

(c) A fee shall not be charged any person who is entitled to free training pursuant to the provisions of the consent decree, dated April 28, 1988, entered into by the all-terrain vehicle manufacturers and the United States government.

§ 3517. Distribution of safety education information

Dealers shall distribute safety education information, as may be made available by the commissioner of public safety or the vehicle manufacturers or distributors, to all purchasers of all-terrain vehicles.

§ 3518. Applicability

The provisions of subsections 3506(e) and (f), and sections 3515 through 3517 of this title shall not apply to any two-wheeled vehicles, nor to four-wheeled vehicles having a dry weight in excess of 700 pounds.

Title 23: Motor Vehicles Chapter 31: ALL-TERRAIN VEHICLES

§ 3501. Definitions

For the purpose of 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 the agency of natural resources.

(5) "All-terrain vehicle" or "ATV" means any nonhighway recreational vehicle, except snowmobiles, 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 be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (ZZ); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A), and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.

(6) "Club or association" means an all-terrain vehicle club or association.

§ 3502. Registration

(a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title, by the state of Vermont except when operated:

(1) on the property of the owner of the all-terrain vehicle; or

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

(3) 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; or

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

(b) An all-terrain vehicle registration shall become void two years from the first day of the month following the month of issue, except the registration of a vehicle registered under subsection 3504(b) of this title shall become void on the last day of February next following the date of issue. The provisions of section 305 of this title shall apply to a registration.

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

(d) An all-terrain vehicle which does not comply with the provisions of this chapter may not be registered by the commissioner.

(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, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for all-terrain vehicles registered in this state by a resident of this state.

§ 3503. Transfer of registration

The registration of an all-terrain vehicle ends when the owner transfers title to another person. The former owner shall immediately return to the commissioner the registration certificate and plate previously assigned to the transferred all-terrain vehicle with the date of sale, name and residence of the new owner endorsed on the back of the certificate. When a person transfers the ownership of a registered all-terrain vehicle to another person, files a new application and pays a fee of \$10.00, he may have registered in his name another all-terrain vehicle for the remainder of the registration year without payment of any additional registration fee. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1995, No. 120 (Adj. Sess.), § 5.)

§ 3504. Registration fees and plates

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is \$35.00. Duplicate registration certificates may be obtained upon payment of \$5.00 to the department.

(b) Any person engaged in the manufacture or sale of all-terrain vehicles shall obtain registration certificates and identifying number plates subject to rules which may be adopted by the commissioner which shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows or races when no charge is made. Fees for registration certificates shall be \$45.00

for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

§ 3505. Equipment

(a) All all-terrain vehicles shall be equipped with one or more headlights, a red rear light all in working order, and brakes in good mechanical condition and be equipped with an efficient muffler and such other equipment and devices as may be required to meet the noise level specifications of subsection (b) of this section, and if equipped with a

windshield it shall be free from sharp or jagged edges. Lights shall be on during operation from 30 minutes after sunset to 30 minutes before sunrise.

(b) Subject to regulation by rule of the commissioner, any all-terrain vehicles shall be equipped with a muffler system and such other equipment or devices which reduce maximum machine operating noise to a noise level of not more than 82 decibels on the A scale at 50 feet, in a normal operating environment.

(c) No person shall sell or offer to sell within the state of Vermont an all-terrain vehicle unless it complies with the sound requirements specified in subsection (b) of this section. No all-terrain vehicle shall be equipped in any manner which permits the operator to bypass the muffler system; no person shall sell or offer to sell at either wholesale or retail a replacement exhaust muffler system which will not meet or exceed the exhaust noise reduction capabilities of the all-terrain vehicle. In addition, any person selling or offering to sell an all-terrain vehicle or replacement muffler system, whether at wholesale or retail, shall include in the specifications, precise information concerning the designed maximum sound levels of the all-terrain vehicle or replacement muffler system.

(d) This section and section 3504 of this title shall not apply to any all-terrain vehicle entered into a racing contest sponsored by a racing or all-terrain vehicle organization or association during the period the all-terrain vehicle is actually participating in or practicing or preparing for a racing event at an area especially provided for the purpose.

(e) The provisions of section 1222 of this title shall not apply to any all-terrain vehicle registered pursuant to this chapter.

(f) Every all-terrain vehicle shall be equipped with a United States Forest Service qualified spark arrester.

§ 3506. Operation

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

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

(1) Along a public highway unless it is not being maintained during the snow season or unless the highway has been opened to all-terrain vehicle travel by the selectmen or trustees or local governing body and is so posted by the municipality except an all-terrain vehicle being used for agricultural purposes may be operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.

(2) Across a public highway unless:

(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 portion of the highway; and

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

(D) the operator is 12 years of age or older and that an operator under 16 years of age must be under the direct supervision of a person 18 years of age or older.

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

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

(B) the operator has, on his person, the written consent of the owner or lessee of the land to operate an all-terrain vehicle in the specific area and during specific hours and/or days in which the operator is operating, or proof that he is a member of a club or association to which consent has been given orally or in writing; or

(C) the owner of the land 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, body of public water or natural area established under the provisions of section 2607 of Title 10 unless the secretary has designated the area for use by all-terrain vehicles pursuant to rules promulgated under provisions of 3 V.S.A. chapter

25.

(5) By a person under 12 years of age unless:

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

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

(C) he is under the direct supervision of a person at least 18 years of age.

(6) In any manner intended or reasonably to be expected to harass, drive or pursue any wildlife;

(7) If the registration certificate or consent form is 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 intoxicating beverages as defined by this title;

(9) In a careless or negligent manner or in a manner 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 or approaches unless permitted by the traffic committee under 23 V.S.A. § 1004. 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 selectmen or trustees of the local governing body.

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

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

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

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

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

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

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

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

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

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

§ 3507. Penalties and revocation of registration

(a) A person who violates a provision of this chapter shall be fined not more than \$300.00 for each offense unless otherwise provided by law.

(b) In addition to the fines provided in subsection (a) of this section, the commissioner may suspend or revoke the registration of an all-terrain vehicle involved in a violation of this chapter.

§ 3508. Designated areas

The secretary shall print a list of public lands and waters designated for use by all-terrain vehicles pursuant to section 3506(b)(4) of this title and make the publication available to the public.

§ 3509. Defacing identifying numbers; signs

(a) A person may not wilfully change or attempt to change, or tamper with, obliterate, deface, or in any manner interfere with the original or assigned motor number or manufacturer's serial number of any all-terrain vehicle.

(b) A person may not remove, deface, alter or destroy trail signs, markers or posters erected pursuant to this chapter.

§ 3510. Municipal ordinances

Municipalities shall have the power to adopt ordinances pursuant to 24 V.S.A. chapter 59 for the purpose of regulating the time, manner and location or operation of all-terrain vehicles within their limits provided the ordinances do not controvert the provisions of this chapter.

§ 3511. Accidents; duty to stop and report

(a) The operator of an all-terrain vehicle who has caused or is involved in an accident

resulting in injury to any person or property, other than the all-terrain vehicle then under his control, shall immediately stop and render whatever assistance may be reasonably necessary. He shall give his name, residence, registration number and the name of the owner of the all-terrain vehicle to the party whose person or property is injured.

(b) The operator of an all-terrain vehicle involved in an accident resulting in death or injury to any person or damage to property, other than the all-terrain vehicle he is operating, in excess of \$100.00, shall notify an enforcement officer immediately and file a report of the incident with the commissioner within 72 hours, on forms prescribed by the commissioner.

§ 3512. Attempting to elude a police officer

An operator of an all-terrain vehicle shall bring his vehicle to a stop when signalled to do so by an enforcement officer wearing identifying insignia, or operating a law enforcement vehicle sounding a siren or displaying a flashing blue or blue and white signal lamp. (Added 1983, No. 240 (Adj. Sess.), § 1.)

§ 3513. Liability insurance; authority to contract for law enforcement services

(a) The amount of 85 percent of the fees and penalties collected under this subchapter, except interest, is hereby appropriated to the agency of natural resources for use by the Vermont ATV sportsman's association (VASA) for development and maintenance of a statewide ATV trail program on private property, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the department of public safety, and the department of fish and wildlife for purposes of trail compliance pursuant to this chapter. The departments of public safety and fish and wildlife are authorized to contract with VASA to provide these law enforcement services. The agency of natural resources may retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the state grant that supports this program.

(b) The department of buildings and general services shall assist VASA with the procurement of trail liability and other related insurance.

(c) VASA shall purchase a trail liability insurance policy in the amount of \$1,000,000.00. The state of Vermont shall be named an additional insured. The policy shall extend to all VASA-affiliated ATV clubs and their respective employees and agents to provide for trail liability coverage for development and maintenance of the statewide ATV trails program.

(d) Nothing contained in this section shall authorize or create any cause of action to accrue or to be maintained against the state of Vermont.

(e) Any fees and penalties appropriated pursuant to subsection (a) of this section shall not revert but shall be available until spent. Any accrued interest shall be deposited in the transportation fund.

§ 3514. Administration of chapter; rules

The commissioner shall administer this chapter and shall adopt rules, prescribe forms and procedures for application and registration, consistent with this chapter as necessary to carry its provisions into effect.

§ 3515. All-terrain safety education course; issuance of certificate

(a) The commissioner of public safety shall establish and oversee a program of examination and certification of all-terrain vehicle operators. In order for an operator to be awarded a safety education certificate, he or she must submit evidence of successful completion of an all-terrain vehicle safety education course approved by the commissioner and must successfully pass a written examination which shall test the applicant's knowledge of safe all-terrain vehicle operating practices and the applicable laws of the state of Vermont.

(b) The commissioner may approve any appropriate all-terrain vehicle safety education course, regardless of whether or not it includes hands-on instruction in operating the vehicle, if the course meets minimum standards established by the commissioner. An approved course shall include information about the appropriate use of helmets and the dangers of carrying a passenger. Such courses offered by the manufacturers or distributors of all-terrain vehicles, by community organizations such as 4-H, or by others, may be approved.

(c) The commissioner shall develop and make available a written examination appropriate for certification of all-terrain vehicle operators as required by this section. In the discretion of the commissioner, the examination may be administered by employees of the department of public safety or by the persons who offer any approved all-terrain vehicle safety education course.

(d) No all-terrain vehicle safety education course which includes actual operation of the vehicle shall be approved unless adequate insurance coverage is provided.

(e) The instructors and persons providing an all-terrain vehicle safety education course approved by the commissioner are exempt from compliance with the state's driver training laws.

§ 3516. Training fee

(a) A person or organization conducting an approved all-terrain vehicle safety education course may charge a reasonable fee to persons completing the course, as appropriate and necessary to defray the expenses of providing the course.

(b) The commissioner of public safety shall review and approve the maximum fee to be charged for any approved course prior to any fee being charged.

(c) A fee shall not be charged any person who is entitled to free training pursuant to the provisions of the consent decree, dated April 28, 1988, entered into by the all-terrain vehicle manufacturers and the United States government.

§ 3517. Distribution of safety education information

Dealers shall distribute safety education information, as may be made available by the commissioner of public safety or the vehicle manufacturers or distributors, to all purchasers of all-terrain vehicles.

§ 3518. Applicability

The provisions of subsections 3506(e) and (f), and sections 3515 through 3517 of this title shall not apply to any two-wheeled vehicles, nor to four-wheeled vehicles having a dry weight in excess of 700 pounds.

Chapter 11 § 801. Proof of financial responsibility required

(a) The commissioner shall require proof of financial responsibility to satisfy any claim for damages, by reason of personal injury to or the death of any person, 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, as follows:

(1) From a person who is convicted of any of the following violations of this title:

(A) Death resulting from:

(i) Careless and negligent operation of a motor vehicle, or

(ii) Reckless driving of a motor vehicle.

(B) Any violation of section 1201 of this title or for any suspension pursuant to section 1205 of this title;

(C) Failing to immediately stop and render such assistance as may be reasonably necessary following an accident resulting in injury to any person or property, other than the vehicle then under his or her control;

(D) Operating, taking, using or removing a motor vehicle without the consent of the owner in violation of section 1094 of this title;

(E) Operating a motor vehicle after suspension, revocation or refusal of a license, in violation of section 674 of this title;

(F) Operating without financial responsibility;

(G) Any moving violation as defined in section 4 of this title if the person has five points assessed against the person's license at the time the moving violation occurs. At the time a ticket or a citation for a moving violation is issued, the law enforcement officer shall give the defendant an insurance verification certificate, which shall not be an SR-22 certificate. The defendant shall complete the certificate and mail or deliver it to the commissioner within 21 days of being issued the ticket or citation. The commissioner shall prescribe the form of the insurance verification certificate and administer the insurance verification process by promulgating rules and may, pursuant to chapter 25 of Title 3, promulgate rules to administer the insurance verification process.

(H) The provisions of subdivisions (a)(1)(A) and (C) through (a)(1)(E) and (G) of this section shall not apply to an operator furnishing the commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact business in this state insuring the operator against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the violation. Nor shall these provisions apply if the operator was a nonresident, holding a valid license issued by the state of his or her residence, at the time of the violation, and satisfactory proof, in the form of a certificate issued by an insurance company authorized to transact business in the state of his or her residence, and accompanied by a power of attorney authorizing the commissioner to accept service on its behalf, of notice or process in any action arising out of the violation, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property, in an amount equal to the amounts required under this section with respect to proof of financial responsibility was in effect at the time of the violation.

(2) From a person against whom there is an outstanding unsatisfied judgment of a court of competent jurisdiction within this state for damages arising out of a motor vehicle accident and based upon any violation of the provisions of this title.

(3) From the operator of a motor vehicle involved in an accident which has resulted in bodily injury or death to any person or whereby the motor vehicle then under his or her control or any other property is damaged in an aggregate amount to the extent of \$1,000.00 or more excepting, however, an operator furnishing the commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact business in this state insuring the person against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the accident, or if the operator was a nonresident, holding a valid license issued by the state of his or her residence, at the time of the accident, satisfactory proof, in the form of a certificate

issued by an insurance company authorized to transact business in the state of his or her residence, when accompanied by a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon the policy arising out of the accident, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property, in an amount equal to the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the accident.

(b) The provisions of subdivision (a)(3) of this section shall not apply to the operator of a motor vehicle, involved in an accident, if at the time of the accident the motor vehicle he or she was operating, whether attended or unattended, was legally parked in any location other than upon a public highway. Nor shall the provisions of that subdivision apply to the operator of an all-terrain vehicle when the vehicle is registered and operated pursuant to chapter 31 of this title.

(c) In lieu of the insurance policy or surety bond required under this section, a person may qualify as a self-insurer by obtaining a certificate of self-insurance from the commissioner, who may, in his discretion, upon the application of such person, issue said certificate of self-insurance, when he is satisfied that such person is possessed of a net unencumbered capital of at least \$115,000.00. The commissioner may require annual reports from any self-insurer, which reports must show at least \$115,000.00 unencumbered net worth. Whenever the commissioner finds that any self-insurer does not possess \$115,000.00 of unencumbered net worth, he shall revoke the certificate of self-insurance. Failure to pay any judgment, within statutory limits, after such judgment shall have become final, shall constitute reasonable grounds for the cancellation of a certificate of self-insurance. A certificate of self-insurance obtained by a self-insurer shall insure every person operating a motor vehicle, owned by said self-insurer, with his express or implied permission, against loss within statutory limits from the liability imposed by law upon such person arising out of the operation of said motor vehicle and shall be for the benefit of any person suffering personal injuries or property damage arising out of the use of such motor vehicle with such express or implied permission.

(d) Where erroneous information with respect to insurance coverage is furnished to the commissioner by the operator involved in an accident, the commissioner shall, after receipt by him of correct information with respect to such coverage, take appropriate action as provided in section 802 of this title.

(e) Within 15 days after the receipt from the commissioner of notice of claimed insurance coverage, the insurance carrier named by the operator shall notify the commissioner in such manner as he may require in case the required insurance was not in effect at the time

specified in the notice. If no such notification is received by the commissioner within 15 days, the commissioner may assume that the required insurance was in effect at the time specified in the notice.

Chapter 81: TRESPASS AND MALICIOUS INJURIES TO PROPERTY 13 V.S.A. § 3738. Obstruction and use of private roads and lands by motor vehicle

§ 3738. Obstruction and use of private roads and lands by motor vehicle

A person who, by use of a motor vehicle as defined in section 4 of Title 23:

- (1) obstructs a private driveway, barway or gateway; or
- (2) travels over a private road which is so marked, or travels over other private lands; or
- (3) enters on private lands for the purpose of camping; without the permission of the owner or occupant shall be fined not more than \$500.00.

§ 3739. Operation of vehicles on state owned land

(a) A person who operates a motor vehicle, as defined in section 4 of Title 23, on any land which is owned or held by the state:

(1) except in places or on trails specifically designated and marked by the secretary of the agency of natural resources or;

(2) contrary to any rule governing the use of the place or trail shall be fined not more than \$500.00. For the purposes of this section "land owned or held by the state" does not include a highway as defined in section 4 of Title 23.

(b) The secretary of the agency of natural resources may by rule designate a place or trail for use by motor vehicles when it finds that natural, fish and wildlife and other recreational activities or aesthetic values will not be substantially adversely affected. The secretary may by rule specify under which weather and trail conditions or at which times or hours of the day designated trails or places may not be used.

§ 3740. Damage to state land

A person who operates a motor vehicle, as defined in section 4 of Title 23, on any land, which is owned or held by the state, in such a manner as to purposely and maliciously cause injury, damage, erosion or waste to the land shall be fined not more than \$500.00. For the purposes of this section "land" does not include a highway as defined in section 4 of Title 23.

VERMONT ADMINISTRATIVE PROCEDURES

DIVISION OF MOTOR VEHICLES RULE/All-Terrain Vehicles

GENERAL PROVISIONS

(A) Dealer Registrations and Fees.

(1) "All-terrain vehicle" or "ATV" means any non-highway recreational vehicle, except snowmobiles, 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.

(2) ATV dealer Any person engaged in the manufacture or sale of all-terrain vehicles shall obtain registration certificates and identifying number plates subject to rules which may be adopted by the commissioner.

(B) Expiration of Dealer Plates ATV dealer registrations shall expire on the last day of February next following the date of issue.

(C) Use of Dealer Plates NOTE: The word "Dealer" for the purposes of these regulations shall include the principal officers of a corporation registered as dealer and the partners in a copartnership registered as dealer as are actively and principally engaged in the business, but shall not include directors and stockholders not inactive or silent partners. A dealer plate shall be used for the following purposes only:

(1) Testing.

(2) Adjusting.

(3) Demonstrating.

(4) Temporary use of customers for a period not to exceed seven days.

(5) Private business (dealer related) or pleasure use of the dealer or members of the dealer's immediate family.

(6) Use at fairs, shows or races when no charge is made for such use. NOTE: The ATV dealer plate must be attached to the vehicle mounted on the plate bracket to be clearly visible from the rear, and securely fastened.

(D) Use by Other Than Dealers. A person other than a dealer shall not operate an ATV with dealer plate attached unless such person carries a written authority to do so by the dealer whose ATV such person is operating.

(E) Employees Use of Dealer Plates. Employees of a dealer shall not operate, and a dealer shall not permit them to operate, an ATV with dealer's registration plate displayed thereon, except for business purposes of the dealer.

(F) Return of Number Plates by Dealer. If a dealer comes into possession of an ATV, the registration of which has expired by reason of the transfer of ownership of the vehicle, and which has an ATV plate attached thereto, the dealer shall immediately return such number plate to the commissioner.

(G) Loaning of Plates or Vehicles Prohibited. A dealer shall not loan number plates which have been assigned to the dealer under the provisions of this chapter, nor shall the dealer loan an ATV to which the dealer's number plates have been attached, nor loan the dealer's number plates to a sub-agent.

(H) Renting or Leasing. No dealer shall rent or lease ATVs with dealer plates attached.

(I) General Prohibition. A dealer shall not operate an ATV nor permit the same to be operated under dealer's registration numbers, except as specifically permitted in these regulations.

(J) Use of Dealer Plates. ATV dealer plates may be used on ATVs only. FOR OFF-HIGHWAY USE ONLY

(K) Lost or Stolen Dealer Plates. If a dealer plate is lost or stolen, the dealer shall immediately notify the nearest State Police authority and MUST also notify the Department of Motor Vehicles, Dealer Section. If a replacement plate is desired, mail a request for a duplicate to the Department of Motor Vehicles, Attention, Dealer Clerk, along with a letter or duplicate plate request stating the original was lost, stolen or destroyed. If the plate is reported to the Department of Motor Vehicles as lost or stolen, it will be entered into the National Crime Information Center (NCIC) system and the registration will be cancelled. If the lost or stolen plate is later recovered it must be returned to the Department of Motor Vehicles and cannot be used again.

(L) Dealer Records Required. On a form prescribed by the commissioner, every licensed ATV dealer shall maintain a record containing the following information. The records shall be open to inspection by any law enforcement officer during reasonable business hours.

(1) Every ATV which is bought, sold or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

(2) Every ATV which is bought or otherwise acquired and dismantled by the licensee;

(3) The name and address of the person from whom such ATV was purchased or acquired the date thereof, name and address of the person to whom any such ATV was sold or otherwise disposed of and the date thereof, a sufficient description of every such ATV by name and identifying numbers thereon to identify same.

(M) Report of Sales. On a form prescribed by the commissioner, every licensed ATV dealer shall report the sale or exchange of every ATV. The report of sales must be made out on all sales, including dealer swaps, retail, and wholesale, sales or exchanges.

(N) Equipment Required for Sale.

(1) Off-highway use: All all-terrain vehicles shall be equipped with one or more headlights, a red rear light, all in working order, brakes in good mechanical condition, an

efficient muffler and such other equipment and devices as may be required to meet the noise level specifications, a plate mounting bracket, and if equipped with a windshield it shall be free from sharp and jagged edges. No person shall sell or offer to sell within the State of Vermont an all-terrain vehicle unless it complies with the sound requirements specified under the law. ATVs registered for off-road use only shall not be subject to 23 V.S.A. §1222 (inspection or registered vehicles), except as noted above.

(2) On-highway use: Those ATVs registered for on-highway use must meet the inspection requirements as any other vehicle of a similar type registered. Example: 3-wheel ATV registered for highway use would be inspected as a motorcycle.

TEMPORARY PLATES

(A) Purchase of Temporary Plates & Fees.

(1) On-Highway

(See Vermont Dealer Guide-motorcycle section.)

(2) Off-Highway Any time during the registration year a dealer may request and upon the payment of a fee the commissioner shall issue number plates of such material and color as the commissioner may determine for the temporary accommodation of the registrant. NOTE: When requesting temporary plates, send fee and request directly to the attention of the "Dealer Clerk."

(B) Use of Temporary Plates. Upon the sale or exchange of an ATV which is to be registered in this state, a dealer may issue to the purchaser for the attachment to such ATV, a temporary number plate, provided that the purchaser deposits with such dealer, for transmission to the commissioner a properly executed application for registration of such ATV, and the proper fees required. The purchaser, if properly licensed, on attaching the temporary plate to the ATV, may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. A person shall not operate an ATV with a temporary number plate except as provided in these regulations.

(C) Notice to the Commissioner. Upon issuing a set of temporary number plates to a purchaser for attachment to an _____ ATV, a dealer shall immediately forward to the Commissioner the application and _____ fees, deposited with him or her by the purchaser, together with notice of such issue and such other information as the commissioner may require.

(D) Restrictions on Use of Temporary Plates.

(1) A dealer shall not use, attach or issue a temporary number plate except as provided in (B) and (C) above.

(2) *Do not* issue or attach temporary plate until the sale is completed. Once the temporary plate is attached, the ATV is legally registered and all fees must be submitted.

(3) *Do not* issue more than one temporary plate per sale unless the original was lost or stolen. You may issue a duplicate, but it must bear the same expiration date as the original. The *white copy* of the duplicate registration certificate shall be mailed to the Department of Motor Vehicles immediately and should state duplicate issued in lieu of (*old number*), lost or stolen.

(4) *Do not* issue a temporary plate to an ATV not sold by your dealership.

(5) *Do not* issue a temporary plate not issued to your dealership.

NOTE: In-transit permits shall not be issued to ATVs.

(E) Procedure for Issuing Temporary Plates. Issue plates in numerical sequence starting with the smallest number issued. Fill our appropriate spaces on plate and on temporary registration certificate. Mail registration application, all supporting documents, fees, report of sale, and one copy of the form to the Department of Motor Vehicles immediately. Issue one copy of form to purchaser. Retain one copy of the form in dealer records. NOTE: It is extremely important that the temporary plate number be entered in the space on the temporary registration certificate before issuing the plate to the customer.

(F) Procedure When Sale is Cancelled. In case a temporary plate is made our in error, or the sale is cancelled before the plate is issued, maintain all copies of the temporary registration certificate and plate, with an explanation for future reference. All records, temporary plates and certificates and reports of sales will be audited at least once each registration year.

ITEMS REQUIRED TO REGISTER OR TRANSFER

(A) New Registration

- (1) Registration and tax application, properly completed.
- (2) Temporary plate/registration certificate, if issued.
- (3) Report of sale.
- (4) Proper fee (including sales and use tax or proof of tax paid).

(B) Transfer.

- (1) Registration and tax application, properly completed, marked *transfer*.

- (2) Previous registration certificate properly endorsed to the new owner.

- (3) Report of sale.

- (4) Proper fee (including sales and use tax or proof of tax paid).

NOTE: If transfer is being made to another ATV, the registration plate does not have to be returned.