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Title 23: Motor Vehicles

Chapter 31: All-Terrain Vehicles

§ 3501. Definitions

As used in this chapter:

(1) "All-terrain vehicle" or "ATV" means any nonhighway recreational vehicle, except snowmobiles, having 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 2,500 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 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 (AAA); (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 does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.

(2) "Department" means the Department of Motor Vehicles unless otherwise stated.

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

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

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

(6) "Secretary" means the Secretary of Natural Resources.

(7) "State lands" means land owned, leased, or otherwise controlled by the State.

(8) "VASA" means the Vermont ATV Sportsman's Association, a statewide association of ATV clubs. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1987, No. 76, § 18; 2001, No. 69, § 9; 2001, No. 91 (Adj. Sess.), § 10; 2003, No. 66, § 217a; 2007, No. 184 (Adj. Sess.), § 4; 2009, No. 50, § 82; 2015, No. 50, § 25; 2019, No. 121 (Adj. Sess.), § 17; 2019, No. 149 (Adj. Sess.), § 24; 2021, No. 40, § 8.)

§ 3502. Registration and Trail Access Decal (TAD) required; exceptions

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land 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 the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

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

(A) on the property of the owner of the ATV;

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

(C) for official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner; or

(D) on privately owned land when the operator is specifically invited to do so by the owner of the property and carries the written consent of the owner.

(E) [Repealed.]

(3) Notwithstanding subdivision (1) of this subsection, an operator may operate an ATV without a TAD displayed if the operator possesses a completed TAD form processed electronically within the prior 10 days that is either printed out or displayed on a portable electronic device. 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.

(4) Notwithstanding subdivision (1) of this subsection and subdivision 3506(b)(16) of this title, neither the display of a TAD nor the use of protective headgear is required to operate an ATV on frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607.

(b) The provisions of section 305 of this title shall apply to a registration, 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.

(c) The possession of a valid TAD or registration of an ATV does not constitute a license to operate an ATV on public or private lands, even if temporarily while crossing the public or private lands.

(d) An ATV that does not comply with the provisions of this chapter shall not be registered by the Commissioner.

(e) An ATV 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. An operator who is a resident of any other state or province shall be subject to the provisions of this chapter while operating an ATV within this State, including possessing a valid TAD in the same circumstances that a resident of this State is required to possess a valid TAD. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 2001, No. 75 (Adj. Sess.), § 11; 2007, No. 76, § 33b; 2009, No. 50, § 80; 2015, No. 50, § 26, eff. June 3, 2015; 2019, No. 121 (Adj. Sess.), § 17; 2019, No. 154 (Adj. Sess.), § G.113, eff. Oct. 2, 2020; 2021, No. 76, § 36; 2021, No. 105 (Adj. Sess.), § 430, eff. July 1, 2022.)

§ 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 \$12.00, he or she may have registered in his or her 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; 2015, No. 159 (Adj. Sess.), § 51.)

§ 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 \$45.00. Duplicate registration certificates may be obtained upon payment of \$6.00 to the Department.

(b) Any person engaged in the business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules that may be adopted by the Commissioner and to the requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles may register and obtain registration certificates and identifying number plates under this section. Plates 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 and registration certificates shall be \$62.00 for the first certificate issued to any person and \$6.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number

plates shall be \$5.00 for each plate issued. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1989, No. 51, § 48; 2001, No. 102 (Adj. Sess.), § 31, eff. May 15, 2002; 2007, No. 76, § 33c; 2015, No. 50, § 5; 2015, No. 57, § 30; 2015, No. 159 (Adj. Sess.), § 52; 2019, No. 70, § 8.)

§ 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 that 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 that 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 that 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 U.S. Forest Service qualified spark arrester. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1991, No. 123 (Adj. Sess.), § 2.)

§ 3506. Operation; prohibited acts; financial responsibility; headgear

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

(b) An ATV shall not be operated:

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

(A) the highway has been opened to ATV travel by the legislative body of the municipality where the town highway is located or, for State highways, the Secretary of Transportation and is so posted;

(B) the ATV is being used for agricultural purposes and is operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm;

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

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

(2) Across a public highway except if 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;

(B) the operator brings the ATV to a complete stop before entering the traveled portion of the highway;

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

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

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

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

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

(B) the operator carries the written consent of the owner or lessee of the land or the land surrounding the privately owned body of water to operate an ATV in the specific area and during specific hours or days, or both, in which the operator is operating;

(C) the ATV displays a valid VASA Trail Access Decal (TAD) as required by subsection 3502(a) of this title that serves as proof that the ATV and its operator, by virtue of the TAD, are members of VASA and consent has been given orally or in writing to operate an ATV in the area where the operator is operating; or

(D) the owner of the land or the land surrounding the privately owned body of water designated the area for use by ATVs by posting the area in a manner approved by the Secretary to give reasonable notice that use is permitted.

(4) On any municipal lands unless opened to ATV travel by the legislative body of the municipality where the land is located or on any State lands, body of public water, or natural area established under the provisions of 10 V.S.A. § 2607 unless designated by the Secretary for use by ATVs in rules adopted under 3 V.S.A. chapter 25.

(5) By an individual 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 ATV or riding as a passenger on the ATV 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 an individual 18 years of age or older who does not have a suspended operator's license or privilege to operate.

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

(7) If the registration certificate or consent form 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 ATV 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 that is inconsistent with the duty of ordinary care, so as to endanger an individual 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 section 1004 of this title. In no cases shall the use of ATVs be permitted on any portion of the Dwight D. Eisenhower National System of Interstate and Defense Highways unless the Traffic Committee permits operation on these highways.

(12) On a sidewalk unless permitted by the legislative body of the municipality where the sidewalk is located.

(13) Without liability insurance as described in this subdivision. The owner or operator of an ATV shall not operate or permit the operation of an ATV 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 individual and \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for damages to property in any one crash. 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) At locations where the ATV must be registered in order to be lawfully operated under section 3502 of this title unless the operator and all passengers wear:

(A) properly secured protective headgear that is used as intended by the manufacturer of the headgear and conforms to the Federal Motor Vehicle Safety Standards contained in 49 C.F.R. § 571.218, as amended, and any applicable regulations promulgated by the U.S. Secretary of Transportation; or

(B) properly secured protective headgear that is used as intended by the manufacturer of the headgear and conforms to ASTM International or National Operating Committee on Standards for Athletic Equipment safety standards, provided that the ATV is equipped with manufacturer-installed rollover protection and safety belts that have not been removed or modified in a way that reduces their effectiveness.

(c) No public or private landowner shall be liable for any property damage or personal injury sustained by any individual operating or riding as a passenger on an ATV or upon a vehicle or other device drawn by an ATV 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 ATV 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 ATV 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 ATV 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;

(2) the operator is taking a prescribed safety education training course and operating under the direct supervision of a certified ATV 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) An individual 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) [Repealed.] (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1985, No. 8; 1991, No. 123 (Adj. Sess.), § 3; 2009, No. 50, § 81; 2013, No. 161 (Adj. Sess.), § 72; 2017, No. 83, § 156; 2017, No. 158 (Adj. Sess.), § 27; 2019, No. 121 (Adj. Sess.), § 18; 2019, No. 131 (Adj. Sess.), §§ 244, 245; 2021, No. 76, § 37.)

§ 3507. Enforcement; penalties and revocation of registration

(a) A person who violates a provision of this chapter shall be assessed a civil penalty of 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.

(c) Law enforcement officers may conduct safety inspections on all-terrain vehicles stopped for other all-terrain vehicle law violations on the VASA Trail System. Safety inspections may also be conducted in a designated area by law enforcement officials. A designated area shall be warned solely by blue lights either on a stationary all-terrain vehicle parked on a trail or on a cruiser parked at a roadside trail crossing. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1991, No. 165 (Adj. Sess.), § 10; 2017, No. 158 (Adj. Sess.), § 26; 2019, No. 131 (Adj. Sess.), § 246.)

§ 3508. Designated areas

The Secretary shall print a list of public lands and waters designated for use by all-terrain vehicles pursuant to subdivision 3506(b)(4) of this title and make the publication available to the public. (Added 1983, No. 240 (Adj. Sess.), § 1.)

§ 3509. Defacing identifying numbers; signs

(a) A person may not willfully 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. (Added 1983, No. 240 (Adj. Sess.), § 1.)

§ 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. (Added 1983, No. 240 (Adj. Sess.), § 1.)

§ 3511. Crashes; duty to stop and report

(a) The operator of an all-terrain vehicle who has caused or is involved in a crash resulting in injury to any person or property, other than the all-terrain vehicle then under his or her control, shall immediately stop and render whatever assistance may be reasonably

necessary. He or she shall give his or her 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 a crash resulting in death or injury to any person or damage to property, other than the all-terrain vehicle he or she 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. (Added 1983, No. 240 (Adj. Sess.), § 1.)

§ 3512. Attempting to elude a police officer

An operator of an all-terrain vehicle shall bring his or her 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 90 percent of the fees and penalties collected under this chapter, except interest, is allocated to the Department of Forests, Parks and Recreation for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, 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 of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Department of Forests, Parks and Recreation shall retain for it 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 Secretary of Administration 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 Trail 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 allocated 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. (Added 1983, No. 240 (Adj. Sess.), § 1; amended 1999, No. 155 (Adj. Sess.), § 9; 2005, No. 93 (Adj. Sess.), § 82; 2009, No. 50, § 79; 2013, No. 50, § E.101.7; 2017,

No. 158 (Adj. Sess.), § 28; 2017, No. 158 (Adj. Sess.), § 29, eff. July 1, 2023; 2019, No. 154 (Adj. Sess.), § E.706, eff. Oct. 2, 2020; 2021, No. 185 (Adj. Sess.), § E.702, eff. July 1, 2022; 2023, No. 41, § 46, eff. July 1, 2023.)

§ 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. (Added 1987, No. 190 (Adj. Sess.), § 6.)

§ 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 that 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 that 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. (Added 1991, No. 123 (Adj. Sess.), § 4.)

§ 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 all-terrain vehicle manufacturers and the U.S. government. (Added 1991, No. 123 (Adj. Sess.), § 5; amended 2019, No. 131 (Adj. Sess.), § 247.)

§ 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. (Added 1991, No. 123 (Adj. Sess.), § 6.)

§ 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. (Added 1991, No. 123 (Adj. Sess.), § 7.)