

# VERMONT

## ALL-TERRAIN

### MANUAL



**2019**



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State of Vermont

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# Message from the Commissioner of Motor Vehicles

All-Terrain vehicles (ATVs) can be fun and help bring the driver closer to nature. While enjoying this adventure, respect the property rights of others and especially the domain of all wildlife.

Safety is an area of concern. The ATV is capable of carrying the driver almost anywhere, but its unsafe or careless operation may cause serious or even fatal injuries. This manual will help you become a more knowledgeable ATV operator.

Please make sure you are aware of your limits and the limitations of your ATV. Increase your safety awareness, operate safely, protect yourself and others and enjoy the sport.



Wanda Minoli  
Commissioner



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## GENERAL INFORMATION

### What is an ATV?

"All-terrain vehicle" or "ATV" means any nonhighway recreational vehicle, except snowmobiles, having no 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 be considered a motor vehicle. An ATV shall not include an electric personal assistive mobility device.

### What is off-highway use?

Any recreational vehicle using cross-country trails or a combination of land, water, snow, ice, marsh, swampland, and natural terrain is considered to be operating off-highway.

### Can I operate on a highway or road?

Yes, under the following conditions:

- ◆ On a road that is not plowed or maintained during the snow season.
- ◆ On a road that has been opened to all-terrain vehicles by the select board or trustees or local governing body and is so posted by the municipality.
  - ↳ **NOTE:** A road open to snowmobiles may not be open to all-terrain vehicles.

### Can I cross a public highway?

Yes, if you cross at an angle approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a safe and quick crossing. You must come to a complete stop before crossing any highway. Always yield the right of way to vehicles or pedestrians on the highway you are crossing. If you are under 16 years of age, do not cross the highway unless someone 18 years of age or older supervises your crossing.

### Where am I not allowed to operate my ATV?

You may not operate your ATV:

- ◆ On any road not posted as open for ATV travel.

- ◆ On anyone's land without their written permission.
- ◆ On any public land or body of water that has not been designated for ATV use by the Secretary of Natural Resources.
- ◆ In any area in any manner intended or reasonably expected to harass, drive or pursue any wildlife.
- ◆ Within any cemetery, public or private.
- ◆ On any limited access highways, rights-of-way or approaches unless permitted by the traffic committee.
- ◆ On any portion of the national system of interstate or defense highways, unless permitted by the traffic committee.
- ◆ On any sidewalk, unless permitted by the select board or trustees of the local governing body.

### **Where can I operate my ATV?**

You can operate your ATV in the following areas provided you obey certain conditions:

- ◆ Cross a public road at a 90-degree angle and at an area that gives an unobstructed view of the crossing.
- ◆ On any road not plowed during the snow season or plowed road which has been posted to allow ATVs.
- ◆ On property owned by yourself.
- ◆ On property owned by others provided you:
  1. Have their written permission on your person, which shows the specific area and time of day, or days in which you may operate; or
  2. Proof of membership in a club or association, which has been granted permission for ATVs either orally or in writing from the landowner.
- ◆ On any public land or body of public water which has been designated by the Secretary of Natural Resources for ATV operation.

The Secretary of Natural Resources has designated all frozen bodies of water open to ATV travel, except:

- Amity Pond, Windsor County
- Levi Pond, Caledonia County

- Marsh Pond, Rutland County
  - Bear Pond, Lamoille County
  - Sterling Pond, Lamoille County
  - Lake of the Clouds, Lamoille County
- ◆ ATVs which are registered and being used for agricultural purposes may be operated beside a public highway no closer than three feet from the traveled portion and only within the confines of the farm.

### **Who must register?**

Any ATV owner who plans to operate anywhere except on land owned by the owner of the ATV or in a ski area for purposes of grooming snow or rescue operations.

### **How old must I be to operate my ATV?**

You must be 12 years of age or older. If you are under 12 years, you must be on land owned by your parents, family or guardian; have written permission of the landowner or lessee where you are operating; or you must be directly supervised by someone at least 18 years of age.

The following guidelines should be used in driving an ATV:

- ◆ A child under 12 years old should never drive an ATV with an engine size greater than 70 cc.
- ◆ A youth under 16 years old should never drive an ATV with an engine size greater than 90 cc.

### **Does my ATV need to be titled?**

ATVs with the model year of 2004 and after must be titled as part of the registration process, with the following exceptions:

- ◆ ATV owned by the United States Government, unless it is registered in this state;
- ◆ ATV owned by a manufacturer or dealer and held for sale;
- ◆ ATV owned by a nonresident of this state whose state of residence does not require a certificate of title;

- ◆ ATV owned by a nonresident of this state whose state of residence does require a certificate of title for ATVs and the title has been issued or applied for.

### **What documents must I carry when operating my ATV?**

- Written permission from any landowner on whose land you are traveling, or proof of membership in an association or club that has been granted either oral or written permission from the landowner.
- ◆ Valid registration certificate. Be sure the registration plate is properly and securely attached to the ATV.

### **What equipment does my ATV need?**

- One or more headlights, all working.
- A red rear light that works.
- Number plate bracket.
- Brakes in good mechanical condition.
- A United States Forest Service qualified spark arrester.
- Effective muffler system.

### **What should I wear when riding?**

The following protective gear should be worn every time you ride an ATV:

- ◆ **Helmet:** Your helmet is the most important piece of protective gear for safe riding. A helmet can help prevent a serious head injury. Selecting the right helmet is important and easy if a few basic tips are kept in mind. Select a helmet that bears the label of either the Department of Transportation, the American National Standards Institute or the Snell Memorial Foundation. The helmet should fit snugly and be securely fastened. Full-face helmets protect your face as well as your head. Open-face types are lighter and cooler, but should be used with a chin guard that will offer chin and mouth protection.
- ◆ **Eye protection:** Eye protection is a must. If an object hits you in the face, such as a rock, branch or even a bug, it will distract you and may cause blindness if it hits you in the eyes. Regular sunglasses do not provide adequate protection. The helmet's face shield or a pair of riding goggles will protect your eyes properly. Select well-ventilated goggles that can be securely fastened and are free from scratches.
- ◆ **Gloves:** Gloves provide protection from abrasions and help to keep your hands from getting sore, tired or cold. Off-road style motorcycle gloves provide a good combination of protection and comfort.

- ◆ **Boots:** You should wear a pair of boots that lace above the ankle for ankle support, with low heels to help prevent the boot from slipping off the footrests.
- ◆ **Shirt and pants:** A long-sleeved shirt and long pants should be worn to reduce abrasions on the body.

## What should I do before riding?

Inspecting the mechanical condition of your ATV before each day's use is important for minimizing the chances of injury or becoming stranded. The fact that you can ride farther in an hour than you can walk in a day emphasizes the need to maintain your ATV in peak operational form. The owner's manual should be used to ensure proper understanding all of the critical points on your machine.

Check the following before using your ATV:

- ◆ **Tires:** Always maintain the recommended tire pressure consistently in each tire. If the tires on your ATV have unequal pressure, the ATV will pull toward the tire with the least air pressure. Most automotive tire pressure gauges will not accurately measure the low pressure typically used in ATV tires. A gauge designed for low pressure should be used. Wheel lug nuts should be checked to make sure they are tight. Grasp each tire at the front and rear, and then try to rock the tire on its axle to check for worn-out axle bearings and loose nuts. Always use a torque wrench while following the tightening procedures and specifications for all fasteners outlined in your operator's manual.
- ◆ **Throttle:** Check the throttle operation while moving the handlebars fully to the left and then fully to the right. An accumulation of mud and dirt can restrict cable movement and prevent the throttle from closing.
- ◆ **Brakes:** Your brakes are a crucial part of riding and they must always be in top condition. Make sure they work smoothly and that they are in adjustment according to the instructions in the owner's manual.
- ◆ **Light and switches:** Be sure all lights are working. Check engine stop switches by switching them off and on during the warm-up period.
- ◆ **Oil and fuel:** Check the oil and fuel with the engine off. Look for fuel or oil leaks.
- ◆ **Drivetrain and chassis:** Inspect your chain for proper adjustment, adequate lubrication and signs of wear. If your ATV is equipped with a drive shaft rather than a chain, check for oil leaks and maintain its oil supply as outlined in your owner's manual. Rough terrain will loosen chassis parts. Look and feel for loose parts while the engine is

off. Shake handlebars, footrests and other similar components before each ride, and periodically check major fasteners with a wrench. The operator's manual should be read and understood before attempting to operate your ATV. It will contain specifications and procedures that apply directly to your model and should be considered as the final authority for safe operation of your ATV. Such information may include tire inflation pressures, torque specifications for fasteners, oil types and service intervals, battery maintenance, or brake adjustment and service.

### **How should I operate my ATV?**

- In a careful, considerate manner at all times. Always put safety first. Avoid:
  - ◆ Jumping obstacles;
  - ◆ Driving too fast;
  - ◆ Crossing barbed wire or any wire or wooden fences; or
  - ◆ Thin ice.
- ◆ Never operate in a careless or negligent manner so as to endanger another person or property. NEVER operate your ATV when you are under the influence of drugs or intoxicating beverages.

## OPERATING YOUR ATV

### ◆ Turns:

Most ATVs have solid rear axles, which turn each of the rear wheels at the same speed. This requires special turning skills, which primarily involve shifting your body weight. Low-speed turns require that you shift your body weight forward and to the outside of the turn as you turn the handlebar. The objective is to reduce weight on the inside rear wheel. For turns at higher speeds, you must lean your upper body toward the inside of the turn while keeping your weight on the outer footrest. This balances the higher cornering forces as vehicle speed increases. If your ATV starts tipping during a turn at any speed, lean your upper body farther into the turn while gradually reducing the throttle and making the turn wider. (See Figure 1)

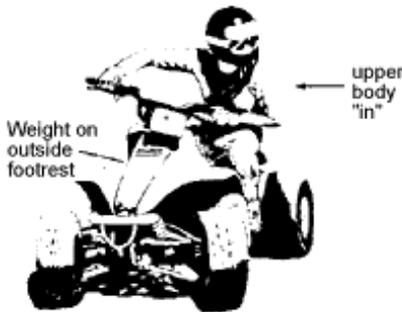


Figure 1. Turning. Lean your upper body toward the inside of the turn while keeping your weight on the outer footrest

### ◆ Braking

Begin the braking process by releasing the throttle and shifting to a lower gear well in advance of the intended stopping point. With this method, the engine helps to slow your ATV. Applying brakes smoothly and evenly will bring your ATV to its quickest stop. Apply brakes lightly on slippery surfaces. When descending a hill, shift to a lower gear for engine braking rather than riding the brakes for an extended period of time.

### ◆ Climbing

The first rule to remember is to stay off hills too steep for your ability or that of your ATV. When approaching a hill, you should keep both feet firmly on the footrests and shift your body weight forward by

sliding forward on the seat. For steep hills, stand on the footrests and lean forward to shift as much weight forward as possible. To reduce the chance of stalling the engine, climb hills in a low gear. If the engine does stall, you must apply the brakes before the forward motion stops. If your ATV stalls and then rolls backward, apply brakes slowly. Rapidly applying brakes during a backward roll can cause a rear overturn. (See Figure 2)



Figure 2. Keep both feet firmly on the footrests and shift your body weight forward when climbing a hill

◆ **Descending**

Before descending a hill, you should shift the transmission into a low gear and point the ATV directly downhill. Keep both feet firmly on the footrests and slide back on the seat to increase your stability and the effectiveness of the brakes. (See Figure 3)



Figure 3. Shift into low gear and point the ATV directly downhill when descending a slope

## ◆ Riding across slopes

Avoid crossing steep slopes and slopes where there is slippery or bumpy terrain. If you do ride across slopes, keep both feet firmly on the footrests and lean your body uphill. If the ATV begins to tip, turn the front wheels downhill. If the terrain prohibits your turning downhill, dismount on the uphill side immediately. (See Figure 4)



Figure 4. Keep both feet firmly on the footrests and lean your body uphill when crossing slopes

## ◆ Additional equipment

Many operators are taking advantage of the additional equipment available to increase the uses of their ATVs. This equipment can be divided into two categories: that which is rigidly mounted on the ATV and pull-type equipment that is towed by the ATV's drawbar. While this equipment can increase your machine's uses, it imposes some new operating restrictions that must be followed for safe operation.

### ▪ Rigid Mount Equipment:

Rigid mount equipment is usually bolted to the front or rear of the machine and includes luggage racks to transport feed or supplies, broadcast seeders and wick applicators for chemical weed control. This type of mounting places the entire weight burden on your ATV. You should realize that this will have a significant impact on the weight and balance of your machine. The center of gravity may be moved to a position of lessened stability. Mounting on the front can make steering more difficult and decrease traction on the rear wheels. Mounting on the rear can increase the chance of a rear overturn. Either mounting can increase the chance of a side overturn and requires added caution when operating on level as well as sloped ground.

### ▪ **Pull Type Equipment:**

Pull type equipment attached to the drawbar varies from a wagon of firewood to a row-crop sprayer. This type of mounting also has an effect on an ATV's stability. As the amount of drawbar pull required for the load increases, so does the tendency for the front end of the ATV to rise. Caution should be used not to expect more from your ATV than it can safely provide.

Whenever equipment is added, counterweights can be used to offset the load and improve the new balance of your machine. Be careful not to exceed the weight limitations set forth by the ATV manufacturer. Remember, just because your ATV can pull a heavy load does not mean it can safely stop it.

### **Who enforces the ATV Law and Rules?**

- ◆ The following enforcement officers may enforce ATV laws and rules: Sheriffs, Deputy Sheriffs, Constables, Police Officers, States Attorneys, Motor Vehicle Inspectors, State Game Wardens, and State Police.
- ◆ You are required to stop your ATV for any enforcement officer wearing identifying insignia or operating a law enforcement vehicle sounding a siren or displaying a flashing blue light or blue and white signal lamp.
- ◆ You can be prosecuted if you do not stop for an enforcement officer when signaled to do so.

### **What will happen if I violate the Law when operating my ATV?**

You can be fined and, you may have your ATV registration suspended or revoked.

### **What should I do if I am involved in a crash with my ATV?**

- ◆ If you are involved in a crash with someone else, you must immediately stop and render whatever assistance may be reasonably necessary.
- ◆ You must give your name, residence, registration number and the name of the owner of the ATV to the person injured and/or the owner of the damaged property.
- ◆ If someone is injured, or killed, or damage to the other person's property exceeds \$100.00, you must notify an enforcement officer immediately. A crash report must be sent to the Commissioner of Motor Vehicles within 72 hours after the crash.

## **Do I have to insure my ATV?**

No, however, the loss of your ATV, because of a crash, fire or theft, will be costly for you. There are insurance policies available to protect you against such losses. Remember, insurance protects your investment.

## **REGISTERING AND TITLING**

Registration is required for any ATV operated on any private or public land except land owned by the ATV owner, off highway in a ski area for the purpose of grooming trails, maintenance or in rescue operations, or for official use by a federal, state or municipal agency, and only if the ATV is identified with name or seal of the agency.

Vermont titles vehicles (including Motorboats, ATVs, and snowmobiles) that are 15 years old or newer based on the calendar year. *For example: from January 1, 2020, through December 31, 2020, Vermont will title ATVs with the model year 2006 or newer.*

### **Sales and Use Tax:**

- ◆ At the time of purchase from a dealer or other business that sells ATVs a Sales and Use Tax of 6% is due on the purchase price (less trade-in).
- ◆ If you trade your ATV for another ATV, credit may be taken on the Sales & Use Tax due on the new vehicle in the amount of the value received for the previous ATV. This credit may only be claimed if you had paid a Sales & Use Tax (Purchase & Use Tax if prior to 6/26/97) on the ATV prior to the trade. If at the time of sale of the ATV, no other ATV (or other vehicle for which Sales & Use Tax is due) is purchased, you may not use the tax credit on a future purchase.
- ◆ If you trade your ATV for another ATV of equal value, no tax is due.
- ◆ If you buy an ATV from another person (private sale), no Sales & Use Tax is due.

### **Transfer of Ownership:**

- ◆ When you sell your registered ATV to another person, your registration plate and certificate expire and must be returned to the Department of Motor Vehicles, unless you buy another ATV.
- ◆ If you trade your ATV toward a new one, or sell your ATV to another person and buy a new one, you may transfer your registration plate to the new ATV. Enter the date of sale, and name and address of the person who bought your old ATV in the space provided on the current

registration. Make out an application to register the new ATV, attach the current registration certificate and bill of sale, include the proper fees and mail to the Department of Motor Vehicles. You may operate the new ATV for 30 days with your registration plate attached without the registration certificate in your possession.

# ALL-TERRAIN VEHICLE LAWS

## 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, having no 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 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 and unless the all-terrain vehicle displays a valid Vermont ATV Sportsman's Association (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except when operated:

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

- (2) Off the highway, in a ski area while being used for the purpose of grooming snow, maintenance, or in rescue operations.
- (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.
- (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 or her person the written consent of the owner.
- (5) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

(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 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.

### **§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 the fee, 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.

### **§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 or her 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 selectboard 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 or her 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 the all-terrain vehicle displays a valid TAD decal as required by subsection 3502(a) of this title that serves as proof that the all-terrain vehicle and its operator, by virtue of the TAD, are members of a VASA-affiliated club to which such consent has been given orally or in writing to operate an all-terrain vehicle in the area in which the operator is operating;
    - (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 10 V.S.A. §2607 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 or she is on land owned by his or her parents, family, or guardian;
    - (B) He or she has written permission of the landowner or lessee; or
    - (C) He or she is under the direct supervision of a person at least 18 years of age.
  - (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 section 1004 of this title. In no cases shall the use of all-terrain vehicles be permitted on any portion of the National System of Interstate and Defense Highways unless the Traffic Committee permits operation on these highways.
  - (12) On a sidewalk unless permitted by the selectboard or trustees of the local governing body.
- (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.

**§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.

**§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. 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.

**§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.

**§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 36 ~ Titling of Vessels, Snowmobiles  
and All-Terrain Vehicles**

**§3801. Definitions:**

Except when the context otherwise requires, as used in this chapter:

- (1) "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.
- (2) "Commissioner" means the Commissioner of Motor Vehicles.
- (3) "Dealer" means any person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels, snowmobiles, or all-terrain vehicles, or used vessels, snowmobiles, or all-terrain vehicles, or any combination, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels, snowmobiles, or all-terrain vehicles. A yacht broker is a dealer.
- (4) "Identification number" means the numbers and letters, if any, on a vessel designated by the Commissioner for the purpose of identifying the vessel.
- (5) "Lienholder" means a person holding a security interest in a vessel, snowmobile, or all-terrain vehicle.

- (6) "Manufacturer" means any person engaged in the business of manufacturing or importing new and unused vessels, snowmobiles, or all-terrain vehicles for the purpose of sale or trade.
- (7) "Manufacturer's or importer's certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer to his or her agent or dealer, or a person purchasing direct from the manufacturer, certifying the origin of the vessel, snowmobile, or all-terrain vehicle.
- (8) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.
- (9) "Operate" means to navigate or otherwise use a vessel, snowmobile, or all-terrain vehicle.
- (10) "Operator" means the person who operates or has charge of the navigation or use of a vessel, snowmobile, or all-terrain vehicle.
- (11) "Owner" means a person, other than a lienholder, having property in or title to a vessel, snowmobile, or all-terrain vehicle. The term includes a person entitled to use or possess a vessel, snowmobile, or all-terrain vehicle subject to an interest in another person, reserved, or created by agreement and securing payment of performance of an obligation, but it does not include a lessee under a lease not intended as security.
- (12) "Security agreement" means a written agreement which reserves or creates a security interest.
- (13) "Security interest" means an interest in a vessel, snowmobile, or all-terrain vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. The term also includes a nonpossessory attachment issued by a court of competent jurisdiction within this State. The term also includes liens obtained by the Commissioner of Taxes pursuant to the provisions of Title 32. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.
- (14) "Serial number" means the numbers and letters designated by the snowmobile or all-terrain vehicle manufacturer for the purpose of identifying a snowmobile or all-terrain vehicle.

- (15) "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than 453.59 kg (1,000 lbs.), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.
- (16) "State" means a state, territory, or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, or a province of the Dominion of Canada.
- (17) "State of principal use" means the state on whose land, waters, snow, ice, marsh, swampland, or natural terrain a vessel, snowmobile, or all-terrain vehicle is used or to be used most during a calendar year.
- (18) "Use" means to operate, navigate, or employ a vessel, snowmobile, or all-terrain vehicle. A vessel, snowmobile, or all-terrain vehicle is in use whenever it is upon land, water, snow, ice, marsh, swampland, or natural terrain.
- (19) "Vessel" means every description of motorboat.
- (20) "Title or certificate of title" means a written instrument or document that certifies ownership of a vessel and is issued by the Commissioner or equivalent official of another jurisdiction.
- (21) "Secure assignment of title" means a form prescribed by the Commissioner that must be used to transfer ownership of a titled vessel, snowmobile, or all-terrain vehicle if all space for assignments upon the title itself has been used.
- (22) "Salvage dealer" means any person who, in a single year, purchases or in any manner acquires at a minimum three vessels, snowmobiles, or all-terrain vehicles as salvage or who scraps, dismantles, or destroys at a minimum three vessels, snowmobiles, or all-terrain vehicles in a single year.
- (23) "Rebuilt vessel, snowmobile, or all-terrain vehicle" means a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes, has been issued and which has been rebuilt and restored for operation.
- (24) "Salvaged vessel, snowmobile, or all-terrain vehicle" means a vessel, snowmobile, or all-terrain vehicle which has been scrapped, dismantled, destroyed, or declared a total loss by an insurance company.

- (25) "Totaled vessel, snowmobile, or all-terrain vehicle" means a vessel, snowmobile, or all-terrain vehicle which has been declared a total loss by an insurance company.

**§3803. Power and duties of commissioner:**

- (a) The commissioner shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.
- (b) The commissioner may:
- (1) Make necessary investigations to procure information required to carry out the provisions of this chapter;
  - (2) Adopt and enforce reasonable rules to carry out the provisions of this chapter.

**§3804. Hearing:**

A person aggrieved by the commissioner's act or omission to act by the commissioner under this chapter is entitled, upon request, to a hearing in accordance with section 105 of this title.

**§3805. Appeal:**

A person aggrieved by the commissioner's act or omission to act by the commissioner under this chapter may appeal to the superior court for Washington County in the same manner as is provided for in other civil actions.

**§3806. Certificate of origin:**

- (a) When a new vessel, snowmobile, or all-terrain vehicle is delivered in this State by the manufacturer to his or her agent or his or her franchised dealer, the manufacturer shall execute and deliver to his or her agent or his or her franchised dealer a certificate of origin in the form prescribed by the Commissioner.
- (b) No person shall bring into this State any new vessel, snowmobile, or all-terrain vehicle unless he or she has possession of the certificate of origin as prescribed by the Commissioner.

- (c) The certificate of origin shall contain:
- (1) For a vessel:
    - (A) The manufacturer's hull identification number of the vessel;
    - (B) The name of the manufacturer;
    - (C) The make of the vessel;
    - (D) The model year;
    - (E) A description of the construction materials;
    - (F) The type of model; and
    - (G) The length of the vessel.
  - (2) For a snowmobile or all-terrain vehicle:
    - (A) The manufacturer's serial number;
    - (B) The name of the manufacturer;
    - (C) The make of the snowmobile or all-terrain vehicle;
    - (D) The model year; and
    - (E) The type of model.
- (d) When a new vessel, snowmobile, or all-terrain vehicle is sold in this State, the manufacturer, his or her agent, or his or her franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin or if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his or her agent, or his or her dealer, with the genuine names and business or residence addresses of both stated on the certificate, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. For good cause shown, the Commissioner may accept any other satisfactory evidence of the above required information.

### **§3807. Exempted vessels, snowmobiles, and all-terrain vehicles:**

No certificate of title need be obtained for:

- (1) Any vessel under 16 feet in length;
- (2) Any snowmobile or all-terrain vehicle of a model year prior to 2004;
- (3) Any vessel which is a canoe, kayak or similar watercraft designed to be manually-propelled or equipped with a motor not to exceed 10 horsepower;
- (4) A vessel, snowmobile, or all-terrain vehicle owned by the United States, unless it is registered in this state;
- (5) A vessel, snowmobile, or all-terrain vehicle owned by a manufacturer or dealer and held for sale;
- (6) A vessel owned by a nonresident of this state and not required by law to be registered in this state;
- (7) A vessel regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (8) Any snowmobile or all-terrain vehicle owned by a nonresident of this state whose state of residence does not require a certificate of title for any such snowmobile or all-terrain vehicle;
- (9) Any snowmobile or all-terrain vehicle owned by a nonresident of this state whose state of residence does require a certificate of title for any such snowmobile or all-terrain vehicle and the title has been issued or applied for;
- (10) Any vessels that are more than 15 years old.

### **§3808. Application for certificate:**

- (a) The application for the first certificate of title of a vessel, snowmobile, or all-terrain vehicle in this State shall be made by the owner to the Commissioner on the form the Commissioner prescribes and shall contain:
  - (1) The name, residence, and mail address of the owner;
  - (2) A description of the vessel, snowmobile, or all-terrain vehicle, including information required by subsection 3806(c) of this title if these data exist, and an indication whether the vessel, snowmobile, or all-terrain vehicle is new or used;

- (3) The date of purchase by the applicant; the name and address of the person from whom the vessel, snowmobile, or all-terrain vehicle was acquired; the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and, if a new vessel, snowmobile, or all-terrain vehicle, the manufacturer's or importer's certificate of origin; and
  - (4) Any further information the Commissioner reasonably requires to identify the vessel, snowmobile, or all-terrain vehicle and to enable him or her to determine whether the owner is entitled to a certificate of title and to determine the existence or nonexistence of security interests in the vessel, snowmobile, or all-terrain vehicle.
- (b) If the application refers to a vessel, snowmobile, or all-terrain vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his or her security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the Commissioner.
- (c) If the application refers to a vessel, snowmobile, or all-terrain vehicle last previously registered in another state or country, the application shall contain or be accompanied by:
- (1) Any certificate of title issued by the other state or country; and
  - (2) Any other information and documents the Commissioner reasonably requires to establish the ownership of the vessel, snowmobile, or all-terrain vehicle and the existence or nonexistence of security interests in it.

**§3809. Commissioner to check identification number:**

The commissioner, upon receiving application for a first certificate of title, shall check the identification number of the vessels, snowmobiles, or all-terrain vehicles shown in the application against the records of vessels, snowmobiles, or all-terrain vehicles required to be maintained by section 3810 of this title and against the record of stolen and converted vessels, snowmobiles, or all-terrain vehicles required to be maintained by section 3831 of this title.

**§3810. Issuance of certificate; records:**

- (a) The Commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vessel, snowmobile, or all-terrain vehicle.
- (b) (1) The Commissioner shall maintain at his or her central office a record of all certificates of title issued by him or her:
  - (A) Under a distinctive title number assigned to the vessel, snowmobile, or all-terrain vehicle;
  - (B) Under the identification number of the vessel, snowmobile, or all-terrain vehicle;
  - (C) Alphabetically, under the name of the owner; and, in the discretion of the Commissioner, by any other method he or she determines.

**§3811. Information on certificate:**

- (a) Each certificate of title issued by the commissioner shall contain:
  - (1) The date issued;
  - (2) The name and address of the owner;
  - (3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall contain the legend "There are more than two lienholders on this vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of Motor Vehicles for details.";
  - (4) The title number assigned to the vessel, snowmobile, or all-terrain vehicle;
  - (5) A description of the vessel, snowmobile, or all-terrain vehicle including, so far as the following data exist:
    - (A) Its make, model, identification or serial number;
    - (B) For a vessel, its construction materials and length, whether new or used;

(C) If a new vessel, snowmobile, or all-terrain vehicle, the date of the first sale of the vessel, snowmobile, or all-terrain vehicle for use; and

(6) Any other data the commissioner prescribes.

- (b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive certificate of title shall be issued for a vessel, snowmobile, or all-terrain vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests, or for which a title had not been issued by such other state or country. The certificate shall contain the legend "This vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien" and may contain any other information the commissioner prescribes. If no notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.
- (c) The certificate of title shall contain forms for assignment and warranty of title by the owner and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.
- (d) A certificate of title issued by the commissioner is prima facie evidence of the facts appearing on it.
- (e) A certificate of title for a vessel, snowmobile, or all-terrain vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vessel, snowmobile, or all-terrain vehicle.

### **§3812. Mailing certificate:**

The certificate of title shall be mailed or personally delivered, upon proper identification of the individual, to the first lienholder named in it or, if none, to the owner.

### **§3813. Withholding of certificate; bond required:**

If the commissioner is not satisfied as to the ownership of the vessel, snowmobile, or all-terrain vehicle or that there are no undisclosed security

interests in it, the commissioner may register the vessel, snowmobile, or all-terrain vehicle, but shall either:

- (1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the commissioner as to the applicant's ownership of the vessel, snowmobile, or all-terrain vehicle and that there are no undisclosed security interests in it; or
- (2) As a condition of issuing a certificate of title, require the applicant to file with the commissioner, a bond in the form prescribed by the commissioner and executed by the applicant, and either accompanied by the deposit of cash with the commissioner or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the value of the vessel, snowmobile, or all-terrain vehicle as determined by the commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vessel, snowmobile, or all-terrain vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vessel, snowmobile, or all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vessel, snowmobile, or all-terrain vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vessel, snowmobile, or all-terrain vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the commissioner, unless the commissioner has been notified of the pendency of an action to recover on the bond.

#### **§3814. Refusal of certificate:**

The commissioner shall refuse issuance of a certificate of title if any required fee is not paid or if he or she has reasonable grounds to believe that:

- (1) The applicant is not the owner of the vessel, snowmobile, or all-terrain vehicle;
- (2) The application contains a false or fraudulent statement; or

- (3) The applicant fails to furnish required information or documents or any additional information the commissioner reasonably requires.

**§3815. Duplicate certificate:**

- (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the commissioner. The duplicate certificate of title shall contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.
- (b) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the commissioner.
- (c) When a duplicate certificate of title is issued, the commissioner shall cause the original certificate of title for that vessel, snowmobile, or all-terrain vehicle to be revoked.

**§3816. Transfer of interest in vessel:**

If an owner transfers his or her interest in a vessel, snowmobile, or all-terrain vehicle, other than by the creation of a security interest, he or she shall, at the time of delivery of the vessel, snowmobile, or all-terrain vehicle, execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the commissioner prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the commissioner.

**§3817. Resale by dealer:**

If a dealer buys a vessel, snowmobile, or all-terrain vehicle and holds it for resale and obtains the certificate of title from the owner or the lienholder within 10 days after receiving the vessel, snowmobile, or all-terrain vehicle, the certificate need not be sent to the commissioner. When the dealer transfers the vessel, snowmobile, or all-terrain vehicle to a person, other than by the creation of a security interest, he or she shall simultaneously execute the assignment and warranty of title by filling in the spaces on the certificate of title or as prescribed by the

commissioner. The certificate shall be mailed or delivered to the commissioner with the transferee's application for a new certificate.

**§3818. Involuntary transfers:**

- (a) If the interest of an owner in a vessel, snowmobile, or all-terrain vehicle passes to another person, other than by voluntary transfer, the transferee shall, except as provided in subsection (b) of this section, promptly mail or deliver to the commissioner the last certificate of title, if available, proof of the transfer, and his or her application for a new certificate in the form the commissioner prescribes.
- (b) If the interest of the owner is terminated or the vessel, snowmobile, or all-terrain vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver to the commissioner the last certificate of title, his or her application for a new certificate in the form the commissioner prescribes, and an affidavit, made by or on behalf of the lienholder that the vessel, snowmobile, or all-terrain vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vessel, snowmobile, or all-terrain vehicle for resale, he or she need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the commissioner the certificate, affidavit and other documents required to be sent to the commissioner by the transferee.
- (c) A person holding a certificate of title whose interest in the vessel, snowmobile, or all-terrain vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the commissioner upon request of the commissioner. The delivery of the certificate pursuant to the request of the commissioner does not affect the rights of the person surrendering the certificate, and the action of the commissioner in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

**§3819. Fee to accompany applications:**

- (a) An application for a certificate of title shall be accompanied by the required fee when mailed or delivered to the commissioner.

- (b) An application for the naming of a lienholder or his or her assignee on a certificate of title shall be accompanied by the required fee when mailed or delivered to the commissioner.

**§3820. Issuance of new certificate:**

- (a) The Commissioner, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail to the first lienholder named in it or, if none, to the owner.
- (b) The Commissioner, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to him or her, the Commissioner shall make demand from the holder.
- (c) The Commissioner shall file and retain every surrendered certificate of title for five years. The file shall be maintained so as to permit the tracing of title of the vessel, snowmobile, or all-terrain vehicle designated.

**§3821. Suspension or revocation of certificate:**

- (a) The commissioner shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with section 3804 of this chapter, if he or she finds:
  - (1) The certificate of title was fraudulently procured or erroneously issued; or
  - (2) The vessel, snowmobile, or all-terrain vehicle has been scrapped, dismantled or destroyed.
- (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
- (c) When the commissioner suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commissioner.
- (d) The commissioner may seize and impound any certificate of title which has been suspended or revoked.

### **§3822. Certain liens and security interests not affected:**

This chapter does not apply to or affect:

- (1) A lien given by statute or rule of law to a supplier of services or materials for the vessel, snowmobile, or all-terrain vehicle;
- (2) A lien given by statute to the United States, this state or any political subdivision of this state;
- (3) A security interest in a vessel, snowmobile, or all-terrain vehicle created by a manufacturer or dealer who holds the vessel, snowmobile, or all-terrain vehicle for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

### **§3823. Perfecting security interest:**

- (a) Unless excepted by section 3822 of this title, a security interest in a vessel, snowmobile, or all-terrain vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vessel, snowmobile, or all-terrain vehicle unless perfected as provided in this chapter.
- (b) A security interest is perfected by the delivery to the commissioner of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his or her security agreement and the required fee. It is perfected as of the time of its creation if delivery is completed within 20 days thereafter, otherwise as of the time of the delivery.
- (c) If a vessel, snowmobile, or all-terrain vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vessel, snowmobile, or all-terrain vehicle was when the security interest attached, subject to the following:
  - (1) If the parties understood at the time the security interest attached that the vessel, snowmobile, or all-terrain vehicle would be kept in this state and it was brought into this state within 30 days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state;
  - (2) If the security interest was perfected under the law of the jurisdiction where the vessel, snowmobile, or all-terrain vehicle

was when the security interest attached, the following rules apply:

- (A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his or her security interest continues perfected in this state;
  - (B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this state for four months after a first certificate of title of the vessel, snowmobile, or all-terrain vehicle is issued in this state, and also thereafter if, within the four-month period, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four-month period; in that case perfection dates from the time of perfection in this state;
- (3) If the security interest was not perfected under the law of the jurisdiction where the vessel, snowmobile, or all-terrain vehicle was when the security interest attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state;
  - (4) A security interest may be perfected under subdivision (2)(B) or subdivision (3) of this subsection either as provided in subsection (b) of this section or by the lienholder delivering to the commissioner a notice of security interest in the form the commissioner prescribes and the required fee.

### **§3824. Duties on creation of security interest:**

If an owner creates a security interest in a vessel, snowmobile, or all-terrain vehicle:

- (1) The owner shall immediately execute the application, in the space provided on the certificate of title or on a separate form the commissioner prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his or her security agreement, and cause the certificate, the application and the required fee to be delivered to the lienholder;
- (2) The lienholder shall immediately cause the certificate, the application and the required fee to be mailed or delivered to the commissioner;
- (3) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the

commissioner or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the commissioner with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his or her security agreement;

- (4) Upon receipt of the certificate of title, the application and the required fee, the commissioner shall either endorse the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

**§3825. Assignment of security interest:**

- (a) A lienholder may assign, absolutely or otherwise, his or her security interest in the vessel, snowmobile, or all-terrain vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.
- (b) The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the commissioner the certificate and an assignment by the lienholder named in the certificate in the form the commissioner prescribes.

**§3826. Release of security interest:**

- (a) Upon the satisfaction of a security interest in a vessel, snowmobile, or all-terrain vehicle for which the certificate of title is in the possession of the lienholder, he or she shall, within 10 days after demand and, in any event, within 30 days, execute a release of his or her security interest, in the space provided on the certificate or as the commissioner prescribes, and mail or deliver the certificate and release to the next lienholder named, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vessel, snowmobile, or all-terrain vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the commissioner, who shall release the lienholder's rights on the certificate or issue a new certificate.

- (b) Upon the satisfaction of a security interest in a vessel, snowmobile, or all-terrain vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand and, in any event, within 30 days execute a release in the form the commissioner prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him or her, for delivery to the commissioner or, upon receipt of the release, mail or deliver it with the certificate to the commissioner, who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

**§3827. Lienholder to furnish information:**

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his or her security agreement and the indebtedness secured by it.

**§3828. Method of perfecting security interest exclusive:**

The method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are exempted from the provisions of law which otherwise require or relate to the filing of instruments creating or evidencing security interests.

**§3833. Dismantling or destruction of vessels, snowmobiles, or all-terrain vehicles:**

- (a) Except for vessels, snowmobiles, or all-terrain vehicles for which no certificate of title is required pursuant to section 3807 of this title, any person who purchases or in any manner acquires a vessel, snowmobile, or all-terrain vehicle as salvage who scraps, dismantles, or destroys a vessel, snowmobile, or all-terrain vehicle, or any insurance company or representative of an insurance company who declares a vessel, snowmobile, or all-terrain vehicle to be a total loss, shall make application for a salvage certificate of title within 15 days of the time the vessel, snowmobile, or all-terrain vehicle is purchased or otherwise acquired as salvage, scrapped, dismantled, or

destroyed, or declared a total loss. The application shall be accompanied by:

- (1) Any certificate of title; and
  - (2) Any other information or documents that the Commissioner may reasonably require to establish ownership of the vessel, snowmobile, or all-terrain vehicle, and the existence or nonexistence of any security interest in the vessel, snowmobile, or all-terrain vehicle.
- (b) When a vessel, snowmobile, or all-terrain vehicle is destroyed by crushing for scrap, the person causing the destruction shall immediately mail or deliver to the Commissioner the certificate of title, if any, endorsed "crushed" and signed by the person, accompanied by the original plate showing the original identification number. The plate shall not be removed until such time as the vessel, snowmobile, or all-terrain vehicle is crushed.
- (c) This section shall not apply to, and salvage certificates shall not be required for, unrecovered stolen vessels, snowmobiles, or all-terrain vehicles or vessels, snowmobiles, or all-terrain vehicles stolen and recovered in an undamaged condition, provided that the original vessel, snowmobile, or all-terrain vehicle identification number plate has not been removed, altered, or destroyed, and the number on the vessel, snowmobile, or all-terrain vehicle is identical with that on the original title certificate.

**§3834. Issuance of salvage title:**

The Commissioner shall file and maintain in the manner provided in section 3010 of this title each application received and when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a salvage certificate of title, shall issue a salvage certificate of title to the vessel, snowmobile, or all-terrain vehicle.

**§3835. Salvaged, totaled, and rebuilt vessels, snowmobiles, or all terrain vehicles:**

- (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes has been or should have been issued by the Commissioner, or by any other jurisdiction or person or both, a vessel, snowmobile, or all-terrain vehicle that has been declared

totaled is rebuilt and restored for operation, the owner shall not apply for a certificate of title or registration, and none shall be issued until the vessel, snowmobile, or all terrain vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the identification number and bills of sale or titles for major component parts used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary, a new identification number shall be attached to the vessel, snowmobile, or all-terrain vehicle as provided by section 2003 of this title. Any new title issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the legend "rebuilt vessel, snowmobile, or all-terrain vehicle."

- (b) Any person who sells, trades, or offers for sale or trade to a prospective purchaser any interest in a salvaged, salvaged and rebuilt, or totaled vessel, snowmobile, or all-terrain vehicle shall disclose the fact that the vessel, snowmobile, or all-terrain vehicle has been salvaged, salvaged and rebuilt, or totaled both orally and in writing before a sale, trade, or transfer is made. Written disclosure that the vessel, snowmobile, or all-terrain vehicle has been salvaged, salvaged and rebuilt, or totaled, in addition to being disclosed on the certificate of title as required by this subchapter, shall also be conspicuously disclosed on any bill of sale, transfer, purchase, or other agreement.
- (c) Failure of the seller to provide the notices required by this section shall result in the seller being required, at the option of the buyer, to refund to the buyer the purchase price, including taxes, license fees, and similar governmental charges.

### **§3836. Records; inspection:**

- (a) Each person who purchases or in any manner acquires a vessel, snowmobile, or all-terrain vehicle as salvage shall keep and maintain for a period of not less than five years such records as may be prescribed by the Commissioner which are reasonably necessary to substantiate the information contained in the application required by sections 3840 and 3842 of this title. These records shall include parts and accessories obtained and used for the repair or rebuilding, or both, of a vessel, snowmobile, or all-terrain vehicle, and such financial records that will allow the Commissioner to determine if the person qualifies to become or remain licensed as a "salvage dealer."

- (b) The Commissioner, or his or her agents, may inspect and examine the books, records, premises, and vehicles on the premises of any salvage dealer during the usual business hours of the day to verify the truth and accuracy of any information furnished in connection with the provisions of sections 3833 and this section of this chapter.
- (c) Any salvage dealer who in any manner receives a vessel, snowmobile, or all-terrain vehicle which does not have a plate attached to the vessel, snowmobile, or all-terrain vehicle bearing the vehicle identification number shall notify the Commissioner in writing that such a vessel, snowmobile, or all terrain vehicle has been received within seven days.

## **Title 13 ~ Crimes and Criminal Procedures**

### **Chapter 81 ~ Trespass and**

#### **Malicious Injuries to Property**

##### **§3705. Unlawful trespass:**

- (a) (1) A person shall be imprisoned for not more than three months or fined, or both, if, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:
- (A) Actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent;
  - (B) Signs or placards so designed and situated as to give reasonable notice; or
  - (C) In the case of abandoned property:
    - (i) Signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or
    - (ii) Actual communication by a law enforcement officer.
- (2) As used in this subsection, "abandoned property" means:
- (A) Real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and
    - (i) Property taxes have been delinquent for six months or more; or
    - (ii) One or more utility services have been disconnected;
  - (B) A railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.
- (b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

- (c) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined, or both.
  - (d) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined, or both.
  - (e) A law enforcement officer shall not be prosecuted under subsection (a) of this section if he or she is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of his or her entrance onto the land or place of another is no more than necessary to effectuate the service of process.
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