



# BROOME COUNTY SHERIFF'S OFFICE

Sheriff Frederick J. Akshar II

Undersheriff Sammy L. Davis

155 Lt. Van Winkle Drive, Binghamton, NY 13905

**For Immediate Release:**

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## BROOME COUNTY SHERIFF'S OFFICE PRESS RELEASE

### **Broome Sheriff Cracking Down on Illegal ATV, UTV and Motorcycle Use**

(DICKINSON, NY) On Friday, the Broome County Sheriff's Office announced a targeted enforcement initiative on illegal ATV, UTV and motorcycle use.

Over the past few months, the Sheriff's Office has received reports and witnessed several examples of All-Terrain Vehicles (ATVs), Utility Task/Terrain Vehicles (UTVs) and motorcycles being operated illegally not only on public roadways, but on railroad tracks, railroad rights-of-way and on private property without permission, creating safety concerns for drivers and residents.

"These vehicles are fun to ride, but it's important to remember that ATVs and UTVs are not road vehicles, and they simply don't belong on the highway or roads in our community," said Sheriff Fred Akshar. "Nor should they be operated on other residents' property without permission. Our BCSO team is charged with the safety and security of our residents, and these guidelines are designed to help keep our roads and communities safe."

The Broome County Sheriff's Office has released a guide to New York State guidelines governing ATVs, UTVs and limited-use motorcycles to help educate the public on lawful use and operation of these vehicles in the community.

Over the next month, a two-phase targeted enforcement operation will commence, focused first on education and warnings for first-time offenders, but shifting to traffic law enforcement via tickets, citations and possible arrest, depending on the crime.

"We're not concerned with farmers lawfully crossing the road to get to the other side of their farms in a UTV," said Akshar. "Our concern is on individuals treating their ATVs and UTVs like cars and motorcycles and driving for miles on public roadways or joyriding through neighbors' property without permission. If you're not aware of the rules, we're here to help educate you."

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**General Information:**  
(607) 778-1911

**Fiscal:**  
(607) 778-2928

**Garnishees:**  
(607) 778-2926

**Civil:**  
(607) 778-2145

**Identification:**  
(607) 778-2924

**Records:**  
(607) 778-2166

## Quick Reference based on NYS Vehicle and Traffic Law, Article 48 C

### Highlights:

- No ATV/UTV/DIRTBIKE/MINIBIKE/GO-KART can be operated on a public roadway unless crossing the road at a 90-degree angle to access another piece of property.
- ATVs must be registered with DMV.
- Must carry liability insurance.
- MUST have permission from property owner.
- PUBLIC PROPERTY must be clearly posted and approved for ATV/UTV use.

### ATVs:

1. What is an ATV:
  - a. Self-propelled vehicle manufactured for off-highway trails.
  - b. Does not exceed seventy inches wide and under 1,000 lbs. dry weight.
  - c. Dirt-bikes are included as ATV's.
2. Registration:
  - a. All ATVs operated in NYS must be registered with DMV.
  - b. Out of state registrations acceptable.
  - c. Government owned ATVs are exempt.
  - d. Assigned registration must be displayed at all times.
3. Public Roadways:
  - a. ATVs cannot be operated on a public roadway.
  - b. Exception: Making direct crossing at approximately 90 degrees; must come to complete stop before crossing roadway; must yield to oncoming traffic; in hours of daylight only, unless both front and rear lights are illuminated.
4. Public lands:
  - a. ATVs can only be operated if public lands have been designated and posted for travel by ATVs.
5. Private Property:
  - a. Must have consent from owner.
  - b. Cannot operate on railroad tracks or railroad rights-of-way.
6. Operating and equipment
  - a. Cannot operate in an intoxicated condition on public lands or private property of another person.
  - b. Operating brakes, white headlight during darkness, muffler system meeting Federal Standards (40 CFR, 205.166, sub part E).
  - c. Rider and passenger must wear a protective helmet.
7. Insurance
  - a. Must have liability insurance when operating on public lands and any private property when not owned by the operator.
  - b. Must provide proof of insurance upon request by magistrate or authority enforcing law (law enforcement)
8. Operation by minors:
  - a. Under 16 yrs. of age; only operate on property owner or leased by parent/guardian and must be supervised by person over 18 yrs. old.
  - b. 14-15 years old must have ATV safety certificate and same guidance as 16 yr. old.

- c. Failure to produce safety certificate when riding is presumptive evidence of not having one.
- 9. Accidents:
  - a. Any ATV accident resulting in injuries or death of in person or where property damage estimated at \$600 or more; must report accident to law enforcement.

## **UTVs:**

- 1. What is a UTV:
  - a. NOT an ATV.
  - b. Generally, UTVs are over 72 inches wide and exceeding 1,000 lbs.
  - c. Designed for off-road operation.
- 2. Registration:
  - a. UTVs CANNOT be registered; no registration class exists for them
- 3. Public Roadways:
  - a. UTVs cannot be operated on a public roadway.
  - b. Exception: Making direct crossing at approximately 90 degrees; must come to complete stop before crossing roadway; must yield to oncoming traffic; in hours of daylight only, unless both front and rear lights are illuminated.
- 4. Public lands:
  - a. Only when public lands have been designated and posted for travel by UTVs.
- 5. Private Property:
  - a. Must have consent from owner.
  - b. Cannot operate on railroad tracks or railroad rights-of-way.
- 6. Operating and equipment
  - a. Cannot operate in an intoxicated condition on public lands or private property of another person.
  - b. UTVs must have operating brakes, white headlight during darkness, muffler system meeting Federal Standards (40 CFR, 205.166, sub part E).
- 7. Insurance
  - a. Must have liability insurance when operating on public lands and any private property when not owned by the operator.
  - b. Must provide proof of insurance upon request by magistrate or authority enforcing law (law enforcement).
- 8. Operation by minors:
  - a. Under 16 yrs. of age; only operate on property owner or leased by parent/guardian and must be supervised by person over 18 yrs. old.
  - b. 14-15 years old must have ATV safety certificate and supervised by 18 yr old .

## **Limited Use Motorcycles (Mopeds, Motor-scooters, etc.)**

- 1. Definition: Self-propelled vehicle with 1 or 2 wheels.
  - a. Class A: Max speed 30-40 mph
  - b. Class B: Max speed 20-30 mph
  - c. Class C: Max speed less than 20 mph

### Limited-use motorcycle requirements

REQUIRED?	CLASS A, OVER 30-40 MPH	CLASS B, OVER 20-30 MPH	CLASS C, 20 MPH OR LESS
<b>Driver license / permit</b>	M/MJ  (Learner permit restrictions apply to all permit classes. Junior operator restrictions apply to class DJ and MJ permits and driver licenses. See information about the <a href="#">Graduated License Law.</a> )	any license class  (Learner permit restrictions apply to all permit classes. Junior operator restrictions apply to class DJ and MJ permits and driver licenses. See information about the <a href="#">Graduated License Law.</a> )	any license class  (Learner permit restrictions apply to all permit classes. Junior operator restrictions apply to class DJ and MJ permits and driver licenses. See information about the <a href="#">Graduated License Law.</a> )
<b>Registration</b>	required	required	required
<b>Headlight on when operating</b>	required	required	required
<b>Helmet &amp; eye protection</b>	required	required	recommended
<b>May operate on</b>	any traffic lane	right-hand lane or shoulder only (except when making a left turn)	right-hand lane or shoulder only (except when making a left turn)
<b>Insurance</b>	required	required	recommended (a Class C moped used as a rental vehicle must be insured)
<b>Inspection</b>	required	recommended	recommended
<b>Title</b>	not required	not required	not required

#### 2. Mini-bikes:

- Small, motorized device with 2-wheels designed for off-road use.
- Does not qualify as UTV, ATV, or motorcycle

#### 3. Go-Kart

- Small, motorized device with 4-wheels
- Does not qualify as a motorcycle or an ATV/UTV

#### 4. Electric Scooter:

- A type of device with handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor that can be powered by the electric motor and/or human power. Electric scooters have a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.
- Note: It is illegal to operate an electric scooter (as defined in §114-e of NYS VTL) above fifteen miles per hour.

#### 5. Bicycle with and Electrical Assist:

- A bicycle that is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and

meeting the requirements of one of the following three classes:

- i. (a) "Class one bicycle with electric assist." A bicycle with electric assist has an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.
  - ii. (b) "Class two bicycle with electric assist." A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.
  - iii. (c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.
- b. A bicycle with electric assist does not qualify for registration as a motorcycle, limited-use motorcycle, moped, or ATV and does not have the same equipment.

## 6. Lawful Operation of E-Bikes and E-Scooters:

- a. **E-Bikes and E-Scooters** are granted all the rights and are subject to all of the duties applicable to the driver of a motor vehicle and the rider of a bicycle.
- b. **Operating an E-Bike or E-Scooter is not uniform throughout New York State** as cities and towns have extensive local authority, including the ability to prohibit E-Bikes or E-Scooters, require helmets, or wear reflective clothing. Consult with your local jurisdiction if you have questions on laws and ordinances in your area.
- c. **Helmets are not always required but are recommended.** However, helmets are required for 16 and 17-year-olds operating an E-Scooter and Class 3 E-Bike operators in **New York City**.
- d. **Operators of E-Bikes and E-Scooters** must be at least **16** years old.
- e. **E-Bike operators** may carry passengers.
- f. **E-Bikes and E-Scooters are required to use bike lanes** wherever possible, and cannot operate on roads with speed limits of over 30 mph.
- g. **When operating on trails or bike paths**, consult with your local municipal or park authorities on their regulations, as they may differ.
- h. **You cannot operate E-Bikes or E-Scooters on sidewalks** except as authorized by local law or ordinance.
- i. **E-Bike operators must ride in single file** and cannot double up as traditional bicycles can.

###

Link to Guidelines on BCSO website:

<https://broomecountyny.gov/sites/default/files/dept/sheriff/pdfs/BCSO%20ATV%20-%20UTV%20-%20Motorcycle%20Guidelines%20Booklet.pdf>

Link to NYS Vehicle and Traffic Law, Article 48-C:

<https://www.nysenate.gov/legislation/laws/VAT/T11A48-C>

Link to DMV information on ATV operation: <https://dmv.ny.gov/more-info/atvs-information-for-owners-and-operators#:~:text=You%20may%20not%20operate%20an,local%20police%20to%20be%20sure>