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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1884

02/28/2019 Authored by Lislegard, Ecklund and Lueck
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying youth all-terrain vehicle training provisions;
1.3 allowing all-terrain vehicles with snorkel devices; amending Minnesota Statutes
1.4 2018, sections 84.775, subdivision 1; 84.925, subdivision 1; 84.9256, subdivision
1.5 1; 84.928, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

1.8 Subdivision 1. Civil citation; authority to issue. (a) A conservation officer or other
1.9 licensed peace officer may issue a civil citation to a person who operates:

1.10 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
1.11 (1); 84.777; 84.788 to 84.795; or 84.90;

1.12 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
1.13 84.777; 84.798 to 84.804; or 84.90; or

1.14 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
1.15 84.777; 84.90; or 84.922 to 84.928.

1.16 (b) A civil citation under paragraph (a) shall require restitution for public and private
1.17 property damage and impose a penalty of:

1.18 (1) \$100 for the first offense;

1.19 (2) \$200 for the second offense; and

1.20 (3) \$500 for third and subsequent offenses.

2.1 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
 2.2 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in
 2.3 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
 2.4 paragraph shall require restitution for damage to wetlands and impose a penalty of:

2.5 (1) \$100 for the first offense;

2.6 (2) \$500 for the second offense; and

2.7 (3) \$1,000 for third and subsequent offenses.

2.8 (d) If the peace officer determines that there is damage to property requiring restitution,
 2.9 the commissioner must send a written explanation of the extent of the damage and the cost
 2.10 of the repair by first class mail to the address provided by the person receiving the citation
 2.11 within 15 days of the date of the citation.

2.12 (e) An off-road vehicle ~~or all-terrain vehicle~~ that is equipped with a snorkel device and
 2.13 receives a civil citation under this section is subject to twice the penalty amounts in
 2.14 paragraphs (b) and (c).

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.16 Sec. 2. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

2.17 Subdivision 1. ~~Program~~ **Training and certification programs established.** (a) The
 2.18 commissioner shall establish:

2.19 (1) a comprehensive all-terrain vehicle environmental and safety education and training
 2.20 certification program, including the preparation and dissemination of vehicle information
 2.21 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
 2.22 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
 2.23 successfully complete the all-terrain vehicle environmental and safety education and training
 2.24 course; and

2.25 (2) a voluntary all-terrain vehicle online training program for youth and a parent or
 2.26 guardian, offered at no charge for operators at least six years of age but younger than ten
 2.27 years of age.

2.28 (b) A parent or guardian must be present at the hands-on a training portion of the program
 2.29 for when the youth who are six through is under ten years of age.

2.30 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
 2.31 training and certifying vehicle operators, the commissioner shall collect a fee from each
 2.32 person who receives the training for certification under paragraph (a), clause (1). The

3.1 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
 3.2 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
 3.3 in a manner that neither significantly overrecovers nor underrecovers costs, including
 3.4 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
 3.5 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
 3.6 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
 3.7 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
 3.8 account in the natural resources fund and the amount thereof, except for the electronic
 3.9 licensing system commission established by the commissioner under section 84.027,
 3.10 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
 3.11 the Enforcement Division of the Department of Natural Resources for the administration
 3.12 of the programs. In addition to the fee established by the commissioner, instructors may
 3.13 charge each person up to the established fee amount for class materials and expenses.

3.14 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
 3.15 private and public corporations, and local governmental units in furtherance of the ~~program~~
 3.16 programs established under this section. School districts may cooperate with the
 3.17 commissioner and volunteer instructors to provide space for the classroom portion of the
 3.18 training. The commissioner shall consult with the commissioner of public safety in regard
 3.19 to ~~training program~~ the subject matter of the training programs and performance testing that
 3.20 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
 3.21 component in the ~~safety education and training program~~ certification program established
 3.22 under this section, and may incorporate a riding component in the training program
 3.23 established under paragraph (a), clause (2).

3.24 Sec. 3. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

3.25 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public
 3.26 road rights-of-way that is permitted under section 84.928 and as provided under paragraph
 3.27 (j), a driver's license issued by the state or another state is required to operate an all-terrain
 3.28 vehicle along or on a public road right-of-way.

3.29 (b) A person under 12 years of age shall not:

3.30 (1) make a direct crossing of a public road right-of-way;

3.31 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

3.32 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
 3.33 paragraph (f).

4.1 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
4.2 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,
4.3 county state-aid, or county highway or operate on public lands and waters or state or
4.4 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
4.5 issued by the commissioner and is accompanied by a person 18 years of age or older who
4.6 holds a valid driver's license.

4.7 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
4.8 but less than 16 years old, must:

4.9 (1) successfully complete the safety education and training program under section 84.925,
4.10 subdivision 1, including a riding component; and

4.11 (2) be able to properly reach and control the handle bars and reach the foot pegs while
4.12 sitting upright on the seat of the all-terrain vehicle.

4.13 (e) A person at least ~~six~~ ten years of age may take the safety education and training
4.14 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
4.15 the certificate is not valid until the person reaches age 12.

4.16 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
4.17 vehicle with an engine capacity up to 110cc if the vehicle is a class 1 all-terrain vehicle with
4.18 straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
4.19 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
4.20 guardian.

4.21 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

4.22 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
4.23 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

4.24 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
4.25 all-terrain vehicle with straddle-style seating; or

4.26 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
4.27 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

4.28 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16
4.29 years old, may make a direct crossing of a public road right-of-way of a trunk, county
4.30 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or
4.31 state or grant-in-aid trails if:

5.1 (1) the nonresident youth has in possession evidence of completing an all-terrain safety
 5.2 course offered by the ATV Safety Institute or another state as provided in section 84.925,
 5.3 subdivision 3; and

5.4 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds
 5.5 a valid driver's license.

5.6 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
 5.7 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
 5.8 under section 84.928 if the person:

5.9 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
 5.10 and

5.11 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

5.12 Sec. 4. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

5.13 Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:

5.14 (1) at a rate of speed greater than reasonable or proper under the surrounding
 5.15 circumstances;

5.16 (2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or
 5.17 damage to the person or property of another;

5.18 (3) without headlight and taillight lighted at all times if the vehicle is equipped with
 5.19 headlight and taillight;

5.20 (4) without a functioning stoplight if so equipped;

5.21 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;

5.22 (6) without a brake operational by either hand or foot;

5.23 (7) with more than one person on the vehicle, except as allowed under section 84.9257;

5.24 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
 5.25 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

5.26 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
 5.27 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~
 5.28 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
 5.29 ~~vehicle recreation areas; or~~

5.30 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

6.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.