

Sec. 36. REVISOR'S INSTRUCTION.

The revisor of statutes shall, as part of the regular process of statutory revision, prepare a bill for introduction that amends Minnesota Statutes to reflect the intent of the legislature as expressed in section 3 to make uniform the service of process provisions in Minnesota Statutes, chapters 45 to 83, 155A, 309, and 332.

Sec. 37. REPEALER.

Minnesota Statutes 1988, sections 60A.23, subdivision 7; and 72A.13, subdivision 2, are repealed.

Sec. 38. EFFECTIVE DATE.

Sections 1 to 3, 5, 6, 8, 9, 11 to 14, 18, 23 to 25, 28, 30, 32, 33, 36, and 37 are effective the day following final enactment. Sections 4, 7, 10, 17, 20, 27, 29, 31, and 35 are effective August 1, 1989. Sections 15, 16, 19, 21, and 22 are effective for policies, plans, or contracts issued or renewed on or after August 1, 1989.

Sections 26 and 34 are effective January 1, 1990.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:52 p.m.

CHAPTER 331—H.F.No. 333

An act relating to recreational vehicles; regulating all-terrain vehicles, snowmobiles, and motorized bicycles; setting fees; revising liability provisions regarding county administered lands, recreational areas and the Minnesota zoological garden; requiring evaluation and recommendations to the legislature concerning family use of all-terrain vehicles; imposing a penalty; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; 84.87, subdivision 1; 84.92, subdivision 1, and by adding subdivisions; 84.922, subdivisions 1 and 5, and by adding subdivisions; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; 84.929; 169.02, subdivision 1; 169.223; 171.03; and 466.03, by adding a subdivision; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7.

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

Section 1. Minnesota Statutes 1988, section 3.736, subdivision 3, is amended to read:

Subd. 3. **EXCLUSIONS.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and

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good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss incurred by a user ~~within the boundaries of the outdoor recreation system and~~ arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, ~~or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces~~ or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the iron range resources and rehabilitation board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(i) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) a loss based on the usual care and treatment, or lack of care and

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treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) a loss for which recovery is prohibited by section 169.121, subdivision 9; ~~and~~

(n) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources; ~~and~~

(o) a loss incurred by a visitor to the Minnesota zoological garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

Sec. 2. Minnesota Statutes 1988, section 84.87, subdivision 1, is amended to read:

Subdivision 1. **OPERATION ON STREETS AND HIGHWAYS.** (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) A snowmobile may make a direct crossing of a street or highway at any hour of the day provided:

(1) 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

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and

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(5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on; and

(6) A snowmobile may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.

(c) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by rules of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in the commissioner by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.

(d) A snowmobile may be operated upon a public street or highway other than as provided by clause (b) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(e) All provisions of chapter 169 shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application. Section 169.09 applies to the operation of snowmobiles anywhere in the state or on the ice of any boundary water of the state.

(f) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule of the commissioner.

Sec. 3. Minnesota Statutes 1988, section 84.92, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** The definitions in this section apply to sections 84.92 to 84.929 and ~~Laws 1984, chapter 647, section 9~~ 84.9291.

Sec. 4. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1b. ACCOMPANIED. "Accompanied" means being subject to continuous direction or control.

Sec. 5. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1c. AGRICULTURAL PURPOSE. "Agricultural purpose" means used exclusively for an agricultural use as defined in subdivision 1d.

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Sec. 6. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1d. AGRICULTURAL USE. "Agricultural use" means use in agriculturally related activities or harvesting of wood for commercial or firewood purposes by any person.

Sec. 7. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1e. CITY. "City" means a home rule charter or statutory city.

Sec. 8. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 6a. PUBLIC ROAD RIGHT-OF-WAY. "Public road right-of-way" means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway that is not privately owned.

Sec. 9. Minnesota Statutes 1988, section 84.922, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS.** Unless exempted in subdivision § 1a, after January 1, 1985, a person may not operate and an owner may not give permission for another to operate an all-terrain vehicle within the state unless the vehicle has been registered. After January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner with the commissioner of natural resources, or is exempt from registration.

Sec. 10. Minnesota Statutes 1988, section 84.922, is amended by adding a subdivision to read:

Subd. 1a. EXEMPTIONS. All-terrain vehicles exempt from registration are:

(1) vehicles owned and used by the United States, the state, another state, or a political subdivision;

(2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days; and

(3) vehicles used exclusively in organized track racing events.

Sec. 11. Minnesota Statutes 1988, section 84.922, is amended by adding a subdivision to read:

Subd. 2a. PRIVATE USE REGISTRATION. All-terrain vehicles may be registered for private use that are used exclusively for private or agricultural use or used exclusively on private property. Private use registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Private or agricultural use registrations are not transferable.

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Sec. 12. Minnesota Statutes 1988, section 84.922, subdivision 5, is amended to read:

Subd. 5. **FEES FOR REGISTRATION.** (a) The fee for a three-year registration of each an all-terrain vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c); is:

(1) for public use, \$18 for three years;

(2) for private use, \$6; and \$4

(3) for a duplicate or transfer, \$4.

(b) The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision must be credited to the all-terrain vehicle account.

Sec. 13. Minnesota Statutes 1988, section 84.924, subdivision 3, is amended to read:

Subd. 3. **ACCIDENT REPORT; REQUIREMENT AND FORM.** The operator and an officer investigating an accident of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of ~~\$400~~ \$300 or more shall promptly within ten days forward a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner of natural resources or by the commissioner of public safety.

Sec. 14. Minnesota Statutes 1988, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITIONS ON YOUTHFUL OPERATORS.** (a) ~~Despite section 84.928 to the contrary, Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.~~

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

(1) make a direct crossing of a trunk, county state-aid, or county highway as the operator of an all-terrain vehicle, or operate the vehicle upon a street or highway within a municipality a public road right-of-way;

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

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(3) operate an all-terrain vehicle on public lands or waters.

(b) (c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 14 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person ~~over~~ 18 years of age or holding older who holds a valid driver's license. A person under the age of 14 years shall not operate an all-terrain vehicle on public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same vehicle, if designed for more than one person, or an accompanying all-terrain vehicle: the person's parent, legal guardian, or other person 18 years of age or older or holding a valid driver's license.

However, a person 12 years of age or older may operate an all-terrain vehicle on public lands and waters under the jurisdiction of the commissioner if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner.

(e) A person 14 years of age or older, but less than 16 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner or a valid motor vehicle operator's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity.

Sec. 15. Minnesota Statutes 1988, section 84.9256, subdivision 2, is amended to read:

Subd. 2. **HELMET REQUIRED.** A person less than 16 18 years of age shall not operate an all-terrain vehicle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

Sec. 16. Minnesota Statutes 1988, section 84.9256, subdivision 3, is amended to read:

Subd. 3. **PROHIBITIONS ON OWNER.** It is unlawful for the An owner of an all-terrain vehicle ~~to permit~~ may not knowingly allow it to be operated contrary to this section.

Sec. 17. Minnesota Statutes 1988, section 84.928, subdivision 1, is amended to read:

Subdivision 1. **OPERATION ON STREETS AND HIGHWAYS ROADS AND RIGHTS-OF-WAY.** (a) A person shall not operate an all-terrain vehicle ~~upon~~ along or on the roadway, shoulder, or inside bank or slope of a public road

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right-of-way other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway in this state ~~and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided unless otherwise allowed~~ in sections 84.92 to 84.929.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state, if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 1a. CROSSINGS OF A PUBLIC ROAD RIGHT OF WAY. ~~(b)~~ (a) An all-terrain vehicle may make a direct crossing of a ~~street or highway~~ public road right-of-way provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway road and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway road;

(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided highway road, the crossing is made only at an intersection of the highway road with another public ~~street or highway road~~;

(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

~~(e)~~ (b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel when no other method of avoid-

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ance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.

(~~d~~) (c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, ~~with reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars~~, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

(~~e~~) (d) An all-terrain vehicle may be operated upon a public ~~street or highway~~ road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(~~f~~) (e) Chapter 169 applies to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(~~g~~) (f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way, if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.

(h) A road authority as defined in section 160.02, subdivision 9, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

Sec. 18. Minnesota Statutes 1988, section 84.928, subdivision 2, is amended to read:

Subd. 2. **OPERATION GENERALLY.** ~~It is unlawful for~~ A person ~~to~~ may not drive or operate an all-terrain vehicle:

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

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

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

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

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

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

(7) with more persons on the vehicle than it was designed for;

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

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

Sec. 19. Minnesota Statutes 1988, section 84.928, subdivision 6, is amended to read:

Subd. 6. **REGULATIONS BY POLITICAL SUBDIVISIONS.** ~~Despite any provision in this section (a) Notwithstanding any law to the contrary, a county board, by resolution, may permit the operation of all-terrain vehicles upon the roadway, shoulder, or inside bank or slope of a county highway or county state-aid highway if the roadway is in the agricultural zone or if safe operation in the ditch or outside bank or slope of the highway is impossible, in which case the county board shall provide appropriate notice city or town, acting through its governing body, may by resolution or ordinance prohibit the operation of all-terrain vehicles on city streets or town roads in its jurisdiction provided the regulations are otherwise consistent with sections 84.92 to 84.929.~~

(b) A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction ~~and on streets and highways other than public road rights-of-way~~ within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided:

(1) ~~the regulations are~~ must be consistent with sections 84.92 to 84.929 and rules adopted under section 84.924. ~~However, the local governmental unit may not adopt;~~

(2) an ordinance ~~which (1) imposes~~ may not impose a fee for the use of public land or water under the jurisdiction of either the department of natural resources or other agency of the state, or for the use of an access to it owned by the state or a county or a city; ~~or (2) requires; and~~

(3) an ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

(c) Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if:

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(1) the highway is in the agricultural zone; or

(2) safe operation in the ditch or outside slope is impossible, and the county posts the appropriate notice.

Sec. 20. Minnesota Statutes 1988, section 84.929, is amended to read:

84.929 PENALTIES.

Any person who violates any provision of sections ~~84.922, 84.923, and 84.925~~ 84.92 to 84.928 or rules of the commissioner is guilty of a ~~petty~~ misdemeanor.

Sec. 21. Minnesota Statutes 1988, section 169.02, subdivision 1, is amended to read:

Subdivision 1. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except:

(1) where a different place is specifically referred to in a given section;

(2) the provisions of sections 169.09 to 169.13 apply to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within this state.

Sec. 22. Minnesota Statutes 1988, section 169.223, is amended to read:

169.223 MOTORIZED BICYCLES.

Subdivision 1. Except as otherwise provided in this section, section 169.974 relating to motorcycles is applicable to motorized bicycles, except that:

(1) protective headgear includes headgear that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc.;

(2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles, may be operated during nighttime hours;

(3) protective headgear is not required for operators 18 years of age or older; and

(4) the provisions of section 169.222 governing the parking of bicycles apply to motorized bicycles.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. ~~Motorized bicycles shall not be operated on any bicycle way or bicycle lane, as those terms are defined in section 160.263.~~ A motorized bicycle may be operated under either a driver's license or a motorized bicycle permit issued under section 171.02, subdivision 3. A person under the age of 16 operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit, except that:

(1) a parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator, if the motorized bicycle is equipped with a seat and foot rests for a second passenger;

(2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles, may be operated during nighttime hours;

(3) protective headgear includes headgear described in subdivision 1; and

(4) protective headgear is required only until the operator reaches the age of 18 years.

Subd. 3. No person shall operate a motorized bicycle upon a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley or building. No person shall operate a motorized bicycle that is carrying any person other than the operator, except as allowed under subdivision 2.

Subd. 4. The provisions of section 169.974, subdivision 5, clause (i), apply to motorized bicycles that are equipped with headlights. After June 1, 1987, a new motorized bicycle sold or offered for sale in Minnesota must be equipped with a headlight.

Subd. 5. ~~When operated within a statutory or home rule charter city, a motorized bicycle is entitled to the full use of a traffic lane. No motor vehicle shall be driven or operated in a way that deprives a motorized bicycle of the full use of a traffic lane. When operated on a highway that is not within a statutory or home rule charter city, a motorized bicycle shall be operated on the paved portion of the shoulder, or, if the shoulder is not paved, as near as is practicable to the right-hand side of the roadway. (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:~~

(1) when overtaking and passing another vehicle proceeding in the same direction;

(2) when preparing for a left turn at an intersection or into a private road or driveway; or

(3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

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(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bikeway or other bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

Sec. 23. Minnesota Statutes 1988, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(1) Any person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government;

(2) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, is not an implement of husbandry;

(3) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(5) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(6) Any person operating a snowmobile, as defined in section 84.81.

Sec. 24. Minnesota Statutes 1988, section 466.03, is amended by adding a subdivision to read:

Subd. 16. Any claim against a county, arising from the operation of an all-terrain vehicle on land administered by a county under chapter 280, 281, or 282 except that the county is liable for conduct that would entitle a trespasser to damages against a private person.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 25. EVALUATION OF FAMILY USE.

The commissioner of natural resources shall evaluate family all-terrain vehicle use, including all-terrain vehicle use by persons under 12 years of age on public lands or waters. Recommendations concerning the use of all-terrain vehicles by persons under 12 years of age must be made by the commissioner to the natural resources committees of the house and senate by January 1, 1990. The recommendations may include any additional restrictions that the commissioner deems necessary to ensure the safety of all-terrain vehicle operators under 12 years of age. Before making any recommendations, the commissioner must solicit and consider public comments and hold any necessary public meetings.

Sec. 26. REPEALER.

Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7 are repealed.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 6:05 p.m.

CHAPTER 332—H.F.No. 723

An act relating to veterans; changing medical assistance income and asset limitations for veterans in community nursing homes to conform with those used for the veterans nursing homes; authorizing the commissioner of administration to conduct a study of the need for additional veterans homes in the state; establishing a veterans home in Luverne; appropriating money; amending Minnesota Statutes 1988, section 256B.056, by adding a subdivision.

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

Section 1. Minnesota Statutes 1988, section 256B.056, is amended by adding a subdivision to read:

Subd. 3a. ASSET LIMITATIONS FOR VETERANS. (a) Notwithstanding subdivision 3, the income and asset limitations for a veteran who is otherwise eligible for medical assistance are the income and asset limitations established by the board of directors of the Minnesota nursing homes for veterans applying for admission to a veterans home. The provisions concerning transfers of property in section 256B.17 do not apply to a veteran. For purposes of this subdivision, "veteran" has the meaning given in section 197.447.

(b) Paragraph (a) is effective only to the extent allowed by federal medical assistance laws and regulations and only if the federal health care financing agency approves the necessary amendments to the state medical assistance plan. The commissioner shall seek waivers of federal requirements to the extent necessary to implement paragraph (a).

New language is indicated by underline, deletions by ~~strikeout~~.