

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2786

(SENATE AUTHORS: SAXHAUG)

DATE	D-PG	OFFICIAL STATUS
03/19/2014	6381	Introduction and first reading Referred to Environment and Energy

1.1 A bill for an act

1.2 relating to natural resources; modifying regulation of off-highway vehicles;

1.3 providing for donations to fund trails; modifying information on driver's license

1.4 and identification card; requiring rulemaking; amending Minnesota Statutes

1.5 2012, sections 84.773, by adding a subdivision; 84.788, by adding a subdivision;

1.6 84.791, subdivision 4; 84.794, subdivision 1; 84.798, by adding a subdivision;

1.7 84.803, subdivision 1; 84.82, by adding a subdivision; 84.83, subdivision 2;

1.8 84.922, by adding a subdivision; 84.925, subdivision 3; 85.41, by adding a

1.9 subdivision; 85.43; 85.46, subdivision 6, by adding a subdivision; 171.07, by

1.10 adding a subdivision; Minnesota Statutes 2013 Supplement, section 84.9256,

1.11 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

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

1.13 Section 1. Minnesota Statutes 2012, section 84.773, is amended by adding a

1.14 subdivision to read:

1.15 Subd. 4. Taconite State Trail; Lake Vermilion and Bear Head Lake State Parks.

1.16 Notwithstanding subdivision 1, operation of off-highway vehicles is permitted on the

1.17 Taconite State Trail and in Lake Vermilion and Bear Head Lake State Parks in areas

1.18 designated for such use under the master plan for each unit.

1.19 EFFECTIVE DATE. This section is effective July 1, 2015, or when the

1.20 commissioner of natural resources completes the master plan revisions under section 18,

1.21 whichever occurs sooner.

1.22 Sec. 2. Minnesota Statutes 2012, section 84.788, is amended by adding a subdivision

1.23 to read:

1.24 Subd. 13. Grant-in-aid donations. (a) At the time of registration, a person may

1.25 agree to add a donation of \$5, \$10, or \$20 to the off-highway motorcycle registration

fee for grant-in-aid off-highway motorcycle trails. An additional commission may not be assessed on the donation. The commissioner shall offer the opportunity to make a donation under this subdivision to all registrants and shall issue a recognition grant-in-aid trail sticker to registrants contributing \$20.

(b) Money donated under this subdivision shall be deposited in the off-highway motorcycle account in the natural resources fund and shall be used for the grant-in-aid program as provided under section 84.794, subdivision 2, paragraph (a), clause (3).

Sec. 3. Minnesota Statutes 2012, section 84.791, subdivision 4, is amended to read:

Subd. 4. **Off-highway motorcycle safety courses; reciprocity with other states; accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements or otherwise certify off-highway motorcycle environment and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

(b) Proof of completion of the Motorcycle Safety Foundation Dirtbike School is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

Sec. 4. Minnesota Statutes 2012, section 84.794, subdivision 1, is amended to read:

Subdivision 1. **Registration revenue.** Fees from the registration of off-highway motorcycles, donations received under section 84.788, subdivision 13, and the unrefunded gasoline tax attributable to off-highway motorcycle use under section 296A.18 must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.

Sec. 5. **[84.7945] NONRESIDENT OFF-HIGHWAY MOTORCYCLE STATE TRAIL PASS.**

Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration under section 84.788, subdivision 2, clause (2), or a nonresident may not operate an off-highway motorcycle on a state or grant-in-aid off-highway motorcycle trail unless the operator carries a valid nonresident off-highway motorcycle state trail pass in immediate possession. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees collected under this section, except for the issuing fee for licensing agents, shall be

deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for off-highway motorcycle organizations to construct and maintain off-highway motorcycle trails and use areas.

(c) A nonresident off-highway motorcycle state trail pass is not required for:

(1) an off-highway motorcycle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.788, subdivision 2;

(2) a person operating an off-highway motorcycle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a nonresident operating an off-highway motorcycle that is registered according to section 84.788.

Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell nonresident off-highway motorcycle state trail passes. The commissioner may revoke the appointment of an agent at any time. The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for accounting and handling of passes pursuant to section 97A.485, subdivision 11. An agent shall promptly deposit and remit all money received from the sale of the passes, exclusive of the issuing fee, to the commissioner.

Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell nonresident off-highway motorcycle state trail passes. The commissioner shall also make the passes available through the electronic licensing system established under section 84.027, subdivision 15.

Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the off-highway motorcycle account in the natural resources fund and retained for the operation of the electronic licensing system.

Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate pass to persons whose pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident off-highway motorcycle state trail pass is \$2, with an issuing fee of 50 cents.

Sec. 6. Minnesota Statutes 2012, section 84.798, is amended by adding a subdivision to read:

4.1 Subd. 11. **Grant-in-aid trail donations.** (a) At the time of registration, a person
4.2 may agree to add a donation of \$5, \$10, or \$20 to the off-road vehicle registration fee for
4.3 grant-in-aid off-road vehicle trails. An additional commission may not be assessed on
4.4 the donation. The commissioner shall offer the opportunity to make a donation under
4.5 this subdivision to all registrants and shall issue a recognition grant-in-aid trail sticker
4.6 to registrants contributing \$20.

4.7 (b) Money donated under this subdivision shall be deposited in the off-road vehicle
4.8 account in the natural resources fund and shall be used for the grant-in-aid program as
4.9 provided under section 84.803, subdivision 2, clause (3).

4.10 Sec. 7. Minnesota Statutes 2012, section 84.803, subdivision 1, is amended to read:

4.11 Subdivision 1. **Registration revenue.** Fees from the registration of off-road
4.12 vehicles, donations received under section 84.798, subdivision 11, and unrefunded
4.13 gasoline tax attributable to off-road vehicle use under section 296A.18 must be deposited in
4.14 the state treasury and credited to the off-road vehicle account in the natural resources fund.

4.15 Sec. 8. Minnesota Statutes 2012, section 84.82, is amended by adding a subdivision to
4.16 read:

4.17 Subd. 12. **Grant-in-aid trail donations.** (a) At the time of registration, a person
4.18 may agree to add a donation of \$5, \$10, or \$20 to the snowmobile registration fee for
4.19 grant-in-aid snowmobile trails. An additional commission may not be assessed on the
4.20 donation. The commissioner shall offer the opportunity to make a donation under this
4.21 subdivision to all registrants and shall issue a recognition grant-in-aid trail sticker to
4.22 registrants contributing \$20.

4.23 (b) Money donated under this subdivision shall be deposited in the snowmobile trails
4.24 and enforcement account in the natural resources fund and shall be used for the grant-in-aid
4.25 program as provided under section 84.83, subdivision 3, paragraph (a), clause (1).

4.26 Sec. 9. Minnesota Statutes 2012, section 84.83, subdivision 2, is amended to read:

4.27 Subd. 2. **Money deposited in the account.** Fees from the registration of
4.28 snowmobiles and from the issuance of snowmobile state trail stickers, donations received
4.29 under section 84.82, subdivision 12, and the unrefunded gasoline tax attributable to
4.30 snowmobile use pursuant to section 296A.18 shall be deposited in the state treasury and
4.31 credited to the snowmobile trails and enforcement account.

5.1 Sec. 10. Minnesota Statutes 2012, section 84.922, is amended by adding a subdivision
5.2 to read:

5.3 Subd. 14. **Grant-in-aid trail contributions.** (a) At the time of registration, a person
5.4 may agree to add a donation of \$5, \$10, or \$20 for grant-in-aid trails. The commissioner
5.5 shall issue a recognition grant-in-aid trail sticker to registrants contributing \$20.

5.6 (b) Money contributed under this subdivision shall be deposited in the state treasury
5.7 and credited to the all-terrain vehicle account and is dedicated for the grant-in-aid trail
5.8 program.

5.9 Sec. 11. Minnesota Statutes 2012, section 84.925, subdivision 3, is amended to read:

5.10 Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states;**
5.11 **accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements
5.12 or otherwise certify all-terrain vehicle environmental and safety education and training
5.13 courses from other states that are substantially similar to in-state courses. Proof of
5.14 completion of a course subject to a reciprocity agreement or certified as substantially
5.15 similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

5.16 (b) Proof of completion of training offered by the All-Terrain Vehicle Safety Institute
5.17 is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

5.18 Sec. 12. Minnesota Statutes 2013 Supplement, section 84.9256, subdivision 1, is
5.19 amended to read:

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

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

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

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

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

5.29 (c) Except for public road rights-of-way of interstate highways, a person 12 years of
5.30 age but less than 16 years may:

5.31 (1) make a direct crossing of a public road right-of-way of a trunk, county state-aid,
5.32 or county highway or operate on public lands and waters or state or grant-in-aid trails,
5.33 only if that person possesses a valid all-terrain vehicle safety certificate issued by the

commissioner and is accompanied by a person 18 years of age or older who holds a valid driver's license; and

(2) operate on a county state-aid, county, or township road right-of-way as permitted under section 84.928 if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied by a person 18 years of age or older who holds a valid drivers's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 18 years old, must:

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

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

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

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

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

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

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

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

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

- (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
and
(2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

Sec. 13. Minnesota Statutes 2012, section 85.41, is amended by adding a subdivision to read:

Subd. 6. Grant-in-aid trail donations. (a) At the time of purchasing the pass required under subdivision 1, a person may agree to add a donation of \$5, \$10, or \$20 to the cross-country ski pass fee for grant-in-aid cross-country ski trails. An additional commission may not be assessed on the donation. The commissioner shall offer the opportunity to make a donation under this subdivision to all pass purchasers and shall issue a recognition grant-in-aid trail sticker to a person contributing \$20.

(b) Money donated under this subdivision shall be deposited in the cross-country ski account in the natural resources fund and shall be used for the grant-in-aid program as provided under section 85.43, paragraph (a), clause (1).

Sec. 14. Minnesota Statutes 2012, section 85.43, is amended to read:

85.43 DISPOSITION OF RECEIPTS; PURPOSE.

(a) Fees from cross-country ski passes and donations received under section 85.41, subdivision 6, shall be deposited in the state treasury and credited to a cross-country ski account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, are appropriated to the commissioner of natural resources for the following purposes:

(1) grants-in-aid for cross-country ski trails to:

(i) counties and municipalities for construction and maintenance of cross-country ski trails; and

(ii) special park districts as provided in section 85.44 for construction and maintenance of cross-country ski trails; and

(2) administration of the cross-country ski trail grant-in-aid program.

(b) Development and maintenance of state cross-country ski trails are eligible for funding from the cross-country ski account if the money is appropriated by law.

Sec. 15. Minnesota Statutes 2012, section 85.46, subdivision 6, is amended to read:

Subd. 6. Disposition of receipts. Fees and donations collected under this section, except for the issuing fee, shall be deposited in the state treasury and credited to the horse pass account in the natural resources fund. Except for the electronic licensing system

commission established by the commissioner under section 84.027, subdivision 15, the fees are appropriated to the commissioner of natural resources for trail acquisition, trail and facility development, and maintenance, enforcement, and rehabilitation of horse trails or trails authorized for horse use, whether for riding, leading, or driving, on land administered by the commissioner.

Sec. 16. Minnesota Statutes 2012, section 85.46, is amended by adding a subdivision to read:

Subd. 8. **Trail donations.** At the time of purchasing the pass required under subdivision 1, a person may agree to add a donation of \$5, \$10, or \$20 to the horse pass fee for horse trails. An additional commission may not be assessed on the donation. The commissioner shall offer the opportunity to make a donation under this subdivision to all pass purchasers and shall issue a recognition trail sticker to a person contributing \$20.

Sec. 17. Minnesota Statutes 2012, section 171.07, is amended by adding a subdivision to read:

Subd. 17. **All-terrain vehicle safety certificate.** (a) The department shall maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued an all-terrain vehicle safety certificate. The records transmitted from the Department of Natural Resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

(b) After receiving information under paragraph (a) that a person has received an all-terrain vehicle safety certificate, the department shall include, on all drivers' licenses or Minnesota identification cards subsequently issued to the person, a graphic or written indication that the person has received the certificate.

(c) If a person who has received an all-terrain vehicle safety certificate applies for a driver's license or Minnesota identification card before that information has been transmitted to the department, the department may accept a copy of the certificate as proof of its issuance and shall then follow the procedures in paragraph (b).

Sec. 18. **OFF-HIGHWAY VEHICLE USE; MASTER PLAN REVISIONS.**

By June 30, 2015, the commissioner of natural resources shall amend the master plans for Taconite State Trail and Lake Vermilion and Bear Head Lake State Parks to designate areas of use for off-highway vehicles according to section 1.

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

9.2 Sec. 19. **RECREATIONAL TRAILS; ENVIRONMENTAL REVIEW;**
9.3 **RULEMAKING.**

9.4 (a) The Environmental Quality Board shall:

9.5 (1) amend Minnesota Rules, part 4410.4300, subpart 37, item B, to read:

9.6 "Designating at least 25 miles of an existing nonmotorized trail for motorized
9.7 recreational use other than snowmobiling.

9.8 In applying items A and B, if a proposed trail will contain segments of newly
9.9 constructed trail and segments that will follow an existing nonmotorized trail but be
9.10 newly designated for motorized use, an EAW must be prepared if the sum of the quotients
9.11 obtained by dividing the length of the new construction by ten miles and the length of the
9.12 existing but newly designated trail by 25 miles, equals or exceeds one."

9.13 (2) amend Minnesota Rules, part 4410.4600, subpart 27, by adding an additional
9.14 project exemption for adding a new type of motorized off-highway vehicle use to an
9.15 existing off-highway vehicle trail when the new use does not require construction, such as
9.16 treadway improvements or widening. For purposes of this clause, "off-highway vehicle"
9.17 has the meaning given under Minnesota Statutes, section 84.777.

9.18 (b) The Environmental Quality Board may use the good cause exemption under
9.19 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this
9.20 section, and Minnesota Statutes, section 14.386, does not apply except as provided under
9.21 Minnesota Statutes, section 14.388.