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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1057

02/28/2013 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/13/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance

1.1 A bill for an act
1.2 relating to natural resources; providing for contributions to trail programs;
1.3 modifying provisions for all-terrain vehicles; amending Minnesota Statutes
1.4 2012, sections 84.788, by adding a subdivision; 84.794, subdivision 1; 84.798,
1.5 by adding a subdivision; 84.803, subdivision 1; 84.82, by adding a subdivision;
1.6 84.83, subdivision 2; 84.922, by adding subdivisions; 84.9256, subdivision 1;
1.7 84.928, subdivision 1; 85.41, by adding a subdivision; 85.43; 85.46, subdivision
1.8 6, by adding a subdivision.

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

1.10 Section 1. Minnesota Statutes 2012, section 84.788, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 13. **Grant-in-aid donations.** (a) At the time of registration, a person
1.13 may agree to add a donation of any amount to the off-highway motorcycle registration
1.14 fee for grant-in-aid off-highway motorcycle trails. An additional commission may not
1.15 be assessed on the donation. The commissioner shall offer the opportunity to make a
1.16 donation under this subdivision to all registrants and shall issue a recognition grant-in-aid
1.17 trail sticker to registrants contributing \$20 or more.

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

1.21 Sec. 2. Minnesota Statutes 2012, section 84.794, subdivision 1, is amended to read:

1.22 Subdivision 1. **Registration revenue.** Fees from the registration of off-highway
1.23 motorcycles, donations received under section 84.788, subdivision 13, and the unrefunded
1.24 gasoline tax attributable to off-highway motorcycle use under section 296A.18 must be

2.1 deposited in the state treasury and credited to the off-highway motorcycle account in
2.2 the natural resources fund.

2.3 Sec. 3. Minnesota Statutes 2012, section 84.798, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 11. **Grant-in-aid trail donations.** (a) At the time of registration, a person
2.6 may agree to add a donation of any amount to the off-road vehicle registration fee for
2.7 grant-in-aid off-road vehicle trails. An additional commission may not be assessed on the
2.8 donation. The commissioner shall offer the opportunity to make a donation under this
2.9 subdivision to all registrants and shall issue a recognition grant-in-aid trail sticker to
2.10 registrants contributing \$20 or more.

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

2.14 Sec. 4. Minnesota Statutes 2012, section 84.803, subdivision 1, is amended to read:

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

2.19 Sec. 5. Minnesota Statutes 2012, section 84.82, is amended by adding a subdivision to
2.20 read:

2.21 Subd. 12. **Grant-in-aid trail donations.** (a) At the time of registration, a person
2.22 may agree to add a donation of any amount to the snowmobile registration fee for
2.23 grant-in-aid snowmobile trails. An additional commission may not be assessed on the
2.24 donation. The commissioner shall offer the opportunity to make a donation under this
2.25 subdivision to all registrants and shall issue a recognition grant-in-aid trail sticker to
2.26 registrants contributing \$20 or more.

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

2.30 Sec. 6. Minnesota Statutes 2012, section 84.83, subdivision 2, is amended to read:

2.31 Subd. 2. **Money deposited in the account.** Fees from the registration of
2.32 snowmobiles and from the issuance of snowmobile state trail stickers, donations received

under section 84.82, subdivision 12, and the unrefunded gasoline tax attributable to snowmobile use pursuant to section 296A.18 shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account.

Sec. 7. Minnesota Statutes 2012, section 84.922, is amended by adding a subdivision to read:

Subd. 13. **Grant-in-aid trail contributions.** (a) At the time of registration, the commissioner shall offer a registrant the opportunity to make a contribution for grant-in-aid trails. The commissioner shall issue a recognition grant-in-aid trail sticker to registrants contributing \$20 or more.

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

Sec. 8. Minnesota Statutes 2012, section 84.922, is amended by adding a subdivision to read:

Subd. 14. **No registration weekend.** The commissioner shall designate by rule one weekend each year when, notwithstanding subdivision 1, an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without a registration issued under this section. Nonresidents may participate during the designated weekend without a state trail pass required under section 84.9275.

Sec. 9. Minnesota Statutes 2012, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928 and as provided under paragraph (j), 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 public road right-of-way;

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

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

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 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 or state or grant-in-aid trails, 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.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than ~~16~~ 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. 10. Minnesota Statutes 2012, section 84.928, subdivision 1, is amended to read:

Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d) or (f).

(c) A person may operate a class 2 all-terrain vehicle:

(1) within the public road right-of-way of a county state-aid or county highway 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, unless prohibited under paragraph (d) or (f);

(2) on the bank, slope, or ditch of a public road right-of-way of a trunk highway, but only to access businesses or make trail connections, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f); and

(3) ~~A person may operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way;~~

(i) on a designated class 2 all-terrain vehicle trail; or

(ii) to access businesses or make trail connections when operation within the public road right-of-way is unsafe.

(d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.

(e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway:

(1) that is part of a funded grant-in-aid trail; or

(2) when the all-terrain vehicle is owned by or operated under contract with a publicly or privately owned utility or pipeline company and used for work on utilities or pipelines.

(f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

(g) 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.

(h) 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. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

(i) 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.

(j) 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.

Sec. 11. 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 any amount 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 or more.

(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. 12. 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. 13. 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. 14. 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 any amount 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 or more.