

A bill for an act

relating to natural resources; modifying operating provisions and definitions for certain recreational vehicles; providing for dual registration of certain motorcycles; requiring a nonresident off-road vehicle state trail pass; modifying requirements for titling watercraft; modifying special vehicle use on roadways; amending Minnesota Statutes 2010, sections 84.777, subdivision 2; 84.788, by adding a subdivision; 84.92, subdivisions 8, 9, 10; 84.9257; 86B.313, subdivision 1; 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; 168.002, subdivision 18; 168A.085; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 239.791, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Section 1. Minnesota Statutes 2010, section 84.777, subdivision 2, is amended to read:

Subd. 2. **Off-highway vehicle seasonal restrictions.** (a) ~~The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands: ~~(1) outside of the seasons prescribed under this paragraph; or (2) during the firearms deer hunting season in areas of the state where deer may be taken by rifle. This paragraph does not apply to a person in possession of a valid deer hunting license operating an off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.~~

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Sec. 2. Minnesota Statutes 2010, section 84.788, is amended by adding a subdivision to read:

Subd. 12. **Dual registration.** (a) An off-highway motorcycle registered under this section may also be registered as a motorcycle under chapter 168 for use on public roads and highways.

(b) If the off-highway motorcycle was not originally constructed primarily for use on public roads and highways, the off-highway motorcycle must be equipped with mirrors and a headlight, taillight, and horn and be otherwise modified as necessary to meet the requirements of chapter 169 for motorcycles regarding safety and acceptability to operate on public roads and highways.

(c) An applicant for registration under chapter 168 must submit an inspection form, prescribed by the commissioner of public safety. The inspection form must be completed by a police officer, as defined under section 169.011, and certify that the off-highway motorcycle meets the requirements of chapter 169 for motorcycles regarding safety and acceptability to operate on public roads and highways.

(d) Chapter 168A does not apply to an off-highway motorcycle modified to meet the requirements of chapter 169 according to this subdivision.

Sec. 3. **[84.8035] NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.**

Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail unless the vehicle displays a nonresident off-road vehicle state trail pass sticker issued according to this section. The pass must be viewable by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The fee for an annual pass is \$20. The pass is valid from January 1 through December 31. The fee for a three-year pass is \$30. The commissioner of natural resources shall issue a pass upon application and payment of the fee. 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-road vehicle 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-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) A nonresident off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

(2) a person operating an off-road vehicle 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-road vehicle that is registered according to section 84.798.

Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell nonresident off-road vehicle 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-road vehicle 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-road vehicle 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-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

Sec. 4. Minnesota Statutes 2010, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized ~~rotation-tired~~ vehicle ~~of not less than three low pressure tires, but not more than~~ equipped with three to six nonhighway tires, that is limited in engine displacement of less than 960 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart; a mini-truck; a dune buggy; a go cart; or vehicles designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

Sec. 5. Minnesota Statutes 2010, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds and has a straddled seat.

Sec. 6. Minnesota Statutes 2010, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that is not a class 1 all-terrain vehicle, has a total dry weight of ~~1,000 to~~ 1,800 pounds or less, and has a manufacturer's published width of 68 inches or less.

Sec. 7. Minnesota Statutes 2010, section 84.9257, is amended to read:

84.9257 PASSENGERS.

(a) A person 18 years of age or older may operate a class 1 all-terrain vehicle carrying only one passenger.

(b) A person 18 years of age or older may operate a class 2 all-terrain vehicle while carrying ~~a~~ only one passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater.

(c) A person 12 to 17 years of age may operate a class 1 all-terrain vehicle carrying only one passenger and the passenger must be the person's parent or legal guardian.

Sec. 8. Minnesota Statutes 2010, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** (a) In addition to requirements of other laws relating to watercraft, a person may not operate or permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between one hour before sunset and 9:30 a.m., unless the personal watercraft is equipped with manufacturer installed navigational lights as prescribed by the commissioner;

(3) at greater than slow-no wake speed within 150 feet of:

(i) a shoreline;

(ii) a dock;

(iii) a swimmer;

(iv) a raft used for swimming or diving; or

(v) a moored, anchored, or nonmotorized watercraft;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) the personal watercraft is equipped with factory-installed or factory-specified accessory mirrors that give the operator a wide field of vision to the rear;

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 150 feet of the other watercraft, or operating the watercraft while facing backwards;

(10) in any other manner that is not reasonable and prudent; or

(11) without a personal watercraft rules decal, issued by the commissioner, attached to the personal watercraft so as to be in full view of the operator.

(b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft to launch or land a person on water skis, a kneeboard, or similar device by the most direct route to open water.

Sec. 9. Minnesota Statutes 2010, section 86B.825, subdivision 3, is amended to read:

Subd. 3. **Voluntary titling.** The owner of a device used or designed for navigation on water and used on the waters of this state may obtain a certificate of title for the device, even though it is not a watercraft as defined in section 86B.820, subdivision 14, in the same manner and with the same effect as the owner of a watercraft required to be titled under ~~Laws 1989, chapter 335~~ sections 86B.820 to 86B.920. Once titled, the device is a titled watercraft as defined in section 86B.820, subdivision 13, and is and remains subject to ~~Laws 1989, chapter 335~~ sections 86B.820 to 86B.920, to the same extent as a watercraft required to be titled.

Sec. 10. Minnesota Statutes 2010, section 86B.830, subdivision 2, is amended to read:

Subd. 2. **Issuance.** (a) The commissioner shall issue a certificate of title for a watercraft upon verification that:

(1) the application is genuine;

(2) the applicant is the owner of the watercraft; and

(3) payment of the required fee.

(b) The original certificate of title must be mailed to the ~~first secured party disclosed in the application or, if none, to the~~ owner named in the application. Secured parties, if any, must be mailed notification of their security interest filed.

Sec. 11. Minnesota Statutes 2010, section 86B.850, subdivision 1, is amended to read:

Subdivision 1. **Form and issuance.** (a) The commissioner may issue a duplicate certificate of title under this section. The duplicate certificate of title must be a certified copy plainly marked "duplicate" across its face and must contain the legend: "This duplicate certificate of title may be subject to the rights of a person under the original certificate." It must be mailed to the ~~first secured party named in it or, if none, to the~~ owner. The commissioner shall indicate in the department records that a duplicate has been issued.

(b) As a condition to issuing a duplicate certificate of title, the commissioner may require a bond from the applicant in the manner and form prescribed in section 86B.830, subdivision 4, paragraph (b).

Sec. 12. Minnesota Statutes 2010, section 86B.885, is amended to read:

86B.885 OWNER-CREATED SECURITY INTEREST.

Paragraphs (a) to (d) apply if an owner creates a security interest in a titled watercraft.

(a) The owner shall immediately execute the application in the space provided on the certificate of title or on a separate form prescribed by the commissioner, show the name and address of the secured party on the certificate, and have the certificate, application, and required fee delivered to the secured party.

(b) The secured party shall immediately have the certificate, application, and required fee mailed or delivered to the commissioner.

~~(c) Upon request of the owner or A second or subordinate secured party, a secured party in possession of the certificate of title shall either (1) mail or deliver the certificate to the subordinate secured party for delivery to the commissioner, or (2) upon receiving from the subordinate secured party the owner's application and the required fee, mail or deliver them to the commissioner with the certificate. The delivery of the certificate does not affect the rights of the first secured party under the security agreement.~~

(d) Upon receiving the certificate of title, application, and required fee, the commissioner shall either endorse on the certificate or issue a new certificate containing the name and address of the new secured party, and mail or deliver the certificate to the

7.1 ~~first secured party named on it~~ owner. The secured party or parties shall be issued a
7.2 notification that the security interest has been recorded.

7.3 Sec. 13. Minnesota Statutes 2010, section 168.002, subdivision 18, is amended to read:

7.4 Subd. 18. **Motor vehicle.** (a) "Motor vehicle" means any self-propelled vehicle
7.5 designed and originally manufactured to operate primarily on highways, and not operated
7.6 exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a
7.7 self-propelled vehicle and includes vehicles known as trackless trolleys that are propelled
7.8 by electric power obtained from overhead trolley wires but not operated upon rails. It does
7.9 not include snowmobiles, manufactured homes, or park trailers.

7.10 (b) "Motor vehicle" includes an all-terrain vehicle only if the all-terrain vehicle
7.11 (1) has at least four wheels, (2) is owned and operated by a physically disabled person,
7.12 and (3) displays both disability plates and a physically disabled certificate issued under
7.13 section 169.345.

7.14 (c) "Motor vehicle" does not include an all-terrain vehicle except (1) an all-terrain
7.15 vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle
7.16 before August 1, 1985. The owner may continue to license an all-terrain vehicle described
7.17 in clause (2) as a motor vehicle until it is conveyed or otherwise transferred to another
7.18 owner, is destroyed, or fails to comply with the registration and licensing requirements
7.19 of this chapter.

7.20 (d) "Motor vehicle" does not include an electric personal assistive mobility device as
7.21 defined in section 169.011, subdivision 26.

7.22 (e) "Motor vehicle" does not include a motorized foot scooter as defined in section
7.23 169.011, subdivision 46.

7.24 (f) "Motor vehicle" includes an off-highway motorcycle modified to meet the
7.25 requirements of chapter 169 according to section 84.788, subdivision 12.

7.26 Sec. 14. Minnesota Statutes 2010, section 168A.085, is amended to read:

7.27 **168A.085 APPLICATION FOR TITLE ~~OR REGISTRATION~~, CERTAIN**
7.28 **CASES.**

7.29 Subdivision 1. **Limitations.** No application for certificate of title ~~or registration~~ may
7.30 be issued for a vehicle that was not manufactured in compliance with applicable federal
7.31 emission standards in force at the time of manufacture as provided by the Clean Air Act,
7.32 United States Code, title 42, sections 7401 through 7642, and regulations adopted pursuant
7.33 thereto, and safety standards as provided by the National Traffic and Motor Safety Act,
7.34 United States Code, title 15, sections 1381 through 1431, and regulations adopted pursuant

thereto, unless the applicant furnishes either proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country or all of the following:

(1) a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging receipt of a statement of compliance submitted by the importer of the vehicle and that the statement meets the safety requirements as provided by Code of Federal Regulations, title 19, section 12.80(e);

(2) a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and known to be in conformity with federal emission requirements; and

(3) a receipt or certificate issued by the United States Department of the Treasury showing that any gas-guzzler taxes due on the vehicle as provided by Public Law 95-618, title 2, section 201(a), have been fully paid.

Subd. 2. **Accompanying documents.** The application for certificate of title ~~and the application for registration~~ must be accompanied by a manufacturer's certificate of origin in the English language which was issued by the actual vehicle manufacturer and either:

(1) the original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a translation of the documents into the English language verified as to accuracy of the translation by affidavit of the translator; or

(2) with regard to a vehicle imported from a country that cancels the vehicle registration and title for export, a bond as required by section 168A.07, subdivision 1, clause (2).

Sec. 15. Minnesota Statutes 2010, section 169.045, subdivision 1, is amended to read:

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~four-wheel~~ all-terrain vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck is by permit only. For purposes of this section, ~~a four-wheel an all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds~~ has the meaning given in section 84.92, and a mini truck has the meaning given in section 169.011, subdivision 40a.

Sec. 16. Minnesota Statutes 2010, section 169.045, subdivision 2, is amended to read:

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period of not to exceed ~~one year~~ three years, and may be ~~annually~~ renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck on the roadways designated.

Sec. 17. Minnesota Statutes 2010, section 169.045, subdivision 3, is amended to read:

Subd. 3. **Times of operation.** Motorized golf carts and ~~four-wheel~~ all-terrain vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient ~~light~~ visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Sec. 18. Minnesota Statutes 2010, section 169.045, subdivision 5, is amended to read:

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Sec. 19. Minnesota Statutes 2010, section 169.045, subdivision 6, is amended to read:

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, ~~four-wheel~~ all-terrain vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Sec. 20. Minnesota Statutes 2010, section 169.045, subdivision 7, is amended to read:

10.1 Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are
10.2 applicable to persons operating mini trucks, but are not applicable to persons operating
10.3 motorized golf carts or ~~four-wheel~~ all-terrain vehicles under permit on designated
10.4 roadways pursuant to this section. Except for the requirements of section 169.70, the
10.5 provisions of this chapter relating to equipment on vehicles are not applicable to motorized
10.6 golf carts or four-wheel all-terrain vehicles operating, under permit, on designated
10.7 roadways.

10.8 Sec. 21. Minnesota Statutes 2010, section 169.045, subdivision 8, is amended to read:

10.9 Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, ~~four-wheel~~
10.10 all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in
10.11 the private market, that person may purchase automobile insurance, including no-fault
10.12 coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to
10.13 65B.12, at a rate to be determined by the commissioner of commerce.

10.14 Sec. 22. Minnesota Statutes 2010, section 239.791, is amended by adding a subdivision
10.15 to read:

10.16 Subd. 16. **Exemption for recreational vehicle manufacturer.** A person
10.17 responsible for the product may offer for sale, sell, or dispense gasoline that is not
10.18 oxygenated according to subdivision 1 if the gasoline is intended to be used exclusively
10.19 for research and development by a manufacturer of snowmobiles, all-terrain vehicles,
10.20 motorcycles, or recreational vehicles.