

A bill for an act

relating to natural resources; modifying restrictions on the operation of off-highway vehicles; modifying off-highway vehicle damage account; providing for seizure and forfeiture of certain off-highway vehicles; requiring certain off-highway vehicle violations to be added to the driving record of the violator; modifying civil penalties; modifying off-road vehicle account receipts and disposition; requiring plates on all-terrain vehicles; providing for revocation of registration; providing criminal penalties; amending Minnesota Statutes 2006, sections 84.773, subdivision 1; 84.775, subdivision 1; 84.797, subdivisions 6, 12; 84.802; 84.803; 84.804, subdivisions 1, 2, 3; 84.922, subdivision 2; 84.928, subdivision 2; 97A.315, subdivision 2; Minnesota Statutes 2007 Supplement, section 84.780; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2006, sections 84.796; 84.805; 296A.18, subdivision 6; Minnesota Statutes 2007 Supplement, section 84.929.

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

Section 1. Minnesota Statutes 2006, section 84.773, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) A person may not intentionally operate an off-highway vehicle:

(1) on a trail on public land that is designated or signed for nonmotorized use only;

(2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access;

(3) except as specifically authorized by law or rule adopted by the commissioner, in unfrozen public waters, as defined in section 103G.005; in a state park; in a scientific and natural area; or in a wildlife management area; or

(4) in a calcareous fen, as identified by the commissioner.

(b) A person may not operate an off-highway vehicle at a speed greater than ten miles per hour:

(1) within 100 feet of a person who is not:

- 2.1 (i) on an off-highway vehicle, snowmobile, or motorcycle; or
2.2 (ii) in a motor vehicle;
2.3 (2) within 100 feet of a fish house, dark house, or any other structure while operating
2.4 on a frozen public water; or
2.5 (3) within 150 feet of a home or residential dwelling.

2.6 Sec. 2. **[84.774] OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

2.7 (a) Except as provided in paragraph (b), a person who violates a provision of
2.8 sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or
2.9 rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

2.10 (b) A person is guilty of a gross misdemeanor if the person:

2.11 (1) knowingly disregards signs prohibiting the use of off-highway vehicles and
2.12 operates an off-highway vehicle in an area where the use is prohibited;

2.13 (2) violates section 84.773 or 84.777 after personally being notified by a peace
2.14 officer not to operate in the area prohibited;

2.15 (3) violates a section listed in paragraph (a) and has at least one conviction for a
2.16 violation under those sections in the last three years;

2.17 (4) violates a section listed in paragraph (a) resulting in the endangerment of another
2.18 person; or

2.19 (5) violates section 84.773; 84.777; 84.90; or 97B.001 and the violation results in
2.20 property damage in excess of 400 square feet or with a cost of repair in excess of \$500.

2.21 (c) A person convicted of a gross misdemeanor under paragraph (b) is prohibited
2.22 from operating an off-highway vehicle for a period of two years. The commissioner shall
2.23 notify the person of the time period during which the person is prohibited from operating
2.24 an off-highway vehicle.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes
2.26 committed on or after that date.

2.27 Sec. 3. **[84.7741] OFF-HIGHWAY VEHICLE FORFEITURE.**

2.28 **Subdivision 1. Definitions.** (a) As used in this section, the following terms have
2.29 the meanings given them.

2.30 (b) "Appropriate agency" means a law enforcement agency that has the authority
2.31 to make an arrest for a violation of a designated offense.

2.32 (c) "Claimant" means an owner of an off-highway vehicle or a person claiming a
2.33 leasehold or security interest in an off-highway vehicle.

(d) "Designated offense" means a gross misdemeanor violation under section 84.774, paragraph (b).

(e) "Family or household member" means:

(1) a parent, stepparent, or guardian;

(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, or great-aunt; or

(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

(f) "Off-highway vehicle" and "vehicle" do not include an off-highway vehicle that is stolen or taken in violation of the law.

(g) "Owner" means a person legally entitled to possession, use, and control of an off-highway vehicle, including a lessee of an off-highway vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable presumption that a person registered as the owner of an off-highway vehicle according to the records of the Department of Public Safety or the Department of Natural Resources is the legal owner. For purposes of this section, if an off-highway vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred, or a designee, who is responsible for prosecuting violations of a designated offense. If a state agency initiated the forfeiture, and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the attorney general's office, or its designee, may initiate forfeiture under this section.

(i) "Security interest" means a bona fide security interest perfected according to section 168A.17, subdivision 2, based on a loan or other financing that, if an off-highway vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

Subd. 2. Seizure. (a) An off-highway vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle.

(b) Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under this clause, the prosecuting authority must

institute a forfeiture action under this section as soon as is reasonably possible by serving a notice of seizure and intent to forfeit at the address of the owner as listed in the records of the Department of Public Safety or Department of Natural Resources.

Subd. 3. **Right to possession vests immediately; custody.** All right, title, and interest in an off-highway vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When an off-highway vehicle is seized under this section, the appropriate agency may:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by the agency;

(3) place a disabling device on the vehicle; and

(4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

Subd. 4. **Bond by owner for possession.** If the owner of an off-highway vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate agency, give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner. The forfeiture action must proceed against the security as if it were the seized vehicle.

Subd. 5. **Evidence.** Certified copies of court records and off-highway vehicle and driver's records concerning prior incidents are admissible as substantive evidence where necessary to prove the commission of a designated offense.

Subd. 6. **Vehicle subject to forfeiture.** An off-highway vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense.

Subd. 7. **Presumptions; limitations on vehicle forfeiture.** (a) An off-highway vehicle is presumed subject to forfeiture under this section if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based; or

(2) the driver fails to appear for a scheduled court appearance with respect to the designated offense charged and fails to voluntarily surrender within 48 hours after the time required for appearance.

(b) An off-highway vehicle encumbered by a security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had

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5.1 knowledge of or consented to the act upon which the forfeiture is based. However, when
5.2 the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan
5.3 balance, the appropriate agency shall remit all proceeds of the sale to the secured party
5.4 after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the
5.5 vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner
5.6 consistent with section 336.9-610, the agency is not liable to the secured party for any
5.7 amount owed on the loan in excess of the sale proceeds. The validity and amount of a
5.8 nonperfected security interest must be established by its holder by clear and convincing
5.9 evidence.

5.10 (c) Notwithstanding paragraph (b), the secured party's or lessor's interest in an
5.11 off-highway vehicle is not subject to forfeiture based solely on the secured party's or
5.12 lessor's knowledge of the act or omission upon which the forfeiture is based if the secured
5.13 party or lessor demonstrates by clear and convincing evidence that the party or lessor took
5.14 reasonable steps to terminate use of the vehicle by the offender.

5.15 (d) An off-highway vehicle is not subject to forfeiture under this section if its owner
5.16 can demonstrate by clear and convincing evidence that the owner did not have actual
5.17 or constructive knowledge that the vehicle would be used or operated in any manner
5.18 contrary to law or that the owner took reasonable steps to prevent use of the vehicle by
5.19 the offender. If the offender is a family or household member of the owner and has three
5.20 or more prior off-highway vehicle convictions, the owner is presumed to know of any
5.21 vehicle use by the offender that is contrary to law.

5.22 Subd. 8. **Administrative forfeiture procedure.** (a) An off-highway vehicle used to
5.23 commit a designated offense is subject to administrative forfeiture under this subdivision.

5.24 (b) When an off-highway vehicle is seized under subdivision 2, or within a
5.25 reasonable time after seizure, the appropriate agency shall serve the driver or operator
5.26 of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally,
5.27 when an off-highway vehicle is seized under subdivision 2, or within a reasonable time
5.28 after that, all persons known to have an ownership, possessory, or security interest in the
5.29 vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those
5.30 vehicles required to be registered under chapter 168, the notification to a person known to
5.31 have a security interest in the vehicle is required only if the vehicle is registered under
5.32 chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail
5.33 to the address shown in Department of Public Safety records is sufficient notice to the
5.34 registered owner of the vehicle. For off-highway vehicles not required to be registered
5.35 under chapter 168, notice mailed by certified mail to the address shown in the applicable
5.36 filing or registration for the vehicle is sufficient notice to a person known to have an

ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of the seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially, the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 84.7741, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim must be served personally or by mail on the prosecuting authority having jurisdiction over the forfeiture within 30 days following service of the notice of seizure and forfeiture under this subdivision. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to

the contrary, an action for the return of an off-highway vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted according to subdivision 9.

Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial determinations of the forfeiture of an off-highway vehicle used to commit a designated offense. An action for forfeiture is a civil in rem action and is independent of any criminal prosecution. All proceedings are governed by the Rules of Civil Procedure.

(b) If no demand for judicial determination of the forfeiture is pending, the prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint against the vehicle, describing it, specifying that it was used in the commission of a designated offense, and specifying the time and place of its unlawful use.

(c) The prosecuting authority may file an answer to a properly served demand for judicial determination, including an affirmative counterclaim for forfeiture. The prosecuting authority is not required to file an answer.

(d) A judicial determination under this subdivision must not precede adjudication in the criminal prosecution of the designated offense without the consent of the prosecuting authority. The district court administrator shall schedule the hearing as soon as practicable after adjudication in the criminal prosecution. The district court administrator shall establish procedures to ensure efficient compliance with this subdivision. The hearing is to the court without a jury.

(e) There is a presumption that an off-highway vehicle seized under this section is subject to forfeiture if the prosecuting authority establishes that the vehicle was used in the commission of a designated offense. A claimant bears the burden of proving any affirmative defense raised.

(f) If the forfeiture is based on the commission of a designated offense and the person charged with the designated offense appears in court as required and is not convicted of the offense, the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of subdivision 12.

(g) If the lawful ownership of the vehicle used in the commission of a designated offense can be determined and the owner makes the demonstration required under subdivision 7, paragraph (d), the vehicle must be returned immediately upon the owner's compliance with the redemption requirements of subdivision 12.

(h) If the court orders the return of a seized vehicle under this subdivision, it must order that filing fees be reimbursed to the person who filed the demand for judicial

determination. In addition, the court may order sanctions under section 549.211. Any reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law enforcement agency and prosecuting authority involved and in the same proportion as distributed under subdivision 10, paragraph (b).

Subd. 10. Disposition of forfeited vehicle. (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited off-highway vehicle for official use, the agency shall make reasonable efforts to ensure that the off-highway vehicle is available for use by the agency's officers who participate in off-highway vehicle enforcement or education programs.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in purchasing equipment for off-highway vehicle enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

Subd. 11. Sale of forfeited vehicle by secured party. (a) A financial institution with a valid security interest in or a valid lease covering a forfeited off-highway vehicle may choose to dispose of the vehicle under this subdivision, in lieu of the appropriate agency disposing of the vehicle under subdivision 10. A financial institution wishing to dispose of an off-highway vehicle under this subdivision shall notify the appropriate agency of its intent, in writing, within 30 days after receiving notice of the seizure and forfeiture. The appropriate agency shall release the vehicle to the financial institution or its agent after the financial institution presents proof of its valid security agreement or of its lease agreement and the financial institution agrees not to sell the vehicle to a family or household member of the violator, unless the violator is not convicted of the offense on which the forfeiture is based. The financial institution shall dispose of the vehicle in a commercially reasonable manner as defined in section 336.9-610.

(b) After disposing of the forfeited vehicle, the financial institution shall reimburse the appropriate agency for its seizure, storage, and forfeiture costs. The financial institution may then apply the proceeds of the sale to its storage costs, to its sale

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expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the financial institution shall forward the proceeds to the state treasury, which shall credit the appropriate fund as specified in subdivision 10.

Subd. 12. **Redemption requirements.** (a) If an off-highway vehicle is seized by a peace officer for a designated offense, the seized vehicle must be released only:

(1) to the registered owner, a person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner, who provides proof of ownership of the vehicle, proof of valid Minnesota driving privileges, and proof of insurance required by law to cover the vehicle;

(2) if the vehicle is subject to a rental or lease agreement, to a renter or lessee with valid Minnesota driving privileges who provides a copy of the rental or lease agreement and proof of insurance required by law to cover the vehicle; or

(3) to an agent of a towing company authorized by a registered owner if the owner provides proof of ownership of the vehicle and proof of insurance required by law to cover the vehicle.

(b) The proof of ownership and insurance or, if applicable, the copy of the rental or lease agreement required under paragraph (a) must be provided to the law enforcement agency seizing the vehicle or to a person or entity designated by the law enforcement agency to receive the information.

(c) No law enforcement agency, local unit of government, or state agency is responsible or financially liable for any storage fees incurred due to a seizure under this section.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 4. [84.7742] RECORD OF VIOLATIONS.

Subdivision 1. **Court administrator duties.** (a) Every court administrator shall keep a full record of every case in which a person is charged with an off-highway vehicle gross misdemeanor under section 84.774, paragraph (b).

(b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of a gross misdemeanor off-highway violation, the court administrator of the court in which the conviction was had or bail was forfeited shall immediately forward to the Department of Public Safety an abstract of the record of the court covering the case in which the person was convicted or forfeited bail. The abstract must be certified by the person required to prepare it to be true and correct.

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10.1 (c) The abstract must be made upon a form furnished by the Department of Public
10.2 Safety and shall include the name and address of the party charged, the driver's license
10.3 number of the person involved, the nature of the offense, the date of hearing, the plea, the
10.4 judgment or whether bail was forfeited, and the amount of the fine or forfeiture, as the
10.5 case may be.

10.6 (d) Every court shall also forward a report to the Department of Public Safety
10.7 reporting the conviction of any person of manslaughter or other felony in the commission
10.8 of which an off-highway vehicle was used.

10.9 Subd. 2. **Inclusion on driving record.** The commissioner of public safety shall file
10.10 all records received under this section for licensed drivers on the driving record of the
10.11 licensed driver according to section 171.12.

10.12 Sec. 5. Minnesota Statutes 2006, section 84.775, subdivision 1, is amended to read:

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

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

10.17 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause
10.18 (1); 84.777; 84.798 to 84.804; or 84.90; or

10.19 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause
10.20 (1); 84.777; 84.90; or 84.922 to 84.928.

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

10.23 (1) ~~\$100~~ \$250 for the first offense;

10.24 (2) ~~\$200~~ \$500 for the second offense; and

10.25 (3) ~~\$500~~ \$1,000 for third and subsequent offenses.

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

10.30 (1) \$100 for the first offense;

10.31 (2) \$500 for the second offense; and

10.32 (3) \$1,000 for third and subsequent offenses.

10.33 (d) If the peace officer determines that there is damage to property requiring
10.34 restitution, the commissioner must send a written explanation of the extent of the damage

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11.1 and the cost of the repair by first class mail to the address provided by the person receiving
11.2 the citation within 15 days of the date of the citation.

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

11.6 Sec. 6. Minnesota Statutes 2007 Supplement, section 84.780, is amended to read:

11.7 **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

11.8 (a) The off-highway vehicle damage account is created in the natural resources fund.
11.9 Money in the off-highway vehicle damage account is appropriated to the commissioner
11.10 of natural resources for:

11.11 (1) the repair or restoration of property damaged by the illegal operation of
11.12 off-highway vehicles or the operation of off-highway vehicles in an unpermitted area
11.13 ~~after August 1, 2003;~~

11.14 (2) the repair or restoration of driveways that have been damaged from the legal
11.15 operation of off-highway vehicles within a public road right-of-way; and for

11.16 (3) the costs of administration for this section.

11.17 (b) Before the commissioner may make a payment from this account, the
11.18 commissioner must determine whether the damage to the applicant's property was caused
11.19 by the unpermitted or illegal use of off-highway vehicles, ~~that the applicant has made~~
11.20 ~~reasonable efforts to identify the responsible individual and obtain payment from the~~
11.21 ~~individual, and that the applicant has made reasonable efforts to prevent recurrence or~~
11.22 by the legal operation of off-highway vehicles within a public road right-of-way.

11.23 ~~(b)~~ (c) Determinations of the commissioner under this section may be made by
11.24 written order and are exempt from the rulemaking provisions of chapter 14. Section
11.25 14.386 does not apply.

11.26 ~~(c)~~ (d) Money in the account is available until expended.

11.27 Sec. 7. Minnesota Statutes 2006, section 84.797, subdivision 6, is amended to read:

11.28 Subd. 6. **Off-road.** "Off-road" means on ~~trails or~~ nonpublic roads or for
11.29 cross-country travel on natural terrain. For purposes of sections 84.797 to ~~84.805~~ 84.804,
11.30 nonpublic roads include state forest roads, county forest roads, and other roads ~~and trails~~
11.31 that are not operated by a public road authority as defined in section 160.02, subdivision 25.

11.32 Sec. 8. Minnesota Statutes 2006, section 84.797, subdivision 12, is amended to read:

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12.1 Subd. 12. **Off-road vehicle staging area.** "Off-road vehicle staging area" means
12.2 a parking lot, ~~trail head~~, campground, or other location to or from which an off-road
12.3 vehicle is transported by truck, trailer, or other motor vehicle so that it may be placed into
12.4 operation or removed from operation on public lands. Off-road vehicle staging area does
12.5 not include a location to which an off-road vehicle is transported primarily for servicing,
12.6 maintenance, repair, storage, or sale.

12.7 Sec. 9. Minnesota Statutes 2006, section 84.802, is amended to read:

12.8 **84.802 YOUTHFUL OPERATORS; PROHIBITIONS.**

12.9 (a) A person under 16 years of age may not operate an off-road vehicle.

12.10 (b) ~~Except for operation on public road rights-of-way that is permitted under section~~
12.11 ~~84.804~~, A driver's license issued by the state or another state is required to operate an
12.12 off-road vehicle ~~along or~~ on a public road right-of-way.

12.13 (c) An owner of an off-road vehicle may not knowingly allow it to be operated in
12.14 violation of this section.

12.15 Sec. 10. Minnesota Statutes 2006, section 84.803, is amended to read:

12.16 **84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.**

12.17 Subdivision 1. **Registration revenue.** Fees from the registration of off-road vehicles
12.18 ~~and unrefunded gasoline tax attributable to off-road vehicle use under section 296A.18~~
12.19 must be deposited in the state treasury and credited to the off-road vehicle account in
12.20 the natural resources fund.

12.21 Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the
12.22 off-road vehicle account may only be spent for:

12.23 (1) administration, enforcement, and implementation of sections 84.773 to ~~84.805~~
12.24 84.804;

12.25 (2) acquisition, maintenance, and development of off-road vehicle ~~trails and~~ use
12.26 areas;

12.27 (3) grant-in-aid programs to counties and municipalities to construct and maintain
12.28 off-road vehicle ~~trails and~~ use areas;

12.29 (4) grants-in-aid to local safety programs; and

12.30 (5) enforcement and public education grants to local law enforcement agencies.

12.31 Sec. 11. Minnesota Statutes 2006, section 84.804, subdivision 1, is amended to read:

12.32 Subdivision 1. **Operation on public road rights-of-way.** ~~(a)~~ A person may not
12.33 operate ~~a~~ an off-road vehicle off-road within a public road right-of-way in this state ~~except~~

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13.1 ~~on a trail designated by the commissioner and approved by the unit of government having~~
13.2 ~~jurisdiction over the right-of-way.~~

13.3 ~~(b) A person may not operate a vehicle off-road within a public road right-of-way~~
13.4 ~~between the hours of one-half hour after sunset to one-half hour before sunrise, except~~
13.5 ~~on the right-hand side of the right-of-way and in the same direction as traffic on the~~
13.6 ~~nearest lane of the road.~~

13.7 ~~(c) A person may not operate an off-road vehicle within the right-of-way of an~~
13.8 ~~interstate highway.~~

13.9 Sec. 12. Minnesota Statutes 2006, section 84.804, subdivision 2, is amended to read:

13.10 Subd. 2. **Crossing public road rights-of-way.** (a) ~~An off-road vehicle not~~
13.11 ~~registered under chapter 168 may make a direct crossing of a public road right-of-way for~~
13.12 ~~the purpose of continuing on a designated off-road trail if:~~

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

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

13.17 ~~(3) the driver yields the right-of-way to all traffic;~~

13.18 ~~(4) in crossing a divided road, the crossing is made only at an intersection of the~~
13.19 ~~road with another public road; and~~

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

13.23 ~~(b)~~ An off-road vehicle not registered under chapter 168 may be operated on a
13.24 bridge, other than a bridge that is part of the main traveled lanes of an interstate highway,
13.25 or a roadway shoulder or inside bank of a public road right-of-way when required to avoid
13.26 obstructions to travel and no other method of avoidance is possible, provided that the
13.27 vehicle is operated in the farthest right-hand lane, the entrance to the roadway is made
13.28 within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.

13.29 ~~(c)~~ (b) A person may not operate an off-road vehicle on a public street or highway
13.30 unless the off-road vehicle is equipped with at least one headlight and one taillight, each
13.31 of minimum candlepower as prescribed by rules of the commissioner, and with brakes
13.32 conforming to standards prescribed by rule of the commissioner, and all of which are
13.33 subject to the approval of the commissioner of public safety.

13.34 ~~(d)~~ (c) Chapter 169 applies to the operation of off-road vehicles on streets and
13.35 highways, except that those provisions that by their nature have no application and those

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14.1 provisions relating to required equipment do not apply to vehicles not registered under
14.2 chapter 168. Chapter 169A applies to the operation of off-road vehicles anywhere in the
14.3 state and on the ice of boundary waters.

14.4 ~~(c) A road authority, as defined in section 160.02, subdivision 25, may, with the~~
14.5 ~~approval of the commissioner, designate access trails on public road rights-of-way for~~
14.6 ~~gaining access to established off-road vehicle trails.~~

14.7 Sec. 13. Minnesota Statutes 2006, section 84.804, subdivision 3, is amended to read:

14.8 Subd. 3. **Operation generally.** A person may not drive or operate ~~a~~ an off-road
14.9 vehicle off-road:

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

14.11 (2) in a careless, reckless, or negligent manner which may endanger or cause injury
14.12 or damage to the person or property of another;

14.13 (3) without a functioning stoplight if so equipped;

14.14 (4) in a tree nursery or planting in a manner that damages or destroys growing stock;

14.15 (5) without a brake operational by either hand or foot; ~~or~~

14.16 (6) on forest lands under the authority of the commissioner, as defined in section
14.17 89.001, subdivision 13, other than inventoried forest roads; or

14.18 (7) in a manner that violates rules adopted by the commissioner.

14.19 Sec. 14. Minnesota Statutes 2006, section 84.922, subdivision 2, is amended to read:

14.20 Subd. 2. **Application, issuance, reports.** (a) Application for registration or
14.21 continued registration shall be made to the commissioner or an authorized deputy registrar
14.22 of motor vehicles in a form prescribed by the commissioner. The form must state the name
14.23 and address of every owner of the vehicle.

14.24 (b) A person who purchases an all-terrain vehicle from a retail dealer shall make
14.25 application for registration to the dealer at the point of sale. The dealer shall issue a
14.26 dealer temporary ten-day registration permit to each purchaser who applies to the dealer
14.27 for registration. The dealer shall submit the completed registration application and fees
14.28 to the deputy registrar at least once each week. No fee may be charged by a dealer to a
14.29 purchaser for providing the temporary permit.

14.30 (c) Upon receipt of the application and the appropriate fee, the commissioner
14.31 or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned
14.32 registration number or a commissioner or deputy registrar temporary ten-day permit.
14.33 Once issued, the registration number must be affixed to the vehicle in a manner prescribed
14.34 by the commissioner. A dealer subject to paragraph (b) shall provide the registration

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15.1 materials or temporary permit to the purchaser within the ten-day temporary permit
15.2 period. The commissioner shall use the snowmobile registration system to register
15.3 vehicles under this section.

15.4 (d) Each deputy registrar of motor vehicles acting under section 168.33, is also
15.5 a deputy registrar of all-terrain vehicles. The commissioner of natural resources in
15.6 agreement with the commissioner of public safety may prescribe the accounting and
15.7 procedural requirements necessary to assure efficient handling of registrations and
15.8 registration fees. Deputy registrars shall strictly comply with the accounting and
15.9 procedural requirements.

15.10 (e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged
15.11 for each all-terrain vehicle registration renewal, duplicate or replacement registration
15.12 card, and replacement decal and a filing fee of \$7 is charged for each all-terrain vehicle
15.13 registration and registration transfer issued by:

15.14 (1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where
15.15 the deputy is appointed, or retained if the deputy is not a public official; or

15.16 (2) the commissioner and shall be deposited to the state treasury and credited to the
15.17 all-terrain vehicle account in the natural resources fund.

15.18 (f) The registration numbers and decal must be displayed on plates that are not
15.19 less than six inches high and 12 inches wide, clearly visible on the front and back of the
15.20 vehicle, and at least 12 inches from the ground. The plates, registration numbers, and
15.21 registration decal must be maintained in a clear and legible condition. Letters and numbers
15.22 on the plates shall be at least three inches high and not less than one-half inch wide.

15.23 Sec. 15. Minnesota Statutes 2006, section 84.928, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

(8) after December 31, 2006, on public lands with tires that have a tread depth of greater than one-fourth inch;

(9) 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;

~~(9) (10) on public lands or public waters with a snorkel device that has a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway vehicle recreation areas; or~~

~~(10) (11) in a manner that violates operation rules adopted by the commissioner.~~

Sec. 16. Minnesota Statutes 2006, section 97A.315, subdivision 2, is amended to read:

Subd. 2. **License revocations.** (a) If a person is convicted of trespassing under subdivision 1 while exercising or attempting to exercise an activity licensed under the game and fish laws ~~or, requiring off-highway motorcycle registration under section 84.788, requiring off-road vehicle registration under section 84.798, requiring snowmobile registration under section 84.82, or requiring all-terrain vehicle registration under section 84.922,~~ the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction.

Sec. 17. **REVISOR'S INSTRUCTION.**

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>84.777</u>	<u>84.805</u>	<u>84.804</u>
<u>84.777</u>	<u>84.929</u>	<u>84.928</u>
<u>84.787, subd. 1</u>	<u>84.796</u>	<u>84.795</u>
<u>84.788, subd. 9</u>	<u>84.796</u>	<u>84.795</u>
<u>84.791, subd. 4</u>	<u>84.796</u>	<u>84.795</u>
<u>84.794, subd. 2</u>	<u>84.796</u>	<u>84.795</u>
<u>84.795, subd. 8</u>	<u>84.796</u>	<u>84.795</u>
<u>84.797, subd. 1</u>	<u>84.805</u>	<u>84.804</u>
<u>84.798, subd. 8</u>	<u>84.805</u>	<u>84.804</u>
<u>84.804, subd. 6</u>	<u>84.805</u>	<u>84.804</u>
<u>84.92, subd. 1</u>	<u>84.929</u>	<u>84.928</u>

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17.1	<u>84.922, subd. 9</u>	<u>84.929</u>	<u>84.928</u>
17.2	<u>84.925, subd. 3</u>	<u>84.929</u>	<u>84.928</u>
17.3	<u>84.9256, subd. 4</u>	<u>84.929</u>	<u>84.928</u>
17.4	<u>84.927, subd. 2</u>	<u>84.929</u>	<u>84.928</u>
17.5	<u>84.928, subd. 1</u>	<u>84.929</u>	<u>84.928</u>
17.6	<u>84.928, subd. 6</u>	<u>84.929</u>	<u>84.928</u>

- 17.7 Sec. 18. **REPEALER.**
- 17.8 Minnesota Statutes 2006, sections 84.796; 84.805; and 296A.18, subdivision 6, are
- 17.9 repealed.
- 17.10 Minnesota Statutes 2007 Supplement, section 84.929, is repealed.

APPENDIX
Repealed Minnesota Statutes: 08-6370

84.796 PENALTIES.

(a) A person who violates a provision of section 84.788, 84.789, 84.793, or 84.795 is guilty of a misdemeanor.

(b) A person who violates a provision of a rule adopted under section 84.79 is guilty of a petty misdemeanor.

84.805 PENALTIES.

A person who violates any provision of sections 84.797 to 84.804 is guilty of a misdemeanor.

84.929 PENALTIES.

Any person who violates any provision of sections 84.773, 84.777, and 84.92 to 84.928 or rules of the commissioner is guilty of a misdemeanor.

296A.18 APPORTIONMENT OF TAX; DEPOSIT OF PROCEEDS.

Subd. 6. **Off-road vehicle.** Approximately 0.164 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the off-road operation of off-road vehicles, as defined in section 84.797, in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than aviation purposes, 0.164 of one percent is the amount of tax on fuel used for off-road operation of off-road vehicles in this state.