

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2335

(SENATE AUTHORS: JOHNSON)

DATE	D-PG	OFFICIAL STATUS
03/11/2019	779	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance See SF835 See First Special Session 2019, SF7, Art. 3, Sec. 15, 22

1.1 A bill for an act

1.2 relating to natural resources; allowing all-terrain vehicles with snorkel devices;

1.3 amending Minnesota Statutes 2018, sections 84.775, subdivision 1; 84.928,

1.4 subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

1.7 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other

1.8 licensed peace officer may issue a civil citation to a person who operates:

1.9 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause

1.10 (1); 84.777; 84.788 to 84.795; or 84.90;

1.11 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);

1.12 84.777; 84.798 to 84.804; or 84.90; or

1.13 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);

1.14 84.777; 84.90; or 84.922 to 84.928.

1.15 (b) A civil citation under paragraph (a) shall require restitution for public and private

1.16 property damage and impose a penalty of:

1.17 (1) \$100 for the first offense;

1.18 (2) \$200 for the second offense; and

1.19 (3) \$500 for third and subsequent offenses.

1.20 (c) A conservation officer or other licensed peace officer may issue a civil citation to a

1.21 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in

2.1 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
 2.2 paragraph shall require restitution for damage to wetlands and impose a penalty of:

2.3 (1) \$100 for the first offense;

2.4 (2) \$500 for the second offense; and

2.5 (3) \$1,000 for third and subsequent offenses.

2.6 (d) If the peace officer determines that there is damage to property requiring restitution,
 2.7 the commissioner must send a written explanation of the extent of the damage and the cost
 2.8 of the repair by first class mail to the address provided by the person receiving the citation
 2.9 within 15 days of the date of the citation.

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

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

2.14 Sec. 2. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

2.26 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
 2.27 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

2.28 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
 2.29 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~

- 3.1 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
- 3.2 ~~vehicle recreation areas; or~~
- 3.3 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.
- 3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.