

is not intended to limit the privilege accorded to communication during mediation by the common law.

Approved May 2, 1984

## CHAPTER 647 — H.F.No. 820

*An act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle safety account in the state treasury; appropriating funds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 84.*

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

### Section 1. [84.92] DEFINITIONS.

Subdivision 1. The definitions in this section apply to sections 1 to 9.

Subd. 2. "Commissioner" means the commissioner of natural resources.

Subd. 3. "Dealer" means a person engaged in the business of selling three-wheel off-road vehicles at wholesale or retail.

Subd. 4. "Manufacturer" means a person engaged in the business of manufacturing three-wheel off-road vehicles.

Subd. 5. "Owner" means a person, other than a person with a security interest, having a property interest in or title to a three-wheel off-road vehicle and entitled to the use and possession of the vehicle.

Subd. 6. "Person" means an individual or an organization as defined in section 336.1-201, paragraph (30).

Subd. 7. "Register" means the act of assigning a registration number to a three-wheel off-road vehicle.

Subd. 8. "Three-wheel off-road vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

### Sec. 2. [84.922] REGISTRATION.

Subdivision 1. GENERAL REQUIREMENTS. Unless exempted in subdivision 8, after January 1, 1985, a person may not operate a three-wheel off-road vehicle within the state unless the vehicle has been registered. After

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January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

**Subd. 2. APPLICATION, ISSUANCE, REPORTS.** Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle and be signed by at least one owner. Upon receipt of the application and the appropriate fee the commissioner shall register the vehicle and assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. The commissioner shall use the snowmobile registration system to register vehicles under this section. Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of 50 cents in addition to other fees prescribed by law shall be charged for each vehicle registered by a deputy registrar, and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official.

**Subd. 3. REGISTRATION CARD.** The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require. Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed the commissioner shall issue a replacement registration card upon payment of a fee of \$4. The fees collected from replacement registration cards shall be deposited in the three-wheel off-road vehicle account.

**Subd. 4. REPORT OF TRANSFERS.** A person who sells or transfers ownership of a vehicle registered under this section shall report the sale or transfer to the commissioner within 15 days of the date of transfer. An application for transfer must be executed by the registered owner and the purchaser on a form prescribed by the commissioner with the owner's registration certificate, a bill of sale and a \$4 fee.

**Subd. 5. FEES FOR REGISTRATION.** The fee for registration of each vehicle under this section shall be \$15 for three calendar years. The commissioner or commissioner of public safety shall charge an additional \$3 per registration granted. The fees collected under this subdivision shall be credited to the three-wheel off-road vehicle account.

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Subd. 6. **RENEWAL.** Every owner of a three-wheel vehicle must renew registration in a manner prescribed by the commissioner upon payment of the registration fees in subdivision 5.

Subd. 7. **VEHICLES OWNED BY STATE OR POLITICAL SUBDIVISION.** A registration number must be issued without the payment of a fee for three-wheel vehicles owned by the state or a political subdivision upon application.

Subd. 8. **EXEMPTIONS.** A registration is not required for the following:

(1) vehicles being used for work on agricultural lands;

(2) vehicles owned and used by the United States, another state, or a political subdivision;

(3) vehicles covered by a valid license of another state or county that have not been within this state for more than 30 consecutive days;

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles being used on private land with the permission of the landowner.

### Sec. 3. [84.923] REQUIREMENTS OF MAKERS OF THREE-WHEEL OFF-ROAD VEHICLES.

Subdivision 1. **IDENTIFICATION NUMBER.** All vehicles made after January 1, 1985, and sold in the state, must have manufacturer's permanent identification number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the commissioner.

Subd. 2. **REGISTRATION NUMBER.** All vehicles made after January 1, 1985 and sold in the state, must be designed and made to provide an area to affix the registration number. This area shall be at a location and of dimensions prescribed by the commissioner.

### Sec. 4. [84.925] EDUCATION AND TRAINING PROGRAM.

Subdivision 1. **PROGRAM ESTABLISHED.** The commissioner shall establish a comprehensive three-wheel off-road vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of three-wheel off-road vehicle operators, and the issuance of three-wheel off-road vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the three-wheel off-road vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the

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training and shall deposit the fee in the three-wheel off-road vehicle account. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators.

**Subd. 2. YOUTHFUL OPERATORS.** (a) A person under the age of 14 years may not operate a three-wheel off-road vehicle on any public land or water under the jurisdiction of the commissioner unless accompanied by an adult on the vehicle or on an accompanying three-wheel off-road vehicle or on a device towed by the same or an accompanying three-wheel off-road vehicle. However, a person 12 years of age or older may operate a three-wheel off-road vehicle on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid three-wheel off-road vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of a three-wheel off-road vehicle to allow the vehicle to be operated contrary to the provisions of this section.

**Sec. 5. [84.926] VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER.**

On a case by case basis, after notice and public hearing, the commissioner may allow vehicles on public trails under his jurisdiction during specified times.

**Sec. 6. [84.927] REGISTRATION FEES; UNREFUNDED GASOLINE TAX; ALLOCATION.**

**Subdivision 1. REGISTRATION REVENUE.** Fees from the registration of three-wheel off-road vehicles and the unrefunded gasoline tax attributable to vehicle use under section 296.16 shall be deposited in the state treasury and credited to the three-wheel off-road vehicle account.

**Subd. 2. PURPOSES.** Subject to appropriation by the legislature, money in the three-wheel off-road vehicle account may only be spent for the following purposes:

- (1) the education and training program under section 4;
- (2) administration and implementation of sections 1 to 10; and
- (3) acquisition and development of vehicle use areas.

**Sec. 7. [84.928] OPERATION ON STREETS AND HIGHWAYS.**

Except as provided in chapter 168 or in this section, a three-wheel off-road vehicle may not be driven or operated on a highway. A vehicle may make a direct crossing of a street or highway provided:

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

(2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) The driver yields the right of way to all oncoming traffic that constitutes an immediate hazard;

(4) In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway; and

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

**Sec. 8. [84.929] PENALTIES.**

Any person who violates any provision of sections 2 to 4 is guilty of a petty misdemeanor.

**Sec. 9. DETERMINATION OF TAX ALLOCATION.**

The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to vehicle use in this state and shall report to the legislature by January 1, 1985, with a proposed revision of section 296.16 to reflect the results of this use.

**Sec. 10. REPORT ON VEHICLE REGISTRATION, PROGRAMS, AND USE.**

By January 1, 1986, the commissioner shall report to the standing committees of each house of the legislature with jurisdiction over natural resources and appropriation matters on the number of vehicles registered under section 2, the implementation of the vehicle information and safety education and training program, and the growth patterns of vehicle use in the state.

**Sec. 11. APPROPRIATIONS.**

Subdivision 1. COMMISSIONER OF NATURAL RESOURCES. The sum of \$185,000 is appropriated from the general fund to the commissioner of natural resources to be available for the fiscal year 1985 for administration and implementation of sections 2 to 10. The approved complement of the department of natural resources is increased by one position.

Subd. 2. REIMBURSEMENT. Any amounts spent by the commissioner of natural resources from the appropriation in subdivision 1 and by the commissioner of revenue from the appropriation in subdivision 2 shall be reimbursed to the general fund. The amount necessary to make the reimburse-

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ment is appropriated from the three-wheel off-road vehicle account to the commissioner of finance for transfer to the general fund.

**Sec. 12. EFFECTIVE DATE.**

This act is effective July 1, 1984.

Approved May 2, 1984

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**CHAPTER 648 — H.F.No. 533**

*An act relating to state government; providing for legislative expenses; amending Minnesota Statutes 1982, section 3.101; repealing Minnesota Statutes 1982, section 3.102.*

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

Section 1. Minnesota Statutes 1982, section 3.101, is amended to read:

**3.101 LIVING EXPENSES DURING SESSION.**

A member of the legislature in addition to the compensation and mileage otherwise provided for by law shall be reimbursed for his living and other expenses incurred in the performance of his duties or engaging in official business during a regular session, a special session, and when the legislature is not in session in the manner and in such amount as may be prescribed by the senate committee on rules and administration as to senate members and by the house of representatives committee on rules and legislative administration as to house members.

**Sec. 2. REPEALER.**

Minnesota Statutes 1982, section 3.102, is repealed.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following their final enactment.

Approved May 2, 1984

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**CHAPTER 649 — H.F.No. 1961**

*An act relating to state departments and agencies; changing the composition and powers of the board of private detective and protective agent services; changing requirements for obtaining a license; amending Minnesota Statutes 1982, sections 326.33; 326.331; 326.332, subdivision 1; and 326.333; repealing Minnesota Statutes 1982, section 299C.01, subdivision 3.*

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