

~~(5)~~ (6) a vessel of at least five net tons measured in Code of Federal Regulations, title 46, part 69, that is documented under Code of Federal Regulations, title 46, subpart 67.01; or

~~(6)~~ (7) a seaplane.

Sec. 5. Minnesota Statutes 1992, section 97A.485, subdivision 4, is amended to read:

Subd. 4. **APPLICATION TO SELL LICENSES BY SUBAGENT.** To be a subagent, a person must apply in writing to an appropriate county auditor in a manner approved by the commissioner. The auditor ~~may require~~ must provide a subagent the choice either to provide a bond for licenses on consignment, or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for nonresident licenses.

Sec. 6. Minnesota Statutes 1992, section 97B.301, is amended by adding a subdivision to read:

Subd. 6. RESIDENTS UNDER AGE 16 MAY TAKE DEER OF EITHER SEX. (a) A resident under the age of 16 may take a deer of either sex. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

(b) This subdivision is repealed effective December 31, 1995.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 3 are effective June 1, 1993.

Presented to the governor May 17, 1993

Signed by the governor May 20, 1993, 2:02 p.m.

CHAPTER 311—H.F.No. 519

An act relating to recreational vehicles; regulating registration and operation of off-highway motorcycles and off-road vehicles; setting fees and penalties; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 85.018, subdivisions 1, 2, 3, and 5; 171.03; and 466.03, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 84.

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

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 1

OFF-HIGHWAY MOTORCYCLES

Section 1. [84.787] DEFINITIONS.

Subdivision 1. SCOPE. The definitions in this section apply to sections 1 to 10.

Subd. 2. ACCOMPANIED. "Accompanied" means subject to continuous direction or control.

Subd. 3. CITY. "City" means a statutory or home rule charter city.

Subd. 4. COMMISSIONER. "Commissioner" means the commissioner of natural resources.

Subd. 5. DEALER. "Dealer" means a person engaged in the business of selling off-highway motorcycles at wholesale or retail.

Subd. 6. MANUFACTURER. "Manufacturer" means a person engaged in the business of manufacturing off-highway motorcycles.

Subd. 7. OFF-HIGHWAY MOTORCYCLE. "Off-highway motorcycle" means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Subd. 8. OWNER. "Owner" means a person, other than a person with a security interest, that has a property interest in or title to an off-highway motorcycle and is entitled to the use and possession of the motorcycle.

Subd. 9. PERSON. "Person" has the meaning given it in section 336.1-201, subsection (30).

Subd. 10. PUBLIC ROAD RIGHT-OF-WAY. "Public road right-of-way" means the entire right-of-way of a town road or a county, county state-aid, or trunk highway, including the traveled portions, banks, ditches, shoulders, and medians.

Subd. 11. REGISTER. "Register" means the act of assigning a registration number to an off-highway motorcycle.

Sec. 2. [84.788] REGISTRATION.

Subdivision 1. GENERAL REQUIREMENTS. Unless exempted in subdivision 2, after January 1, 1994, a person may not operate and an owner may not give permission for another to operate an off-highway motorcycle on public lands or waters unless the vehicle has been registered under this section.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. EXEMPTIONS. Registration is not required for off-highway motorcycles:

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

(2) registered in another state or country that have not been within this state for more than 30 consecutive days;

(3) used exclusively in organized track racing events;

(4) being used on private land with the permission of the landowner; or

(5) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.

Subd. 3. APPLICATION; ISSUANCE; REPORTS. Application for registration or continued registration must be made to the commissioner 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 off-highway motorcycle and must be signed by at least one owner. Upon receipt of the application and the appropriate fee, the commissioner shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure 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 is charged for each off-highway motorcycle registered by a deputy registrar, and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official.

Subd. 4. REGISTRATION CARD; REPLACEMENT FEE. 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 off-highway motorcycle, the owner's name and address, and additional information the commissioner may require. Information concerning registrations must be kept 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 must be credited to the off-highway motorcycle account.

Subd. 5. REPORT OF TRANSFERS; FEE. A person who sells or transfers ownership of an off-highway motorcycle 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 buyer on a form prescribed by the commissioner with the owner's registration certificate, a bill of sale, and a \$4 fee.

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Subd. 6. REGISTRATION FEES. (a) The fee for registration of an off-highway motorcycle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is \$30 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for off-highway motorcycles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for off-highway motorcycles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision must be deposited in the state treasury and credited to the off-highway motorcycle account.

Subd. 7. RENEWAL. An owner of an off-highway motorcycle must renew registration in a manner prescribed by the commissioner upon payment of the appropriate registration fee in subdivision 6.

Subd. 8. VEHICLES OWNED BY STATE OR POLITICAL SUBDIVISION. A registration number must be issued without the payment of a fee for off-highway motorcycles owned by the state or political subdivision upon application.

Subd. 9. LICENSING BY POLITICAL SUBDIVISIONS. A political subdivision of this state may not require licensing or registration of off-highway motorcycles covered by sections 1 to 10.

Subd. 10. REGISTRATION BY MINORS PROHIBITED. A person under the age of 18 may not register an off-highway motorcycle.

Sec. 3. [84.789] REQUIREMENTS OF MAKERS OF OFF-HIGHWAY MOTORCYCLES.

Subdivision 1. IDENTIFICATION NUMBER. An off-highway motorcycle made after January 1, 1994, and sold in the state, must have a 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. An off-highway motorcycle made after January 1, 1995, and sold in the state, must be designed and made to provide an area to affix the registration number. This area must be at a location and of dimensions prescribed by the commissioner.

Sec. 4. [84.79] RULEMAKING; ACCIDENT REPORT.

(a) With a view of achieving proper use of off-highway motorcycles consistent with protection of the environment, the commissioner, in consultation with the commissioners of public safety and transportation, shall adopt rules under chapter 14 relating to:

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(1) registration of off-highway motorcycles and display of registration numbers;

(2) use of off-highway motorcycles insofar as game and fish resources are affected;

(3) use of off-highway motorcycles on public lands and waters under the jurisdiction of the commissioner;

(4) uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of off-highway motorcycles; and

(5) off-highway motorcycle sound levels.

(b) The commissioner of public safety, in consultation with the commissioners of natural resources and transportation, may adopt rules under chapter 14 regulating the use of off-highway motorcycles on public roads.

(c) The operator and an officer investigating an accident of an off-highway motorcycle resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$500 or more shall forward within ten days a written report of the accident to the commissioner on a form prescribed by the commissioner.

Sec. 5. **[84.791] EDUCATION AND TRAINING.**

Subdivision 1. PROGRAM ESTABLISHED. The commissioner shall establish a comprehensive off-highway motorcycle environment and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of off-highway motorcycle operators, and the issuance of off-highway motorcycle safety certificates to operators under the age of 16 years who successfully complete the off-highway motorcycle environment and safety education and training courses.

Subd. 2. FEE. For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$5 from each person who receives the training. The fees must be deposited in the state treasury and credited to the off-highway motorcycle account.

Subd. 3. COOPERATION AND CONSULTATION. 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 off-road motorcycle operators.

Sec. 6. **[84.792] SIGNAL FROM OFFICER TO STOP.**

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An off-highway motorcycle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, may not:

(1) operate an off-highway motorcycle in willful or wanton disregard of the signal to stop;

(2) interfere with or endanger the law enforcement officer or another person or vehicle; or

(3) increase speed or attempt to flee or elude the officer.

Sec. 7. [84.793] YOUTHFUL OPERATORS; PROHIBITIONS.

Subdivision 1. PROHIBITIONS ON YOUTHFUL OPERATORS. (a) After January 1, 1995, a person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 9, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied on another off-highway motorcycle by a person 18 years of age or older.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied on another off-highway motorcycle by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 9, subdivision 1, paragraph (a), only if that person is accompanied on another off-highway motorcycle by a person 18 years of age or older who holds a valid driver's license.

Subd. 2. HELMET REQUIRED. A person less than 18 years of age may not operate an off-highway motorcycle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

Subd. 3. PROHIBITIONS ON OWNER. An owner of an off-highway motorcycle may not knowingly allow it to be operated contrary to this section.

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Subd. 4. EYE PROTECTION REQUIRED. A person may not operate an off-highway motorcycle without an eye-protective device.

Sec. 8. [84.794] OFF-HIGHWAY MOTORCYCLE ACCOUNT; RECEIPTS AND ALLOCATIONS.

Subdivision 1. REGISTRATION REVENUE. Fees from the registration of off-highway motorcycles must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.

Subd. 2. PURPOSES. (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:

- (1) administration, enforcement, and implementation of sections 1 to 10;
- (2) acquisition, maintenance, and development of off-highway motorcycle trails and use areas; and
- (3) grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 9. [84.795] OPERATION REQUIREMENTS; LOCAL REGULATION.

Subdivision 1. OPERATION ON PUBLIC ROAD RIGHTS-OF-WAY. (a) A person may not operate an off-highway motorcycle within the right-of-way of a town road or a trunk, county state-aid, or county highway in this state unless the right-of-way encompasses:

(1) a trail administered by the commissioner and designated for off-highway motorcycle use or multiple use; or

(2) a corridor access trail designated under paragraph (b).

(b) A road authority, as defined in section 160.02, subdivision 9, may designate, with the approval of the commissioner, corridor access trails on public road rights-of-way for gaining access to established off-highway motorcycle trails.

(c) A person may not operate an off-highway motorcycle upon a trunk, county state-aid, or county highway in this state unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rule of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, all of which are subject to the approval of the commissioner of public safety.

(d) A person may not operate an off-highway motorcycle at any time within the right-of-way of an interstate highway or freeway within this state.

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Subd. 2. CROSSING PUBLIC ROAD RIGHT-OF-WAY. (a) A person operating an off-highway motorcycle may make a direct crossing of a public road right-of-way provided:

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

(2) the off-highway motorcycle is brought to a complete stop before crossing the shoulder or main traveled way of the road;

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

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

(b) Chapter 169 applies to the operation of off-highway motorcycles upon streets and highways, except for those provisions relating to required equipment and those provisions that by their nature have no application.

Subd. 3. EXEMPTIONS. Subdivisions 1 and 2 do not apply to vehicles registered for public road use under chapter 168 when being operated on a traveled portion of a public road.

Subd. 4. OPERATION GENERALLY. A person may not drive or operate an off-highway motorcycle:

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

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

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

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

(5) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter; or

(6) in a manner that violates operation rules adopted by the commissioner.

Subd. 5. OPERATING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE. A person may not operate or be in control of an off-highway motorcycle anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, as provided in section 169.121, and is subject to section 169.123. A conservation

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officer of the department of natural resources is a peace officer for the purposes of sections 169.121 and 169.123 as applied to the operation of an off-highway motorcycle in a manner not subject to registration under chapter 168.

Subd. 6. OPERATION PROHIBITED ON AIRPORTS. A person may not drive or operate an off-highway motorcycle on an airport defined in section 360.013, subdivision 5.

Subd. 7. ORGANIZED CONTESTS. Nothing in this section or chapter 169 prohibits the use of off-highway motorcycles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions, conditions, or permit revocation procedures, as the official or board considers advisable.

Subd. 8. REGULATIONS BY POLITICAL SUBDIVISIONS. A county, city, or town, acting through its governing body, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided that:

(1) the regulations must be consistent with sections 1 to 10 and rules adopted under section 4;

(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the department of natural resources or another agency of the state, or for the use of an access to it owned by the state, a county, or a city; and

(3) an ordinance may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

Sec. 10. [84.796] PENALTIES.

A person who violates a provision of section 2, 3, 6, 7, or 9 is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1992, section 85.018, subdivision 2, is amended to read:

Subd. 2. AUTHORITY OF LOCAL GOVERNMENT. (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.927, subdivision 2, or section 8, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, and all-terrain vehicles.

Sec. 12. Minnesota Statutes 1992, section 85.018, subdivision 3, is amended to read:

Subd. 3. **MOTORIZED USE; PERMITS, RESTRICTIONS.** Permits may be issued for motorized vehicles, other than those designated, to use a trail designated for use by snowmobiles, off-highway motorcycles, or all-terrain vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

Sec. 13. Minnesota Statutes 1992, section 85.018, subdivision 5, is amended to read:

Subd. 5. **SNOWMOBILE AND ALL-TERRAIN MOTORIZED VEHICLE TRAILS RESTRICTED.** (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain vehicle and an off-highway motorcycle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles and off-highway motorcycles.

Sec. 14. Minnesota Statutes 1992, section 171.03, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(1) a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, ~~is not an implement and an off-highway motorcycle, as defined in section 1, subdivision 7, are not implements~~ of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 15. Minnesota Statutes 1992, section 466.03, subdivision 16, is amended to read:

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Subd. 16. Any claim against a county, arising from the operation of an all-terrain vehicle or off-highway motorcycle on land administered by a county under chapter 280, 281, or 282, except that the county is liable for conduct that would entitle a trespasser to damages against a private person.

Sec. 16. DETERMINATION OF TAX ALLOCATION; REPORT TO LEGISLATURE.

The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to off-highway motorcycle use in the state and shall report to the legislature by March 1, 1994, with an appropriate proposed revision to Minnesota Statutes, section 296.16.

Sec. 17. LEGISLATIVE REPORT ON REGISTRATION AND USE.

By January 1, 1995, the commissioner of natural resources shall report to the legislature on the number of off-highway motorcycles registered under section 2 and the growth patterns of off-highway motorcycle use in the state.

Sec. 18. APPROPRIATIONS; REIMBURSEMENT; INCREASED COMPLEMENT.

(a) \$235,000 is appropriated to the commissioner of natural resources from the general fund for the purposes of sections 1 to 17 and is available for the fiscal year ending June 30, 1994. The approved complement of the department of natural resources is increased by 2 positions.

(b) \$146,000 is appropriated from the off-highway motorcycle account to the commissioner of natural resources for the purposes of sections 1 to 10 and 17 and is available for the fiscal year ending June 30, 1995.

(c) Amounts spent by the commissioner of natural resources from the appropriation in subdivision 1 must be reimbursed by December 31, 1994 to the general fund. The amount necessary to make the reimbursement is appropriated from the off-highway motorcycle account in the natural resources fund to the commissioner of finance for transfer to the general fund.

Sec. 19. EFFECTIVE DATE.

Section 16 is effective the day following final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 2

OFF-ROAD VEHICLES

Section 1. [84.797] DEFINITIONS.

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

Subd. 2. CITY. "City" means a statutory or home rule charter city.

Subd. 3. COMMISSIONER. "Commissioner" means the commissioner of natural resources.

Subd. 4. DEALER. "Dealer" means a person engaged in the business of selling off-road vehicles at wholesale or retail.

Subd. 5. MANUFACTURER. "Manufacturer" means a person engaged in the business of manufacturing off-road vehicles.

Subd. 6. OFF-ROAD. "Off-road" means on trails or nonpublic roads or for cross-country travel on natural terrain. For purposes of sections 1 to 9, nonpublic roads include state forest roads, county forest roads, and other roads and trails that are not operated by a public road authority as defined in section 160.02, subdivision 9.

Subd. 7. OFF-ROAD VEHICLE. "Off-road vehicle" or "vehicle" means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

Subd. 8. OFF-ROAD VEHICLE USE AREA. "Off-road vehicle use area" means an area that is posted or designated for off-road vehicle use in accordance with rules adopted by the managing authority.

Subd. 9. OWNER. "Owner" means a person, other than a person with a security interest, that has a property interest in or title to an off-road vehicle and is entitled to the use and possession of the vehicle.

Subd. 10. PERSON. "Person" has the meaning given in section 336.1-201, paragraph (30).

Subd. 11. PUBLIC ROAD RIGHT-OF-WAY. "Public road right-of-way" means the entire right-of-way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders, and medians.

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

Sec. 2. [84.798] REGISTRATION.

Subdivision 1. GENERAL REQUIREMENTS. Unless exempted under subdivision 2, after January 1, 1995, a person may not operate and an owner may not give permission for another to operate a vehicle off-road, nor may a person have an off-road vehicle not registered under chapter 168 in possession at an off-road vehicle staging area, or designated trail or area, unless the vehicle has been registered under this section.

Subd. 2. EXEMPTIONS. Registration is not required for an off-road vehicle that is:

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

(2) registered in another state or country and has not been in this state for more than 30 consecutive days.

Subd. 3. APPLICATION; ISSUANCE. Application for registration or continued registration must be made to the commissioner, 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 off-road vehicle and must be signed by at least one owner. Upon receipt of the application and the appropriate fee, the commissioner shall register the off-road vehicle and assign a registration number that must be affixed to the vehicle in accordance with subdivision 4. A deputy registrar of motor vehicles acting under section 168.33 is also a deputy registrar of off-road vehicles. The commissioner of natural resources in cooperation with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure 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 must be charged for each off-road vehicle registered by a deputy registrar, and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official.

Subd. 4. REGISTRATION STICKER. An off-road vehicle must display a registration sticker issued by the commissioner. If the vehicle is licensed as a motor vehicle, the registration sticker must be affixed on the upper left corner of the rear license plate. If the vehicle is not licensed as a motor vehicle, the owner shall provide a plate not less than four inches high and 7-1/2 inches wide. The plate must be attached to the rear of the vehicle at least 12 inches from the ground. The registration sticker must be affixed on the upper left corner of the

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plate. Plates and registration stickers must be maintained in a clean and legible condition.

Subd. 5. REGISTRATION CARD; REPLACEMENT FEE. The commissioner shall provide to the registrant a registration card that includes the registration number, date of expiration, make and serial number of the off-road vehicle, owner's name and address, and additional information the commissioner may require. Information concerning each registration must be kept by the commissioner. If a registration card is lost or destroyed, the commissioner shall issue a replacement registration card on payment of a fee of \$4. The fees collected from replacement registration cards must be credited to the off-road vehicle account in the natural resources fund.

Subd. 6. REGISTRATION FEES. (a) The fee for registration of an off-road vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is \$30 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for off-road vehicles owned by a dealer and operated off-road for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for off-road vehicles owned by a manufacturer and operated off-road for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision must be credited to the off-road vehicle account in the natural resources fund.

Subd. 7. RENEWAL. An owner of an off-road vehicle must renew registration in a manner prescribed by the commissioner upon payment of the appropriate registration fee under subdivision 5.

Subd. 8. LICENSING BY POLITICAL SUBDIVISIONS. A political subdivision may not require licensing or registration of off-road vehicles regulated under sections 1 to 9.

Subd. 9. REGISTRATION BY MINORS PROHIBITED. A person under the age of 18 may not register an off-road vehicle.

Sec. 3. [84.799] VEHICLE IDENTIFICATION NUMBER.

An off-road vehicle manufactured after January 1, 1995, and sold in the state must have a manufacturer's permanent identification number stamped in letters and numbers on the vehicle.

Sec. 4. [84.80] RULEMAKING; ACCIDENT REPORT.

Subdivision 1. RULES. The commissioner shall adopt rules under chapter 14 relating to:

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(1) the use of off-road vehicles, in a manner consistent with protection of the environment, on public lands and waters under the jurisdiction of the commissioner of natural resources, including measures to minimize adverse impacts on soils, waters, vegetation, and wildlife;

(2) off-road vehicle equipment and safety standards, in consultation with the commissioner of public safety;

(3) uniform signs to be used by the state, counties, and cities to control, direct, or regulate the operation and use of off-road vehicles; and

(4) maximum off-road vehicle sound levels.

Subd. 2. ACCIDENT REPORT; REQUIREMENT AND FORM. The operator and an officer investigating an accident involving an off-road vehicle and resulting in injury requiring medical attention or hospitalization, death, or total damage of \$300 or more shall forward within ten days a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner or the commissioner of public safety.

Sec. 5. [84.801] SIGNAL FROM OFFICER TO STOP.

It is unlawful for an off-road vehicle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, to:

(1) operate an off-road vehicle in willful or wanton disregard of the signal to stop;

(2) interfere with or endanger the law enforcement officer or another person or vehicle; or

(3) increase speed or attempt to flee or elude the officer.

Sec. 6. [84.802] YOUTHFUL OPERATORS; PROHIBITIONS.

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

(b) Except for operation on public road rights-of-way that is permitted under section 8, a driver's license issued by the state or another state is required to operate an off-road vehicle along or on a public road right-of-way.

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

Sec. 7. [84.803] OFF-ROAD VEHICLE ACCOUNT.

Subdivision 1. REGISTRATION REVENUE. Fees from the registration of off-road vehicles must be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund.

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

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- (1) administration and implementation of sections 1 to 9 and 18;
- (2) acquisition, maintenance, and development of off-road vehicle trails and use areas;
- (3) grant-in-aid programs to counties and municipalities to construct and maintain off-road vehicle trails and use areas; and
- (4) grants-in-aid to local safety programs.

Sec. 8. **[84.804] OPERATION REQUIREMENTS; LOCAL REGULATION.**

Subdivision 1. OPERATION ON PUBLIC ROAD RIGHTS-OF-WAY. (a) A person may not operate a vehicle off-road within a public road right-of-way in this state except on a trail designated by the commissioner and approved by the unit of government having jurisdiction over the right-of-way.

(b) A person may not operate a vehicle off-road within a public road right-of-way 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 traffic on the nearest lane of the road.

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

Subd. 2. CROSSING PUBLIC ROAD RIGHTS-OF-WAY. (a) An off-road vehicle not registered under chapter 168 may make a direct crossing of a public road right-of-way for the purpose of continuing on a designated off-road trail if:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road 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 road;

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

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

(b) An off-road vehicle not registered under chapter 168 may be operated on a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, or a roadway shoulder or inside bank of a public road right-of-way when required to avoid obstructions to travel and no other method of avoidance is possible, provided that the vehicle is operated in the farthest right-

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hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.

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

(d) Chapter 169 applies to the operation of off-road vehicles on streets and highways, except that those provisions that by their nature have no application and those provisions relating to required equipment do not apply to vehicles not registered under chapter 168. Sections 169.121 to 169.129 apply to the operation of off-road vehicles anywhere in the state and on the ice of boundary waters.

(e) A road authority, as defined in section 160.02, subdivision 9, may, with the approval of the commissioner, designate access trails on public road rights-of-way for gaining access to established off-road vehicle trails.

Subd. 3. OPERATION GENERALLY. A person may not drive or operate a vehicle off-road:

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

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

(3) without a functioning stoplight if so equipped;

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

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

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

Subd. 4. OPERATION PROHIBITED ON AIRPORTS. It is unlawful for a person to drive or operate an off-road vehicle on an airport, as defined in section 360.013, subdivision 5, except in connection with the operation of the airport.

Subd. 5. ORGANIZED CONTESTS. (a) Nothing in this section or chapter 169 prohibits the use of vehicles off-road within the right-of-way of a state trunk or county state-aid highway or on public lands or waters under the jurisdiction of the commissioner in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

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(b) In permitting the contest or event, the official or board having jurisdiction must obtain the commissioner's approval and may prescribe restrictions or conditions it considers advisable.

Subd. 6. REGULATION BY POLITICAL SUBDIVISIONS. (a) Subject to paragraphs (b) and (c), a county, city, or town acting through its governing body may regulate the operation of off-road vehicles on public lands, waters, and property under its jurisdiction, other than public road rights-of-way within its boundaries, by ordinance of the governing body and by giving appropriate notice.

(b) The ordinance must be consistent with sections 1 to 9 and rules adopted under section 4.

(c) An ordinance may not impose a fee for the use of public land or water under the jurisdiction of the department of natural resources or another agency of the state, or for the use of an access to the public land or water owned by the state, a county, or a city.

Sec. 9. [84.805] PENALTIES.

A person who violates any provision of sections 1 to 8 is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1992, section 85.018, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section:

(a) "Trail" means a recreational trail, which is funded in whole or in part by state grants-in-aid to a local unit of government "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.

(b) "Commissioner" means the commissioner of the state agency from which the grants-in-aid are received.

(c) "Off-road vehicle" has the meaning given in section 1, subdivision 7.

(d) "Snowmobile" has the meaning given in section 84.81, subdivision 3.

(e) "Trail" means a recreational trail that is funded in whole or in part by state grants-in-aid to a local unit of government.

Sec. 11. Minnesota Statutes 1992, section 85.018, subdivision 2, is amended to read:

Subd. 2. AUTHORITY OF LOCAL GOVERNMENT. (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

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(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 7, subdivision 2, or section 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles ~~and~~, all-terrain and off-road vehicles.

Sec. 12. Minnesota Statutes 1992, section 85.018, subdivision 3, is amended to read:

Subd. 3. **MOTORIZED USE; PERMITS, RESTRICTIONS.** Permits may be issued for motorized vehicles, other than those designated, to use a trail designated for use by snowmobiles ~~or~~, all-terrain or off-road vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

Sec. 13. Minnesota Statutes 1992, section 85.018, subdivision 5, is amended to read:

Subd. 5. ~~SNOWMOBILE AND ALL-TERRAIN~~ **MOTORIZED VEHICLE TRAILS RESTRICTED.** (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain or off-road vehicle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both.

Sec. 14. Minnesota Statutes 1992, section 171.03, is amended to read:

171.03 **PERSONS EXEMPT.**

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The following persons are exempt from license hereunder:

(1) a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, ~~is not an implement and an off-road vehicle, as defined in section 1, subdivision 7, are not implements~~ of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 15. Minnesota Statutes 1992, section 466.03, subdivision 16, is amended to read:

Subd. 16. Any claim against a county, arising from the operation of an all-

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terrain vehicle, as defined in section 84.92, subdivision 8, or an off-road vehicle, as defined in section 1, subdivision 7, on land administered by a county under chapter 280, 281, or 282, except that the county is liable for conduct that would entitle a trespasser to damages against a private person.

Sec. 16. DETERMINATION OF TAX ALLOCATION; REPORT TO LEGISLATURE.

The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to off-road vehicle use in the state and shall report to the legislature by March 1, 1994, with a proposed revision to Minnesota Statutes, section 296.16, to reflect the results of this determination.

Sec. 17. LEGISLATIVE REPORT ON REGISTRATION AND USE.

By January 1, 1995, the commissioner of natural resources shall report to the legislature on the number of off-road vehicles registered under section 2 and the growth patterns of off-road vehicle use in the state.

Sec. 18. COMPREHENSIVE RECREATIONAL USE PLAN; LEGISLATIVE REPORT.

By January 1, 1995, the commissioner of natural resources shall report to the legislature on the development of, and shall develop a comprehensive plan for the management of, off-road vehicle use in the outdoor recreation system and on other public lands and waters, including forest and other recreational or scenic areas, forest roads, and trails used by or suitable for use by all or particular types of off-road vehicles, that are under the jurisdiction of the department of natural resources. The plan, at a minimum, must set forth methods, criteria, standards, and timetables for:

(1) the inventorying, by appropriate means, of areas, forest roads, and trails in the outdoor recreation system and other public lands and waters used by or suitable for use by off-road vehicles;

(2) the identification and evaluation of the suitability of areas, forest roads, and trails to sustain off-road vehicle use;

(3) the preservation of easements granted for public use by off-road vehicles when land is exchanged or reclassified;

(4) the designation by appropriate means of areas, forest roads, and trails for unrestricted or restricted off-road vehicle use, or as closed to off-road vehicle use, including by posting, issuance of maps, or fencing; and

(5) the development of resource management plans to maintain unrestricted or restricted areas, forest roads, or trails and to restore or reconstruct damaged areas, forest roads, or trails, including consideration of the social, economic, and environmental impact of off-road vehicle use.

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Sec. 19. APPROPRIATIONS; REIMBURSEMENT; INCREASED COMPLEMENT.

(a) \$150,000 is appropriated from the general fund to the commissioner of natural resources for the purposes of sections 1 to 18 and is available for the fiscal year ending June 30, 1994. The approved complement of the department of natural resources is increased by 1 position.

(b) \$124,000 is appropriated from the off-road vehicle account to the commissioner of natural resources for the purposes of sections 1 to 18 and is available for the fiscal year ending June 30, 1995.

(c) Amounts spent by the commissioner of natural resources from the appropriation in paragraph (a) must be reimbursed by June 30, 1995, to the general fund. The amount necessary to make the reimbursement is appropriated from the off-road vehicle account in the natural resources fund to the commissioner of finance for transfer to the general fund.

Sec. 20. EFFECTIVE DATE.

Section 16 is effective the day following final enactment.

Presented to the governor May 17, 1993

Signed by the governor May 20, 1993, 2:10 p.m.

CHAPTER 312—S.F.No. 40

An act relating to probate; establishing a durable power of attorney for health care; establishing duties of health care providers for the provision of life-sustaining health care; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 145B; proposing coding for new law as Minnesota Statutes, chapter 145C; repealing Minnesota Statutes 1992, section 145B.10.

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

Section 1. [145B.105] PENALTIES.

Subdivision 1. GROSS MISDEMEANOR OFFENSES. Whoever commits any of the following acts is guilty of a gross misdemeanor:

(1) willfully conceals, cancels, defaces, or obliterates a living will of a declarant without the consent of the declarant;

(2) willfully conceals or withholds personal knowledge of a revocation of a living will;

(3) falsifies or forges a living will or a revocation of a living will;

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