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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3337

05/21/2023

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying provisions for operating all-terrain vehicles
1.3 on public roads; amending Minnesota Statutes 2022, section 84.928, subdivision
1.4 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 84.928, subdivision 1, is amended to read:

1.7 Subdivision 1. Operation on roads and rights-of-way. (a) Unless otherwise allowed
1.8 in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall not
1.9 operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank
1.10 or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

1.11 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or
1.12 slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d)
1.13 or (f).

1.14 (c) A person may operate a class 1 all-terrain vehicle designed by the manufacturer for
1.15 off-road use to be driven by a steering wheel and equipped with operator and passenger seat
1.16 belts and a roll-over protective structure or a class 2 all-terrain vehicle:

1.17 (1) within the public road right-of-way of a county state-aid or county highway on the
1.18 right shoulder or the extreme right-hand side of the road and left turns may be made from
1.19 any part of the road if it is safe to do so under the prevailing conditions, unless prohibited
1.20 under paragraph (d) or (f);

1.21 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county state-aid,
1.22 or county highway but only to access businesses or make trail connections, and left turns

2.1 may be made from any part of the road if it is safe to do so under the prevailing conditions,
2.2 unless prohibited under paragraph (d) or (f); and

2.3 (3) on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain
2.4 vehicle trail.

2.5 (d) A road authority as defined under section 160.02, subdivision 25, may after a public
2.6 hearing restrict the use of all-terrain vehicles in the public road right-of-way under its
2.7 jurisdiction.

2.8 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation
2.9 of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope
2.10 of a trunk, interstate, county state-aid, or county highway:

2.11 (1) that is part of a funded grant-in-aid trail; or

2.12 (2) when the all-terrain vehicle is owned by or operated under contract with:

2.13 (i) a road authority as defined under section 160.02, subdivision 25; or

2.14 (ii) a publicly or privately owned utility or pipeline company and used for work on
2.15 utilities or pipelines.

2.16 (f) The commissioner may limit the use of a right-of-way for a period of time if the
2.17 commissioner determines that use of the right-of-way causes:

2.18 (1) degradation of vegetation on adjacent public property;

2.19 (2) siltation of waters of the state;

2.20 (3) impairment or enhancement to the act of taking game; or

2.21 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
2.22 property.

2.23 The commissioner must notify the road authority as soon as it is known that a closure
2.24 will be ordered. The notice must state the reasons and duration of the closure.

2.25 (g) A person may operate an all-terrain vehicle registered for private use and used for
2.26 agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county
2.27 highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of
2.28 the road, and left turns may be made from any part of the road if it is safe to do so under
2.29 the prevailing conditions.

2.30 (h) A person shall not operate an all-terrain vehicle within the public road right-of-way
2.31 of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural

3.1 zone unless the vehicle is being used exclusively as transportation to and from work on
3.2 agricultural lands. This paragraph does not apply to an agent or employee of a road authority,
3.3 as defined in section 160.02, subdivision 25, or the Department of Natural Resources when
3.4 performing or exercising official duties or powers.

3.5 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way
3.6 of a trunk, county state-aid, or county highway between the hours of one-half hour after
3.7 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and
3.8 in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

3.9 (j) A person shall not operate an all-terrain vehicle at any time within the right-of-way
3.10 of an interstate highway or freeway within this state.

3.11 (k) A county, city, or town, acting through its governing body, may by ordinance allow
3.12 a person to operate an all-terrain vehicle on a public road or street under its jurisdiction to
3.13 access businesses and residences and to make trail connections.

3.14 (l) When its population is less than 25,000, a statutory or home rule charter city or a
3.15 town, acting through its governing body, may by ordinance allow a person to operate an
3.16 all-terrain vehicle on the roadway or shoulder of a trunk highway segment located within
3.17 its jurisdiction that has a speed limit of 30 miles per hour or less.