

CHAPTER 84

DEPARTMENT OF NATURAL RESOURCES

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84.027 POWERS AND DUTIES.

[For text of subsds 1 to 12, see M.S.1998]

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited exotic species, regulated exotic species, unregulated exotic species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the legislative coordinating commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

[For text of subd. 14, see M.S.1998]

Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign a license identification number to an applicant who purchases a hunting or fishing license by electronic means, to serve as temporary authorization to engage in the licensed activity until the license is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone, including the issuing fee under section 97A.485, subdivision 6, and an additional transaction fee not to exceed \$3.50;

(4) select up to four volunteer counties, not more than two in the metropolitan area, to participate in this pilot project and the counties shall select the participating agents;

(5) upon completion of a pilot project, implement a statewide system and select the participating agents; and

(6) adopt rules to administer the provisions of this subdivision.

(b) A county shall not collect a commission for the sale of licenses or permits made by agents selected by the participating counties under this subdivision.

(c) Establishment of the transaction fee under paragraph (a), clause (3), is not subject to the rulemaking procedures of chapter 14.

(d) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

History: 1999 c 92 s 1; 1999 c 231 s 83

84.0855 SALES; RECEIPTS; APPROPRIATION.

[For text of subd. 1, see M.S.1998]

Subd. 1a. **Software sales.** Notwithstanding section 16B.405, the commissioner may sell or license intellectual property and software products or services developed by the department or custom developed by a vendor for the department.

Subd. 2. **Receipts; appropriation.** Money received by the commissioner under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs. Money received from sales of intellectual property and software products or services shall be available for development, maintenance, and support of software products and systems.

History: 1999 c 231 s 84,85.

84.089 VOLUNTEERS IN NATURAL RESOURCES PROGRAM.

[For text of subds 1 and 2, see M.S.1998]

Subd. 3. Except as otherwise provided in this section, a volunteer is not a state employee and is not subject to the provisions of law relating to state employment, including but not limited to those relating to hours of work, rates of compensation, leave, reemployment compensation, and state employee benefits. A volunteer accepted under this section is a state employee for the purposes of section 176.011, subdivision 9, and the provisions of chapter 176, relating to workers' compensation apply to the volunteer.

History: 1999 c 107 s 66

84.81 DEFINITIONS.

[For text of subs 1 to 12, see M.S.1998]

Subd. 13. **Metal traction device.** "Metal traction device" means any metal device or array of metal devices attached to a snowmobile track to enhance traction that is:

(1) made of metal, except that metal cleats affixed perpendicular to the direction of travel of a snowmobile track which was manufactured in 1981 or earlier shall not be considered a metal traction device; or

(2) affixed to a snowmobile track with metal components that extend more than one-fourth inch from the bottom of the track.

History: 1999 c 231 s 86

84.8205 SNOWMOBILE STATE TRAIL STICKER.

[For text of subs 1 to 5, see M.S.1998]

Subd. 6. **Duplicate state trail stickers.** The commissioner shall issue a duplicate sticker to persons whose sticker is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules promulgated thereunder. The fee for a duplicate state trail sticker is \$2, with an issuing fee of 50 cents.

History: 1999 c 231 s 87

84.83 DISPOSITION OF RECEIPTS; DEDICATED ACCOUNT.

[For text of subs 1 and 2, see M.S.1998]

Subd. 3. **Purposes for the account.** The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.90.

Subd. 4. **Provisions applicable to funding recipients.** (a) Recipients of Minnesota trail assistance program funds must be afforded the same protection and be held to the same standard of liability as a political subdivision under chapter 466 for activities associated with the administration, design, construction, maintenance, and grooming of snowmobile trails.

(b) Recipients of Minnesota trail assistance program funds who maintain ice trails on waters of Voyageurs National Park are expressly immune from liability under section 466.03, subdivision 6e.

[For text of subd 5, see M.S.1998]

History: 1999 c 231 s 88,89

84.86 RULES.

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public; the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth and young adult training or the adult training. The commissioner shall establish a fee that neither significantly over-recovers nor under-recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. 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 clause. 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 snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

[For text of subd 2, see M.S.1998]

History: 1999 c 4 s 1; 1999 c 231 s 90

84.862 SNOWMOBILE TRAINING REQUIRED.

Subdivision 1. **Youth and young adult safety training.** Effective October 1, 1998, any resident born after December 31, 1979, who operates a snowmobile in Minnesota, must possess a valid snowmobile safety certificate or a driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12. The certificate or qualification indicator may only be issued upon successful completion of a course authorized under section 84.86 or subdivision 2 if the person is 16 years of age or older.

Subd. 2. **Adult safety training.** Effective October 1, 2002, any resident born after December 31, 1976, and before December 31, 1983, who operates a snowmobile in Minnesota, must possess a valid operator's permit or driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12, showing successful completion of a safety course designed for adults or persons 16 years of age or older. Whenever possible, the course shall include a riding component that stresses stopping distances.

[For text of subd 3, see M.S.1998]

History: 1999 c 231 s 91,92

84.871 EQUIPMENT REQUIREMENTS.

[For text of subd 1, see M.S.1998]

Subd. 2. [Repealed, 1999 c 4 s 5]

84.8712 METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.

Subdivision 1. **Prohibition.** A person may not use a snowmobile with metal traction devices on a paved public trail, except as otherwise provided by a local government with jurisdiction over a trail or any portion of a paved state trail designated by the commissioner.

Subd. 2. **Civil citation; authority to issue.** Conservation officers and other licensed peace officers may issue civil citations to a person who operates a snowmobile in violation of this section. The citation must impose a penalty of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for third and subsequent offenses.

Subd. 3. **Appeals.** Civil citations for offenses under this section may be appealed under the procedures in section 116.072, subdivision 6, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. For the purposes of the enforcement of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. **Enforcement.** Civil citations for offenses under this section may be enforced under section 116.072, subdivision 9. If a person fails to pay a penalty owed under this section, the person may not operate a snowmobile until the penalty is paid. Penalty amounts must be remitted within 30 days of issuance of the penalty citation.

Subd. 5. **Allocation of penalty amounts.** Penalty amounts collected from civil citations issued under this section are deposited to the unit of government employing the officer that issues the civil citation. The commissioner must deposit penalty amounts received by the state in the snowmobile trails and enforcement account established by section 84.83, subdivision 1. The penalty amounts in the account must be dedicated for the repair of paved public trails.

Subd. 6. **Selection of remedy.** A person operating a snowmobile in violation of this section is guilty of a petty misdemeanor punishable by a fine of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for the third and subsequent offenses. A peace officer may not seek both civil and petty misdemeanor penalties for a violation of this section.

History: 1999 c 4 s 2; 1999 c 231 s 93

84.8713 METAL TRACTION DEVICE STICKER.

Subdivision 1. **Sticker required; fee.** (a) An owner of a snowmobile registered in the state may not operate the snowmobile with a track equipped with metal traction devices unless a metal traction device sticker is affixed to the snowmobile. The commissioner shall issue a metal traction device sticker upon application and payment of a \$12 fee. The sticker is valid for one year following June 30 in the year it is issued.

(b) The requirements in paragraph (a) do not apply to snowmobiles owned, leased, or operated by the state or a political subdivision, or to snowmobiles used in an organized race, so long as they do not utilize a paved public trail, except as otherwise provided in this chapter.

(c) Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund. Money deposited under this section is appropriated to the commissioner of natural resources, and must be used for repair of paved public trails, unless a trail is exempted by local authorities under section 84.8712, except that any money not necessary for this purpose may be used for the grant-in-aid snowmobile trail system.

Subd. 2. **Placement of sticker.** The metal traction device sticker must be permanently affixed to the forward half of the snowmobile and clearly visible to law enforcement authorities.

Subd. 3. **License agents.** The commissioner shall sell metal traction device stickers for a \$1 issuance fee through the process established under section 84.82, subdivision 2.

Subd. 4. **Duplicate metal traction device stickers.** The commissioner or an authorized deputy registrar of motor vehicles shall issue a duplicate metal traction device sticker to a person whose sticker is lost or destroyed. A duplicate sticker may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the sticker and signs an affidavit. The fee for a duplicate metal traction device sticker is \$2, with an issuing fee of 50 cents.

Subd. 5. **Repealer.** This section is repealed on July 1, 2004.

History: 1999 c 231 s 94

84.8715 [Repealed, 1999 c 4 s 5]

84.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.

Subdivision 1. **Restrictions on operation.** (a) Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality.

A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

(b) Notwithstanding section 84.862, no person under the age of 14 years shall operate a snowmobile on any public land, public easements, or water or grant-in-aid trail unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older designated by the parent or guardian. However, a person 12 years of age or older but under the age of 14 years may operate a snowmobile on public lands, public easements, and waters or a grant-in-aid trail if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or an identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

[For text of subs 1a to 3, see M.S.1998]

History: 1999 c 231 s 95

84.91 OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES BY PERSONS UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES.

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to sections 169.121 to 169.1218 and 169.123 to 169.129. In addition to the applicable sanctions under chapter 169, a person who is convicted of violating section 169.121 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a lawful request to submit to testing under section 169.123, shall be prohibited from operating the snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the convicted person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169.121, subdivision 3. Otherwise, administrative and judicial review of the prohibition is governed by section 169.123.

(e) The court shall promptly forward to the commissioner and the department of public safety copies of all convictions and criminal and civil sanctions imposed under this section and chapter 169 relating to snowmobiles and all-terrain vehicles.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

History: 1999 c 231 s 96

84.965 APPROVAL OF PROJECT BY GOVERNOR.

[For text of subd 1, see M.S.1998]

Subd. 2. **Corps member status; fees.** All camp staff except camp directors in the young adult program are corps members. Corps members are not covered for reemployment compensation if their services are excluded under section 268.04, subdivision 12, and they are not eligible for other benefits except workers' compensation. The corps members are not employees of the state of Minnesota within the meaning of section 43A.02, subdivision 21. The commissioner may charge a fee for any service performed by the corps.

History: 1999 c 107 s 66

84.98 MINNESOTA CONSERVATION CORPS.

[For text of subds 1 and 2, see M.S.1998]

Subd. 3. **Criteria for determining economic, social, physical, or educational disadvantage.** (a) The criteria for determining economic, social, physical, or educational disadvantage shall be determined as provided in this subdivision.

(b) Economically disadvantaged are persons who meet the criteria for disadvantaged established by the department of economic security or persons receiving services provided by the department of human services such as welfare payments, food stamps, or Minnesota family investment program.

(c) Socially disadvantaged are persons who have been classified as persons in need of supervision by the court system.

(d) Physically disadvantaged are persons who have been identified as having special needs by public agencies that deal with employment for the disabled.

(e) Educationally disadvantaged are persons who have dropped out of school or are at risk of dropping out of school and persons with learning disabilities or in need of special education classes.

[For text of subd 4, see M.S.1998]

Subd. 5. **Corps member status.** Minnesota conservation corps members are not covered for reemployment compensation if their services are excluded under section 268.04, subdivision 12, and they are not eligible for other benefits except workers' compensation. The corps members are not employees of the state within the meaning of section 43A.02, subdivision 21.

Subd. 6. **Fees.** The commissioner may charge a fee for any service performed by the Minnesota conservation corps. Fees generated shall be deposited in a special revenue fund and appropriated to the commissioner for Minnesota conservation corps projects and administration.

[For text of subds 7 and 8, see M.S.1998]

History: 1999 c 107 s 66; 1999 c 159 s 5; 1999 c 231 s 97