

Off-Highway Vehicles: Changes in 2005 Law

For the fifth consecutive year, the Minnesota Legislature enacted changes in the law regulating off-road vehicles (including all-terrain vehicles, motorcycles, and trucks). This short subject highlights those changes, which are contained in [Laws 2005, first special session, chapter 1](#), article 2 (the section numbers for specific provisions are in parentheses after the description of the provision).

Drivers who disturb wetlands will have penalties increased

The law allows peace officers to issue civil citations to any off-highway vehicle operator who carelessly disturbs wetlands; the law also requires restitution for that wetland damage. Restitution penalties are \$100 for the first offense; \$500 for the second offense; and \$1,000 for third and subsequent offenses.

These penalties are doubled if the violator has a snorkel device on an all-terrain or off-road vehicle. (Sec. 19) Another section of the law prohibits all-terrain vehicles (ATVs) from using snorkel devices with a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within public off-highway vehicle recreation areas. (Sec. 47)

Damage account sunset extended

The off-highway vehicle damage account, which was established to repair or restore property damaged by unpermitted use of off-highway vehicles, was extended until 2008. It had been set to expire in 2005. (Sec. 20)

Vehicles must be registered

Off-highway vehicles must be properly registered in order to operate on designated trails, land administered by the DNR commissioner, or grant-in-aid trails. On the third Saturday of each May, however, unregistered off-highway vehicles can operate within the Iron Range Off-Highway Vehicle Recreation Area. (Sec. 27)

Off-highway vehicles can operate north of Highway 2

The law allows off-highway vehicles to operate north of Highway 2 on any trails and roads in state forests, unless the areas are closed and posted for safety and environmental reasons. (Highway 2 runs east-west from Grand Forks, N.D., to Duluth.)

The law extends until the end of 2008, the commissioner's designation process for permanent trail and road classification on forest lands. This allows forests to be classified as "limited," "closed," or "managed." (Sec. 152)

Off-highway motorcycles must have registration decals and silencers

An off-highway motorcycle operated on public land must have a Department of Natural Resources (DNR) registration decal affixed to it. (Sec. 22) Additionally, off-highway motorcycles operated on public land must be equipped with silencers that limit sound emissions according to the year the motorcycles were manufactured. (Sec. 24) A person who violates any off-highway vehicle law must complete the state off-highway motorcycle safety program before continuing to operate an off-highway motorcycle. (Sec. 25)

Off-highway vehicle operators must complete a safety training course

The law creates a new DNR safety training program for off-road vehicle operators; the fee for the course is \$15. Safety certificates will be issued to those between 16 and 18 years who successfully complete the program. (Sec. 28)

Additionally, any ATV operator born after July 1, 1987, and who is at least 16 years old, must successfully complete a state safety training course to operate an ATV on public land. If a person is convicted for violating an off-highway vehicle law, he or she must retake and successfully complete the course before continuing to operate an ATV. (Sec. 42)

Children between 10 and 12 years old must be accompanied by a parent or legal guardian while operating an ATV with an engine capacity up to 90cc on public property. (Sec. 43)

An ATV operator may carry only one passenger, and passengers younger than 18 must wear helmets. (Sec. 44)

ATVs can operate off-trail in certain circumstances

When using an ATV for hunting or retrieving big game, tending traps, or trapping minnows under license, the operator may go off forest trails and roads, other than Dorer Memorial Hardwood Forest and on managed and limited classified lands. The law gives the commissioner some further flexibility to allow this ATV use in closed forests. (Sec. 45)

Money was appropriated for off-highway vehicle programs

The law appropriated funding for three areas of the state's off-highway vehicle program:

- \$1,750,000 over the biennium from the various vehicle accounts for off-highway vehicle grants-in-aid to develop and maintain trails
- \$75,000 for a gas tax study by the commissioners of natural resources, revenue, and transportation to determine the amount of gas used by ATV riders on public land
- \$50,000 for a DNR feasibility study on the use of ATVs on the North Shore Trail, which may be used in any master trail plan revision

(Sec. 3, subd. 6)

For more information: See the House Research publications [All-Terrain Vehicle Laws Passed by the 2002 Legislature](#), May 2002, [The All-Terrain Vehicle Law of 2003](#), June 2003, and [ATV/Off-Highway Vehicles and Wetlands: 2004 Changes](#), June 2004.

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