

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1283
Version: Second engrossment

DATE: May 2, 2011

Authors: Hackbarth

Subject: ATVs and Other Vehicles

Analyst: Janelle Taylor

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill makes a number of changes related to all-terrain vehicles (ATVs), off-highway vehicles (OHVs), off-highway motorcycles and other vehicles.

- 1 **Off-highway vehicle seasonal restrictions.** Amends § 84.777, subd. 2. Removes language requiring the commissioner of natural resources to prescribe seasons for off-highway vehicle use on state forest lands.
- 2 **Dual registration.** Adds § 84.788, subd. 12. Permits an off-highway motorcycle to also be registered as a motorcycle for use on public roads and highways. Requires an off-highway motorcycle that is dually registered to meet safety equipment and other requirements (headlights, taillights, horns, etc.) currently required for motorcycles operating on public roads and highways. Exempts these motorcycles from title requirements.
- 3 **Nonresident off-road vehicle state trail pass.** Adds § 84.8035.

Subd. 1. Pass required; fee. Requires nonresidents to purchase and display, in a manner viewable by law enforcement and others, a nonresident off-road vehicle (ORV) state trail pass sticker when operating on state or grant-in-aid ORV trails. The fee for an annual pass is \$20 and the fee for a three-year pass is \$30. Requires revenue from the fees to be deposited in the off-road vehicle account and used for grants-in-aid to counties and municipalities for ORV organizations to construct and maintain ORV trails and use areas. Exempts the following ORVs from the pass requirements:

- ORVs owned by federal, state, and local governments;
- ORVs being operated on a portion of a trail that is on land owned by the person or the person's immediate family member (spouse, child, or parent); or
- ORVs that are registered in the state.

Subd. 2. License agents. Allows the commissioner to appoint agents to sell and issue the passes and allows the commissioner to revoke the appointments any time. Allows the commissioner to adopt rules and requires the agents to observe all rules. Requires agents to

promptly remit all money received from the sale of the passes to the commissioner minus the agent's issuing fee established in subdivision 4.

Subd. 3. Issuance of passes. Requires the commissioner and agents to sell and issue the passes and make the passes available through the department's electronic licensing system.

Subd. 4. Agent's fee. Establishes an issuing fee of \$1 to be retained by the seller. Requires issuing fees collected by the commissioner to be deposited in the off-road-vehicle account and retained for operation of the electronic licensing system.

Subd. 5. Duplicate passes. Allows the issuance of duplicate passes to those who have lost or destroyed their pass in accordance with existing provisions for duplicate licenses, which require a person to take an oath covering the facts of loss or destruction. Establishes a fee of \$4 for the duplicate pass with a \$.50 issuing fee.

- 4 **All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of an ATV by removing the requirement that it have floatation tires and an engine displacement of less than 960 cubic centimeters, and requiring that the tires be "nonhighway" tires. States that golf carts, mini-trucks, dune buggies, go carts, and vehicles specifically designed for lawn maintenance, agriculture, logging, or mining are not ATVs.
- 5 **Class 1 all-terrain vehicle.** Amends § 84.92, subd. 9. Modifies the definition of a class 1 ATV by requiring that the vehicle has a straddled seat.
- 6 **Class 2 all-terrain vehicle.** Amends § 84.92, subd. 10. Modifies the definition of a class 2 ATV by removing the minimum weight threshold and adding a requirement that it has a width of 68 inches or less.
- 7 **Passengers.** Amends § 84.9257. Permits youth age 12 to 17 operating a class 1 ATV to carry a passenger if the passenger is the person's parent or legal guardian.
- 8 **Voluntary titling.** Amends § 86B.825, subd. 3. Technical.
- 9 **Issuance.** Amends § 86B.830, subd. 2. Requires the certificate of title for a watercraft to be mailed to the owner, rather than the first secured party if there is one, and requires any secured parties to be mailed a notification that their security interest has been filed.
- 10 **Form and issuance.** Amends § 86B.850, subd. 1. Requires a duplicate certificate of title for a watercraft to be mailed to the owner rather than the first secured party.
- 11 **Owner-created security interest.** Amends § 86B.885. Removes the ability of a subordinate secured party to request a copy of a certificate of title from the first secured party when a owner of a watercraft creates a new security interest. (Secured parties will no longer receive a title under the changes in section 10.) States that a second or subordinate secured party do not affect the rights of a first secured party and requires and requires a notification to be sent to all secured parties that the security interest has been recorded.
- 12 **Motor vehicle.** Amends § 168.002, subd. 18. Modifies the definition of "motor vehicle" to include an off-highway motorcycle modified to meet the requirements necessary for the new dual registration option established in section 2.
- 13 **Limitations.** Amends § 168A.085. Permits registrations to be issued for vehicles not meeting certain federal requirements to accommodate off-highway vehicles dually registered under the new option established under section 2.
- 14 **Designation of roadway, permit.** Amends § 169.045, subd. 1. Removes a specific definition for "all-

terrain vehicle" (which defined an ATV as one with four wheels meeting certain weight and tire requirements) used for purposes of local road ATV operation ordinances and references the general definition of ATV in chapter 84 that is modified under section 4 of this bill.

- 15 Ordinance.** Amends § 169.045, subd. 2. Allows permits issued by a county, city or town under an ordinance for the operation of a golf cart, ATV, or mini truck on designated roads to be valid for three years instead of one year.
- 16 Times of operation.** Amends § 169.045, subd. 3. Allows golf carts and ATVs operating under local ordinance on designated roads to operate after sunset and before sunrise if they are equipped with their original headlights, taillights, and rear-facing break lights (currently all golf carts and ATVs are prohibited from operating between sunset and sunrise) and allows them to be operated during inclement weather during emergency conditions as provided under the ordinance.
- 17 Crossing intersecting highways.** Amends § 169.045, subd. 5. Allows all ATVs operating on local roads under permit to cross any street or highway, currently only ATVs with four wheels may do so.
- 18 Application of traffic laws.** Amends § 169.045, subd. 6. Technical to conform with the changes made in section 15.
- 19 Nonapplication of certain laws.** Amends § 169.045, subd. 7. Technical to conform with the changes made in section 15.
- 20 Insurance.** Amends § 169.045, subd. 8. Technical to conform with the changes made in section 15.
- 21 Exemption for recreational vehicle manufacturer.** Adds § 239.791, subd. 16. Allows recreational vehicle manufacturers to sell fuel that does not meet ethanol requirements if the fuel is intended to be used exclusively for research and development by a manufacturer of snowmobiles, ATVs, motorcycles, or other recreational vehicles.