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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **150**

January 15, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

1.1 A bill for an act
1.2 relating to natural resources; allowing all-terrain vehicle use by the disabled
1.3 along certain trails; modifying hunting provisions for disabled hunters; providing
1.4 criminal penalties; amending Minnesota Statutes 2008, sections 85.018, by
1.5 adding a subdivision; 97A.137, subdivision 3; 97B.045, subdivision 2; 97B.055,
1.6 by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2008, section 85.018, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 9. **All-terrain vehicles; bicycle trails; disabled.** (a) The commissioner
1.11 of natural resources shall issue a permit, without a fee, to allow a person who has a
1.12 permanent physical disability to ride an all-terrain vehicle along trails designated under
1.13 paragraph (c). The permit recipient must be:

1.14 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or
1.15 other mechanical support or prosthetic device; or

1.16 (2) unable to walk any distance because of a permanent lung, heart, or other internal
1.17 disease that requires the person to use supplemental oxygen to assist breathing.

1.18 (b) The permanent physical disability must be established by medical evidence
1.19 verified in writing by a licensed physician or chiropractor. The commissioner may
1.20 request additional information from the physician or chiropractor if needed to verify
1.21 the applicant's eligibility for the permit. In addition to providing medical evidence of a
1.22 permanent disability, the applicant must possess a valid disability parking certificate
1.23 authorized by section 169.345 or license plates issued under section 168.021.

1.24 (c) The commissioner shall review the state's paved bicycle trails to identify trails
1.25 that would accommodate use by the permanently disabled of all-terrain vehicles alongside

2.1 the trail. The commissioner shall designate the identified trails for all-terrain vehicle
2.2 use by the disabled and publish the designations by written order in the State Register.
2.3 The designations are not subject to the rulemaking provisions of chapter 14, and section
2.4 14.386 does not apply.

2.5 Sec. 2. Minnesota Statutes 2008, section 97A.137, subdivision 3, is amended to read:

2.6 Subd. 3. **Use of motorized vehicles by disabled hunters.** The commissioner may
2.7 issue a special permit, without a fee, authorizing a hunter with a permanent physical
2.8 disability to use a snowmobile or all-terrain vehicle in wildlife management areas. To
2.9 qualify for a permit under this subdivision, the disabled person must possess:

2.10 (1) the required hunting licenses; and

2.11 (2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision
2.12 3 or 3a.

2.13 Sec. 3. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

2.14 Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do
2.15 not apply to a disabled person if:

2.16 (1) the person possesses a permit under section 97B.055, subdivision 3 or 3a; and

2.17 ~~(2) the person is participating in a hunt sponsored by a nonprofit organization under a~~
2.18 ~~permit from the commissioner or is hunting on property owned or leased by the person; and~~

2.19 ~~(3)~~ (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a
2.20 hinge action firearm with the action open until the vehicle is stationary.

2.21 Sec. 4. Minnesota Statutes 2008, section 97B.055, is amended by adding a subdivision
2.22 to read:

2.23 Subd. 3a. **Lifetime small game all-terrain vehicle hunting permit for disabled.**

2.24 (a) The commissioner may issue a lifetime permit, without a fee, to discharge a firearm or
2.25 bow and arrow from a stationary all-terrain vehicle to a person who obtains the required
2.26 small game license and who has a permanent physical disability that is more substantial
2.27 than discomfort from walking. The permit recipient must be:

2.28 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or
2.29 other mechanical support or prosthetic device; or

2.30 (2) unable to walk any distance because of a permanent lung, heart, or other internal
2.31 disease that requires the person to use supplemental oxygen to assist breathing.

2.32 (b) The permanent physical disability must be established by medical evidence
2.33 verified in writing by a licensed physician or chiropractor. The commissioner may

3.1 request additional information from the physician or chiropractor if needed to verify the
3.2 applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner
3.3 may, in consultation with appropriate advocacy groups, establish reasonable minimum
3.4 standards for permits to be issued under this section. In addition to providing medical
3.5 evidence of a permanent disability, the applicant must possess a valid disability parking
3.6 certificate authorized by section 169.345 or license plates issued under section 168.021.

3.7 (c) A permit issued under this subdivision is valid for the life of the person to
3.8 whom issued unless denied, modified, suspended, or revoked by the commissioner under
3.9 paragraph (d).

3.10 (d) The commissioner may deny, modify, suspend, or revoke a permit issued under
3.11 this section for cause, including a violation of the game and fish laws.

3.12 (e) A person who knowingly makes a false application or assists another in making
3.13 a false application for a permit under this subdivision is guilty of a misdemeanor. A
3.14 physician or chiropractor who fraudulently certifies to the commissioner that a person is
3.15 permanently disabled as described in this subdivision is guilty of a misdemeanor.