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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 487

February 2, 2009

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

March 23, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to natural resources; modifying all-terrain vehicle registration
1.3 exemptions; requiring nonresident all-terrain vehicle operators to possess a state
1.4 trail pass; amending Minnesota Statutes 2008, sections 84.0835, subdivision 3;
1.5 84.922, subdivision 1a; proposing coding for new law in Minnesota Statutes,
1.6 chapter 84.

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

1.8 Section 1. Minnesota Statutes 2008, section 84.0835, subdivision 3, is amended to read:

1.9 Subd. 3. **Citation authority.** Employees designated by the commissioner under
1.10 subdivision 1 may issue citations, as specifically authorized under this subdivision, for
1.11 violations of:

1.12 (1) sections 85.052, subdivision 3 (payment of camping fees in state parks),
1.13 85.45, subdivision 1 (cross-country ski pass), ~~and~~ 85.46 (horse trail pass), and 84.9275
1.14 (nonresident all-terrain vehicle state trail pass);

1.15 (2) rules relating to hours and days of operation, restricted areas, noise, fireworks,
1.16 environmental protection, fires and refuse, pets, picnicking, camping and dispersed
1.17 camping, nonmotorized uses, construction of unauthorized permanent trails, mooring of
1.18 boats, fish cleaning, swimming, storage and abandonment of personal property, structures
1.19 and stands, animal trespass, state park individual and group motor vehicle permits,
1.20 licensed motor vehicles, designated roads, and snowmobile operation off trails;

1.21 (3) rules relating to off-highway vehicle registration, display of registration numbers,
1.22 required equipment, operation restrictions, off-trail use for hunting and trapping, and
1.23 operation in lakes, rivers, and streams;

1.24 (4) rules relating to off-highway vehicle and snowmobile operation causing damage
1.25 or in closed areas within the Richard J. Dorer Memorial Hardwood State Forest;

- 2.1 (5) rules relating to parking, snow removal, and damage on state forest roads; and
 2.2 (6) rules relating to controlled hunting zones on major wildlife management units.

2.3 Sec. 2. Minnesota Statutes 2008, section 84.922, subdivision 1a, is amended to read:

2.4 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

- 2.5 (1) vehicles owned and used by the United States, the state, another state, or a
 2.6 political subdivision;
 2.7 (2) vehicles registered in another state or country that have not been in this state for
 2.8 more than 30 consecutive days;
 2.9 (3) vehicles that:
 2.10 (i) are owned by a resident of another state or country that does not require
 2.11 registration of all-terrain vehicles;
 2.12 (ii) have not been in this state for more than 30 consecutive days; and
 2.13 (iii) are operated on state and grant-in-aid trails by a nonresident possessing a
 2.14 nonresident all-terrain vehicle state trail pass;
 2.15 ~~(3)~~ (4) vehicles used exclusively in organized track racing events; and
 2.16 ~~(4)~~ (5) vehicles that are 25 years old or older and were originally produced as a
 2.17 separate identifiable make by a manufacturer.

2.18 Sec. 3. **[84.9275] NONRESIDENT ALL-TERRAIN VEHICLE STATE TRAIL**
 2.19 **PASS.**

2.20 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain
 2.21 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid
 2.22 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must
 2.23 be available for inspection by a peace officer, a conservation officer, or an employee
 2.24 designated under section 84.0835.

2.25 (b) The commissioner of natural resources shall issue a pass upon application and
 2.26 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees
 2.27 collected under this section, except for the issuing fee for licensing agents, shall be
 2.28 deposited in the state treasury and credited to the all-terrain vehicle account in the natural
 2.29 resources fund and, except for the electronic licensing system commission established by
 2.30 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to
 2.31 counties and municipalities for all-terrain vehicle organizations to construct and maintain
 2.32 all-terrain vehicle trails and use areas.

2.33 (c) A nonresident all-terrain vehicle state trail pass is not required for:

3.1 (1) an all-terrain vehicle that is owned and used by the United States, another state,
3.2 or a political subdivision thereof that is exempt from registration under section 84.922,
3.3 subdivision 1a; or

3.4 (2) a person operating an all-terrain vehicle only on the portion of a trail that is
3.5 owned by the person or the person's spouse, child, or parent.

3.6 Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell
3.7 nonresident all-terrain vehicle state trail passes. The commissioner may revoke the
3.8 appointment of an agent at any time. The commissioner may adopt additional rules as
3.9 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted
3.10 by the commissioner for accounting and handling of passes pursuant to section 97A.485,
3.11 subdivision 11. An agent shall promptly deposit and remit all money received from the
3.12 sale of the passes, exclusive of the issuing fee, to the commissioner.

3.13 Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell
3.14 nonresident all-terrain vehicle state trail passes. The commissioner shall also make the
3.15 passes available through the electronic licensing system established under section 84.027,
3.16 subdivision 15.

3.17 Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass
3.18 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for
3.19 passes issued by the commissioner shall be deposited in the all-terrain vehicle account in
3.20 the natural resources fund and retained for the operation of the electronic licensing system.

3.21 Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate
3.22 pass to persons whose pass is lost or destroyed using the process established under section
3.23 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident
3.24 all-terrain vehicle state trail pass is \$2, with an issuing fee of 50 cents.

3.25 **Sec. 4. EFFECTIVE DATE.**

3.26 Sections 1 to 3 are effective January 1, 2010.