

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1929

03/16/2015 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

1.1 A bill for an act  
1.2 relating to natural resources; modifying operating restrictions for all-terrain  
1.3 vehicles; requiring rulemaking; amending Minnesota Statutes 2014, sections  
1.4 84.9256, subdivision 1; 84.928, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2014, section 84.9256, subdivision 1, is amended to read:

1.7 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on  
1.8 public road rights-of-way that is permitted under section 84.928 and as provided under  
1.9 paragraph (j), a driver's license issued by the state or another state is required to operate an  
1.10 all-terrain vehicle along or on a public road right-of-way.

1.11 (b) A person under 12 years of age shall not:

1.12 (1) make a direct crossing of a public road right-of-way;

1.13 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

1.14 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
1.15 paragraph (f).

1.16 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
1.17 of age but less than 16 years may make a direct crossing of a public road right-of-way  
1.18 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
1.19 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety  
1.20 certificate issued by the commissioner and is accompanied by a person 18 years of age or  
1.21 older who holds a valid driver's license.

1.22 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
1.23 old, but less than 16 years old, must:

2.1 (1) successfully complete the safety education and training program under section  
2.2 84.925, subdivision 1, including a riding component; and

2.3 (2) be able to properly reach and control the handle bars and reach the foot pegs  
2.4 while sitting upright on the seat of the all-terrain vehicle.

2.5 (e) A person at least 11 years of age may take the safety education and training  
2.6 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
2.7 the certificate is not valid until the person reaches age 12.

2.8 (f) A person at least ten years of age but under 12 years of age may operate an  
2.9 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
2.10 accompanied by a parent or legal guardian.

2.11 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

2.12 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
2.13 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
2.14 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
2.15 all-terrain vehicle.

2.16 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
2.17 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
2.18 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
2.19 or state or grant-in-aid trails if:

2.20 (1) the nonresident youth has in possession evidence of completing an all-terrain  
2.21 safety course offered by the ATV Safety Institute or another state as provided in section  
2.22 84.925, subdivision 3; and

2.23 (2) the nonresident youth is accompanied by a person 18 years of age or older who  
2.24 holds a valid driver's license.

2.25 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain  
2.26 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted  
2.27 under section 84.928 if the person:

2.28 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;  
2.29 and

2.30 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

2.31 Sec. 2. Minnesota Statutes 2014, section 84.928, subdivision 1, is amended to read:

2.32 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise  
2.33 allowed in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall  
2.34 not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside  
2.35 bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

3.1 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside  
3.2 bank or slope of a trunk, county state-aid, or county highway unless prohibited under  
3.3 paragraph (d) or (f).

3.4 (c) A person may operate a class 2 all-terrain vehicle:

3.5 (1) within the public road right-of-way of a county state-aid or county highway on the  
3.6 extreme right-hand side of the road and left turns may be made from any part of the road if it  
3.7 is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f);

3.8 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county  
3.9 state-aid, or county highway but only to access businesses or make trail connections, and  
3.10 left turns may be made from any part of the road if it is safe to do so under the prevailing  
3.11 conditions, unless prohibited under paragraph (d) or (f); and

3.12 (3) on the bank or ditch of a public road right-of-way on a designated class 2  
3.13 all-terrain vehicle trail.

3.14 (d) A road authority as defined under section 160.02, subdivision 25, may after a  
3.15 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under  
3.16 its jurisdiction.

3.17 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the  
3.18 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside  
3.19 bank or slope of a trunk, interstate, county state-aid, or county highway:

3.20 (1) that is part of a funded grant-in-aid trail; or

3.21 (2) when the all-terrain vehicle is owned by or operated under contract with a publicly  
3.22 or privately owned utility or pipeline company and used for work on utilities or pipelines.

3.23 (f) The commissioner may limit the use of a right-of-way for a period of time if the  
3.24 commissioner determines that use of the right-of-way causes:

3.25 (1) degradation of vegetation on adjacent public property;

3.26 (2) siltation of waters of the state;

3.27 (3) impairment or enhancement to the act of taking game; or

3.28 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
3.29 property.

3.30 The commissioner must notify the road authority as soon as it is known that a closure  
3.31 will be ordered. The notice must state the reasons and duration of the closure.

3.32 (g) A person may operate an all-terrain vehicle registered for private use and used  
3.33 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
3.34 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
3.35 side of the road, and left turns may be made from any part of the road if it is safe to do so  
3.36 under the prevailing conditions.

4.1 (h) A person shall not operate an all-terrain vehicle within the public road  
4.2 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
4.3 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
4.4 from work on agricultural lands. This paragraph does not apply to an agent or employee  
4.5 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
4.6 Natural Resources when performing or exercising official duties or powers.

4.7 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way  
4.8 of a trunk, county state-aid, or county highway between the hours of one-half hour after  
4.9 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way  
4.10 and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

4.11 (j) A person shall not operate an all-terrain vehicle at any time within the  
4.12 right-of-way of an interstate highway or freeway within this state.

4.13 (k) A county, city, or town, acting through its governing body, may by ordinance  
4.14 allow a person to operate an all-terrain vehicle on a public road or street under its  
4.15 jurisdiction to access businesses and residences and to make trail connections.

4.16 **Sec. 3. MOTORIZED TRAIL ENVIRONMENTAL REVIEW; RULEMAKING.**

4.17 (a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to  
4.18 allow the following without preparing a mandatory environmental assessment worksheet:

4.19 (1) constructing a recreational trail less than 25 miles long on forested or other  
4.20 naturally vegetated land for a recreational use;

4.21 (2) adding a new motorized recreational use or a seasonal motorized recreational  
4.22 use to an existing motorized recreational trail if the treadway width is not expanded as a  
4.23 result of the added use; and

4.24 (3) designating an existing, legally constructed route, such as a logging road, for  
4.25 motorized recreational trail use.

4.26 (b) The board may use the good cause exemption rulemaking procedure under  
4.27 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this  
4.28 section, and Minnesota Statutes, section 14.386, does not apply except as provided under  
4.29 Minnesota Statutes, section 14.388.