

7/26/93
5



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55155-40_____

DNR INFORMATION
(612) 296-6157

July 12, 1993

Maryanne Hruby
Legislative Commission To Review
Administrative Rules
Room 55 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155-1201

Dear Maryanne,

As prescribed by Minnesota Statutes, section 14.23, I have attached a copy of the statement of need and reasonableness for the department's proposed rule governing all-terrain vehicles. This rule has been submitted to the state register and will be published with a notice of intent to adopt a rule without a public hearing on July 26, 1993.

If you have any questions, please do not hesitate to call. My number is 297-7031.

Sincerely,

Chuck Armstrong
Administrative Rule Coordinator

**The Legislative Commission to
Review Administrative Rules**

JUL 14 1993



STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

TRAILS & WATERWAYS UNIT
OFFICE OF PLANNING

IN THE MATTER OF PROPOSED RULES
FOR ALL-TERRAIN VEHICLES

STATEMENT OF NEED AND REASONABLENESS

Department of Natural Resources

JULY 1993

July 1993

STATEMENT OF NEED AND REASONABLENESS

Rules Relating to All-Terrain Vehicles

GENERAL STATEMENT

Minnesota Statutes 84.924 (Attachment A) gives authority and mandates the commissioner of natural resources to adopt rules in order to regulate the use of all-terrain vehicles (ATVs) with respect to:

1. Registration and Display of Numbers;
2. Required Equipment;
3. Public lands, waters, trails and roadways; and,
4. Uniform signing.

Minnesota Statutes on ATVs (84.92 through 84.929) were directly patterned after the existing statutes on snowmobiles. The major difference between these two sets of statutes is that ATVs are primarily being regulated only on lands and waters under the jurisdiction of the commissioner of natural resources and on lands within public road rights-of-way, whereas the statutes on snowmobiles are more far reaching.

Since the ATV statutes were patterned after the snowmobile statutes, you will find very close similarities in these proposed rules to the existing snowmobile rules.

The Department of Natural Resources believes that these new rules have no fiscal impact on local governments, no impact on small businesses, and no impacts on agricultural lands. With respect to vehicle registration fees, these are set by statute; the rules implement those statutes.

In recent years there has been much interest in further regulating use ATVs with respect to places of use on public lands and related recreational activities such as hunting. These types of issues are beyond the scope of this rule-making and may be addressed by the Department of Natural Resources in a separate future rule-making.

6102.0010 ALL-TERRAIN VEHICLE REGISTRATION AND DISPLAY OF NUMBERS.

Subpart 1. **Application.** To clarify registration procedures, by identifying that January 1 is the date of registration of any machine registered in that year. This enables the department to set up a cost-effective means of registration. Also, this section sets up a registration decal showing the expiration date that will be affixed to the machine, which will allow for easier and more effective enforcement.

Subp. 2. **Required information.** It requires the applicant to furnish all information required by the application. This provision is patterned after the existing snowmobile rules (Attachment B).

Subp. 3. **Affixation of number and decals.** The placement on the rear of the machine provides the only place for easy observation for enforcement purposes.

Subp. 4. **Description of decal or number.** Identifies minimum size of letters and numbers used on the vehicle for registration purposes. This will allow for easy observation for enforcement purposes. Also, the registration number will remain the same if the registration is renewed within one calendar year of the expiration date. This will allow for easier renewal of registration both for the department of natural resources and the vehicle owner.

Subp. 5. **Lost or destroyed number and/or decal.** Allows for replacement decals from the department of natural resources. This is patterned after the existing snowmobile rules.

Subp. 6. **Duplicate certificate.** Allows for a replacement registration certificate from the department of natural resources. This is patterned after the existing snowmobile rules.

Subp. 7. **Reporting of abandoned, stolen, or destroyed ATV.** This will reduce registration costs to the department of natural resources by eliminating unnecessary renewal notices, also will aid enforcement in the recovery and return of stolen ATVs. This subpart is patterned after the existing rules for snowmobiles.

6102.0020 DEALER'S AND MANUFACTURER'S REGISTRATION.

Subpart 1. **Demonstration or testing purposes.** This subpart is patterned after the existing snowmobile rules.

Subp. 2. **Research, experimentation, or demonstration purposes.** Provides for manufacturers plates. This subpart is patterned after the existing snowmobile rules.

Subp. 3. **Duplicate plates.** Allows for additional dealer or manufacturer duplicate registration plates. This subpart is patterned after the existing snowmobile rules.

Subp. 4. **Display required.** Manufacturers and dealers must display registration plates. This is consistent with 6102.0010 Subpart 3. This subpart is included for enforcement purposes.

6102.0030 SPECIAL PERMITS.

This subpart allows ATVs from states not requiring registration to participate by permit in organized group outings, trail rides, races, rallies, or other promotional events. This rule is patterned after the existing rules for snowmobiling.

6102.0040 REQUIRED EQUIPMENT.

Subpart 1.(A-D) **All-terrain vehicles.** The head lamp and tail lamp minimum candlepower intensity was based upon the existing snowmobile rules.

The specifications for brakes and throttle were formulated by the use of other states' laws and rules which have been acceptable to both users and manufacturers.

Subp. 2. (A-B) **Sled, trailer, or device towed by ATV.** Reflectorized materials are needed during times of low visibility or at night for safety purposes. The materials required are consistent with the existing snowmobile rules.

Subp. 3. (A-C) **Maker's permanent identification number.** The reason for this subpart is to aid in the identification and return of stolen property. The reason for the placement of these numbers is to give a common location so that they can be easily found.

Subp. 4. **Mufflers.** This subpart, as required by law, describes specifications for mufflers. The muffler will be of a functioning spark arrestor type, which will reduce the hazards of fire. This subpart also sets the maximum noise emissions at 99 decibels on the A scale at 20 inches. This standard is based on other states' specifications for ATVs and an existing motorcycle standard. This subpart provides for some exceptions to the rule for certain organized events.

6102.0050 PUBLIC LANDS, WATERS, TRAILS, AND ROADWAYS.

Subp. 1. (A-G) **Traffic Control.** The rules proposed under these sections are patterned after the existing rules for state trails found in Minnesota Rules 6100.3400, subp. 6 (Attachment C). These proposed rules are intended to promote safe and orderly use of trail treadways.

Subp. 2 (parts A, B) **Operation of all-terrain vehicles.** Minnesota Statutes 84.928 state it is unlawful to operate an ATV "at a rate of speed greater than reasonable or proper under the surrounding circumstances" (Attachment D).

This subpart allows the commissioner of natural resources to post speed limits on specific portions of trails or in areas under his jurisdiction. This may be necessary for safety reasons on trails of high use, multi-purpose trails, or possibly where hazardous situations may occur. Posting may also be required because of noise considerations near homes or in areas that are populated. Speed limits may be waived as provided in Minnesota Statutes 84.928 for organized races or similar competitive events.

When operated at night or during reduced visibility the ATV must have a lighted head lamp and tail lamp. This is especially important for ATVs because of their low profile which makes it difficult to readily identify an ATV.

Subp. 3. **Regulations by government subdivisions.** This subpart allows for local units of government to regulate ATV use on public waters with approval by the commissioner. This subpart is consistent with the rules for snowmobiles.
Subp. 3.

Subp. 4. **Official Use.** This subpart exempts personnel such as Department of Natural Resources employees, agents, or law enforcement personnel who lawfully engaged in the performance of development, maintenance, and operation of trails from 6102.0050 subparts 1-3. The exemption is necessary for officials to effectively perform their duties.

6102.0060 UNIFORM SIGNS.

Subparts 1-9. This section clarifies the type and size of signs used to control, direct, or regulate the operation and use of ATVs. The provisions of this section are closely patterned after the snowmobile rules.

STATEMENT OF IMPACTS ON SMALL BUSINESSES (required by M.R. 2010.0700, Item A and M.S. 14.115)

The Department believes that these rules and amendments have no impact on small business.

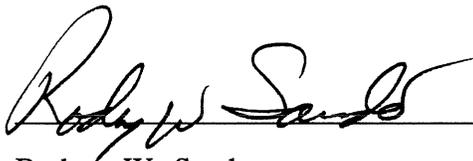
STATEMENT OF IMPACTS ON LOCAL GOVERNMENTS (required by M.R. 2010.0700, Item B [recently revised]).

The Department believes that these rules and amendments have no fiscal impact on local governments.

STATEMENT OF IMPACTS ON AGRICULTURAL LANDS (required by M.S. 14.11, Subdivision 2).

The Department believes that these rules and amendments have no impact on agricultural lands.

By:



Rodney W. Sando
Commissioner, Department of Natural Resources

Date:

7-12-93

Subd. 9. **Licensing by political subdivisions.** No political subdivision of this state shall require licensing or registration of all-terrain vehicles covered by sections 84.92 to 84.929.

Subd. 10. **Registration by minors prohibited.** No person under the age of 18 may register an all-terrain vehicle.

History: 1984 c 647 s 2; 1986 c 452 s 2-9; 1989 c 331 s 9-12; 1989 c 335 art 4 s 18

84.923 REQUIREMENTS OF MAKERS OF THREE-WHEEL OFF-ROAD VEHICLES.

Subdivision 1. **Identification number.** All vehicles made after January 1, 1985, and sold in the state, must have manufacturer's permanent identification number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the commissioner.

Subd. 2. **Registration number.** All vehicles made after January 1, 1985 and sold in the state, must be designed and made to provide an area to affix the registration number. This area shall be at a location and of dimensions prescribed by the commissioner.

History: 1984 c 647 s 3

84.924 RULEMAKING; ACCIDENT REPORT.

Subdivision 1. **Commissioner of natural resources.** With a view of achieving proper use of all-terrain vehicles consistent with protection of the environment, the commissioner of natural resources shall adopt rules under chapter 14 relating to:

- (1) registration of all-terrain vehicles and display of registration numbers;
- (2) use of all-terrain vehicles insofar as game and fish resources are affected;
- (3) use of all-terrain vehicles on public lands and waters under the jurisdiction of the commissioner of natural resources;
- (4) uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of all-terrain vehicles; and
- (5) specifications relating to all-terrain vehicle mufflers.

Subd. 2. **Commissioner of public safety.** The commissioner of public safety may adopt rules under chapter 14 regulating the use of all-terrain vehicles on streets and highways.

Subd. 3. **Accident report; requirement and form.** The operator and an officer investigating an accident of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$300 or more shall within ten days forward a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner of natural resources or by the commissioner of public safety.

History: 1986 c 452 s 10; 1989 c 331 s 13

84.925 EDUCATION AND TRAINING PROGRAM.

Subdivision 1. **Program established.** The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the training and shall deposit the fee in the all-terrain vehicle account. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training