

State of Minnesota

Department of Natural Resources

Statement of Need and Reasonableness

Proposed Amendments to Minnesota Rules, Chapter 6102

Relating to

**All-Terrain Vehicles, Off-Highway Motorcycles and Off-Road
Vehicles**

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STATEMENT OF NEED AND REASONABLENESS

Proposed Amendments to Minnesota Rules Chapter 6102

Rules Governing

All-Terrain Vehicles, Off-Road Motorcycles and Off-Road Vehicles

General Statement

The Minnesota Department of Natural Resources first adopted rules to regulate the use of all-terrain vehicles (hereinafter referred to as ATV's) in 1993. These rules, Minnesota Rules, parts 6102.0010 to .0060, were adopted to:

- provide for ATV registration with the Department of Natural Resources and display of registration numbers;
- regulate ATV use on public lands, waters, and trails under the jurisdiction of the commissioner of Natural Resources, and on public roadways open to their use;
- provide for uniform signs for regulatory purposes; and
- establish equipment specifications, including noise restrictions for mufflers.

When the ATV rules were adopted, off-highway motorcycles (hereinafter referred to as OHM's) and off-road vehicles (hereinafter referred to as ORV's) were not regulated by rules. Since the adoption of the ATV rules, the state legislature has enacted statutory authority for the department to promulgate rules for OHM's and ORV's. Because of the similar nature of the rules, the department is amending the ATV rules to include the regulation of ATV's, OHM's and ORV's, while at the same time updating the ATV rules. Since the department now regulates OHM and ORV use, it is logical, in addition to being efficient and cost-effective, to revise the current ATV rules and incorporate the OHM and ORV rules into the ATV rules.

Both the existing ATV rules and the proposed amendments to the ATV rules require specific equipment on recreational vehicles that are operated on public lands or waters. These basic requirements address operational safety concerns and include specifications for head lamps, tail lamps, brakes and side reflection. New language addressing seat belt requirements for ORV's has been added. Equipment requirements for sleds, trailers and devices towed by a recreational vehicle have been retained. Towing provisions have been improved by requiring the towed object

to be solidly attached to the towing vehicle if the towed object contains human passengers, unless the vehicle is disabled and the vehicle is being towed. This will help eliminate accidents resulting from the use of tow ropes that allow the towed object to swing in a wide arc and strike a fixed object or cause the passenger to fall from the towed riding device.

Other proposed rule changes include:

- provide for "point of sale" type electronic registration or reporting by changing rule language to allow for a paperless system;
- eliminate specifications for traffic or regulatory signs in favor of a reference to the same information contained in a departmental reference manual;
- update the rule language to constructions commonly used conversationally today in order to improve readers' understanding and impact of the regulations;
- establish an education and training program for ATV's and OHM's; and
- provide for a variance from these rules for law enforcement purposes.

The department utilized a small internal workgroup to provide input into the initial rule draft. Staff from the Divisions of Enforcement, Forestry, Minerals, Trails and Waterways, and the License Bureau all participated in providing input. The State Patrol, Minnesota Department of Transportation, user group enthusiasts, conservation officers, attorney general's office, and others all provided input, either before or after the Notice to Solicit Public Comment was published in the State Register on January 16, 1996.

Statutory Authority

The existing ATV rules and the proposed amendments were developed under the primary authority of Minnesota Statutes sections 84.787 to 84.796 (OHM's), 84.797 to 84.805 (ORV's), and 84.92 to 84.929 (ATV's.) Specific rulemaking authority for OHM's is set forth in sections 84.79 and 84.795; for ORV's in sections 84.80 and 84.804; and for ATV's in sections 84.924 and 84.928. Additional authority is provided by Minn. Stat. secs. 84.03, 86A.06 and 89.19, all of which authorize the commissioner to promulgate rules regulating use of various lands under the jurisdiction of the department of natural resources. In concert, these statutory provisions authorize the commissioner to promulgate rules for OHM's, ORV's and ATV's relating to:

- registration and display of registration numbers;
 - use insofar as game and fish resources and other natural resources are affected;
- use on public lands, waters and trails under the jurisdiction of the commissioner, and on public roadways open to use by these vehicles;

- uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate operation and use;
- specifications relating to lights, brakes and mufflers and safety standards;
- education and safety training programs (for OHM's and ATV's); and
- operational requirements.

Minnesota Statutes, section 14.23 Requirements

Minnesota Statutes, section 14.23 requires agencies to include the following information, to the extent that the agency, through reasonable effort, can ascertain the information.

- **A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.** The following groups will be affected by the changes to the rules: dealers and manufacturers of ATV's, OHM's and ORV's; and owners and users of ATV's, OHM's and ORV's.

- **Probable costs to the agency or other agencies of the implementation and enforcement of the proposed rules and any anticipated effect on state revenues.** The system for registration of ATV's is currently in place under rule, and the systems for registration of OHM's and ORV's are currently authorized by and operating under statute. The proposed rules will consolidate this procedure by including registration of ATV's, ORV's and OHM's under one set of rules. The rules will not impose any additional costs to the agency nor generate any additional income to the agency above expenses that are already incurred or revenue received for the registration of ATV's, OHM's and ORV's. Any effect on state revenues would be realized in the amendments to Minnesota Rules, part 6102.0020, which institutes a charge of \$4.00 per additional plate (beyond the initial plate supplied with the registration certificate) for dealers and manufacturers. The effect of this additional charge will not impact departmental earnings or state revenues. See attached narrative to the Commissioner of Finance for Review pursuant to Minnesota Statutes, section 16A.1285, at *Appendix 1*.

- **A determination of whether or not there are less costly methods or less intrusive methods for achieving the purpose of the proposed rules.** The proposed rules will have only a minimal fiscal impact on dealers and manufacturers and on the user groups. See attached narrative to the Commissioner of Finance for Review pursuant to Minnesota Statutes, section 16A.1285, at *Appendix 1*. The rules were also reviewed by the Departments of Public Safety and Transportation.

- **A description of any alternative methods for achieving the purpose of the proposed rules that were seriously considered by the agency and the reasons why they were rejected**

in favor of the proposed rule. The proposed rules are required by law and are based on existing rules for ATV's. The department had considered adopting a separate set of rules for OHM's and ORV's, but determined that the existing ATV rules were a logical place within which to incorporate the OHM and ORV rules. This enabled the department to revise the ATV rules and incorporate the OHM and ORV rules under one set of rules; this was determined to be the most efficient and cost effective way to achieve consistency in regulations for the three types of vehicles.

· **The probable costs of complying with the proposed rules.** The rules do not create or establish costs to the user groups beyond what has been established in state statute. See attached narrative to the Commissioner of Finance for Review pursuant to Minnesota Statutes, section 16A.1285, at *Appendix 1*.

· **An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.** Registration and operation of ATV's, OHM's and ORV's on state managed lands are governed by state statute. All references to the Code of Federal Regulations present in the rules are used to establish the minimum standards for required reflective material for the vehicles and for the required muffler equipment. Thus, the federal regulations cited within the rule are used for measurement purposes; they are not cited as authority that is regulating state action.

· **Additional notification to persons or classes of persons who may be affected by the proposed rule.** In addition to publishing the Notice of Intent to Solicit Outside Opinions/ Advice on Possible Rules and the Notice of Intent to Adopt Rules in the State Register as required under Minnesota Statutes, section 14.101 and 14.22, subdivision 1(a), the agency also mailed both notices to persons registered with the agency to receive notification of department rulemaking and to persons that the department believed may have an interest in, or be impacted by the proposed rulemaking. In addition, drafts of the proposed rules were circulated with the Notice of Intent to Solicit Outside Opinions/ Advice on Possible Rules.

The department mailed the Notice of Intent to Solicit Outside Comments and the Notice of Intent to Adopt Rules Without a Public Hearing to the presidents of the Minnesota off-highway motorcycle, off-road vehicle and all-terrain vehicle organizations, the state lobbyist for these organizations and the executive director of the Minnesota Sheriff's Association. The department also compiled a list of dealers and manufacturers and mailed both notices to this group in addition to the list maintained by the department of those persons who have requested to be notified of department rulemaking activity. For the Notice of Intent to Adopt Rules, the department also sent a press release to every general circulation newspaper in the state (approximately 400), every radio station in the state (approximately 196), every television station, including some cable television stations, in the state (approximately 50), specialty magazines, freelance outdoor writers, and several newspapers in neighboring states.

Review of Proposed Rules

6102.0001 SCOPE AND PURPOSE

The scope and purpose of these rules are to provide for registration and regulate use of OHM's, ORV's and ATV's pursuant to the statutes referenced above. These rules are necessary and reasonable for the registration and safe operation of these vehicles and to comply with statutory requirements for adoption of rules.

6102.0002 DEFINITIONS

These definitions are necessary for a reader to understand references to the defined terms as they are used in this document.

For the purpose of parts 6102.0002 - 6102.0090, the terms defined in this part have the meanings given them and are necessary and reasonable to aid in the construction of these rules.

Subp. 2 **ATV** means all-terrain vehicle.

Subp. 3 **Commissioner** means the Commissioner of the Department of Natural Resources.

Subp. 4 **Department** means the Department of Natural Resources.

Subp. 5 **OHM** means off-highway motorcycle.

Subp. 6 **ORV** means off-road vehicle.

Subp. 7 **Vehicle** means OHM, ORV, ATV.

6102.0010 VEHICLE REGISTRATION AND DISPLAY OF NUMBERS

This part provides the procedures for registration of vehicles and the requirements for the display of registration numbers on the vehicles. Subparts 1, 2, 5, 7, address requirements necessary to maintain an efficient and up to date record-keeping system, which requires that accurate and complete information be provided. The registration requirements and specifications for the decals and numbers are also included and are essential to an efficient and up-to-date registration system.

The proposed rules include off-road vehicles and off-highway motorcycles in the existing rules governing registration for all-terrain vehicles. Having all three types of vehicles under one rule will aid the user groups in having the requirements concerning the registration of all vehicles and simplify the registration process by having a similar registration process in place for all three types of vehicles. Therefore, it is reasonable and necessary to include all-terrain vehicles, off road vehicles and off-highway motorcycles under one set of rules.

Subpart 1. Application. This subpart explains where and how a vehicle is registered with the commissioner, what is required to register a vehicle and specifies how long the registration will be valid. In 1996, amendments were made to Minn. Stat. secs. 84.788 and 84.922 to require point-of-sale registration of OHM's and ATV's purchased from a retail dealer. This subpart is consistent with the statutory requirements, and also creates a registration process for persons who did not purchase vehicles from retail dealers.

Under the existing ATV rules, all applicants must be 18 years of age. The proposed amendments incorporating the ORV's and OHM's into these rules will also require that applicants applying to register an ORV or OHM must also be 18 years of age. This is a reasonable requirement to insure that an adult is listed as the registered owner so that in the event of a violation, an adult will be responsible.

Under the proposed rules an applicant will be required to present a bill of sale with the application. This will insure that the department will register the vehicle to the actual owner or purchaser. This requirement is both reasonable and necessary to insure accurate registration and accurate issuance of registration certificates. It should also help to deter registration of vehicles obtained through non-legal means.

By allowing the commissioner to specify a format for registration, which includes the current practice of providing the forms for vehicle transactions, the proposed rules will allow for electronic registration in the future. The possibility of establishing an electronic registration format is currently under evaluation by the department and will likely be implemented for certain types of license sales in the near future. The change in the rules allowing the commissioner to specify a format will allow the department to adapt to changes in technology and eliminate the need to change the rule in the near future when electronic registration becomes possible.

The remaining changes are proposed to make the text more precise in explaining that vehicles are registered for a three-year period if they are renewed at the time of, or immediately following, the expiration date. The change in the rule which specifies that registration "is valid for up to three years" clarifies the situation in which a vehicle is registered in the middle of a registration year rather than at the beginning of the year. This language allows the department to set up a uniform system for the registration and renewal process and allow for more efficient use of department resources when notifying registrants of expiration of the registration.

These changes are reasonable and necessary to provide for a similar registration process for all three types of vehicles covered by the proposed changes to the rules, to address the possibility of electronic registration, and to clarify the registration period.

In summary, the requirements of this subpart are reasonable and necessary for the following reasons:

To ensure that the department is able to collect all information necessary to specifically identify the individual vehicle being registered and who is registering it. This information is necessary for use by law enforcement officers to enforce the law, detect stolen vehicles, and to ensure the integrity and accuracy of the department's record keeping system.

To ensure that only an adult is listed as the registered owner so that in the event of any type of violation an adult is responsible and subject to the appropriate remedy.

To ensure that the department receives the level of funding specified by law to defray the costs incurred in the operation of the registration system and those costs associated with the provision of law enforcement services and acquisition, development, and maintenance of trails.

Subp. 2. Required information. The change to this subpart adds language that requires an applicant to provide all the information completely and accurately on the application form. Complete and accurate information is essential for law enforcement, record keeping, and administrative purposes and to ensure that registration of vehicles is correctly recorded by the department. Complete and accurate information is essential to document ownership of vehicles, recover stolen vehicles, maintain record keeping systems, predict revenue and costs and for other administrative purposes. This requirement is therefore a reasonable and necessary way to individually and accurately identify both the owner of the vehicle and the individual vehicle to insure that data maintained by the state reflects a true and accurate ownership record.

Subp. 3. Display of number and decals. This subpart covers the requirements for display of the current registration number and specifies the options available to owners for meeting the display requirements. The subpart is amended to include OHM's within the display requirements for the current registration. Other changes in this subpart are provided to clarify the intent of and improve readability of the rules. The amended language does not change the existing requirements for sticker locations on ATV's registered for private agricultural use, but rather creates a new subpart to clarify the language concerning the requirements for private use registered ATV's in order to make the language easier to understand.

The ATV and road licensed motorcycle plate cannot be less than four inches high and 7 ½ inches wide. The plate is required to be located at the rear of the vehicle at least 12 inches from the ground. The vehicle stickers are to be placed in the upper left section of the plate. In the case of ATV's registered for private/agricultural use it will be in the upper right section of the plate.

Because vehicle operators can be clothed in such a manner as to make the operator unidentifiable, it is necessary to identify the vehicle by registration number. Vehicles that are used in a manner contrary to law must be readily identifiable for apprehension of the operator when a violation has occurred. The requirements for a specific location on the vehicle for display of registration is reasonable and necessary in order to provide law enforcement officers and the public a known, recognizable area where they can look for the registration number.

Subp. 4. Description of decal and number. This subpart requires the registration letters and numbers to be in English characters, placed to read from left to right and in a contrasting color from the background. The minimum height for registration numbers is one and one-half (1½) inches; and a minimum 3/16 inch stroke. This is the existing height and stroke standard for display of the ATV letters and numbers. It is reasonable and necessary to include OHM registration number standards within the existing standard. Maintaining a consistent standard for OHM's with ATV's will aid the user groups in preparing and placing the registration. The size requirements are reasonable and necessary for OHM's, as well as ATV's, to insure that the characters will be readable from an appropriate distance without overbearing the vehicle. In prescribing that the letters be of a contrasting color as opposed to identifying a specific color or colors, the rule also allows the owner some discretion as to the colors that will be applied to the vehicle, while insuring that the registration numbers will be readable. The requirements of this subpart are therefore reasonable and necessary to insure readability of the registration numbers for OHM's so that the vehicle is readily identifiable by law enforcement officers and for uniformity in the registration system.

Subp. 5. Replacement card, numbers, decals. The language changes to this subpart clarify how a duplicate registration is obtained and displayed. This subpart allows vehicle owners to obtain duplicate registration materials upon completion of an application. This subpart also requires that duplicate registration materials shall be displayed in the same manner as the original registration materials. Other changes are provided to improve the readability of the text.

Vehicles are frequently operated in terrain that includes brush and trees which occasionally scrape or wear off registration materials. Vehicles also are subject to accidents which require repairs to the fender or bumper where registration materials are frequently displayed. These incidents make it necessary for the commissioner to provide a means for vehicle owners to obtain replacement or duplicate registration materials, and the proposed rules are a reasonable way to provide this service.

These changes are also reasonable and necessary to provide the users a clear understanding of how to display the duplicate registration materials, where and how to obtain them, and specifically what materials will be provided. The system proposed in this subpart is largely unchanged from the current system which works well for both the department and user groups. The changes incorporated into this subpart will make this subpart easier to understand.

Subp. 6. This subpart is repealed since the language covering obtaining a duplicate certificate is now in subpart 5. Repeal of this subpart is necessary and reasonable to avoid redundant and thus confusing language in the amended rules.

Subp. 7. Reporting of abandoned, stolen, or destroyed vehicles. This subpart has been amended to include OHM's and ORV's within the reporting requirements for stolen vehicles. The vehicles registered under this part must be reported as stolen within 15 days. The owner must simply fill out the back of the owner's registration card and send it in; there is no fee

for the reporting of an abandoned, stolen or destroyed vehicle. Language requiring that the information provided on the registration certificate be complete and accurate has been added; this is a reasonable and necessary requirement to maintain accurate records. The changes are reasonable and necessary in order to completely incorporate OHM's and ORV's into the rules in order to allow the department to document ownership, ensure that records are accurate and to facilitate law enforcement for OHM's and ORV's, as well as ATV's.

6102.0020 DEALER'S AND MANUFACTURER'S REGISTRATION

The provisions of Minnesota Statutes, sections 84.788, subd. 1, 84.798, subd. 1, 84.922, subd. 1, which require registration of any vehicle operated within the state unless exempt or registered under Minnesota Statutes, Chapter 168, apply to dealers and manufacturers as well as individual vehicle owners. It is not practical or reasonable for a dealer, who might sell several hundred vehicles a year, or a manufacturer, who might make many thousand vehicles, to register each vehicle in the same manner as an individual. A different type of registration is necessary that is able to accommodate the large number of vehicles typically used by a dealer or manufacturer over the course of a year's business. Since OHM's and ORV's are now regulated, it is reasonable and necessary to allow dealers and manufacturers of OHM's and ORV's a process by which they can register vehicles used for demonstration or testing purposes without having to individually register every vehicle to be tested or sold. The proposed changes to the rules will include OHM's and ORV's within the existing ATV provisions for dealer and manufacturer registration.

The proposed changes to the rules will require dealers and manufacturers to register vehicles with the commissioner at the fee specified by Minnesota Statutes, section 84.788 subd. 6, 84.798 subd. 6, and 84.922, subd. 5. If a dealer or manufacturer has a need for additional registration plates in order to operate more vehicles at the same time, they may apply for duplicate plates upon payment of the fee specified at Minnesota Statutes, section 84.788 subd. 6, 84.798 subd. 6, 84.922 subd. 5, for a duplicate registration.

Under the current rules, dealers receive three plates, and manufacturers receive 12 plates with their annual registration. The proposed amendments provide one plate per registration. Additional duplicate registration plates can be obtained at \$4.00 each with no limit on the total. Since dealers and manufacturers are subject to the display requirements of subpart 3 of Minnesota Rules, part 6102.0020, which requires display of the plate supplied by the department, it is conceivable under current regulations that a dealer or manufacturer could request hundreds of registration plates at a tremendous cost to the department.

The proposed system will impose a very small yearly financial burden on dealers (\$8.00) and manufacturers (\$44.00) to obtain the number of plates previously supplied under current regulations, and is therefore a reasonable and necessary method to allow a dealer or manufacturer

to obtain additional plates, while insuring that the department can recoup the costs of additional plates supplied by the department.¹

Subp. 1. Demonstration or testing purposes. This subpart provides the procedures for dealers to register vehicles which are operated for demonstration or testing purposes.

A registration certificate, which must be conspicuously displayed in the place of business, will be provided to the dealers. One registration plate to document registration of vehicles operated for testing or demonstration purposes will also be provided. The registration plate may be transferred to any vehicle owned by the dealer. This type of registration differs from that of an individual vehicle owner in that the individual's registration is specific to a single vehicle while a dealer's registration documents the fee paid and allows the dealer to operate a number of vehicles under one registration certificate.

The proposed system will impose a very small yearly financial burden on dealers (\$8.00) to obtain the number of plates previously supplied under current regulations while insuring that the department can recoup the costs of additional plates supplied by the department.²

The procedures and requirements for dealers are reasonable and necessary because they provide a method for dealers to demonstrate a variety of vehicles for prospective buyers while allowing the department to recover revenues to support the program. The need to display registration on dealer vehicles is adequately handled by the use of a transferable non-vehicle specific registration plate which may be used on a variety of vehicles. The requirement for display of the registration certificate in the dealer's place of business is necessary for law enforcement purposes and to demonstrate to the public that the dealer is properly registered with the department.

Other changes proposed in this subpart are provided to enable the department to provide an electronically-based registration system in the future. The justification for this change has been previously discussed.³

Subp. 2. Research, experimentation, or testing purposes. This subpart identifies what requirements vehicle manufacturers must meet and procedures they must follow in order to register with the department, display a registration plate on vehicles operated, and display the registration certificate in their place of business. The requirements and procedures are identical to those found in subpart 1 for dealers except that the manufacturer's registration plate may be used to identify vehicles operated by them for research, experimentation, testing or demonstration

¹ See discussion at Appendix 1 concerning the Commissioner of Finance Review

² See discussion at Appendix 1 concerning the Commissioner of Finance Review

³ See discussion under part 6102.0010. Subpart 1.

purposes. These requirements and procedures are reasonable and necessary for the same reasons cited for dealers in subpart 1 of this part.

The proposed system will impose a very small yearly financial burden on manufacturers (\$44.00) to obtain the number of plates previously supplied under current regulations while insuring that the department can recoup the costs of additional plates supplied by the department.⁴

Other changes proposed in this part are provided to allow the department to undertake the electronic registration of vehicles in the future. The justification for this change has been discussed previously.

Subp. 2a. Duplicate registration plates. This subpart allows a dealer or manufacturer to purchase additional registration plates upon payment of the fee required by law. Dealers and manufacturers may have a need to utilize more vehicles for their purposes than are provided for by registration. This subpart allows them to purchase registration plates in addition to the one provided with their registration.

These requirements and procedures are reasonable and necessary because they provide a dealer or manufacturer a means to utilize as many vehicles as necessary to conduct business. It also ensures that the requirement that all vehicles operated in Minnesota be registered is met and also allows the department to recover the fee specified by law to offset the costs associated with plates and record keeping.

This subpart changes the fee for duplicate registration from \$3.00 to \$4.00. This change is reasonable and necessary to comply with MS section 84.788 subd. 6, 84.788 subd. 6, 84.922 subd. 5 which establishes this fee at \$4.00 for each duplicate registration plate.

Other changes proposed in this subpart are provided to enhance the clarity of the text. An additional change clarifies the existing rule which allows only dealers and manufacturers that have met the requirements of subpart 1 of this part to purchase additional registration plates.

These changes are not substantive in nature and are reasonable and necessary to clarify the text.

Subp. 3. Display required. This subpart requires dealers and manufacturers to display registration plates on all vehicles operated by them. This requirement aids law enforcement officers in identifying non-registered vehicles, including those operated by dealers and manufacturers, since all vehicles must display some form of registration. Since the display requirement makes it easier for officers to determine whether a vehicle is registered without having to stop and question the operator about registration status, it will eliminate many

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See discussion at Appendix 1 concerning the Commissioner of Finance Review

potentially dangerous stops. It thus serves to protect both the operator and officer, as well as eliminate any unnecessary intrusion into the operators' activities.

An additional requirement has been inserted that requires registration plates to be displayed on the vehicle at the same location where the general public must display registration. The existing rule requires the plate to be clearly displayed but does not specify a location. The proposed change will require a specific location for the placement of plates for all vehicles and this uniformity will make enforcement of registration requirements more efficient. Requiring display in a common location will aid law enforcement officers, especially those who are not primarily responsible to enforce the provisions relating to vehicles, because it will allow them to look in a predictable location for display of registration. This new requirement will not be a problem for dealers or manufacturers to comply with because they are currently required to display the plates and this change merely identifies a specific location for placement of the registration plate. The changes to the rule under this subpart are therefore reasonable and necessary in order to effectuate an efficient system of registration which will aid in quick identification of all registered vehicles.

The changes to this subpart are intended to improve the understandability of the text and to clarify and improve the ability of law enforcement officers to distinguish registered vehicles from non-registered vehicles. Wording has been changed to a construction more commonly used in conversational English by removing "such" and inserting "the" in the text.

6102.0030

SPECIAL OPERATING PERMITS

The commissioner has authority to promulgate reasonable rules to effect registration of vehicles under Minnesota Statutes, section 84.788, subd. 2, (2). Minnesota Statutes, section 84.798, subd. 2(2), and Minnesota Statutes, section 84.922, subd. 1a (2), allow the commissioner to issue special permits to out-of-state vehicle users from a state or country where registration is not required, to operate in Minnesota for up to 30 days in connection with organized events.

These statutory provisions, when read together, provide authority for the commissioner to specify in rule the conditions and circumstances under which a special permit allowing operation of certain unregistered vehicles would be issued.

Subp. 1. Issuance. This part allows the commissioner to issue permits to operate a vehicle from a jurisdiction which does not require vehicle registration for up to 30 days without registration in Minnesota, in conjunction with special events. This provision is reasonable because it provides only limited duration for operation of an unregistered vehicle in conjunction with special events. It is necessary to ensure that non-residents are not eliminated from special events because their vehicles are not registered. This enhances tourism and has not been a source of any problems in the past under the existing rules for ATV's.

The existing rule does not provide a specific time limit, but rather allows permits for a limited period of time. The amendments to the rules will place a thirty day time limit on the special operating permit. The thirty day limit is necessary and reasonable to make certain the maximum time period for which a special operating permit will be issued and also brings the rule into conformance with statutory language⁵ that allows vehicles registered in another state or country to be operated in the state for up to 30 consecutive days.

Subp. 2. Commissioner's review. This language is new and is designed as an appeal process for any applicant who has been denied a permit. The proposed rules give the applicant 30 days to appeal the commissioner's decision. Thirty days is ample time for the applicant to appeal the denial of the application. Any longer may render the decision moot due to the fact that the event may be over, and had a permit been granted, it would be expired under subpart 1. It is also an appropriate time period so that the facts concerning the denial will be recent in time to facilitate the commissioner's review. Within 15 days of the request for review, the commissioner must render a decision. This is an appropriate period of time for the commissioner to complete the review and render a decision and should not place an undue hardship on the applicant who has sought the review. This provision is necessary and reasonable to give requesting organizations an opportunity to appeal a denied permit application and it is also a reasonable and necessary time length for the commissioner to complete the review and render a decision.

6102.0040 REQUIRED EQUIPMENT

The commissioner has authority to promulgate rules for vehicle use on public lands, waters and trails under the jurisdiction of the commissioner and on public roadways open to use by these vehicles. *See Statutory Authority, above.* The equipment requirements specified within this part are primarily to protect public safety, health and welfare, as well as the state's natural resources, and are required when vehicles are used in these places. These equipment requirements include:

- minimum specifications and a requirement for use of a headlamp;
- minimum specifications and a requirement for use of a tail lamp;
- minimum specifications and a minimum required amount of reflective material;
- minimum specifications for brakes;
- a throttle that will return to idle once pressure is removed;
- seat belt requirements for ORV's;
- equipment specifications for towing
- mufflers with spark arrestors
- minimum specifications for noise emissions

⁵ *Minnesota Statutes, sections 84.788, subd. 2 (2), 84.798, subd. 2 (2), and 84.922, subd. 1a (2) exempt vehicles from registration that are registered in another state or country that have not been in the state for more than 30 consecutive days.*

Subpart 1. Vehicle. This subpart prescribes equipment requirements for vehicles. The requirements include headlight specifications, tail lamp specifications, brake specifications, and throttle requirements. In addition to adding OHM's and ORV's to the requirements of this subpart, language is added to clarify that the head lamp and tail lamp must be in operation under the conditions specified in this part. This change is reasonable and necessary to clarify that, in addition to the requirement that the vehicle must be equipped with a headlamp and tail lamp, the head and tail lamps must be in operation under the specified conditions. The proposed rules also require that the lamps must be in operation during periods of reduced visibility in addition to hours of darkness. Because conditions of inclement weather may make it more difficult to observe a moving vehicle, vehicles should have the head and tail lamps in operation during periods of reduced visibility. It is essential for public safety purposes that vehicles operated on public lands and waters be visible to other operators in addition to the operators having good visibility of the terrain that they are driving over. Thus, it is necessary and reasonable to require ATV's, OHM's and ORV's to have headlamps in operation during periods of reduced visibility, in addition to hours of darkness.

The requirements in this subpart are reasonable and necessary to clarify when headlamps and tail lamps use are to be used and to ensure that vehicles operated on public lands, public waters, trails, streets and highways have the equipment necessary to make them visible to other vehicles and are able to stop in a safe and effective manner.

Paragraph "E" of subpart 1 is new language which requires that all ORV's must have seat belts for each human occupant and that the seat belts must be worn when the vehicle is in operation. This requirement addresses safety concerns to protect the driver and passenger.

Off-road vehicles are primarily used off-road on rough, bumpy, hilly unimproved terrain. Because of this, occupants will be bounced and jostled inside the cab during operation of the vehicle. This could cause physical injury to the occupants who may hit the roof or fly to the side or, in the case of a passenger, hit the driver. This also may cause the driver to lose control of the vehicle, in addition to creating an increased possibility of a vehicle rollover. Wearing seatbelts will prevent the occupants from being thrown from the vehicle and will allow the driver to better control the vehicle and thus reduce the risk of a rollover or other type of vehicle accident. In addition, the off-road vehicle can be used on public roads if licensed under Minnesota Statutes, chapter 168, and Minnesota Statutes, section 169.686 requires the use of seat belts in passenger vehicles. It is reasonable to require that off-road vehicles be equipped with seat belts for each human occupant and that the occupants be required to wear seat belts when the vehicle is in operation. Requiring installation and use of seat belts is therefore necessary and reasonable to help prevent human injury and is also necessary to insure that occupants of off-road vehicles will be able to comply with existing state law requiring the use of seat belts for those times that off-road vehicles licensed under chapter 168 are being operated as passenger vehicles on public roadways.

Subp. 2. Sled, trailer, or device towed by a vehicle. This subpart requires that reflective material be applied to any device towed by a vehicle and also provides specifications for the reflective material. The changes to this subpart are necessary to clarify which standards had been established as the minimum standard and to provide clarification of where these standards can be found. These requirements are reasonable and necessary to ensure that devices towed by a vehicle are readily visible under all atmospheric conditions and conditions of darkness.

The change to this subpart requires that a sled or device which contains human passengers that is being towed by a vehicle must have a solid, non-flexible attachment to the vehicle, unless the vehicle being towed is disabled and the passenger is necessary to steer the disabled vehicle. This will eliminate a primary cause of accidents which result from children falling from a saucer-type sled or toboggan attached to a vehicle by a long tow rope, which allows the sled to swing in a wide arc. When the sled accelerates in a wide arc, neither the vehicle operator nor sled passenger(s) has any control over the path of the sled. It is not uncommon for a rope tethered sled to swing into the path of a motor vehicle or strike a fixed object. It is therefore reasonable and necessary to eliminate this potential cause of accidents in order to reduce the number of accidents or fatalities caused by sleds or other devices that have lost control while being towed by a non-solid means of attachment to the vehicle.

Other changes to this subpart are organizational and are being made to improve readability and understanding.

Subp. 3. Maker's permanent identification number. This subpart requires that makers of OHM's and ATV's permanently stamp serial numbers on a steering head or a frame member on the forward half of OHM's manufactured after January 1, 1994, and ATV's manufactured after January 1, 1995. The serial numbers must be in the English language placed to read from left to right, be readable without removing any part of the vehicle, and not be duplicated by that maker within ten succeeding years. It is reasonable to require permanent fixation in a logical place such as the steering column or frame head to allow for quick identification of the vehicles. It is further necessary in order to assist with the registration of a vehicle by requiring a definite placement place for the vehicle identification number, and will also aid in identification of lost, stolen or abandoned vehicles and location of vehicle owners. The requirement that the number not be duplicated within ten succeeding years is not changed from the original ATV rules. It is reasonable that OHM makers, as well as ATV makers, not be allowed to duplicate an identification number for 10 years in order to minimize the number of vehicles with the same identification number from being operated or registered within the state. This subpart is therefore necessary and reasonable to allow for quick identification of vehicles by requiring a specific location for placement of the identification number and to allow for elimination of or reduction of vehicles with identical identification numbers.

Subp. 4. Mufflers. This subpart provides requirements and sound level restrictions for vehicle mufflers. In addition to requiring OHM's and ORV's to have muffler equipment, the changes to this subpart are necessary to clarify for the users the specification requirements of the

equipment and to clarify in which publication these standards can be found. These requirements are reasonable and necessary to ensure that noise generated by vehicles is reduced to levels that do not disturb persons not engaged in operating a vehicle. The reduction in noise levels reflects the current state of technology, and poses no hardship for vehicle manufacturers. It is also reasonable and necessary to require spark arrestors on vehicles that will routinely be traveling in areas with possible high grasses and underbrush in order to lessen the possibility of a grass or brush fire (and consequent threat to natural resources) starting from the sparks emitted by a vehicle's muffler. The federal specifications for spark arrestors are standard in the industry, and therefore should pose no hardship for manufacturers.

6102.0050 USE OF VEHICLES ON PUBLIC LANDS, WATERS AND TRAILS

The commissioner has authority to regulate the use of vehicles public lands, waters and trails under the jurisdiction of the commissioner and on public roadways open to their use. *See Statutory Authority, above.* These subparts provide a general regulatory scheme for the use of vehicles in these places. The subparts specify that vehicles are allowed to be used on public lands, waters and trails, except where restricted for valid reasons. Government subdivisions are allowed to exercise regulatory control over vehicle use on public waters that is not inconsistent with law or these rules, once approved by the commissioner. The speed of vehicles using public lands and waters is regulated, and exemption from the speed limit is provided under certain circumstances.

Subpart 1. Traffic control . The proposed amendments to this part replace references to ATV's with references to "vehicles." This is reasonable and necessary in order to include OHM's and ORV's within this subpart. This requires that all vehicles operated on public lands, waters, and trails must comply with trail signs; must travel in the direction indicated for one-way trails; remain to the right of a trail treadway when meeting or being overtaken by another vehicle; when passing, pass on the left of the vehicle being overtaken and pass only when oncoming traffic is clear and it is safe to proceed; leave enough distance between vehicles when returning to the right of the treadway; requires that vehicles entering or crossing trail treadways yield the right of way to users already on the treadway; identifies that the vehicle on the right has the right-of-way when two vehicles are about to enter an unmarked intersection at approximately the same time; and requires all vehicles to yield to non-motorized trail users and shall shut off the vehicles when meeting a horse until the horse has passed or until waved on by the rider or driver of the horse. It is reasonable and necessary that OHM's and ORV's that are using public lands, waters and trails be included in the use requirements enumerated above. The requirements are a reasonable and necessary method to insure the safe and responsible use of vehicles and to ensure that the public has a clear understanding as to what the proper use and right-of-way of vehicles is when more than one vehicle is using the trail.

Subp. 2. Operation of vehicles. This subpart provides specific restrictions on the speed at which vehicles are allowed to operate. The regulation of operating speed is especially important to reduce accidents and fatalities. Vehicles operate over uneven surfaces which makes them inherently unstable. The existing restrictions have proved over time to be effective in limiting

accidents and fatalities when observed by the public. The major causal factor in vehicle fatalities over the same period was alcohol use. Alcohol and excessive speed are frequently found together as causal factors of vehicle accidents.

Specifically the subpart addresses the following:

- operation at speed that is greater than is reasonable or proper under all surrounding circumstances;
- operation at a speed greater than that posted on a public trail or on public land;
- required use of headlight at night and during reduced visibility.

The subpart also provides authority for the commissioner to issue special permits waiving the speed limit restrictions during an organized race or similar event held upon public lands or waters. These restrictions are reasonable and necessary to decrease the number of accidents and fatalities that result from operation of vehicles at excessive speed.

Other proposed changes in this subpart are non-substantive and are reasonable and necessary to clarify the meaning and intent of the existing rules and to improve readability of the text.

Subp. 3. Regulation by government subdivisions of state. This subpart allows governmental subdivisions to regulate vehicle use on public waters within their boundaries, provided that the regulating ordinance or resolution is not inconsistent with these parts. Any regulations restricting the period of time during which vehicles may be used on public waters must be approved by the commissioner.

These provisions are reasonable and necessary to address local situations such as noise concerns, traffic patterns, and protection of local resources (parks, geographical features, etc.)

The requirement for the commissioner to approve restricted periods of operation is reasonable and necessary to prevent a local government from entirely prohibiting vehicle use, or improperly restricting it. Similarly, the requirement that local ordinances or resolutions must not be inconsistent with the rules promulgated by the commissioner is reasonable and necessary to ensure that unreasonable restrictions are not enacted by a local jurisdiction (e.g., driver's license requirement, extremely restrictive noise ordinance, etc.) This oversight function and requirement for local regulation to be consistent with rules promulgated by the commissioner ensures that vehicle operation will not be eliminated by a local jurisdiction but leaves them the ability to reasonably regulate vehicle use in their particular jurisdiction.

The changes proposed in this subpart are provided to improve the understandability and clarity of the text as well as to specifically indicate which rules apply to the creation of local regulations. These changes are reasonable and necessary because they do not substantively change the effect of this subpart but do improve the clarity and understandability of the text. A person reading the

text of the proposed subpart will better understand how local governmental units can regulate vehicle operation.

6102.0060

UNIFORM SIGNS

The commissioner has been granted the authority to promulgate rules relating to uniform signs to be used by the state and government subdivisions, when necessary or desirable to control, direct or regulate the operation and use of vehicles. Minnesota Statutes, sections 84.79 (a) (4), 84.80 subd. 1 clause (3), 84.924 subd. 1 clause (4).

Previously, the individual sign specifications, sizes, shapes and colors were identified in this rule part. Individual specifications have been deleted in favor of a reference to the Department of Natural Resources sign manual, a reference document available to the public upon request. This change allows the department to change sign specifications as technology and needs dictate. The DNR sign manual is a reference that the department maintains and will continue to maintain, making the designation and specifications of vehicle regulatory and control signs unnecessary in rule. It is reasonable and necessary to delete references to specific sign specifications and plans in rule. This change will also eliminate the need to change the rule in the future to make a change in a designated sign.

The inclusion of the requirement that signs posted to control vehicles must be obeyed is reasonable and necessary to ensure that the public understands that signs posted under lawful authority have the force and effect of law. This will allow law enforcement officers to take appropriate action for violations of posted speed limits and other posted regulatory requirements.

[Subparts 2-9 repealed.]

6102.0070

OHM AND ATV EDUCATION AND TRAINING PROGRAMS

The commissioner is given authority to establish by rule a comprehensive OHM and ATV informational and safety education program under the authority of Minnesota Statutes, section 84.791 for OHM's and 84.925, for ATV's. The statutes address program content, course fee, and cooperation with private organizations and associations, and governmental subdivisions.

The language established by this part specifies the operational procedures of the vehicle education and training program known as the ATV or OHM Safety Training Program. These provisions are reasonable and necessary to successfully operate this program. The ATV program has successfully operated for over twelve years and has trained in excess of 5470 Minnesota youth and adults in the principles of safe, responsible vehicle operation. The new language establishes by rule the ATV program, and includes the OHM program.

Subp. 1. Administration This part addresses the need for the department to be the administrator of the education programs. It is essential to have a central administrator for the educational

courses and it is reasonable that the safety coordinator for the Enforcement Division of the Department of Natural Resources assume that role.

Subp. 2. Course content. This part covers specific course content, machine nomenclature, control familiarization, machine safety features, operating procedures, OHM and ATV laws and rules, loading and towing procedures, OHM and ATV code of ethics, safety hazards of operation including possible hearing damage, environmental consequences, and written test. These are the basic areas of knowledge for safe vehicle operation and education and they are essential to an effective safety training program. It is therefore reasonable and necessary that the course content include the above mentioned topics.

Subp. 3. Safety certificate. This provision directs the department to issue a certificate to anyone who successfully passes the course and applies to the safety coordinator for a safety certificate. The student must provide the student's name and date of birth. This is reasonable and necessary to insure accurate preparation of the certificate, insure that the applicant is in fact the successful student, and provide for a method of record keeping for the department. This part also allows a participant to obtain a replacement certificate for a certificate that may have been lost. All the participant need do is contact the DNR enforcement division and pay the original issuance fee, which is not to exceed \$5.00 as required by statute, for the replacement certificate. The certificate is to also show the name and birth date of the participant. This is reasonable and necessary to insure that certificates will not be used by anyone other than the student to whom it was issued. This part is necessary to recognize that successful participants are entitled to receive a certificate evidencing their successful participation. It is also reasonable and necessary to establish protocol for replacement of lost certificates.

The direction to cooperate with private organizations and associations, while not specifically referenced in the rule text, is given effect by the use of user group clubs to sponsor the training program and by use of club members as volunteer instructors. Governmental subdivisions are also frequent sponsors of the training program through the efforts of parks departments.

6102.0080 OFFICIAL USE AND VARIANCE

This part is all new language stating that the parts 6102.0010 to 6102.0050 do not apply to licensed peace officers or an employee or agent of the department while engaged in the performance of official duties. It also allows the commissioner to grant a variance from the rules when necessary for maintenance, conservation or public safety purposes.

Exempting law enforcement from the rules is reasonable and necessary recognizing that licensed peace officers may need to exceed the bounds of the rule in the execution of their official duties. Likewise, department personnel or agents of the department may find it necessary to be exempt from the rules in order to perform official duties for care and maintenance of trails and other state

property. For example, a peace officer cannot be expected to apprehend someone who is exceeding the speed limit while being required to observe that very speed limit. This part acts as a tool for law enforcement in the execution of their official duties no different than a squad car. Society expects law enforcement to maintain public safety and the state to maintain state property. This part allows law enforcement and department employees or agents to perform those duties that are expected of them by the general public. It is sufficiently narrow in that it only allows the exemption while the officer or employee or agent is acting in the performance of their official duties. It is therefore reasonable and necessary for licensed peace officers and employees or agents of the department to be exempt from the rules while performing their official duties.

Recognizing that circumstances may arise that may warrant action not permitted under parts 6102.0010 to 6102.0050 by persons other than licensed peace officers or department employees or agents during the performance of their official duties, this part also gives the commissioner discretion to grant variances when necessary for maintenance, conservation or public safety purposes. This part allows the commissioner to respond to emergency situations, such as a forest fire where volunteer fire fighters will assist the department, or to situations where private interest groups may volunteer to assist with trail grooming or maintenance, by allowing the commissioner to grant a variance from the rules to further public interest. This part is reasonable and necessary in order for peace officers to conduct and enforce proper laws and rules and for department employees or agents to conduct official duties. It is also reasonable and necessary to allow the commissioner to respond to issues concerning maintenance, conservation and public safety by allowing the commissioner to grant a variance from the rules when necessary.

6102.0010 REPEALER.

Subpart 6.

Previously "duplicate certificate" now being covered in a previous part.

6102.0060 REPEALER.

Subparts 2, 3, 4, 5, 6, 7, 8, and 9.

Previously the makeup of individual signs was prescribed in separate subparts of this part. The change recognizes the fact that the general sign specifications, i.e. size, reflection, shape, color, etc., have been enumerated in book form known as the Department of Natural Resources sign manual, which is available to the public upon request. The DNR sign manual is a reference that the department maintains and will continue to maintain, making the designation and specifications of vehicle regulatory and control signs unnecessary in rule. It is reasonable and necessary to delete references to specific sign specifications and plans in rule. This change will also eliminate the need to change the rule in the future to make a change in a designated sign.

Department Charges

In accordance with Minnesota Statutes, section 16A.1285, pertaining to department earnings from charges for goods and services, licenses, or regulation, the rules were submitted to the

Commissioner of Finance for the Commissioner's review and comment on the charges established or adjusted in these rules. The Commissioner of Finance's comments are attached as *Appendix 2*.

Witnesses

If these rules go to a public hearing, the witness listed below may testify on behalf of the department in support of the need for and reasonableness of the rules. The witness will be available to answer questions about the development and content of the rules as well as options and alternatives that were considered during the development of the rules.

LT Michael R. Hamm	500 Lafayette Road
Regional Training Officer	St. Paul, MN 55155-4047
Conservation Officer	612-777-3095
Dept. of Natural Resources	

Any other employee of the Department of Natural Resources may also be called to testify for 6102.001 through 6102.0090.

Conclusion

Based on the foregoing, the Department of Natural Resources' proposed amendments to rules are both necessary and reasonable.



Assistant Commissioner

Signature

Narrative for Commissioner of Finance Review to the Proposed Permanent Rules Relating to Off-Highway Motorcycles, Off-Road Vehicles, and All-Terrain Vehicles

Minnesota Statutes, section 14.23, **Statement of Need and Reasonableness** requires the department's statement of need and reasonableness to include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by *Minnesota Statutes*, section 16A.1285.

Subdivision 1 of *Minnesota Statutes*, 16A.1285, defines departmental earnings as "any charge for goods and services and any regulatory, licensure, or other similar charges levied by any state agency and paid by individuals, businesses, or other non state entities." Subdivision 2 further provides that specific charges falling within subdivision 1 "must be set at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services."

The proposed changes to subpart 1 of Minnesota Rules, part 6102.0010, do not change the existing fee structure for application of vehicle registration, but rather incorporates existing statutes that have an established fee structure for vehicle registration into rule. The proposed changes to subpart 5, of Minnesota Rules, part 6102.0010 also do not establish a charge that is not already provided for in statute. The fee and the amount of the fee for a replacement registration is specifically addressed in Minnesota Statutes, section 84.788, subdivision 4, for off-highway motorcycles; Minnesota Statutes, section 84.798, subdivision 5, for off-road vehicles; and, Minnesota Statutes, section 84.922, subdivision 3, for all-terrain vehicles.

The proposed changes to Minnesota Rules, part 6102.0020, subparts 1 and 2, regarding dealer and manufacturer registration fees do not increase the fees established by statute for the issuance of the dealer registration certificate. The new rules however, do reduce the number of registration plates provided with the registration certificate to the dealers and manufacturers upon registration. The existing rules provide that dealers will be provided three registration plates and manufacturers will be provided 12 registration plates. Under the proposed rules, dealers and manufacturers will receive only one registration plate with the registration certificate. New language is added that will allow the purchase of duplicate registration plates at the cost of \$4.00 per plate, which is the amount for duplicate registration provided for in Minnesota Statutes section 84.788, 84.798 and 84.922. The additional cost to be born by a dealer who purchases two additional plates will be \$8.00; and the additional cost for a manufacturer who purchases eleven additional plates will be \$44.00.

The new rules will also allow a dealer or manufacturer to purchase more than a total of 3 or 12 plates. The cost for additional plates beyond the one issued with the certificate will offset the department's costs in providing the additional registration plates to the dealers and manufacturers. Thus, the proposed changes to 6102.0200 are a reasonable and necessary to allow the department to provide additional registration plates to dealers and manufacturers, while allowing the department to offset the costs of this service by establishing a reasonable fee.

Therefore, the department's proposed changes to Minnesota Rules, chapter 6102, do not set or establish new fees except for the duplicate registration plates for dealers and manufacturers. This fee is adequate to compensate the department for the service and goods provided and does not over recover nor under recover the costs involved in providing the goods and services.

Appendix 1

Office Memorandum

Department: of Finance

Date: August 19, 1996

To: Gloria Johnson
Department of Natural Resources

From: Michelle Harper *MH*
Budget Operations

Phone: 296-7838

Subject: Departmental Earnings Rate Change Response-All Terrain Vehicle Account



Pursuant to provisions of M.S. 16A.1285, the Department of Finance has reviewed and approved the attached departmental earnings proposal submitted by Natural Resources on 8/19/96. If you have any questions or concerns, please call me at the above number.

cc Bruce Reddemann
Lyle Mueller

Department of Finance Departmental Earnings: Reporting/Approval

Part A: Explanation

Earnings Title: All Terrain Vehicle Account	Statutory Authority: M.S. 84.927	Date: 8/13/96
Brief Description of Item: ATV Registration		MS 84.788 subd 6 MS 84.798 subd 6 MS 84.922 subd 5
Earnings Classification (check one): 1. <input checked="" type="checkbox"/> Service/User 2. <input type="checkbox"/> Business/Industry Regulating 3. <input type="checkbox"/> Occupational Licensure 4. <input type="checkbox"/> Special Tax/Assessment 5. <input type="checkbox"/> Other (specify):		
Submission Purpose (check one): 1. <input checked="" type="checkbox"/> Chap. 14 Review and Comment 2. <input type="checkbox"/> Approval of Allowable Inflationary Adjustment 3. <input type="checkbox"/> Reporting of Agency Initiated Change in Departmental Earnings Rate 4. <input type="checkbox"/> Other (specify):		
If reporting an agency initiated action (option 3 above), does agency have explicit authority to retain and spend receipts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, cite pertinent statutes: MS 84.927 subd 1,2		
Impact of Proposed Change (For rate changes included in the biennial budget, reference page number. For rate changes not included in the biennial budget, reference authority to make such changes.) The statutory reference for the Commissioner's rulemaking authority related to vehicle registration is contained in MS 84.924. See attached OHM/ORV/ATV Sonar) General Statement		
Current Unit Rate(s): \$ 0.00	Proposed Unit Rate(s): \$ 4.00	

Department of Finance
Departmental Earnings: Reporting/Approval (Cont.)
 (\$1,000,000 = 1,000)

Part B: Fiscal Detail

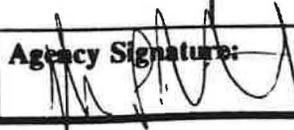
APID:	AID:		Rev. Source Code(s):		<input type="checkbox"/> Dedicated	<input checked="" type="checkbox"/> Non-Dedicated	<input type="checkbox"/> Both
Item	F.Y. 1993	F.Y. 1994	F.Y. 1995	F.Y. 1996 As Shown in Biennial Budget	F.Y. 1997 As Shown in Biennial Budget	F.Y. 1996 As Currently Proposed	F.Y. 1997 As Currently Proposed

REVENUES: Fund: 183 Org: 0000

(RSRC#/Name) 5407		186 187				0	.3*

EXPENDITURES: *Assuming implementation in the last six months of FY1997.

Direct							
Indirect							
Total							
Current Deficit/Excess							
Accumulated Excess/Deficit*						0	.3

Agency Signature: 

Executive Budget Officer:

Approval Date:



* F.Y. 1993 beginning accumulated balance to include amount of accumulated excess/deficit (if any) carried forward from F.Y. 1992. As necessary, attach detailed schedule/listing of proposed changes in departmental earnings rates.

OFFICE OF THE COMMISSIONER
440 Minnesota Center
St. Paul, MN 55101
North Central Building
St. Paul, MN 55101-2110
TTY ONLY (612) 297-5728
Fax (612) 297-5728
Telephone (VOICE) (612) 296-6642



STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

June 16, 1996

Colonel Leo Haseman, Director
Division of Enforcement
Department of Natural Resources
500 Lafayette Rd.
St. Paul, Minnesota 55155-4047

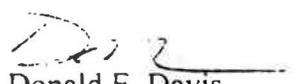
RE: PROPOSED PERMANENT RULES RELATING TO OFF-HIGHWAY
MOTORCYCLES, OFF-ROAD VEHICLES, AND ALL-TERRAIN VEHICLES

let
Dear Colonel Haseman:

The Department of Public Safety has reviewed the proposed amendment to Minnesota Rules, Parts 6102.0010-6102.0060 and the new language for proposed Rules, Parts 6102.0001..0002..0070..0080, and .0090.

Pursuant to Minnesota Statutes Sections 84.788, 84.79, 84.798, 84.80, 84.924, and 84.928 Subd. 1, a (5) b, c, d, e: the undersigned does hereby, on behalf of the Department of Public Safety, concur with and approve of the proposed aforementioned Rules.

Sincerely yours,


Donald E. Davis
Acting Commissioner

cc: Lieutenant Mike Hamm



Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

June 10, 1996

Rodney W. Sando, Commissioner of DNR
Division of Enforcement
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4047

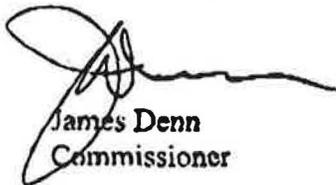
**Re: Proposed Permanent Rules Relating to Off-Highway Motorcycles,
Off-Roadway Vehicles, and All-Terrain Vehicles**

Dear Commissioner Sando:

In response to the proposed rules provided to Darryl Durgin, my deputy commissioner, by Mike Hamm of your staff, the Minnesota Department of Transportation has the following comments pursuant to Minnesota Statute Sec. 84.79(A)(a):

- Line 16, page 9, Sec. 6102.0060, Uniform Signs, should be modified to read ". . . department Sign Manual and consistent with the MnMUTCD (Minnesota Manual on Uniform Traffic Control Devices) when signs are located on roadway or highway right of way."
- We concur with all other amended rules in parts 6102.0010-.0060 and new language in parts 6102.001, .0002, .0070, .0080, and .0090.

Sincerely,



James Denn
Commissioner

c: Col. Leo Haseman, Director
M. Hamm, DNR
G. Johnson, DNR

Addendum

to

Statement of Need and Reasonableness

Proposed Amendments to Minnesota Rules Chapter 6102

Rules Governing

All-Terrain Vehicles, Off-Highway Motorcycles and Off-Road Vehicles

In addition to other requirements, Minnesota Statutes, section 14.23, requires that the agency *identify the probable costs to the agency or other agencies of the implementation and enforcement of the proposed rules and any anticipated effect on state revenues*. Discussion of these issues is at page 3 of the Statement of Need and Reasonableness (SONAR) concerning amendments to Minnesota Rules, chapter 6102. As a matter of clarification to the SONAR, it is not anticipated that the proposed rules will affect the revenues or costs of any other state agency. The rule changes do not impose any requirements for implementation and enforcement that are not already elements of the law for enforcement purposes.



Gail Lewellan
Assistant Commissioner for
Human Resources and Legal Affairs

6/18/97
Dated

Addendum

to

Statement of Need and Reasonableness

Proposed Amendments to Minnesota Rules Chapter 6102

Rules Governing

All-Terrain Vehicles, Off-Highway Motorcycles and Off-Road Vehicles

In addition to other requirements, Minnesota Statutes, section 14.23, requires that the agency *identify the probable costs to the agency or other agencies of the implementation and enforcement of the proposed rules and any anticipated effect on state revenues.* Discussion of these issues is at page 3 of the Statement of Need and Reasonableness (SONAR) concerning amendments to Minnesota Rules, chapter 6102. As a matter of clarification to the SONAR, it is not anticipated that the proposed rules will affect the revenues or costs of any other state agency. The rule changes do not impose any requirements for implementation and enforcement that are not already elements of the law for enforcement purposes.



Gail Lewellan
Assistant Commissioner for
Human Resources and Legal Affairs

6/18/97
Dated

