

Interesting or otherwise notable legal provisions elsewhere

Reviewed to some extent either programs or legislation in: Maine, Wisconsin, Minnesota, New York, New Hampshire, Idaho, Iowa, Pennsylvania, Connecticut, West Virginia, Texas

Registration

Wisconsin: Three types of registration:

1) public use – valid 2 years July to June - \$12

2) agricultural use – valid until transfer - \$6

3) private use – valid until transfer - \$6

Also out of state if certain states or length of time

-can register by completing application at dealer and having validated receipt until registration certificate and decal arrive in mail

-otherwise mail system w/ DNR

Minnesota:

-in person at Deputy Registrar or DNR costs registration fee plus filing fee \$7.00 (deputy) or \$4.50 (DNR)

-online renewal

New York

-mandatory except solely agricultural use or snowplowing (unless for-hire plowing)

New Hampshire:

-registration is available at over 200 OHRV Registration agencies – OHRV sales and repair shops, sporting goods stores, country and general stores, and some marinas

-also can be purchased by mail from Fish and Game Department

Idaho: must register new vehicle at dealer when buy vehicle; annual after that with January 1 renewal date - \$10.00; register at county courthouse, motorcycle dealers, Idaho Dept of Parks and Recreation offices (\$1.50 vendor fee included) – only exception is motorbike or ATV used exclusively on private agricultural land

Iowa: must fill out registration at time that buy new vehicle; dealer sends it in and you can use the interim card for 10 days

Licensing – machine

Insurance

New York: mandatory unless own property only – but insurance not linked to registration

Funding Mechanism

Maine proposes:

- want funding focused on law enforcement
- establish mitigation fund for when damage done by unidentified riders who can't prosecute

Pennsylvania: enable grants to municipalities and profit and nonprofit orgs for trail development and facilities on private lands

Wisconsin ATV Program – a special account – registration fees go to special account – majority dedicated to trail system, other portions to law enforcement, registration system and program incidentals

- also gas tax – get gas excise tax on 25 gallons of gas for every registered ATV – goes to trails program
- DNR distributes funds to counties and municipalities for ATV program part and trail maintenance, grants for infrastructure improvement

Minnesota: use registration fee increase of \$5 to enhance funding for trail development and maintenance

- new law created a 2-year off-highway vehicle damage account – to be used for repair or restoration of property damage by ATVs in any unpermitted area

Connecticut: proposes use registration fee increase to go into conservation fund to support development of riding trails and enforcement of law

Utah Code: all registration fees and related moneys collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Division under this chapter shall be deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division. The balance of the monies may be used by the division as follows:

- (a) for the construction, improvement, operation, or maintenance of publicly owned or administered off-highway vehicle facilities;
 - (b) as grants or as matching funds with any federal agency, political subdivision of the state, or organized user group for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities including public access facilities;
 - (c) for the administration and enforcement of the provisions of this chapter; and
 - (d) for the education of off-highway vehicle users.
- (2) All agencies or political subdivisions requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the division for review and approval.

Access Laws

Maine proposes:

- closures by land type (e.g. wetlands)
- closures by season (mud season)

Wisconsin: Detailed laws re: rights of way and roadways

Minnesota: use on designated trails only

- review state forest classification – ATV use limited to only posted and designated trails reviewed and approved by DNR – with environmental review
- grant local government authority to regulate ATV use in ditches

Dennis Anderson – reporter in Minnesota – suggests lifting ban during hunting season so people can haul their game out

Operator Laws – Safety

Wisconsin: Safety certificate for under 12s or under 16s, depending on where operated

Connecticut: proposed law – certificate to operate on state land – to be issued after completion of safety course admin'd by govt

New York – not mandatory, but “DMV-approved” safety training courses area advertised by government – ATV Safety Institute puts on

Texas: before you can ride on public land, you must register ATV for off-highway use, place the decal on the handlebar, and complete the ATV safety course!!

- New Hampshire requires a driver's license (or safety education certif for unaccompanied kids age 14-17), and cannot drive an OHRV if licence under suspension or revocation
- safety education certificate comes with taking safety education class

Utah -a common thread is as put by Utah: supervision, safety certificate or driver licence required top operate on any public land, street etc. – safety course funded in part by extra \$2 added to registration fee and an up to \$10 fee for course and knowledge and skills test or up to \$5 for test

- child under 8 cannot operate on public land, trail, street etc except if sanctioned event where life support people are there and ambulance service

Iowa – under 12s can only operate on public land if taking safety course under the supervision of certified instructor and parent or guardian

- under 18s can only operate on public land or land purchased with fund monies if have a safety certificate

Operator Laws – Responsible Use

Maine proposes: age 10+ unless own land

Wisconsin: Speed distance and hours restrictions re: operation near person, ice shack or near a home

Dennis Anderson – reporter in Minnesota: proposes make play areas in defunct mine areas, gravel pits and other similarly already destroyed areas

New York – locality may impose additional restrictions or rules re: operation
-various riding restrictions re: do's and don'ts – sitting, passengers, speed, railway line, alcohol/drugs, careless/reckless, hwy use with studded tires, tree nursery, near dwelling, pulling or towing, on ice, on skating rink

Iowa has a similar list of do's and don'ts – see Iowa Code 321G.13

Equipment Standards – Safety

Wisconsin: Helmet – use and age determines
Lights, brakes

New York: helmet mandatory, recommend face shield and goggles, protective clothes and footwear

-most states seem to require helmet??

Equipment Standards – Responsible Use

Maine proposes:
-sound standards
-prohibit certain equipment (snorkels, deep tread tires) except at sanctioned event

Wisconsin: Muffler, spark arresters

Dennis Anderson – reporter in Minnesota: proposes get manufacturers interested in less aggressive tread on machine

New York: brakes, muffler, spark arrester, tire tread specs, headlight and taillight at night

Idaho – during fire season (May 10 to Oct 20) all motorcycles or ATV's will have a Forest Service approved spark arrester, shovel and bucket. Your helmet can take the place of a bucket.

Idaho: noise limit of 96 dB at 0.5m

Iowa: rather detailed muffler laws re: operating, selling and re-selling and notifying if non-compliant with law – Code 321G.11

Law Enforcement Strategy and Structure, Personnel, Training

Maine proposes:

- need lead agency
- coordinate law enforcement inter-agency cooperation
- focus on problem areas
- mobile strike force for heavy complaint areas
- ATVs available to field personnel, trained to use them

Wisconsin:

- Conservation Wardens and sheriff patrols
- also Trail Ambassador – volunteer who id's problems and reports to officials

Minnesota:

- DNR conservation officers or other licensed peace officers

Legal Penalties or Tools

Maine proposes:

- violations as points against drivers license
- part of record
- impoundment provisions re: criminal violations
- destruction of signage offences

Pennsylvania: increase fines

Wisconsin: ATV Operator Code of Ethics, Basic ATV Safety Code

- liability of landowners addressed and reduced
- standardized trail signs, offence to tamper with
- implied consent law re: breath sample (goes with alcohol and drug impairment prohibition)
- fines \$101-2000, jail up to one year, revocation of privilege to ride

Minnesota:

- fines \$100-500 and civil citation and restitution for public or private property damage
- where an ATV trail grant-in-aid recipient violates federal or state law, or the DNR grant agreement terms, future payments may be withheld and restitution is allowed for property damage

Program Delivery

Pennsylvania: ATV/snowmobile advisory committee

Wisconsin: Off-Road Vehicle Council since 1986 guides DNR on leg'n, safety and sponsor funding requests – 7 volunteers from cross state

Minnesota: DNR required to work with volunteer clubs to improve and maintain forest and other public land trails

Utah – Board of Parks and Recreation devises safety program standards and implements – can cooperate with private entities for program delivery

Communications

Maine proposes:

-communications plan – media, brochures, clubs, schools, parents re: child safety and atv size, sport shows

Idaho has an interesting way of explaining info: it lists what you need to :

1. Operate on highway or paved road
2. Operate on unpaved roads on federal or state public lands
3. Operate off-highway