

## INFORMATION BRIEF

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June 2003

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# The All-Terrain Vehicle Law of 2003

The 2003 Legislature was poised for comprehensive legislation on off-highway recreational vehicle (ATV) use on public lands. Limited legislation was passed in 2002, including the creation of a task force to examine remedies for problems with ATV use. The task force met throughout the latter half of 2002 and made some recommendations, but it did not reach an overall consensus.

Additionally, the Office of the Legislative Auditor issued a comprehensive report and made several recommendations on providing state-funded trails for off-highway motorized recreation.

These efforts in the last half of 2002 helped set the stage for the ATV law enacted in the 2003 session. This information brief explains provisions of that law.

In this brief, “ATV” is used generically for all off-highway vehicles, “DNR” is used for the Commissioner of Natural Resources, and the sections cited are from [Laws 2003, chapter 128](#), article 1. The ATV law can be broken down into the following main categories, which are discussed in the following pages:

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## Definitions

The law changed the definition of “off-highway vehicle” to include off-highway motorcycles, off-road vehicles, and all-terrain vehicles. The term is used in [Minnesota Statutes sections 84.771 to 84.930](#).

The new definition of “all-terrain vehicle” increases the total dry weight of a vehicle from 800 to 900 pounds.

## Registration

The law increased the fee for ATV registration to \$23 before January 1, 2005, and \$30 thereafter. ([Sec. 30](#))

For all off-highway motorcycles, off-road, and all-terrain vehicles, there is a DNR filing fee of \$4.50 for registration renewal and a filing fee of \$7 for registration by a deputy registrar. Off-highway motorcycles used on private land or used exclusively in organized track racing events are now required to be registered. ([Secs. 23-25, 29](#))

## Safety

The law requires the DNR to promote the safe and responsible operation of off-highway vehicles without harming the environment. ([Sec. 27](#)) The DNR must work with volunteer clubs to improve and maintain forest and other public land trails. The off-highway vehicle clubs must cooperate with the DNR in this purpose and promote the legal use of the trails. No agreement with club volunteers may displace the work of public employees.

## Use of Fees

Both the off-road vehicle and all-terrain vehicle accounts can be used for enforcement and public education grants to local law enforcement agencies. ([Secs. 26 and 32](#))

The law created a two-year “off-highway vehicle damage account.” Money in the new account must be used for the repair or restoration of property damage by ATVs in any unpermitted area after August 1, 2003.

## Operation

The law prohibits ATV use on public nonmotorized trails, clearly restricted areas, or in state parks and other natural areas. ([Sec. 19](#))

Unless the DNR posts signs allowing ATV use, ATVs are prohibited on DNR land and on county land within the boundaries of a state forest. A county board may modify the latter restriction. ([Sec. 21](#))

The law allows the DNR to grant a permit on a case-by-case basis for ATV operation on individual public trails for specified purposes. (Sec. 31)

Riding an ATV in a ditch or on the outside bank of a public roadway is allowed, unless a road authority with proper jurisdiction restricts the use. The law also allows the DNR to limit right-of-way ATV use if it potentially threatens individual safety or natural resources. (Sec. 33)

## **ATV Trails**

By December 31, 2006, the DNR must review the state forest classification system and certain conservation lands for ATV use and designate the areas as limited or closed for ATV use. (Sec. 167) The law allows a two-year extension for status determination and requires a status report to the legislature by January 15, 2005. State environmental review for forest status and trail designation is suspended until reclassification is complete. The law provides for new state environmental review rules for trails by January 1, 2005.

By January 15, 2005, DNR must submit a report to the legislative natural resource chairs on the compatibility of multiple uses of the outdoor recreation system. The DNR must specifically review the future ATV trail system, including how to pay for more trail miles.

The law mandates that at least 70 contiguous miles must be developed and completed for an ATV trail by April 1, 2007, on state and/or county land. (Sec. 169) The new trail may be of a loop design, and must include vehicle parking and rest areas.

## **Enforcement**

The law gives DNR conservation officers, or other licensed peace officers, the authority to issue civil citations to ATV drivers violating the law. (Sec. 20) The penalties are capped at \$100 for the first offense, \$200 for the second, and \$500 for subsequent offenses. The law also provides for an appeal procedure. A civil citation also requires restitution for any public or private property damage. If a civil citation is issued, misdemeanor penalties for the same offense cannot be pursued.

When an ATV trail grant-in-aid recipient violates state or federal law, or the DNR grant agreement terms, future payments may be withheld and restitution is allowed for property damage. (Sec. 34)

The DNR must report to the four legislative chairs of the environment and judiciary policy committees by February 1, 2004, on clarification of law enforcement authority for all DNR employees. (Sec. 162) Besides future ATV law enforcement activities, this also will impact other DNR recreational programs.

## Appropriations

Biennium funding for ATV purposes is contained in section 5, subdivisions 6 and 10.

Subdivision 6 appropriates:

- \$1,600,000 from the three ATV accounts for trail designation, development, repair, and maintenance;
- \$1,000,000 from the various ATV accounts for the Iron Range off-highway vehicle recreation area; and
- \$475,000 from the various ATV accounts for the two-year ATV damage account.

Subdivision 10 appropriates:

- \$1,400,000 from the various ATV accounts for enforcement of ATV activities;
- \$260,000 from the ATV account only for DNR administration of the ATV safety and environmental education and training program; and
- \$450,000 from the various ATV accounts for grants to county law enforcement agencies for ATV enforcement and public education activities based on ATV use in each county.

*For more information about natural resources, visit the environment and natural resources area of our web site, [www.house.mn/hrd/issinfo/environ.htm](http://www.house.mn/hrd/issinfo/environ.htm).*