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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE NO. 132

January 15, 2009

Authored by Cornish, Dill and Hackbarth

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

1.1 A bill for an act
1.2 relating to natural resources; allowing all-terrain vehicle operation on county
1.3 roads; amending Minnesota Statutes 2008, section 84.928, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2008, section 84.928, subdivision 1, is amended to read:

1.6 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
1.7 allowed in sections 84.92 to 84.929, a person shall not operate an all-terrain vehicle in
1.8 this state along or on the roadway, shoulder, or inside bank or slope of a public road
1.9 right-of-way of a trunk, county state-aid, or county highway.

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

1.13 (c) A person may operate ~~a class 2~~ an all-terrain vehicle within the public road
1.14 right-of-way of a county state-aid or county highway on the extreme right-hand side of
1.15 the road and left turns may be made from any part of the road if it is safe to do so under
1.16 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may
1.17 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a
1.18 designated class 2 all-terrain vehicle trail.

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

1.22 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
1.23 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside

2.1 bank or slope of a trunk, interstate, county state-aid, or county highway when the
2.2 all-terrain vehicle is:

2.3 (1) owned by or operated under contract with a publicly or privately owned utility
2.4 or pipeline company; and

2.5 (2) used for work on utilities or pipelines.

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

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

2.9 (2) siltation of waters of the state;

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

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

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

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

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

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

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