

CHAPTER 216
HB 591 - FINAL VERSION

19Mar2019... 0975h
05/15/2019 1858s

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19-0627
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HOUSE BILL 591

AN ACT amending the laws governing OHRVs and snowmobiles.

SPONSORS: Rep. Moynihan, Coos 2; Rep. L'Heureux, Hills. 21

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill amends the laws governing operation, registration, and required equipment for an OHRV or a snowmobile.

This bill is a request of the fish and game department.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT amending the laws governing OHRVs and snowmobiles.

Be it Enacted by the Senate and House of Representatives in General Court convened:

216:1 New Paragraph; Operation of All OHRVs. Amend RSA 215-A:6 by inserting after paragraph I-a the following new paragraph:
I-b.(a) The driver of any OHRV upon approaching, overtaking, or while following within a distance of approximately 150 feet of another vehicle or OHRV during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall dim all original equipped lights. The driver of any OHRV upon approaching, overtaking, or while following another vehicle or OHRV shall extinguish all aftermarket additional lighting at all times of the day or night.
(b) Aftermarket lighting shall be extinguished while operating upon any public way. Winter operation on public water shall be exempt from this subparagraph except that additional lighting shall be extinguished when meeting or overtaking other vehicles.
(c) No person other than a sworn law enforcement officer with powers of arrest shall operate an OHRV equipped with blue colored lights. Blue colored lights shall only be used on OHRVs owned or leased by state, county, municipal, or federal agencies.
(d) No person other than a sworn law enforcement officer with powers of arrest or an emergency response employee or volunteer of a city, town, state, or the federal government or an employee of a private ambulance service contracted with a city or town shall operate an OHRV equipped with red colored lights.
216:2 OHRV; Manufacturing Specification Requirements. RSA 215-A:12 is repealed and reenacted to read as follows:
215-A:12 Manufacturing Specification Requirements.

I. No person shall operate, sell, or offer for sale an ATV, trail bike, UTV, or any other OHRV which produces total vehicle noise of more than 96 decibels of sound pressure on the "A" scale when measured in accordance with the Society of Automotive Engineers (SAE) J1287 standard.

II. No person shall operate in this state any trail bike or other OHRV which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, or when the exhaust system is modified to comply with the provisions of paragraph I and RSA 227-L:20.

III. No person shall modify a OHRV in a manner that shall amplify or otherwise increase total vehicle noise above that emitted by the OHRV as originally manufactured with the original muffler nor shall any person operate any such modified OHRV. The provisions of this paragraph shall not apply to OHRVs operated at permitted OHRV events as defined in the department's administrative rules, Fis 1501.01(d).

IV. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which does not have a working headlight, except that an ATV with an engine size of 90 cubic centimeters or less, having 3 or more tires designed to hold not more than 10 pounds per square inch of air pressure, shall not be required to be equipped with a headlight.

V. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which is not equipped with a location on the front and rear of the ATV specifically for the placement of registration plates or decals, which measure 3 1/2 inches by 6 inches.

216:3 OHRV; Protective Headgear. Amend RSA 215-A:13-a to read as follows:

215-A:13-a Protective Headgear. No person under the age of 18 shall operate any OHRV within this state without wearing ~~[eye protection and]~~ protective headgear which meets or exceeds the specifications of FMVSS 218.

216:4 New Subparagraph; OHRV Required Equipment. Amend RSA 215-A:14, I by inserting after subparagraph (e) the following new subparagraph:

(f) At least one mirror showing the area to the rear of the OHRV. This subparagraph shall not apply to trail bikes.

216:5 New Paragraph; OHRV Registration. Amend RSA 215-A:21 by inserting after paragraph VI the following new paragraph:

VI-a. No person shall knowingly affix or permit to be affixed to his or her OHRV a registration decal or plate, issued by the department or by the registration authority of any other jurisdiction, that is assigned to another OHRV.

216:6 OHRV; Financial Responsibility and Conduct After an Accident. Amend RSA 215-A:28, I-a to read as follows:

I-a. The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of ~~[\$500]~~ **\$1,000**, or the owner of the OHRV having knowledge of the accident, should the operator be incapacitated, shall report the accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

216:7 New Paragraph; OHRV; Financial Responsibility and Conduct After an Accident. Amend RSA 215-A:28 by inserting after paragraph V the following new paragraph:

VI. Paragraphs I-a, III, IV, and V shall not apply to any person operating an OHRV solely as part of an organized, commercial event or area including but not limited to an OHRV race track or riding area.

216:8 OHRV Operation and License. Amend RSA 215-A:29, XV to read as follows:

XV. No person ~~[under the age of 18]~~ shall operate any OHRV within this state without wearing eye protection ~~[and protective headgear which meets or exceeds the specifications of FMVSS 218]~~, **unless the OHRV is equipped with a windshield or screen which protects the driver's eyes and face when the driver is sitting erect.**

216:9 New Paragraphs; OHRV Operation and License. Amend RSA 215-A:29 by inserting after paragraph XX the following new paragraphs:

XXI.(a) No person shall operate a utility terrain vehicle (UTV) in this state while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened, if said UTV is so equipped.

(b) No person who is less than 18 years of age shall operate a UTV in this state unless such person is wearing a seat or safety belt which is properly adjusted and fastened, if said UTV is so equipped.

(c) No person shall operate a UTV in this state while carrying as a passenger a person less than 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the provisions of this subparagraph shall not apply.

(d) A person shall not be guilty of a violation of this section if there is a provision contained in an individualized education program as defined in RSA 186-C:7 prohibiting or recommending against the use of restraints, or is being operated in a parade authorized by law or ordinance, provided that the parade vehicle is traveling at a speed of no more than 10 miles per hour.

XXII. No OHRV operator shall transport, carry, possess, or have any liquor or beverage, as defined in RSA 175:1, while seated on or within the passenger area of any OHRV except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the storage compartment of the OHRV. If the OHRV does not have a storage compartment, such containers shall be stored and transported in that compartment or area of the OHRV which is the least accessible to the operator.

216:10 New Paragraph; Operation of Snowmobiles. Amend RSA 215-C:8 by inserting after paragraph I the following new paragraph:

I-a.(a) The driver of any snowmobile upon approaching, overtaking, or while following within a distance of approximately 150 feet of another vehicle or snowmobile during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall dim all original equipped lights. The driver of any snowmobile upon approaching, overtaking, or while following another vehicle or snowmobile shall extinguish all aftermarket additional lighting at all times of the day or night.

(b) Additional aftermarket lighting shall be extinguished while operating upon any public way. Winter operation on public water shall be exempt from this provision, however, additional lighting shall be extinguished when meeting or overtaking other vehicles.

(c) No person other than a sworn law enforcement officer with powers of arrest shall operate a snowmobile equipped with blue colored lights. Blue colored lights shall only be used on snowmobiles owned or leased by state, county, municipal, or federal agencies.

(d) No person other than a sworn law enforcement officer with powers of arrest or an emergency response employee or volunteer of a city, town, state, or the federal government or an employee of a private ambulance service contracted with a city or town shall operate a snowmobile equipped with red colored lights.

216:11 Snowmobiles; Manufacturing Specification Requirements. Amend RSA 215-C:28 to read as follows:

215-C:28 Manufacturing Specification Requirements.

I. No person shall sell, offer to sell, or operate in this state, a snowmobile manufactured after July 1, 1981, unless it meets the minimum safety standards for snowmobile product certification of the Snowmobile Safety and Certification Committee in effect at the time of its manufacture, including the standards covering seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and is approved by the executive director.

II. ~~[No person shall sell, offer to sell, or operate in this state a snowmobile manufactured after January 1, 1973, which produces a sound level:~~

~~(a) If manufactured between January 2, 1973, and June 30, 1978, inclusive, of 82 decibels or more on the "A" scale when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice, J192a, "Exterior Sound Level for Snowmobiles";~~

~~(b) If manufactured on or after July 1, 1978, of 73 decibels or more on the "A" scale when measured in accordance with the Society of Automotive Engineers Recommended Practice, J1161, "Operational Sound Level Measurement Procedure for Snow Vehicles."]~~ ***No person shall sell, offer to sell, or operate in this state a snowmobile which produces total vehicle noise of more than 82 decibels sound pressure on the "A" scale as measured using the Society of Automotive Engineers (SAE) J2567 standard.***

III. No person shall operate in this state any snowmobile which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to snowmobiles operated at approved snowmobile ~~[competitions, or when the exhaust system is modified to comply with the provisions of paragraph IV and RSA 227-L:20.]~~ ***events as defined in the department's administrative rules, FIS 1501.01(d).***

IV. ~~[No person shall modify the manufacturer's specified exhaust system of any snowmobile in any manner which will increase or amplify the noise emitted above that emitted by the original muffler.]~~ ***No person shall modify any snowmobile in any manner that shall amplify or otherwise increase total vehicle noise above that emitted by the snowmobile as originally manufactured with the original muffler nor shall any person operate any such snowmobile. The provisions of this paragraph shall not apply to snowmobiles operated at permitted snowmobile events as defined in the department's administrative rules, FIS 1501.01(d).***

V. ***No person shall operate a snowmobile manufactured after February 1, 2007 that does not display on its exhaust system's critical components the letters "SSCC Certified," a visible and unaltered certification marking issued by an independent organization, the Snowmobile Safety and Certification Committee (SSCC), that certifies snowmobiles for uniformity of safety features and noise***

levels. The letters shall be legible and have a minimum height of 4 millimeters. The marking shall be on the exhaust silencer, visible and legible to an observer by lifting a snowmobile hood and without detaching or dismantling any component parts. The markings shall be embossed and pressed or attached in a similarly durable manner to the outer surface of the exhaust silencer assembly, and shall be resistant to alteration. The markings shall be so affixed that it shall be difficult to remove, replace, or alter without detection.

216:12 New Paragraph; Snowmobiles; Registration. Amend RSA 215-C:36 by inserting after paragraph IX the following new paragraph:

IX-a. No person shall knowingly affix or permit to be affixed to his or her snowmobile a registration decal or plate, issued by the department or by the registration authority of any other jurisdiction, that is assigned to another snowmobile.

216:13 Snowmobiles; Financial Responsibility and Conduct After an Accident. Amend RSA 215-C:48, II to read as follows:

II. The operator of a snowmobile involved in an accident resulting in death or injury to a person or damage to property in excess of [~~\$500~~] **\$1,000**, or the owner of the snowmobile having knowledge of the accident, should the operator be incapacitated, shall report the accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

216:14 New Paragraph; Snowmobiles; Financial Responsibility and Conduct After an Accident. Amend RSA 215-C:48 by inserting after paragraph VI the following new paragraph:

VII. Paragraphs II, IV, V, and VI shall not apply to a person operating a snowmobile solely as part of an organized, commercial event or area including but not limited to a snowmobile race track or riding area.

216:15 Transporting Alcoholic Beverages. Amend RSA 265-A:44 to read as follows:

265-A:44 Transporting Alcoholic Beverages.

I. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1.

II. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any liquor or beverage within the passenger area of any motor vehicle **or OHRV** upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle **or OHRV**. If the motor vehicle **or OHRV** does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle **or OHRV** which is the least accessible to the driver.

III. Except as provided in paragraph V, no passenger shall carry, possess, or have any liquor or beverage within any passenger area of any motor vehicle **or OHRV** upon any way or in an area principally used for public parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle **or OHRV** which is the least accessible to the driver.

IV. A person who violates this section shall be guilty of a violation and shall be subject to a fine of \$150. In addition, a person who violates paragraph II of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing, or having any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.

VI. For the purposes of this section only:

(a) "Passenger area of any motor vehicle **or OHRV**" shall not include any section of a motor vehicle **or OHRV** which has been designed or modified for the overnight accommodation of persons or as living quarters.

(b) "Way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.

216:16 Operation of All OHRVs. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15, **and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 451-C:1, VII**, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Following a duly

noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. *The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.*

216:17 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 12, 2019

Effective Date: September 10, 2019