

CHAPTER 233

HB 1273-FN - FINAL VERSION

6mar02...2161h

21mar02...2969h

04/16/02 3449s

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2002 SESSION

01-2060

04/10

HOUSE BILL ***1273-FN***

AN ACT relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

SPONSORS: Rep. Alger, Graf 9; Rep. Dickinson, Carr 2

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill implements various changes to the existing laws relative to the operation and registration of off highway recreational vehicles (OHRV), including:

- I. The establishment of procedures for ATV and trail bike operation on state lands.
- II. The implementation of a 2-step process based on coarse and fine filter criteria for the evaluation of any new trail proposals for all terrain vehicles (ATV) or trail bikes.
- III. Increasing the resident and nonresident OHRV registration fees.
- IV. An increase in fines for violations of laws governing OHRV and ATV operation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

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

233:1 New Paragraphs; Off Highway Recreational Vehicles and Trails; Definitions. Amend RSA 215-A:1 by inserting after paragraph V the following new paragraphs:

V-a. "OHRV club" means an organized, dues-paying group of OHRV users with bylaws, registered with the secretary of state as a nonprofit organization.

V-b. "OHRV training program," "OHRV safety training course," or "OHRV safety education program" means a course of instruction approved or recognized by the department of fish and game as appropriate for a certain type or types of OHRVs, that sufficiently covers proper operation, safety, laws and regulations, penalties, equipment maintenance, and other related matters pertaining to such type or types of OHRVs.

V-c. "Other OHRV" means an OHRV that is not a snow traveling vehicle or a trail bike.

233:2 Off Highway Recreational Vehicles; Bureau Responsibilities. Amend RSA 215-A:3, I to read as follows:

I. The bureau shall have the responsibility to provide coordination between the department of resources and economic development, ***division of forests and lands***, the fish and game department, and the department of transportation, with respect to matters pertaining to OHRVs.

233:3 New Subparagraph; Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IV-a by inserting after subparagraph (i) the following new subparagraph:

(j) Maintain a list of recognized OHRV clubs.

233:4 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, V to read as follows:

V. The chief supervisor of the bureau [~~in the interest of safety~~] may make [~~suggestions~~] ***recommendations*** concerning RSA 215-A:3-a and such rules as the chief supervisor feels may be necessary for the use and control of OHRV trails, facilities, and lands under bureau control or lease to the commissioner of the department of resources and economic development. The commissioner may adopt such [~~suggestions~~] ***recommendations*** as rules as provided in RSA 215-A:3-a. A person who fails to observe rules adopted under RSA 215-A:3-a shall be subject to the same penalties provided for in other sections of this chapter.

233:5 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IX to read as follows:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the [~~chairperson~~] ***chairpersons*** of the [~~wildlife and marine resources~~] ***fish and game committee, the resource, recreation and development committee, the transportation committee, the ways and means committee, and any other appropriate committee*** of the house of representatives, [~~and to~~] the [~~chairperson~~] ***chairpersons*** of the wildlife and recreation committee, ***the ways and means committee, and any other appropriate committee*** of the senate, ***and the state library*** which details their [~~agency's performance~~] ***agencies' activities*** relating to OHRV programs during the previous year. ***Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.*** Each report shall be submitted on or before January 15 of each year ***and shall be made available to the public in a manner deemed appropriate by each reporting agency.***

233:6 New Paragraphs; Off Highway Recreational Vehicles and Trails; Penalties and Owner/Operator Responsibilities. Amend RSA 215-A:19 by inserting after paragraph VI the following new paragraphs:

VII. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes shall be assessed an administrative penalty of \$200 to be paid to the department of fish and game, which shall forward such sum to the state treasurer for deposit in the fish and game fund:

(a) Disobeying any person authorized to enforce the provisions of this chapter, as provided in RSA 215-A:16 and 215-A:17, by acting in a manner prohibited by RSA 215-A:19, II or any other provision of law.

(b) RSA 215-A:11, relative to operating an OHRV while intoxicated or under the influence of drugs.

(c) RSA 215-A:11-b, relative to refusal of consent.

(d) RSA 215-A:6, IV, relative to endangerment of any person or damage to any property.

(e) RSA 215-A:29, X, relative to failure to yield right of way.

VIII. Any person who pays such penalty and who, within 6 months of conviction, successfully completes an OHRV training program, at that person's own expense, shall have his or her \$200 refunded to him or her from the fish and game fund by the executive director.

IX. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes, and who has not already successfully completed an OHRV training program, shall complete an OHRV training program, at that person's own expense, within 6 months of conviction. Any person who fails to successfully complete the OHRV training program within 6 months may not legally register or reregister any OHRV until such time as the OHRV training program is successfully completed:

(a) Laws relative to speed limit or safe operation.

(b) RSA 215-A:12 and RSA 215-A:13, relative to decibel limits on noise.

233:7 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-~~[\$26]~~ **\$42** for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ **\$51** for each other OHRV registration upon presentation of *a* resident tax receipt, or a valid ~~[New Hampshire]~~ driver's license issued to a ~~[person]~~ **New Hampshire resident** 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ **\$15.30** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and **\$9.70 from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

233:8 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-~~[\$36]~~ **\$61** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$70** for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$17.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and **\$11.90 from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

233:9 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VI to read as follows:

VI.(a) Any funds appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. **Two subaccounts shall be kept within the separate account and shall be separately designated for snow traveling vehicles and for 2-wheeled trail bikes and other OHRVs, respectively. The corresponding registration fee moneys allocated to the bureau's grant-in-aid program under paragraphs I and III shall be deposited in the respective sub-accounts. Moneys in a subaccount may only be used for grant-in-aid projects that benefit the ridership of the type of vehicle for which the subaccount was established, in amounts proportional to the approximate benefit of each project to such ridership when compared to that of the ridership of other types of OHRVs, as determined by the**

bureau. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. ***Any unexpended balance remaining in the 2-wheeled trail bike and other OHRV subaccount at the end of the fiscal year shall be transferred to the account established in RSA 215-A:23, VII(c).*** From each registration fee collected under this section, \$5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment. All remaining funds shall be used for trail maintenance and construction.

(b) Grants-in-aid shall be granted to ~~[organized nonprofit]~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. ~~[All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public.]~~ Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his **or her** property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. ~~[The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.]~~ ***Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.***

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of this paragraph.

233:10 Off Highway Recreational Vehicles and Trails; Amend RSA 215-A:23, VII(c) to read as follows:

(c) ***Land purchases, easements, and rights-of-way. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements, and rights-of-way for ATV or trail bike trail and facility development.***

233:11 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VIII to read as follows:

VIII. Any funds appropriated to the fish and game department shall be used for the following purposes:

(a) Enforcement of the provisions of RSA 215-A.

(b) Establishment of **OHRV** training programs. ~~[in the operation, safety, regulation, equipment maintenance, and other related matters pertaining to OHRVs.]~~

(c) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(d) OHRV registration.

(e) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

(f) ***Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and \$19 of each nonresident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.***

233:12 Off Highway Recreational Vehicles and Trails; Issuing Agents and Fees. Amend RSA 215-A:24 to read as follows:

215-A:24 Issuing Agents; Fees. If any registration is issued for the executive director by one of his **or her** duly authorized agents, such agent shall collect from the registrant a fee of ~~[\$+]~~ **\$2** in addition to the fee prescribed by RSA 215-A:23. Each application for registration of an OHRV shall have printed thereon the words and figures, "agent's fee ~~[\$+]~~ **\$2**." Such agent shall retain the additional fee as compensation for his **or her** services in connection with the issuance of such registration, except that, if the agent is on the payroll of the executive director, the additional fee shall be retained by the department of fish and game.

233:13 New Section; Off Highway Recreational Vehicles and Trails; New Owner Notification. Amend RSA 215-A by inserting after section 26 the following new section:

215-A:26-a New Owner Notification of Laws. The fish and game department shall provide to OHRV dealers and rental agents a disclosure statement to inform buyers and renters of OHRVs of the laws and penalties relative to OHRV operation, including but not limited to, the need for permission to operate on the property of others. The disclosure statement shall be accompanied by a map showing known OHRV trails that are open to the public. OHRV dealers and rental agents shall require each buyer or renter to sign the

disclosure document prior to each sale or rental of an OHRV. One copy shall be retained by the OHRV dealer or rental agent, one copy shall be retained by the buyer or renter, and one copy shall be remitted to the fish and game department by the dealer or rental agent as a requirement of licensure under RSA 215-A:26.

233:14 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, II(a) to read as follows:

(a) A person at least 12 years of age who has successfully completed an ~~[approved]~~ OHRV ~~[safety training course]~~ **training program**, or is licensed to drive a vehicle in accordance with RSA 263, shall be allowed to operate an OHRV in accordance with the provisions of this chapter ***on property other than that owned or leased by such person or such person's parent, grandparent, or guardian.*** A person operating an OHRV shall carry such person's valid driver's license or evidence of the completion of an ~~[approved]~~ OHRV ~~[safety training course]~~ **training program**, and shall present such evidence to any law enforcement officer who is empowered to enforce this ~~[section]~~ **chapter**, upon demand of such law enforcement officer. ~~[Any person who possesses a]~~ A valid driver's license issued by authority of law of another state or a province of Canada ~~[or evidence of successful completion of an approved OHRV safety training course authorized by the New Hampshire fish and game department shall be allowed to operate an OHRV in accordance with the provisions of this chapter]~~ ***shall satisfy the driver licensure requirement of this subparagraph.***

233:15 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, V and VI to read as follows:

V. ~~[When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this section, the judge shall immediately report the determination to the state fish and game department. If the person holds an OHRV safety certificate, the]~~ ***The*** executive director of the fish and game department~~[; upon receiving a notice of a determination pursuant to this section;]~~ may suspend ~~[the]~~ ***a*** person's OHRV ~~[safety]~~ **training program** certificate ***or the department's recognition of a person's completion of an OHRV training program if not administered or sponsored by the department, in accordance with rules adopted under RSA 541-A, [without a hearing] for violating any provision or rule of this chapter. The terms of such suspension shall be determined by the executive director.***

VI. OHRV ~~[safety training]~~ **training programs** shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA 215-A:23, VIII. ***The department shall issue a certificate to any person successfully completing an OHRV training program administered or sponsored by the department.***

233:16 New Subdivision; Off Highway Recreational Vehicles and Trails; ATV and Trail Bike Operation on State Lands. Amend RSA 215-A by inserting after section 40 the following new subdivision:

ATV and Trail Bike Operation on State Lands

215-A:41 Intent.

I. The general court declares it to be in the public interest to balance the demand for ATV and trail bike trails on state lands:

- (a) With other, non-motorized recreational trail uses;
- (b) Potentially conflicting management goals for state lands; and
- (c) Protection of wildlife and ecologically important areas.

II. In furtherance of the public interest, the bureau, in cooperation with the department of fish and game and all other state agencies that are custodians of the property involved shall work to develop a system of trails for ATVs and trail bikes on both public and private lands that:

- (a) Uses, to the greatest extent possible, private lands, under voluntary agreement with landowners;
- (b) Uses public lands that can host ATV and trail bike trails that are compatible with existing uses and management goals and plans;
- (c) Is managed cooperatively with formally established ATV and trail bike clubs recognized by the bureau;
- (d) Is regularly monitored for overuse, compliance with laws and regulations, and environmental degradation, with curtailment of trail use if such conditions are found to exist;
- (e) Ensures safe and legal use through consistent enforcement of all laws as set forth in this chapter; and

(f) Provides opportunities for public input in all decisions regarding development of new or significantly revised trail systems on state lands.

215-A:42 ATV and Trail Bike Trails.

I. No ATV or trail bike trail shall be established after the effective date of this paragraph or subsequently maintained on state-owned property unless all of the following conditions are met:

(a) The property has been evaluated by the bureau in cooperation with the department of fish and game and the department of resources and economic development, division of forests and lands, and other state agencies that are custodians of the property using the coarse and fine filter criteria, established under RSA 215-A:43, and has passed such criteria as determined by the commissioner of the department of resources and economic development and the executive director of the department of fish and game.

(b) A memorandum of understanding (memorandum) exists between the bureau, the fish and game department, the department of resources and economic development, division of forests and lands, and all other state agencies that are custodians of the property. The memorandum shall include, but not be limited to, the responsibilities that each agency has in monitoring, maintaining, and enforcing relevant laws relative to the trail and the type of OHRV permitted on approved trails. The bureau shall enter into the memorandum only if it is certain that proper monitoring and maintenance of the trail shall occur, either through its own resources or those of others. The fish and game department shall enter into the memorandum only if it can commit sufficient resources to reasonably monitor for proper ATV or trail bike use on the property and enforce the applicable laws.

(c) A written agreement is in effect between the bureau and a locally-organized ATV or trail bike club recognized by the bureau that details the club's ongoing responsibilities, including but not limited to, monitoring the use and condition of the trail, erecting signage, educating operators, performing maintenance, and monitoring compliance with laws and regulations. Should the club fail to fulfill some or all of its responsibilities, the bureau or its agent may assume such responsibilities provided sufficient resources are available and committed.

(d) A management plan exists for the property that specifically allows ATV or trail bike use on the property, and the ATV or trail bike trail does not otherwise conflict with the management plan. Any state agency proposing to establish or change a management plan that affects ATV or trail bike use on state property shall publicize such plan and provide the public with the opportunity to comment on the plan before enactment.

II. An ATV or trail bike trail on state-owned property may be closed to ATV or trail bike use by the bureau, if the bureau finds that:

(a) ATV or trail bike use on the property is not in conformance with this chapter;

(b) Responsibilities assumed by the locally-organized ATV or trail bike club pursuant to subparagraph I(c) are not being met; or

(c) Provisions of the memorandum between the state agencies as entered into pursuant to subparagraph I(b) require such closure.

III. The bureau may not permanently close a trail under paragraph II to ATV or trail bike use without first holding a public hearing in the local area in which the trail is located. Such hearing shall be advertised at least 14 days prior to the hearing in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

215-A:43 Evaluation Process. Any new ATV or trail bike trail proposal on state-owned property shall be evaluated by the department of resources and economic development using a 2-step process.

I. The new ATV or trail bike trail proposal shall be considered to have passed the initial screening process if the following coarse filter criteria are met:

(a) There are no deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs or trail bikes on the property.

(b) Less than 90 percent of the property is composed of the following types of areas in combination:

(i) Exemplary natural communities as identified in the natural heritage inventory program as defined in RSA 217-A:3, XVI;

(ii) Habitat necessary for the successful breeding or survival of federal or state listed endangered or threatened species; and

(iii) Forested wetlands consisting of group IIB forest soils as defined and mapped by the Natural Resources Conservation Service or non-forested wetlands as defined by the department of environmental services.

(c) If it is to be a self-contained trail network, at least 700 contiguous acres are available within which the trail network can be situated, in either single state ownership or as a combination of abutting state properties.

(d) If it is to be a trail corridor link, the trails which are being connected exist or will exist when the trail corridor link is established, or shortly thereafter.

(e) The use of ATVs or trail bikes on the property does not conflict with the purpose for which the property was acquired by the state as provided by law, or as attested to by letters from grantors, department memoranda, historic records, or other credible documents, or, if such conflict exists, it has been set aside by some legal means that includes a formal review process by the custodial state agency.

(f) The use of ATVs or trail bikes on the property is not prohibited by an existing management plan for the property.

II. A new ATV or trail bike trail proposal that has passed the initial screening process of the coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be considered to have passed such phase if the following fine filter criteria are met:

(a) The new trail is supported by an organized ATV or trail bike club recognized by the bureau.

(b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit established by law.

(c) Adequate parking exists or will be developed for the type of trail being proposed and the number of expected riders.

(d) The proposal is compatible with local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The proposal is compatible with noise and obnoxious use ordinances.

(g) The proposal is reasonably compatible with existing uses.

(h) The proposal does not violate federal, state, or local laws.

(i) The proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts.

(j) The proposed trail layout incorporates existing motorized travel corridors whenever possible.

(k) The proposed trail layout minimizes further fragmentation of blocks of forestland by locating trails on areas with existing development whenever possible.

(l) The proposed trail does not pass through a wellhead protection area as determined by the department of environmental services under RSA 485:48, II.

(m) The proposed trail is not located on earthen dams, dikes, and spillways.

(n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.

(o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing.

(p) All stream crossing structures meet 5-year flood design criteria.

(q) The proposed trail is not within 200 feet of any water body, forested or non-forested wetland, or vernal pool.

(r) The proposed trail avoids elevations over 2700 feet.

(s) The proposed trail avoids important wildlife habitat features for species of concern.

(t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site-specific basis by the fish and game department.

(u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site-specific basis by the natural heritage inventory.

(v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site-specific basis by the state geologist.

(w) The proposed trail avoids alteration, disturbance, and adverse impacts to cultural and historic resources.

(x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests.

(y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries.

(z) The proposed trail layout has a safe and appropriate trail design.

(aa) Safety standards for highway crossings are met.

(bb) Any planned use of the proposed trail with other uses is safely accommodated.

(cc) Local enforcement officers have been contacted to review and provide input regarding enforcement issues.

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on the Internet. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails.

233:17 Liability Insurance. Amend RSA 260:61, II to read as follows:

II. The OHRV bureau's grant-in-aid program shall bear the expenses of the following:

(a) A liability insurance policy for the benefit of landowners who allow ~~[snowmobilers]~~ **riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI** to use their property, and

(b) A liability insurance policy for the benefit of landowners who lease their land to the state of New Hampshire for use by ~~[snowmobilers]~~ **riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI.**

233:18 Increase in Fines. It is the intent of the general court that fines levied by the courts against persons who violate the provisions of this chapter should be increased to further discourage the unlawful use of OHRVs. The executive director shall submit to the supreme court a recommended uniform fine schedule that reflects this intent, provided such recommendation has not already been submitted prior to the effective date of this act, but on or after January 1, 2002.

233:19 Current Projects. The trails bureau, division of parks and recreation, department of resources and economic development, should move forward with ATV projects in process that comply with the provisions of RSA 215-A.

233:20 Nash Stream Forest. The commissioner of the department of resources and economic development should move forward with the planning and approval process for an appropriate ATV connecting trail in the Nash Stream Forest, in cooperation with a local ATV club.

233:21 State-Owned ATV and Trail Bike Trail. Within 90 days of the effective date of this section, the commissioner of the department of resources and economic development shall select, using the coarse filter criteria of RSA 215-A:43, I, one site on state public lands that is suitable for new ATV or trail bike trail networks. Once the lands are identified, the trails bureau shall work expeditiously to develop and open the ATV and trail bike trail networks in conformance with the provisions of RSA 215-A.

233:22 ATV and Trail Bike Trails Plan; Funding.

I. The department of resources and economic development, directly or through outside contractors or agencies, shall prepare an ATV and trail bike trails plan by December 31, 2003. Such plan shall be updated every 5 years thereafter. The plan shall emphasize development of self-contained trails, although state-owned connecting trails between 2 or more self-contained trail systems located on private lands shall not be excluded. The plan shall accomplish the following:

(a) Provide an inventory of the ATV and trail bike trails open to the public in the state, including the length and condition of the trails, persons or organizations responsible for maintenance, funding levels for maintenance, and estimated ATV and trail bike use.

(b) Provide an assessment of the amount of ATV and trail bike trail expansion required to reasonably accommodate the public need in the next 5 years.

(c) Propose additional sites of strategically located lands where public/private partnerships will allow development of ATV and trail bike trails.

(d) Propose sites for the acquisition by the state of strategically located lands for the development of ATV and trail bike trails.

(e) Assess the level of funding necessary for grants-in-aid and purchases of land, easements, and rights-of-way for the purposes of the 5-year plan, and make recommendations for fee structure changes to the legislature.

II. An amount not to exceed \$50,000 shall be used by the department of resources and economic development from the other OHRV subaccount established in RSA 215-A:23, VI(a) to complete the ATV and trail bike trails plan.

233:23 Local Enforcement Program. An initial amount of not less than \$20,000 shall be used from moneys appropriated to the fish and game department under RSA 215-A:23, I(b) and III(b) to fund a local enforcement program, during fiscal year 2003, as provided for in RSA 215-A:23, VIII(f) to be followed by an expansion to a fully funded program from designated funds.

233:24 Department of Fish and Game; Position Established. There is established within the department of fish and game the position of contract administrator who shall coordinate contracts with state, county, and local law enforcement agencies as specified in RSA 215-A:23, VIII (f). The contract administrator shall submit an annual report to the chairpersons of the resources, recreation and development and the fish and game committees of the house of representatives, and the chairperson of the wildlife and recreation committee of the senate.

233:25 New Paragraphs; Off Highway Recreational Vehicles; Definitions Added. Amend RSA 215-A:1 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Youth model snowmobile" means a snow traveling vehicle that is equipped with an internal combustion engine with a maximum piston displacement of 125 cubic centimeters.

XIX. "Youth model all terrain vehicle" means an all terrain vehicle that is equipped with an internal combustion engine with a maximum piston displacement of 95 cubic centimeters.

233:26 New Paragraph; Off Highway Recreational Vehicles; Registration Exemption Added. Amend RSA 215-A:21 by inserting after paragraph II-a the following new paragraph:

II-b. Notwithstanding RSA 215-A:21, II, no registration shall be required for a youth model all terrain vehicle when the operator is under 12 years of age and accompanied by a person 18 years of age or older who holds a valid license to operate an OHRV.

233:27 New Paragraph; Off Highway Recreational Vehicles; Registration Exemption Added. Amend RSA 215-A:21 by inserting after paragraph IV-c the following new paragraph:

IV-d. Notwithstanding RSA 215-A:21, IV, no registration shall be required for a youth model snowmobile when the operator is under 12 years of age and accompanied by a person 18 years of age or older who holds a valid license to operate an OHRV.

233:28 Repeal. RSA 215-A:3, X, relative to annual reports detailing grant in aid disbursements, is repealed.

233:29 Contingency. If HB 1348 of the 2002 legislative session becomes law, sections 7 and 8 of this act shall not take effect. If HB 1348 of the 2002 legislative session does not become law, sections 7 and 8 of this act shall take effect July 1, 2002.

233:30 Effective Date.

I. Sections 7 and 8 of this act shall take effect as provided in section 29 of this act.

II. The remainder of this act shall take effect July 1, 2002.

(Approved: May 17, 2002)

(Effective Date: Sections 7 and 8 of this act shall take effect as provided in section 29.

II. The remainder of this act shall take effect July 1, 2002)