SB 256-FN - AS AMENDED BY THE SENATE

02/09/2023 0425s
03/23/2023 1025s
03/23/2023 1071s

2023 SESSION

23-0890
04/05

SENATE BILL ***256-FN***

AN ACT establishing a safety program for off-highway recreational vehicles.

SPONSORS: Sen. Ward, Dist 8; Sen. Gendreau, Dist 1; Sen. Fenton, Dist 10; Sen. Carson, Dist 14; Sen. Ricciardi, Dist 9; Rep. Gagne, Hills. 16; Rep. Ouellet, Coos 3

COMMITTEE: Transportation

ANALYSIS

This bill establishes a safety program for off highway recreational vehicles.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Three

AN ACT establishing a safety program for off-highway recreational vehicles.

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

1 Off Highway Recreational Vehicles; OHRV Operation and License. Amend RSA 215-A:29, I and I-a to read as follows:

I. No person shall operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian unless such person:

(a) If under 14 years of age, is accompanied at all times by a person at least 18 years of age who has met the conditions of subparagraph (b); and

(b) If 12 years of age or older, has [~~either:~~

~~(1)~~] Successfully completed the snowmobile or OHRV training program, the recognition of which has not been suspended or otherwise disallowed by law[~~; or~~

~~(2) Is licensed to drive a vehicle in accordance with RSA 263, or in accordance with the law of another state or a province of Canada, provided the person would be eligible for a driver's license in this state~~].

(c) This section shall not apply to the operators of all terrain vehicles, utility terrain vehicles, side-by-side, ROV, gator, buggy, OHVs or tractors while engaged in non-pleasure or non-recreational activities. The requirements of RSA 261:41-a shall apply to the operation of all terrain vehicles, utility terrain vehicles, side-by-side, ROV, gator, buggy, and OHVs engaged in farm, agriculture, farming, or non-pleasure or non-recreational activities.

I-a. Notwithstanding provisions of this chapter to the contrary:

(a) Any person operating an OHRV along the traveled portion of a public highway, where permitted, shall be required to [~~be licensed~~] ***have a valid license*** to drive ***a motor vehicle*** [~~as described in subparagraph I(b)(2)~~]; or

(b) Any person at least 12 years of age, who has successfully completed an approved snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public highway, where permitted, who [~~is not licensed to drive as described in subparagraph I(b)(2)~~] ***does not have a valid license to drive a motor vehicle*** shall be accompanied at all times by a person who is licensed to drive [~~as described in subparagraph I(b)(2)~~], who is at least 25 years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person. Operators of

OHRVs pursuant to this subparagraph using such highway, or portion thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.

(c) This paragraph shall not apply to road crossings or the use of class VI highways designated as trails pursuant to RSA 215-A:6.

2 Off Highway Recreational Vehicle; OHRV Operation and License. Amend RSA 215-A:29, V to read as follows:

V. The executive director of the fish and game department may suspend a person's OHRV training program certificate or the department's recognition of a person's completion of a snowmobile or OHRV training program if not administered or [~~sponsored~~] ***approved*** by the department, in accordance with rules adopted under RSA 541-A, for violating any provision or rule of this chapter. The terms of such suspension shall be determined by the executive director.

3 Off Highway Recreational Vehicles and Trails; OHRV Safety Training Certificate. RSA 215-A:32-a is repealed and reenacted to read as follows:

215-A:32-a OHRV Safety Training Certificate Required.

I. No person born after January 1, 1978 shall operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian unless such person carries a temporary or permanent certificate that is in full force and effect evidencing completion of an approved OHRV safety training program as required by this section. Any person may voluntarily complete program requirements and obtain the certificate earlier than required herein. The temporary certificate requirement shall be implemented on July 1, 2024. The lifetime permanent certificate requirement shall be implemented for all operators on the following schedule:

Operator Date of Birth: Certificate Required:

January 1, 1998 January 1, 2024

January 1, 1988 January 1, 2025

January 1, 1978 January 1, 2026

II. The executive director shall administer the OHRV safety training certificate courses program in accordance with rules adopted pursuant to RSA 541-A. The content of such courses shall be developed in consultation with the commissioner of the department of health and human services and the commissioner of the department of safety, and shall include information relative to operation of OHRVs at highway crossings and along approved highways in accordance with the statutory rules of the road, and shall be consistent with the following:

(a) A program guideline that covers the inherent risks of operation on and off the trails, recommendations for personal protective equipment, basic theory of equipment parts, maintenance, and repairs, skills and measures available to reduce or eliminate such risks, and rules of operation at highway crossings and along approved highways in accordance with statutory rules of the road.

(b) Minimum requirements for courses, whether offered by live instructors or by electronic or other means, that will result in the issuance of either a temporary safety training certificate or a lifetime safety training certificate.

(c) Minimum qualification and other requirements for an instructor to be approved to offer any live course in the program.

(d) Provision for administration of an examination to a registrant at the conclusion of each course that demonstrates competency in the materials presented in the program guideline.

(e) Issuance by the department or its agents of a temporary safety training certificate to a person 16 years of age or older who passes an approved examination administered by the department or its agents, which shall be valid for one calendar year.

(f) Issuance of a lifetime OHRV safety training certificate by the department to a person 12 years of age of older who passes an approved examination administered by the department or its agents which shall be valid for the lifetime of the person, provided that actual operation of an OHRV by such person under the age of 25 shall be restricted as otherwise provided in this chapter.

(g) Provision for the enforcement of the requirements of this program upon any operator who has been involved in an accident, or who has been cited, charged with, or warned for a violation of any other provision of this chapter, or any other offense under the laws of this state.

(h) Provision for imposition of a uniform schedule of administrative or court based fines for violation of this program.

(i) Provision for the suspension or revocation of a lifetime safety training certificate issued to a person for cause, following notice and opportunity for a hearing in accordance with RSA 541-A, including for conviction by a court in this or any other state of an OHRV offense.

(j) Provision for the suspension or revocation of any license or permit that would allow an agent of the department to issue a temporary or lifetime safety training certificate for cause, following notice and opportunity for a hearing in accordance with RSA 541-A.

(k) A schedule of fees to be charged for the following services:

(1) Administration of an approved safety training course and competency examination, whether provided in person or by electronic means.

(2) Issuance of a temporary safety training certificate, which may be in paper or electronic format.

(3) Issuance of a lifetime safety training certificate, which shall be in a durable written format, suitable to be carried upon the person.

(4) Replacement of a lost or destroyed lifetime safety training certificate upon written request of the person entitled to the same.

(5) Reissuance of a lifetime safety training certificate if reinstated after a period of suspension or revocation for cause.

III.(a) Beginning July 1, 2024, the executive director, or designee, may issue an OHRV temporary safety training certificate to a person 16 years of age or older who passes a temporary examination administered by the department or its agents and approved by the executive director.

(b) The OHRV temporary safety training certificate shall be valid for up to one year and shall entitle the holder to operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian of New Hampshire.

(c) No person shall receive more than one OHRV temporary safety training certificate in any calendar year.

(d) Any dealer or renter of OHRVs, or employee thereof, who has passed an OHRV training program and is approved by the executive director, or designee, may administer the temporary safety training examination and issue an OHRV temporary safety training certificate. If the executive director, or designee, finds that a person administering a temporary OHRV training examination has assisted the person taking the examination, the executive director shall permanently revoke the authority of the administrator to issue certificates and administer examinations.

(e) The executive director, or designee, may create a virtual OHRV temporary safety training certificate platform for any person seeking an OHRV temporary safety training certificate. Such person shall complete the training online prior to receiving an OHRV temporary safety training certificate.

IV. The executive director shall report annually to the registrar of vital records pursuant to RSA 5-C:2 on any deaths or injuries occurring in the state related to the operation of OHRVs.

4 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0890
Amended 2/15/23

SB 256-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-0425s)

AN ACT establishing a safety program for off-highway recreational vehicles.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[ ] General [ ] Education [ ] Highway [X] Other - Restricted - OHRV Revenue/Expenditures			

METHODOLOGY:

The Fish and Game Department states this bill incorporates a temporary off-highway recreation vehicle (OHRV) safety certificate program that needs to be implemented by the online certification vendor and requires anyone born after January 1st, 1978, that operates an OHRV on the property of another must have completed an OHRV safety training course starting January 1st, 2024. The Department states, according to information provided by the online vendor, there will be no set up fee and that costs would be incurred by the individuals taking the course online, as it is currently for the online safety course. The Department states the time and funds incurred to create rules specific to the online temporary safety course are indeterminable.

AGENCIES CONTACTED:

Fish and Game Department