

**Commission to Study the Use of OHRVs in New Hampshire**  
**Friday, February 10, 2023, 10 AM**  
**Department of Natural and Cultural Resources**  
**172 Pembroke Rd., Concord, NH, Conference Room**

**Present:**

Suzanne Smith, Chair -NHACC  
Abby Evankow, Secretary - NHRTC  
Andy Renzullo – NH House  
Eamon Kelley – NH House (via Microsoft Teams)  
Chief Dan Buteau - NHACOP (Microsoft Teams)  
Captain Michael Eastman, NHF&G  
Craig Rennie, DNCR, BOT  
Steven Wilkie - NHOHVA  
Steve Jackson - NCC  
Ann Davis -TOA, NHFB  
David Rodrique, -DOT (via Microsoft Teams)  
Paul Robitaille - NHMA

**Absent:**

Paul Doscher - NHSPF  
Dan Bennett - NHADA

**Guests:**

Susan Price - member of public (via Microsoft Teams)  
Rich Parsons -NHOHVA  
Mike Ouellet – NH House, Colebrook

Call to Order Introduction of members and guests. *Chair Smith*

Approval of Minutes from December 15. *Clerk*. Approved

Review and Discussion: **SB160** *relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise and after sunset.*

Captain Eastman explained that this bill is for purposes of internal house keeping. RSA 215-A:30 and RSA 215-C:50 regulate the process for OHRV special events. These events are already taking place, with support of local authorities. What is new is the extended time of day and increased decibels. SB 160 would cover such events as the

Gunstock Hill Climb, held during bike week, on county property up the mountain. Permission from town is required as part of the approval process.

There was concern that the new Event Permit application requires that appropriate officials are *notified*, not *required* for approval.

This bill does not change current process - but will give F&G authority to approve OHRVs louder than the current 96 decibel limit, and allow events to occur outside the existing limits of ½ hour before sunrise and ½ hour after sunset. These unregistered vehicles will only be permitted to ride in the event, not to and from the event.

Conditions may be imposed within the permit. DNCR can add conditions to its permit for events on DNCR property.

Special events are usually annual events, but some are recurring. Each individual date must be specified on the permit. Captain Eastman does not believe that permitting these events conflicts with F&G's mission to conserve and protect New Hampshire's wildlife and habitats.

Most ATV clubs don't hold events that require permits. Poker runs – (no closed circuit bikes, only registered vehicles on trails) and Hare scrambles do not require special event permits. (do not require the permits) Hare scrambles are mostly in the woods and the dual-sport motorcycles, which includes Enduros have both a DMV license and an OHRV registration and do not need a permit to go from trail to class VI road to trail. Enduros are classed with dual-sport motorcycles.

OHRV trail club in Claremont, applied for a couple moonlight rides in 2019, but too many stipulations, so never held.

The OHRV club in Claremont holds moonlight rides. They already need approval from F&G, NH State Police, and town authorities.

The Special Event permit fee is \$50 which all agree is inadequate for the work required.

NH has had Snowmobile clubs for 50 years, OHRV clubs for 25 years. There is some overlap in statutes and rules.

RSA 215-C covers snowmobiles. RSA 215-A addresses OHRVs. There is some unavoidable overlap. "Snowmobile" appears 46 times in 215-A.

### **Also in SB160 Montana Plates:**

"Montana" Plates began showing up in 2021. OHRVs with blinkers and side mirrors and a Montana license plate - drove from Montana to Rte 26 in Errol. There were more OHRVs licensed in Montana in 2022 and complaints started increasing. Abuse of this plate also observed on Main St. in Concord.

F&G is seeing OHRVs with Montana license plates on trails. The Montana Plate (also available from other states like South Dakota which are making money from the registrations) are being used to circumvent NH OHRV laws. The Montana license plate allows riding on roads which are otherwise not open to OHRVs. This bill reduces the attractiveness of Montana Plates by making it illegal to ride them on trails.

Enforcement will be on trails. OHRV Registration sticker must be attached to machine - not on a removable plate - which makes HB160 more enforceable.

Captain Eastman spoke with both DMV and DOS about the issue. We will invite Lt O'Leary and Captain Vetter to our next meeting to discuss this issue and review options. All motor vehicles get a stamp "approved for road use." OHRVs do not have this stamp. Manufacturers recommend that OHRVs are not safe for riding on roads. Some newer machines no longer have "no road use" disclaimer.

There has also been historical abuse of the Special Commercial plate: some use to ride on road, get to trail, take plate off and ride. There is also some abuse of the Agricultural Use plate - some riders register b/c they have chickens - then ride all around town. The Special Commercial plate is allowed 10 miles from farm for agricultural use and 2 miles from job site for Industrial use. 2013 legislation supersedes tractor plates being used for recreation. Mother and son used Special Commercial plates in Auburn to go to Dunkin Donuts and flipped and died. Off-highway tires are low pressure and knobby and unstable on roads. For Montana plates - riders put on truck tires, which are less safe on trails.

Cages on OHRVs are lightweight and made for low speed roll-overs, will not offer protection in high speed crash.

**SB256** *establishing a safety program for off-highway recreational vehicles.*

Snowmobile & OHRV Safety training is combined.

Biggest change in this bill is gradual introduction of requirement for safety certification for all riders born after 1978 and implements graduated schedule going forward.

Safety certificate is reciprocated w/ multiple other states.

Rental companies - want a shorter safety course for temporary certificates. Temporary certificates will be good for only 1 calendar year. No time established yet for temporary certification. Currently 15 minute video for customers to watch while they are filling out paperwork. Must be 18 to rent.

Inexperience and speed are the most common cause of accidents.

Section II - DOT wants input into safety course re: road use/ road crossings/ site distance. 3 years ago F&G changed safety course and included study of road signs for unlicensed riders.

Currently OHRV safety course is required for unlicensed riders.

Concerns were raised about seeing young unlicensed riders on roads. Legislation requiring all who ride OHRVs on roads be licensed by DMV failed 4 years ago, although the legislation raised the mandatory age of rider accompanying minors from 18 to 25. Safety course is 6-8 hours long.

NH OHRV Safety Digest is updated every year.

SB 256 & SB160 went to different Senate Committees Transportation and Energy and Natural Resources. Rep Renzullo will try to arrange for joint hearing between House Resources, Recreation and Development & Transportation Committees for these bills.

Next meeting: Invite Lieutenant O'Leary of DMV and Captain Vetter of DOS to discuss Montana Plates, safety and on-road use. Question about different laws for F&G & State Police. F&G can enforce and State Police can both enforce. Hypothetical - Rte 2 traffic stop - what kind of ticket? Will there be points on license? It depends which statute is being violated - Motor Vehicle or OHRV statute. OHRV violation, then no points on license.

Mr. Jackson passed out a letter from Marsha and Earl Clifford of Back Lake Road, Pittsburg, to Commission members. The state owned portion of Back Lake Rd was opened to OHRVs by legislative bill. This section of road was recently given to the town and towns have the right to open or close town roads to OHRVs. Rep Kelley has video of 800+ riders in one day last August, riding past Clifford's home. He plans to bring counts & play video for Commission. There are disparities of impact - some residents are significantly disturbed, others not at all. Pittsburg has part time Police Chief.

Conservation easements are a big stopper to OHRV trail development.

Agenda item on enforcement of OHRV laws was postponed until a later meeting.

Next meetings:

March 31, 11am. DNCR, Concord

June 2th, 10am - DNCR, Lancaster.

12:04 PM Motion to adjourn by Ms. Evankow 2nd by Mr. Jackson. Approved unanimously.