

**Commission to Study the Use of OHRVs in New Hampshire
MEETING MINUTES**

Friday, March 31, 2023, 11 AM

**Department of Natural and Cultural Resources
172 Pembroke Rd, Concord, NH, Conference Room**

REMOTE: Remote access: Microsoft Teams

Present:

Suzanne Smith, Chair, New Hampshire Association of Conservation Commissions

Abby Evankow, Secretary, NH Rail Trails Coalition

Andy Renzullo, Representative, House Resources Recreation and Development Committee

Eamon Kelley, Representative, House Resources Recreation and Development Committee - via Microsoft Teams

Captain Michael Eastman, NH Fish and Game

Captain Chris Vetter, NH State Police

Chief Dan Buteau, NH Association of Police Chiefs

Craig Rennie, NH Bureau of Trails

David Rodrigue, NH Department Of Transportation - via Microsoft Teams

Paul Robitaille, NH Municipal Association

Steve Jackson, North Country Council

Steven Wilkie, NH Off Highway Vehicle Association

Ann Davis, NH Timberland Association / NH Farm Bureau

Dan Bennett, NH Auto Dealers Association

Paul Doscher, Society for the Protection of NH Forests/ Appalachian Mtn Club/ Nature Conservancy

Guests:

Jeff Oberdank, DMV, registrations.

Michael Mercier, DMV, license admin

Sergeant Tom Conlon, NH State Police Troop G

Ken Chaput, NH State police troop G

Richard Parsons, Rath Pignatelli, NHOHVA lobbyist- micro-soft teams

Terry Lambert, NHOHVA secretary, via micro-soft teams

Absent:

Member of Senate

Member of House Transportation Committee

House member from Coos County

Call to Order Introduction of members and guests.

Approval of Minutes from February 10 meeting:

Mr Wilkie - motion to accept; 2nd - Rep Renzullo

Add "conservation easements are a big stopper to OHRV trail development"

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

Accepted unanimously with above clarifications.

Legislative Update

SB160 *relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise and after sunset.* Sent to RRD Committee, hearing not yet scheduled.

SB256 *establishing a safety program for off-highway recreational vehicles.* In House Transportation Committee, hearing not yet scheduled

11:20 AM Discussion -- **Challenges of Enforcement of OHRV laws specific to different agencies overseeing enforcement:**

Montana Plates:

Mr. Oberdank - reached out to Montana colleague - no effort in Montana to curtail; Montana is making money. Several private entities specialize in setting up LLC. An individual in NH can hire someone to set-up an LLC and apply for licenses all on-line. License plates are sent in mail. This allows every day OHRV riding, outside of NH statute. Education is needed for law enforcement officers and judges.

Abuse of Special Commercial Plates:

Recent news article: riding UTV to liquor store is not proper use of Special Commercial plate (Spec Comm). Re: [RSA 259:2a](#), the Spec Comm plate is only for farming, agricultural, or light industrial uses.

Special Commercial plate registration starts at Town Clerk office and finishes w/ DMV. The required, signed check-list is specified by statute. Officers can issue tickets for misuse of these plates. Falsification is illegal on Ag plate, but not for Spec Com plate. RSA 259: 2a; 261:41-a; 265:160; 259:49-a; 262:41. There is no penalty for unsworn falsification.

DMV oversees municipal help desk to assist town clerks and has regular trainings on these rules. Spec Comm plate = 1/3 the cost of full auto registration. Mr. Oberdank receives daily calls about OHRV registrations. He explains the Spec Comm denials to take pressure off the elected Town Clerks.

Mr. Oberdank will give numbers of Spec Comm plates to commission. Spec Comm needs dual registration to ride on trail. Dual registration is common.

The definition of OHRV differentiates between commercial vehicle and recreational vehicle. Mt Washington Hotel needs 6 guys in UTV to travel down road between properties. UTVs definition is 65" wide, 2000 lbs. Trails are built to accommodate this size vehicle.

Law Enforcement:

Mr. Oberdank will distribute Spec Comm checklist to law enforcement agencies so they can enforce. OHRV must be being used for the defined purpose, anything else is violation.

Misuse of plates = DMV violation ~ \$124, no points off license, not moving violation. RSA 261.

Chief Buteau: In Berlin there was abuse of Ag plates 10 years ago, but no longer. No sign yet of Montana Plates. The majority of accidents Chief Buteau sees are on trails, but some are on roads. Should the Commission gather data from towns - in particular on roadways? Most accidents are associated w/ rentals, due to rider inexperience. It is the officer's discretion which type of ticket to give rider speeding on road.

Most Spec Comm abuses are in the south - Derry, Hookset etc. b/c OHRVs are already legal on many roads in North Country.

Mr. Rodrigue: there are so many nuances; it is difficult for DOT address.

F&G statutes cover trail violations; DMV violations cover on-road violations. F&G ticket goes to court and the money goes to the jurisdiction in which it was written. DMV ticket goes back to DMV for processing. All law enforcement branches can issue both kinds of tickets. Why not motor vehicle violations, points on licenses, for all OHRV violations? Captain Eastman feels that violations for recreational riding should not be applied to driver's license.

Ms. Evankow observed that since most of the problems being discussed are on roads - these problems would disappear if riders were off roads, in self-contained areas, as recommended by 2001 ATV Study Commission. Even when legally ridden, they are so loud that residents living along trails call police for relief.

2019 increase in F&G fines: from \$74.70 to \$248 for speed and unregistered OHRVs. There had been a \$74.70 "club" whose members considered it a badge of honor to be ticketed. Captain Eastman thinks it is mostly working - but people speed no matter what. There is no \$248 club. There are 4 or 5 categories of fine increases. There is not much feedback from judicial system; the court seems to be fair. 90% pay a ticket, very few go to court.

Education re: OHRV for police education: F&G educates Berlin PD every few years. Cadets at Academy get OHRV training from F&G.

Captain Vetter: doesn't see much OHRV activity, but calls F&G to talk w/ officer if he has questions.

Activity is different in different parts of state. There is riding around Mink Hills and activity in Sandown on Rockingham Rail Trail.

Spec Comm Checklist: hang at Town Clerk and at dealership - so clear about how the OHRV can be used.

Commission should look at the statute - where are there holes?

Officers give more warnings than tickets. Warnings are used as education. Should warnings be tracked by SPOTS? (State Police On Line Telecommunications System.) State Police can track warnings; officers can see if the same car was warned last week. SPOTS is not state-wide or cross agency. In some other states (Florida) all agencies use same record keeping interface. Police departments can also track warnings - but systems are not linked in NH.

Speed has graduated fine by speed - the higher the speed the higher the fine. There is no graduation of fines for number of violations. Should confiscation be penalty for repeated violations? Officer can go to court and ask Judge for higher fine than ticket.

A few years ago bill to require license for OHRV use on roads failed. Age of accompanying (definition of accompanying: within site and hearing) adult was raised from 18 to 25. On trails accompanying adults can still be 18. Roads are both roads and trails. OHRVs are both motor vehicles and recreational.

Low pressure tires on roads make a lot of noise. OHRVs are not designed for use on asphalt at high speeds. Narrow width, top heavy. OHRVs are not built following federal Motor Vehicle Safety standards. Bars are designed to hold light bars, not to protect riders. Texas has signs: ~ "roll bar - not for safety"

Can Am - website: "not for on road use;" manufacturers specify not for road use on MCO - title from factory. How does safety compare w/ motorcycles? Motorcycles are built for road use. Motorcross bikes - no mufflers, no lights. Mr. Jackson had PD on speed dial to call when they rode back and forth on street in front of his restaurant disturbing his diners.

Consumer Federation of America: 2023 OHRV fatalities: 46 deaths this year - 32 are on roads, only 14 on trails. Roads are more dangerous for Off Road vehicles than trails. Mr Jackson advised OHRVs don't belong on roads. Trailer to trail. Mr. Wilkie said they need roads b/c some places there is not adequate parking.

Chief Rennie will issue invitations to Commission to Jericho Jamboree.

One dealer has sold 1 electric OHRV. 2000 lb. limit. Sold to farmer who wants peaceful, quiet environment for his animals.

New Business--Planning future agendas: Nash Stream State Forest; Class VI road abutters; confusion and problems of Back Lake Rd - opened by state thru statute, town opened its portion, then state gave road to town; trail in woods is not alleviating traffic on road; review infrastructure - how give access without roads? Parking. Local control? Lancaster and Dummer have closed their roads, Colebrook has limits and permits. Bill to require public hearing for new road openings? Berlin and North Stratford roads are open to OHRVs in winter. Trail etiquette, reviewing OHRV siting statutes

All manufacturers will have electric OHRVs available by 2035.

Possible Field trip: Ammonusuc Rail Trail?

Next meeting dates:

June 2 - 629B Main Street, Lancaster - DNCR 10:00

Remote Access: Microsoft Teams meeting:

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 299 875 136 31

Passcode: MBfHpW

[Download Teams](#) | [Join on the web](#)

Join with a video conferencing device

nhgov@m.webex.com

Video Conference ID: 111 851 749 6

[Alternate VTC instructions](#)

Or call in (audio only)

[+1 603-931-4944,256858399#](tel:+16039314944256858399) United States, Concord

Phone Conference ID: 256 858 399#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

August 11 (Jericho Festival is August 4th) Lancaster or Gorham or Littleton dealership

1:04 PM Adjourn, motion by Ms. Evankow, seconded by Mr. Robitaille

Respectfully submitted, Abby Evankow, Clerk

[HB 1188 Commission website](#) www.bit.ly/OHRVstudy