

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 354

S.P. 130

In Senate, January 30, 2003

An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CARPENTER of York.
Cosponsored by Representative DUNLAP of Old Town and
Senator: TREAT of Kennebec, Representatives: ANDREWS of York, CAMPBELL of
Newfield, COURTNEY of Sanford, LANDRY of Sanford, STONE of Berwick, WHEELER of
Kittery.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §7053, sub-§2, ¶E-1**, as enacted by PL 1989, c. 493, §6, is amended to read:

6 E-1. Stop and examine any all-terrain vehicle to ascertain
8 whether it is being operated in compliance with chapter 715,
10 subchapter IV 4, demand and inspect the operator's
12 certificate of registration and, when appropriate, demand
and inspect evidence that the operator has satisfactorily
completed a training course as required by section 7853
7853-A;

14 **Sec. 2. 12 MRSA §7823**, as enacted by PL 1979, c. 420, §1, is
16 repealed.

18 **Sec. 3. 12 MRSA §7823-A** is enacted to read:

20 **§7823-A. License and training; minimum age**

22 **1. Minimum age.** A person may not:

24 **A. Operate a snowmobile if that person is under 16 years of
age; or**

26 **B. Knowingly permit a person under 16 years of age to
operate a snowmobile.**

28 **A person who violates this subsection commits a civil violation
30 for which a fine of not less than \$100 nor more than \$500 may be
adjudged.**

32 **2. License required.** A person 16 years of age or older may
34 not operate a snowmobile unless that person has a valid
operator's license issued under subsection 3.

36 **A person who violates this subsection commits a civil violation
38 for which a fine of not less than \$100 nor more than \$500 may be
adjudged.**

40 **3. License issued.** A snowmobile operator's license is
42 valid for 5 years from date of issuance. The department may
issue a snowmobile operator's license to a person who:

44 **A. Is 16 years of age or older;**

46 **B. Has successfully completed a training program approved
48 by the department that includes instruction on the safe
operation of snowmobiles, the laws pertaining to
50 snowmobiles, the effects of snowmobiles on the environment
and ways to minimize those effects and courtesy to**

2 landowners and other recreationists and other materials as
3 determined by the department;

4 C. Has passed a written examination developed or approved
5 by the department that includes questions on the safe
6 operation of snowmobiles, the laws pertaining to
7 snowmobiles, the effect of snowmobiles on the environment
8 and ways to minimize that effect, courtesy to landowners and
9 other recreationists and other matters as determined by the
10 department; and

12 D. Pays a license fee of \$15.

14 Persons 16 years of age or older on the effective date of this
15 subsection are exempt from the requirements of paragraphs B and C.

16 **Sec. 4. 12 MRSA §7824, sub-§1**, as amended by PL 1997, c. 432,
18 §52, is further amended to read:

20 **1. Application and issuance.** The commissioner or the
21 commissioner's designee may register and assign a registration
22 number to all snowmobiles upon application, satisfaction of the
23 requirements of this subsection and payment of a registration fee
24 by the owner. The commissioner shall charge a fee of \$1 for each
25 registration issued by department employees.

26 A. A person may not register a snowmobile under this
27 section after June 30, 2004 unless the person satisfies the
28 commissioner or an agent designated by the commissioner that
29 the snowmobile is covered by a liability insurance policy in
30 accordance with this paragraph. The commissioner by rule
31 shall establish standards for liability insurance coverage.
32 The rules must require coverage of at least \$25,000 for
33 damages to property caused by the operation of the
34 snowmobile and at least \$50,000 for injury to or death of
35 any person caused by operation of the snowmobile and specify
36 how a person must demonstrate satisfaction of this
37 paragraph. Rules adopted pursuant to this paragraph are
38 routine technical rules as defined in Title 5, chapter 375,
39 subchapter 2-A.

42 B. After June 30, 2004, the owner or owners of any
43 snowmobile required to be registered under this section
44 shall maintain at all times the required amount of insurance
45 during the term of the snowmobile's registration.

46 A person who violates this paragraph commits a civil
47 violation for which a fine of not less than \$100 nor more
48 than \$500 may be adjudged.

50

2 **Sec. 5. 12 MRSA §7827, sub-§§12 and 13**, as enacted by PL 1979,
c. 420, §1, are repealed.

4 **Sec. 6. 12 MRSA §7827, sub-§13-A** is enacted to read:

6 **13-A. Headgear required.** A person may not operate or be a
7 passenger on a snowmobile unless the person is wearing protective
8 headgear that conforms to the standards established under Title
29-A, section 2083, subsection 3.

10 A person who violates this subsection commits a civil violation
12 for which a fine of not less than \$100 nor more than \$500 may be
adjudged.

14 **Sec. 7. 12 MRSA §7827, sub-§23, ¶E**, as enacted by PL 1979, c.
16 420, §1, is repealed.

18 **Sec. 8. 12 MRSA §7853**, as amended by Pt. A, §31 and affected
by PL 1995, c. 65, Pt. A, §153 and Pt. C, §15, is repealed.

20 **Sec. 9. 12 MRSA §7853-A** is enacted to read:

22 **§7853-A. License and training; minimum age**

24 **1. Minimum age.** A person may not:

26 A. Operate an ATV if that person is under 16 years of age;
28 or

30 B. Knowingly permit a person under 16 years of age to
operate an ATV.

32 A person who violates this subsection commits a civil violation
34 for which a fine of not less than \$100 nor more than \$500 may be
adjudged.

36 **2. License required.** A person 16 years of age or older may
38 not operate an ATV unless that person has a valid operator's
license issued under subsection 3.

40 A person who violates this subsection commits a civil violation
42 for which a fine of not less than \$100 nor more than \$500 may be
adjudged.

44 **3. License issued.** An ATV operator's license is valid for
46 5 years from date of issuance. The department may issue an ATV
operator's license to a person who:

48 A. Is 16 years of age or older;

2 B. Has successfully completed a training program approved
4 by the department that includes instruction on the safe
6 operation of ATVs, the laws pertaining to ATVs, the effects
8 of ATVs on the environment and ways to minimize those
10 effects and courtesy to landowners and other recreationists
12 and other materials as determined by the department;

14 C. Has passed a written examination developed or approved
16 by the department that includes questions on the safe
18 operation of ATVs, the laws pertaining to ATVs, the effect
20 of ATVs on the environment and ways to minimize that effect,
22 courtesy to landowners and other recreationists and other
24 matters as determined by the department; and

26 D. Pays a license fee of \$15.

28 Persons 16 years of age or older on the effective date of this
30 subsection are exempt from the requirements of paragraphs B and C.

32 **Sec. 10. 12 MRSA §7854, sub-§1**, as amended by PL 2001, c. 387,
34 §39, is further amended to read:

36 **1. Application and issuance.** The commissioner, or an agent
38 designated by the commissioner, may register and assign a
40 registration number to any ATV upon application, satisfaction of
42 the requirements of this subsection and payment of an annual fee
44 by the owner. The commissioner shall charge a fee of \$1 in
46 addition to the annual fee for each registration issued by an
48 employee of the department. The registration number must be
50 clearly displayed on the rear of the vehicle. A registration is
valid for one year commencing July 1st of each year.

34 A. A person may not register an ATV under this section
36 after June 30, 2003 unless the person satisfies the
38 commissioner or an agent designated by the commissioner that
40 the ATV is covered by a liability insurance policy in
42 accordance with this paragraph. The commissioner by rule
44 shall establish standards for liability insurance coverage.
46 The rules must require coverage of at least \$25,000 for
48 damages to property caused by the operation of the ATV and
50 at least \$50,000 for injury to or death of any person caused
by operation of the ATV and specify how a person must
demonstrate satisfaction of this paragraph. Rules adopted
pursuant to this paragraph are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A.

48 B. After June 30, 2003, the owner or owners of any ATV
50 required to be registered under this section shall maintain
at all times the required amount of insurance during the
term of the ATV's registration.

2 A person who violates this paragraph commits a civil
4 violation for which a fine of not less than \$100 nor more
 than \$500 may be adjudged.

6 **Sec. 11. 12 MRSA §7854, sub-§11,** as enacted by PL 1989, c.
918, Pt. D, §12, is repealed.

8 **Sec. 12. 12 MRSA §7857, sub-§13,** as amended by PL 1997, c.
10 432, §55, is repealed.

12 **Sec. 13. 12 MRSA §7857, sub-§13-A,** as amended by PL 1989, c.
14 493, §68, is repealed.

16 **Sec. 14. 12 MRSA §7857, sub-§13-B,** as amended by PL 1995, c.
65, Pt. A, §35 and affected by §153 and Part C, §15, is repealed.

18 **Sec. 15. 12 MRSA §7857, sub-§13-C,** as amended by PL 1995, c.
65, Pt. A, §36 and affected by §153 and Part C, §15, is repealed.

20 **Sec. 16. 12 MRSA §7857, sub-§13-D** is enacted to read:

22 **13-D. Headgear required.** Notwithstanding Title 29-A,
24 section 2083, a person may not operate or be a passenger on an
26 ATV unless the person is wearing protective headgear that
28 conforms to the standards established under Title 29-A, section
2083, subsection 3.

30 A person who violates this subsection commits a civil violation
32 for which a fine of not less than \$100 nor more than \$500 may be
34 adjudged.

36 **Sec. 17. 12 MRSA §7857, sub-§14,** as amended by PL 1997, c.
432, §56, is repealed.

38 **Sec. 18. 12 MRSA §7857, sub-§14-A,** as enacted by PL 1989, c.
493, §69, is repealed.

40 **Sec. 19. 12 MRSA §7857, sub-§24, ¶E,** as amended by PL 2001, c.
387, §43, is repealed.

42 **Sec. 20. 12 MRSA §7901-A, sub-§12, ¶B,** as amended by PL 2001,
c. 536, §2, is further amended to read:

44 B. Chapter 715, subchapter II violations:

46 (1) Operating an unregistered snowmobile as described
48 in section 7827, subsection 1;

50 (2) Operating a snowmobile upon a controlled access
52 highway as described in section 7827, subsection 2;

- 2 (3) Unlawfully operating a snowmobile on a plowed road
as described in section 7827, subsection 3;
- 4 (4) Operating a snowmobile on a public way as
6 described in section 7827, subsection 4;
- 8 (5) Unlawfully operating a vehicle on a snowmobile
trail as described in section 7827, subsection 4-A;
- 10 (6) Failure to stop a snowmobile before entering a
12 public way as described in section 7827, subsection 5;
- 14 (7) Failure to yield the right-of-way while operating
a snowmobile as described in section 7827, subsection 6;
- 16 (8) Crossing a closed bridge, culvert, overpass or
18 underpass with a snowmobile as described in section
7827, subsection 7;
- 20 ~~(9) Unlawfully operating a snowmobile while under age
as described in section 7827, subsection 12;~~
- 22 ~~(10) Permitting an unaccompanied child to operate a
24 snowmobile as described in section 7827, subsection 13;~~
- 26 (11) Operating a snowmobile that exceeds the noise
limit as described in section 7827, subsection 14;
- 28 (12) Unlawfully modifying a snowmobile as described in
30 section 7827, subsection 15;
- 32 (13) Operating a snowmobile with insufficient lights
as described in section 7827, subsection 16;
- 34 (14) Failure to use snowmobile lights as described in
36 section 7827, subsection 17;
- 38 (15) Unlawfully operating a snowmobile on railroad
tracks as described in section 7827, subsection 18;
- 40 (16) Operating a snowmobile in a cemetery as described
42 in section 7827, subsection 19;
- 44 (17) Operating a snowmobile too close to certain
buildings as described in section 7827, subsection 20;
- 46 (18) Unlawfully permitting operation of a snowmobile
48 as described in section 7827, subsection 21;
- 50 (19) Failure to report an accident as described in
section 7827, subsection 22;

- 2 (20) Unlawful issuance of snowmobile registration as
described in section 7827, subsection 24;
- 4
- 6 (21) Renting or leasing a snowmobile as described in
section 7827, subsection 26; and
- 8 (22) Failure to remove a submerged or partially
submerged snowmobile as described in section 7827,
10 subsection 22-A; and

12 **Sec. 21. 12 MRSA §7901-A, sub-§12, ¶C**, as enacted by PL 2001,
c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

14 C. Chapter 715, subchapter IV 4 violations:

- 16 (1) Operating an unregistered ATV as described in
18 section 7857, subsection 1;
- 20 (2) Failure to display ATV registration numbers as
22 described in section 7857, subsection 1-A;
- 24 (3) Operating an ATV upon a controlled access highway
as described in section 7857, subsection 2;
- 26 (4) Unlawfully operating an ATV on a snowmobile trail
28 as described in section 7857, subsection 3;
- 30 (5) Unlawfully operating an ATV on a private road as
described in section 7857, subsection 4;
- 32 (6) Operating an ATV on a public way as described in
section 7857, subsection 5;
- 34 (7) Failure to stop an ATV before entering a public
36 way as described in section 7857, subsection 6;
- 38 (8) Failure to yield the right-of-way while operating
40 an ATV as described in section 7857, subsection 7;
- 42 (9) Crossing a closed bridge, culvert, overpass or
underpass with an ATV as described in section 7857,
44 subsection 8;
- 46 ~~(10)--Operating an ATV while under age as described in
section 7857, subsection 13;~~
- 48 ~~(11)--Operating an ATV without certificate of training
as described in section 7857, subsection 13-A;~~
- 50

- 2 ~~(12) -- Operating an ATV without protective headgear as~~
~~described in section 7857, subsection 13-B;~~
- 4 ~~(13) -- Carrying a passenger on an ATV without headgear as~~
~~described in section 7857, subsection 13-C;~~
- 6
- 8 ~~(14) -- Permitting an unaccompanied child to operate an~~
~~ATV as described in section 7857, subsection 14;~~
- 10 ~~(15) -- Permitting a child under 10 years of age to~~
~~operate an ATV as described in section 7857, subsection~~
12 ~~14-A;~~
- 14 (16) Operating an ATV without a muffler as described
in section 7857, subsection 15;
- 16
- 18 (17) Operating an ATV with insufficient lights as
described in section 7857, subsection 16;
- 20 (18) Failure to use ATV lights as described in section
7857, subsection 17;
- 22
- 24 (19) Unlawfully operating an ATV on railroad tracks as
described in section 7857, subsection 18;
- 26 (20) Operating an ATV too close to certain buildings
as described in section 7857, subsection 20;
- 28
- 30 (21) Unlawfully permitting operation of ATV as
described in section 7857, subsection 21;
- 32 (22) Failure to report an ATV accident as described in
section 7857, subsection 22;
- 34
- 36 (23) Operating an ATV in a prohibited area as
described in section 7857, subsection 22-A;
- 38 (24) Operating an ATV on cropland or pastureland as
described in section 7857, subsection 23; and
- 40
- 42 (25) Selling an ATV without lights as described in
section 7857, subsection 25.

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SUMMARY

This bill:

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1. Beginning on July 1, 2004, requires owners of ATVs or snowmobiles to have liability insurance coverage for damages or

injuries caused by operation of the ATV or snowmobile and
2 requires proof of such coverage prior to registration of an ATV
or snowmobile after that date;

4

2. Prohibits persons under 16 years of age from operating
6 an ATV or snowmobile;

8

3. Requires persons 16 years of age or older to obtain an
operator's license to operate an ATV or snowmobile from the
10 Department of Inland Fisheries and Wildlife;

12

4. Exempts persons already 16 years of age or older on the
date the law becomes effective from the requirements to take an
14 instructional course and to pass a written test prior to
obtaining an ATV or snowmobile operator's license;

16

5. Repeals the current provisions of law relating to
18 operation of ATVs or snowmobiles by persons under 16 years of
age; and

20

6. Requires all persons riding ATVs or snowmobiles to wear
22 helmets.