

Bill as
Introduced

HB 383 - AS INTRODUCED

2013 SESSION

13-0114

10/01

HOUSE BILL

383

AN ACT

relative to operation of OHRVs on the traveled portion of public highways, where permitted.

SPONSORS:

Rep. Theberge, Coos 3

COMMITTEE:

Transportation

ANALYSIS

This bill requires that operators of OHRVs on the traveled portion of public highways, where permitted, shall be licensed to drive or accompanied by a person who is licensed to drive.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to operation of OHRVs on the traveled portion of public highways, where permitted.

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

- 1 1 New Paragraph; OHRV Operation on Traveled Portion of Public Highway. Amend RSA 215-
2 A:29 by inserting after paragraph I the following new paragraph:
3 I-a. Notwithstanding provisions of this chapter to the contrary:
4 (a) Any unaccompanied person operating an OHRV on the traveled portion of a public
5 highway, where permitted, shall be required to be licensed to drive as described in subparagraph
6 I(b)(2); and
7 (b) Any person operating an OHRV on the traveled portion of a public highway, where
8 permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at
9 all times by a person who is licensed to drive as described in subparagraph I(b)(2) and who shall be
10 legally responsible and be liable according to law for personal injury or property damage to others
11 which may result from such operation by an unlicensed person.
12 2 Effective Date. This act shall take effect January 1, 2014.

Amendments

Amendment to HB 383

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Paragraph; OHRV Operation on Traveled Portion of Public Highway. Amend RSA 215-
4 A:29 by inserting after paragraph I the following new paragraph:

5 I-a.(a) Any person operating an OHRV along the traveled portion of a public highway, where
6 permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); or

7 (b) Any person operating an OHRV along the traveled portion of a public highway,
8 where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be
9 accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2),
10 who is at least 18 years of age, and who shall be legally responsible and be liable according to the law
11 for personal injury or property damage to others which may result from such operation by an
12 unlicensed person.

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

15 2 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 383

BILL TITLE: relative to operation of OHRVs on the traveled portion of public highways, where permitted.

DATE: February 5, 2013

LOB ROOM: 203 **Time Public Hearing Called to Order:** 11:45 a.m.

Time Adjourned: 12:13 p.m.

(please circle if present)

Committee Members: Reps. Bouchard, M. O'Brien, Rhodes, Johnson, Patten, Soucy, C. Williams, LaPlante, Burtis, O'Flaherty, Sykes, Packard, Crawford, Hikel, Hinch, Straight, P. Walsh, Steven Smith, Chirchiello and Hodgdon.

Bill Sponsors: Rep. Theberge, Coos 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Theberge, prime sponsor of the bill, spoke in favor of the bill. There is a problem with juveniles who are unlicensed can operate OHRV's on certain public highways. * Provided written testimony. Available for questions.

Chris Gamache, Captain John Wimsat NH Fish and Game. DRED supports this bill. Communities in Coos County are in favor of this bill. Would like to see this bill to take affect within 60 days of passage. They are suggesting that some amendments may be in order, particularly with regards to Class 6 roads.

Rep. Packard, a 90 degree crossing would be allowed, is clarification needed? Language with respect to on or along the road. Wimsat believes there is strong enough language. Gamache, crossing on state roads need a permit, and these issues are looked at.

Rep. Hikel, is this a problem with driving along in traffic? Several towns allow the operation of the machines on their public roads. This would restrict 14 and 15 YO's. with a safety card. There are a few examples on a state road. Hikel wants to know if they are trying to force the towns. Not forcing the towns, they are requesting this. Hikel is not NH a mini-mx state? They can be more restrictive as long as it is not in conflict with the state law.

Rep. Walsh, how many of these examples exist? Is it just connections or town roads? It is both.

Rep. Packard, does this include towns being able to open up state roads? No they can not.

Sergeant Stephen Kace. DOS, NH SP. DOS is opposed to the bill. The DOS has many questions, and recommends the committee examine them carefully.

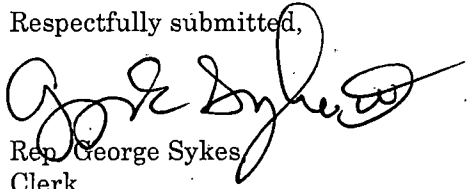
Rep.Hikel, if you do not have a NH motor vehicle license can you be operating on the roads? You should not be.

Rep.Rhodes, is this not a good thing that we are trying to do? Well intentioned, but it needs to be revisited.

Rep.Hinch, is it true the DOS does not think the bill can be "fixed" with a simple amendment? That is true. Further work needs to be done.

Rep.Crawford, a suggestion that the Departments could get together to offer an amendment by Tuesday to amend the bill to the satisfaction of the departments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George Sykes".

Rep. George Sykes
Clerk

HOUSE COMMITTEE ON TRANSPORTATION

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(members present in **BOLD**)

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Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER

33 HAZEN DR. CONCORD, NH 03305

603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

NH DEPARTMENT OF SAFETY

LEGISLATIVE POSITION PAPER

HB_383___ SB___ AS INTRODUCED (x) AMENDMENT NO. ____

This bill appears to allow unlicensed persons to operate OHRV's on the traveled portion of a highway as long as they are accompanied by someone with a driver's license at all times and who will be "legally responsible and be liable according to law for personal injury or property damage to others that may result from such operation y an unlicensed person.

Because the bills says, "Notwithstanding the provisions of this chapter (Chapter 215-A on Off-Highway Recreational Vehicles) to the contrary", it can be read and interpreted in such a way as to even do away with the relatively modest requirements to operate an OHRV on a trail, to say nothing of on a highway where it could mix with fast-moving traffic.

Currently, a person under age 14 can drive on trails if accompanied by a licensed person at least 18 years of age, and if 12 years of age or older, can drive on the trail system if he or she has successfully completed Fish and Game's snowmobile or OHRV training program and is not under suspension in this state.

This bill is a fairly serious departure from current law in that it appears that it would allow 12 and 14-year-olds to drive OHRV's on the traveled portions of public highways. Even if we could be convinced that the phrase, "notwithstanding this chapter" would still mean they are prohibited by RSA 215-A: 6 from driving them on the traveled portion of interstate highways, toll roads, and Class I public highways, the bill certainly allows them to drive at speeds of up to 10 mph on the rights of way of Class I through Class VI highways, city or town sidewalks, and on any Class IV, V, or VI highways approved for OHRV operation by adults.

We are not sure how effective the provision of the bill that says anyone over 18 years of age accompanying one of these children is liable for any accident or law violation would be, Would the person's motor vehicle insurance, their OHRV insurance, or their homeowner's insurance honor such a

claim? And what if the person over 18 doesn't have insurance? New Hampshire is not a mandatory insurance state and we still have people out there who do not carry insurance.

Finally, would this bill set a precedent for making exceptions to allow 12 and 14-year-olds to drive other types of vehicles on the highway?

We would recommend that the Committee carefully think all the implications of this bill through before acting on it. After all, it isn't such a long wait for a person to turn age 16 and then they will at least have driver's licenses.

APPROVED:

Earl M. Sweeney

Assistant Commissioner

Hon. Robert L. Th  berge

30 Oxford St., Berlin, NH 03570 , Phone: 752 - 5672

Emails: robert.theberge@leg.state.nh.us or rolath@hotmail.com

Testimony

February 5, 2013

Transportation Committee

Re: HB383 An Act relative to operation of OHRVs on the traveled portion of public highways, where permitted.

Madame Chairman and members of the committee, thank you for hearing my testimony. For the record, I am Representative Robert L. Th  berge representing Co  s District 3 (Berlin).

The objective of this legislation is twofold. Firstly, to ensure the safety of both OHRV operators and vehicle drivers sharing the same portion of public highways. And, secondly to guarantee the continued economic benefit for Berlin and the surrounding communities using the extended OHRV trail system.

As to how this legislation came about. Berlin has the State OHRV Park (Jericho Lake Park) located on Route 10. The current city's ordinance allows OHRVs the use of certain city streets which connects the extensive network of trails located on both sides of the Androscoggin River. The ordinance in question is: Section 13-112 of the City Code. The 6th paragraph of the ordinance states the following:

“OHRV users in the City must abide by all State and City laws when on designated trails on City streets and must abide by all motor vehicle traffic laws. However, underage State certified OHRV operators may ride the trail on City streets if and only if accompanied closely by a properly motor vehicle licensed adult”.

Unfortunately, this past fall, a festival was held in Berlin during which juveniles where under the misimpression that they could travel any and all streets within the city limits. Minor accidents occurred, owing to the fact that the juveniles in question did not fully understand nor adhered to the rules and regulations of operating a moving vehicle on public roads.

I am here before you to request a solution by amending RSA 215-A: 29 by inserting after paragraph I the following new paragraph:

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

- (a) Any unaccompanied person operating an OHRV on the traveled portion of a public highway, where permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); and
- (b) Any person operating an OHRV on the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all time by a person who is licensed to drive as described in subparagraph I(b)(2) and who shall be legally responsible and be liable according to law for personal injury or property damage to others which may result from such operation by an unlicensed person.

I hope that the committee approves the above legislation as OTP. Should you have any questions, I am prepared to do my best in answering them at this time.

Respectfully submitted,

Rep. Robert L. Théberge

Suggested Blurb (Committee Report) Write-up.

This legislation amends RSA 215-A:29 and specifies that any person operating an OHRV on a public highway, where permitted, must have a valid driver's license and that individuals operating an OHRV on a public highway, where permitted, who do not possess a valid driver's license, must be accompanied by someone who has a valid driver's license and who also shall be legally responsible and liable for personal injury or property damage which may result from such operation by an unlicensed person.

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 383

BILL TITLE: relative to operation of OHRVs on the traveled portion of public highways, where permitted.

DATE: February 19, 2013

LOB ROOM: 203

Amendments:

Sponsor: Rep. Theberge OLS Document #: 2013 0380h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) Amendment

Moved by Rep. O'Brien

Seconded by Rep. Burtis

Vote: unanimous (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. O'Brien


Seconded by Rep. Packard

Vote: 14-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: yes

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. George E. Sykes, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 383

BILL TITLE: relative to operation of OHRVs on the traveled portion of public highways, where permitted.

DATE: 2/19/13

LOB ROOM: 203

Amendments:

Sponsor: Rep. *Theberge* OLS Document #: 2013-0380 H
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) *AMENDMENT*

Moved by Rep. *O'Brien*
Seconded by Rep. *Burtis*
Vote: (Please attach record of roll call vote.) *UNANIMOUS*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *O'Brien*
Seconded by Rep. *BA PACKARD*
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *YES*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
George E. Sykes
Rep. George E. Sykes, Clerk



2013 SESSION

TRANSPORTATION

Bill #: HB 383

Title:

*relative to operation of OTRVs on traveled portion
of public highways, where permitted.*

PH Date: 2/5/13

Exec Session Date: 2/18/13

Motion: OTP/A

Amendment #: 2013-0380 H

MEMBER

YEAS

NAYS

Bouchard, Candace C W, Chairman	✓	
O'Brien, Michael B, V Chairman	✓	
Rhodes, Brian D	✓	
LaPlante, Roland H		
Soucy, Timothy A	✓	
Williams, Carol A		
Johnsen, Gladys	✓	
Patten, Dick W	✓	
Burtis, Elizabeth B	✓	
O'Flaherty, Tim		✓
Sykes, George E, Clerk	✓	
Packard, Sherman A,	✓	
Hikel, John A,		
Hinch, Richard W,	✓	
Chirichiello, Brian K		
Smith, Steven D		
Crawford, Karel A	✓	
Hodgdon, Bruce E.	✓	
Straight, Philip N	✓	
Walsh, Thomas C	✓	
TOTAL VOTE:		

14

1

Committee Report

CONSENT CALENDAR

February 20, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB383,

AN ACT relative to operation of OHRVs on the traveled portion of public highways, where permitted. Having considered the same, report the same with the following amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.

Rep. Michael B O'Brien

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB383
Title:	relative to operation of OHRVs on the traveled portion of public highways, where permitted.
Date:	February 20, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill will require a OHRV operator who is not licensed to drive and a youth operator, to be in the company of an operator 18 years or older, and responsible and liable according to the law for the personal injury or property damage to others which may result from such operation by an unlicensed person. The amendment replaces the bill.

Vote 14-1.

Rep. Michael B O'Brien
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB383, relative to operation of OHRVs on the traveled portion of public highways, where permitted.
OUGHT TO PASS WITH AMENDMENT.

Rep. Michael B O'Brien for TRANSPORTATION. This bill will require a OHRV operator who is not licensed to drive and a youth operator, to be in the company of an operator 18 years or older, and responsible and liable according to the law for the personal injury or property damage to others which may result from such operation by an unlicensed person. The amendment replaces the bill.
Vote 14-1.

TRANSPORTATION COMMITTEE

Blurb

HB 383 relative to operation of OHRVs on the traveled portion of public highways, where permitted.

OTpw/A #0380h 14-1 CC

This bill will require a OHRV operator who is not licensed to drive and a youth operator, to be in the company of an operator 18 years or older, and responsible and liable according to the law for the personal injury or property damage to others which may result from such operation by an unlicensed person. The amendment replaces the bill.

Rep. Michael O'Brien,
For the committee

CW3
2/20/2013

COMMITTEE REPORT

COMMITTEE: Transportation

BILL NUMBER: HB 383

TITLE: relative to operation of OHRVs on the traveled portion of public highways, where permitted.

DATE: 2/19/13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2013-0380-14

STATEMENT OF INTENT:

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The Amendment replaces the bill.

[Handwritten signature]
2/19/13

COMMITTEE VOTE: 14-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Michael Obern
For the Committee