

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 383 - AS AMENDED BY THE HOUSE

6Mar2013... 0380h

2013 SESSION

13-0114
10/01

HOUSE BILL

383

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2 A:29 by inserting after paragraph I the following new paragraph:

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

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

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

13 2 Effective Date. This act shall take effect 60 days after its passage.

HB 383 – AS AMENDED BY THE SENATE

6Mar2013... 0380h

03/28/13 1042s

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.

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(a) Any person operating an OHRV along the traveled portion of a public highway, where permitted, shall be required to be licensed to drive 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) 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 18 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.

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

CHAPTER 75
HB 383 – FINAL VERSION

6Mar2013... 0380h
03/28/13 1042s

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.

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COMMITTEE: Transportation

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CHAPTER 75
HB 383 – FINAL VERSION

6Mar2013... 0380h
03/28/13 1042s

13-0114
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

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1 75:1 New Paragraph; OHRV Operation on Traveled Portion of Public Highway. Amend RSA
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3 I-a. Notwithstanding provisions of this chapter to the contrary:

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5 where permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); or

6 (b) Any person at least 12 years of age, who has successfully completed an approved
7 snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public
8 highway, 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 75:2 Effective Date. This act shall take effect 60 days after its passage.

16 Approved: June 7, 2013

17 Effective Date: August 6, 2013

Amendments



Amendment to HB 383

1 Amend RSA 215-A:29, I-a as inserted by section 1 of the bill by replacing it with the following:

2

3

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

4

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

5

6

(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) 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 18 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.

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(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.

14

Committee Minutes

**SENATE CALENDAR NOTICE
TRANSPORTATION**

Senator Jim Rausch Chairman
 Senator Peggy Gilmour V Chairman
 Senator David Boutin
 Senator Nancy Stiles
 Senator David Watters

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 13, 2013

HEARINGS

Tuesday

3/19/2013

TRANSPORTATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|---------|----------|---|
| 1:00 PM | HB282 | (New Title) relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees. |
| 1:15 PM | HB383 | relative to operation of OHRVs on the traveled portion of public highways, where permitted. |
| 1:30 PM | HB444 | establishing a committee to study the use of autonomous vehicles in New Hampshire. |
| 2:00 PM | HB543 | relative to ascertaining damages to abutting landowners. |
| 2:15 PM | HB112-FN | (New Title) relative to reclamation trust funds. |

Sponsors:

HB282

Rep. Sherman Packard

Sen. Jim Rausch

HB383

Rep. Robert Theberge

HB444

Rep. John Hikel

HB543

Rep. James Aguiar

Rep. Andrew Renzullo

Rep. Susan Ford

Rep. Lester Bradley

Rep. Linda Lauer

HB112-FN

Rep. James Webb

Rep. Frank Sapareto

Rep. Beverly Ferrante

Rep. Christopher Andrews

Rep. Jordan Ulery

SENATE TRANSPORTATION COMMITTEE

Jennifer Horgan, Legislative Aide

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

Hearing Date: 03/19/13

Time Opened: 1:26 PM

Time Closed: 1:49 PM

Members of the Committee Present: Senators Rausch, Gilmour, Boutin, Stiles, Watters

Members of the Committee Absent: No one

Bill 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.

Sponsors: Rep. Theberge, Coos 3

Who supports the bill: Representative Theberge, John Wimsatt (Fish and Game), Stephen Kace (State Police), Chris Gamache (NH Trails, Department of Resources and Economic Development)

Who opposes the bill: No one.

Summary of testimony presented in support:

Representative Theberge presented an amendment

- This bill clarifies the language regarding the use of an OHRV.
- The amendment changes the effective date to 60 days after passage in order to have this in law enacted before a big event and clarifies the language within the bill.

Captain Wimsatt (NH Fish and Game) provided a position paper

- Supports the amendment as it clarifies the restrictions explicitly.
- OHRV laws are somewhat confusing and this legislation clarifies that.
- Until recently, NH did not have a lot of roads open to OHRVs, but more road systems have been opened up by towns and by SB 250 from last year.
- Currently, a 12 and 13 year old, who has a safety certificate, may operate on a trail if accompanied by someone over the age of 18 and cross a road at a 90 degree angle. A 14 or 15 year old, who has a safety certificate, can ride unaccompanied on trails and roads.
- This bill would restrict those 14 and 15 year olds, until they get their drivers license, from riding unaccompanied on the roads.

- The “Notwithstanding” section is simply to ensure that it will not trump any other current OHRV statutes. For example, current OHRVs statutes make specific reference parental responsibility.
- Senator Rausch asked if a 14 year old can ride on trail alone, but cannot operate on roadway without an 18 year old.
 - Under this bill that is correct. From a safety perspective, those 14 and 15 year olds should not be driving on the roads on their own.
- Senator Rausch questioned the issue that many of the trails are connected by roads.
 - If it is an actual sanctioned trail, those 14 and 15 year olds would be able to operate with no problems. This specifically addresses roads approved for OHRV use.
- Senator Stiles asked how often the OHRV classes are held and how much they cost.
 - The course availability is posted on their website and they have two or three coming up in the coming weeks. During snow machine season, they ramp that up. If they get a call that they do not have a class when someone needs one, they put one together. Most of it is volunteer instructors and they work to meet the demand. There is no cost for the class per statute and rule.
- Senator Boutin asked for clarification as to what accompanied means.
 - Within sight, when actual physical direction can be made. On a machine behind or in front of the other operator’s machine or on the same machine.
- Senator Watters asked if parental consent is required participate in the courses.
 - There is a parental consent form. Kids cannot receive the card until they are 11 and it is not valid until their 12th birthday.

Steven Kace (State Police, Department of Safety)

- In favor of the amendment.
- Originally had concerns, but that position was formulated from an unenlightened place and they have seen the light.

Chris Gamache (NH Trails, Department of Resources and Economic Development) provided a position paper

- This has been the number one topic of discussion regarding OHRVS and it is something they requested be worked on.
- Supports the proposed amendment.

Summary of testimony presented in opposition:

None

Fiscal Note: N/A

Future Action: The committee took the bill under advisement.

JCH

Date hearing report completed: 03/22/13

[file: HB383 report]

Speakers

Testimony

Proposed amendment to HB383 for Tuesday March 19th.

Request: Please insert the language in red

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

(b) Any person at least 12 years of age or older who has successfully completed an approved snowmobile or OHRV training course, 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) 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 18 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.

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



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

New Hampshire Fish and Game Department Testimony in Support of House Bill 383

An Act Relative to operation of OHRVs on the traveled portion of public highways, where permitted

**Senate Transportation Committee
March 18, 2013**

Chairman Rausch and members of the Senate Transportation Committee, for the record my name is John Wimsatt. I serve as Administrative Captain for the Law Enforcement Division of the NH Fish and Game Department. I am responsible for oversight of the Snowmobile and OHRV program. This bill is Department supported legislation and the New Hampshire Fish and Game Commission voted to support HB 383.

Over the last few years, several public roads have been opened for use by All-Terrain Vehicles (ATVs) and other Off Highway Recreational Vehicles (OHRVs). Some of these roads have been opened by the local governing municipality while certain state owned roads have been opened by legislation enacted last year in Senate Bill 250.

The purpose of HB383 is to address legitimate safety concerns regarding youth operator requirements on these roads. Current law allows 14 and 15 year olds that have successfully completed and approved OHRV safety course to ride on approved **trails** without the requirement of being accompanied by a licensed adult. This has worked relatively well and within acceptable safety considerations for many years. However, these 14 and 15 year olds can also legally operate on approved **roads** unaccompanied. Very few public roads have been open to ATV/OHRV use historically. Only in the recent few years have these restrictions changed to allow increased road use. It was not the legislative intent of the current OHRV law to provide an opportunity for unlicensed drivers to be able to operate OHRVs on public roads, essentially as a motor vehicle.

HB383, if enacted into law would require all operators of OHRVs to be licensed to drive or those operators 12 years of age and older in possession of an approved OHRV safety certificate would be required to be accompanied by a properly licensed adult at least 18 years of age.

In short, this bill makes good sense and prioritizes safety concerns for youth operators. It will be enforceable by law enforcement.

Thank you for the opportunity to testify before the Committee today regarding HB383 and I would respectfully urge the Committee members to vote to support HB 383.

Respectfully,

Captain John B. Wimsatt
OHRV Program Administrator

REGION 1

629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

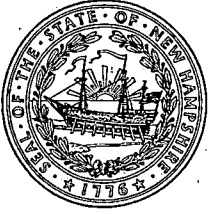
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
OFFICE of the COMMISSIONER

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2411
FAX: 603-271-2629

March 19, 2013

The Honorable Jim Rausch, Chairman
and Senate Transportation Committee
NH State House, Room 101
Concord, NH 03301

Re: HB 383, an act relative to operation of OHRVs on the traveled portion of public highways, there permitted.

Dear Chairman Rausch and Members of the Committee,

Please accept this testimony on behalf of the Department of Resources and Economic Development, Division of Parks & Recreation, Bureau of Trails in support of the House Bill 383.

This bill would address safety concerns raised by several local communities in the North Country, where on-road use of public highways by OHRV operators is permitted in order to connect riders with services, as part of the statewide OHRV trail system. This bill would clarify that youth operators of OHRVs would have to have a valid driver's license to operate along a public highway, or would have to be accompanied by an adult. Several communities have raised youth operation as their primary concern in the designation of on-road use by OHRV operators: this bill addresses that concern.

Thank you for considering this testimony in support of HB 383. Feel free to contact me should you require any additional information.

Chris Gamache, Bureau of Trails Chief, is available to answer questions that you may have regarding our testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Bryce".

Philip A. Bryce
Acting Commissioner

PAB/GC/ttl0318



Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: 03/20/2013

THE COMMITTEE ON Transportation

to which was referred House Bill 383

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1042s

Senator Nancy Stiles
For the Committee

Jennifer Horgan 271-3091

New Hampshire General Court - Bill Status System

Docket of HB383

Docket Abbreviations

Bill Title: relative to operation of OHRVs on the traveled portion of public highways, where permitted.*Official Docket of HB383:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Transportation; HJ 12 , PG.193
1/23/2013	H	Public Hearing: 2/5/2013 11:30 AM LOB 203
2/6/2013	H	Executive Session: 2/19/2013 10:00 AM LOB 203
2/20/2013	H	Committee Report: Ought to Pass with Amendment #0380h for Mar 6 (Vote 14-1; CC); HC 20 , PG.414
2/20/2013	H	Proposed Committee Amendment #2013-0380h ; HC 20 , PG.450-451
3/6/2013	H	Amendment #0380h: AA VV; HJ 24 , PG.663
3/6/2013	H	Ought to Pass with Amendment #0380h: MA VV; HJ 24 , PG.663
3/7/2013	S	Introduced and Referred to Transportation
3/13/2013	S	Hearing: 3/19/13, Room 103, LOB, 1:15 p.m.; SC12
3/20/2013	S	Committee Report: Ought to Pass with Amendment #2013-1042s , 3/28/13; SC13
3/28/2013	S	Committee Amendment 1042s, AA, VV;
3/28/2013	S	Ought to Pass with Amendment 1042s, MA, VV; OT3rdg;
5/22/2013	H	House Concurs with Senate AM #1042s (Rep Bouchard): MA VV; HJ43 , PG.1464
5/30/2013	S	Enrolled
5/30/2013	H	Enrolled, 5/29/13; HJ45 , PG.1527
6/13/2013	H	Signed by Governor 06/07/2013; Effective 08/06/2013; Chapter 0075

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

H3383 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1042s _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 6/21/13


BY COMMITTEE AIDE