

OHRVS, SNOWMOBILES AND OTHER SPECIAL PURPOSE VEHICLES

Training Unit
NH Department of Safety
Division of State Police

PURPOSE

- ◉ The purpose of this training is to acquaint Troopers with the statutes, rules, and problems you are likely to encounter with the growing number of **snowmobiles, off-highway recreation vehicles (OHRVs) and other special purpose vehicles such as Autocycles and Electric-powered scooters** and the frequency of accidents and citizen complaints regarding these vehicles.

UNIT ONE

○ Snowmobiles and
OHRV's - Enforcement
Needs and Challenges.



SNOWMOBILES DURING THE WINTER MONTHS

- You will see them crossing highways, running down the breakdown lanes, or heading down trails to the woods. Do you know when these actions are legal and when they are not?
- If you receive a complaint from a landowner about them, will you be able to identify any restrictions that apply to these vehicles?



ACCIDENTS

- ◉ Regardless of your patrol area, you may be called to the scene of a serious accident involving these vehicles.
- ◉ How do the laws regarding conduct after an accident relate to accidents with these vehicles, and are there laws or rules that apply when the accident occurs off the road?
- ◉ Unless you yourself own one of them, you may not be aware of these laws when faced with a situation.

BUT ISN'T THIS FISH AND GAME'S PROBLEM?

- Fish and Game registers snowmobiles and OHRVs and with a small force of 33 Conservation Officers in the field (the same number as in 1950) to cover the state “from Coos to the Sea,” are the primary enforcers along with enforcing the hunting, fishing and trapping laws, investigating hunting accidents, searching for and rescuing lost hunters and hikers, recovering drowning victims.

WHAT IS THE “BUREAU OF TRAILS?”

- This is a handful of specialized officers within the Department of Natural and Cultural Resources that oversees the condition and safety of the trail system that also endeavors to protect the landowners and the sport.



HOW MUCH FISH AND GAME ACTIVITY RELATES TO THESE VEHICLES?

- In a typical year they make 55,000 safety checks of these vehicles and riders, issue 1,000 warnings and 900 warnings for violations, participate in a rider education program that graduates 1,500 persons, and respond to accidents on the trail system and elsewhere, and handle complaints from landowners in every part of the state.



NUISANCE OR VALUABLE ASSET TO THE STATE'S ECONOMY?

- ◉ There are more than 57,000 OHRVs registered in NH, one in four owned by a non-resident.
- ◉ These include OHRVs, UTVs (Utility Terrain Vehicles), trail bikes, and a scattering of others such as Antiques.
- ◉ There are also 43,000 snowmobiles registered in New Hampshire.
- ◉ All in all this totals to 100,000 vehicles.

WHERE ARE THEY USED?

- ◉ There are more than 7,000 miles of snowmobile trails and 1,000 miles of OHRV trails maintained by clubs. One can ride a snow machine all the way from the Massachusetts border to the Canadian border without leaving the trail system.
- ◉ These trails exist with the consent of landowners, and if riders don't abide by the rules, the landowner can close his or her portion of the trail, leaving enthusiasts always "one landowner away from losing the trail system."

HOW EXPENSIVE IS THIS HOBBY?

- A typical new snowmobile or OHRV costs \$10,500 and up, a trailer runs \$3,000, a warm suit and safety helmet about \$400 - enthusiasts have made a substantial investment in their sport.



DO NH RESIDENTS BENEFIT?

- ◉ A Plymouth State University study determined that snowmobiling alone, not including OHRV activity, adds \$586 million a year to the state's economy, supports 4,637 full-time jobs, and the State government takes in more than \$1 million in rooms and meals tax revenues yearly from the sport.
- ◉ Non-residents account for 43% of snowmobile spending.

WHAT ABOUT OHRV'S?

- They have a similar impact during the warm weather months. Businesses and residents in the three Northern counties in particular rely on them for income.
- But - residents and businesses also need protection from the minority of users, who can endanger the sport and spoil it for the rest. This is where law enforcement comes in.

SNOWMOBILE ACCIDENTS

- They happen everywhere in the state, not just in the North Country.
- They are challenging in a number of ways. Many occur on trails off the beaten path, where cell phone coverage is non-existent and access is difficult for first responders. It is not easy to access the area with needed equipment, stabilize the patient and transport them to the nearest trauma hospital, which may be a long ways away.
- In a typical year there will be between 50 and 70 reported accidents. No doubt others go unreported.

CASUALTY RATES

- ◉ Between $\frac{2}{3}$ and $\frac{3}{4}$ of snowmobile accidents result in personal injury, and in some years there have been as many as 3 fatalities.
- ◉ Most of these accidents occur during clear or overcast weather, a few during snow or rain, relatively few after dark.
- ◉ About $\frac{2}{3}$ occur on weekends, the other $\frac{1}{3}$ during the week.

WHERE THEY HAPPEN

- ◉ Most occur on groomed trails on private property.
- ◉ Collisions with other snowmobiles, trees, rocks, ditches or embankments are the most common.
- ◉ A few riders are seriously injured when they fall off the machine, it rolls over, or they go through thin ice on a lake or pond.

WHO ARE INVOLVED?

- Unlike with auto accidents where youthful drivers tend to be heavily involved, most snowmobile crashes involve middle-age and senior citizens.
- As many as $\frac{1}{4}$ are not wearing safety helmets at the time.

HOW SERIOUS ARE THE INJURIES?

- ◉ The most common are injuries to the back, legs, head, arms, torso or entire body.
- ◉ They typically consist of fractures or dislocations, bruising, and some cases have even resulted in amputation.

WHAT ARE THE CAUSES?

- Excessive speed and inexperience are the leading contributing factors, followed by inattention and 12% due to alcohol or drugs, except for fatalities, where alcohol or drugs are involved in 36%.



WHAT ABOUT OHRV ACCIDENTS?

- The other 6 months of the year, these occur throughout the state and there is much more frequently an automobile or pedestrian involved when the OHRV ventures illegally onto a way.
- When the snowmobiles are put up for the season, the OHRV's come out.

WHAT IS THE AUTHORITY OF TROOPERS AND LOCAL POLICE?

- ◉ *The provisions of RSA 215-A and 215-C (snowmobiles and OHRVs) shall be enforced by Fish and Game Conservation Officers, and by every police and law enforcement officer, including but not limited to State Police, Sheriffs and their Deputies, Policemen, Constables, and all persons empowered to make arrests in criminal cases. Bureau of Trails Supervisors and Foremen may also be appointed as peace officers for the purposes of RSA 594 and 215-A. (RSA 215-A:16-17).*

WHAT YOU NEED TO KNOW

- ◉ The legal citations in this lesson are to the specific RSAs. The wording in some cases has been simplified or shortened and may not be worded exactly as the statute. You can access the full wording online at nh.gov under “laws and rules” when preparing court documents.

WHEN DO MV LAWS APPLY TO THESE MACHINES?

- ⦿ These specialized vehicles, when they are on public ways, are subject to the motor vehicle laws. When they are off the road on trails or private property they are subject to the snowmobile and OHRV laws in RSA chapters 215-A and 215-C.
- ⦿ And of course, the Criminal Code applies everywhere.

AFTER ALL, THEY ARE “MOTOR VEHICLES!”

- A motor vehicle is “any self-propelled vehicle not operated on stationary tracks, including ski area vehicles,” and a vehicle is “every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a way, excepting devices used exclusively upon stationary rails or tracks.” (RSA 259:60, 259:122)

WHEN MAY A SNOWMOBILE OR OHRV BE OPERATED ON A WAY?

- ◉ At official crossings where they are allowed to cross a Class I, II, or III State highway at a designated location approved by the DOT Commissioner. (RSA 215-A: VI).
- ◉ At trail connectors also designated by the DOT Commissioner. Those are a special portion of an OHRV or snowmobile trail within a Class I, II, or III State highway right-of-way or bridge authorized by DOT.

HOW ARE THOSE LOCATIONS CHOSEN?

- ◉ DOT collaborates with the Department of Safety and the Bureau of Trails to assess potential hazards before approving.
- ◉ They are often established to allow these vehicles to access places where they may obtain fuel, food, or overnight lodging.



WHEN ARE OTHER WAYS OPEN?

- ◉ There are special occasions such as community-wide events sponsored by organizations where a city or town government asks the State to permit these vehicles to travel along the breakdown lane or local streets as part of the event, typically for specific dates and hours of operation. Persons operating on a way or across a bridge under such a permit must keep to the extreme right and yield to all oncoming traffic and do so at their own risk.

URBAN COMPACTS

- Also, certain cities and large towns including the City of Berlin that have taken over the responsibility from DOT for snowplowing and maintenance on the business district or local streets, establish “urban compacts” where operation of vehicles is subject to local ordinances and some State laws do not apply, although requirements for driver licenses and registrations and laws governing serious traffic violations are still in effect.



A FEW DEFINITIONS IN THE MV LAWS AND THE OHRV LAWS

- ◉ Way - The entire width between the boundary lines of any public street, avenue, road, alley, park or parkway, or any private way laid out by statute, or any such way provided and maintained by a public institution for which State funds are appropriated for public use; or any such way which has been used for public travel thereon, other than to or from a toll bridge or ferry, for 20 years, or any publicly or privately owned parking lot which is maintained primarily for the benefit of paying customers. RSA 259:125

EXPANDED DEFINITION OF A WAY

- ◉ Also, for the purposes of parking regulations and ordinances, the reckless driving law, driving or operating under the influence of drugs or liquor, or operating with excess alcohol concentration, or aggravated DWI, any public highway, street, avenue road, alley, park or parking lot or parkway; an private way laid out under authority of statute; ways provided by public institutions to which State funds are appropriated for public use; an privately owned and maintained way open for public use; and any private parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

AGRICULTURAL/INDUSTRIAL UTILITY VEHICLE

- A vehicle, including an off-highway recreation vehicle, with 4 or 6 wheels, an internal combustion engine or electric motor, or both, but excluding a tractor, equipped in accordance with RSA 41-a,III, that is capable of carrying not more than 6 occupants, has a load capacity of 1,500 lbs. or less, and in use for farming, agricultural, or light industrial uses, and is limited to ways or portions of ways where such vehicles are allowed, and having posted speeds of 40 mph or less located within a 10-mile radius from an entrance to land used by the farm or a 2-mile radius from the entrance to the light industrial complex or construction site, and subject to any other special conditions established by the government authority controlling the way. RSA 259:2-a

AUTOCYCLE

- A 3-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall be deemed to be a motorcycle.

ALL-TERRAIN VEHICLE (ATV)

Any motor-driven vehicle designed or adapted for travel over surfaces other than maintained roads with one or more non-highway tires, having capacity for passengers or other payloads, not to exceed un-laden dry weight of 1,000 lbs., and not to exceed 50” in width. For purposes of this chapter, all vehicles within this definition shall be classified as OHRVs. RSA 215-A:1, I-b.

ANTIQUE ATV

- ⦿ Any ATV manufactured prior to 1969 or 25 or more years old owned by a resident of NH. All such vehicles shall be classified as OHRVs. RSA 215-A:1, I-c.

OHRV

- ◉ An off-highway recreation vehicle. Any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushions of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off-highway recreational purposes shall fall within this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. OHRVs shall include Utility Terrain Vehicles and shall not include Snowmobiles as defined in RSA 215-C. (RSA 215-A:1, V, VI.)

OHRV TRAILS MAINTENANCE VEHICLE

- Any mechanically-propelled vehicle used to maintain OHRV trails or cross-country ski trails, classified by the Chief of the Bureau of Trails. When registered as such a vehicle, it shall not be used for recreational purposes. For purposes of this chapter, all vehicles within this definition shall be classified as OHRVs. RSA 215-A:1, VI-a.

OTHER OHRV

- ◉ An OHRV that is not a trail bike. RSA 215-A:1, V-c.

SNOWMOBILE

- Any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, tracks, or cleats. Only vehicles no more than 54” in width and more than 1,200 lbs. un-laden dry weight shall be considered snowmobiles under this chapter. Snowmobiles shall not include OHRVs. RSA 215-A:1, XIII.

TRAIL BIKE

- Any motor driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both, and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For purposes of this chapter, all vehicles within this definition shall be classified as OHRVs. RSA 215-A:1, XIV.

YOUTH MODEL ATV

- ◉ An ATV that is equipped with an internal combustion engine with a maximum piston displacement or 95 cubic centimeters (cc's).
- ◉ RSA 215-A:1, XIX.

YOUTH MODEL TRAIL BIKE

- A trail bike that is equipped with an internal combustion engine with a maximum piston displacement of 95 cc's. RSA 215-A:1, XX.

YOUTH MODEL SNOWMOBILE

- A snowmobile that is equipped with an internal combustion engine with a maximum piston displacement of 125 cc's.

UTILITY TERRAIN VEHICLE (UTV)

- Any mechanically propelled vehicle designed or adapted for travel over surfaces other than maintained roads, with one or more tires or tracks equipped with rollover protection and/or safety belts, having capacity for passengers or other payloads, not in excess of 2,000 lbs. un-laden weight, and not to exceed 65” in overall width, excluding side mirrors. For purposes of this chapter, shall include but not be limited to side-by-side, ROV, gator, buggy, and OHV, and all vehicles within this definition shall be classified as OHRVs. RSA 215-A:1, XXIV.

OPERATE

- ◉ When referred to an OHRV, to use that vehicle in any manner for transportation.
- ◉ “Operator” means a person riding in or on, and who is in actual physical control of an OHRV or Snowmobile. RSA 215-A:1, IX)

OWNER

- ◉ Any person other than a lienholder having title to an OHRV. RSA 215-A:1, IX.



PUBLIC WAY

- Any public highway, street, sidewalk, avenue, alley, park or parkway, or any way that is funded by State, town county, or the federal government, or laid out by statute, or any parking lots open for use by the public or vehicular traffic, or an frozen surface of a public water, provided, however, the off-highway portion of any trail established especially for OHRV's shall not be a public way. RSA 215-A:1, X.

PUBLIC WATER

- Any public body of water as defined by RSA 271:20 which has been frozen over and is sufficient to hold any person or vehicle whatsoever. Such waters shall be deemed a public way and any violation shall be treated as if it took place on land. *(RSA 271:20 refers to all natural bodies of fresh water situated entirely in NH having an area of 10 acres or more, and bodies of water located on the borders of the state over which it has exercised such jurisdiction. The NH Department of Environmental Services maintains an official list of all public bodies of water in the State).*

TRAVELED PORTION

- All areas of a public highway between the plowed snowbanks. RSA 215-A:1, XVI.



TRAIL CONNECTOR

- ◉ The specific portion of an OHRV trail or cross-country ski trail on which an OHRV trail maintenance vehicle may operate, authorized within a State highway right-of-way by the DOT. RSA 215-A:1, XVII.

REGISTERED FOR HIGHWAY USE

- Any OHRV or trail bike which is registered for use on the highways of the state under RSA Chapter 261. Such vehicles must comply with the provisions of RSA 215-A: 35-39 *(equipped with all OHRV required safety equipment, noise levels, and spark arrestors in addition to the requirements pertaining to registration of motor vehicles, directional signals if installed by the manufacturer as original equipment, high and low beam headlights only if they were installed as original equipment, and no trail bike registered for highway use needs a speedometer and odometer unless installed as original equipment. OHRVs and trail bikes with knobby pattern tires registered for highway use may be operated on all highways within the state except interstates. RSA 215-A:1, XV.*

**○ THIS CONCLUDES UNIT ONE.
UNIT TWO FOLLOWS.**

UNIT TWO

○ Operation and
Equipment
Requirements, and Rules
of the Road for OHRVs
and Snowmobiles.

WHAT ARE THE EQUIPMENT AND OPERATION REQUIREMENTS FOR OHRVS?

- ⦿ Any OHRV or trail bike registered for highway use, or operated during the period from ½ hour after sunset to ½ hour before sunrise must have one but not more than two headlights and one or more rear taillights in working order.
- ⦿ OHRVs and trail bikes must have adequate brakes in working order and sufficient to control the vehicle at all times and stop within 40' at 20 mph or to lock the wheels or track to a standstill.
- ⦿ Current registration decal fixed as required.

OTHER EQUIPMENT AND OPERATIONAL REQUIREMENTS

- ◉ A muffler and exhaust system complying with Fish and Game rules and capable of passing the sound test in RSA 215-A:13.
- ◉ Any sled or trailer towed behind an OHRV must have reflectors and a tow bar or other rigid hitch.
- ◉ Any police officer or person authorized to make criminal arrests may stop and check any OHRV for safety equipment, mufflers, brakes, lights, and appropriate inspections and sound tests. RSA 215-A:14, III.

OPERATION ON LAKES AND PONDS

- ⦿ No one may operate an OHRV on any lake or pond used by ice fishermen, closer than 150' to any occupied bob-house, fishing shanty or fishing hole of another, unless at a reasonable speed of not more than 10 mph.
- ⦿ Fish and Game may temporarily close all or any frozen surface of any public body of water for public use except for fishing on foot.
- ⦿ (RSA 215-A:34.)

OPERATION ON POSTED LAND

- ◉ Landowners may post all or any portion of their land against OHRV use. Notices must read *Snow traveling vehicles prohibited*, or *OHRV's prohibited* or an appropriate sign with the designated symbol readable at a 50' distance.
- ◉ Whoever without right enters such posted land is guilty of a violation. Failure to post land does not constitute permission to enter it, or imply any duty of care by the landowner to an OHRV user. (RSA 215-A:34).

REMOVAL OR DEFACING SIGNS OR MARKERS

- Any person who willfully or maliciously defaces, destroys, removes, obstructs, alters or otherwise tampers with any trail sign, marker, posting, or other fixed monument along any trail or on anyone's property is guilty of a misdemeanor and liable for full restitution of any damage incurred for which s/he is charged. This does not apply to persons authorized to relocate, remove or alter signs, markers or postings. (RSA 215-A:33).

“RULES OF THE ROAD” FOR OHRVS

- ⦿ The following are violations under RSA 215-A:6:
- ⦿ Operating between ½ hour after sunset and ½ hour before sunrise without displaying at least one lighted headlight and lighted taillight.
- ⦿ Operating on any portion of the right-of-way of any public way except as authorized by RSA Chapter 215-A.

MORE RULES OF THE ROAD VIOLATIONS

- ◉ Operating at speeds greater than reasonable and prudent under the conditions and having regard to the actual and potential hazards existing. All speeds must be controlled so as to be able to avoid colliding with any person, vehicle, or object.
- ◉ It is *prima facie* evidence, absent hazards requiring an even lower speed, unless posted to the contrary, to operate an OHRV faster than 10 mph within 150' of a bob-house, fishing shanty or occupied fishing hole; or 20 mph on Class I-VI highways when operated within the rights-of-way of such highways, or portions of highways or bridges approved for OHRV operation; 10 mph at trail junctions or parking lots, or when passing trail grooming equipment; or on town or city sidewalks.

DRIVING UNDER THE INFLUENCE

- ◉ No person shall drive or attempt to drive a vehicle upon a way *or operate or attempt to operate an OHRV*:
- ◉ (a) while under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of the above substances which impairs a person's ability to drive; or while such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more. (RSA 265-A:2).

ADDITIONAL OHRV SPEED LIMITS

- 20 mph on plowed roads or Department of Natural and Cultural Resources property (such as State Parks) open to OHRV operation.
- 35 mph on Trail Connectors and any approved OHRV trail unless posted otherwise.
- Appropriate reduced speed required when approaching and rounding a curve, approaching a hillcrest, traveling on any narrow or winding trail, or when a special hazard exists regarding pedestrians or other traffic by reason of weather or trail conditions.

TURTLE POND EXCEPTION

- Traveling on the frozen surface of Turtle Pond in Concord is limited to not faster than 55 mph, with enforcement jointly by State and Local law enforcement.



OPERATING TO ENDANGER, ETC.

- It is unlawful to operate an OHRV so as to endanger any person or damage any property.
- When meeting, operators of OHRVs and snowmobiles must reasonably turn to the right and reduce speed to avoid collisions.
- Operation within the limits of any railroad right-of-way where the rails are intact is prohibited unless otherwise posted, except in a declared emergency. However, an OHRV may be operated upon the railroad right-of-way for crossing the tracks where they intersect with an authorized trail where OHRV use is not otherwise prohibited. Penalties are a violation for a first offense and a misdemeanor for subsequent offenses.

OTHER RESTRICTED LOCATIONS

- Any airport runway or landing field, or within a cemetery, except in a declared emergency.
- On the right-of-way of an interstate highway, toll road, or limited Class I highway.

CROSSING PUBLIC WAYS

- If such operation is not otherwise prohibited by law, the crossing must be made at an approximate 90-degree angle to the direction of the public way and at a place where no obstruction prevents a quick and safe crossing, and the operator brings the OHRV to a complete stop before crossing the shoulder (or if no shoulder, the public way) before proceeding, and yields the right-of-way to all motor vehicle traffic upon the way which constitutes an immediate hazard to the crossing, and the operator possesses a valid driver's license or has completed the approved snowmobile or OHRV safety training course.

RIDING AFTER DARK

- Most OHRV trails are open daily from ½ hour before sunrise to ½ hour after sunset. Approved State-owned roads opened by DOT to OHRV travel permits, prohibit operation from ½ hour before sunrise to ½ hour after sunset, although some exceptions apply. Riding after dark is considered to be riding without landowner permission and is subject to summonses and fines. (Fish and Game administrative rule).

DECLARED EMERGENCIES

- ◉ When travel by conventional motor vehicles is not possible during a period of emergency declared by the appropriate authority having jurisdiction, an OHRV may be operated on a portion of an interstate highway, toll road, limited access highway, public highway or any other restricted area, provided the operator has received the specific authority so to operate, from an officer authorized to enforce the OHRV laws. (RSA 215-A:9, VII).

LOCAL OPTION

- Pursuant to RSA 215-A:15, city or town Councils and Boards of Selectmen may authorize the use of sidewalks and Class IV, V, or VI highways (basically, town roads) and bridges or portions thereof, for the use of OHRVs, and also on sidewalks adjacent to Class I, II, III or III-a traffic. Operators shall keep to the extreme right and yield to all conventional motor vehicle traffic. The Bureau of Trails may also post such highways where authorized. (RSA 215-A:6, IX)

LOCAL OPTION (CONT'D.)

- ⦿ After a duly authorized public hearing, cities or towns except in cases of an emergency closure may change the allowable usage of a Class IV, V, or VI highway by OHRVs by giving notification to the Supervisor of the Bureau of Trails and removing any signs to the contrary.
- ⦿ Any town or city that enacts a local ordinance or bylaw is responsible for the enforcement of it, and any person violating it is still subject to all other provisions of RSA 215-A. (RSA 215-A:6, IX)

SNOWMOBILE OR OHRV EVENTS

- ◉ A person, organization or corporation wishing to operate or promote any Snow Traveling Vehicle, Snowmobile or OHRV event or contest involving the use of unregistered snowmobiles or unregistered OHRVs must obtain a special permit from Fish and Game on an annual basis, including a listing of scheduled events. Unregistered participants shall not operate away from the racecourse or contest area specified in the permit. Unregistered OHRVs may also be operated as part of an organized, commercial OHRV event that takes place on property owned by the organizer without such a permit. Registration, driver license and safety training certificates shall not apply to operation at events held wholly on property owned by the event organizer. (RSA 215-A:30)

OHRV OWNER AND OPERATOR RESPONSIBILITIES

- ◉ Under RSA 215-A:19, unless otherwise provided, it is a violation for an owner or operator, or both, of an OHRV to violate any provision of RSA Chapter 215-A or any rule relating thereto, as follows:
- ◉ When operating or in charge of an OHRV the owner, operator or both, are responsible to the landowner for any damage to lands where trees, shrubs, roads or other property is damaged from travel over the premises by such vehicles and damages incurred or violations of RSA 215-A committed by a person under the age of 18 years. In addition to any statutory fine, the Fish and Game Director may, after a hearing, revoke the registration of any OHRV or Snowmobile registered to the person who violates Chapter 215-A or any rule related thereto.

DISOBEYING AN OFFICER

- ◉ A person operating or in charge of an OHRV who refuses when requested by a police officer or person authorized to make criminal arrests, to give his/her name and address or the name and address of the OHRV owner, or gives a false name or address, or refuses to stop when signaled to do so by an officer who is in uniform or displays his/her badge conspicuously on the outside of the outer coat or garment, or refuses on demand to produce his/her license or registration certificate, or to permit the officer to take it in hand for examination, or to sign his/her name in the officer's presence, or to surrender it to the Fish and Game Director or designee any license, registration certificate or number decal upon demand after suspension or revocation of same, is guilty of a misdemeanor. (RSA 215-A:19)

TAKING WITHOUT CONSENT

- Anyone who mischievously takes, drives, rides or uses any OHRV without consent of the owner or person having control of it, but not with the intent to steal it, is guilty of a misdemeanor. (RSA 215-A:19)

UNDER-AGE PERSONS

- Notwithstanding any contrary provisions of law, any OHRV operated by a minor under the age of 18, in violation of any provision of RSA Chapter 215-A or of any motor vehicle law, may be seized by a law enforcement officer and retained for up to 24 hours or until released to the owner upon payment of the cost of such seizure and detention. Notwithstanding the juvenile law, any minor who violates a provision of Chapter 215-A is not considered a juvenile delinquent or CHINS (child in need of services) and may be fined for each offense, may have his snowmobile and OHRV training certification suspended for up to 6 months, and be required to complete community service or to complete additional OHRV safety training.

OHRV SEIZURE, REMOVAL AND STORAGE

- A police officer may cause the removal and storage of an OHRV if s/he has reason to believe it has been left unattended on any public property for more than 48 hours; or the owner or legal occupant of private property complains that it has been abandoned on their property for greater than 48 hours; or the OHRV is reported stolen, is apparently abandoned, or is without proper registration or apparently unsafe to be driven; or the owner or custodian is under arrest or otherwise incapacitated, or it was used in connection with a criminal offense; or its use has resulted in damage to public or private property. No custodian or police officer shall be liable for damages to an OHRV while in their custody, provided they exercise due care.

COMPLETION OF MANDATORY TRAINING AFTER CONVICTION

- Anyone convicted of disobeying an officer, operating an OHRV under the influence of alcohol or drugs, refusal to consent to a DWI test, endangering any person or damaging property, or failure to yield the right-of-way to anyone on horseback, foot, skis, snowshoes or other mode of travel on foot, and who has not already completed an OHRV or snowmobile safety training program shall complete one at their own expense within 6 months, and may not legally register or re-register any Snowmobile or OHRV until the program is successfully completed.

LOADED FIREARMS ON AN OHRV

- No one shall carry on OHRV or a trailer towed by one, any firearms, unless the weapons are unloaded. This does not apply to law enforcement officers carrying in the line of duty or to pistols carried under a concealed weapons permit pursuant to RSA Chapter 159.

REGISTRATION OR RECIPROCITY REQUIRED (RSA 215-A:2)

- Registration does not constitute permission to operate an OHRV on private land. A person operating on land of another shall upon request of the landowner or agent, identify him/herself and if requested, promptly remove the OHRV from the premises.
- Except where otherwise provided no OHRV shall be operated in NH unless registered as provided in RSA Chapter 215-A, unless operated solely on land owned or leased by the OHRV's owner.

PLACEMENT OF PLATES OR DECALS

- No person shall operate an OHRV unless the assigned registration numbers, plates and decals are placed on the OHRV as required, and the registration certificate is subject to inspection upon demand by a police officer, and the certificate must be carried while the OHRV is being operated, and the operator shall also show proof or personal ID.

REGISTRATION EXEMPTIONS

- ◉ No registration is required for a Youth Model ATV or Youth Model Trail Bike when the operator is under age 12 and accompanied by a person age 18 or older who holds a valid license. No person under age 18 shall register an OHRV.
- ◉ Registration plates or decals shall be securely attached to the front and rear in an unobstructed manner as high as possible, or at a location designated by the manufacturer.
- ◉ Antique ATVs and antique Trail Bikes are issued a one-time permanent plate available only from Fish and Game and not through agents.
- ◉ Trail maintenance vehicles receive a distinctive registration.
- ◉ Nobody shall operate a motorcycle, trail bike, or tractor for off-highway recreational purposes unless it is registered as an OHRV or is operated solely on land owned or leased by the vehicle owner.

NON-RESIDENT REGISTRATIONS

- Non-residents register OHRVs for a temporary, consecutive 10-day period during the months from May to October and receive a temporary registration, and may not be transferred. No non-resident shall register an OHRV as a resident.

RECIPROCITY? NOT YET!

- ⦿ An OHRV not registered for highway use which is registered in Vermont, Maine, or Quebec, shall be deemed properly registered in NH if registered legally in the other state or province, to the extent that a reciprocal exemption or privilege is granted by the other state to OHRV's registered in NH.
- ⦿ **“Sorry, folks, currently no reciprocity exists with any of those states.”**

MOTORCYCLE RECIPROACITY

- Any motorcycle that is legally registered for highway use in any state other than NH and owned by a nonresident is deemed registered in NH for purposes of RSA Chapter 215-A, and to the extent that a reciprocal exemption or privilege is granted under the laws of that state to motorcycles registered in NH.

TRAIL MAINTENANCE VEHICLES

- These vehicles receive a distinctive registration so they are easily verified and identified.

- **THIS COMPLETES UNIT TWO. UNIT THREE FOLLOWS.**

UNIT THREE

○ Licenses, Duties of Owners and Operators, and Conduct After an Accident



LICENSE REQUIRED, AGE LIMITS, AND DUTIES OF OPERATORS

- ◉ RSA 215-A:2 No person under age 14 shall operate an OHRV on land not owned or leased by him/her or their parent, grandparent or guardian unless the person is accompanied at all times by someone at least age 18 who has successfully completed the authorized Snowmobile or OHRV safety training program, or is licensed to drive a motor vehicle under the motor vehicle laws of NH or of another State or Canadian Province and would be eligible for a driver's license here.

TRAINING REQUIREMENT

- ◉ If the under-14 person is at least age 12, s/he must also have completed the Snowmobile or OHRV safety training program.
- ◉ The accompanying licensed driver is legally responsible for personal injury or property damage to others resulting from operation by the unlicensed person. This does not apply to authorized road crossings or the use of Class VI highways designated as trails.
- ◉ If a parent or guardian age 18 or over or someone assumed or given responsibility of accompanying the minor under age 14 is present, only they shall be liable under these provisions.

CERTIFICATE REQUIRED

- ◉ Where a driver license or certificate of completion of a safety course is required, evidence shall be carried and presented to any law enforcement officer upon demand.
- ◉ The requirement of a driver license or certificate of course completion does not apply to anyone participating in an OHRV training program, or teaching in one.
- ◉ No OHRV owner shall permit it to be operated contrary to these provisions.

SUSPENSION OF TRAINING CERTIFICATE

- ◉ The Executive Director of the Fish and Game Department may suspend an OHRV training certificate for violating any provisions of these laws.

PARENT OR GUARDIAN LIABILITY

- If a parent or guardian of a minor knowingly or negligently allows him/her to operate an OHRV, the parent or guardian shall be held criminally liable for any violations of RSA Chapter 215-A committed by the said minor, and completion of a snowmobile or OHRV safety course by the minor may be used in mitigation of damages.

REGISTERED OWNER LIABILITY

- An OHRV's registered owner may be fined not less than \$50 or more than \$500 if an OHRV bearing their registration number is operated contrary to these laws, unless it was reported stolen at the time of the alleged unlawful act, or the owner demonstrates that it was either stolen or not in use at the time, or furnishes to the police upon request, the identity of the person in actual control of it at the time.
- These provisions do not apply to an OHRV rental agent or leaseholder if they recorded the name and address and registration number and the departure date and time of return and furnish it to the police upon request. Such record shall be preserved for at least 6 months and shall serve as *prima facie* evidence.

ADDITIONAL OPERATING REQUIREMENTS

- ⦿ Persons operating an OHRV shall...
- ⦿ When approaching a trail intersection marked with a stop sign, stop before entering the intersection or at a point nearest the intersecting trail where the OHRV operator has a view of approaching vehicles on the intersecting trail before entering the intersection.

OPERATORS SHALL....

- ◉ Yield the right-of-way to persons on horseback, skis, foot, snowshoes or other mode of travel on foot, provided that such traveling persons do not unreasonably obstruct or delay OHRVs on the trail.
- ◉ When approaching a trail intersection with a Stop Sign, stop before entering the intersection at a point nearest the intersecting trail where the operator has a view of approaching vehicles on the intersecting trail before entering the intersection.

RESTRICTIONS AND PROHIBITIONS

- No person shall operate an OHRV on another's property without written permission of the landowner, except on trails established by organized OHRV clubs or designated by the Bureau of Trails as wheeled OHRV trails, a list of which is maintained by the Bureau of Trails and available to the public upon request. Anyone who operates off the trail must obtain written landowner permission.

HARASSING ANIMALS

- No person shall operate an OHRV in any manner to harass animals pursuant to RSA 207:1 in the Fish and Game laws.

HELMETS AND EYE PROTECTION

- OHRV operators under age 18 must wear eye protection and protective headgear meeting or exceeding Federal Motor Vehicle Safety Standard FMVSS 218, and any OHRV carrying passengers under the age of 18 shall provide them with the same.

CARRYING PASSENGERS

- ◉ No person under age 18 shall transport or carry passengers on an OHRV.



SUSPENDED OR REVOKED LICENSES

- No person shall operate and OHRV if their driver license has been revoked or suspended by the Director of Motor Vehicles or by authority of another State or Canadian Province and if so, shall be guilty of a misdemeanor.

OPERATING ON RAILROAD TRACKS OR RIGHTS-OF-WAY

- No person shall operate a railroad motorcar on railroad tracks for recreational purposes that has not been approved by the Bureau of Trails and the DOT, nor at a speed in excess of 10 mph. No registration is required for a railroad motorcar operated on privately owned tracks or under an exclusive agreement with the State, where the leaseholder is the only authorized user of the track and the motorcar operator has the track owner or lessee's permission.

CONDUCT AFTER AN ACCIDENT (RSA 215-A:28)

- All provisions of the motor vehicle laws pertaining to financial responsibility and conduct after an accident shall apply to OHRV's or Snowmobiles being operated on a public highway.
- Also, the operator of an OHRV or Snowmobile involved in an accident involving death, personal injury, or damage to property, unless incapacitated and therefore unable to do so, shall immediately stop at the scene and give the operator of any other vehicle involved in the accident, his/her name and address and vehicle registration number, and if unable to do so, shall report the accident to the nearest police officer or police station.

OTHER RESPONSIBILITIES AFTER AN ACCIDENT

- ◉ If the OHRV or Snowmobile operator does not comply with reporting requirements the vehicle owner has a duty to do so, if the vehicle was being operated with his/her permission or consent.
- ◉ The police officer or police department shall file a report of the accident with the Department of Safety and with the Department of Fish and Game and the Bureau of Trails, on the prescribed forms.

DEATH, PERSONAL INJURY OR PROPERTY DAMAGE

- If the accident involved damage to property in excess of \$500, death or personal injury, the operator or owner of the OHRV shall file a written report within 5 days with the Department of Safety and the Department of Fish and Game on forms prescribed by Fish and Game. In case of an accident involving death or personal injury, any owner or operator who fails to comply with, or who knowingly gives false information shall be guilty of a Class B Felony. Other violations of this requirement are misdemeanors.

AUTOCYCLES

- ◉ Autocycles are not an OHRV but are a form of motorcycle. We include them here because they are new and evolving and you will encounter them regularly.
- ◉ An “autocycle” is a 3-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal safety requirements for motorcycles. “Except as otherwise provided, an autocycle shall be deemed to be a motorcycle” (RSA 259:4-d)

DRIVING AN AUTOCYCLE

- RSA 263:30-a, which was passed in 2015, provides that “no person shall drive an autocycle unless he or she has a valid driver’s license.” Since an autocycle is separately defined in RSA 259, an automobile or commercial license suffices to drive an autocycle. Driving an autocycle, however, does not allow anyone to drive a conventional two or three-wheeled motorcycle without a motorcycle license. Some motorcycle licenses have an endorsement that restricts them to three-wheel motorcycles and they can drive an autocycle but not a conventional two-wheel motorcycle.

ELECTRIC POWERED SKATEBOARDS

- These are new devices that allow an operator to stand on the device, control the steering with a handlebar device, and can be operated at faster than a rapid walk. You will see them scooting in and out of traffic and on sidewalks. The Legislature is currently looking at some potential legislation regarding them, and some towns and cities are contemplating ordinances to control them. Currently if they are being operated in a manner unsafe to pedestrians and others, it may be that some provisions of the Criminal Code would apply, in the absence of any other laws on the books as of the preparation of this course.

THIS CONCLUDES THE COURSE

- Thank you for your interest and participation.
- NH Department of Safety, Division of State Police, Training Unit.