

HB 1498-FN - AS INTRODUCED

2022 SESSION

22-2613

04/05

HOUSE BILL ***1498-FN***

AN ACT establishing a safety program for off highway recreational vehicles and snowmobiles.

SPONSORS: Rep. Egan, Graf. 2; Rep. Thompson, Coos 1

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill implements a safety training program for OHRV and snowmobile operation.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Two

AN ACT establishing a safety program for off highway recreational vehicles and snowmobiles.

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

1 1 Off Highway Recreational Vehicles and Trails; OHRV Safety Training
2 Certificate. RSA 215-A:32-a is repealed and reenacted to read as follows:

3 215-A:32-a OHRV Safety Training Certificate Required.

4 I. No person born after January 1, 1968 shall operate an OHRV on land not owned or leased
5 by such person or such person's parent, grandparent, or guardian unless such person carries a
6 temporary or permanent certificate that is in full force and effect evidencing completion of an
7 approved OHRV safety training program as required by this section. Any person may voluntarily
8 complete program requirements and obtain the certificate earlier than required herein. The
9 temporary certificate requirement shall be implemented on January 1, 2023. The lifetime
10 permanent certificate requirement shall be implemented for all operators on the following schedule:

11 Operator Date of Birth: Certificate Required:

12 January 1, 1998 January 1, 2023

13 January 1, 1988 January 1, 2024

14 January 1, 1978 January 1, 2025

15 January 1, 1968 January 1, 2026

16 January 1, 1958 January 1, 2027

17 All January 1, 2028

18 II. The executive director shall administer the OHRV safety training certificate courses
19 program in accordance with rules adopted pursuant to RSA 541-A. The content of such courses shall
20 be developed in consultation with the commissioner of the department of health and human services
21 and the commissioner of the department of safety, and shall include information relative to
22 operation of OHRVs at highway crossings and along approved highways in accordance with the
23 statutory rules of the road, and shall be consistent with the following:

24 (a) A program guideline that covers the inherent risks of operation on and off the trails,
25 recommendations for personal protective equipment, basic theory of equipment parts, maintenance,
26 and repairs, skills and measures available to reduce or eliminate such risks, and rules of operation
27 at highway crossings and along approved highways in accordance with statutory rules of the road.

28 (b) Minimum requirements for courses, whether offered by live instructors or by
29 electronic or other means, that will result in the issuance of either a temporary safety training
30 certificate or a lifetime safety training certificate.

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1 (c) Minimum qualification and other requirements for an instructor to be approved to
2 offer any live course in the program.

3 (d) Provision for administration of an examination to a registrant at the conclusion of
4 each course that demonstrates competency in the materials presented in the program guideline.

5 (e) Issuance by the department or its agents of a temporary safety training certificate to
6 a person 16 years of age or older who passes an approved examination administered by the
7 department or its agents, which shall be valid for a period of up to 10 days after the effective date
8 noted on the certificate and allow operation by nonresidents in accordance with RSA 215-A:23, V-b,
9 and equipment registered to a New Hampshire licensed dealer or rental operation. No person shall
10 receive more than one such certificate in any calendar year.

11 (f) Issuance of a lifetime OHRV safety training certificate by the department to a person
12 12 years of age or older who passes an approved examination administered by the department or its
13 agents which shall be valid for the lifetime of the person, provided that actual operation of an OHRV
14 by such person under the age of 25 shall be restricted as otherwise provided in this chapter.

15 (g) Provision for the enforcement of the requirements of this program upon any operator
16 who has been involved in an accident, or who has been cited, charged with, or warned for a violation
17 of any other provision of this chapter, or any other offense under the laws of this state.

18 (h) Provision for imposition of a uniform schedule of administrative or court based fines
19 for violation of this program.

20 (i) Provision for the suspension or revocation of a lifetime safety training certificate
21 issued to a person for cause, following notice and opportunity for a hearing in accordance with RSA
22 541-A, including for conviction by a court in this or any other state of an OHRV offense.

23 (j) Provision for the suspension or revocation of any license or permit that would allow
24 an agent of the department to issue a temporary or lifetime safety training certificate for cause,
25 following notice and opportunity for a hearing in accordance with RSA 541-A.

26 (k) A schedule of fees to be charged for the following services:

27 (1) Administration of an approved safety training course and competency
28 examination, whether provided in person or by electronic means.

29 (2) Issuance of a temporary safety training certificate, which may be in paper or
30 electronic format.

31 (3) Issuance of a lifetime safety training certificate, which shall be in a durable
32 written format, suitable to be carried upon the person.

33 (4) Replacement of a lost or destroyed lifetime safety training certificate upon
34 written request of the person entitled to the same.

35 (5) Reissuance of a lifetime safety training certificate if reinstated after a period of
36 suspension or revocation for cause.

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1 III.(a) The executive director, or designee, may issue an OHRV temporary safety training
2 certificate to a person 16 years of age or older who passes a temporary examination administered by
3 the department or its agents and approved by the executive director.

4 (b) The OHRV temporary safety training certificate shall be valid for up to one year and
5 shall entitle the holder to operate an OHRV on land not owned or leased by such person or such
6 person's parent, grandparent, or guardian of New Hampshire.

7 (c) No person shall receive more than one OHRV temporary safety training certificate in
8 any calendar year.

9 (d) Any dealer or renter of OHRVs, or employee thereof, who has passed an OHRV
10 training program and is approved by the executive director, or designee, may administer the
11 temporary safety training examination and issue an OHRV temporary safety training certificate. If
12 the executive director, or designee, finds that a person administering a temporary OHRV training
13 examination has assisted the person taking the examination, the executive director shall
14 permanently revoke the authority of the administrator to issue certificates and administer
15 examinations.

16 (e) The executive director, or designee, may create a virtual OHRV temporary safety
17 training certificate platform for any person seeking an OHRV temporary safety training certificate.
18 Such person shall complete the training online prior to receiving an OHRV temporary safety training
19 certificate.

20 IV. The executive director shall report annually to the registrar of vital records pursuant to
21 RSA 5-C:2 on any deaths or injuries occurring in the state related to the operation of OHRVs.

22 2 Snowmobiles; Snowmobile Safety Training Certificate. RSA 215-C:53 is repealed and
23 reenacted to read as follows:

24 215-C:53 Snowmobile Safety Training Certificate Required.

25 I. No person born after January 1, 1968 shall operate a snowmobile on land not owned or
26 leased by such person or such person's parent, grandparent, or guardian unless such person carries a
27 temporary or permanent certificate that is in full force and effect evidencing completion of an
28 approved snowmobile safety training program as required by this section. Any person may
29 voluntarily complete program requirements and obtain the certificate earlier than required herein.
30 The temporary safety training certificate requirement shall be implemented on January 1, 2023.
31 The lifetime permanent safety training certificate requirement shall be implemented for all
32 operators using equipment not registered to a New Hampshire licensed dealer or rental operation on
33 the following schedule:

34 Operator Date of Birth: Certificate Required:

35 January 1, 1998 January 1, 2023

36 January 1, 1988 January 1, 2024

37 January 1, 1978 January 1, 2025

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1	January 1, 1968	January 1, 2026
2	January 1, 1958	January 1, 2027
3	All	January 1, 2028

4 II. The executive director shall administer the snowmobile safety training courses program
5 in accordance with rules adopted pursuant to RSA 541-A. The content of such courses shall be
6 developed in consultation with the commissioner of the department of health and human services
7 and the commissioner of the department of safety, and shall include information relative to
8 operation of snowmobiles at highway crossings and along approved highways in accordance with the
9 statutory rules of the road, and shall be consistent with the following:

10 (a) A program guideline that covers the inherent risks of operation on and off the trails,
11 recommendations for personal protective equipment, basic theory of equipment parts, maintenance,
12 and repairs, skills and measures available to reduce or eliminate such risks, and rules of operation
13 at highway crossings and along approved highways in accordance with statutory rules of the road.

14 (b) Minimum requirements for courses, whether offered by live instructors or by
15 electronic or other means, that will result in the issuance of either a temporary safety training
16 certificate or a lifetime safety training certificate.

17 (c) Minimum qualification and other requirements for an instructor to be approved to
18 offer any live course in the program.

19 (d) Provision for administration of an examination to a registrant at the conclusion of a
20 course that demonstrates competency in the materials presented in the program guideline.

21 (e) Issuance by the department or its agents of a temporary safety training certificate to
22 a person 16 years of age or older who passes an approved examination administered by the
23 department or its agents, which shall be valid for a period of up to 10 days after the effective date
24 noted on the certificate and allow operation of equipment registered to a New Hampshire licensed
25 dealer or rental operation. No person shall receive more than one such certificate in any calendar
26 year.

27 (f) Issuance of a lifetime snowmobile safety training certificate by the department to a
28 person 12 years of age or older who passes an approved examination administered by the department
29 or its agents which shall be valid for the lifetime of the person, provided that actual operation of a
30 snowmobile by such person under the age of 25 shall be restricted as otherwise provided in this
31 chapter.

32 (g) Provision for the enforcement of the requirements of this program upon any operator
33 who has been involved in an accident, or who has been cited, charged with, or warned for a violation
34 of any other provision of this chapter, or any other offense under the laws of this state.

35 (h) Provision for imposition of a uniform schedule of administrative or court based fines
36 for violation of this program.

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1 (i) Provision for the suspension or revocation of a lifetime safety training certificate
2 issued to a person for cause, following notice and opportunity for a hearing in accordance with RSA
3 541-A, including for conviction by a court in this or any other state of a snowmobile offense.

4 (j) Provision for the suspension or revocation of any license or permit that would allow
5 an agent of the department to issue a temporary or lifetime safety training certificate for cause,
6 following notice and opportunity for a hearing in accordance with RSA 541-A.

7 (k) A schedule of fees to be charged for the following services:

8 (1) Administration of an approved safety training course and competency
9 examination, whether provided in person or by electronic means.

10 (2) Issuance of a temporary safety training certificate, which may be in paper or
11 electronic format.

12 (3) Issuance of a lifetime safety training certificate, which shall be in a durable
13 written format, suitable to be carried upon the person.

14 (4) Replacement of a lost or destroyed lifetime safety training certificate upon
15 written request of the person entitled to the same.

16 (5) Reissuance of a lifetime safety training certificate if reinstated after a period of
17 suspension or revocation for cause.

18 III.(a) The executive director, or designee, may issue a snowmobile temporary safety
19 training certificate to a person 16 years of age or older who passes a temporary examination
20 administered by the department or its agents and approved by the executive director.

21 (b) The snowmobile temporary safety training certificate shall be valid for up to one year
22 and shall entitle the holder to operate a snowmobile on land not owned or leased by such person or
23 such person's parent, grandparent, or guardian of New Hampshire.

24 (c) No person shall receive more than one snowmobile temporary safety training
25 certificate in any calendar year.

26 (d) Any dealer or renter of snowmobiles, or employee thereof, who has passed a
27 snowmobile training program and is approved by the executive director, or designee, may administer
28 the temporary safety training examination and issue a snowmobile temporary safety training
29 certificate. If the executive director, or designee, finds that a person administering a snowmobile
30 temporary safety training examination has assisted the person taking the examination, the
31 executive director shall permanently revoke the authority of the administrator to issue certificates
32 and administer examinations.

33 (e) The executive director, or designee, may create a virtual snowmobile temporary
34 safety training certificate platform for any person seeking a snowmobile temporary safety training
35 certificate. Such person shall complete the training online prior to receiving a snowmobile
36 temporary safety training certificate.

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- 1 IV. The executive director shall report annually to the registrar of vital records pursuant to
- 2 RSA 5-C:2 on any deaths or injuries occurring in the state related to the operation of snowmobiles.
- 3 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1498-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a safety program for off highway recreational vehicles and snowmobiles.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Restricted OHRV/Snowmobile Revenue			

METHODOLOGY:

This bill requires certain individuals that operate an OHRV/Snowmobile on the property of another to have completed a safety training course, starting January 1st, 2023. The Fish and Game Department states safety courses are currently taught by volunteers or department staff and there is also an online safety course that charges the person taking the course. This bill incorporates a temporary safety certificate program that needs to be implemented by the online certification vendor, of which the cost is yet to be determined. Any expenditures for this program would be a charge against OHRV/snowmobile restricted revenue collections.

This bill also states the new safety training course program would be developed in consultation with the Department of Safety and Department of Health and Human Services. Neither Department expects this would result in any fiscal impact.

AGENCIES CONTACTED:

Fish and Game Department, Department of Safety, and Department of Health and Human Services