# Minnesota Trails Assistance Program (GIA) Off-highway Vehicle Manual Appendix

## Appendix B Statutes

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APPENDIX B Statutes

The statutes in this document are not a full list of statutes and rules that relate to operation or regulation of off-highway vehicles. For a complete list see the Minnesota Statutes, Session Laws, and Rules as compiled by the Office of the Revisor of Statutes at https://www.revisor.mn.gov/pubs/

Selected MN Statutes and Rules for the OHV MN DNR Trails Assistance Program

84.927 ALL-TERRAIN VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.
Subdivision 1. Registration revenue.
Fees from the registration of all-terrain vehicles and the unrefunded gasoline tax attributable to all-terrain vehicle use under section 296A.18, as well as the net proceeds from the sale of all-terrain vehicles forfeited pursuant to section 169A.63, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund.
Subd. 2. Purposes.
Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:
1. the education and training program under section 84.925;
2. administration, enforcement, and implementation of sections 84.773 to 84.928;
3. acquisition, maintenance, and development of vehicle trails and use areas;
4. grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
5. grants-in-aid to local safety programs;
6. enforcement and public education grants to local law enforcement agencies; and
7. maintenance of minimum-maintenance forest roads designated under section 89.71, subdivision 5, and county forest roads that are part of a designated trail system within state forest boundaries as established under section 89.021.
The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

84.794 OFF-HIGHWAY MOTORCYCLE ACCOUNT; RECEIPTS AND ALLOCATIONS.
Subdivision 1. Registration revenue.
Fees from the registration of off-highway motorcycles and the unrefunded gasoline tax attributable to off-highway motorcycle use under section 296A.18 must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.
Subd. 2. Purposes.
(a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:
1. administration, enforcement, and implementation of sections 84.787 to 84.795;
2. acquisition, maintenance, and development of off-highway motorcycle trails and use areas; and
3. grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas.
(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.
84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.
Subdivision 1. Registration revenue.
Fees from the registration of off-road vehicles and unrefunded gasoline tax attributable to off-road vehicle use under section 296A.18 must be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund.

Subd. 2. Purposes.
Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for:
(1) administration, enforcement, and implementation of sections 84.773 to 84.8045;
(2) acquisition, maintenance, and development of off-road vehicle trails and use areas;
(3) grant-in-aid programs to counties and municipalities to construct and maintain off-road vehicle trails and use areas;
(4) grants-in-aid to local safety programs; and
(5) enforcement and public education grants to local law enforcement agencies.

Chapter 604A. CIVIL LIABILITY LIMITATIONS

604A.20 POLICY.
It is the policy of this state, in furtherance of the public health and welfare, to encourage and promote the use of land owned by a municipal power agency and privately owned lands and waters by the public for beneficial recreational purposes, and the provisions of sections 604A.20 to 604A.27 are enacted to that end.

604A.21 RECREATIONAL LAND USE; DEFINITIONS.
Subdivision 1. General.
For the purposes of sections 604A.20 to 604A.27, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. Charge.
"Charge" means any admission price asked or charged for services, entertainment, recreational use, or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

Subd. 2a. Dedicated.
"Dedicated" means made available by easement, license, permit, or other authorization.

Subd. 3. Land.
"Land" means any of the following which is privately owned or leased or in which a municipal power agency has rights: land, easements, rights-of-way, roads, water, watercourses, private ways and buildings, structures, and other improvements to land, and machinery or equipment when attached to land.

Subd. 4. Owner.
"Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, holder of a utility easement, or person in control of the land.

Subd. 5. Recreational purpose.
"Recreational purpose" includes, but is not limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; rock climbing; cave exploring; bicycling; horseback riding; firewood gathering; pleasure driving, including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across land in any manner, including recreational trail use; nature study; water skiing; winter sports; and viewing or enjoying historical, archaeological, scenic, or
scientific sites. "Rock climbing" means the climbing of a naturally exposed rock face. "Cave exploring" means the planned exploration of naturally occurring cavities in rock, including passage through any structures placed for the purpose of safe access, access control, or conservation, but does not include the exploration of other man-made cavities such as tunnels, mines, and sewers.

"Recreational trail use" means use on or about a trail, including but not limited to, hunting, trapping, fishing, hiking, bicycling, skiing, horseback riding, snowmobile riding, and motorized trail riding.

### 604A.22 Owner's Duty of Care or Duty To Give Warnings.
Except as provided in section 604A.25, an owner who gives written or oral permission for the use of the land for recreational purposes without charge:

1. owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purpose;
2. owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent;
3. owes no duty of care toward those persons except to refrain from willfully taking action to cause injury; and
4. owes no duty to curtail use of the land during its use for recreational purpose.

### 604A.23 Owner's Liability.
An owner who gives written or oral permission for the use of the land for recreational purposes without charge does not by that action:

1. extend any assurance that the land is safe for any purpose;
2. confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
3. assume responsibility for or incur liability for any injury to the person or property caused by an act or omission of the person.

### 604A.24 Liability; Leased Land, Water-Filled Mine Pits; Municipal Power Agency Land.
Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

1. land leased to the state or any political subdivision for recreational purpose; or
2. idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; or
3. land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use.

### 604A.25 Owner's Liability; Not Limited.
Except as set forth in this section, nothing in sections 604A.20 to 604A.27 limits liability that otherwise exists:

1. for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or
2. for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased or dedicated to the state or a political subdivision, any consideration received from the state or political...
subdivision by the owner for the lease or dedication is not considered a charge within the meaning of this section.

Except for conduct set forth in section 604A.22, clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) in this section if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

**604A.26 LAND USER'S LIABILITY.**

Nothing in sections 604A.20 to 604A.27 relieves any person using the land of another for recreational purpose from any obligation that the person may have in the absence of sections 604A.20 to 604A.27 to exercise care in use of the land and in the person's activities on the land, or from the legal consequences of failure to employ that care.

**604A.27 DEDICATION; EASEMENT.**

No dedication of any land in connection with any use by any person for a recreational purpose takes effect in consequence of the exercise of that use for any length of time except as expressly permitted or provided in writing by the owner, nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner.

**Chapter 466. TORT LIABILITY, POLITICAL SUBDIVISIONS**

**466.01 DEFINITIONS.**

Subdivision 1. **Municipality.**

For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, joint powers board or organization created under section 471.59 or other statute, public library, regional public library system, multicounty multitype library system, the following local collaboratives whose plans have been approved by the Children's Cabinet: family services collaboratives established under section 124D.23, children's mental health collaboratives established under sections 245.491 to 245.495, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative, other political subdivision, community action agency, or a limited partnership in which a community action agency is the sole general partner.

Subd. 2. **Governing body of a town, school district.**

For the purposes of sections 466.01 to 466.15, the "governing body of a town" means the board of supervisors thereof; "school district" includes an unorganized territory as defined in Minnesota Statutes 1961, section 120.02, subdivision 17.

Subd. 3. **Release, hazardous substance.**

For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 115B.02.

Subd. 4. [Repealed, 1997 c 7 art 1 s 140]

Subd. 5. [Repealed, 1997 c 7 art 1 s 140]

Subd. 6. **Employee, officer, or agent.**

For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other person acting on behalf of the
municipality in an official capacity, temporarily or permanently, with or without compensation, but
does not include an independent contractor other than a nonprofit firefighting corporation that has
associated with it a relief association as defined in section 424A.001, subdivision 4. "Employee"
includes court administrators who are not under section 480.181, subdivision 1, paragraph (b), and
their staff under chapter 485, district administration staff in the Second and Fourth Judicial Districts,
and other employees within the court system whose salaries are paid by the county, other than
employees who remain on the county payroll under section 480.181, subdivision 2.

Chapter 3.736 RECREATIONAL TORT OF STATE

3.736 TORT CLAIMS.
Subdivision 1. General rule.
The state will pay compensation for injury to or loss of property or personal injury or death caused
by an act or omission of an employee of the state while acting within the scope of office or
employment or a peace officer who is not acting on behalf of a private employer and who is acting
in good faith under section 629.40, subdivision 4, under circumstances where the state, if a private
person, would be liable to the claimant, whether arising out of a governmental or proprietary
function. Nothing in this section waives the defense of judicial, quasi-judicial, or legislative immunity
except to the extent provided in subdivision 8.
Subd. 2. Procedure.
Claims of various kinds shall be considered and paid only in accordance with the statutory
procedures provided. If there is no other applicable statute, a claim shall be brought under this
section as a civil action in the courts of the state.
Subd. 3. Exclusions.
Without intent to preclude the courts from finding additional cases where the state and its
employees should not, in equity and good conscience, pay compensation for personal injuries or
property losses, the legislature declares that the state and its employees are not liable for the
following losses:
(a) a loss caused by an act or omission of a state employee exercising due care in the
execution of a valid or invalid statute or rule;
(b) a loss caused by the performance or failure to perform a discretionary duty, whether or
not the discretion is abused;
(c) a loss in connection with the assessment and collection of taxes;
(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not
abut a publicly owned building or a publicly owned parking lot, except when the condition is
affirmatively caused by the negligent acts of a state employee;
(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;
(f) a loss other than injury to or loss of property or personal injury or death;
(g) a loss caused by the condition of unimproved real property owned by the state, which
means land that the state has not improved, state land that contains idled or abandoned mine
pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither
affixed nor improved;
(h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as
defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined
in section 160.02, except that the state is liable for conduct that would entitle a trespasser to
damages against a private person;
(i) a loss incurred by a user arising from the construction, operation, or maintenance of the
outdoor recreation system, as defined in section 86A.04, or for a loss arising from the
construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the Iron Range Resources and Rehabilitation Board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(m) loss, damage, or destruction of property of a patient or inmate of a state institution;

(n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

(o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;

(p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(q) a loss arising out of a person’s use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and

(r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Department of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

Subd. 4. Limits.
The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) $300,000 when the claim is one for death by wrongful act or omission and $300,000 to any claimant in any other case, for claims arising before August 1, 2007;

(b) $400,000 when the claim is one for death by wrongful act or omission and $400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;

(c) $500,000 when the claim is one for death by wrongful act or omission and $500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) $750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) $1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) $1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; or

(g) $1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009.
If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), or (g), any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 4a. Securities claims limits.
The total liability of the state and its employees acting within the scope of their employment on any claim of whatever matter arising from the issuance and sale of securities by the state shall not exceed:

(a) $100,000 to any one person or
(b) $500,000 to all claimants in respect of the securities of the same series.

The limitations in clauses (a) and (b) shall not affect the obligation of the issuing state entity to pay the indebtedness under the securities in accordance with their terms and from the sources pledged to their payment.

Subd. 5. Notice required.
Except as provided in subdivision 6, every person, whether plaintiff, defendant or third-party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of employment for or on account of any loss or injury shall present to the attorney general or, in the case of a claim against the University of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating its time, place and circumstances, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Subd. 6. Claims for wrongful death; notice.
When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had the person lived, an action for wrongful death may be brought without additional notice.

Subd. 7. Payment.
A state agency, including an entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of management and budget. The request shall contain a description of the tort claim that causes the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency seeks payment. Upon receipt of the request and review of the claim, the commissioner of management and budget shall determine the proper appropriation from which
to make payment. If there is enough money in an appropriation or combination of appropriations to
the agency for its general operations and management to pay the claim without unduly hindering the
operation of the agency, the commissioner shall direct that payment be made from that source.
Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those
appropriations if practicable. On determining that an agency has sufficient money in these
appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim
from the money appropriated to the commissioner for the purpose. On determining that the agency
does not have enough money to pay any part of the claim, the commissioner shall pay all of the
claim from money appropriated to the commissioner for the purpose. Payment shall be made only
upon receipt of a written release by the claimant in a form approved by the attorney general, or the
person designated as the university attorney, as the case may be.
No attachment or execution shall issue against the state.
Subd. 8. Liability insurance.
A state agency, including an entity defined as a part of the state in section 3.732, subdivision 1,
clause (1), may procure insurance against liability of the agency and its employees for damages
resulting from the torts of the agency and its employees. Procurement of the insurance is a waiver of
the limits of governmental liability under subdivisions 4 and 4a only to the extent that valid and
collectible insurance, including where applicable, proceeds from the Minnesota Insurance Guaranty
Association, exceeds those limits and covers the claim. Purchase of insurance has no other effect on
the liability of the agency and its employees. Procurement of commercial insurance, participation in
the risk management fund under section 16B.85, or provisions of an individual self-insurance plan
with or without a reserve fund or reinsurance does not constitute a waiver of any governmental
immunities or exclusions.
Subd. 9. Indemnification.
The state shall defend, save harmless, and indemnify any employee of the state against expenses,
attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by
the employee in connection with any tort, civil, or equitable claim or demand, or expenses, attorneys'
fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the
employee in connection with any claim or demand arising from the issuance and sale of securities by
the state, whether groundless or otherwise, arising out of an alleged act or omission occurring during
the period of employment if the employee provides complete disclosure and cooperation in the
defense of the claim or demand and if the employee was acting within the scope of employment.
Except for elected employees, an employee is conclusively presumed to have been acting within the
scope of employment if the employee's appointing authority issues a certificate to that effect. This
determination may be overruled by the attorney general. The determination of whether an employee
was acting within the scope of employment is a question of fact to be determined by the trier of fact
based upon the circumstances of each case:
(i) in the absence of a certification,
(ii) if a certification is overruled by the attorney general,
(iii) if an unfavorable certification is made, or
(iv) with respect to an elected official.
The absence of the certification or an unfavorable certification is not evidence relevant to a
determination by the trier of fact. It is the express intent of this provision to defend, save harmless,
and indemnify any employee of the state against the full amount of any final judgment rendered by a
court of competent jurisdiction arising from a claim or demand described herein, regardless of
whether the limitations on liability specified in subdivision 4 or 4a are, for any reason, found to be
inapplicable. This subdivision does not apply in case of malfeasance in office or willful or wanton
actions or neglect of duty, nor does it apply to expenses, attorneys' fees, judgments, fines, and
amounts paid in settlement of claims for proceedings brought by or before responsibility or ethics boards or committees.

Subd. 9a. **Peace officer indemnification.**
The state shall defend, save harmless, and indemnify a peace officer who is not acting on behalf of a private employer and who is acting in good faith under section 629.40, subdivision 4, the same as if the officer were an employee of the state.

Subd. 10. **Judgment as bar.**
The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Subd. 11. **Statute of limitation.**
The statute of limitations for all tort claims brought against the state is as provided in chapter 541 and other laws.

**Restriction’s of relevance to off-highway vehicle trails.**

**84.781 USE OF DEPARTMENT RESOURCES.**
The commissioner of natural resources may permit Department of Natural Resources personnel and equipment from the Division of Trails and Waterways to be used to assist local units of government in developing and maintaining off-highway vehicle grant-in-aid trails located on property owned by or under the control of the local unit of government.

**OFF-HIGHWAY MOTORCYCLE, OHM**

**84.795 OPERATION REQUIREMENTS; LOCAL REGULATION.**
**Subdivision 1. Operation on public road rights-of-way.**
(a) A person may not operate an off-highway motorcycle within the right-of-way of a town road or a trunk, county state-aid, or county highway in this state unless the right-of-way encompasses:
(1) a trail administered by the commissioner and designated for off-highway motorcycle use or multiple use; or
(2) a corridor access trail designated under paragraph (b).
(b) A road authority, as defined in section 160.02, subdivision 25, may designate, with the approval of the commissioner, corridor access trails on public road rights-of-way for gaining access to established off-highway motorcycle trails.
(c) A person may not operate an off-highway motorcycle upon a trunk, county state-aid, or county highway in this state unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rule of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, all of which are subject to the approval of the commissioner of public safety.
(d) A person may not operate an off-highway motorcycle at any time within the right-of-way of an interstate highway or freeway within this state.

**Subd. 2. Crossing public road right-of-way.**
(a) A person operating an off-highway motorcycle may make a direct crossing of a public road right-of-way provided:
(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
(2) the off-highway motorcycle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
(b) Chapters 169 and 169A apply to the operation of off-highway motorcycles upon streets and highways, except for those provisions relating to required equipment and those provisions that by their nature have no application.
Subd. 3. Exemptions.
Subdivisions 1 and 2 do not apply to vehicles registered for public road use under chapter 168 when being operated on a traveled portion of a public road.
Subd. 4. Operation generally.
A person may not drive or operate an off-highway motorcycle:
(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;
(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;
(3) in a tree nursery or planting in a manner that damages or destroys growing stock;
(4) without a brake operational by either hand or foot;
(5) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter; or
(6) in a manner that violates operation rules adopted by the commissioner.
Subd. 5. Operating under influence of alcohol or controlled substance.
A person may not operate or be in control of an off-highway motorcycle anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, as provided in section 169A.20, and is subject to sections 169A.50 to 169A.53. A conservation officer of the Department of Natural Resources is a peace officer for the purposes of sections 169A.20 and 169A.50 to 169A.53 as applied to the operation of an off-highway motorcycle in a manner not subject to registration under chapter 168.
Subd. 6. Operation prohibited on airports.
A person may not drive or operate an off-highway motorcycle on an airport defined in section 360.013, subdivision 39.
Subd. 7. Organized contests.
Nothing in this section or chapter 169 prohibits the use of off-highway motorcycles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters. In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions, conditions, or permit revocation procedures, as the official or board considers advisable.
Subd. 8. Regulations by political subdivisions.
A county, city, or town, acting through its governing body, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided that:
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(1) the regulations must be consistent with sections 84.787 to 84.795 and rules adopted under section 84.79;
(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or another agency of the state, or for the use of an access to it owned by the state, a county, or a city; and
(3) an ordinance may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

OFF-ROAD VEHICLE, ORV

84.804 OPERATION REQUIREMENTS; LOCAL REGULATION.

Subdivision 1. Operation on public road rights-of-way.
(a) A person may not operate a vehicle off-road within a public road right-of-way in this state except on a trail designated by the commissioner and approved by the unit of government having jurisdiction over the right-of-way.
(b) A person may not operate a vehicle off-road within a public road right-of-way between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as traffic on the nearest lane of the road.
(c) A person may not operate an off-road vehicle within the right-of-way of an interstate highway.

Subd. 2. Crossing public road rights-of-way.
(a) An off-road vehicle not registered under chapter 168 may make a direct crossing of a public road right-of-way for the purpose of continuing on a designated off-road trail if:
(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
(2) the vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all traffic;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
(b) An off-road vehicle not registered under chapter 168 may be operated on a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or a roadway shoulder or inside bank of a public road right-of-way when required to avoid obstructions to travel and no other method of avoidance is possible, provided that the vehicle is operated in the farthest right-hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.
(c) A person may not operate an off-road vehicle on a public street or highway unless the off-road vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.
(d) Chapter 169 applies to the operation of off-road vehicles on streets and highways, except that those provisions that by their nature have no application and those provisions relating to required equipment do not apply to vehicles not registered under chapter 168. Chapter 169A
Applies to the operation of off-road vehicles anywhere in the state and on the ice of boundary waters.

d) A road authority, as defined in section 160.02, subdivision 25, may, with the approval of the commissioner, designate access trails on public road rights-of-way for gaining access to established off-road vehicle trails.

Subd. 3. Operation generally.
A person may not drive or operate a vehicle off-road:
(1) at a rate of speed greater than is reasonable under the surrounding circumstances;
(2) in a careless, reckless, or negligent manner which may endanger or cause injury or damage to the person or property of another;
(3) without a functioning stoplight if so equipped;
(4) in a tree nursery or planting in a manner that damages or destroys growing stock;
(5) without a brake operational by either hand or foot; or
(6) in a manner that violates rules adopted by the commissioner.

Subd. 4. Operation prohibited on airports.
It is unlawful for a person to drive or operate an off-road vehicle on an airport, as defined in section 360.013, subdivision 39, except in connection with the operation of the airport.

Subd. 5. Organized contests.
(a) Nothing in this section or chapter 169 prohibits the use of vehicles off-road within the right-of-way of a state trunk or county state-aid highway or on public lands or waters under the jurisdiction of the commissioner in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.
(b) In permitting the contest or event, the official or board having jurisdiction must obtain the commissioner's approval and may prescribe restrictions or conditions it considers advisable.

Subd. 6. Regulation by political subdivisions.
(a) Subject to paragraphs (b) and (c), a county, city, or town acting through its governing body may regulate the operation of off-road vehicles on public lands, waters, and property under its jurisdiction, other than public road rights-of-way within its boundaries, by ordinance of the governing body and by giving appropriate notice.
(b) The ordinance must be consistent with sections 84.797 to 84.804 and rules adopted under section 84.80.
(c) An ordinance may not impose a fee for the use of public land or water under the jurisdiction of the Department of Natural Resources or another agency of the state, or for the use of an access to the public land or water owned by the state, a county, or a city.

84.8045 Restriction on off-road vehicle trails.
Notwithstanding any provision of sections 84.797 to 84.804 or other law to the contrary, the commissioner shall not permit land administered by the commissioner in Cass, Crow Wing, and Hubbard Counties to be used or developed for trails primarily for off-road vehicles as defined in section 84.797, subdivision 7, except:
(1) upon approval by the legislature; or
(2) in designated off-road vehicle use areas.

84.915 Land use for certain vehicles restricted.
After June 1, 1993, the commissioner may not allow the use of state lands or acquire private lands for development or operation of a motor sports area for use by all-terrain vehicles, motorcycles, or
four-wheel drive trucks without legislative approval. This restriction does not apply to recreational trails.

ALL-TERRAIN VEHICLE, ATV

84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.

Subdivision 1. Operation on roads and rights-of-way.
(a) Unless otherwise allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.
(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d) or (f).
(c) A person may operate a class 2 all-terrain vehicle within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.
(d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.
(e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway:
   (1) that is part of a funded grant-in-aid trail; or
   (2) when the all-terrain vehicle is owned by or operated under contract with a publicly or privately owned utility or pipeline company and used for work on utilities or pipelines.
(f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:
   (1) degradation of vegetation on adjacent public property;
   (2) siltation of waters of the state;
   (3) impairment or enhancement to the act of taking game; or
   (4) a threat to safety of the right-of-way users or to individuals on adjacent public property.
   The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.
(g) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.
(h) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.
(i) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to
one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(j) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 1a. Crossing a public road right-of-way.
(a) An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:
(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
(2) the vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
(b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel or environmentally sensitive areas when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, obstacle, or sensitive area, and the crossing is made without undue delay.
(c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.
(d) An all-terrain vehicle may be operated upon a public road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.
(e) Chapters 169 and 169A apply to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.
(f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.
(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.
(h) A road authority as defined in section 160.02, subdivision 25, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

Subd. 2. Operation generally.
A person may not drive or operate an all-terrain vehicle:
(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;
(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;
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(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;
(4) without a functioning stoplight if so equipped;
(5) in a tree nursery or planting in a manner that damages or destroys growing stock;
(6) without a brake operational by either hand or foot;
(7) with more than one person on the vehicle, except as allowed under section 84.9257;
(8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter;
(9) with a snorkel device that has a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway vehicle recreation areas; or
(10) in a manner that violates operation rules adopted by the commissioner.
Subd. 3.[Repealed, 1994 c 615 s 28]
Subd. 4. Operation prohibited on airports.
Except for employees and agents while acting incident to the operation of the airport, it is unlawful for a person to drive or operate an all-terrain vehicle on an airport defined in section 360.013, subdivision 39.
Subd. 5. Organized contests, use of highways and public lands and waters.
(a) Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.
(b) In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.
(c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under 12 years of age may operate an all-terrain vehicle in an organized contest on public lands or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised by a person 18 years of age or older.
Subd. 6. Regulations by political subdivisions.
(a) Notwithstanding any law to the contrary, a city or town, acting through its governing body, may by resolution or ordinance prohibit the operation of all-terrain vehicles on city streets or town roads in its jurisdiction provided the regulations are otherwise consistent with sections 84.92 to 84.928.
(b) A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided:
(1) the regulations must be consistent with sections 84.92 to 84.928 and rules adopted under section 84.924;
(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or other agency of the state, or for the use of an access to it owned by the state or a county or a city; and
(3) an ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.
(c) Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if:
(1) the highway is in the agricultural zone; or
(2) safe operation in the ditch or outside slope is impossible, and the county posts the
appropriate notice.
Subd. 7. [Repealed, 1989 c 331 s 26]
Subd. 8. [Repealed, 2007 c 131 art 1 s 96]

Grants-in-aid trail use, gia

85.018 TRAIL USE; VEHICLES REGULATED, RESTRICTED.
Subdivision 1. Definitions. For the purposes of this section:
(a) "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.
(b) "Commissioner" means the commissioner of the state agency from which the grants-in-aid are
received.
(c) "Off-road vehicle" has the meaning given in section 84.797, subdivision 7.
(d) "Snowmobile" has the meaning given in section 84.81, subdivision 3.
(e) "Trail" means a recreational trail that is funded in whole or in part by state grants-in-aid to a local
unit of government.
Subd. 2. Authority of local government. (a) A local government unit that receives state grants-in-aid
for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:
(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1
of any year; and
(2) issue any permit required under subdivisions 3 to 5.
(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2,
84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the
commissioner, and landowner or land lessee, may:
(1) designate the trail specifically for use at various times of the year by all-terrain or off-road
vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and
hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and
(2) issue any permit required under subdivisions 3 to 5.
(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of
the commissioner and landowner or land lessee, may designate certain trails for joint use by
snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.
Subd. 3. Motorized use; permits, restrictions. Permits may be issued for motorized vehicles, other
than those designated, to use a trail designated for use by snowmobiles, off-highway motorcycles,
all-terrain or off-road vehicles. Notice of the permit must be conspicuously posted, at the expense of
the permit holder, at no less than one-half mile intervals along the trail, for the duration of the
permit. Permits shall require that permit holders return the trail and any associated facility to their
original condition if any damage is done by the permittee. Limited permits for special events such as
races may be issued and shall require the removal of any trail markers, banners and other material
used in connection with the special event.
Subd. 4. Nonmotorized use trails. No motorized vehicle shall be operated on a trail designated for
nonmotorized use. This subdivision does not apply to motorized wheelchairs or other motorized
devices operated by an individual who is physically disabled.
Subd. 5. Motorized vehicle trails restricted. (a) From December 1 to April 1 in any year no use of
a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall
be permitted on a trail designated for use by snowmobiles.
(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

Subd. 6. Exceptions. The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:

(a) military, fire, emergency or law enforcement vehicles used for official or emergency purposes;
(b) vehicles registered to the county, state or federal government;
(c) vehicles authorized by permit, lease or contract;
(d) vehicles owned by private persons engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government that manages the trail; and
(e) vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.

Subd. 7. Streets and highways. This section does not apply to any portion of a trail located on any street or highway as defined in section 169.011.

Subd. 8. Enforcement. The provisions of this section may be enforced by officers of the Department of Natural Resources as provided in sections 97A.201 to 97A.235.

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