

### §1893. Off-road Recreational Vehicle Office

**1. Office established.** There is established within the bureau the Off-road Recreational Vehicle Office, referred to in this subchapter as the "office." The office includes the following.

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The bureau may charge a reasonable fee for such services and materials when the money credited to it under chapter 937 is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the Snowmobile Trail Fund, and the snowmobile program's other activities must be conducted pursuant to subsection 3. The Snowmobile Trail Fund receives funding as provided in chapter 937 and Title 36, section 2903-D, subsection 2. [PL 2003, c. 414, Pt. B, §21 (AMD); PL 2003, c. 614, §9 (AFF).]

B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for designated state-approved ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter 2-A for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3. [PL 2021, c. 215, §1 (AMD).]

C. The bureau shall use funds in the ATV Recreational Management Fund established under subsection 2 to ensure that maintenance of designated state-approved ATV trails occurs annually and to adopt and use best practices of motorized trail construction during construction and maintenance of designated state-approved ATV trails. The bureau shall adopt rules that establish a procedure to prioritize the bureau's maintenance of designated state-approved ATV trails. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 215, §2 (NEW).]

[PL 2021, c. 215, §§1, 2 (AMD).]

**2. ATV Recreational Management Fund.** The ATV Recreational Management Fund, referred to in this subsection as "the fund," is established and administered by the department.

A. The fund may be used for the following purposes:

- (1) Conducting research on issues related to the management of ATVs;
- (2) Assisting in the formation of nonprofit ATV groups;
- (3) Making grants-in-aid to others, including political subdivisions, educational institutions, regional planning agencies and ATV groups, to construct and maintain designated state-approved ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund;
- (4) Assisting in the design and development of designated state-approved ATV trails;
- (5) Ensuring that designated state-approved ATV trails are inspected annually;
- (6) Purchasing, leasing or otherwise acquiring interests in land, including, but not limited to, fee or easement interests for designated state-approved ATV trails or sport-riding facilities;
- (7) Providing protection to landowners against ATV-related suit or liability; and
- (8) Otherwise providing for the wise and orderly management of ATVs. [PL 2021, c. 215, §3 (RPR).]

B. If any money in the fund is not expended during the year in which it is collected, the unexpended balance may not lapse, but must be carried as a continuing account available for the purposes specified until expended. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).] [PL 2021, c. 215, §3 (AMD).]

**3. Use of fees.** This subsection applies to the use of fees credited to the Snowmobile Trail Fund.

A. The bureau is authorized to use the money credited to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails.

(1) For all grants disbursed after July 1, 1984, the bureau shall adopt rules specifying how to apply for the grants, which projects are eligible and the formula for state support.

(2) The bureau may charge a reasonable fee for these services and materials when the money credited to it under this paragraph is insufficient to satisfy the demand for the services and materials. All fees so collected must be deposited in the Snowmobile Trail Fund.

(3) If any of the money is not expended during the year in which the money is collected, the unexpended balance does not lapse, but is carried as a continuing account available for the purposes specified until expended. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The bureau is authorized to use money credited to the Snowmobile Trail Fund for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate, grants to snowmobile clubs, municipalities and counties for the acquisition of snowmobile trail maintenance equipment and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational materials for the use of operators of snowmobiles and for research. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The money distributed to municipalities by the bureau under this subsection may be appropriated by the municipalities for any purpose for which they may lawfully appropriate money. [PL 2003, c. 414, Pt. C, §1 (NEW); PL 2003, c. 614, §9 (AFF).]

D. By June 30th of each fiscal year, the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption under Title 36, section 1760, subsection 90. [PL 2007, c. 429, §1 (NEW); PL 2007, c. 429, §3 (AFF).] [PL 2007, c. 429, §1 (AMD); PL 2007, c. 429, §3 (AFF).]

#### SECTION HISTORY

PL 1997, c. 678, §13 (NEW). PL 2001, c. 693, §1 (AMD). PL 2001, c. 693, §11 (AFF). PL 2003, c. 414, §§B21,22,C1 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 695, §B2 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2007, c. 429, §1 (AMD). PL 2007, c. 429, §3 (AFF). PL 2013, c. 405, Pt. D, §7 (AMD). PL 2021, c. 215, §§1-3 (AMD).

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