

# 2011 New Hampshire Off Highway Recreational Vehicle Laws Digest

EFFECTIVE JULY 1, 2010 – JUNE 30, 2011



The New Hampshire Fish and Game Department promotes safe and responsible riding. Riding a snowmobile or wheeled vehicle can be fun and exciting for the entire family. The Department asks that you be part of the solution, not part of the problem by taking a class, joining a club and riding responsibly.

**The New Hampshire Fish and Game Department strongly recommends that all riders participate in a Safety Education Class.** State law requires that all operators 12 years of age and over must possess either a valid Motor Vehicle Driver's License or must have successfully completed an approved OHRV or Snowmobile Safety Education Class.

**Consider other trail users**, both motorized and non-motorized, while you are on the trails. Fish and Game also works with the Bureau of Trails, state associations and member clubs to ensure that your experience is one that you will enjoy and remember for a long time.

## INFORMATION RESOURCES

<b>New Hampshire Fish and Game Dept.:</b>	603-271-3129 www.ride.nh.gov
<b>OHRV Registry:</b>	603-271-4300
<b>Bureau of Trails:</b> For ATV and Snowmobile Trail Maps	603-271-3254 www.nhtrails.org
<b>New Hampshire Snowmobile Association:</b>	603-273-0220 www.nhsa.com
<b>New Hampshire OHVA:</b> Wheeled Vehicles	888-847-1964 www.nhohva.org
<b>Maine OHRV Registry:</b>	207-287-8000
<b>Vermont OHRV Registry:</b>	802-828-2000

## RECIPROCITY

For reciprocity questions, please call the state you are interested in riding in.

## WHERE CAN I RIDE?

You can ride on trails that are clearly signed and designated for the type of vehicle that you are operating or on land where you have received written landowner permission to ride.

When purchasing or renting an OHRV or snowmobile, all riders are required to be familiar with the rules and regulations as they pertain to operation, prior to sale or rental.

## POSTED LAND AND DUTY OF CARE

Landowners are not required to post their property against snowmobile or OHRV use. The absence of signs prohibiting snowmobiles or OHRVs does not imply that they are welcome or allowed. Landowners are not responsible to keep their land safe for use by others who may hunt, fish, trap, camp, hike, sightsee or operate snowmobiles or OHRVs.

## LANDOWNER PERMISSION

Unless you are on an approved trail system or you have obtained permission for the specific piece of land, you are in violation of the law. All land, whether public or private, requires landowner permission. Over 80% of the snowmobile trail system in N.H. is on private property. Respect the wishes of the landowner and stay on designated trails.

*It is recognized that OHRV and snowmobile operation may be hazardous. Therefore, each person who drives or rides an OHRV or snowmobile accepts the dangers inherent in the sport and shall not maintain an action against an owner, occupant or lessee of land for any injuries which result from such inherent risks, dangers or hazards.*

## SOUND LEVELS AND TESTS

Loud snowmobiles and OHRVs are a primary cause of complaints from landowners and other trail users. Vehicles powered by "two stroke" engines are the biggest offenders. All operators are encouraged to ride quiet vehicles. It is illegal to modify an exhaust system in any way that increases the noise level.

Snowmobile noise levels must comply with the manufacturer specifications as contained in the requirements of the Snowmobile Safety and Certification Committee approval. Trail bikes and ATVs cannot emit noise levels that exceed 96 decibels.

OHRVs designed for "closed course competition" may only be used at OHRV competitions, unless the OHRV is modified to meet all equipment requirements including muffler, spark arrestor and noise emissions.

Snowmobile and OHRV operators must submit to a sound level test when requested to do so by a law enforcement officer.

## LAW ENFORCEMENT

The N.H. Fish and Game Department is the primary agency responsible for Off Highway Recreational Vehicle law enforcement, however, all law enforcement officers are empowered to enforce OHRV and snowmobile laws.

## FINES AND PENALTIES

When a person breaks the law, they may be given a summons to appear in court. Most laws are "violations" which may carry a penalty up to \$1,000. A few statutes are "Misdemeanors" which are punishable by higher fines and/or one year in jail. Misdemeanors include refusing to stop for a police officer, unauthorized use (stealing), removing or defacing signs, and a second offense for operating on railroad tracks, cemeteries or airports or for subsequent offenses for operating while under the influence of drugs and/or alcohol. Some offenses will carry a \$200 Administrative Penalty in addition to any court fines.

Any offense that occurs within a public right-of-way can be considered a motor vehicle offense and motor vehicle laws may apply. These may impact a person's driver's license privileges.

A registration can be revoked for breaking the law. If the vehicle is involved in an offense, the registered owner may be held liable.

**MINORS.** When a person under 16 years old breaks the law, the officer can have the vehicle towed and impounded for up to 24 hours. A petition to juvenile court may also be issued. If an adult has knowledge that a child under the age of 16 was operating the vehicle illegally, the adult may be liable for the actions of the child.

## RESPONSIBLE RIDERS SAFETY EDUCATION

If you are convicted of speed, modified exhaust, skimming or other offenses, you shall be required to show successful completion of an approved safety education class OR you must attend a Responsible Riders Safety Education course and will be assessed an additional Administrative Penalty.



## ALCOHOL/DRUGS

It is illegal to operate or attempt to operate any OHRV or snowmobile while under the influence of alcohol and/or drugs, or with a blood alcohol concentration greater than .08% or .02% if less than 21 years old. Penalties for snowmobile and OHRV DWI and procedures for testing correspond with Motor Vehicle DWI.

Snowmobile and OHRV operators must submit to a test or tests to determine blood alcohol concentration. Failure to consent to a test results in the loss of a driver's license.

## SIGNS AND TRAIL MARKERS

Signs and trail markers are established for safety. A great deal of time and money is spent to erect signs. It is illegal to remove, destroy, deface or obstruct signs and markers on trails or on private property. Violation of this section is a misdemeanor.

### SPEED LIMITS

#### SPEED SHALL BE REASONABLE AND PRUDENT FOR EXISTING CONDITIONS.

<b>10 MPH</b>	<ul style="list-style-type: none"> <li>• Within 150 feet of a bobhouse or fishing hole.</li> <li>• On sidewalks that are open to OHRVs or snowmobiles.</li> <li>• On bridges that are posted open to OHRVs.</li> <li>• At trail junctions, in parking lots and when passing trail grooming equipment.</li> <li>• Public ways open to OHRV or snowmobile use.</li> </ul>
<b>15 MPH</b>	<ul style="list-style-type: none"> <li>• On plowed roads on D.R.E.D. Property.</li> </ul>
<b>35 MPH</b>	<ul style="list-style-type: none"> <li>• On all trail connectors.</li> <li>• At night on Back Lake in Pittsburg.</li> </ul>
<b>45 MPH</b>	<ul style="list-style-type: none"> <li>• On all trails where no speed limit is posted.</li> </ul>
<b>55 MPH</b>	<ul style="list-style-type: none"> <li>• Turtletown Pond, Concord.</li> </ul>

### OHRV OPERATION

#### You must:

- Display a headlight and taillight when operating between ½ hour after sunset and ½ hour before sunrise.
- Have brakes capable of stopping the vehicle within 40 feet at 20 MPH.
- Yield to pedestrians, horseback riders and other trail users.
- Yield to the right and reduce speed when meeting vehicles coming from the opposite direction.
- Stop when requested to do so by a police officer or landowner and give your name and address.
- Display both registration decals.
- Carry valid registration certificate.
- Carry valid driver's license or approved Safety Certificate.

#### It is unlawful to:

- Operate so as to endanger any person or damage property.
- Operate on railroad tracks or within the railroad right-of-way unless the area is posted as a trail.
- Operate on airports, airport runways or cemeteries.

### LICENSE AND AGE RESTRICTIONS:

*The following restrictions apply to ALL OPERATORS and PASSENGERS operating on personal and/or public property:*

OPERATING ON PERSONAL & PUBLIC PROPERTY			OPERATING ON PUBLIC PROPERTY ONLY		
AGE	HELMET & EYE PROTECTION	CARRY PASSENGERS ON ATV	ACCOMPANIED BY LICENSED ADULT OVER 18	OPERATE ACROSS ROADS	DRIVER'S LICENSE OR SAFETY CERTIFICATE
UNDER 12	YES	NO	YES	NO	NO
12 OR 13	YES	NO	YES	YES	YES
14 – 17	YES	NO	NO	YES	YES
OVER 18	NO	YES	NO	YES	YES

- Operate on any road or within the right-of-way except where authorized and posted.
- Chase or harass wildlife.
- Operate on town roads or sidewalks unless posted for OHRVs or snowmobiles.
- Operate on or across any highway bridge unless posted as open for OHRVs or snowmobiles.
- Tow any person or sled without a rigid hitch.
- Operate while driver's license is under suspension/ revocation in N.H., any other state or Canadian Province.
- Skim across open water.

### OPERATION

**Highway Operation.** OHRVs or snowmobiles are not permitted to operate on the traveled portion or within the right-of-way of any public way, including roads, streets, highways, bridges, parking lots, sidewalks or ways that are maintained by any city, town, county, state or federal agency, except when specifically allowed and posted.

**Highway Crossings.** Permitted crossings may be established across some roads, except interstate highways, toll roads and limited-access highways.

#### At all permitted highway crossings, operators must:

- Come to a complete stop before the shoulder of the road.
- Yield to all traffic.
- Cross at a 90-degree angle.
- Possess a valid driver's license or approved Safety Certificate.

### WETLAND WARNING

**Riding in wetlands is against the law, and violators can be fined up to \$10,000 and may be required to restore damages that result.**

### SAFETY EDUCATION

Volunteer instructors teach Safety Education Classes throughout the state. Successful completion of an approved safety class or a valid motor vehicle driver's license is required to cross public ways for operators 12 years old and above. Please contact Fish and Game Headquarters at 603-271-3129 or go to [www.ride.nh.gov](http://www.ride.nh.gov) for information concerning these requirements or for class schedules.

**Note: It is unlawful to operate an OHRV or snowmobile while driver's license is under suspension or revocation in any state or Canadian province.**

REGISTRATION FEES (effective July 1, 2010)			
TYPE	FEE	RESTRICTIONS	VALID DATES
<b>Resident</b>		NH residents only.	
Trail bike	\$46	Must show	July 1
Snowmobile (club member)*	\$64	proof of	to
Snowmobile (non-club member)	\$94	residency	June 30
ATV	\$55	and age.	
<b>Non-resident</b>			
Trail bike	\$65	Must	July 1
Snowmobile (club member)*	\$84	show	to
Snowmobile (non-club member)	\$114	proof	June 30
ATV	\$74	of age.	
<b>Antique</b>		NH residents only.	
Snowmobile	\$50.50	Vehicle must	Permanent
Trail bike	\$50.50	be at least	
ATV	\$50.50	25 years old.	
<b>Transfer</b>		Available to	Remainder of
Must be same vehicle		owner if	Registration
type.		OHRV sold.	Year
<b>Lost/damaged</b>		See back side	Remainder of
\$21.50		of certificate	Registration
		for instructions	Year
<b>Vanity</b>		NH residents only.	July 1 to
fee, plus \$20		Contact F&G	June 30

\*Must present proof of membership of a non-profit snowmobile club that is a member club of the New Hampshire Snowmobile Association. Membership must be for current registration year.

A registration consists of a certificate and 2 decals. The registration certificate must be carried by the operator and the decals must be properly affixed to the OHRV or snowmobile.

### ALTERATION OF DECALS IS PROHIBITED

### DECAL PLACEMENT

**Snowmobiles** – One on each side of the cowling or on the outside of the windshield, clearly visible and not obstructed.

**ATVs, Trailbikes** – One on the front fender and one on the rear fender, unobstructed, as high as possible or at a location provided by the manufacturer.

### REGISTERING AN OHRV OR SNOWMOBILE

2010/2011 OHRV/Snowmobile Registrations are valid from the date of issue through June 30, 2011 and are not prorated. New registration decals are typically available at OHRV Registration Agents in June.

*When registering an OHRV or snowmobile, the owner:*

1. Must be at least 18 years of age, present a valid driver's license or non-driver photo ID, and apply in person.
2. Must present a valid N.H. driver's license or N.H. non-driver photo ID to qualify for resident rates.
3. May bring a previous registration certificate to the registration agency, or must provide the following vehicle information: year of manufacture, make, model, displacement, primary and secondary colors, and VIN. OHRVs are not titled in N.H. – no title, bill of sale or previous registration is required.
4. Will receive a new registration certificate and two decals.
5. Must affix the decals as noted above.

## DEFINITIONS

**Accompanied by** means when a person is within sight and when actual physical direction and control can be affected.

**ATV** (All Terrain Vehicle) is any motor-driven vehicle which has one or more low pressure tires (less than 10 psi) designed to carry one driver and/or payload, weighing less than 1,000 pounds and not exceeding 50 inches width.

**Dealer** means a person in the OHRV or snowmobile business who sells OHRVs or snowmobiles to the general public, or demonstrates for sale vehicles on consignment to the general public.

**OHRV** (Off Highway Recreational Vehicle) is any mechanically propelled vehicle used off of a public way for recreational or pleasure purposes and dependent on the ground or other surface for travel. All legally registered motor vehicles used off the highway for these purposes shall be deemed as an OHRV.

**Operate** means to use that vehicle in any manner for transportation.

**Public Way** means any public highway, street, sidewalk, alley, parking lot or frozen body of water. Public way includes both the traveled portion of a road and the sides or shoulder of a road up to the boundary of abutting property owners.

**Rental Agent** means a person accepting money or other valuable consideration for the temporary use of OHRVs or snowmobiles.

**Resident** is a person who has not claimed residency in any other state for any purpose. Presentation of a valid N.H. driver's license or N.H. non-driver photo ID is required to prove residency.

**Snowmobile** means a vehicle not more than 54 inches wide and not more than 1,200 pounds designed to travel over snow or ice, supported by skis, belts or cleats.

**Trail Connector** means a specific portion of an OHRV trail within a state highway right-of-way authorized by the Department of Transportation. Contact the Bureau of Trails for a list of approved trail connectors.

## REGISTRATIONS REQUIRED

All snowmobiles and OHRVs must be registered if operated off of the owner's property. A registration is a privilege to ride off of your own property on approved trails or with written land owner permission. There are no additional trail user fees in N.H.

Conventional motor vehicles (cars and trucks) that are legally registered as a motor vehicle do not need an OHRV registration. Motorcycles which are registered for highway use must have an OHRV registration to operate off road.

*NOTE: No registration is required for youth model ATVs, trail bikes or snowmobiles if the operator is less than 12 years of age and the youth is accompanied by a properly licensed adult. To qualify, youth snowmobiles must be less than 125cc; youth ATVs and youth 2 wheel trail bikes less than 95cc.*

Individuals may register at any one of the registration agents located throughout the state, and must apply in person. Registrations may also be purchased at Fish and Game Headquarters or through the mail by contacting Fish and Game at 603-271-4300.

## STOLEN OHRVs OR SNOWMOBILES

The Fish and Game Department maintains a list of vehicles reported to the Department as stolen. The list is used to help in the recovery of these machines.

If your vehicle is stolen, report the theft to your local police department immediately, then to the N.H. Fish and Game Department. Forward your most recent registration certificate to N.H. Fish and Game, indicating that the OHRV has been stolen.

When reporting a theft and a copy of the registration is not available, the following information should be given:

- Owner information; name, address and telephone number.
- Vehicle information; make, model, displacement, year of manufacture, V.I.N., and primary/secondary colors.
- Registration information; number and most recent year registered. If your vehicle was stolen and is recovered, please notify Fish and Game.

## ACCIDENTS

Every year in New Hampshire, hundreds of people are injured in crashes and collisions; some die. Approximately 35% had some level of alcohol in their blood. Excessive speed was a contributing factor in 55% of the fatal crashes.

Accidents can be avoided by practicing safe and responsible operation. Besides alcohol, common contributing factors include operating at excessive speeds, riding on thin ice, operating in unfamiliar areas at night and failing to wear protective equipment.

**Accidents must be reported if:**

- Anyone is injured or killed, or
- Property damage of over \$500 occurs.

**A person who is involved in a reportable accident must:**

- Stop and give name, address and registration number to others who were involved in the accident or whose property was damaged;
- Report accident to nearest Police Station; and
- File a report with Fish and Game within 5 days.

**FINANCIAL RESPONSIBILITY.** All provisions of the New Hampshire Financial Responsibility law shall apply to an OHRV or snowmobile operated on a public highway. Any person who fails to report an accident involving death or personal injury shall be guilty of a Class B felony.

OHRV or snowmobile insurance is not required to operate in New Hampshire, however, liability insurance protection is recommended.

OHV10001.P7

This publication is a summary of New Hampshire Off Highway Recreational Vehicle statutes; it is not the complete law or rules. The official rules may be examined at:

**Administrative Services,**

**New Hampshire State House, Concord, N.H.**  
[www.gencourt.state.nh.us/ras/html/NHTOC/NHTOC-XVIII.htm](http://www.gencourt.state.nh.us/ras/html/NHTOC/NHTOC-XVIII.htm)