

## 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.

**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.

**Resident** is a person who has lived in this state for 6 months or longer and has not claimed residency in any other state.

**Snow Traveling Vehicle** (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.

## ALCOHOL/DRUGS

It is illegal to operate or attempt to operate any OHRV 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 OHRV DWI and procedures for testing correspond with Motor Vehicle DWI.

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.

## REGISTRATION

All OHRVs must be registered if operated off of the owner's property. There are no trail user fees in New Hampshire.

Registrations may be purchased at over 200 OHRV Registration Agents, at Fish and Game Headquarters or through the mail by contacting N.H. Fish and Game at 603-271-4300.

An OHRV registration consists of a white certificate, 2 decals and 2 validation stickers. The registration certificate must be carried by the operator of the OHRV and the decals/validation stickers must be properly affixed to the OHRV.

Conventional motor vehicles (cars and trucks) that are legally registered as a motor vehicle do not have to obtain

an OHRV registration. Motorcycles which are registered for highway use must obtain an OHRV registration to operate off road.

## DECAL PLACEMENT

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

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

## VALIDATION STICKERS

The 2005 OHRV Registration is valid from the Date of Issue until June 30, 2005. New registration decals and validation stickers are typically available at OHRV Registration Agents in June.

*When re-registering an OHRV that you previously registered:*

1. Bring your white registration certificate to the registration agency.
2. You will receive a new registration certificate and two (2) validation stickers.
3. Affix the validation stickers on the location provided on the decal.

*You will receive new decals and validation stickers if:*

- You do not bring your previous registration certificate when re-registering.
- You are registering an OHRV for the first time.
- You have purchased a used machine that was previously registered to another person.
- One or both of the decals is lost or damaged.

For additional information, please contact an OHRV Registration Agent or Fish and Game OHRV Registry at 603-271-4300 or go to: [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us).

## OPERATION

**Highway Operation.** OHRVs 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 OHRV crossings may be established across some roads, except interstate highways, toll roads and limited-access highways.

**At all permitted highway crossings, OHRV 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 OHRV Safety Certificate.

## 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 and validation stickers.
- Carry valid registration certificate.
- Carry valid driver's license or OHRV 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 an OHRV trail.
- Operate on airports, airport runways or cemeteries.
- 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.
- Operate on or across any highway bridge unless posted as open for OHRVs.
- 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.

## WETLAND WARNING

Do not drive through or near wetlands, including streams, ponds, and wet meadows. Wetlands provide critical habitat for wildlife. Damage to sensitive vegetation can also contribute to polluting the water in these areas.

**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.**

## LICENSE AND AGE RESTRICTIONS

### UNDER AGE 12

- Can only operate on land owned or leased by parent, grandparent or guardian, or;
- Can operate off own land if accompanied by a licensed adult over the age of 18.
- Operators must wear helmet and eye protection.
- Cannot cross roads.

### AGES 12 AND ABOVE

- Must possess either a valid Motor Vehicle Driver's license or have successfully completed an approved Safety Education Class.

### UNDER AGE 14

- Must be accompanied at all times when operating off of parent's, grandparent's or guardian's property.

### UNDER AGE 18

- Operators must wear helmet and eye protection.
- ATV Operators cannot carry passengers.
- All passengers must wear a helmet.

# 2005 New Hampshire Off Highway Recreational Vehicle Laws Digest



The New Hampshire Fish and Game Department receives numerous complaints concerning irresponsible riding. The most common complaints are riding without landowner permission and excessive speed. These complaints combined with other acts of irresponsibility result in the closure of very important trails. Volunteers from local clubs have been working hard with private landowners and state agencies to develop and maintain the existing trail system. These actions make it very difficult for the clubs to either maintain or expand their trail system.

State law requires that all operators over the age of 12 to possess a valid Motor Vehicle Driver's License or to have successfully completed an OHRV Safety Education Class. The New Hampshire Fish and Game Department strongly recommends that all riders participate in a Safety Education Class. Be part of the solution, not part of the problem, take a class, join a club and ride responsibly.

## INFORMATION RESOURCES

<b>New Hampshire Fish and Game Dept.:</b>	603-271-3129 <a href="http://www.wildlife.state.nh.us">www.wildlife.state.nh.us</a>
<b>OHRV Registry:</b>	603-271-4300
<b>Bureau of Trails:</b>	603-271-3254 <a href="http://www.nhtrails.org">www.nhtrails.org</a>
<b>New Hampshire Snowmobile Association:</b>	603-224-8906 <a href="http://www.nhsa.com">www.nhsa.com</a>
<b>Granite State ATV Association:</b>	888-847-1964 <a href="http://www.gsatva.org">www.gsatva.org</a>

## RECIPROCITY

If your wheeled vehicle is legally registered in New Hampshire or Vermont, you may operate in the other state on that registration.

If you are a non-resident and you want to operate a snowmobile in New Hampshire, you must join a snowmobile club that is a member club of the New Hampshire Snowmobile Association.

## POSTED LAND AND DUTY OF CARE

Landowners are not required to post their property against OHRV use. The absence of signs prohibiting OHRVs does not imply that OHRVs 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 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 operation may be hazardous. Therefore, each person who drives or rides an OHRV 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 OHRVs are a primary cause of complaints from landowners and other trail users. Vehicles powered by “two stroke” engines are the biggest offenders. All OHRV opera-

tors 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 on the owner’s property or at OHRV competitions, unless the OHRV is modified to meet all equipment requirements including muffler, spark arrestor and noise emissions.

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

## 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.

## ACCIDENTS

Every year in New Hampshire, hundreds of people are injured in OHRV crashes and collisions; some die. Since 1996, 50 people have been killed in fatal OHRV accidents in New Hampshire. Approximately 35% had some level of alcohol in their blood. Excessive speed was a contributing factor in 55% of the fatal crashes.

OHRV 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.

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

## SAFETY EDUCATION

Volunteer instructors teach OHRV Safety Education Classes throughout the state. Completion of the class is required for minors to operate off of their own property

without being accompanied by a licensed adult and to cross public ways. Please contact Fish and Game Headquarters at 603-271-3129 or go to [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us) for information concerning these requirements or for class schedules.

## 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 laws.

The activities of Fish and Game Conservation Officers include law enforcement and participation in the safety education program. Each officer is issued a snowmobile and an ATV or trail bike for patrolling.

## FINES AND PENALTIES

When a person 16 years or older breaks the law, they may be given a summons to appear in court. Most OHRV laws are “violations.” A few OHRV 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.

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.

An OHRV registration can be revoked for breaking the law. If an OHRV 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 certain OHRV offenses you shall be required to show successful completion of an approved safety education class and be assessed an additional Administrative Penalty.

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, New Hampshire**

or

<http://gencourt.state.nh.us/rsa/html/indexes/215-A.html>

## STOLEN OHRVs

The Fish and Game Department maintains a list of OHRVs reported as stolen. The intent of this list is to facilitate the recovery of these machines.

If your OHRV 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 and secondary colors.
- Registration information; number and most recent year registered. If your OHRV was stolen and is recovered, please notify Fish and Game and/or OHRV Registry.

## REGISTRATION\* INFORMATION

TYPE	FEE	RESTRICTIONS	VALID DATES
<b>Resident</b>		NH residents only.	
Trail bike	\$45	Must show	July 1
Snowmobile (club member)	\$48	proof of	to
Snowmobile (non-club member)	\$78	residency*	June 30
ATV	\$54	and age**.	
<b>Non-resident</b>			
Trail bike	\$64	Must	July 1
Snowmobile (club member)	\$63	show	to
Snowmobile (non-club member)	\$93	proof	June 30
ATV	\$73	of age.**	
<b>Antique</b>		NH residents only.*	
Snowmobile	\$38	Vehicle must	Permanent
Trail bike	\$38	be at least	
ATV	\$38	25 years old.	
<b>Transfer</b>	\$16	Available to owner if OHRV sold.	Remainder of Registration Year
<b>Lost/damaged</b>	\$16	See back side of certificate for instructions	Remainder of Registration Year
<b>Vanity</b>	fee, plus \$20	NH residents only.* Contact F&G	July 1 to June 30

NOTE: No registration required for youth model snowmobiles, trail bikes and ATVs if operator is under the age of 12 and is accompanied by an adult over the age of 18.

\*Acceptable forms to prove **residency** in N.H. are a valid N.H. driver’s license or a N.H. non-driver photo ID.

\*\*Acceptable forms to prove **age** are a valid driver’s license or a non-driver photo ID issued by any Department of Motor Vehicles.