



1 (b) The department may pay a claim under this subsection only if all of the following  
2 apply:

3 1. The damage to the property was caused by the operation of all-terrain vehicles in an  
4 area not designated as an all-terrain vehicle route or all-terrain vehicle trail.

5 2. The applicant reports the trespass that causes the damage to local law enforcement  
6 officers.

7 3. The applicant makes reasonable efforts to identify the responsible individual and  
8 obtain payment from the responsible individual.

9 4. The applicant makes reasonable efforts to prevent reoccurrence of the damage.

10 (c) The department shall promulgate rules for eligibility and funding requirements for  
11 the all-terrain vehicle damage claim program in order to maximize the cost-effectiveness of  
12 the program. The department shall promulgate rules to establish all of the following:

13 1. Forms and procedures for processing and payment of claims, including an annual  
14 period for making claims.

15 2. Procedures and standards for determining the cost to restore all-terrain vehicle  
16 damage.

17 3. A methodology for proration of all-terrain vehicle damage claim payments if funds  
18 are not sufficient to pay all claims.

19 4. Procedures for record keeping, audits, and inspections.

20 5. Participation by local all-terrain vehicle clubs in the review of claims under this  
21 subsection.

22 (d) The department may not submit a claim under this subsection in any annual claim  
23 year unless all approved claims other than the department's claims are paid in full.

**NOTE:** There is no all-terrain vehicle (ATV) damage claim program under current law. If a person's property is damaged by the operation of an ATV in an area not designated for ATV use, the only remedy would be through court-ordered restitution as the judgment in a lawsuit.

This bill draft establishes an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail. The provision requires the department of natural resources to promulgate rules for implementation of the program. The provision requires the department to verify that certain minimum standards are met regarding the awarding of the payments. These standards include:

1. That the damage to the property was caused by the operation of ATVs in an area not designated as an ATV route or ATV trail.
2. That the applicant reports the trespass and makes reasonable efforts to identify the responsible individual and obtain payment from the individual.
3. That the applicant makes reasonable efforts to prevent reoccurrence of the damage.

The DNR may value a claim only if all eligible claims in an annual payment cycle are paid in full.

1           **SECTION 4. Nonstatutory provisions.**

2           (1) EMERGENCY RULES ON ALL-TERRAIN VEHICLE CLAIMS. Using the procedure under  
3 section 227.24 of the statutes, the department of natural resources shall promulgate the rules  
4 required under section 23.33 (8m) of the statutes, as created by this act, for the period before  
5 the effective date of the permanent rule promulgated under section 23.33 (8m) of the statutes,  
6 as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and  
7 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
8 department of natural resources is not required to provide evidence that promulgating a rule  
9 under this subsection as an emergency rule is necessary for the preservation of the public  
10 peace, health, safety, or welfare and is not required to provide a finding of emergency for a  
11 rule promulgated under this subsection.

