

**SPECIAL JOINT PUBLIC SAFETY COMMITTEE & CITY COUNCIL MEETING
PAYNESVILLE CITY HALL
JUNE 28, 2016
5:30 P.M.**

AGENDA

- I. CALL TO ORDER
- II. CONSENT AGENDA
- III. NEW BUSINESS
 - A. Golf Carts (page 1)
 - 1. Letters From Citizens (page 2)
 - 2. Draft City Ordinance (page 5)
 - 3. Mayor's Requests (page 14)
 - 4. Quote For Golf Cart Permit Decal (page 15)
 - 5. LMC Sample Ordinance (page 16)
 - 6. MN State Statute (page 23)
- IV. OLD BUSINESS
- V. INFORMATIONAL
 - A. Legislative Analyst – Low Power Vehicles (page 25)
 - B. League of MN Cities Memo – Special Vehicles Operating On City Street (page 50)
 - C. Unpublished Opinion Of Only Court Case – City of Canby (page 66)
- VI. ADJOURN

Please contact Renee Eckerly at 320-243-3714 ext. 227 or at reneeE@paynesvillemn.com if you can't attend the meeting.

Members: Jeff Thompson, Bob Liestman, Paul Wegner, Frank Carter, Brady Klingfus, Donnie Mayer, Harry Thielen, Doris Wendlandt & Renee Eckerly.

This agenda has been prepared to provide information regarding an upcoming meeting of the Public Safety Committee. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Public Safety Committee meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Public Safety Committee

Committee/Council Meeting Date: June 28, 2016

Agenda Section: New Business

Originating Department:

Item Number: III - A

ITEM DESCRIPTION: Golf Carts

Prepared by: Staff

COMMENTS:

Wegner will review the current laws and regulations for golf cart usage. Please review the attached written letters from citizens regarding the usage of golf carts as well as the following documents:

- Draft Ordinance - Public Safety Committee worked on in 2014
- Mayor's Requests
- Golf Cart Permit Decal Quote
- LMC Sample Ordinance – which is the backbone or basis of the City's Draft Ordinance
- Minnesota State Statutes 2015

Discussion.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to _____.

June 9, 2016

To: Public Safety Committee,

I would like to take this opportunity to share our point of view on golf cart, ATV (all terrain vehicle) and UTV (utility terrain vehicle) usage on the city streets of Paynesville. We believe they **should be allowed**. A couple reasons for their use are recreational or an economic alternative form of transportation. From a recreation perspective there are more and more alternative modes of transportation being made available for pleasure and economic reasons. With the economy as it is, many people are trying to save money wherever they can. A big part of a household expense is transportation cost. On average, transportation expense accounts for 12-22% of a household budget (published information from Kiplinger, Smart Asset and EllieKay – to name a few). Because this is a big budget item, people are being resourceful looking to use alternate sources of transportation whenever they can. Alternate sources of transportation – walking, biking, roller blades, skate boards, golf cart, ATV, UTV, scooters, mopeds, motorcycles, power wheelchairs, are all clear alternatives. Uses of these vary based on distance, age, physical ability and purpose. **All of these offer a degree of risk, just like a car or truck.** Every person-moving close to or on city streets/highways need to be vigilant relative to safety. Cars and trucks are the norm on streets/highways but so are scooters, mopeds, motorcycles, walkers, bicycles, roller bladders, skate boarders and even power wheelchairs....it is all dependent on what they are doing – crossing a road OR on the road. Nothing excuses people from being vigilant at all times.

I believe a permitting process would work with the rules and regulations clearly defined, along with a reasonable fee. Misuse, drivers not paying attention, or when rules are not being followed, a driver should receive a citation or warning just like a driver of a car or truck.

Some of the rules for golf cart, ATV, UTV *could* include:

- Follow same traffic laws/speed limits as posted
- Can't carry children on your lap
- Can't exceed the number of passengers it is designed for
- Same alcohol laws apply for driver
- Valid drivers license required
- If equipped with head lights, after dark driving is permitted
- Stay off sidewalks
- Turn signaling must be used either by hand signals or electronically equipped blinkers
- Rearview mirror required

Please approve the use of golf carts, ATV, UTVs within the city limit. From our perspective it only makes sense. We are a small community, with more rural type streets and roads, a resort community, with a diverse age group, a diverse economic group, which should allow for alternate means of transportation. We are not a major metropolis where traffic is a big issue.

Respectfully submitted,

Howie & Barb Schmit
Howie and Barb Schmit

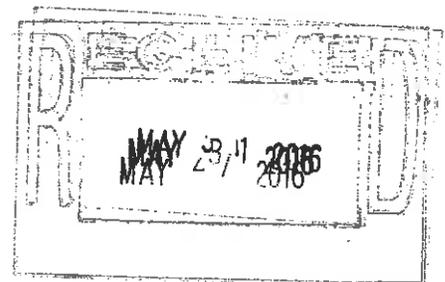
2

It's usually not a smart idea to question an officer of the law considering it may come back to haunt you at some point, but the topic about golf carts not allowed on city streets should be rethought.

For one, we are a small community that could use more activity in and around the downtown area. I'm sure the businesses don't mind the way you arrive at their place of business for a sale. There are senior citizens as well as younger citizens with valid driver's licenses that enjoy this form of leisure travel within city limits to get to the place they would like to go. I don't see the issue as long as it is not being misused or abused. Would you also not allow bicycles, skate boarders, four wheelers and lawn tractors? Come on, let's get our priorities straightened out.

Therefore, I believe we need an ordinance to allow golf cart use on city streets located within the city. Our neighboring towns such as Albany, St. Joseph, Melrose, Richmond and others allow it so why wouldn't we? As far as requiring permits for use of golf carts within city limits, so be it!

Duane Olmscheid



To: City Council Members

Subject: golf car use

From: Gary and Marilyn Herzberg

We have enjoyed the use of our golf car through the years and part of our summer fun is driving down to the new stadium to see the baseball games and stopping by to see our family who live in Paynesville, or stopping at one of our local stores. We have also observed older people, some handicapped, who have been able to enjoy mobility and getting around easier, thanks to the use of their golf car! Also, our local golfers enjoy being able to drive their golf cars to our beautiful Koronis Hills Golf Course. We are extremely disappointed about golf cars being considered unlawful within the city. Likewise, we too have observed kids driving and are concerned about safety issues.

Having said that, we have some ideas that we think could be seriously considered-and effective in keeping people safe as well as allowing them to use golf cars.

- 1.) Driver must be licensed, as a vehicle, age 16
- 2.) Mirror
- 3.) Headlights and tail lights
- 4.) Annual permit fee
- 5.) Follow rules and regulations as a regular vehicle

Gary Herzberg
Marilyn Herzberg

ORDINANCE NO. _____

**GOLF CARTS, NEIGHBORHOOD FRIENDLY VEHICLES, ATVS, SNOWMOBILES,
AND OTHER LOW POWERED VEHICLES WITHIN THE CITY OF PAYNESVILLE,
MINNESOTA**

SECTION 1: PURPOSE AND INTENT

- (A) The purpose of this chapter is to provide reasonable regulations for the use of special and recreational motor vehicles on public and, in conformance with private property, in the city.
- (B) This chapter is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.
- (C) It is intended to ensure the public safety and prevent a public nuisance.
- (D) This Chapter adopts the regulatory provisions of Minnesota Statutes, Section 84.81 to 84.929, 169.974, 169.223, 171.01, and 171.02 as amended from time to time

SECTION 2: DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) Designated Roadways: All streets, avenues, and roadways under the jurisdiction of the City of Paynesville not specifically excluded in this section.
- (B) Prohibited Roadways: All streets, avenues, and roadways under the jurisdiction of the City of Paynesville which operation of vehicles under this ordinance are prohibited. This includes Lake Ave S (Co Rd 66) and Lake Ave N, All of Business 23 (Co Rd 85), and Railroad St from James St W to Garfield Ave.
- (C) Operator: The person driving and having physical control over the motorized golf cart, all-terrain vehicle, or mini-truck and being the licensee.
- (D) Owner: Owner means a person, other than a person with a security interest, having a property interest in or title to a vehicle cover in this ordinance and is entitled to the use and possession of the vehicle.
- (E) Motorized Golf Cart: Any passenger conveyance being driven with three or four wheels with three or four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.
- (F) Mini Truck: As defined in Minn. Stat. § 169.01, subd. 40(a), a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor

vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

SECTION 3: OPERATOR PERMITS

- (A) No person shall operate a motorized golf cart or mini-truck on streets, alleys or other public property without obtaining an operator's permit as provided herein.
- (B) Every application for an operator's permit shall be made on a form supplied by the City of Paynesville and shall contain all of the following information:
 - (1) The name and address of the applicant.
 - (2) The nature of the applicant's physical handicap, if any.
 - (3) Current driver's license or reason for not having a current license.
 - (4) Other information as the city may require.
- (C) The annual operator's permit fee shall be as set forth in the Paynesville fee schedule which may be amended from time to time.
- (D) Operator's Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.
- (E) No operator's permit shall be granted or renewed unless the following conditions are met:
 - (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
 - (2) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on the roadways designated.
 - (3) The applicant has not had his or her driver's license revoked, suspended, or cancelled as the result of criminal proceedings within the last 5 years.
 - (4) The applicant is over the age of 16
 - (5) No prior violations of this ordinance or traffic violations related to the use of a motorized golf cart or mini truck

SECTION 4: VEHICLE PERMITS

- (A) No person shall operate a motorized golf cart or mini-truck on streets, alleys or other public property without obtaining a vehicle permit as provided herein. The vehicle must have a current, valid permit prominently displayed on the front windshield or above the driver's side wheel well.

- (B) Every application for a vehicle permit shall be made on a form supplied by the City of Paynesville and shall contain all of the following information:
 - (1) The name and address of the owner.
 - (2) Model name, make and year and number of the motorized golf cart or mini truck
 - (3) Current driver's license or reason for not having a current license.
 - (4) Current insurance information on the vehicle
 - (5) Other information as the city may require.
- (C) The annual vehicle permit fee shall be as set forth in the Paynesville fee schedule which may be amended from time to time.
- (D) Vehicle permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.
- (E) No vehicle permit shall be granted or renewed unless the following conditions are met:
 - (1) The applicant must demonstrate continued/ongoing insurance for the vehicle.
 - (2) The applicant must demonstrate the motorized golf cart or mini truck complies with safety requirements and equipment set forth in this ordinance.
 - (3) No prior violations of this ordinance or traffic violations related to the use of the permitted motorized golf cart or mini truck

SECTION 5: GENERAL PROVISIONS

- (A) Motorized golf carts and mini-trucks are permitted to operate on designated roadways, not state or federal highways or prohibited roadways as defined above, except to cross at intersections. Vehicles may not be driven down a prohibited road to get to an intersection. Vehicles must operate as close to the right curb as possible, unless overtaking a parked vehicle or pedestrian.
- (B) Motorized golf carts and mini trucks may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.
- (C) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.
- (D) Motorized golf carts and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
- (E) The operator of a motorized golf cart or mini-truck may cross any street or highway intersecting a designated roadway.

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- (F) Every person operating a motorized golf cart a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.
- (G) The number of occupants on the golf cart, all-terrain vehicle, or mini-truck may not exceed the design occupant load.
- (H) Every person operating golf cart must possess the operator's permit at all time when operating the vehicle and every person operating a mini truck must possess a valid driver's license when operating a mini truck
- (I) It is unlawful to operate a motorized golf cart or mini truck anywhere in the City of Paynesville, including private property, in any of the following manners:
- (1) At a speed in excess of the posted speed limit
 - (2) Other than single file on a designated roadway
 - (3) Carelessly or Recklessly
 - (4) Towing or pulling any person or object behind the vehicle, unless specifically designed for that purpose
 - (5) On a public sidewalk provided for pedestrian travel
 - (6) On boulevards within any public right of way
 - (7) Public property- on any other public property including parks and recreational areas, except as the City Code may specifically permit.
 - (8) While the operator of a motorized golf cart or mini truck is under the influence of alcohol or drugs.
 - (9) On private property without the property owners permission
 - (10) While the operator's permit is in suspended or revoked status
- (J) The operator of a motorized golf cart or mini truck shall not possess any open container of alcohol while the vehicle is operating within the City of Paynesville. The operator shall not allow any passenger to possess an open container of alcohol while the vehicle is operating within the City of Paynesville.
- (K) The owner of a permitted motorized golf cart or mini truck shall not allow anyone to operate or drive the vehicle when the operator does not have a valid operator's permit or is under the age of 16. The owner is responsible for all actions of the operator and may be subject to lose of vehicle permit for violations of this ordinance.

- (L) The City Council may suspend or revoke an operator's permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section, does not comply with permitting requirements or Minn. Stat., ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart or mini-truck on the designated roadways.
- (M) The City Council may suspend or revoke a vehicle permit granted hereunder upon a finding that the owner thereof has violated any of the provisions of this section or Minn. Stat., ch. 169, as it may be amended from time to time.
- (N) Authorized city staff may operate city owned motorized golf carts and mini-trucks without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.
- (O) Mini-truck equipment requirements:
 - (1) A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:
 - (a) At least two headlamps.
 - (b) At least two tail lamps.
 - (c) Front and rear turn-signal lamps.
 - (d) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
 - (e) A windshield.
 - (f) A seat belt for the driver and front passenger.
 - (g) A parking brake.

SECTION 6: OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (A) ***ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE*** means a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.
- (B) Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.
- (C) ***Operation.***
 - (1) An electric personal assistive mobility device may be operated on a bicycle path.
 - (2) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under

the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.

- (3) An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:
 - (a) While making a direct crossing of a roadway in a marked or unmarked crosswalk.
 - (b) Where no sidewalk is available.
 - (c) Where a sidewalk is so obstructed as to prevent safe use.
 - (d) When so directed by a traffic control device or by a peace officer.
 - (e) Temporarily in order to gain access to a motor vehicle.
 - (f) As provided in division (7) below by Council resolution.
- (4) An electric personal assistive mobility device may not be operated at any time on a roadway with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.
- (5) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.
- (6) *Designated exclusive city streets.* The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of electric personal assistive mobility devices is not permitted, provided that any street so designated has a speed limit of more than 35 miles per hour.
- (7) A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times.
- (8) An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

SECTION 7: MOTORIZED FOOT SCOOTERS

- (A) ***MOTORIZED FOOT SCOOTER*** means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two 12-inch or smaller diameter wheels and has an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

- (B) Operation of a motorized foot scooter on city bicycle paths, bicycle lanes, bicycle trails, or bikeways is prohibited except as provided in division (C) below.
- (C) The City Council may, by resolution, designate specific bicycle paths, bicycle lanes, bicycle trails, or bikeways as available for use by motorized foot scooters.
- (D) Every person operating a motorized foot scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized foot scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized foot scooters.
- (E) No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person may operate a motorized foot scooter that is carrying any person other than the operator.
- (F) No person under the age of 12 years may operate a motorized foot scooter.
- (G) No person under the age of 18 years may operate a motorized foot scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of Public Safety.
- (H) A motorized foot scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of Public Safety if the vehicle is operated under conditions when vehicle lights are required by law.
- (I) A person operating a motorized foot scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:
 - (1) When overtaking and passing another vehicle proceeding in the same direction.
 - (2) When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians.
 - (3) When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes.

SECTION 8: MEDIUM-SPEED ELECTRIC VEHICLES AND NEIGHBORHOOD ELECTRIC VEHICLES

(A) *Definitions.*

- (1) **MEDIUM SPEED ELECTRIC VEHICLE** means an electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater, and except with respect to maximum

speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

(2) ***NEIGHBORHOOD ELECTRIC VEHICLE*** means an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour on a paved level surface.

- (A) Operation of neighborhood electric vehicles on city streets is prohibited.
- (B) A neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways only if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.
- (C) Authorized city staff may operate city owned neighborhood electric vehicles and medium-speed electric vehicles within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

SECTION 9: ATVS, UTVS, SNOWMOBILES AND OTHER VEHICLES NOT ALREADY CONTROLLED OR REGULATED

(A) Operation by minors:

- (1) It is a violation for any person under the age of fourteen (14) years to operate a snowmobile, ATV, UTV, or other vehicle or means of transportation not licensed for Minnesota streets or highways on streets or other public property in the City of Paynesville.
- (2) A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile, ATV, UTV, or other vehicle or means of transportation not licensed for Minnesota Streets and highways on the streets of the City of Paynesville if he/she has in his immediate possession a valid driver license, permit, or certificate for the operation of said snowmobile, ATV, UTV, or other vehicle or means of transportation.

(B) General Operation:

- (1) Notwithstanding any provision in the Minnesota Statutes to the contrary, it is unlawful for any person to operate a snowmobile, ATV, UTV, or other vehicle in excess of fifteen (15) miles per hour.
- (2) Operation of such vehicles shall be limited to passing through the City of Paynesville and for residents of the City, shall be limited to going in a direct line to an out-of-town destination, or returning to the place of residence or place of housing within the city.
- (3) Operation of such a vehicle shall be restricted to the city streets only, except and provided in subdivision 6.
- (4) It is unlawful for any person to operate a snowmobile, ATV, UTV, or other vehicle or means of transportation on private property of another without the permission of the owner or occupants thereof.

- (5) Snowmobile, ATV, UTV, or other vehicle or means of transportation shall yield to all other vehicles and traffic including pedestrians at all intersections and shall abide by all signs governing the operation of motor vehicles within the City of Paynesville.
- (6) ATVS and UTVS may be used within the city for the purpose of agricultural use or snow removal. Under all circumstances, the operator must abide by the other provisions of this ordinance and state statute.
- (7) It is unlawful to tow or pull any person or object behind a snowmobile, ATV, UTV, or other vehicle that is not designed for that purpose.

SECTION 10. PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SECTION 11: SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 12: EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this _____ day of _____, _____.

By:

Attested:

Mayor

City Clerk

Operator's permit

- 16 years of age or older ✓
- Valid proof of age and identification ✓
- Read and understand the requirements to permit a cart ✓
- Can not be driven on county or state roads or highways ✓
- Can not be driven on sidewalks or trails (e.g. Lake Koronis Recreational Trail) ✓
- All passengers must be individually seated ✓
- * No towing of bikers, skateboarders. Etc. ✓
- + Permit carried and available for inspection when operating a cart ✓
- Traffic and parking laws and ordinances obeyed ✓
- Fee paid ✓
-
-

Cart permit

- * Operating lights if operated after dark ✓
- + Use hand signals if operated during daylight hours ✓
- Seats for all passengers ✓
- Read and understand the requirements to operate a cart ✓
- Slow Moving Vehicle sign displayed if cart not able to reach speed of 25 MPH ✓
- * City issued permit prominently displayed on rear of cart ✓
- Fee paid ✓
- Verification of liability insurance ✓
-
-

Wegner, Paul

From: dittman@lakedalelink.net
Sent: Tuesday, June 21, 2016 3:46 PM
To: Wegner, Paul
Subject: golf cart permit decal

Paul,

The best size to maximize material is 3" x 5.50", we have a very bright yellow that could be the background with black text. The cost would be \$2.95 each.

Minimum order quantity of 20.

Thanks

Marc & Sharon

Dittman Signs

LEAGUE OF MINNESOTA CITIES SAMPLE SPECIAL VEHICLES ORDINANCE (May 2010)

Before adopting this ordinance, a city should be familiar with the contents of the League of Minnesota Cities information memo, *Special Vehicles Operating on City Streets*, LMC 385A1 (May 2010).

INTRODUCTION AND INSTRUCTIONS:

This sample ordinance regulating public nuisances contains a number of provisions a city may want to adopt. A city wishing to adopt this ordinance should review it with the city attorney to determine which provisions are best suited to the city's circumstances. A city can modify these ordinances by eliminating provisions that apply to activities it does not seek to regulate. Because provisions within this ordinance implicate state statutes and involve state and federal constitutional rights, the city attorney should review any modifications to ensure they conform to current law.

This sample ordinance is drafted in the form prescribed by Minn. Stat. § 412.191, subd. 4, for statutory cities. Home rule charters often contain provisions concerning how the city may enact ordinances. Home rule charter cities should consult their charter and city attorney to ensure that the city complies with all charter requirements.

If your city has codified its ordinances, a copy of any nuisance ordinance must be furnished to the county law library or its designated depository pursuant to Minn. Stat. § 415.021.

Special Vehicles

Sec. 1: Special vehicles: Motorized golf carts, all-terrain vehicles, and mini-trucks

Sec. 2: Electric personal assistive mobility device

Sec. 3: Motorized foot scooters

Sec. 4: Neighborhood electric vehicles

§ 1. SPECIAL VEHICLES: MOTORIZED GOLF CARTS, CLASS 1 ALL-TERRAIN VEHICLES, AND MINI-TRUCKS.

(A) (1) No person shall operate a motorized golf cart, all-terrain vehicle, or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(2) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

(a) The name and address of the applicant.

(b) The nature of the applicant's physical handicap, if any.

(c) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle, or mini-truck.

(d) Current driver's license or reason for not having a current license.

(e) Other information as the city may require.

(3) The annual permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to §_____ of this code, as that ordinance may be amended from time to time.

(4) Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.

(5) No permit shall be granted or renewed unless the following conditions are met:

(a) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.

(b) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or all-terrain vehicle on the roadways designated.

(c) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, or mini-truck.

(d) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

(6) Motorized golf carts, all-terrain vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections. *May not be operated*

(7) Motorized golf carts and all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(8) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts, all-terrain vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

(10) The operator of a motorized golf cart, all-terrain vehicle, or mini-truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart, an all-terrain vehicle, or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.

(12) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, or mini-truck on the designated roadways.

(13) The number of occupants on the golf cart, all-terrain vehicle, or mini-truck may not exceed the design occupant load.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. The person driving and having physical control over the motorized golf cart, all-terrain vehicle, or mini-truck and being the licensee.

MOTORIZED GOLF CART. Any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

MINI-TRUCK. As defined in Minn. Stat. § 169.01, subd. 40(a), a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

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(C) Authorized city staff may operate city owned motorized golf carts and mini-trucks without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

(D) Mini-truck equipment requirements:

(1) A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:

(a) At least two headlamps.

(b) At least two tail lamps.

(c) Front and rear turn-signal lamps.

(d) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

(e) A windshield.

(f) A seat belt for the driver and front passenger.

(g) A parking brake.

§ 2. OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(A) ***ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE*** means a self-balancing device with two nontandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.

(B) Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.

(C) ***Operation.***

(1) An electric personal assistive mobility device may be operated on a bicycle path.

(2) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions.

Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.

(3) An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:

- (a) While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- (b) Where no sidewalk is available.
- (c) Where a sidewalk is so obstructed as to prevent safe use.
- (d) When so directed by a traffic control device or by a peace officer.
- (e) Temporarily in order to gain access to a motor vehicle.
- (f) As provided in division (7) below by Council resolution.

(4) An electric personal assistive mobility device may not be operated at any time on a roadway with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.

(5) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

(6) *Designated exclusive city streets.* The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of electric personal assistive mobility devices is not permitted, provided that any street so designated has a speed limit of more than 35 miles per hour.

(7) A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times.

(8) An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

§ 3. MOTORIZED FOOT SCOOTERS

(A) **MOTORIZED FOOT SCOOTER** means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two 12-inch or smaller diameter wheels and has an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

(B) Operation of a motorized foot scooter on city bicycle paths, bicycle lanes, bicycle trails, or bikeways is prohibited except as provided in division (C) below.

(C) The City Council may, by resolution, designate specific bicycle paths, bicycle lanes, bicycle trails, or bikeways as available for use by motorized foot scooters.

(D) Every person operating a motorized foot scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized foot scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized foot scooters.

(E) No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person may operate a motorized foot scooter that is carrying any person other than the operator.

(F) No person under the age of 12 years may operate a motorized foot scooter.

(G) No person under the age of 18 years may operate a motorized foot scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of Public Safety.

(H) A motorized foot scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of Public Safety if the vehicle is operated under conditions when vehicle lights are required by law.

(I) A person operating a motorized foot scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

- (1) When overtaking and passing another vehicle proceeding in the same direction.

(2) When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians.

(3) When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes.

§ 4. MEDIUM-SPEED ELECTRIC VEHICLES AND NEIGHBORHOOD ELECTRIC VEHICLES

(A) Definitions.

(1) **MEDIUM SPEED ELECTRIC VEHICLE** means an electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

(2) **NEIGHBORHOOD ELECTRIC VEHICLE** means an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour on a paved level surface.

(B) Operation of neighborhood electric vehicles on city streets is prohibited except as provided in (C) below.

(C) *Use on designated exclusive city streets.* The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of neighborhood electric vehicles or medium-speed electric vehicles is permissible, provided that no street so designated has a speed limit of more than 35 miles per hour.

(D) A neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways only if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

(E) Authorized city staff may operate city owned neighborhood electric vehicles and medium-speed electric vehicles within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

169.045 SPECIAL VEHICLE USE ON ROADWAY.

Subdivision 1. Designation of roadway, permit. The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section:

- (1) an all-terrain vehicle has the meaning given in section 84.92;
- (2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) a utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

Subd. 2. Ordinance. The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Subd. 3. Times of operation. Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. Slow-moving vehicle emblem. Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. Crossing intersecting highways. The operator, under permit, of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. Application of traffic laws. Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. Nonapplication of certain laws. The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not ap-

plicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways.

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two taillamps;
- (3) front and rear turn-signal lamps;
- (4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;
- (5) a windshield;
- (6) a seat belt for the driver and front passenger; and
- (7) a parking brake.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

History: 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95; 2012 c 287 art 3 s 56; 2014 c 255 s 20

Low-Power Vehicles

There has been an upsurge in recent years in the number and types of motorized “low-power vehicles” available in Minnesota. Such vehicles include e-bikes, mini-trucks, motor scooters, motorized foot scooters, and neighborhood electric vehicles. They range from recreational devices intended mainly for children to relatively powerful vehicles.

This information brief describes the various types of vehicles, focusing on their classification and regulation under Minnesota law.

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Executive Summary

This information brief summarizes low-power vehicle laws in Minnesota. As the term is used here, “low-power vehicles” include all-terrain vehicles, electric-assisted bicycles, golf carts, mini-trucks, motor scooters, motorized foot scooters, motorized bicycles (or mopeds), and neighborhood electric vehicles.

Although the vehicles are all motorized they vary greatly in form, size, features, and intended use. In most cases the vehicles are smaller and less powerful than a typical car, truck, or SUV. Some are essentially devices marketed mainly to children, whereas others represent an alternative to driving a standard passenger automobile.

Minnesota law regulates vehicle operation on public streets and highways and establishes licensing, insurance, and equipment requirements. Legislation in recent years has established new classifications of vehicles and devices and, in many cases, specific regulations for each type of vehicle. The expansion in vehicle categories defined in law reflects a rise in the variety of vehicles now available to consumers.

Regulation Summary Tables

The tables below outline basic requirements for each type of vehicle. Subsequent sections provide, for each vehicle classification, descriptions and more detail on regulations.

	ATV and Utility Task Vehicle	Electric-Assisted Bicycle	Golf Cart	Mini-truck
Attributes in legal definition	ATV: up to 960 cc engine, three to six flotation tires, max. 1,800 pounds dry weight UTV: four wheels, up to 1,200 cc engine, 1,800 to 2,600 dry weight	Bicycle with saddle, pedals for human propulsion, two to three wheels, max. 1,000-watt electric motor, top speed of 20 m.p.h., meets federal standards	Vehicle not specifically defined	Up to 660 cc or 7,500-watt engine, 900 to 2,200 pounds dry weight, does not meet certain federal safety standards
Registration	Local special permit; typically DNR registration for ATV use	None required	Local special permit	Local special permit; possible DNR registration as ATV
Operator licensing	None required	None required; minimum operator age is 15	None required	Driver's license or permit
Insurance	Liability coverage (same as passenger autos)	None required	Liability coverage (same as passenger autos)	Liability coverage (same as passenger autos)
Operation rules	Generally same traffic laws as other motor vehicles; some limitations on operating at night and in low visibility	Generally same traffic laws as motor vehicles; various limitations	Generally same traffic laws as other motor vehicles; some limitations on operating at night and in low visibility	Generally same traffic laws as other motor vehicles
Safety equipment	Most equipment laws do not apply; rearview mirror	Certain lighting generally required for night; helmet not required	Most equipment laws do not apply; rearview mirror; slow-moving vehicle emblem	Headlights; taillights; turn signals; mirrors; windshield; seat belt; parking brake
Notes "ATV" refers to an all-terrain vehicle. "UTV" refers to a utility task vehicle. "DNR" refers to the Department of Natural Resources.				

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	Motor Scooter and Motorcycle	Motorized Bicycle	Motorized Foot Scooter	Electric Vehicles	Segway
Attributes in legal definition	Motor scooter: not specifically defined Motorcycle: seat or saddle, up to three wheels Classification excludes motorized bicycles	Up to 50 cc and 2 hp engine, top speed of 30 m.p.h. Classification now excludes electric-assisted bicycles	Handlebars, motor, max. 12-inch wheels, top speed of 15 m.p.h.	NEV: electric motor, four wheels, top speed of 20-25 m.p.h. MSEV: electric motor, misc. equipment, top speed of 35 m.p.h.	Electric motor, two nontandem wheels, designed for one person, top speed of 15 m.p.h.
Registration	Title, vehicle registration, tax, license plate	Title, vehicle registration, tax, license plate	None required	Title, vehicle registration, tax, license plate	None required
Operator licensing	Driver's license with two-wheeled vehicle endorsement	Driver's license or operator's permit	None required; minimum operator age is 12	Driver's license or permit	None required
Insurance	Liability coverage (same as passenger autos)	Liability coverage (same as passenger autos)	None required	Liability and personal injury coverage (same as passenger autos)	None required
Operation rules	Generally same traffic laws as other motor vehicles; various limitations; no operation on sidewalks	Generally same traffic laws as motorcycles and other motor vehicles; various limitations; no operation on sidewalks	Generally same traffic laws as bicycles; no operation on sidewalks; allowed on certain bike paths and trails	Generally same traffic laws as other motor vehicles; no operation on roads with speed limit above 35	Generally same traffic laws as pedestrians; allowed on bike paths
Safety equipment	Helmet if under age 18; various equipment requirements; eye protection for all operators; headlight on at all times	Helmet if under age 18; eye protection; certain lighting generally required for night; if so equipped, headlight on at all times	Helmet if under age 18; headlight and reflector required for night	Must meet federal equipment requirements	Reflectors required
Notes "NEV" refers to a neighborhood electric vehicle. "MSEV" refers to a medium-speed electric vehicle.					

Identifying the Type of Vehicle

Due to the wide variety of low-power vehicles and devices that are now on the market, it can be challenging to determine how under Minnesota law a specific make and model in a particular year is classified. In particular, motor scooters, motorized bicycles, motorized foot scooters, and motorcycles have many similarities.

Because state regulation varies with each vehicle, a key question is whether the vehicle in question fits one of the legal definitions established in Minnesota Statutes. *See* Minn. Stat. § 169.011. The specific characteristics of a particular vehicle determine its classification. Although other features are relevant, engine size is a key factor in identifying scooters, mopeds, and motorcycles under Minnesota law. Top speed, vehicle weight, and safety equipment are also important characteristics.

A vehicle that has two or three wheels as well as a seat or saddle and does not clearly fit another vehicle definition is most likely classified as a “motorcycle” (even though it might not be considered a motorcycle in the traditional sense). As discussed below, requirements for a vehicle classified as a motorcycle include title, registration, and license plates.

In effect, the general categorization for a vehicle or device that does not conform to any low-power vehicle definition is likely a “motor vehicle.” As such, it would need to be registered and have license plates, the operator must have a driver’s license, it must have full insurance coverage, and the vehicle must have safety equipment that includes lights, turn signals, and brakes at both the front and rear.

Vehicle Descriptions and Key Regulations

Motorized vehicles face limited state regulation while they are being operated on private land. Once they venture onto streets, roads, and even alleys they are subject to a wider array of state and local regulations. Following the introduction of mini-trucks, motorized foot scooters, and neighborhood electric vehicles, recent changes in Minnesota law have expanded the assortment of vehicles that can be operated on public roadways.

The following sections cover each vehicle type classified under Minnesota law, outlining their legal definitions and general characteristics, highlighting some recent law changes, and providing an overview of notable regulatory provisions.

All-Terrain Vehicles and Utility Task Vehicles

Classifications¹

All-terrain vehicles. All-terrain vehicles (ATVs) under Minnesota law are flotation-tired vehicles having three to six tires, an engine with a less than 960 cc displacement, and a dry weight of up to 1,800 pounds. They are most often used for off-road recreation on trails or private land. The type of seating is not specifically identified under the statutory definition, and ATV designs include models having seats with backs or a saddle so that the operator (and any passenger) sits straddling the vehicle. ATVs are further categorized based on dry weight into class 1 (less than 1,000 pounds) and class 2 (1,000 to 1,800 pounds). Minn. Stat. §§ 84.92, subds. 8 to 10; 169.045, subd. 1.



Legislation in 2011 broadened the ATV classification for on-road use by special permit (discussed below). The definition of ATV was changed to match that already used in separate state statutes governing ATVs registered and operated off-road. (Previous to the change, only ATVs having four tires, an engine displacement of no more than 800 cc, and a dry weight of less than 600 pounds were eligible for the special permit.) Laws 2011, ch. 107, § 89.

Utility task vehicles. Utility task vehicles (UTVs) were first introduced in state statute for on-road use under a 2011 change. Laws 2011, ch. 107, §§ 89 to 95. To be considered a UTV in Minnesota law, the vehicle must have four-wheel drive, four wheels, an internal combustion engine with a displacement of no more than 1,200 cc, and a dry weight of 1,800 to 2,600 pounds. Also known as a “side-by-side ATV” (among other terms), a UTV has side-by-side seating, in some cases carries multiple passengers, typically has a passenger compartment space, and often includes an open bed located behind the driver and passengers (like a pickup truck). The vehicle is similar to an ATV in its typical off-road purposes although with an arguably greater focus on work activities. Minn. Stat. § 169.045, subd. 1.



Regulations

ATVs and UTVs are not titled or registered with the Department of Public Safety (which is required of most motor vehicles using public roads), and allowable operation on public roads is limited. ATVs can be operated on public roads and in some public rights-of-way under two distinct sets of state statutes governing the vehicles.

- 1) Operation on local roads can be allowed by special permit. The permit is issued by a local unit of government (a city, county, or town) following a local ordinance that must meet certain statutory requirements, and it only authorizes driving on

¹ Image sources: <http://www.gekgo.com/cpi-gas-atvs.html>; <http://www.cubcadet.com>

particular roads under the jurisdiction of the issuing authority. This is a discretionary program that each local government may choose to set up, so ATV (and UTV) operation is essentially prevented if a local government has not taken the steps of establishing the ordinance and issuing special permits. Minn. Stat. § 169.045.

- 2) ATVs are subject to various off-highway vehicle regulations administered by the Department of Natural Resources. They can operate on some parts of public rights-of-way (that is, on the roadway itself, the road shoulder, the inside bank or slope, the ditch, and the outside bank or slope) and on bridges under some circumstances depending on several factors: the type of road (trunk highway, county highway, town road, or city street), the type of ATV (class 1 versus class 2), and time of year for some regions of the state. Minn. Stat. §§ 84.92 to 84.928.

While ATVs are not registered for on-road use in the same manner as passenger vehicles, in many cases they must be registered with the Department of Natural Resources for use on designated trails, public lands, and other off-road locations. ATVs and riders are also subject to various regulations that include: display of registration information, where the vehicle can be ridden, operating rules, passenger restrictions, required vehicle equipment, and other limitations for youth operators. (General off-highway vehicle and ATV regulations, under Minnesota Statutes, chapter 84, are not discussed further in this publication.)

Requirements Under the Special Permit

Registration The vehicles are not registered with the Department of Public Safety in the manner of other motor vehicles and do not require titling or license plates. (In many cases, ATV registration is required under off-highway vehicle regulations.)

Operation of ATVs and UTVs can be allowed via a special permit issued to the vehicle owner by counties, cities, or towns. Minn. Stat. § 169.045, subd. 1. The Minnesota Department of Transportation cannot issue the permit for use on trunk highways (including the interstate system).

A key requirement is that the governing body must establish a special permit ordinance, and the ordinance must provide for permit application and confirmation that insurance requirements are met. The ordinance can also set additional conditions and require certification by a physician of ability to safely operate the vehicle. The permit can limit use to certain roads and must be renewed at least every three years, as determined by the unit of government. It can be revoked at any time based on evidence of inability to safely operate the vehicle.

Operator licensing A driver's license or instruction permit is not required for operation under a special permit. Minn. Stat. § 169.045, subd. 7. (However, a driver's license may be required for operating on public road rights-of-way under off-highway vehicle regulations.)

Insurance Insurance requirements must be established as part of the local ordinance and must match that of motorcycles. Thus liability insurance (which covers certain claims from another driver) is required and is the same as for passenger automobiles, but the vehicles are exempt from the requirements of personal injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).² Minn. Stat. §§ 65B.48, subd. 5; 169.045, subd. 2.

If insurance cannot be obtained on the private market, it can be purchased from the Minnesota Automobile Insurance Plan with a rate determined by the Department of Commerce. Minn. Stat. § 169.045, subd. 8.

Operation If a local government establishes special permits, vehicle operation under the permit is only allowed on roadways under the jurisdiction of the issuing unit of government. A city-issued permit, for instance, does not authorize driving on county roads; a separate permit would be required. (The law is silent on coordination between local units of government for permit issuance and applicability.)

Drivers of ATVs and UTVs are subject to the same traffic laws and duties as operators of other motor vehicles, although additional limitations apply. The vehicles can only be operated on designated roadways, although they may cross other roads and highways. The vehicles can only be operated between sunrise and sunset unless original equipment includes headlights, taillights, and brake lights. They cannot be used (1) in bad weather unless the authorizing ordinance provides an exception for emergencies, or (2) if there is not enough visibility to see people and other vehicles from 500 feet away. Minn. Stat. § 169.045, subs. 3, 5, 6.

Safety equipment Standard equipment requirements for motor vehicles do not apply to vehicles operating under the special permit, except that a rearview mirror is necessary. The mirror must provide a view to the rear for at least 200 feet. Minn. Stat. § 169.045, subd. 7.

² The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage.

Electric-Assisted Bicycles

Classification³

Electric-assisted bicycles, also referred to as “e-bikes,” are a subset of bicycles that are equipped with a small attached motor. To be classified as an “electric-assisted bicycle” in Minnesota, the bicycle must have a saddle and operable pedals, two or three wheels, and an electric motor of up to 1,000 watts, as well as meet certain federal motor vehicle safety standards. The motor must disengage during braking and have a maximum speed of 20 miles per hour (whether assisted by human power or not). Minn. Stat. § 169.011, subd. 27.



Legislative changes in 2012 significantly altered the classification and regulatory structure for e-bikes. The general effect was to establish electric-assisted bicycles as a subset of bicycles and regulate e-bikes in roughly the same manner as bicycles instead of other motorized devices with two (or three) wheels. Laws 2012, ch. 287, art. 3, §§ 15-17, 21, 23-26, 30, 32-33, and 41. The 2012 Legislature also modified and clarified regulation of e-bikes on bike paths and trails. Laws 2012, ch. 287, art. 4, §§ 1-4, 20.

Regulations

Following the 2012 change, electric-assisted bicycles are regulated similarly to other bicycles. Most of the same laws apply. Minn. Stat. §§ 169.011, subd. 27; 169.222.

Registration The bicycle does not need to be registered, and a title is no longer necessary. Minn. Stat. §§ 168.012, subd. 2d; 168A.03, subd. 1. A license plate is no longer required to be displayed on the rear. See Minn. Stat. § 169.79, subd. 3. It is not subject to motor vehicle sales tax (the general sales tax would instead be owed on e-bike purchases).

Operator licensing A driver's license or permit is not required. Unlike a nonpowered bicycle, the minimum operator age is 15 years old. Minn. Stat. § 169.222, subd. 6.

Insurance The device does not need to be insured. See Minn. Stat. § 65B.43, subs. 2, 13.

Operation Electric-assisted bicycle operators must follow the same traffic laws as operators of motor vehicles (except those that by their nature would not be relevant).

The bicycles may be operated two abreast. Operators must generally ride as close as is practical to the right-hand side of the road (exceptions include when overtaking another vehicle, preparing for a left turn, and to avoid unsafe conditions). The bicycle must be ridden within a single lane. Travel on the shoulder of a road must be in the same direction as the direction of adjacent traffic.

³ Image sources: <http://www.egovehicles.com>; <http://www.electric-bikes.com/others.htm>

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Some prohibitions also apply, such as on: carrying cargo that prevents keeping at least one hand on the handlebars or prevents proper use of brakes, riding no more than two abreast on a roadway or shoulder, and attaching the bicycle to another vehicle. Minn. Stat. § 169.222, subs. 3-5.

The vehicles may be operated on a sidewalk except in a business district or when prohibited by a local unit of government, and must yield to pedestrians on the sidewalk. Minn. Stat. § 169.223, subd. 3.

By default, electric-assisted bicycles are allowed on road shoulders as well as on bicycle trails, bicycle paths, and bicycle lanes.⁴ A local unit of government having jurisdiction over a road or bikeway (including the Department of Natural Resources in the case of state bike trails) is authorized to restrict e-bike use if:

- the use is not consistent with the safety or general welfare of others; or
- the restriction is necessary to meet the terms of any legal agreements concerning the land on which a bikeway has been established.

Electric-assisted bicycles can be parked on a sidewalk unless restricted by local government (although they cannot impede normal movement of pedestrians) and can be parked on streets where parking of other motor vehicles is allowed. Minn. Stat. § 169.222, subd. 9.

*Safety
equipment*

During nighttime operation, the bicycle must be equipped with a front headlamp, a rear-facing red reflector, and reflectors on the front and rear of pedals, and the bicycle or rider must have reflective surfaces on each side. Minn. Stat. § 169.222, subd. 6.

An electric-assisted bicycle can be equipped with a front-facing headlamp that emits a flashing white light, a rear-facing lamp that has a flashing red light, or both. The bicycle can carry studded tires designed for traction (such as in snowy or icy conditions).

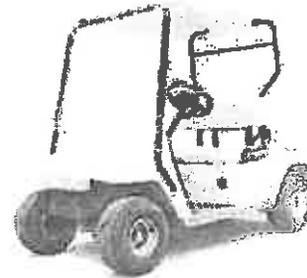
Helmets are no longer required for e-bike use.

⁴ A "bicycle path" is a dedicated bikeway that is separated from a shoulder or marked route on a street. Minn. Stat. § 169.011, subd. 6. A "bicycle lane" is a portion of the roadway or shoulder of a street designated for exclusive use by bicyclists. Minn. Stat. § 169.011, subd. 5. A "bicycle trail" is path developed under the Department of Natural Resources state trail system. Minn. Stat. § 169.011, subd. 8.

Golf Carts

Classifications⁵

A golf cart is not specifically defined in statute. Originally manufactured for use on golf courses, the vehicle's uses have become more varied. They usually seat two to four people and can be powered by an electric or gasoline engine ranging from under 4 to over 20 horsepower. Vehicle weight can go from 500 to over 2,000 pounds. Top speed is typically less than 20 miles per hour. Some models can go up to 25 miles per hour and may under Minnesota law be considered a neighborhood electric vehicle or medium-speed electric vehicle.



Regulations

Motorized golf carts are not titled or registered with the Department of Public Safety, and ordinarily they cannot be operated on public roads. However, Minnesota law does allow local units of government, such as counties and cities, to authorize via a special permit motorized golf carts (along with ATVs, UTVs, and mini-trucks) to use streets and highways under their jurisdiction. Minn. Stat. § 169.045.

Registration The vehicles are not registered with the Department of Public Safety in the manner of other motor vehicles and do not require titling or license plates.

Operation of golf carts can be allowed via a special permit issued to the vehicle owner by counties, cities, or towns. Minn. Stat. § 169.045, subd. 1. The Minnesota Department of Transportation cannot issue the permit for use on trunk highways (including the interstate system).

A key requirement is that the governing body must establish a special permit ordinance, and the ordinance must provide for permit application and confirmation that insurance requirements are met. The ordinance can also set additional conditions and require certification by a physician of ability to safely operate the vehicle. The permit can limit use to certain roads and must be renewed at least every three years, as determined by the unit of government. It can be revoked at any time based on evidence of inability to safely operate the vehicle.

Operator licensing A driver's license or instruction permit is not required for operation under a special permit. Minn. Stat. § 169.045, subd. 7.

Insurance Insurance requirements must be established as part of the local ordinance and must match that of motorcycles. Thus liability insurance (which covers certain claims from another driver) is required and is the same as for passenger automobiles, but the vehicles are exempt from the requirements of personal

⁵ Image source: www.floridaslargestgolfshow.com/register.htm

injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).⁶ Minn. Stat. §§ 65B.48, subd. 5; 169.045, subd. 2.

If insurance cannot be obtained on the private market, it can be purchased from the Minnesota Automobile Insurance Plan with a rate determined by the Department of Commerce. Minn. Stat. § 169.045, subd. 8.

Operation If a local government establishes special permits, vehicle operation under the permit is only allowed on roadways under the jurisdiction of the issuing unit of government. A city-issued permit, for instance, does not authorize driving on county roads; a separate permit would be required. (The law is silent on coordination between local units of government for permit issuance and applicability.)

Drivers of golf carts are subject to the same traffic laws and duties as operators of other motor vehicles, although additional limitations apply. The vehicles can only be operated on designated roadways, although they may cross other roads and highways. The vehicles can only be operated between sunrise and sunset unless original equipment includes headlights, taillights, and brake lights. They cannot be used (1) in bad weather unless the authorizing ordinance provides an exception for emergencies, or (2) if there is not enough visibility to see people and other vehicles from 500 feet away. Minn. Stat. § 169.045, subs. 3, 5, 6.

Safety equipment Standard equipment requirements for motor vehicles do not apply to vehicles operating under the special permit, except that a rearview mirror is necessary. The mirror must provide a view to the rear for at least 200 feet. Golf carts must also display a triangular slow-moving vehicle emblem. Minn. Stat. § 169.045, subs. 4 and 7.

Mini-trucks

Classification⁷

Mini-trucks often resemble pickup trucks, but are notably smaller in size, weight, and capacity. Although they come in different forms, the typical design is an open flat bed behind a small enclosed cab for the driver and one passenger. Other features can include air conditioning and all-wheel drive. They have traditionally been imported for off-road uses like recreational off-road activity, agricultural work on farms and ranches, at construction sites, in industrial parks, and grounds maintenance.



⁶ The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage.

⁷ Image source: <http://www.made-in-china.com>

Mini-trucks were formally classified in statute under a 2009 law that authorized their operation under limited circumstances (discussed below). They are defined as a motor vehicle that:

- has four wheels;
- uses an electric motor rated at 7,500 watts or less, or uses an engine with a maximum displacement of 660 cc;
- weighs between 900 and 2,200 pounds;
- has an enclosed cabin;
- resembles a pickup truck or van and has a cargo area; and
- was not originally manufactured to meet federal motor vehicle safety standard for passenger automobiles or "low-speed vehicles." Minn. Stat. § 169.011, subd. 40a.

The vehicles typically do not meet most federally mandated equipment standards for motor vehicles (such as for vehicle lighting and occupant safety). Also, they may not meet certain emissions requirements for on-road vehicles.

Regulations

Mini-trucks cannot be registered with the Department of Public Safety to be driven on public roads in Minnesota. However, under a 2009 law, the vehicles can be operated on authorized streets and highways via a special permit issued by local units of government, such as counties or cities. Laws 2009, ch. 158, § 10. The permit and regulations are mostly the same as allowed for ATVs, UTVs, and golf carts (discussed previously). Minn. Stat. § 169.045. The authority for mini-truck operation under special permits was initially set to expire July 31, 2012, but under a 2012 law the expiration was extended to July 31, 2014. Laws 2012, ch. 287, art. 3, § 56.

Registration The vehicles are not registered with the Department of Public Safety in the manner of other motor vehicles and do not require titling or license plates.

Operation of mini-trucks can be allowed only through a special permit that is issued by counties, cities, or towns. Minn. Stat. § 169.045, subd. 1. The Minnesota Department of Transportation cannot issue the permit for use on trunk highways (including the interstate system).

The governing body must establish a special permit ordinance, and the ordinance must provide for permit application and confirmation that insurance requirements are met. The ordinance can also set additional conditions and require certification by a physician of ability to safely operate the vehicle. The permit can limit use to certain roads and must be renewed at least every three years, at the discretion of the unit of government. It can be revoked at any time based on evidence of inability to safely operate the vehicle.

Operator licensing Unlike ATVs, UTVs, and golf carts operated under the local permit, a driver's license or instruction permit is required to drive a mini-truck. Minn. Stat. § 169.045, subd. 7.

Insurance Insurance requirements must be established as part of the local ordinance and must match that of motorcycles. Thus liability insurance (which covers certain claims from another driver) is required and is the same as for passenger automobiles, but the vehicles are exempt from the requirements of personal injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).⁸ Minn. Stat. §§ 65B.48, subd. 5; 169.045, subd. 2.

If insurance cannot be obtained on the private market, it can be purchased from the Minnesota Automobile Insurance Plan with a rate determined by the Department of Commerce. Minn. Stat. § 169.045, subd. 8.

Operation If a local government establishes special permits, vehicle operation under the permit is only allowed on roadways under the jurisdiction of the issuing unit of government. A city-issued permit, for instance, does not authorize driving on county roads; a separate permit would be required. (The law is silent on coordination between local units of government for permit issuance and applicability.)

Drivers are subject to the same traffic laws as operators of other motor vehicles. The vehicles can only be driven on designated roadways, although they may cross other roads and highways. Mini-trucks are not restricted from operation at night or in inclement weather. Minn. Stat. § 169.045, subs. 5, 6.

Safety equipment Some vehicle equipment requirements apply, including: headlights and taillights; turn-signal lamps; some rearview mirrors; a windshield; front driver and passenger seat belts; and a parking brake. Minn. Stat. § 169.045, subd. 7a.

Motor Scooters and Motorcycles

Classification⁹

Motor scooters differ from motorcycles in a couple of ways. The standard design is step-through with a low platform for the operator's feet, and the engine is most often located underneath where the operator sits. They are generally lighter (200 pounds), smaller (145 cc engine), and slower (top speed under 60 miles per hour) than a motorcycle. Vespa and Honda are among the best-selling manufacturers.



Motor scooters are not specifically defined in Minnesota law separately from motorcycles. See Minn. Stat. § 169.974. "Motorcycles" are defined as motor vehicles that have no more than three

⁸ The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage.

⁹ Image source: <http://www.vespausa.com>

wheels and a seat or saddle for the driver. The classification excludes motorized bicycles "mopeds," electric-assisted bicycles, and tractors. Minn. Stat. § 169.011, subd. 44.

Regulations

Motor scooters are treated under Minnesota law in the same manner as motorcycles, and the following summary is the same for both. Minn. Stat. §§ 169.011, subd. 44; 169.974.

Registration The vehicle must be registered and carries a registration tax of \$10. Minn. Stat. § 168.013, subd. 1b. The license plate must be displayed on the rear of the vehicle. Minn. Stat. § 169.79, subd. 3. A certificate of title also must be obtained. The vehicle is subject to the motor vehicle sales tax. Minn. Stat. §§ 297B.01, subd. 11; 297B.02.

Operator licensing A valid driver's license with a two-wheeled vehicle endorsement is required. A two-wheeled vehicle instruction permit is available to a person who is over 16 years old, has a driver's license, is enrolled in a two-wheeled driver's safety course, and passes a written exam.

Insurance Liability insurance (which covers certain claims from another driver) is required and is the same as for passenger automobiles.¹⁰ Minn. Stat. §§ 65B.43, subds. 2, 13; 65B.48, subd. 5. Motor scooters and motorcycles are exempt from the requirements of personal injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).

Operation Motor scooter and motorcycle operators are subject to the same traffic laws as operators of other motor vehicles (except those that by their nature would not be relevant). The vehicles may be operated two abreast. Additional passengers are allowed under some circumstances.

Some prohibitions also apply, such as: carrying cargo that prevents keeping both hands on the handlebars, passing other vehicles by going between traffic lanes, and passing vehicles that occupy the same traffic lane as the motor scooter or motorcycle. Instruction permit holders face additional limits, including prohibitions on carrying passengers and driving at night. Operation is allowed on streets but not sidewalks. Minn. Stat. § 169.974, subd. 5.

Safety equipment The vehicle must be equipped with various safety features, including: at least one rearview mirror, a horn, a hand or foot brake, at least one headlight that has both low and high beams and is lighted at all times, a taillight, a brake light, rear license plate illumination, and footrests if it has passenger seating. Minn. Stat. §§ 169.49; 169.50; 169.57, subd. 1; 169.60; 169.67, subd. 2; 169.974, subd. 3.

¹⁰ The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage. Note that the insurance requirements do not appear to apply to all motorcycles and motor scooters: under the definition of "motorcycle" in the chapter on automobile insurance, the vehicle's engine must be "rated at greater than five horsepower." Minn. Stat. § 65B.43, subd. 13.

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A helmet is required for operators and passengers under the age of 18 as well as those operating with an instruction permit, and eye protection is required for all operators. Minn. Stat. § 169.974, subd. 2, 4, 5 (i).

Motorized Bicycles (Mopeds)

Classification¹¹

Many of the lightest two-wheeled devices having small motors are motorized bicycles, commonly referred to as “mopeds.” The vehicles are less powerful than a motor scooter or motorcycle. They are available in a number of styles that generally resemble a bicycle, although compared to a bicycle they weigh more (from 55 to over 250 pounds), have additional features such as built-in headlights and turn signals, and may have a platform for feet instead of pedals for manual use. Under a 2012 change, electric-assisted bicycles are no longer classified as a type of motorized bicycle (discussed previously).



State law defines a “motorized bicycle” as a bicycle propelled by an electric or liquid fuel motor that has an engine displacement of up to 50 cc and up to two-brake horsepower, and is capable of a top speed of 30 miles per hour on a flat surface. Although it appears to be classified as a type of bicycle in law, pedals are not specifically required.¹² Minn. Stat. § 169.011, subd. 45.

Regulations

Most of the same regulations that apply to motor scooters and motorcycles, also apply to motorized bicycles, with a few differences. Minn. Stat. §§ 169.223; 169.974.

Registration The vehicle must be registered, with an annual tax of \$6. Minn. Stat. § 168.013, subd. 1h. A license plate must be displayed on the rear of the vehicle. Minn. Stat. § 169.79, subd. 3. A title is required. The vehicle is subject to the motor vehicle sales tax. Minn. Stat. §§ 297B.01, subd. 11; 297B.02.

Operator licensing An operator must have a motorized bicycle operator’s permit, motorized bicycle instruction permit, or driver’s license (although a two-wheeled vehicle endorsement is not required). Minors who are at least 15 years old can obtain an operator’s or instruction permit. Minn. Stat. § 171.02, subd. 3.

¹¹ Image sources: <http://www.egovehicles.com>; <http://www.electric-bikes.com/others.htm>

¹² While the statutory definition of motorized bicycle refers to the device as a bicycle, a “bicycle” under state law is defined as a “device capable of being propelled *solely by human power* upon which any person may ride ...” Minn. Stat. § 169.011, subds. 4, 45.

Insurance Liability insurance (which covers certain claims from another driver) is required and is the same as for passenger automobiles.¹³ Minn. Stat. §§ 65B.43, subds. 2, 13; 65B.48, subd. 5. The vehicle is exempt from the requirements of personal injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).

Operation Motorized bicycle operators must follow the same traffic laws as operators of motor scooters, motorcycles, and other motor vehicles (except those that by their nature would not be relevant). Operators must generally ride as close as is practical to the right-hand side of the road. The vehicles may be operated two abreast.

Some prohibitions also apply, such as: carrying cargo that prevents keeping both hands on the handlebars, passing other vehicles by going between traffic lanes, and passing vehicles that occupy the same traffic lane as the motorized bicycle, and operating on a sidewalk except to access a road. Minn. Stat. §§ 169.223, subds. 1, 3, 5; 169.974, subd. 5.

Holders of a motorized bicycle instruction permit are limited to riding within one mile of the person's residence. Minn. Stat. § 171.05, subd. 3.

Motorized bicycles are subject to the same parking regulations as bicycles. They can be parked on a sidewalk unless restricted by local government (although they cannot impede normal movement of pedestrians) and can be parked on streets where parking of other motor vehicles is allowed. Minn. Stat. §§ 169.222, subd. 9; 169.223, subd. 1 (4).

Safety equipment The vehicle must be equipped with various safety features that largely parallel those of motor scooters and motorcycles, including: at least one rearview mirror, a horn, a hand or foot brake, certain vehicle lighting, and footrests if it has passenger seating. For operation at night, as well as for motorized bicycles sold after June 1, 1987, lighting requirements consist of at least one headlight that has both low and high beams as well as a taillight (and the lights must meet the requirements for motorcycles).¹⁴ If so equipped, the headlight must be on at all times that the vehicle is operated. Minn. Stat. §§ 169.223, subd. 4; 169.49; 169.50; 169.57, subd. 1; 169.60; 169.67, subd. 2; 169.974, subd. 3.

A motorcycle or bicycle helmet is mandatory for operators under the age of 18. Eye protection is also required.

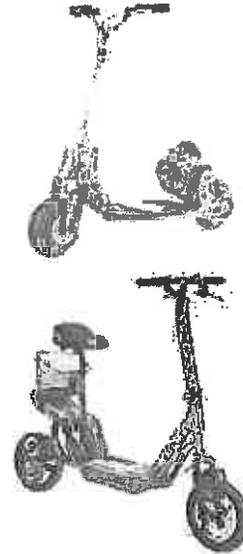
¹³ The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage.

¹⁴ In addition, a brake light and rear license plate illumination may be required.

Motorized Foot Scooters

Classification¹⁵

In recent years motorized foot scooters have gained popularity among youth. They are also called “motorized scooters” and “go-peds” (a brand name). The devices are usually lightweight platforms with two small wheels, having a design similar to a skateboard but with a motor as well as steering and acceleration control via handlebars. Braking is from a hand brake on the handlebar or by using a foot-operated rear-wheel brake. Some models have a seat or saddle that sometimes is removable, which is found on more powerful and expensive models. Many motorized foot scooters weigh around 20 to 65 pounds, although heavier designs are available.



Models are available with either gas and electric motors. Electric models generally have a top speed below 15 miles per hour and a range of up to 20 miles. Ones with gas engines commonly range from 25 to 50 cc (1.5 to 2.5 horsepower) and can have a top speed of over 30 miles per hour.

Under a Minnesota law first passed in 2005 and modified in 2008, a motorized foot scooter is defined as a “device” (not a “motor vehicle”) that:

- has handlebars;
- can be stood or sat on by the operator (a seat or saddle is not required);
- is powered by an internal combustion engine or an electric motor;
- has wheels no more than 12 inches in diameter; and
- has an engine capable of a maximum speed of not more than 15 miles per hour on a flat surface. Minn. Stat. § 169.011, subd. 46.

Most pocket bikes are excluded from the motorized foot scooter category (see the discussion on page 21).

Regulations

Minnesota law treats motorized foot scooters like bicycles, so that operators have the same rights as bicyclists and must generally follow the same laws. Minn. Stat. § 169.225.

Registration A motorized foot scooter does not need to be registered or pay registration taxes, and a certificate of title is not necessary. See Minn. Stat. §§ 168.002, subd. 18 (e); 168.013, subd. 1; 168.09, subd. 1.

¹⁵ Image source: <http://www.electrikmotion.com/GTscotersmain.htm>

Operator licensing	A driver's license or permit is not required for operation. The minimum operator age is 12 years old.
Insurance	The device does not need to be insured. <i>See</i> Minn. Stat. §§ 65B.43, subds. 2, 13; 65B.48, subd. 5.
Operation	<p>A motorized foot scooter may not be operated on a sidewalk, except to cross it. The device can be operated on a bicycle path, bicycle trail, bicycle lane, or bikeway unless (1) the pathway is reserved for nonmotorized use, or (2) operation is restricted by local government.</p> <p>Operators must ride as close as is practical to the right-hand side of the road, and must follow the same traffic laws as bicyclists. This includes a requirement that when making a left turn, the rider must dismount and cross the roadway on foot (the person is then subject to any restrictions applicable to a pedestrian).</p> <p>No passengers besides the operator can be carried.</p>
Safety equipment	<p>Any person under age 18 must wear a helmet.</p> <p>The device can be operated when it is dark out, but under current Department of Public Safety regulations it must meet the same lighting requirements that apply to a bicycle: a headlight that is visible at least 500 feet ahead and a red reflector that can be seen from 600 feet behind when in the path of a motor vehicle's headlight.</p>

Neighborhood Electric Vehicles and Medium-Speed Electric Vehicles

Classifications¹⁶

Neighborhood electric vehicles and medium-speed electric vehicles are similar to golf carts, but have more power, can carry more passengers or cargo, and are designed for potential operation on public roads.

Neighborhood electric vehicle. A Minnesota law passed in 2006 defines a neighborhood electric vehicle (NEV) as a four-wheeled, electrically powered motor vehicle that has a maximum speed of between 20 and 25 miles per hour on a flat surface. Minn. Stat. § 169.011, subd. 47.



Medium-speed electric vehicle. A 2008 law created a related classification: the medium-speed electric vehicle (MSEV). An MSEV is defined similarly to an NEV. It too is four-wheeled, electrically powered motor vehicle, but it can have a top speed of up to 35 miles per hour on a flat surface. It also must be fully

¹⁶ Image sources: <http://www.gemcar.com>; <http://electriccarsofamerica.com/ev-car-news/1-latest-news/2-30-electric-cars>

enclosed, have at least one door for entry, be equipped with a roll cage or crush-proof design, have a minimum wheelbase of 40 inches, have wheels with a diameter of at least 10 inches, and other than speed capability, it must meet the federal safety standard for low-speed vehicles. Minn. Stat. § 169.011, subd. 39.



The electric vehicles are rechargeable through the electrical grid and have a range of between 30 to 75 miles before needing to recharge. Models come in styles ranging from two-seaters to small-scale trucks, normally weighing between 1,000 and 1,500 pounds. Originally produced mostly for niche uses such as military bases and planned communities, their use has widened. The largest U.S. market is in California.

Federal Low-Speed Vehicle Classification

Both NEVs and MSEVs must meet a federal safety standard for “low-speed vehicles” in order to be legally operated on public roads in Minnesota.¹⁷ However, the NEV and MSEV definitions under state law do not completely match the federal classification. There are a couple of differences, but a key one regards the top speed capability of MSEVs, which under state law is allowed to be higher than the 25 miles per hour maximum allowed under the federal low-speed vehicle standard. This may raise issues with federal preemption as well as the ability of vehicle manufacturers to legally produce MSEVs.

Primarily because of the federal safety standard governing low-speed vehicle manufacture, most golf carts would not be considered an NEV or an MSEV that could be operated on public roads (except under the special permit discussed earlier). Similarly, because of the safety standards mini-trucks would not be classified as an NEV or MSEV (as part of the statutory definition of a mini-truck, it is not manufactured to meet the safety standard for low-speed vehicles).

Regulations

Under Minnesota law NEVs and MSEVs are treated similarly to passenger motor vehicles, but their use is restricted to slower streets. *See* Minn. Stat. § 169.224.

Registration Both NEVs and MSEVs are considered passenger automobiles and must be registered. They are subject to the same registration tax (based on vehicle value, depreciated over time) as cars, pickup trucks, and vans. License plates must be displayed on the vehicles.

¹⁷ Federal law establishes a number of safety standards that regulate manufactured motor vehicles. The U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) establishes and oversees the safety standards through federal regulations. 49 U.S.C. § 30111; 49 C.F.R. § 571. The regulations cover technical and engineering specifications for motor vehicle safety equipment and crashworthiness, ranging from windshield wipers and brake hoses to crash resistance and material flammability. Each specification is referred to as a “federal motor vehicle safety standard.” The motor vehicle safety standard for low-speed vehicles was first established in 1998, and excludes most of the safety features required of other passenger motor vehicles.

A certificate of title also must be obtained, which requires a vehicle identification number and a manufacturer's certificate of origin.¹⁸ Homemade electric vehicles and retrofitted golf carts do not qualify for titling. Minn. Stat. § 168A.05, subd. 9.

- Operator licensing** A valid driver's license or instruction permit is required, and no special endorsement is necessary.
- Insurance** Insurance requirements match that of other passenger automobiles, including liability coverage (which covers certain claims from another driver) and personal injury protection under the Minnesota No-Fault Automobile Insurance Act (which establishes minimum required coverage levels for medical, lost wages, and related expenses).¹⁹
- Operation** Drivers of an NEV or MSEV are subject to the same traffic laws as operators of other motor vehicles. Neither type of vehicle can be operated on a street or highway with a speed limit above 35 miles per hour, except to directly cross it. A local government can restrict use of the vehicle on its roads.
- Safety equipment** The vehicle may only be operated on public streets and highways if it meets federal equipment standards established for low-speed vehicles. This includes: a windshield, headlamps, tail-lamps, brake lights, front and rear turn signals, reflectors at the rear, rearview mirrors, a parking break, a seat belt, and a vehicle identification number. An NEV or an MSEV must also have a slow-moving vehicle emblem. Minn. Stat. §§ 169.224, subd. 2; 169.522, subd. 1.

Pocket Bikes

Classification²⁰

Pocket bikes (also referred to as mini-bikes, mini-motorcycles, and mini-choppers) are not specifically defined in Minnesota law. They come in a variety of styles, but often resemble a miniature-sized motorcycle, with a saddle that is commonly located about two feet off the ground. The vehicles are typically powered by a 49-cc gas engine (although electric models are available). They have wheel sizes around 10 inches, weights ranging from just over 30 pounds to about 100 pounds, and top speeds ranging from 30 to over 50 miles per hour.



¹⁸ The certificate of origin is created by the vehicle manufacturer and sent to a dealer along with the vehicle itself. The dealer then provides the certificate to the Department of Public Safety when the vehicle is sold.

¹⁹ The minimum liability coverage is \$30,000 per person for injuries, \$60,000 per occurrence for injuries, and \$10,000 for property damage. The minimum personal injury protection (PIP) coverage is \$40,000 per person per accident (\$20,000 for hospital and medical expenses, and \$20,000 for other expenses such as lost wages).

²⁰ Image source: <http://www.squidoo.com/gas-pocket-bikes>

Regulations

Following a 2008 legislative change, devices that are considered pocket bikes are most likely no longer allowed on public roads. Under current law, for a device to be categorized as a motorized foot scooter it must have both a small wheel size (up to 12 inches) as well as a modest top speed (of 15 miles per hour). Before the change, the classification for motorized foot scooters included devices with small wheels (up to 10 inches) or a modest top speed, which had the effect of including pocket bikes in the classification. Laws 2008, ch. 287, art. 1, § 35.

The reason most pocket bikes are not allowed on public roads following the motorized foot scooter definition change concerns device classifications and associated title and registration requirements. A two-wheeled device that does not fit a specific vehicle definition—likely the case for most types of pocket bikes—would most likely be classified under Minnesota law as a motorcycle. This is effectively the default category for two- and three-wheeled motorized vehicles. Smaller devices such as pocket bikes that fall into the motorcycle classification often lack safety equipment required under federal regulations faced by manufacturers, preventing a vehicle identification number (VIN) from being assigned. A VIN is necessary in order for Driver and Vehicle Services in the Department of Public Safety to issue a title for a motorcycle, so the vehicle would accordingly not be able to be titled or registered. A title and registration are necessary steps for legal operation on public roads. *See* Minn. Stat. §§ 168.013, subd. 1; 168.09, subd. 1; 168A.04, subd. 1; 168A.085.

Segways

Classification²¹

Segways were first introduced in 2001. They are referred to in law as “electric personal assistive mobility devices.” They have two wheels that are parallel rather than tandem and handlebars that a standing operator uses for steering. They are designed to be self-balancing, which contrasts with the other two-wheeled low-speed vehicles that require balancing by the vehicle operator. The latest Segways come in several models, having a top speed of 12.5 miles per hour and a range of up to roughly 25 miles.



To be considered an electric personal assistive mobility device under Minnesota law, a device must have two nontandem wheels, be able to transport only one person, use an electric motor, and have a maximum speed of 15 miles per hour on a flat surface. Minn. Stat. § 169.011, subd. 26.

Regulations

Operators of a Segway (or other electric personal assistive mobility device) have the same rights and responsibilities as pedestrians, with some additional requirements. Minn. Stat. § 169.212.

Registration They do not need to be registered, and a certificate of title is not necessary.

²¹ Image source: <http://www.segway.com>

<i>Operator licensing</i>	A driver's license or permit is not required for operation.
<i>Insurance</i>	The device does not need to be insured.
<i>Operation</i>	<p>The device may be operated on a bicycle path. Operators must use due care and go at speeds that are "reasonable and prudent under the conditions." Minn. Stat. § 169.212.</p> <p>Segways can only be operated on a road if directly crossing the roadway, the sidewalk is obstructed or unavailable, under direction of a traffic control device, or temporarily to reach a motor vehicle.</p> <p>No passengers may be carried.</p>
<i>Safety equipment</i>	The device must have reflectors on its front, back, and wheels, which can be seen from 600 feet when in the path of a motor vehicle's headlights.

Wheelchairs

Wheelchairs are in an altogether separate category from other low-power vehicles. The statutory classification includes scooters and tricycles "used by a disabled person as a substitute for walking." Minn. Stat. § 169.011, subd. 93.

Under Minnesota law, persons in wheelchairs are considered pedestrians rather than vehicle operators and have the same rights and responsibilities as pedestrians. This is true whether the wheelchair is powered or not. Wheelchairs are required to remain on sidewalks and stay off streets, except to cross them or in situations where a passable or useable sidewalk is not available.

Legislation in Other States

Low- and medium-speed vehicles. Almost all states have enacted regulations governing NEVs or "low-speed vehicles" as they are called by some states as well as in federal regulations.²² Across the states, definition of an NEV often overlaps with Minnesota's and is based on the federal safety standard. Like Minnesota, the top speed of the vehicle is typically limited to 25 miles per hour. Unlike Minnesota, however, laws in a number of states—as well as in federal regulations—do not limit the vehicle category to electrically powered vehicles. Almost all states restrict NEV operation to certain roads based on speed limit, with the most common being operation only on roads with a limit of up to 35 miles per hour. A handful of states allow further regulations by local units of government.

²² Insurance Institute for Highway Safety, "Low-speed Vehicles," September 2012, <http://www.iihs.org/laws/low-speed-vehicles.aspx> (accessed September 3, 2012). Also see 49 CFR §§ 571.3 ("low-speed vehicle" definition) & 571.500 (Federal Motor Vehicle Safety Standards for "low-speed vehicles").

Nationally, the classification for vehicles attaining a slightly higher speed is more rare (including at the federal level, which has denied petitions to create a new class of vehicles known as “medium-speed vehicles.”²³). At least ten states, however, have enacted legislation establishing the new class (Colorado—once there are corresponding federal standards, Kentucky, Maryland, Minnesota, Montana, Oklahoma, Oregon, Tennessee, Texas, and Washington).²⁴ The vehicle is defined similarly as in Minnesota, although it can have a top speed of 45 and even 55 miles per hour in a couple of states. As with NEVs, MSEV operation is generally restricted to relatively slower roads, most often with a top posted limit of 45 miles per hour.

Motorized foot scooters. Many states have addressed the status of motorized foot scooters, and there is variation among those states that have specific laws. Some, including Delaware and New Jersey, prohibit operation on public roads, trails, and sidewalks.²⁵ Others have different provisions for:

- minimum operator age (ranging from no state minimum in Washington – with some restrictions through local ordinances²⁶ – to age 16 in Oregon²⁷);
- helmet requirements (generally required);
- driver’s license (required in a couple of states including Florida and Maine);
- maximum speed limit of streets on which they can be operated (25 miles per hour in a few states, such as California and Oregon²⁸); and
- level of local authority powers to regulate the devices.

Mini-trucks. Nationally, mini-trucks have been another area of recent legislative activity, and most laws have only gone into effect at some point since 2007. At least 18 states allow their use on some public roads (Alabama, Arkansas, California, Florida, Idaho, Illinois, Kansas, Louisiana, Maine, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Oklahoma, Tennessee, Utah, and Wyoming).²⁹ The vehicles go by a wide variety of terms under state laws, including “off-highway vehicle” and “utility vehicle.” They are usually restricted from operating on interstates and certain other roads, but the nature of limitations varies across the states. Some states restrict the vehicle based on posted speed limit, ranging from 25 to up to 55 miles per hour. In many cases, local units of government such as counties and cities can authorize or restrict vehicles on roads under their jurisdiction. Classification as a mini-truck based on its top speed capability varies from 25 miles per hour to no limit. A few states require that the truck meets

²³ 73 F.R. 55804 (Sept. 26, 2008), available at: http://www.iihs.org/laws/pdf/medium-speed_vehicle_denial.pdf (accessed September 3, 2012).

²⁴ Insurance Institute for Highway Safety, “Medium-speed Vehicles,” September 2012, <http://www.iihs.org/laws/mediumspeedvehicles.aspx> (accessed September 3, 2012).

²⁵ Del. Code tit. 21 § 4198N(a)-(b); N.J. Stat. § 39:4-14.12.

²⁶ See Municipal Research Services Center of Washington, “Motorized Foot Scooters,” March 2012, <http://www.mrsc.org/subjects/pubsafe/scooters.aspx> (accessed September 10, 2012).

²⁷ Or. Stat. § 814.512.

²⁸ Cal. Veh. Code § 21235(b); Or. Stat. § 814.518.

²⁹ Insurance Institute for Highway Safety, “Minitruck State Laws,” September 2012, <http://www.iihs.org/laws/minitrucks.aspx> (accessed September 3, 2012).

federal safety standards for “low-speed vehicles.” This is similar to the standard that Minnesota requires for NEVs and MSEVs.

Pocket bikes. Legislative activity on pocket bikes has primarily consisted of prohibiting their operation on public streets and roads, sidewalks, trails, and other public lands. Concerns expressed about the vehicles include engine noise, lack of safety equipment such as horns and mirrors, stability at higher speeds, and reduced visibility of both the vehicle (due to its small size) and the operator (due to positioning low to the ground). A couple of states have also enacted labeling and disclosure laws. California, Florida, New Hampshire, and Connecticut require that manufacturers or retailers provide various forms of disclosure concerning limitations that pocket bikes face in being legally operated on public roads.³⁰ New Hampshire additionally requires disclosure by the retailer that the vehicle might not be covered under an operator's insurance policy.³¹

Segways. The majority of states allow Segways to be used on public sidewalks and bike paths, although they are restricted to just sidewalks in some cases.³² A handful of states have not enacted legislation governing their use, and they are not allowed in a couple of states.

For more information about vehicles and traffic regulation, visit the transportation area of our website, www.house.mn/hrd/hrd.htm

³⁰ Cal. Veh. Code § 9955; Fla. Stat. § 316.2128; N.H. Stat. § 265:123-b; Conn. Stat. § 14-289j(f).

³¹ N.H. Stat. § 265:123-b.

³² Governor's Highway Safety Association, “Segway Laws,” July 2012, http://www.ghsa.org/html/stateinfo/laws/segway_laws.html (accessed July 30, 2012).



INFORMATION MEMO

Special Vehicles Operating on City Streets

Vehicles showing up on or along city streets and sidewalks include all-terrain vehicles (ATVs), golf carts, mini-trucks, motorized foot scooters, pocket bikes, mini-motorcycles, motorized bicycles, and electric-assisted bicycles. Learn what traffic and vehicle regulations state and federal laws impose, and additional possible regulations cities can enact through local ordinances.

RELEVANT LINKS:

Minn. Stat. ch. 169.
Minn. Stat. § 169.04.

Minn. Stat. § 84.90.

See Appendix A, *City or State Regulation*.

Minn. Stat. § 84.771.

Minn. Stat. § 84.90.
Minn. Stat. § 473.121, subd. 2.
Minn. Stat. § 84.90, subd. 6.

I. Laws controlling special vehicles

Most traffic and vehicle regulations are provided in state and federal law. This memo focuses only on particular vehicles, applicable federal and state laws, and possible additional local regulations.

II. State regulations

The Department of Natural Resources (DNR) regulates the operation of recreational vehicles and a subset of recreational vehicles called off-highway vehicles (OHVs). Some vehicles fit both categories. For example, an ATV may be an off-highway vehicle and a recreational vehicle depending on where it's being operated. Since the terms are so closely related, the following information describes the distinction:

- **Recreational vehicles:** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobiles, trail bikes, ATVs, utility task vehicles, hovercraft, and motor vehicles used for recreation.
- **Off-highway vehicles:** Off-highway motorcycles, including trail bikes, off-road four wheeled vehicles and all-terrain vehicles (ATVs).

A. State regulation: recreational vehicles

State regulation of recreational vehicles is specific. Within the seven-county metropolitan area, a person must have written or oral permission to operate a recreational motor vehicle on someone else's property. Outside the metropolitan area, a person must not operate a recreational motor vehicle after the owner provides notice not to do so, either orally or by a written or posted notice. State law specifically allows cities to impose additional restrictions or prohibitions on operation of recreational motor vehicles on property not owned by the operator.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

Minn. Stat. §§ 84.81-.89.
Minn. Stat. § 84.81, subd. 3.
Minn. Stat. § 84.82.
Minn. R. 6100.5000.
Minn. Stat. § 84.872.
Minn. R. 6100.5200.
Minnesota Department of
Natural Resources: 2014-
2015 Snowmobile
Regulations.

Minn. Stat. §§ 84.773-.781.
Minnesota Department of
Natural Resources: 2014-
2015 Off-Highway Vehicle
Regulations.

Minn. Stat. § 84.773.

Minn. Stat. § 84.92, subds. 8-
10.

A “snowmobile” is a self-propelled vehicle designed for travel on snow or ice and steered by skis or runners. State law classifies snowmobiles as recreational vehicles. There are extensive regulations in law and rule that apply to operating a snowmobile, which are beyond the scope of this memo. In summary, however, most snowmobiles must be registered with the state, and young people under the age of 18 must comply with specific restrictions. Snowmobiles may be operated on public lands or waters under the jurisdiction of the DNR with certain restrictions.

B. State regulation: OHVs

OHVs may operate only in certain public areas and on designated OHV trails. State regulations of OHVs apply outside of city boundaries. A person may not operate an OHV:

- On a trail or public land that is designated or signed for non-motorized use only.
- On restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access.
- In public waters, except as specifically authorized by DNR law or rule.
- In a state park, scientific and natural area, or wildlife management area.
- In a DNR identified calcareous fen (rare and distinctive wetlands). Cities do not regulate OHVs because, by definition, they operate off-road. If an OHV, such as a motorcycle or a trail bike, operates on public roads, it is subject to state law governing motorcycles.

C. State regulation: ATVs and utility task vehicles

State law defines an “all-terrain vehicle” or “vehicle” as a motorized vehicle with:

- Not less than three, but not more than six low-pressure or non-pneumatic tires.
- A total dry weight of 2,000 pounds or less.
- A total width from outside of tire rim to outside of tire rim that is 65 inches or less.

All-terrain vehicle includes a Class 1 all-terrain vehicle and Class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, go-cart, or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

State law further defines ATVs as follows, effective July 1, 2015:

RELEVANT LINKS:

Minn. Stat. § 84.92, subds. 9-10.

OHV Regulations in the Agricultural Zone.

Minn. Stat. § 84.797 subds. 1, 7.

Minn. Stat. §§ 84.92-.928.

Minn. Stat. § 169.045.

See LMC Sample Ordinance Regulating Special Vehicles.

Minn. Stat. § 169.045, subd. 1.



- A “Class 1 all-terrain vehicle” is an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.
- A “Class 2 all-terrain vehicle” is an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

Note that utility task vehicles (UTVs) fit the definition of a Class 1 or Class 2 ATV based on the width of the tire rim. Due to larger sized tires, most UTVs fit the definition of a Class 2 ATV when used for recreational purposes.

Minnesota law prohibits the riding of Class 1 ATVs in ditches (or rights-of-way) south of the agriculture line (roughly from Moorhead to Taylors Falls along Highway 10 and Highway 95) between April 1 and Aug. 1. This does not apply to ATVs licensed and used for agricultural purposes.

The operation of Class 2 ATVs in ditches is prohibited altogether. As discussed in this memo, cities may also regulate both classes of ATVs.

III. City regulation

A. Regulating golf carts, UTVs, Class 1 ATVs, and mini-trucks (special vehicles)

Cities may adopt an ordinance permitting the operation of golf carts, smaller ATVs, utility task vehicles, and mini-trucks on city streets. This is a local decision, so if a city does not specifically permit the use of these special vehicles, they may not operate on city streets.

Note that city regulation of special vehicles does not apply to their use on private property. If vehicles operating on private property cause other problems, such as excessive noise, it may become a nuisance issue, but the operation of the vehicles on private property is not otherwise subject to city regulation. Descriptions of the special vehicles cities may regulate by permit are as follows.

1. Golf carts

The term “motorized golf carts” is not further defined in state law. Regardless, operation of a motorized golf cart on city streets may only be done with a city-issued permit. There are many types of golf carts, including electric and gas powered, but all generally have a small wheel base and are not completely enclosed.

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RELEVANT LINKS:

Minn. Stat. § 169.045, subd. 1.



Minn. Stat. § 169.045, subd. 1 (3).



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Minn. Stat. § 169.011, subd. 40a.
Minn. Stat. § 169.045.



2. ATVs

For permitting purposes, a “four-wheel ATV” is a Class 1 four-wheel motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds. (In 2010, the legislature changed the dry weight of both Class 1 and 2 ATVs in one section of law—Minn. Stat. § 84.92—but did not change the weight of a Class 1 ATV in Minn. Stat. § 169.045). Even with a city permit, a person must not operate an ATV on a public street or highway unless the vehicle has working head- and taillights and brakes.

3. Utility task vehicles

State law was amended in 2011 to allow cities to issue permits to operate utility task vehicles on city streets. As with the other special vehicles—motorized golf carts, all-terrain vehicles, or mini-trucks—operation of a utility task vehicle on city streets is authorized only by a city-issued permit. A UTV is a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds. UTVs differ from ATVs; they are heavier, have side-by-side front seats, and some sort of roof structure.

4. Mini-trucks

A “mini-truck” is a motor vehicle that:

- Has four wheels.
- Is propelled by an electric motor or an internal combustion engine with an enclosed cabin and a seat for the vehicle operator.
- Commonly resembles a pickup truck or van, including having a cargo area or bed located at the rear of the vehicle.
- Was not originally manufactured to meet federal motor vehicle safety standards, but must have head lamps; an exterior mirror mounted on the driver’s side of the vehicle; either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror; a windshield; a seat belt for the driver and front passenger; and a parking brake.

B. City permitting ordinance

City regulation of these special vehicles requires a permitting scheme. Cities may issue permits as spelled out in a local ordinance so residents may operate mini-trucks, golf carts, UTVs, or ATVs on designated roadways under city jurisdiction. Such ordinances must:

RELEVANT LINKS:

Minn. Stat. § 169.045.
Minn. Stat. § 169.022.

Beckius v. City of Canby, No. A07-1497 (Minn. Ct. App. July 1, 2008) (unpublished decision).

Minn. Stat. § 169.045.
Minn. Stat. § 169.345, subd. 2(f).

Minn. Stat. § 169.045, subd. 4 citing Minn. Stat. § 169.522.

Minn. Stat. § 169.045, subd. 5.
Minn. Stat. § 169.045, subd. 7.
Minn. Stat. § 169.70.
Minn. Stat. § 169.045, subd. 7a.

Minn. Stat. § 169.045, subd. 8.
Minn. Stat. § 65B.48, subd. 5.

- Regulate only what the state law allows a city to regulate.
- Be merely additional and complementary to a state law by covering specifically what the statute covers generally.
- Provide the same procedural protections as the state law when prosecuting offenses covered by an ordinance.
- Not prohibit what state law allows.

One case provides some guidance concerning a local ordinance regulating golf carts. This is an unpublished case, which means it does not set precedent or carry much weight legally, but it may be instructive in general terms. The case found that uniformity is the goal of the state law on permitting special vehicles. So if cities allow special vehicles on city streets, the regulations should be consistent from city to city. The Minnesota Court of Appeals found that a city ordinance requiring that not only drivers but also passengers on a golf cart have a permit (and a disability) to ride on a golf cart goes beyond what state law allows. The Court found that state law pre-empts such a unique restriction by one city. Thus, local ordinances governing special vehicles may not prohibit what state law allows or allow what state law prohibits.

1. Permitting scheme in ordinance

Local ordinances must describe the application process for a permit. A city ordinance may also set out conditions a person must meet to get an operator’s permit. Cities may revoke permits if owners show an inability to operate the vehicles safely but cities must allow a person to dispute the revocation.

2. Specific vehicle requirements

State law includes some vehicle-specific requirements that must be in each city ordinance. Specifically, the local ordinance must:

- Require all golf carts to display a slow-moving vehicle emblem.
- Limit the operation of golf carts, UTVs, and ATVs on designated roadways to between sunrise and sunset.
- Prohibit the operation of golf carts, UTVs, and ATVs in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.
- Not require that UTV, ATV, and golf cart operators have a driver’s license. (However, operators must be old enough to purchase insurance on the special vehicle. This is discussed below).
- Require mini-trucks to have at least two headlamps, at least two tail lamps, and front and rear turn-signal lamps.
- Require mini-truck operators to have a valid driver’s license.

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RELEVANT LINKS:

See LMC Sample Ordinance
Regulating Special Vehicles
and
LMC Sample Ordinance
Regulating Recreational
Vehicles.

Minn. R. 6102.0050, subp. 3.

Minnesota Department of
Natural Resources.
LMC Sample Water Surface
Ordinance.

Minn. Stat. § 84.928, subd.
1(d).
Minn. Stat. § 169.045.

Minn. Stat. § 84.928, subd.
1(d).

Minn. Stat. § 84.928, subd.
1(d).

- Allow the operators of any special vehicle to cross any street or highway that intersects a designated roadway.
- Require all special vehicles to have rear-view mirrors.
- State law requires insurance—on all three types of special vehicles—that complies with insurance for a motorcycle. City ordinances must require evidence of insurance complying with state law. Therefore, a person must present proof of insurance on the golf cart, UTV, ATV, or mini-truck before the city issues them a permit. If a person cannot get insurance on a special vehicle, the state insurance plan offers coverage.

The sample ordinances linked here set forth the basic requirements for permitting these special vehicles in a city. Before adopting any of these ordinances, a city should review it with its attorney to adapt it to the city's specific circumstances. Because provisions in these ordinances are related to state statutes and affect state and federal constitutional rights, the city attorney should review any modifications to ensure they conform to current state law and legal decisions.

C. Recreational vehicles on public waters

The DNR governs the operation of vehicles on public waters. In this context, a recreational vehicle is defined as an:

- ATV.
- Off-highway motorcycle.
- Off-road vehicle.

Subject to DNR approval, a city may, by ordinance, regulate the operation and the period of time within which recreational vehicles may operate on frozen public waters in their boundaries. According to the DNR, the best way to do this is to contact them.

D. Regulating ATVs in cities

Cities have choices with respect to regulating ATVs, including:

- Allowing operation of both Class 1 and Class 2 ATVs only alongside city streets—in the right-of-way—under state law.
- Prohibiting operation of ATVs altogether in city boundaries.
- Allowing operation of Class 1 ATVs on city streets by permit in the same way golf carts and mini-trucks are regulated and discussed above.
- Declining to regulate ATVs in the city and, by doing so, allowing state law regulating operation of ATVs to apply to any county or state road right-of-way in city boundaries.

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RELEVANT LINKS:

Minn. Stat. § 84.928, subd. 1(d).

See LMC Sample Ordinance Regulating Recreational Vehicles

Minn. Stat. § 84.85.
Minn. Stat. § 84.87.

Minn. R. 6100.5200, subp. 2.
Minn. Stat. § 84.795.
Minn. R. ch. 7460.

Minn. R. 6100.5200, subp. 2.

1. Regulation by ordinance

If a city council chooses to regulate ATVs, it must pass an ordinance. Councils may pass ordinances allowing both ATV operation by permit and ATV operation in the right-of-way.

2. ATVS operating in the city right-of-way

If a city wants to either allow or prohibit operation of ATVs in the city right-of-way, the city council must first hold a public hearing. Some cities pass an ordinance combining the use of ATVs and snowmobiles along the same city street right-of-ways. Many cities use a map of the city to designate specific streets in the city where either ATVs or snowmobiles or both may operate in the right-of-way. This may include the larger Class 2 ATVs. (Note, as discussed previously, if a city council chooses to regulate operation of ATVs by permit, it applies only to smaller Class 1 ATVs).

E. Regulating snowmobiles in cities

1. Right of way

Cities may, by ordinance, allow two-way operation of snowmobiles on either side of the right-of-way of a street or highway under city jurisdiction, where the city, as road authority, determines that two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail. Many cities use one ordinance to regulate operation of ATVs, snowmobiles, or other recreational vehicles using the same map for all such vehicles.

City ordinances must comply with state law. Any penalties in a local ordinance for a particular offense must match the penalty in state law for that same offense. Cities must not charge fees to snowmobile operators and must not require that operators possess a driver's license while operating the snowmobile. Cities are not authorized to license snowmobiles.

2. Public waters

Cities may, by resolution or ordinance, regulate the operation of snowmobiles on public waters within their boundaries, provided such resolution or ordinance is not inconsistent with law. No resolution or ordinance restricting the period of time within which snowmobiles may be operated on public waters shall be valid with respect to such restriction unless first approved by the commissioner of DNR in writing.

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RELEVANT LINKS:

Minn. Stat. § 160.262.

Minn. R. 8810.6000 -6100.
Minn. R. 8810.6300.
Minn. R. 8810.7000.

Minn. Stat. § 160.262, subd.
2.



Minn. Stat. § 169.011, subd.
47.
Minn. Stat. § 169.011, subd.
39.
49 C.F.R. § 571.500.



F. Recreational vehicle lanes

The Minnesota Department of Transportation (MnDOT) has model standards for the establishment of recreational vehicle lanes on and along proposed and existing public highways. The model standards include the following:

- Criteria for desirability of a lane in any given location.
- Provision for maintenance of the lanes.
- The placement of the lanes in relation to roads.

The model standards govern state trunk highways.

Each statutory city may adopt the standards to govern highways under its jurisdiction and may adapt them to local circumstances. The city must submit to MnDOT its ordinance adopting the model standards. MnDOT must approve the ordinance within 60 days after receipt upon finding that it meets the minimum standards. This state approval means the city may qualify for state or state-approved funding of recreational vehicle lane projects along and on public highways in the city's jurisdiction.

G. Regulating neighborhood electric vehicles and medium-speed electric vehicles in cities

A "neighborhood electric vehicle" (NEV) is an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 mph on a paved level surface.

"Medium-speed electric vehicles" (MSEV) are very similar, but must be completely enclosed and can go slightly faster than an NEV. An MSEV is an electrically powered four-wheeled motor vehicle that:

- Is equipped with a roll cage or crushproof body design.
- Can attain a maximum speed of 35 mph on a paved level surface.
- Is fully enclosed and has at least one door for entry.
- Has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater.
- Meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements, except with respect to maximum speed.

RELEVANT LINKS:

49 C.F.R. § 571.500.

Minn. Stat. § 169.224.

Minn. Stat. § 169.011, subd. 4.

Minn. Stat. § 169.011, subd. 27.

Minn. Stat. § 169.011, subd. 45.

Minn. Stat. § 169.222.

Minn. Stat. § 169.72, subd. 1.

Minn. Stat. § 169.222, subd. 6.

Minn. Stat. § 169.222, subd. 4.

Federal law, referenced in Minnesota statutes, requires that NEVs or MSEVs operating on public streets and highways meet these safety and equipment standards.

State law also governs operation of these small car-like vehicles on public roadways, allowing operation only on a street or highway with a speed limit less than 35 mph (except to make a direct crossing of that street or highway). And it gives cities the authority to prohibit or further restrict operation of NEVs and MSEVs on city streets, but gives no particular instruction on how cities might do this. Best practice suggests consultation with the city attorney before further regulating these tiny cars.

IV. Other vehicles subject to limited city regulation

Some low-power vehicles are subject to limited city regulation. Cities cannot generally prohibit or regulate non-motorized bicycles, motorized foot scooters (like motorized Razor™ scooters) pocket bikes, mini-motorcycles, motorized bicycles, or electric-assisted bicycles. State law governs operation of these vehicles on public roadways.

A. Bicycles and electric-assisted bicycles

A “bicycle” is defined by state law to be any device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or rear wheels. The term “bicycle” includes electric-assisted bicycles which are bicycles with electric motors that travel up to 20 mph. Electric-assisted bikes have additional regulation in state law.

The term “bicycle” does not include mopeds, scooters, motorized foot scooters, or similar devices. “Bicycles” are also not be confused with motorized bicycles which have a gas or electric motor and travel between 20 and 30 mph at most.

1. Bicycles in general

Persons operating bicycles have all of the rights and duties applicable to the driver of any other vehicle, except as provided by law. A city cannot prohibit persons from riding in the road, even if a bicycle path is available. State law governs bicycle tires and brakes. Persons operating a bicycle upon a roadway are required to ride as close as practicable to the right-hand curb or edge of the roadway, with certain exceptions. Cities may, by ordinance, prohibit riding a bike on local sidewalks. A person riding a bike on the shoulder of a roadway must travel in the same direction as the adjacent vehicular traffic.

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RELEVANT LINKS:

Minn. Stat. § 169.222, subd. 10.

Bicycle events, parades, contests, or racing on a highway are legal if state or local authorities having jurisdiction over that highway approve the event. Participants in an approved bicycle highway event may be exempt from complying with traffic laws if traffic control is adequate to assure the safety of all highway users.

Minn. Stat. § 160.263, subd. 2.

A city may, by ordinance, designate any roadway or portion of a roadway under its jurisdiction as a bicycle lane, and designate any sidewalk or portion thereof under its jurisdiction as a bicycle way, provided the designation does not destroy a pedestrian way or pedestrian access.

A city that designates a bicycle way or bicycle lane may:

- Designate the type and character of vehicles or other modes of travel that are allowed on the lanes or ways, provided this operation is not inconsistent with the safe use and enjoyment of bicycles.
- Establish priority rights of way on the lane or way, and otherwise regulate the use of the lane or way.
- Paint lines, construct curbs, or establish other physical separations to exclude the use of the lane or way by vehicles other than those specifically permitted by the city.

The city council may, after public hearing, prohibit through-traffic on any highway or a highway portion if the council has designated it as a bicycle lane. Through-traffic on a trunk highway may not be prohibited. The city must erect and maintain official signs giving notice of the regulations and priorities, and must also mark all bicycle lanes and bicycle ways with appropriate signs.

Minn. Stat. § 160.263, subd. 4.

The city council may, by resolution or ordinance, and without an engineering or traffic investigation, designate a safe speed, not lower than 25 mph, for any street or highway with an established bicycle lane. The ordinance or resolution designating a safe speed is effective when the city has erected appropriate signs designating the speed.

2. Electric-assisted bicycles in particular

An electric-assisted bicycle is defined as a bicycle that:

- Has two or three wheels that has a saddle and fully operable pedals for human propulsion.
- Meets the requirements of federal motor vehicle safety standards for a motor-driven cycle or for bicycles under federal law, and

Minn. Stat. § 169.011, subd. 27.

49 C.F.R. § 571.1.
16 C.F.R. § 1512.



RELEVANT LINKS:



Minn. Stat. § 168A.03, subd. 1.

Minn. Stat. § 160.263, subd. 2.

Minn. Stat. § 169.222, subd. 4.

Minn. Stat. § 85.018, subd. 4.

Minn. Stat. § 169.222, subd. 6a.

Minn. Stat. § 169.011, subd. 46.

Minn. Stat. § 169.225.



Minn. Stat. § 169.225.

Minn. Stat. § 169.225, subd. 6.

- Has an electric motor that has a power output of not more than 1,000 watts; is incapable of propelling the vehicle at a speed of more than 20 miles per hour; is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and; disengages or ceases to function when the vehicle's brakes are applied.

An electric-assisted bicycle that fits the above definition does not require a state-issued certificate of title.

A governing body may not prohibit or restrict operation of an electric-assisted bicycle on any bikeway, roadway, or shoulder unless the governing body determines that operation of the electric-assisted bicycle is not consistent with the safety or general welfare of bikeway, roadway, or shoulder users, or with the terms of any property conveyance. Otherwise, a person may operate an electric-assisted bicycle (like any other bicycle) on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited by state law.

While no motorized vehicle may be operated on state trails designated for non-motorized use, this does not apply to electric-assisted bikes (or motorized devices operated by an individual with a physical disability)

No one under age 15 may operate an electric-assisted bicycle anywhere in the state.

B. Motorized foot scooters

A "motorized foot scooter" is a device with handlebars that the operator can stand or sit on, powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. It has no more than two 12-inch diameter or smaller wheels and has an engine or motor that is capable of a maximum speed of 15 mph on a flat surface. If operated under conditions when motor vehicle lights are required, a scooter must have a headlight and a taillight that comply with standards established by the commissioner of Public Safety.

Motorized foot scooter operators have the same rights and responsibilities as bicycle riders. Operators must comply with the following rules: They must not operate on a sidewalk, except when necessary to enter or leave adjacent property. They must not carry passengers. They must be at least 12 years old. If under 18, they must wear a helmet.

A person operating a motorized foot scooter on a public street must ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

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RELEVANT LINKS:

Minn. Stat. § 169.225, subd. 6(3) (b).

Minn. Stat. § 169.011, subd. 45.

MN DPS Motorcycle and Motorized Bicycle Manual.

Minn. Stat. § 169.223, subd. 1.

16 C.F.R. § 1203.

Minn. Stat. § 169.223, subds. 1 and 4.

Minn. Stat. § 169.222, subd. 9.

Minn. Stat. § 171.02, subd. 3. Minnesota Motorcycle Safety Center.

Minn. Stat. § 169.223, subd. 2.

- When overtaking and passing another vehicle proceeding in the same direction.
- When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, as a pedestrian must do.
- When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge.

Cities cannot prohibit or regulate motorized foot scooters on city streets. A city may, however, prohibit motorized foot scooters on a bike path, lane, trail, or bikeway designated for non-motorized use only and governed by a local ordinance.

C. Motorized bicycle

Similar in function to an electric-assisted bicycle, the more powerful “motorized bicycle” or moped is a bicycle that fits the following parameters:

- Is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less.
- Has a maximum of two brake horsepower.
- Can travel not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

A motorized bicycle does not include an electric-assisted bicycle as defined above and in state law. Motorized bicycles are registered with the state as “mopeds.”

Motorized bicycles are subject to state law governing operation of motorcycles with several exceptions, including the following:

- Protective headgear includes helmets that meet national standards for bicycle helmets.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may operate during nighttime hours.
- Protective headgear is not required for operators 18 years of age or older.
- Requirements for parking of motorized bicycles are the same as parking of regular bikes.

A motorized bicycle may be operated under either a driver’s license or a special permit (“moped permit”). The Minnesota Department of Public Safety issues both motorized bicycle operator’s permits and instructional permits.

A person under the age of 16 operating a motorized bicycle under permit is subject to the restrictions on motorcycles except that:

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RELEVANT LINKS:

Minn. Stat. § 169.223, subd. 3.

Minn. Stat. § 169.011, subd.44.

Minn. Stat. § 169.974.



Minn. Stat. § 169.011, subd. 46.
Minn. Stat. § 169.011, subd. 44.
Minn. Stat. § 169.974.
Minn. Stat. § 65B.48, subd. 5.

- A parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator if the motorized bicycle is equipped with a seat and footrests for a second passenger.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours.
- Operators under age 18 must wear protective headgear that meets national standards.

Motorized bicycles must not operate on a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley, or building.

D. Motorcycles

“Motorcycle” includes motor scooters. It is a motor vehicle having a seat or saddle for the use of the rider. It is designed to travel on not more than three wheels in contact with the ground.

NOTE: The term “motorcycle” does not include either motorized bicycles or electric-assisted bicycles (as defined in state law and this memo) or a tractor.

Motorcycle operators must have a valid standard driver’s license with a two-wheeled vehicle endorsement as provided by law. The commissioner of Public Safety will only issue a two-wheeled vehicle endorsement if the applicant has a valid two-wheeled vehicle instruction permit. The commissioner of Public Safety may issue a two-wheeled vehicle instruction permit to any person over 16 years of age. State law governs motorcycle equipment, driving rules, and noise limitations.

E. Pocket bikes and mini-motorcycles

State law does not define or regulate the use of pocket bikes, also known as mini-motorcycles, mini-bikes, mini-pocket rockets, or mini-choppers. Marketed as toys, they stand only about 15 inches above the ground and reach speeds ranging from 30 to 50 mph depending on the vehicle, the rider’s weight, and the riding surface.

Mini-motorcycles previously fit the definition of a motorized foot scooter in state law; however, current state law defines motorized foot scooters as having a wheel size of 12 inches. Since the wheel size on most mini-motorcycles is 10 inches, they no longer fit the state law definition for motorized foot scooters. Thus, operation of mini-motorcycle with any size wheel on public roads must likely comply with state law governing motorcycles. And state law requires a valid driver’s license or permit and insurance to operate a motorcycle on public roads.

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RELEVANT LINKS:

Minn. Stat. § 169.011, subd. 26.



Minn. Stat. § 169.212.

Minn. Stat. § 169.212, subd. 2.

Minn. Stat. § 169.212, subd. 2.

Minn. Stat. § 169.212, subd. 4.

V. Vehicles used by pedestrians and generally not subject to city regulation

Some low-power vehicles are for pedestrian use only and are not subject to city regulation. These include Segways™, manual or motorized wheelchairs, scooters, tricycles, or similar devices used by people with disabilities as a substitute for walking.

A. Segways™

State law defines a Segway as an “electric personal assistive mobility device,” meaning a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 mph. It must have reflective material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

A person operating a Segway has the rights and responsibilities of a pedestrian under state law and must also follow specific rules:

- Operation may be on a bicycle path.
- No person may operate it on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions.
- It may not carry more than one person.
- A Segway operator must use due care in operating the device.

A Segway may be operated on a roadway only under the following circumstances:

- While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- Where no sidewalk is available.
- Where a sidewalk is so obstructed as to prevent safe use.
- When so directed by a traffic control device or by a peace officer.
- Temporarily in order to gain access to a motor vehicle.

A Segway may not be operated at any time on a roadway with a speed limit of more than 35 mph except to make a direct crossing of the roadway in a marked crosswalk. A person operating a Segway on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating a Segway on a bicycle path must yield the right-of-way to bicycles at all times.

A city may not prohibit or further regulate the operation of Segways, except that a city may allow and regulate the operation of these devices on roadways within its jurisdiction that have a speed limit of more than 35 mph.

RELEVANT LINKS:

Minn. Stat. § 169.011, subd. 93.

Minn. Stat. § 169.21.
Minn. Stat. § 169.21, subd. 5.

LMC information memo,
*Acquisition and Maintenance
of City Streets.*

B. Wheelchairs, scooters, and tricycles

State law defines a “wheelchair” to include any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking.

A person using a wheelchair must comply with state law governing pedestrians because the definition of “pedestrian” is any person on foot or in a wheelchair. Specifically, a person using a wheelchair along a roadway must stay on the left side of the street or its shoulder giving way to oncoming traffic. Where there are accessible sidewalks pedestrians in wheelchairs must use them.

VI. Conclusion

The proliferation of specialized vehicles is likely to continue. The state recognizes city authority to regulate many of these vehicles to ensure safe local streets. Cities regulate these particular vehicles by passing ordinances. Best practice suggests close consultation with the city attorney to ensure that local ordinances accomplish the desired level of regulation and are consistent with state and federal law.



Appendix A: State or City regulation

Vehicles	Includes	Who regulates the operation	Statutory cites
Off-highway vehicles	Off-highway vehicles Off-highway motorcycles Off-road vehicles Snowmobiles, Utility task vehicles (UTVs) All-terrain vehicles (ATVs).	State—outside city boundaries	Minn. Stat. §§ 84.771-84.781 (off-highway vehicles). Minn. Stat. §§ 84.787-84.796 (off-highway motorcycles). Minn. Stat. §§ 84.797- 84.8045 (off-road vehicles). Minn. Stat. §§ 84.81-84.862 (snowmobiles). Minn. Stat. §§ 84.92-84.928 (all-terrain vehicles).
Special vehicles	Motorized golf carts, UTVs, ATVs, and mini-trucks.	City	Minn. Stat. § 169.045.
Recreational vehicles	Snowmobiles, trail bikes, ATVs, hovercraft, and motor vehicles used for recreation.	State and city. City regulates in city boundaries.	Minn. Stat. § 84.928, subd. 1(d).
Snowmobiles	Snowmobiles on public waters	City with state approval	Minn. R. 6100.5200, subp. 2.
Electric cars	Neighborhood electric vehicles (NEVs) and medium-speed electric vehicles (MSEVs)	State and city	Minn. Stat. § 169.224.
Motorized foot scooters	Razors™	State	Minn. Stat. § 169.225.
Engine-powered bicycles	Motorized and electric-assisted bicycles	State and city—but may not prohibit electric-assisted bicycles on trails for non-motorized use in some situations.	Minn. Stat. § 171.02. Minn. Stat. § 169.222. Minn. Stat. § 171.02, subd. 3. Minn. Stat. § 169.223, subd. 3.
Bicycles	Human-powered bikes	State and city only if city sets up a bike trail in city boundaries.	Minn. Stat. § 169.222. Minn. Stat. § 169.222, subd. 4(d). Minn. Stat. § 160.263, subd. 2.
Tiny engine-powered bikes	Pocket bikes, mini-motorcycles, mini-bikes, mini-choppers, mini-rockets	State	Minn. Stat. § 65B.48, subd. 5.
Vehicles used by pedestrians	Segways™, wheelchairs, scooters, tricycles	State	Minn. Stat. § 169.212 (Segways™). Minn. Stat. § 169.21. and Minn. Stat. § 169.21, subd. 5 (wheelchairs).

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*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1497**

**Gerald Beckius,
Appellant,**

vs.

**City of Canby,
Respondent.**

**Filed July 1, 2008
Affirmed in part, reversed in part, and remanded
Schellhas, Judge**

**Yellow Medicine County District Court
File No. 87-CV-06-145**

Roderick J. Macpherson, III, Minnesota Disability Law Center, 430 First Avenue North,
Suite 300, Minneapolis, MN 55401-1780 (for appellant)

Patricia Y. Beety, League of Minnesota Cities, 145 University Avenue West, St. Paul,
MN 55103-2044 (for respondent)

Considered and decided by Shumaker, Presiding Judge; Hudson, Judge; and
Schellhas, Judge.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Appellant challenges the district court's ruling that an ordinance enacted by
respondent, restricting appellant's ability to carry passengers on his golf cart, does not

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violate anti-discrimination laws and is not preempted by state traffic regulations. Because we conclude that the ordinance does not discriminate against appellant on the basis of his disability, we affirm the district court as to appellant's discrimination claims. But because we hold that the ordinance is preempted by state law, we reverse the district court's decision as to that claim and remand.

FACTS

On August 5, 1986, under authority of Minn. Stat. § 169.045 (1986), respondent City of Canby adopted Ordinance No. 231 (the ordinance), allowing the operation of golf carts on its streets.¹ Section five of the ordinance, entitled "Conditions of Permit," enumerated the conditions that applicants must meet in order to obtain a permit, including their demonstration that they are physically disabled and can safely operate a golf cart. Other sections of the ordinance restricted the operation of golf carts consistent with section 169.045. On July 19, 2004, the city adopted Ordinance No. 231.1, an amended version of Ordinance No. 231. The amended ordinance provides that no passengers are allowed in golf carts without "a permit issued under this ordinance." In effect, the amended ordinance prohibits passengers in golf carts unless they are physically disabled and can safely operate a golf cart.

Appellant Gerald Beckius is a Canby resident who has cerebral palsy and does not own an automobile. On July 16, 2003, Beckius received a permit to operate his golf cart on the streets of Canby. Until the city's adoption of the amended ordinance, Beckius

¹ Minnesota Statutes, section 169.045, subdivision 1, authorizes cities to permit the operation of golf carts on their streets at their discretion.

regularly drove his golf cart with passengers, such as his children, friends, and wife. Since the city's adoption of the amended ordinance, Beckius has been unable to carry passengers in his golf cart because his intended passengers are not disabled and therefore ineligible for permits.

Beckius filed suit against the city, claiming that the amended ordinance's restriction on passengers conflicts with state traffic regulations and violates the Americans with Disabilities Act (ADA), the Federal Rehabilitation Act (FRA), and the Minnesota Human Rights Act (MHRA), which prohibit discrimination based on physical disability. Both parties moved for summary judgment, and the district court granted summary judgment to the city.

The parties have stipulated to the fact that Beckius is a "qualified individual with a disability" for the purposes of the ADA and section 504 of the FRA, and he is a "qualified disabled person" for the purposes of the MHRA. The parties have also stipulated to the fact that the city is a municipal corporation, subject to the ADA and the MHRA, and it receives federal funding, making it subject to the FRA.

The district court concluded that Beckius failed to make a prima facie case as to his claims under the FRA, ADA, and MHRA, because he failed to show that he was denied a benefit that is available to others, due to his disability. As to Beckius's claim that the amended ordinance conflicts with state traffic regulations, the district court concluded that under Minn. Stat. § 169.045 (2006), the city's passenger restriction for golf carts, contained in section ten of the amended ordinance, is authorized. The district court reasoned that because the legislature allowed cities to choose whether or not to

allow golf-cart operation, it did not intend to establish statewide uniformity with respect to golf-cart operation on city streets. Appellant challenges the district court's ruling.

DECISION

Based on undisputed facts, we must determine the applicability of federal and state statutes prohibiting discrimination against disabled persons, and whether the amended ordinance is preempted by state law. "When the district court grants a summary judgment based on its application of statutory language to the undisputed facts of a case . . . its conclusion is one of law and our review is de novo." *Lefto v. Hoggsbreath Enters., Inc.*, 581 N.W.2d 855, 856 (Minn. 1998). The determination of whether an ordinance is preempted by state law is also a question of law that we review de novo. *State v. Kuhlman*, 729 N.W.2d 577, 580 (Minn. 2007).

In construing and interpreting statutes, "[t]he object . . . is to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2006). When the language of a statute is plain and unambiguous, the plain language must be followed. *Burkstrand v. Burkstrand*, 632 N.W.2d 206, 210 (Minn. 2001). Courts must construe words and phrases according to their most natural and obvious usage, and to the rules of grammar, unless it would be inconsistent with the manifest intention of the legislature to do so. Minn. Stat. § 645.08(1) (2006). If the words of a statute are clear and unambiguous, further construction is not permitted. Minn. Stat. § 645.16; *Tuma v. Comm'r of Econ. Sec.*, 386 N.W.2d 702, 706 (Minn. 1986).

Discrimination

Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132 (2000). Section 504 of the FRA, states in relevant part that “[n]o otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794 (2000). Beckius argues that the district court erred in concluding that the amended ordinance does not violate the ADA or the FRA because it ignored regulations that set forth the applicable legal standards of discrimination in enforcing the ADA and FRA.

The United States Department of Justice, at the direction of Congress, issued regulations, 28 C.F.R. §§ 35.101-.190 (2007), that identify different types of discriminatory conduct that violate the ADA. *See* 42 U.S.C. § 12134 (2000) (authorizing the attorney general to promulgate regulations for implementing the ADA); 28 C.F.R. § 35.101 (defining the purpose of part 35 as to effectuate the ADA). The Department of Justice has issued similar regulations, 28 C.F.R. §§ 41.1-.58 (2007), identifying discriminatory conduct under section 504 of the FRA. *See* 28 C.F.R. § 41.1 (describing the purpose of part 41 as to implement section 504 of the FRA). Here, the regulations at issue are those providing that public entities may not, on the basis of physical disability, “[a]fford a qualified individual with a disability an opportunity to participate in or benefit

from [an] aid, benefit, or service that is not equal to that afforded others.” 28 C.F.R. § 35.130(b)(1)(ii) (prohibiting such conduct under the ADA); *see* 28 C.F.R. § 41.51(b)(1)(ii) (prohibiting similar conduct for recipients of federal funding under section 504 of the FRA). Also at issue here are regulations providing that public entities may not, on the basis of physical disability, “[p]rovide different or separate . . . services to individuals with disabilities . . . than [are] provided to others unless such action is necessary to provide qualified individuals with disabilities with . . . services that are as effective as those provided to others.” 28 C.F.R. § 35.130(b)(1)(iv) (prohibiting such conduct under the ADA); *see* 28 C.F.R. § 41.51(b)(1)(iv) (prohibiting similar conduct for recipients of federal funding under section 504 of the FRA). In view of Congress’s delegation, the Department of Justice’s regulations should be accorded “controlling weight unless they are arbitrary, capricious, or manifestly contrary to the statute.” *Chevron U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 844, 104 S. Ct. 2778, 2782 (1984); *see Yeskey v. Comm’r of Pa. Dep’t of Corr.*, 118 F.3d 168, 170-71 (3d Cir. 1997) (applying this rule to the regulations implementing the ADA and section 504 of the FRA), *aff’d*, 524 U.S. 206, 118 S. Ct. 1952 (1998).

The district court concluded that the amended ordinance does not deprive appellant of equal access to city streets. Beckius argues that the district court should have evaluated his claim relative to his ability to use a golf cart on city streets, instead of his general access to city streets. Beckius argues that because other cities that have implemented golf-cart programs do not similarly restrict passengers, the amended ordinance impermissibly discriminates against him by denying him the full benefit of the

golf-cart program. But assuming arguendo that other cities have not so restricted passengers, Beckius ignores that the ADA and FRA prohibit affording the unequal benefit of a service, “on the basis of disability.” 28 C.F.R. §§ 35.130(b)(1)(ii), 41.51(b)(1)(ii). To the extent that permit-holders in other cities may have greater opportunities to carry passengers, the difference is not “on the basis of disability,” but on the basis of physical location. Therefore, Beckius failed to show that the amended ordinance violates the ADA or FRA in this regard.

Beckius also argues that the district court erred by not finding that the city, by adopting the amended ordinance, impermissibly and “on the basis of disability . . . [provides] different or separate aids, benefits, or services to individuals with disabilities,” and that the amended ordinance is not “necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others.” 28 C.F.R. §§ 35.130(b)(1)(iv), 41.51(b)(1)(iv). That the ordinance and amended ordinance create a separate program for the disabled in the form of the golf-cart program is undisputed. The district court concluded that because Beckius has the same access to city streets as the public at large and because the golf-cart program provides Beckius an additional way to access city streets, the amended ordinance does not impermissibly discriminate against Beckius. As with his earlier argument, Beckius argues that the district court erred in assuming that the “service” at issue is access to city streets and not the golf-cart program itself. Beckius argues that the amended ordinance violates the ADA and FRA by creating a separate program that is less effective for permit-holders in the city than it is for others in the state, because Canby’s amended ordinance restricts

passengers. But as with Beckius's earlier argument, any differences between Canby's ordinances pertaining to golf-cart use and those of other cities are not "on the basis of disability," but rather physical location.

Beckius has failed to make a prima facie case that the city impermissibly discriminated against him "on the basis of disability" under either the ADA or the FRA, and the district court's grant of summary judgment to the city on these claims was proper.

The MHRA provides that "[i]t is an unfair discriminatory practice to discriminate against any person in . . . full utilization of or benefit from any public service because of . . . disability . . . unless the public service can demonstrate that providing the access would impose an undue hardship on its operation." Minn. Stat. § 363A.12, subd. 1 (2006). Beckius argues that the district court should have concluded that the amended ordinance deprives him of the "full utilization of, or benefit of" the golf-cart program. In *City of Minneapolis v. Richardson*, the supreme court set the standard for establishing a violation of the MHRA with respect to the provision of public services. 307 Minn. 80, 87, 239 N.W.2d 197, 202 (1976). A violation of the MHRA can be established by showing (1) "an adverse difference in treatment with respect to public services of one or more persons when compared to treatment accorded others similarly situated except for the existence of an impermissible factor [such as disability]," or (2) "treatment so at variance with what would reasonably be anticipated absent determination that discrimination is the probable explanation." *Id.* Beckius argues that the first circumstance is established in this case, i.e., that he has received an adverse difference in treatment with respect to the city's golf-cart program based on his disability.

Beckius again compares the city's golf-cart program with golf-cart programs in other cities. Similar to his claims under the ADA and the FRA, Beckius fails to explain how differences in the treatment he receives under the city's program as compared with treatment he would receive under other cities' programs are due to his disability. As with his ADA and FRA claims, Beckius fails to make a prima facie case of a violation under the MHRA because any difference in treatment with respect to the city's golf-cart program's passenger restrictions, as compared to programs in other cities, is not conditioned on his disability. In addition, in *Podruch v. State, Dep't of Pub. Safety*, we noted that "the legislature expressly protected from the broad anti-discrimination prohibitions of MHRA 'any program, service, facility, or privilege afforded to a person with a disability, which is intended to habilitate, rehabilitate, or accommodate that person.'" 674 N.W.2d 252, 255 (Minn. App. 2004) (quoting 1973 Minn. Laws ch. 729, § 2), *review denied* (Minn. Apr. 20, 2004). Because the city's golf-cart program appears to be the kind of program exempted from the anti-discriminatory prohibitions of the MHRA and because appellant fails to show that he received adverse treatment because of his disability, the district court properly granted summary judgment to the city on this claim, also.

Preemption

"Generally, municipalities have no inherent powers" except for those "expressly conferred by statute or implied as necessary in aid of those powers which have been expressly conferred." *Kuhlman*, 729 N.W.2d at 580. Minnesota Statutes, sections 169.001-.99 (2006), the Minnesota Traffic Regulations (the regulations), regulate the

operation of vehicles on roadways in general and provide that the application of the regulations should be uniform throughout the state. Minn. Stat. §§ 169.02, .03, subd. 9. But the legislature “did not intend to preempt the field of highway traffic regulation entirely” when it adopted the regulations. *City of St. Paul v. Olson*, 300 Minn. 455, 456, 220 N.W.2d 484, 485 (1974). Rather, the regulations provide that “[l]ocal authorities may adopt traffic regulations which are not in conflict with the provisions of,” or are expressly permitted by, the regulations. *Id.* In *Kuhlman*, the supreme court distilled established caselaw “related to preemption and conflict in the context of traffic violations” into four distinct points of law. 729 N.W.2d at 581. First, “state law preempts the field of traffic law except for that which is expressly permitted by state statute.” *Id.* Second, “no conflict exists when an ordinance is merely additional and complementary to a state law and covers specifically what the statute covers generally.” *Id.* Third, “municipalities must provide the same procedural protections as the state when prosecuting offenses that are covered by an ordinance and a statute.” *Id.* Fourth, “a municipality may not prohibit by ordinance conduct that is not prohibited by statute.” *Id.* at 581-82. Beckius argues that the amended ordinance violates the fourth point in *Kuhlman* and is not protected by the first or second points.

The first point in *Kuhlman* establishes that an ordinance that regulates what a state statute explicitly allows it to regulate is not preempted by state law. 729 N.W.2d at 581. Section 169.045 of the regulations authorizes municipalities to decide whether to allow drivers to operate golf carts on streets within their jurisdiction, and explicitly allows cities to “prescribe conditions under which a permit can be granted.” Minn. Stat. § 169.045,

subd. 1. But, here, the provision of the amended ordinance at issue does not place a condition on issuing a permit; rather, it places a restriction on the operation of golf carts. The statute itself regulates the operation of golf carts on city streets, *id.*, subds. 3 (prohibiting use of golf carts at night), 4 (requiring a slow-moving vehicle emblem on golf carts), 5 (permitting golf-cart drivers to cross any street or highway intersecting a designated roadway), but does not explicitly authorize municipalities to do so independently. The amended ordinance, therefore, cannot be afforded the protection of the first point in *Kuhlman*. Neither can the amended ordinance be afforded the protection of the second point in *Kuhlman*, because the amended ordinance does not cover specifically what the statute covers generally. None of the provisions in the statute regulates the operation of golf carts in general ways so that the amended ordinance may regulate more specifically. *See* Minn. Stat. § 169.045, subds. 3 (regulating times of golf-cart operation), 4 (requiring golf carts to carry a slow-moving vehicle emblem).

The city argues that the amended ordinance is a specific application of other parts of the regulations. Certain sections of the regulations restrict passengers in specific types of motor vehicles. *See* Minn. Stat. §§ 169.223 (restricting passengers on motorized bicycles to parent or guardian of driver under 16), .447 (regulating passengers on school buses), .974 (restricting passengers of motorcycles, motor scooters, and motor bikes). Other sections either ban passengers on other motor vehicles outright or restrict passengers of motor vehicles in general. *See* Minn. Stat. §§ 169.225 (banning passengers on motorized foot scooters), .685 (generally requiring child passenger restraints in vehicles), .686 (generally requiring passengers to wear seatbelts). But none of these

sections covers generally what the amended ordinance covers specifically, i.e., restricting passengers in golf carts to those who hold golf-cart permits. The amended ordinance is not, therefore, a specific application of any of the regulations.

The fourth point in *Kuhlman* establishes that “[a] municipality may not prohibit by ordinance conduct that is not prohibited by statute.” 729 N.W.2d at 581-82. This point was not devised as an inflexible test. Rather, it reflects a desire for uniformity in traffic regulations across the state so that drivers can travel throughout the state without the risk of violating ordinances unfamiliar to them. *Id.* at 581. In *Kuhlman*, because the ordinance at issue extended owner liability beyond the specific situations where the regulations provided it, the supreme court ruled that upholding the ordinance would permit any city to hold owners liable for “any number of traffic offenses” and “render the [regulations’] uniformity requirement meaningless.” *Id.* at 583. In *Duffy v. Martin*, on which *Kuhlman* relied, the supreme court stated that “[t]he purpose of uniformity required by our statutes is to enable a driver of a motor vehicle to proceed in all parts of the state without the risk of violating an ordinance with which he is not familiar.” 265 Minn. 248, 255, 121 N.W.2d 343, 348 (1963), *cited in Kuhlman*, 729 N.W.2d at 583.

Section 169.045 allows cities to permit golf-cart use on their streets, at their discretion, and allows cities to set conditions on *obtaining permits* so long as they are consistent with the provisions of that section. Minn. Stat. § 169.045, subd. 2. We conclude that section 169.045 prescribes an adequately uniform implementation of the golf-cart program as it relates to the *operation* of golf carts, such that it preempts the city’s attempt to further restrict golf-cart operation. Section 169.045 explicitly sets

specific parameters on golf-cart operation and contains no language implying that municipalities may independently restrict golf-cart operation, if they choose to allow it on their streets. *See id.*, subds. 3 (prohibiting golf-cart use at night), 5 (allowing golf-cart drivers to “cross any street or highway intersecting a designated roadway”). Additionally, this section provides that golf-cart drivers have “all the rights and duties applicable to the driver of any other vehicle under the provisions of” the regulations. *Id.*, subd. 6.

The intent of the legislature is apparent: cities may choose whether to allow golf carts on their streets, and have limited discretion in setting conditions for granting permits, but the operation of golf carts must be uniformly consistent with the regulations in all cities where golf-cart use is permitted. Thus, because the amended ordinance prohibits what the regulations do not, by requiring that all passengers obtain permits, the amended ordinance is preempted by the regulations.

Affirmed in part, reversed in part, and remanded.