

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 855

(SENATE AUTHORS: LUCERO)

DATE
01/27/2023

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Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to natural resources; modifying trespass restrictions for outdoor recreation;
1.3 providing criminal penalties; amending Minnesota Statutes 2022, sections 3.736,
1.4 subdivision 3; 84.774; 84.775, subdivision 1; 84.83, subdivision 5; 84.87,
1.5 subdivision 1; 97A.137, subdivision 2; 97A.315; 97B.001, subdivisions 1a, 2, 3,
1.6 4, 5, 6, 7; 180.03, subdivision 4; 466.03, subdivision 22; repealing Minnesota
1.7 Statutes 2022, sections 84.90; 97B.001, subdivision 1.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 **ARTICLE 1**
1.10 **OUTDOOR RECREATION TRESPASS**

1.11 Section 1. Minnesota Statutes 2022, section 97A.315, is amended to read:

1.12 **97A.315 TRESPASS.**

1.13 Subdivision 1. **Criminal penalties.** (a) A person that violates a provision of section
1.14 97B.001, relating to trespass is guilty of a misdemeanor except as provided in paragraph
1.15 (b).

1.16 (b) A person is guilty of a gross misdemeanor if the person:

1.17 ~~(1) knowingly disregards signs prohibiting trespass;~~

1.18 ~~(2) (1) trespasses after personally being notified by the ~~landowner~~ owner or lessee~~
1.19 ~~authorized manager, as defined in section 97B.001, subdivision 1a, not to trespass; or~~

1.20 ~~(3) (2) is convicted of violating this section more than once in a three-year period.~~

2.1 Subd. 2. **License revocations.** (a) The applicable license and registration are void if a
 2.2 person is convicted of trespassing under subdivision 1 while exercising or attempting to
 2.3 exercise an activity;

2.4 (1) licensed under the game and fish laws; or

2.5 (2) requiring snowmobile registration under section 84.82, the applicable license and
 2.6 registration are null and void.

2.7 (b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may
 2.8 not take wild animals and may not be issued a license to take game wild animals for two
 2.9 three years after the date of conviction.

2.10 Sec. 2. Minnesota Statutes 2022, section 97B.001, subdivision 1a, is amended to read:

2.11 Subd. 1a. ~~Outdoor recreation definition~~ **Definitions.** For purposes of this section:

2.12 (1) "authorized manager" includes the owner's designated representative or other person
 2.13 authorized by the owner to give permission for outdoor recreation; and

2.14 (2) "outdoor recreation" means any voluntary activity, including hunting, fishing, trapping,
 2.15 boating, snowmobiling, operating an off-highway vehicle as defined in section 84.771,
 2.16 hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes
 2.17 of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from
 2.18 natural surroundings.

2.19 Sec. 3. Minnesota Statutes 2022, section 97B.001, subdivision 2, is amended to read:

2.20 Subd. 2. **Permission required to enter agricultural private land for outdoor**
 2.21 **recreation purposes.** (a) A person entering public or private land is responsible for knowing
 2.22 the boundaries and the ownership of the property the person enters for outdoor recreation.

2.23 (b) Except as provided in subdivisions 5 and subdivision 6, a person may not enter
 2.24 agricultural private land for outdoor recreation purposes, without first obtaining verbal or
 2.25 written permission of the owner, occupant, or lessee authorized manager.

2.26 (c) It is not a violation of this section if a person enters private land where the owner or
 2.27 authorized manager allows entry without permission for the outdoor recreation.

2.28 (d) The liability protections and limitations under sections 604A.20 to 604A.27 apply
 2.29 to using private land for outdoor recreation.

3.1 Sec. 4. Minnesota Statutes 2022, section 97B.001, subdivision 3, is amended to read:

3.2 Subd. 3. **Prohibitions after notice.** Except as provided in subdivision 6, a person may
 3.3 not remain on or return ~~within one year~~ to any land for outdoor recreation purposes after
 3.4 being personally notified not to do so by the owner, ~~occupant,~~ or lessee authorized manager.

3.5 Sec. 5. Minnesota Statutes 2022, section 97B.001, subdivision 4, is amended to read:

3.6 Subd. 4. **Entering Posted land prohibited; signs.** ~~(a) Except as provided in subdivision~~
 3.7 ~~6, a person may not:~~

3.8 ~~(1) enter, for outdoor recreation purposes, any land that is posted under this subdivision~~
 3.9 ~~without first obtaining permission of the owner, occupant, or lessee; or~~

3.10 ~~(2) knowingly enter, for outdoor recreation purposes, any land that is posted under this~~
 3.11 ~~subdivision without first obtaining permission of the owner, occupant, or lessee. A person~~
 3.12 ~~who violates this clause is subject to the penalty provided in section 97A.315, subdivision~~
 3.13 ~~1, paragraph (b).~~

3.14 ~~(b) The owner, occupant, or lessee of private land, or an authorized manager of public~~
 3.15 ~~land may prohibit outdoor recreation on the land by posting signs once each year that:~~

3.16 ~~(1) state "no trespassing" or similar terms;~~

3.17 ~~(2) display letters at least two inches high;~~

3.18 ~~(3) either:~~

3.19 ~~(i) are signed by the owner, occupant, lessee, or authorized manager; or~~

3.20 ~~(ii) include the legible name and telephone number of the owner, occupant, lessee, or~~
 3.21 ~~authorized manager; and~~

3.22 ~~(4) either:~~

3.23 ~~(i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded~~
 3.24 ~~area where boundary lines are not clear, at intervals of 500 feet or less; or~~

3.25 ~~(ii) mark the primary corners of each parcel of land and access roads and trails at the~~
 3.26 ~~point of entrance to each parcel of land except that corners only accessible through~~
 3.27 ~~agricultural land need not be posted.~~

3.28 ~~(e) A person who is not the owner or authorized manager of land may not erect a sign~~
 3.29 ~~that prohibits outdoor recreation or trespassing where on the land unless the person ~~does~~~~
 3.30 ~~not have a property right, title, or interest to use is working under the direction of the owner~~
 3.31 ~~or authorized manager of the land.~~

4.1 Sec. 6. Minnesota Statutes 2022, section 97B.001, subdivision 5, is amended to read:

4.2 Subd. 5. **Retrieving wounded game.** ~~Except as provided in subdivision 3,~~ A person on
4.3 foot may, without permission of the owner, occupant, or lessee, enter land that is not posted
4.4 under subdivision 4, may not enter private land to retrieve a wounded or dead animal ~~that~~
4.5 ~~was lawfully shot. The hunter must leave the land immediately after retrieving the wounded~~
4.6 game without first obtaining verbal or written permission from the owner or authorized
4.7 manager.

4.8 Sec. 7. Minnesota Statutes 2022, section 97B.001, subdivision 6, is amended to read:

4.9 Subd. 6. **Retrieving hunting dogs.** (a) A person may not take wild animals by
4.10 intentionally releasing or sending a dog onto land that the person is prohibited from entering.

4.11 (b) A person on foot may, without permission of the owner, occupant, or lessee authorized
4.12 manager, enter private land without a firearm to retrieve a hunting dog. After retrieving the
4.13 dog, the person must immediately leave the premises private land.

4.14 Sec. 8. Minnesota Statutes 2022, section 97B.001, subdivision 7, is amended to read:

4.15 Subd. 7. **Using firearms and taking in certain areas.** (a) Unless otherwise provided
4.16 by law, a person may not discharge a firearm within 500 feet of a building occupied by a
4.17 human or livestock without the written permission of the owner, ~~occupant,~~ or lessee
4.18 authorized manager:

4.19 (1) on another person's private land, if the land is not a licensed shooting preserve; or

4.20 (2) on a public road right-of-way.

4.21 (b) No person may discharge a firearm within 500 feet of a stockade or corral confining
4.22 livestock for the purpose of normal livestock holding or sorting operations without the
4.23 permission of the owner, ~~occupant,~~ or lessee authorized manager. This paragraph does not
4.24 apply to persons hunting during an established hunting season on state-owned or local
4.25 government-owned land that is not a road right-of-way. For the purposes of this paragraph,
4.26 a "stockade or corral" means a fenced enclosure for confining livestock that does not enclose
4.27 an area greater than one acre.

4.28 (c) A person may not take a wild animal on any land where the person is prohibited from
4.29 entering by this section.

4.30 Sec. 9. **REPEALER.**

4.31 Minnesota Statutes 2022, sections 84.90; and 97B.001, subdivision 1, are repealed.

5.1 **ARTICLE 2**

5.2 **CONFORMING CHANGES**

5.3 Section 1. Minnesota Statutes 2022, section 3.736, subdivision 3, is amended to read:

5.4 Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases
5.5 where the state and its employees should not, in equity and good conscience, pay
5.6 compensation for personal injuries or property losses, the legislature declares that the state
5.7 and its employees are not liable for the following losses:

5.8 (a) a loss caused by an act or omission of a state employee exercising due care in the
5.9 execution of a valid or invalid statute or rule;

5.10 (b) a loss caused by the performance or failure to perform a discretionary duty, whether
5.11 or not the discretion is abused;

5.12 (c) a loss in connection with the assessment and collection of taxes;

5.13 (d) a loss caused by snow or ice conditions on a highway or public sidewalk that does
5.14 not abut a publicly owned building or a publicly owned parking lot, except when the condition
5.15 is affirmatively caused by the negligent acts of a state employee;

5.16 (e) a loss caused by wild animals in their natural state, except as provided in section
5.17 3.7371;

5.18 (f) a loss other than injury to or loss of property or personal injury or death;

5.19 (g) a loss caused by the condition of unimproved real property owned by the state, which
5.20 means land that the state has not improved, state land that contains idled or abandoned mine
5.21 pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither
5.22 affixed nor improved;

5.23 (h) a loss involving or arising out of the use or operation of a recreational motor vehicle,
5.24 ~~as defined in section 84.90, subdivision 1,~~ within the right-of-way of a trunk highway, as
5.25 defined in section 160.02, except that the state is liable for conduct that would entitle a
5.26 trespasser to damages against a private person;

5.27 (i) a loss incurred by a user arising from the construction, operation, or maintenance of
5.28 the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the
5.29 construction, operation, maintenance, or administration of grants-in-aid trails as defined in
5.30 section 85.018, or for a loss arising from the construction, operation, or maintenance of a
5.31 water access site created by the Department of Iron Range Resources and Rehabilitation,
5.32 except that the state is liable for conduct that would entitle a trespasser to damages against

6.1 a private person. For the purposes of this clause, a water access site, as defined in section
6.2 86A.04 or created by the commissioner of Iron Range resources and rehabilitation, that
6.3 provides access to an idled, water filled mine pit, also includes the entire water filled area
6.4 of the pit and, further, includes losses caused by the caving or slumping of the mine pit
6.5 walls;

6.6 (j) a loss of benefits or compensation due under a program of public assistance or public
6.7 welfare, except if state compensation for loss is expressly required by federal law in order
6.8 for the state to receive federal grants-in-aid;

6.9 (k) a loss based on the failure of a person to meet the standards needed for a license,
6.10 permit, or other authorization issued by the state or its agents;

6.11 (l) a loss based on the usual care and treatment, or lack of care and treatment, of a person
6.12 at a state hospital or state corrections facility where reasonable use of available appropriations
6.13 has been made to provide care;

6.14 (m) loss, damage, or destruction of property of a patient or inmate of a state institution
6.15 except as provided under section 3.7381;

6.16 (n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

6.17 (o) a loss caused by an aeration, bubbler, water circulation, or similar system used to
6.18 increase dissolved oxygen or maintain open water on the ice of public waters, that is operated
6.19 under a permit issued by the commissioner of natural resources;

6.20 (p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state
6.21 is liable for conduct that would entitle a trespasser to damages against a private person;

6.22 (q) a loss arising out of a person's use of a logging road on public land that is maintained
6.23 exclusively to provide access to timber on that land by harvesters of the timber, and is not
6.24 signed or otherwise held out to the public as a public highway; and

6.25 (r) a loss incurred by a user of property owned, leased, or otherwise controlled by the
6.26 Minnesota National Guard or the Department of Military Affairs, except that the state is
6.27 liable for conduct that would entitle a trespasser to damages against a private person.

6.28 The state will not pay punitive damages.

7.1 Sec. 2. Minnesota Statutes 2022, section 84.774, is amended to read:

7.2 **84.774 OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

7.3 (a) Except as provided in paragraph (b) and section 169A.20, a person who violates a
7.4 provision of sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; ~~84.90~~; or 84.922
7.5 to 84.928 or rules of the commissioner relating to off-highway vehicle use is guilty of a
7.6 misdemeanor.

7.7 (b) A person is guilty of a gross misdemeanor if the person violates section 84.773,
7.8 subdivision 2, clause (2), and the person recklessly upsets the natural and ecological balance
7.9 of a wetland or public waters wetland.

7.10 (c) A person is prohibited from operating an off-highway vehicle for a period of one
7.11 year if the person is:

7.12 (1) convicted of a gross misdemeanor under paragraph (b) or section 97A.315, subdivision
7.13 1;

7.14 (2) convicted of or subject to a final order under section 84.775 for a violation of the
7.15 prohibition on the intentional operation on unfrozen public water, in a state park, in a
7.16 scientific and natural area, or in a wildlife management area under section 84.773, subdivision
7.17 1, clause (3);

7.18 (3) convicted of or is subject to a final order under section 84.775 for a violation of the
7.19 prohibition on the willful, wanton, or reckless disregard for the safety of persons or property
7.20 under section 84.773, subdivision 2, clause (1); or

7.21 (4) convicted of or subject to a final order under section 84.775 for a violation of the
7.22 prohibition on carelessly upsetting the natural and ecological balance of a wetland or public
7.23 waters wetland under section 84.773, subdivision 2, clause (2).

7.24 (d) The commissioner shall notify the person of the time period during which the person
7.25 is prohibited from operating an off-highway vehicle under paragraph (c).

7.26 Sec. 3. Minnesota Statutes 2022, section 84.775, subdivision 1, is amended to read:

7.27 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other
7.28 licensed peace officer may issue a civil citation to a person who operates:

7.29 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
7.30 (1); 84.777; ~~or~~ 84.788 to 84.795; or 97B.001;

8.1 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
8.2 84.777; ~~or~~ 84.798 to 84.804; or 97B.001;

8.3 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
8.4 84.777; ~~or~~ 84.922 to 84.928; or 97B.001;

8.5 (4) a snowmobile in violation of sections 84.777 ~~or~~, 84.82 to 84.872, or 97B.001; or

8.6 (5) an off-highway motorcycle, an off-road vehicle, an all-terrain vehicle, or a snowmobile
8.7 in violation of section 84.90 or 97B.001.

8.8 (b) A civil citation under paragraph (a) shall require restitution for public and private
8.9 property damage and impose a penalty of:

8.10 (1) \$250 for the first offense;

8.11 (2) \$500 for the second offense; and

8.12 (3) \$1,000 for third and subsequent offenses.

8.13 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
8.14 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in
8.15 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
8.16 paragraph shall require restitution for damage to wetlands and impose a penalty of:

8.17 (1) \$100 for the first offense;

8.18 (2) \$500 for the second offense; and

8.19 (3) \$1,000 for third and subsequent offenses.

8.20 (d) If the peace officer determines that there is damage to property requiring restitution,
8.21 the commissioner must send a written explanation of the extent of the damage and the cost
8.22 of the repair by first class mail to the address provided by the person receiving the citation
8.23 within 15 days of the date of the citation.

8.24 (e) An off-road vehicle that is equipped with a snorkel device and receives a civil citation
8.25 under this section is subject to twice the penalty amounts in paragraphs (b) and (c).

8.26 Sec. 4. Minnesota Statutes 2022, section 84.83, subdivision 5, is amended to read:

8.27 Subd. 5. **Fines and forfeited bail.** Fines and forfeited bail collected from prosecutions
8.28 of violations of sections 84.81 to ~~84.90~~ 84.89, 97A.315, or 97B.001 or rules adopted
8.29 thereunder must be deposited in the state treasury. Half the receipts must be credited to the
8.30 general fund, and half the receipts must be credited to the snowmobile trails and enforcement
8.31 account in the natural resources fund.

9.1 Sec. 5. Minnesota Statutes 2022, section 84.87, subdivision 1, is amended to read:

9.2 Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a
9.3 snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county
9.4 state-aid, or county highway in this state and, in the case of a divided trunk or county
9.5 highway, on the right-of-way between the opposing lanes of traffic, except as provided in
9.6 sections 84.81 to ~~84.90~~ 84.89. No person shall operate a snowmobile within the right-of-way
9.7 of any trunk, county state-aid, or county highway between the hours of one-half hour after
9.8 sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way
9.9 and in the same direction as the highway traffic on the nearest lane of the roadway adjacent
9.10 thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate
9.11 highway or freeway within this state.

9.12 (b) Notwithstanding any provision of paragraph (a) to the contrary:

9.13 (1) under conditions prescribed by the commissioner of transportation, the commissioner
9.14 of transportation may allow two-way operation of snowmobiles on either side of the trunk
9.15 highway right-of-way where the commissioner of transportation determines that two-way
9.16 operation will not endanger users of the trunk highway or riders of the snowmobiles using
9.17 the trail;

9.18 (2) under conditions prescribed by a local road authority as defined in section 160.02,
9.19 subdivision 25, the road authority may allow two-way operation of snowmobiles on either
9.20 side of the right-of-way of a street or highway under the road authority's jurisdiction, where
9.21 the road authority determines that two-way operation will not endanger users of the street
9.22 or highway or riders of the snowmobiles using the trail;

9.23 (3) the commissioner of transportation under clause (1) and the local road authority
9.24 under clause (2) shall notify the commissioner of natural resources and the local law
9.25 enforcement agencies responsible for the streets or highways of the locations of two-way
9.26 snowmobile trails authorized under this paragraph; and

9.27 (4) two-way snowmobile trails authorized under this paragraph shall be posted for
9.28 two-way operation at the authorized locations.

9.29 (c) A snowmobile may make a direct crossing of a street or highway at any hour of the
9.30 day provided:

9.31 (1) the crossing is made at an angle of approximately 90 degrees to the direction of the
9.32 highway and at a place where no obstruction prevents a quick and safe crossing;

10.1 (2) the snowmobile is brought to a complete stop before crossing the shoulder or main
10.2 traveled way of the highway;

10.3 (3) the driver yields the right-of-way to all oncoming traffic which constitutes an
10.4 immediate hazard;

10.5 (4) in crossing a divided highway, the crossing is made only at an intersection of such
10.6 highway with another public street or highway;

10.7 (5) if the crossing is made between the hours of one-half hour after sunset to one-half
10.8 hour before sunrise or in conditions of reduced visibility, only if both front and rear lights
10.9 are on; and

10.10 (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the
10.11 main traveled lanes of an interstate highway, when required for the purpose of avoiding
10.12 obstructions to travel when no other method of avoidance is possible; provided the
10.13 snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made
10.14 within 100 feet of the bridge and the crossing is made without undue delay.

10.15 (d) No snowmobile shall be operated upon a public street or highway unless it is equipped
10.16 with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by
10.17 rules of the commissioner, reflector material of a minimum area of 16 square inches mounted
10.18 on each side forward of the handle bars, and with brakes each of which shall conform to
10.19 standards prescribed by rule of the commissioner pursuant to the authority vested in the
10.20 commissioner by section 84.86, and each of which shall be subject to approval of the
10.21 commissioner of public safety.

10.22 (e) A snowmobile may be operated upon a public street or highway other than as provided
10.23 by paragraph (c) in an emergency during the period of time when and at locations where
10.24 snow upon the roadway renders travel by automobile impractical.

10.25 (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles
10.26 upon streets and highways, except for those relating to required equipment, and except those
10.27 which by their nature have no application. Section 169.09 applies to the operation of
10.28 snowmobiles anywhere in the state or on the ice of any boundary water of the state.

10.29 (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped
10.30 with reflective materials as required by rule of the commissioner.

11.1 Sec. 6. Minnesota Statutes 2022, section 97A.137, subdivision 2, is amended to read:

11.2 Subd. 2. **Closing designated areas.** The commissioner may, ~~by posting in accordance~~
11.3 ~~with section 97B.001, subdivision 4,~~ designate areas within wildlife management areas that
11.4 are closed to entry for the purpose of providing areas where disturbance of wildlife can be
11.5 minimized. A person may not enter an area posted under this subdivision except as authorized
11.6 by rule or a permit issued by the commissioner.

11.7 Sec. 7. Minnesota Statutes 2022, section 180.03, subdivision 4, is amended to read:

11.8 Subd. 4. **Exemptions.** (a) The portion of an excavation, cave, open or water-filled pit,
11.9 or shaft is exempt from the requirements of this section if:

11.10 (1) it is located on property owned, leased, or administered by the Office of the
11.11 Commissioner of Iron Range Resources and Rehabilitation;

11.12 (2) it is for the construction, operation, maintenance, or administration of:

11.13 (i) grants-in-aid trails as defined in section 85.018;

11.14 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision
11.15 1, that is intended or permitted to be used as a park, an open area for recreational purposes,
11.16 or for the provision of recreational services, including the creation of trails or paths without
11.17 artificial surfaces; or

11.18 (iii) recreational use, as defined in section 604A.21, subdivisions 5 and 6, provided the
11.19 use is administered by a municipality, as defined in section 466.01, subdivision 1;

11.20 (3) it is for economic development purposes under chapter 469; or

11.21 (4) upon written application by the property owner, the county mine inspector determines
11.22 that it is provided with fencing, barriers, appropriate signs, or combinations of them, in a
11.23 manner that is reasonably similar to the standards in subdivision 2, or if, in the inspector's
11.24 judgment, it does not constitute a safety hazard.

11.25 (b) Where an exemption applies, ~~there shall be, at a minimum, appropriate signs posted~~
11.26 ~~by the recipient of the exemption consistent with section 97B.001, subdivision 4~~ must, at a
11.27 minimum, post signs to prohibit trespassing at intervals of 1,000 feet or less along the
11.28 boundary and at points of entry:

11.29 (1) at each location of public access to the mining area restricting access to designated
11.30 areas and warning of possible dangers due to the presence of excavations, shafts, caves, or
11.31 open or water-filled pits;

12.1 (2) prohibiting public access beyond the boundaries of the designated public access area;
12.2 and

12.3 (3) identifying those areas where the property on which public access is allowed abuts
12.4 private property.

12.5 (c) Where an exemption applies, to reduce the possibility of inadvertent access beyond
12.6 the boundaries of the designated public access area, any new fencing erected by the recipient
12.7 of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient
12.8 of the exemption.

12.9 (d) Notwithstanding section 180.10, limited openings in preexisting fencing may be
12.10 created and maintained by the recipient of the exemption or its agent to provide public
12.11 access to the designated public access area.

12.12 (e) The county mine inspector has the authority to enter, examine, and inspect any and
12.13 all property exempted under this section at all reasonable times by day or by night, and, in
12.14 addition to enforcing the provisions of this chapter, may make recommendations regarding
12.15 the erection of fences, barriers, signs, or a combination of them.

12.16 Sec. 8. Minnesota Statutes 2022, section 466.03, subdivision 22, is amended to read:

12.17 Subd. 22. **Highway right-of-way.** Any claim for a loss involving or arising out of the
12.18 use or operation of a recreational motor vehicle, ~~as defined in section 84.90, subdivision 1,~~
12.19 within the right-of-way of a road or highway as defined in section 160.02, subdivision 26,
12.20 except that the municipality is liable for conduct that would entitle a trespasser to damages
12.21 against a private person.

84.90 LIMITATIONS ON THE OPERATION OF RECREATIONAL MOTOR VEHICLES.

Subdivision 1. **Definitions.** For the purposes of this section the following terms have the meanings given them: (a) "Recreational motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes. (b) "Snowmobile" has the same meaning given by section 84.81, subdivision 3.

Subd. 2. **Within metropolitan area.** Within the seven-county metropolitan area, no person shall enter and operate a recreational motor vehicle on lands not owned by the person, except where otherwise allowed by law, without the written or oral permission of the owner, occupant, or lessee of such lands. Written permission may be given by a posted notice of any kind or description that the owner, occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed, such as by saying "Recreational Vehicles Allowed," "Snowmobiles Allowed," "Trail Bikes Allowed," "All-Terrain Vehicles Allowed," or words substantially similar.

Subd. 3. **Outside metropolitan area.** Outside the seven-county metropolitan area, no person shall enter on any land not owned by the person for the purpose of operating a recreational motor vehicle after being notified, either orally or by written or posted notice, by the owner, occupant, or lessee not to do so. Where posted notice is used, signs shall bear letters not less than two inches high and shall state one of the following: "Recreational Vehicles Prohibited," "Snowmobiles Prohibited," "Trail Bikes Prohibited," "All-Terrain Vehicles Prohibited," or words substantially similar. In lieu of the above notice an owner, occupant or lessee may post any sign prohibiting recreational motor vehicles which has been adopted by rule of the commissioner of natural resources. The notice or sign shall be posted at corners and ordinary ingress and egress to the property and when so posted shall serve so as to raise a conclusive presumption that a person operating a recreational motor vehicle thereon had knowledge of entering upon such posted lands. Failure to post notice as provided in this subdivision shall not deprive a person of the right to bring a civil action for damage to one's person or property as otherwise provided by law.

Subd. 4. **Posting; trail facilities.** It is unlawful for a person to post, mutilate, or remove any notice or sign provided in this section upon any lands or waters over which the person has no right, title, interest, or license. It is unlawful for a person other than a duly constituted legal authority to so post any public lands, including but not limited to tax-forfeited lands, as above described. It is unlawful for a person to mutilate, destroy, damage, or remove any shelter, comfort station or other trail facility on any trail established on state-owned land or on any recreational trail which is funded in whole or in part by state grant-in-aid funds.

Subd. 5. **Gates; fencing.** No person shall enter or leave the lands of another with a recreational motor vehicle, or pass from one portion of such lands to another portion, through a closed gate, without returning the gate to its original position. No person shall enter or leave the lands of another with a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.

Subd. 6. **Additional prohibitions.** Nothing in this section shall limit or otherwise qualify the power of municipalities, counties, school districts, or other political subdivisions of the state or any agency of the state to impose additional restrictions or prohibitions on the operation of recreational motor vehicles on property not owned by the operator in accordance with law.

Subd. 7. **Penalty.** A person violating the provisions of this section is guilty of a misdemeanor.

97B.001 TRESPASS.

Subdivision 1. **Agricultural land definition.** For purposes of this section, "agricultural land" means land:

- (1) that is plowed or tilled;
- (2) that has standing crops or crop residues;
- (3) within a maintained fence for enclosing domestic livestock;
- (4) that is planted native or introduced grassland or hay land; or
- (5) that is planted to short rotation woody crops as defined in section 41B.048, subdivision 4.