

CHAPTER Fis 1500 OFF HIGHWAY RECREATION VEHICLES AND SNOWMOBILES

Readopt with amendments Fis 1501, effective 5-22-12 (Doc #10127), to read as follows:

PART Fis 1501 DEFINITIONS

Fis 1501.01 Chapter Definitions.

~~(a) "Agent manual" means the manual published by the department and distributed to every agent, as defined in RSA 214-A:1 II., which contains all information needed by the agent to effectively and properly control the licensing or registration process.~~

(a) "Annual Registration" means OHRV registration in accordance with RSA 215-A: 21, other than temporary registration in accordance with RSA 215-A: 21, V, or 14-month registration in accordance with RSA 215-A:21, X, and snowmobile registration in accordance with RSA 215-C: 36.

(b) "Dealer" means "dealer" as defined in RSA 215-A:1, III-a and RSA 215-C:1, V. , namely "a person in the OHRV or snowmobile business who sells OHRVs or snowmobiles to the general public, or demonstrates for sale vehicles on consignment to the general public. There shall be a rebuttable presumption that any person who sells or who acts as an agent of a seller for 5 or more vehicles at retail to the general public in a consecutive 12-month period is a retail vehicle dealer. For the purpose of this definition, this shall include retail OHRV or snowmobile dealers and wholesale OHRV or snowmobile dealers."

(c) "Decals" means OHRV and snowmobile registration numbers or adhesive materials with printed numbers as annually approved by the executive director that are issued with a registration certificate for placement on an OHRV or snowmobile as evidence of registration.

(d) "Event" means an organized OHRV or snowmobile race, rally, contest, antique or defined charitable meet in which OHRVs or snowmobiles are operated within a designated set of boundaries, trails or prescribed course, upon public or private land or frozen bodies of water owned by anyone other than the organizer of said event but does not include trails maintenance projects or other OHRV or snowmobile gatherings.

(e) "Person" means "person" as defined in RSA 207:1, XX.

(f) "Plate" means the registration materials issued:

(1) To OHRV and snowmobile dealers pursuant to Fis 1504 allowing the temporary use of multiple machines for sales, demonstration, or business purposes by the licensed dealer and employees of the dealership;

(2) To applicants with antique machines, pursuant to Fis 1503.04; and

(3) To applicants who are governmental entities pursuant to Fis 1503.08.

~~(f)~~ (g) "Registrant" means any person who has legally registered an OHRV or snowmobile through the department or its duly authorized agents, and has a registration certificate and decal set recorded in their name with the department.

~~(g)~~ (h) "Rental agent" means "rental agent" as defined in RSA 215-A:1, XI-a and RSA 215-C:1, XIII namely "a person licensed under RSA 215-A:26 and RSA 215-C:45 accepting money or other valuable consideration for the temporary use of OHRVs and snowmobiles provided to members of the general public."

(i) "Tracked OHRV" means a wheeled vehicle that has had the wheels or tires removed and replaced with tracks, cleats or skis.

Readopt with amendments Fis 1502.01 and Fis 1502.02, effective 2-25-10 (Doc #9661), as Fis 1502.01-1502.03, cited and to read as follows:

PART ~~Fis 1502~~ COMPLAINTS, HEARINGS AND PETITIONS ~~GENERAL ADMINISTRATION~~

~~Fis 1502.01 Complaints and Hearing. Complaints and hearings shall be processed in accordance with the procedures set forth in Fis 200.~~

~~Fis 1502.02 Petitions. Petitions to adopt, amend, or repeal the rules set forth in this chapter shall be submitted in accordance with the procedures prescribed in Fis 200.~~

Fis 1502.01 Forms. Whenever a person is required to complete a form, the following shall apply:

- (a) Forms shall be filled out completely;
- (b) Forms shall be completed in a legible manner.

Fis 1502.02 Incomplete Form.

- (a) All forms shall be reviewed by the department in accordance with RSA 541-A: 29.
- (b) The submitting party shall be notified of any apparent errors or omissions and allowed to resubmit the form to the department; provided that this opportunity shall not extend any date or deadline for the submission of information to the department imposed elsewhere in these rules.

Fis 1502.03 Failure to Comply with Statute or Rule.

- (a) In the event an applicant fails to comply with an applicable statute or rule, the application shall not be processed.
- (b) The applicant shall be notified of the reason(s) for the rejection orally if presenting the application in person or by mail if the application has been received in the mail.

(c) If the applicant agrees with the reason for rejection, the error may be corrected in accordance with Fis 1502.02.

(d) If the applicant contests the reason for rejection, the applicant may seek a hearing in accordance with the procedures contained in Fis 200.

Adopt Fis 1502.04 through Fis 1502.13 to read as follows:

Fis 1502.04 Fees, Form of Payment. Whenever an applicant makes payment to the department for satisfaction of a fee, the following shall apply:

(a) Payment shall be made in the form of cash, check, money order or accepted credit cards.

(b) Checks and money orders shall be made payable to the department or the "State of New Hampshire ". Alternative payees, including but not limited to "State of New Hampshire Fish and Game," "New Hampshire Department of Fish and Game," or "Treasurer - State of New Hampshire," shall be accepted, provided the payee name does not lend itself to endorsement by any party other than the State of New Hampshire.

(c) Unless otherwise provided in these rules, any fee prescribed by statute or rule shall be submitted in full at the same time as the application.

Fis 1502.05 Checks.

(a) Post-dated checks shall not be accepted.

(b) Checks shall be for the exact amount due to the department.

(c) No two-party check shall be accepted;

(e) No check shall be accepted which is dated more than 90 days prior to receipt; and

(f) In the event a non-compliant check is presented for payment, the application for registration shall be rejected, and the applicant shall be notified in accordance with Fis 1502.04.

Fis 1502.06 Legal Address. Whenever a registrant is required to furnish his/her address by statute or rule, the address shall reflect a street, road, avenue, or like designation. A post office or rural route box number, without more, shall not be adequate.

Fis 1502.07 Specific Registration Number.

(a) Registration numbers shall be the property of the state and shall be assigned by the department in accordance with these rules.

(b) Numbers 1-999 shall be issued annually by the executive director or his designee at headquarters using the following priority for assignment:

(1) First priority shall be given to persons who were assigned one of these numbers in the immediate preceding registration year.

(2) Second priority for any available remaining numbers shall be provided to persons who request such numbers in writing, in the order that such requests are received.

(c) Snowmobile number “0” shall be assigned annually at headquarters upon the recommendation of the New Hampshire Snowmobile Association following its annual NHSA/Easter Seals fundraising auction.

(d) Nothing in (b) or (c) above shall alter or excuse the fees due for registration of a snowmobile or OHRV as imposed by statute or these rules.

Fis 1502.08 Registration via the U.S. Mail.

a) An applicant may choose to file an application via the U.S. Mail with department headquarters.

b) The burden shall be upon the applicant to mail such application sufficiently in advance to leave 5 business days for processing by the department.

(c) No agent of the department shall be authorized to process any application described in these rules received by the agent via the U.S. Mail.

Fis 1502.09 Transfer of Registration or License Prohibited.

(a) The following types of OHRV or snowmobile registration certificates and licenses shall not be eligible to be transferred:

- (1) Temporary 10 day OHRV registration;
- (2) Permanent registration of an antique OHRV or snowmobile;
- (3) Annual dealer license and associated dealer plates;
- (4) Annual rental agent license and associated rental decals; and
- (5) Any registration that has been suspended or revoked for cause.

Fis 1502.10 Transfer of Registration

(a) An applicant seeking transfer of a registration certificate shall be permitted to transfer between the same registration type as provided in RSA 215-A: 22 or RSA 215-C: 37.

Fis 1502.11 Replacement of Lost, Stolen, Damaged or Destroyed Decals or Plates.

(a) Requests for replacement of decals or plates shall be processed as provided in RSA 215-A: 22-a, or RSA 215-C: 38.

Fis 1502.12 Replacement of Missing or Destroyed Registration Certificate.

(a) Requests for replacement of a missing or destroyed registration certificate shall be processed as provided in RSA 215-A: 22-b or RSA 215-C: 38-a only at department headquarters, in person or by mail.

Fis 1502.13 Complaints and Hearing. Complaints shall be received and administrative hearings shall be conducted in accordance with the procedures set forth in RSA 541-A: 29, Fis 200 and Fis 1800.

Readopt with amendments Fis 1503, effective 2-25-10 (Doc #9661), to read as follows:

PART Fis 1503 OHRV AND SNOWMOBILE REGISTRATION REQUIREMENTS

~~Fis 1503.01 Where to Register.~~

~~(a) Except the registrations listed in (b), OHRV or snowmobile registrations may be purchased at OHRV and snowmobile registration agencies throughout the state or at department headquarters, 11 Hazen Drive, Concord, NH 03301.~~

~~(b) The following registrations shall only be available, by mail or in person, at department headquarters, 11 Hazen Drive, Concord, NH 03301:~~

- ~~(1) Registrations for businesses;~~
- ~~(2) Dealer registrations;~~
- ~~(3) Rental agent registrations;~~
- ~~(4) OHRV or snowmobile vanity registrations;~~
- ~~(5) Antique snowmobiles in accordance with RSA 215-C:36,VI;~~
- ~~(6) Antique all terrain vehicles (ATVs) in accordance with RSA 215-A:21, IV-b;~~
- ~~(7) Antique trail bikes in accordance with RSA 215-A:21, IV-c;~~
- ~~(8) Trails maintenance vehicles;~~

- ~~(9) Duplicate registrations certificates;~~
- ~~(10) Registrations with decal numbers 1000 or less; and~~
- ~~(11) Government vehicles listed in RSA 215-A:25 and RSA 215-C:44.~~

~~Fig 1503.02 OHRV and Snowmobile Registrations.~~

~~(a) Applicants for OHRV or snowmobile registrations as defined in RSA 215-A:1 and RSA 215-C:1, shall provide to the agent on a form provided by the department the following:~~

- ~~(1) The owner's:
 - ~~a. Name;~~
 - ~~b. Legal address;~~
 - ~~c. Mailing address, if different;~~
 - ~~d. Date of birth;~~
 - ~~e. Driver's license number;~~~~
- ~~(2) Type of vehicle to be registered;~~
- ~~(3) Year of vehicle manufacture;~~
- ~~(4) Vehicle make and model;~~
- ~~(5) Vehicle primary and secondary colors;~~
- ~~(6) Vehicle identification number;~~
- ~~(7) Engine displacement; and~~
- ~~(8) The owner's signature, signed subject to the penalties for making unsworn false statements under RSA 641:3.~~

~~(b) The applicant shall pay to the agent the correct fee as specified in RSA 215-A:23 or RSA 215-C:39 plus the agents fee as specified in RSA 214-A:4 and the search and rescue fee as specified in RSA 215-A:23, X or RSA 215-C:39, XI.~~

~~(c) For purposes of proving residency, the applicant shall provide a valid New Hampshire driver's license or a New Hampshire issued non-driver's photo identification card issued by the division of motor vehicles pursuant to RSA 260:21.~~

~~(d) For purposes of proving age and identification, the applicant shall provide a valid driver's license or a non-driver's card issued by the division of motor vehicles.~~

~~(e) The agent shall give to the applicant his or her certificate of registration, together with the appropriate registration decal(s) or plate(s).~~

~~(f) The registration certificates shall be carried and decals or plates displayed as required by RSA 215-A:21 or 215-C:36.~~

~~(g) For the purposes of proving club membership, applicants shall show a membership card or a paid membership application for the current registration year in a non-profit snowmobile club as specified in RSA 215-C:39, I and III.~~

~~Fis 1503.03 Trails Maintenance Registration.~~

~~—— (a) Applicants for trails maintenance vehicle or cross country ski trails maintenance vehicle registrations may apply in person or by mail to the department headquarters.~~

~~—— (b) The applicant shall provide the following:~~

~~(1) Club or business name;~~

~~(2) Contact's name, if a business;~~

~~(3) Trail administrator's name and telephone number;~~

~~(4) Contact's mailing address;~~

~~(5) Contact's legal address, if different;~~

~~(6) Type of vehicle;~~

~~(7) Year of vehicle manufacture;~~

~~(8) Vehicle make and model;~~

~~(9) Vehicle primary and secondary colors;~~

~~(10) Vehicle identification number;~~

~~(11) Engine displacement; and~~

~~(12) Applicant's signature, signed subject to the penalties for making unsworn false statements under RSA 641:3.~~

~~(c) If the application is mailed, the applicant shall include all parts of the completed trails maintenance vehicle registration application along with the correct fees as specified in RSA 215-A:23, XI or RSA 215-C:39, XII, to the department.~~

~~Fis 1503.04 OHRV or Snowmobile Vanity Registration.~~

~~(a) Pursuant to RSA 215-A:23-a or RSA 215-C:40, a person who is a resident of the state of New Hampshire may apply for an OHRV or snowmobile vanity registration in person or by mail at the department headquarters.~~

~~(b) Applications for vanity registrations shall be accepted only during the months of:~~

- ~~(1) February and March for OHRVs; and~~
- ~~(2) September and October for snowmobiles.~~

~~(c) Incomplete applications shall be returned along with the fee to the applicant and notification of the reason for rejection.~~

~~(d) A vanity registration shall be issued in lieu of the OHRV or snowmobile registration specified in Fis 1503.02.~~

~~(e) The applicant for a vanity OHRV or snowmobile registration shall submit, on a form provided by the department, the following:~~

- ~~(1) The owner's:
 - ~~a. Name;~~
 - ~~b. Legal address;~~
 - ~~c. Mailing address, if different;~~
 - ~~d. Date of birth;~~
 - ~~e. Driver's license number;~~~~
- ~~(2) Type of vehicle;~~
- ~~(3) Year of vehicle manufacture;~~
- ~~(4) Vehicle make and model;~~
- ~~(5) Vehicle primary/secondary colors;~~
- ~~(6) Vehicle identification number;~~

~~(7) Engine displacement;~~

~~(8) Up to 3 choices, in order of preference, of the requested vanity registration; and~~

~~(9) Owner's signature, signed subject to the penalties for making unsworn false statements under RSA 641:3.~~

~~(f) For the purposes of proving club membership, applicants shall show a membership card or a paid membership application for the current registration year in a non-profit snowmobile club as specified in RSA 215-C:39, I and III.~~

~~(g) A vanity registration decal shall:~~

~~(1) Not have the identical or similar combination of characters as a classified plate;~~

~~(2) Not have any appeal to a prurient interest, or be capable of an obscene interpretation;~~

~~(3) Not be morally, ethnically, racially, or in any other manner offensive to good taste;~~

~~(4) Not have more than 6 characters;~~

~~(5) Not have more than one ampersand, numeral, plus sign or minus sign in sequence;~~

~~(6) Not have any characters other than ampersands, numerals, plus signs, minus signs, or letters;~~

~~(7) Not have only numerals or only numerals and ampersands, plus signs or minus signs; and~~

~~(8) Not have characters or combinations of characters which might cause difficulty of distinction or identification.~~

~~(h) The applicant shall include the correct fee as specified in RSA 215-A:23-a or RSA 215-C:40, plus the agent's fee as specified in RSA 214-A:4 and the search and rescue fee pursuant to RSA 215-A:23, X and RSA 215-C:39, XI.~~

~~(i) The registration certificate and decal(s) shall remain the property of the State of New Hampshire, and shall be revoked by the executive director after notice and opportunity for a hearing for a violation of Fis 1503.04(g)(2) and (3).~~

~~(j) For the purposes of proving residency, age and identification, the owner shall provide:~~

~~(1) A valid New Hampshire driver's license; or~~

~~(2) A New Hampshire issued non-driver's photo identification card issued by the division of motor vehicles pursuant to RSA 260:21.~~

~~(k) Applicants applying by mail shall include all parts of the completed registration form along with the following:~~

~~(1) The correct fees as specified in RSA 215-A:23-a or RSA 215-C:40 plus the agent's fee as specified in RSA 214-A:4 and the search and rescue fee pursuant to RSA 215-A:23, X and 215-C:39, XI;~~

~~(2) A copy of the driver's license or non-driver's card belonging to the owner; and~~

~~(3) A copy of the club membership card or a paid membership application.~~

~~Fis 1503.05 Transfer of Registration.~~

~~(a) Transfer of registration shall be permitted as provided in RSA 215-A:22 or RSA 215-C:37.~~

~~(b) Transfer shall only be permitted between the same registration types.~~

~~Fis 1503.06 Replacement of Lost, Stolen, Damaged or Destroyed Decals/Plates. Replacement of decals or plates shall be permitted as provided in RSA 215-A:22-a or RSA 215-C:38.~~

~~Fis 1503.07 Replacement of Missing or Destroyed Registration Certificate. Registrants losing a registration certificate shall request a copy from the department in writing.~~

~~Fis 1503.01 Temporary Nonresident OHRV Registration.~~

~~(a) An applicant for a 10-day temporary OHRV wheeled vehicle registration, as defined in RSA 215-A:23, V-b shall present the following information:~~

~~(1) The applicant's:~~

~~a. Name;~~

~~b. Legal address;~~

~~c. Mailing address, if different;~~

~~d. Date of birth;~~

~~e. A valid nonresident driver's license, or state-issued non-driver's photo ID or copy thereof; and~~

~~f. A daytime telephone number, if applying by mail;~~

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number;

(7) Engine displacement;

(8) The “start date” and “start time” requested;

(9) The applicant’s signature if applying by mail; and

(10) The correct fee, which is the total of the fee specified in RSA 215-A: 23, V-b, plus the agents fee specified in RSA 214-A: 4, plus the search and rescue fee specified in RSA 215-A: 23, X, plus any transaction fee imposed pursuant to RSA 214-A: 2, VI-a.

(b) No application for a temporary nonresident OHRV registration shall be effective prior to May 1 or after October 31 of the current year.

(c) Temporary nonresident OHRV registrations:

(1) Shall be valid only for ten consecutive calendar days, commencing at the “start time” requested by the applicant;

(2) Shall not be transferable; and

(3) Shall not be replaced by the department if lost, stolen, or destroyed.

Fis 1503.02 OHRV 14 Month Registration.

(a) An applicant for a 14 month OHRV wheeled vehicle registration, as defined in RSA 215-A: 21, X, shall present the following information:

(1) The applicant’s:

a. Name;

b. Legal address;

c. Mailing address, if different;

d. Date of birth;

e. A valid resident or nonresident driver's license, or state-issued non-driver's photo ID or copy thereof; and

f. A daytime telephone number, if applying by mail.

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number;

(7) Engine displacement;

(8) The applicant's signature, if applying by mail, signed under penalty of unsworn falsification pursuant to RSA 641:3; and

(9) The correct fee, which is the total of the fee specified in RSA 215-A: 21, X, plus the agents fee specified in RSA 214-A: 4, plus the search and rescue fee specified in RSA 215-A: 23, X plus any transaction fee imposed pursuant to RSA 214-A: 2, VI-a.

(b) No 14 month OHRV wheeled vehicle registration shall be effective prior to May 1 or after June 30 of the current year.

(c) 14 month OHRV wheeled vehicle registrations shall be available by appearing in person or by mail.

(d) An applicant seeking to pay a reduced fee based upon wheeled vehicle club membership shall show documentation at the time of registration of a valid membership for the corresponding registration year in a non-profit OHRV club as specified in RSA 215-A:21, X, that shall include the following:

(1) Member's First and Last name;

(2) Member's address;

(3) Whether a single or family membership;

(4) If family membership, name of spouse;

(5) NHOHVA validation number, in a format approved by the department;

(6) Date of issue;

(7) The start and end date of the membership, showing that it covers the entire period of the applicable registration year; and

(8) OHRV club name.

(e) An OHRV registration issued between May 1 of the current year and June 30 of the current year to an applicant who has paid a prorated fee in accordance with RSA 215-A:21, X, shall expire on July 1 of the subsequent year.

(f) Upon meeting all of the above conditions, the agent shall provide the applicant his or her certificate of registration, together with the appropriate registration decal(s).

Fis 1503.03 Annual Registration of OHRV and Snowmobiles.

(a) OHRV and snowmobile registrations shall be available by appearing in person at an agent location and at headquarters, in person or by mail.

(b) An applicant for an annual OHRV or snowmobile vehicle registration shall present the following information:

(1) The applicant's:

a. Name;

b. Legal address;

c. Mailing address, if different;

d. Date of birth;

e. A valid resident or nonresident driver's license, or state-issued non-driver's photo ID or copy thereof; and

f. A daytime telephone number, if applying by mail.

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number;

(7) Engine displacement; and

(8) The applicant's signature, if applying by mail, signed under penalty of unsworn falsification pursuant to RSA 641:3.

(c) An applicant for an annual OHRV or snowmobile vehicle registration shall pay the agent the correct fee, which is the total of:

(1) The fee specified in RSA 215-A: 23 or RSA 215-C: 39;

(2) The agents fee specified in RSA 214-A: 4;

(3) The search and rescue fee specified in RSA 215-A: 23, X or RSA 215-C: 39, XI; and

(4) Any transaction fee imposed pursuant to RSA 214-A: 2, VI-a.

(d) An applicant seeking to pay a reduced fee based upon snowmobile club membership shall show documentation at the time of registration of a valid membership for the corresponding registration year in a non-profit snowmobile club as specified in RSA 215-C:39, I and III, that shall include the following:

(1) Member's first and last name;

(2) Member's address;

(3) Whether a single or family membership;

(4) If family membership, name of spouse;

(5) NHSA validation number, in a format approved by the department;

(6) Date of issue;

(7) The start and end date of the membership showing that it covers the entire period of the applicable registration year; and

(8) Snowmobile club name.

(e) An applicant seeking to pay a reduced fee based upon wheeled vehicle club membership shall show documentation at the time of registration of a valid membership for the current corresponding registration year in a non-profit OHRV club as specified in RSA 215-A:23 I and III, that shall include the following:

(1) Member's First and Last name;

(2) Member's address;

(3) Whether a single or family membership;

(4) If family membership, name of spouse;

(5) NHOHVA validation number, in a format approved by the department;

(6) Date of issue;

(7) The start and end date of the membership showing that it covers the entire period of the applicable registration year; and

(8) OHRV club name.

(f) Upon meeting all of the above conditions, the agent shall provide the applicant his or her certificate of registration, together with the appropriate registration decal(s).

Fis 1503.04 Permanent Registration of Antique OHRV and Snowmobiles.

(a) Permanent registration of antique OHRV or snowmobiles shall only be available at headquarters, in person or by mail.

(b) An applicant for permanent registration of an antique ATV, trail bike or snowmobile as defined in RSA 215-A: 1 and RSA 215-C: 1, shall present the following information:

(1) The applicant's:

a. Name;

b. Legal address;

c. Mailing address, if different;

d. Date of birth;

e. A valid resident driver's license, or state-issued non-driver's photo ID or copy thereof; and

f. A daytime telephone number, if applying by mail.

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number;

(7) Engine displacement; and

(8) The applicant's signature, signed under penalty of unsworn falsification pursuant to RSA 641:3.

(c) An applicant for an antique ATV, trail bike or snowmobile registration shall pay the agent the correct fee, which is the total of:

(1) The one time permanent fee specified in RSA 215-A: 23 or RSA 215-C: 39;

(2) The agents fee specified in RSA 214-A: 4;

(3) The search and rescue fee specified in RSA 215-A: 23, X or RSA 215-C: 39, XI; and

(4) Any transaction fee imposed pursuant to RSA 214-A: 2, VI-a.

(d) Permanent registration of an antique ATV, trail bike, or snowmobile shall:

(1) Be available only to residents of New Hampshire;

(2) Become invalid upon the occurrence of any of the following events:

a. The registrant is no longer a legal resident of New Hampshire;

b. The registrant transfers ownership of the machine, either voluntarily to a person or legal entity of which he is not the beneficiary, or involuntarily by death; or

c. The machine is destroyed.

(e) Upon meeting all of the above conditions, the department shall provide the applicant his or her certificate of registration, together with the appropriate permanent registration plates.

Fis 1503.05 Business Entity Registration.

(a) Business entity registration of an OHRV or snowmobile registrations shall only be available at headquarters, in person or by mail.

(b) All initial applicants for business entity registration shall submit a letter on business letterhead, signed by a person with legal authority to bind the applicant entity, to the law enforcement

division indicating how the OHRV or snowmobile will be used for business purposes in New Hampshire.

(c) The law enforcement division shall not approve an application for business entity registration unless the applicant certifies that the OHRV or snowmobile shall be operated solely in the ongoing conduct of the business in New Hampshire, and not for the recreational use of an officer, employee, partner, member, shareholder, trustee or beneficiary of the applicant.

(d) Renewal registration applications for the same entity shall not require law enforcement division review.

(e) An applicant for a business entity registration, annual OHRV or snowmobile vehicle registration, or 14 month OHRV vehicle registration shall present the following information:

(1) The applicant's:

a. Business entity name;

b. Name of a contact person at the business entity;

c. Legal address of the business entity;

c. Mailing address, if different;

d. A daytime telephone number; and

e. The signature of a person with authority to legally bind the applicant signed under penalty of unsworn falsification pursuant to RSA 641:3.

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number; and

(7) Engine displacement.

(f) An applicant for an annual snowmobile or OHRV, or 14 month OHRV business entity registration shall pay the agent the correct fee, which is the total of:

(1) The non-resident non-club member fee specified in RSA 215-A: 23, RSA 215-A:21, or RSA 215-C: 39;

(2) The agents fee specified in RSA 214-A: 4;

(3) The search and rescue fee specified in RSA 215-A: 23, X or RSA 215-C: 39, XI; and

(4) Any transaction fee imposed pursuant to RSA 214-A: 2, VI-a.

(g) Upon meeting all of the above conditions, the agent shall provide the applicant his or her certificate of registration, together with the appropriate registration decal(s).

Fis 1503.06 Trails Maintenance Vehicle Registration.

(a) Registration of an OHRV trail maintenance vehicle or snowmobile trail maintenance vehicle as defined in RSA 215-A: 1 or RSA 215-C: 1 shall only be available at headquarters, in person or by mail.

(b) An applicant for an OHRV trail maintenance vehicle or snowmobile trail maintenance vehicle registration shall present the following information:

(1) The applicant's:

a. Business entity or club entity name;

b. Name of a contact person;

c. Legal address of the applicant entity;

c. Mailing address, if different;

d. A daytime telephone number. ;

e. Name of the club administrator of the trail(s) to be maintained; and

f. The signature of a person with authority to legally bind the applicant, signed under penalty of unsworn falsification pursuant to RSA 641:3.

(2) Type of vehicle to be registered;

(3) Year of vehicle manufacture;

(4) Vehicle make and model;

(5) Vehicle primary and secondary colors;

(6) Vehicle identification number;

(7) Engine displacement; and

(8) Authorized signature of a person on behalf of the entity, signed under penalty of unsworn falsification pursuant to RSA 641:3.

(c) An applicant for an OHRV or snowmobile trail maintenance vehicle registration shall pay the correct fee, as specified in RSA 215-A: 23, XI or RSA 215-C: 39, XII.

(d) All applications for trail maintenance vehicle registration shall be reviewed and approved by the Bureau of Trails to confirm that the applicant operates the vehicle for trail maintenance purposes.

(e) If the trail maintenance vehicle will also be used for recreational purposes, it shall also be registered in accordance with Fis 1503.03.

(f) Upon meeting all of the above conditions, the department shall provide the applicant his or her certificate of registration, together with the appropriate registration decal(s).

Fis 1503.07 Tracked OHRV Registration Required.

a) No tracked OHRV shall operate on a state-approved snowmobile trail unless the vehicle is registered as a snowmobile in accordance with Fis 1503.03, except as provided in (b) below.

b) No tracked OHRV shall operate on a state-approved snowmobile trail if the total width of the vehicle at any point exceeds 54 inches, and/or the total weight of the vehicle exceeds 1,200 pounds except:

(1) At Jericho Mountain State Park;

(2) On property with written landowner permission pursuant to RSA 215-A: 29, XI or RSA 215-C: 49, XIII; or

(3) On frozen bodies of water where snowmobile use is allowed.

c) Registration as a snowmobile shall not entitle a tracked OHRV to operate as a wheeled vehicle on state approved OHRV trails unless also registered as an OHRV.

Fis 1503.08 Government Vehicle Permanent Registration.

(a) Pursuant to RSA 215-A:25 and RSA 215-C:44, OHRV and snowmobile vehicles operated in this state by the federal government, the state of New Hampshire or any political subdivision of the state of New Hampshire shall be registered to the governmental entity.

(b) Governmental vehicle registration shall only be available at department headquarters in person, or by mail.

(c) No fee shall be collected for a government vehicle registration.

(d) Upon meeting all of the above conditions, the department shall provide the applicant with a certificate of registration, together with the appropriate permanent registration plates.

(e) Registration for governmental use does not constitute approval for operation upon a public way, or operation of the vehicle for a recreational use.

Readopt with amendments Fis 1504 and 1505, effective 2-25-10 (Doc #9661), to read as follows:

PART Fis 1504 DEALERS

Fis 1504.01 Application for Annual Dealer Licenses.

(a) ~~Applicants for~~ An applicant for an annual dealer licenses may apply in person or by mail at department headquarters.

(b) The applicant for an initial ~~application~~ annual dealer license shall submit ~~on a form provided by the department~~ the following information, and the required payment of fees as set forth below:

(1) ~~Business-Name, address and telephone number;~~

(2) ~~Business-Mailing address;~~

(3) ~~Whether the applicant is a corporation, partnership or other entity in the business of buying, selling, exchanging or renting OHRVs or snowmobiles or both;~~

(4) ~~If a corporation, the state of incorporation;~~

(5) ~~Whether the applicant holds a manufacturer's franchise or contract and if so, the name of the product;~~

(6) ~~Whether the applicant is in the business of buying, selling, exchanging or renting OHRVs or snowmobiles or both;~~

(7) ~~The owner's:~~

a. ~~Name and address;~~

b. ~~Telephone number;~~

c. ~~Date of birth; and~~

d. ~~Dated signature, subject to the penalties for making unsworn false statements under RSA 641:3;~~

~~(8)-(4)~~ The number of dealer plates requested;

~~(9)~~ (5) An indication as to whether the applicant has ever been convicted of an OHRV or snowmobile violation;

~~(10)-(6)~~ Acknowledgement by the applicant that the business meets local zoning regulations;

~~(11)-(7)~~ The number of salespersons ~~salespeople~~ on staff;

(8) The annual application fee for the dealer license, plus the annual registration fee for each dealer plate requested;

(9) An acknowledgement of the duty to comply with RSA 215-A: 26-a and RSA 215-C: 46, and that a failure to comply shall constitute grounds for termination of the dealer license; and

(10) The dated signature of a person with authority to bind the applicant business entity signed under penalty of unsworn falsification pursuant to RSA 641:3.

(c) The applicant for a renewal application shall submit: ~~on a form provided by the department, in addition to the items in Fis 1504.01 (b) (1), (2), (7), (8) and (11):~~

(1) Updates to any of the information required in Fis 1504.01(b);

~~(1)-(2)~~ A list of all dealer plates in the applicant's possession; ~~and~~

~~(2)-(3)~~ A list of all registration plates to be returned; and

(4) An acknowledgement of the continuing duty to comply with RSA 215-A: 26-a and RSA 215-C: 46, and that a failure to comply shall constitute grounds for termination of the dealer license.

(d) Applications shall be submitted to the department:

(1) At least 30 days prior to ~~approval~~ to the date the applicant intends to operate as a dealer for initial applications; ~~and or~~

~~(2) At least 5 business days prior to approval for renewal applications.~~ For renewal applications, on or before June 30 of each year.

Fis 1504.02 Processing of Applications for Annual Dealer License Change of Address or Name
~~A dealer who intends to relocate any portion or all of his or her place of business, or change the name of his business, shall notify the department in writing no less than 30 days prior to such action.~~

(a) Upon receipt of an application for an annual dealer license, the department shall examine and verify the information provided, and approve the application unless:

(1) The individual owner or the business entity has been convicted of an OHRV or snowmobile violation for which any unpaid fine remains outstanding, or for which any period of suspension has not expired;

(2) The individual owner or business entity has been found in any proceeding to have misused dealer plates, or is unable to account for the current location of any dealer plates previously issued in accordance with Fis 1504.01; or

(3) The applicant is currently the holder of a dealer license that has been revoked for cause pursuant to RSA 215-A: 26, III or RSA 215-C:45, III.

(b) An annual dealer license shall be issued only to the person or business entity that makes application for the license.

(c) The decision of the executive director to either approve or deny the application for an annual dealer license shall be given to the applicant in accordance with RSA 541-A:29 by:

(1) Issuing an annual dealer license certificate, together with the number of dealer plates requested, for a term to expire upon the subsequent July 1; or

(2) Issuing an annual dealer license certificate, together with the number of dealer plates approved, but less than the number requested, for a term to expire upon the subsequent July 1, together with a letter setting forth the reason why a smaller number of plates was approved; or

(3) A letter of denial, setting forth the reason why the application for initial approval or renewal of an annual dealer license was not approved, and advising the applicant of their right to seek a hearing to contest the decision.

(d) Within thirty days of the issuance of a letter denying an application for initial or renewal of an annual dealer license, the applicant may request a hearing to contest the decision in accordance with the procedures set forth in Fis 200.

~~Fis 1504.03 Termination or Transfer of Ownership of Business. A dealer who terminates or transfers ownership of his or her business to another person shall return all dealer registration plates and registration certificates to the department within 14 days.~~

(a) The holder of an annual dealer license shall return all dealer registration plates to the department within 3 days of the occurrence of any of the following events:

(1) The dealer ceases to conduct business under the name shown on the license;

(2) The dealer transfers ownership of his or her business to another person or entity;

(3) The dealer is convicted for an OHRV or snowmobile offense in a New Hampshire court which results in a suspension or revocation of an OHRV or snowmobile registration;

(b) All dealer registration plates issued to a dealer shall be returned to the department in the event the annual license expires, and the dealer does not have a renewal application pending before the department.

(c) In the event the dealer registration plates are not returned in a timely manner, the matter shall be referred to law enforcement for further action.

Fis 1504.04 Number of Dealer Plates Issued.

(a) The number of dealer plates issued to each dealership upon the approval of an annual dealer license application shall be:

(1) Determined by the department during the processing of the application; and

(2) Limited to 4 plates per full time person treated as an employee of the dealer's business who offers OHRV or snowmobile vehicles for sale to the general public, to a maximum of 8 plates per business location.

(b) The number of plates shall not be greater than the total of the following:

(1) The number of OHRV and snowmobile vehicles used for the dealer's personal pleasure purposes; and

(2) The number of full time salespersons in the dealer's employment dealing in OHRVs and snowmobiles who shall be allocated 4 plates per salesperson.

(b) A licensed dealer shall account for the physical whereabouts and use of all such dealer plates upon the request of a representative of the department or of a representative of a law enforcement agency authorized to enforce the provisions of RSA 215-A and 215-C.

Fis 1504.05 Dealer Plate Inventory and Control.

(a) A dealer shall be responsible for all dealer registration plates issued to the dealer.

(b) Upon request of a representative of the department or of a representative of a law enforcement agency authorized to enforce the provisions of RSA 215-A and 215-C pursuant to RSA 215-A:16 and 215-C:32, a dealer shall account for the use of all such dealer plates.

(c) A dealer shall require that each employee be responsible for the whereabouts of all plates issued to such employee.

~~(d) A person who is no longer licensed as a dealer with the executive director shall return all dealer plates to the department.~~

Fis 1504.05 Required Disclosure Statement.

(a) Pursuant to RSA 215-A: 26-a and RSA 215-C: 46, each licensed dealer shall, prior to delivery of a purchased snowmobile or OHRV, require the purchaser to sign a department supplied disclosure statement.

(b) One copy of the statement shall be retained by the dealer for a period of 3 years, one copy shall be provided to the purchaser, and one copy shall be remitted to department headquarters at 11 Hazen Drive, Concord, NH 03301 within 30 days of the transaction.

~~Fis 1504.06 Use of Dealer Plates.~~

~~(a) Dealer plates shall be affixed to the front of the cowl or rear bumper of the vehicle so that the plate is clearly visible.~~

~~(b) In the case of a non-human entity owning the business, the dealer plates shall be issued to the business which is a dealer of OHRVs and snowmobiles and shall be affixed to a vehicle which is the property of or under the control of the dealer of OHRVs and snowmobiles.~~

~~Fis 1504.07 Revocation of Registration/Plates. Dealer licenses and plates shall be revoked for failure to comply with RSA 215-A, 215-C and Fis 1500.~~

Fis 1504.06 Revocation of Dealer License.

(a) All information suggesting that a holder of an initial or renewal annual dealer license has failed to comply with RSA 215-A, 215-C or these rules shall be provided to the executive director or his designee at headquarters for review.

(b) Any action seeking the suspension or revocation of an annual dealer license shall be taken in accordance with RSA 541-A: 30 and Fis 200.

PART Fis 1505 RENTAL AGENTS

Fis 1505.01 Application for Annual Rental Agent Licenses.

(a) An applicant for an annual ~~Applicants for~~ rental agent licenses may apply in person or by mail at department headquarters.

(b) The applicant for an annual rental agent license initial application shall submit on a form provided by the department the following information, together with the required payment of fees as set forth below:

- ~~(1) Business Name, address and telephone number;~~
- ~~(2) Business Mailing address;~~
- ~~(3) Whether the applicant is a corporation, partnership or other entity in the business of buying, selling, exchanging or renting OHRVs or snowmobiles or both;~~
- ~~(4) If a corporation, the state of incorporation;~~
- ~~(5) Whether the applicant holds a manufacturer's franchise or contract and if so, the name of the product;~~
- ~~(6) Whether the applicant is in the business of buying, selling, exchanging or renting OHRVs or snowmobiles or both;~~
- ~~(7) The owner's:~~
 - ~~a. Name and address;~~
 - ~~b. Telephone number;~~
 - ~~c. Date of birth; and~~
 - ~~d. Dated signature, subject to the penalties for making unsworn false statements under RSA 641:3;~~
- ~~(8) The vehicle information to include:~~
 - ~~a. Vehicle make and model;~~
 - ~~b. Vehicle identification number;~~
 - ~~c. Year of manufacture;~~
 - ~~d. Vehicle engine size;~~
 - ~~e. Vehicle primary color; and~~
 - ~~f. Vehicle secondary color;~~
- ~~(9)-(4) The number of rental decals agent registrations requested;~~
- ~~(10)-(5) An indication as to whether the applicant has ever been convicted of an OHRV or snowmobile violation;~~
- ~~((11)-(6) Acknowledgement by the applicant that the business meets local zoning regulations;~~
- (7) The annual application fee for the rental agent license, plus the annual registration fee for each rental agent plate requested;

(8) For each OHRV or snowmobile offered for rent, the vehicle information required for registration in accordance with Fis 1503.03;

(9) An acknowledgement of the duty to comply with RSA 215-A: 26-a and RSA 215-C: 46, and that a failure to comply shall constitute grounds for termination of the rental license; and

(10) The signature of a person with authority to bind the applicant business entity signed under penalty of unsworn falsification pursuant to RSA 641:3.

~~(c) The applicant for a renewal application shall submit, on a form provided by the department, in addition to the items in Fis 1505.01 (b) (1), (2), (7), (8) and (11):~~

~~(1) A list of all rental decals in the applicant's possession; and~~

~~(2) A list of all registration decals to be returned.~~

(c) The applicant for a renewal rental agent application shall submit:

(1) Updates to any of the information required in Fis 1505.01(b); and

(2) An acknowledgement of the continuing duty to comply with RSA 215-A: 26-a and RSA 215-C: 46, and that a failure to comply shall constitute grounds for termination of the rental agent license.

(d) Applications shall be submitted to the department:

(1) At least 30 days prior to approval the date the applicant intends to operate as a rental agent for initial applications; and or

(2) At least 5 business days prior to approval On or before July 1 of each year for renewal applications.

~~(e) A rental agent who transfers ownership of an OHRV or snowmobile owned by the rental agent shall not transfer the registration to a replacement OHRV or snowmobile. The fee for a replacement registration shall be pursuant to RSA 215-A:23, IV-a and 215-C:39, V, in addition to the agent fee pursuant to RSA 214-A:4, and the search and rescue fee pursuant to RSA 215-A:23, X and 215-C:39, XI.~~

~~Fis 1505.02 Change of Address or Name. A rental agent who intends to relocate any portion or all of his or her place of business, or change the name of his or her business, shall notify the department in writing no less than 30 days prior to such action.~~

Fis 1505.02 Processing of Applications for Annual Rental Agent License.

(a) Upon receipt of the application for an annual rental agent license, the department shall examine and verify the information provided, and approve the application unless:

- (1) The individual owner or the business entity has been convicted of an OHRV or snowmobile violation for which any unpaid fine remains outstanding, or for which any period of suspension has not expired;
- (2) The individual owner or business entity has been found in any proceeding to have misused rental agent registration decals, or is unable to account for the current location of any rental agent registration decals previously issued;
- (3) The individual owner or the business entity as applicant is solely engaged in the purchase, sale, exchange or service of OHRV's or snowmobiles by the general public, in which case the applicant shall not be licensed as a rental agent, but shall be evaluated for licensure as a dealer; or
- (4) The applicant is currently the holder of a rental agent license that has been revoked for cause pursuant to RSA 215-A: 26, III or RSA 215-C:45, III.

(b) An annual rental agent license shall be issued only to the person or business entity that makes application for the license.

(c) The decision of the executive director to either approve or deny the application for an annual rental agent license shall be given to the applicant in accordance with RSA 541-A:29 by:

- (1) Issuing an annual rental agent license certificate, together with the number of rental registration decals requested, for a term to expire upon the subsequent June 30; or
- (2) Issuing an annual rental agent license certificate, together with the number of rental registration decals approved, but less than the number requested, for a term to expire upon the subsequent June 30, together with a letter setting forth the reason why a smaller number of decals was approved; or
- (3) A letter of denial, setting forth the reason why the application for initial approval or renewal of an annual rental agent license was not approved, and advising the applicant of their right to seek a hearing to contest the decision.

(d) Within thirty days of the issuance of a letter denying an application for initial or renewal of an annual rental agent license, the applicant may request a hearing to contest the decision in accordance with the procedures set forth in Fis 200.

Fis 1505.03 Termination or Transfer of Ownership of Business. A rental agent who terminates or transfers ownership of his or her business to another person shall return all rental agent decals for the current year and registration certificates to the department within 14 days.

(a) The holder of an annual rental agent license shall return all rental registration decals and registration certificates to the department within 3 days of the occurrence of any of the following events:

(1) The rental agent ceases to conduct business under the name shown on the license;

(2) The rental agent transfers ownership of his or her business to another person or entity; or

(3) The rental agent is notified by the department of the suspension or revocation of the annual rental agent license.

(b) (c) In the event the rental registration decals are not returned in a timely manner, the matter shall be referred to law enforcement for further action.

Fis 1505.04 ~~Rental Decal Inventory and Control.~~ Rental Decals.

~~(a) A rental agent shall be responsible for all rental decals issued to the rental agent.~~

~~(b) Upon request of a representative of the department or of a representative of a law enforcement agency authorized to enforce the provisions of RSA 215-A and 215-C pursuant to RSA 215-A:16 and 215-C:32, a rental agent shall account for the use of all such rental decals.~~

(a) A licensed rental agent shall account for the physical whereabouts and use of all such rental decals upon the request of a representative of the department or of a representative of a law enforcement agency authorized to enforce the provisions of RSA 215-A and 215-C.

(b) A rental agent who transfers ownership of an OHRV or snowmobile owned by the rental agent shall not be entitled to transfer the registration to a replacement OHRV or snowmobile, but shall obtain a new rental registration in accordance with these rules.

Fis 1505.05 ~~Use of Rental Decals.~~

~~(a) In the case of a non-human entity owning the business, the rental decals shall be issued to the business which is a renter of OHRVs and snowmobiles and shall be affixed to a vehicle which is the property of or under the control of the rental agent of OHRVs and snowmobiles.~~

~~(b) Rental decals shall be permanently affixed to the assigned vehicle as specified in Fis 1507.01 and Fis 1507.02.~~

Fis 1505.06 ~~Revocation of Registration/Plates.~~ Rental agent licenses and decals shall be revoked for failure to comply with RSA 215-A, 215-C and Fis 1500.

Fis 1505.05 Revocation of Rental Agent License.

(a) All information suggesting that a holder of an initial or renewal annual rental agent license has failed to comply with RSA 215-A, 215-C or these rules shall be provided to the executive director or his designee at headquarters for review.

(b) Any action seeking the suspension or revocation of an annual rental agent license shall be taken in accordance with RSA 541-A: 30 and Fis 200.

Readopt with amendments Fis 1506, effective 5-22-12 (Document #10127), to read as follows:

PART Fis 1506 OHRV AND SNOWMOBILE EVENT PERMITS

Fis 1506.01 Event Permit.

(a) Each applicant for an OHRV and snowmobile event permit under RSA 215-A: 30 or RSA 215-C: 50 shall make application on a form provided by the department at least ~~30~~ 45 days prior to the scheduled first day of the event.

(b) The applicant for an event permit shall provide in writing the following:

- (1) Name and address of applicant and/or organized club;
- (2) Address of the event location;
- (3) A list of all event dates;
- (4) A detailed sketch/diagram of event course;
- (5) Names of landowners and assurance that landowner permission has been obtained pursuant to RSA 215-A: 29, XI and RSA 215-C: 49, XII;
- (6) A list of all towns in which the event is to be conducted and assurance that officials from the respective towns have been notified;
- (7) A detailed statement outlining the nature of the event to include but not be limited to type of race, rally, contest, antique meet, or charitable fundraiser indicating intended recipient(s), defined boundaries of event, prescribed course or designated trail, as applicable;
- (8) The applicant's signature signed subject to the penalties for unsworn false statements under RSA 641:3.

(c) Event permit applications for events shall not be approved by the executive director if any of the following conditions exist:

- (1) The application is incomplete and/or does not conform to the definition set forth in Fis 1501.01(d) or any other provision of Fis 1500;
- (2) Rest room facilities are not provided for participants and spectators;
- (3) Previous events held by the applicant have proved unsafe to participants or spectators, and applicant has not taken steps to rectify such unsafe conditions;
- (4) Checks previously submitted for racing or event permits have not been honored; and
- (5) The application has been submitted less than ~~30~~45 days prior to the scheduled first day of the event as required in Fis 1505.01(a).

(d) A permittee may file a modified list of events on a new application form within the same registration year and shall not be required to submit an additional fee.

(e) All event permits shall expire on June 30 following the date of issuance.

(f) The event organizer shall take necessary precautions pursuant to RSA 215-A or RSA 215-C at highway crossings to ensure the safety of event participants and motor vehicle operators at each crossing.

(g) A copy of the event permit shall be available for inspection upon request of a law enforcement officer for the entire duration of the event.

Readopt with amendments Fis 1507 through Fis 1508, effective 2-25-10 (Document #9661), to read as follows:

PART Fis 1507 ~~OHRV AND SNOWMOBILE REGISTRATION DECAL PLACEMENT~~
CERTIFICATE OF REGISTRATION, DECAL AND PLATE PLACEMENT

Fis 1507.01 Snowmobile Decal Placement.

(a) Pursuant to RSA 215-C: 36, V and IX, no person shall operate a snowmobile unless the registration decals are attached, by the registrant, to the vehicle as follows:

- (1) Decals shall be placed on each side of the snowmobile cowling or on the outside of the windshield;
- (2) Decals shall be placed so that both are clearly visible and not obstructed; and
- (3) The lower edge of each decal shall be parallel with the ground.

(b) No person shall place an altered registration decal on a vehicle.

Fis 1507.02 OHRV Decal Placement.

(a) Pursuant to RSA 215-A: 21, V and VI, no person shall operate an OHRV unless the registration decals are attached, by the registrant, to the vehicle as follows:

(1) The registrant shall place one decal on the front fender and one decal on the rear fender, or at locations provided by the manufacturer; ~~and~~

(2) The registrant shall place decals so that they are clearly visible and not obstructed; and

(3) No decal shall be placed on a part of the vehicle that can be readily removed and used upon a different machine, including but not limited to a removable tailgate.

(b) No person shall alter a registration decal on a vehicle.

Fis 1507.03 Trails Maintenance Vehicle Decal Placement.

(a) Pursuant to RSA 215-A: 21, V-a (a) or RSA 215-C: 36, VIII (a), no person shall operate a trails maintenance vehicle unless the registration decal is attached, by the registrant, to the vehicle as follows:

(1) If the vehicle is a snow traveling trails maintenance vehicle the decals shall be placed:

a. In one of the following locations:

1. On each side of the vehicle;

2. On the outside of the windshield; or

3. At a location provided by the manufacturer;

b. So that both are clearly visible and not obstructed; and

c. So the lower edge of each decal shall be parallel with the ground; and

(2) If the vehicle is a wheeled vehicle trails maintenance vehicle:

a. One decal shall be placed on the front fender and one decal on the rear fender or at a location provided by the manufacturer; and

b. Decals shall be placed so they are clearly visible and not obstructed.

(b) No person shall place an altered registration decal on a vehicle.

Fis 1507.04 Certificate of Registration.

(a) Pursuant to RSA 215-A: 21, VII, and RSA 215-C:36, X the certificate of registration of the machine shall be carried while the machine is in operation.

Fis 1507.05 Dual Registered Vehicles.

(a) Any tracked OHRV or trail maintenance vehicle that is required to have more than a single registration under these rules shall display both sets of decals on the vehicle such that both are clearly visible, not obstructed, and with the lower edge of the decal parallel to the ground.

PART Fis 1508 OHRV OR SNOWMOBILE SAFETY EDUCATION PROGRAM

Fis 1508.01 Student Qualifications.

~~(a) A student shall be at least 11 years of age in order to receive the certificate of completion of an OHRV or snowmobile safety course, however, such certification shall not be valid until a student reaches his or her 12th birthday.~~

~~(b) Instructors may allow students of any age to attend safety education courses if classroom size and facilities permit, however, those students 11 years of age and older shall have priority to attend if class size restrictions exist.~~

Fis 1508.01 Course Description and Requirements.

(a) The OHRV and snowmobile safety education course shall be available in these formats:

(1) Online course materials, which shall be available at the department's website; or

(2) In person course, offered live by a department certified volunteer instructor, with printed course materials.

(b) Each course shall consist of the following study materials, whether provided to the student in printed or electronic format:

a. Current safety instruction manual; and

b. Current New Hampshire specific OHRV and snowmobile law digest publication, as modified annually to incorporate legislative and rule changes made in the preceding year.

(c) Each course shall consist of no less than 5.5 hours of online study or classroom time, not to include the time required to complete the written or electronic examination.

(d) In order to receive a certificate of completion as required by RSA 215-A:29, I (b)(1) or 215-C:49, I (b)(1), a student shall:

(1) Attend at least 5.5 hours of a scheduled live training class or complete all timed sections of the online course; and

(2) Pass a written examination on material contained in the current safety instruction manual and current OHRV and snowmobile law digest in the presence of the live volunteer instructor with a minimum score of 70%; or

(3) Pass an online electronic examination based upon the electronic study materials with a minimum score of 80%.

(e) The online course may be taken over any period of time that the user may desire, and the online electronic examination may be taken as often as necessary to achieve the required passing grade.

(f) The live training course will be offered in its entirety in a single day, provided that:

(1) At least one certified OHRV or snowmobile instructor shall be present during the entire course;

(2) The examination shall be offered at the end of the training session; and

(3) Upon the request of any student, an instructor shall give the exam orally to that person and record the student's answers.

(g) A person who fails to pass the required examination in a live session may:

(1) Attend a different live session and take the examination again at the end of that session; or

(2) Elect to take the required course online, and take the online examination as often as necessary to achieve the required passing grade.

(h) No practical skills test to examine the riding skills of a student shall be required to obtain a certificate of completion of the safety education course.

Fis 1508.02 Student Registration.

~~(a) Students shall complete a registration form provided by the department which shall include the following:~~

~~(1) Name, address, date of birth, and sex of student;~~

~~(2) Training location;~~

~~(3) Primary type of training; and~~

~~(4) Signature of a parent or guardian.~~

~~(b) Upon completion of the course, the instructor shall provide on the registration form:~~

~~(1) Instructor's signature; and~~

~~(2) Indication of whether or not the student successfully completed the course.~~

(a) To take the online course:

(1) Any person may register to take the online course at the department's website.

(2) There is no charge to review the study materials for the online course.

(3) A charge is made by and for the benefit of the online course provider at the time of examination and provision of a temporary certificate of completion. None of these funds are remitted to the Fish and Game Department.

(b) A student shall be at least 11 years of age in order to attend a live training course and receive the certificate of completion, provided that such certification shall not be valid until that student reaches his or her 12th birthday.

(c) Instructors may allow a person of any age to attend a live safety education courses if classroom size and facilities permit, provided that persons 11 years of age and older and persons who do not possess a motor vehicle driver license from any state shall be given priority to attend if class size restrictions exist.

(d) A person seeking to attend a live training course shall complete and provide the following information to the volunteer course instructor:

(1) Name, address, date of birth, and sex of student;

(2) Training location desired;

(3) Date of session requested;

(4) Type of training requested; and

(5) Signature of a parent or guardian of any student less than 18 years of age providing permission to attend the live training course.

(e) No student shall be charged a fee in order to participate in a live training session of an OHRV or snowmobile safety education program course.

(f) Upon completion of the live training session of a course, the instructor shall notify the department in writing, under his or her signature, of the following:

(1) Whether or not each student in the session successfully completed the required course hours of instruction; and

(3) Whether or not each student passed the required examination, and is recommended for a certificate of completion.

Fig 1508.03 Course Content.

~~(a) OHRV or snowmobile safety education courses shall include the following criteria:~~

~~(1) Each student shall receive a packet of information prepared by the department containing at least the following:~~

~~a. Current safety manual; and~~

~~b. Current OHRV and snowmobile law digest;~~

~~(2) At least one certified OHRV or snowmobile instructor shall be present during the entire course; and~~

~~(3) OHRV or snowmobile safety courses shall include no less than 6 hours of classroom time, including the examination.~~

Fig 1508.04 Successful Completion.

~~(a) Students shall meet the following criteria for successful completion of the OHRV or snowmobile safety education program:~~

~~(1) Attend at least 5 hours of the scheduled class; and~~

~~(2) Pass a written examination with a minimum score of 70% including questions on material contained in the current safety manuals and current OHRV and snowmobile law digest.~~

~~(b) The instructor shall give the exam orally to any student who has a learning or reading disability and record the student's answers.~~

~~(c) A practical skills test to examine the riding skills shall not be required if one of the following conditions exists:~~

- ~~(1) Less than one instructor per 10 students;~~
- ~~(2) An operation area is not available;~~
- ~~(3) Severe weather conditions would jeopardize the safety of the student;~~
- ~~(4) Vehicles are not available; or~~
- ~~(5) A safe riding area is not available.~~

~~(d) Students who successfully complete the OHRV or snowmobile safety education course shall receive a certificate of completion as required by RSA 215-A:29, I (b)(1) and 215-C:49, I (b)(1).~~

~~Fis 1508.05 03 Duplicate Certificates. Duplicate certificates may be obtained by students who have successfully completed an OHRV or snowmobile safety course in the event the original certificate is lost, mutilated or destroyed, by contacting the law enforcement division of the department. Students who have successfully completed an OHRV or snowmobile safety course may obtain a duplicate certificate of completion without charge by contacting the law enforcement division of the department.~~

~~Fis 1508.06 Student Fees.~~

~~(a) No student shall be charged a fee in order to participate in the OHRV or snowmobile safety education program.~~

~~(b) No student shall be charged a fee in order to receive a duplicate certificate.~~

~~Fis 1508.07 OHRV Volunteer Instructors. Liability insurance coverage shall be provided by the department for certified volunteer instructors for conducting an OHRV or snowmobile safety course.~~

~~Fis 1508.08 Instructor Application.~~

~~(a) Applicants for OHRV or snowmobile volunteer instructor positions shall submit a prescribed instructor application form.~~

~~(b) The applicant shall submit on the form the following:~~

- ~~(1) Name, address, date of birth, sex, occupation, home and work telephone numbers and signature;~~
- ~~(2) Club affiliations; and~~

~~(3) Experience or training related to OHRV or snowmobile operation.~~

Fis 1508.09-04 Instructor Certification.

~~(a) Before being certified as an instructor for the OHRV or snowmobile safety education program, the applicant shall:~~

~~(1) Be at least 21 years of age;~~

~~(2) Pass the knowledge examination prescribed by the department with a minimum score of 80%;~~

~~(3) Be screened through the state bureau of criminal investigation records; and~~

~~(4) Be screened through the department's arrest records.~~

~~(b) Applicants who have been convicted of a felony shall not be certified. Applicants who have been convicted of a misdemeanor within the last 5 years shall not be certified; and~~

~~(c) Applicants who have been convicted of a fish and game violation within the last year shall not be certified.~~

~~(d) Certified instructors shall receive an instructor's manual, certification card, patch or emblem, and subscription to publications.~~

~~(e) Certification shall take effect upon successful completion of the requirements specified in (a) and shall be valid until the date stated on the certification card as the expiration date.~~

(a) Applicants for OHRV or snowmobile volunteer instructor positions shall provide the following information to the department:

(1) Name;

(2) Home address;

(3) Date of birth and sex;

(4) Occupation;

(5) Home and work telephone numbers and email addresses;

(6) Signature;

(7) Club affiliations; and

(8) Experience or training related to OHRV or snowmobile operation.

(b) Individuals who possess the following criteria shall be qualified and approved to sit for a written knowledge examination:

(1) The person is at least 21 years of age;

(2) A check of the state bureau of criminal investigation records and the department's arrest records shows no record of:

a. A felony conviction of any type at any time;

b. Conviction of a misdemeanor of any type within the 5 year period preceding the date of application; or

c. Conviction of a fish and game violation under Title XVIII of the New Hampshire Revised Statutes Annotated or the Fis administrative rules of the department within the last year.

(c) Qualified individuals who pass the written knowledge examination prescribed by the department with a minimum score of 80% shall be certified as instructors for a period to end upon December 31 of the next even numbered year.

(d) Certified instructors shall receive:

(1) An instructor's manual;

(2) Certification card with expiration date;

(3) A patch or emblem;

(4) An individual subscription to department publications; and

(5) Evidence of liability insurance coverage that is provided by the department for certified volunteer instructors for conducting an OHRV or snowmobile safety course.

Fis 1508.40-05 Instructor Requirements.

~~OHRV or snowmobile volunteer instructors shall be required to abide by all current OHRV and snowmobile laws and rules.~~

(a) Certified OHRV or snowmobile volunteer instructors shall:

(1) Abide by all current OHRV and snowmobile laws and rules;

- (2) Attend one or more department sponsored training sessions during the certification period, to accumulate at least 4 hours of instructor training;
- (3) Serve as a volunteer instructor in the provision of live sessions for a minimum of 10 hours per calendar year
- (4) Instruct sessions and offer all examinations in accordance with the instructor manual and the approved curriculum; and
- (5) Return all required reports to the law enforcement division in a timely manner.

Fis 1508.41-06 Instructor Re-certification.

~~Prior to the expiration date of volunteer instructor certification, an instructor shall be notified by the executive director or his designee that such certification will expire. A certified instructor shall apply for re-certification upon a form provided by the department. Such form shall verify information already provided previously by the applicant such as address and telephone number.~~

(a) Prior to the expiration date of volunteer instructor certification, an instructor shall be notified by the executive director or his designee that such certification will expire.

(b) A certified instructor seeking recertification verify in writing all information already provided previously by the applicant, such as address and telephone number, and the absence of any convictions for a felony, misdemeanor, or fish and game law or rule violation since the date of the original application or last recertification.

(c) Recertification shall be granted upon request unless the volunteer instructor has:

- (1) Been convicted of a felony, misdemeanor, or fish and game law or rule violation since the date of the original application or last recertification; or
- (2) Failed to abide by the requirements of Fis 1508.05.

Fis 1508.42-07 Instructor Certification Termination.

(a) OHRV or snowmobile volunteer instructor certification shall be revoked by the executive director for: ~~the following reasons:~~

- (1) Conviction of a felony, misdemeanor, or fish and game law or rule violation;
- (2) The ~~use~~ consumption of alcoholic beverages before or during OHRV or snowmobile safety training courses;
- (3) Physical or verbal abuse of students;

(4) Reckless or careless operation of an OHRV or snowmobile during an OHRV or snowmobile safety training course;

(5) Failure to make good payment for any service rendered by the department or its agents; ~~and or~~

(6) Failure to maintain the minimum course requirements and standards.

~~(b) Instructors who wish to terminate their OHRV or snowmobile instructor certification shall do so at any time by notifying the department orally or in writing. Instructors may notify the department in writing at any time if they wish to voluntarily terminate their OHRV or snowmobile instructor certification.~~

PART Fis 1509 RECIPROCITY

Readopt with amendments Fis 1509.01, effective 12-20-11 (Doc #10050), as amended effective 11-28-13 (Doc #10480), as amended effective 1-1-15 (Doc #10735), and as amended effective 9-30-16 (Doc #11192), to read as follows:

Fis 1509.01 Snowmobile Reciprocity.

(a) Except as specified in (c) below, only NH/VT commerce zone trails shall be open to snowmobiles displaying both:

(1) registered only in Vermont Pursuant to Vermont law, a valid Vermont Association of Snow Travelers, Inc. trails maintenance assessment decal, also known as the VAST trails pass; and except as specified in (c).

(2) A valid registration decal from any state or province.

(b) NH/VT commerce zone trails, identified with signs as such, shall consist of all legal snowmobile trails located in the towns of Lancaster, Northumberland, Stratford, Columbia, Colebrook and Stewartstown from the New Hampshire/Vermont state line east to U.S. Route 3. be as follows:

~~(1) State corridor trail 3A located in the towns of Colebrook and Stewartstown;~~

~~(2) Lancaster commerce trail in the town of Lancaster which shall start at the route 2 highway bridge on the New Hampshire/Vermont state line, state corridor trail 5, groomed snowmobile trails maintained by the Lancaster Snow Drifters and class IV, V or VI roads open to snowmobiles as prescribed in RSA 215-A:6;~~

~~(3) Northumberland commerce trail from the New Hampshire/Vermont state line at the Guidhal, Vermont highway bridge to the groomed trail between the western side of route 3 and the eastern side of the active railroad grade. The trail shall end at the crossing of state highway route 3;~~

~~(4) NH/VT commerce loop trail shall be state corridor trail 18 and 21 in the town of Colebrook, state corridor trail 5/21 in the town of Stewartstown, and state corridor trail 20 in the town of Pittsburg;~~

~~(5) From the junction of corridor trail 5 and Horan Road in Lancaster north on corridor trail 5 to the junction of corridor trail 5 and 7 in Stratford, north on corridor trail 7 to the junction of corridor trails 7 and 3 in Stratford, north on corridor trail 3 to the junction of corridor trail 3 and NH/VT corridor trail 3, the corridor trail to the Stratford, NH/Bloomfield, VT highway bridge;~~

~~(6) NH/VT commerce loop trail shall be from the Stratford, NH/Bloomfield, VT highway bridge on the NH/VT corridor trail 3 to the junction of corridor trail 3, north on corridor trail 3 to the junction of corridor trails 3 and 7 in Stratford, north on corridor trail 7 to the junction of corridor trails 7 and 7A in Columbia, north on corridor trail 7A to the junction of corridor trails 7A and 18 in Columbia and west on corridor trail 18 to the junction of 3A and 18 in Colebrook;~~

~~(7) From the intersection of corridor trails 7A, 18 and 21 in Columbia north on corridor trail 21 to the junction of corridor trails 21A and 21 in Columbia, north on corridor trail 21A in Columbia to the bridge crossing in Colebrook, NH and Canaan, VT;~~

~~(8) The feeder trail from corridor trail 7 in Columbia to state highway 3; and~~

~~(9) Corridor trail 21A from the junction of the commerce trail in Stewartstown to West Stewartstown.~~

(c) All New Hampshire snowmobile trails shall be open to snowmobiles properly displaying, pursuant to Vermont law, a valid Vermont Association of Snow Travelers, Inc. trails maintenance assessment, also known as the VAST trails pass, as well as a valid registration decal from any state or province on January 27, 25, January 28 26, and January 29 27, 2017 19 and January 26, 27, and 28 24, 25, and 26, 2018 20. These reciprocity weekends with Vermont shall be valid only if all Vermont snowmobile trails are open to all legally registered New Hampshire snowmobiles.

(d) Only NH/ME border trails shall be open to snowmobiles registered only in Maine, except as specified in (h).

(e) NH/ME border trails shall be identified with signs as such and shall be as follows:

(1) State corridor trail 19 located in the towns of Chatham and Shelburne; and

(2) State corridor trail ITS 82 and 82A coming into the town of Success.

(f) All trails in NH shall be open to snow traveling maintenance vehicles registered in Maine.

(g) All snowmobile trails shall be open to vehicles registered to agencies of the state of Maine, provided that the vehicles are used for official purposes.

(h) All New Hampshire snowmobile trails shall be open to all legally registered Maine snowmobiles on January ~~27-25~~, January ~~28-26~~, and January ~~29-27~~, ~~2017-19~~ and January ~~26, 27 and 28, 2018~~ ~~24, 25 and 26, 2020~~. This reciprocity weekend with Maine shall be valid only if all Maine snowmobile trails are open to all legally registered New Hampshire snowmobiles.

Readopt with amendments Fis 1509.02 , effective 5-22-12 (Doc #10127), to read as follows:

Fis 1509.02 Wheeled Vehicle Reciprocity.

~~(a) All wheeled-vehicle trails in the state shall be open during 2012 and 2013 to the following ATVs:~~

~~(1) Vehicles properly registered in New Hampshire as provided in RSA 215-A:21, II; and~~

~~(2) Vehicles properly registered in the state of Vermont and operated as provided in RSA 215-A:27.~~

~~(b) Trails for vehicles properly registered in the state of Vermont and operated as provided in RSA 215-A:27 shall be open from May 23 to December 1 during 2012 and 2013.~~

(a) Only NH/VT commerce zone trails shall be open to Off Highway Recreational Vehicles (OHRVs) displaying both:

(1) Pursuant to Vermont law, a valid Vermont ATV Sportsman's Association (VASA) Trail Access Decal (TAD); and

(2) A valid registration decal from any state or province.

(b) NH/VT commerce zone trails, identified with signs as such, shall consist of all legal wheeled vehicle trails located in the towns of Lancaster, Northumberland, Stratford, Columbia, Colebrook and Stewartstown from the New Hampshire/Vermont state line east to U.S. Route 3.

Readopt with amendments Fis 1510, effective 2-25-10 (Doc #9661), to read as follows:

PART Fis 1510 SOUND LEVELS OF SNOWMOBILES

Fis 1510.01 Purpose. ~~The purpose of this Part is to describe rules relative to sound level limits and test procedures to regulate sound emissions of stationary snowmobiles. Chapter 215-C:28 pertains to operational sound levels of snowmobiles. RSA 215-C:29 allows the fish and game director to adopt sound levels and test procedures not otherwise regulated in Chapter 215-C.~~

To describe sound level limits and test procedures to be used by conservation officers to detect the exhaust sound emissions of stationary snowmobiles for the purpose of enforcing RSA 215-C:28.

Fis 1510.02 Definitions.

~~(a) "Field calibration" means calibration of the sound level meter using an external sound level calibrator that will ensure the accuracy of the microphone and sound level meter.~~

~~(b) "Internal calibration" means calibration of the sound level meter by an internal oscillator or other means. The sound level meter internal calibration may be used, provided that the overall response of the sound level meter and microphone are evaluated by an external acoustic calibrator meeting the requirements of paragraph (a) (3) at the start and at the end of each test day.~~

~~(c) "Longitudinal plane of symmetry" means the plane perpendicular to the horizon with the snowmobile sitting on a level surface that is parallel to the normal direction of travel and equidistant between the skis.~~

~~(d) "Technician" means a person trained to properly collect sound levels using the procedure in this chapter.~~

(a) "Muffler" means "muffler" as defined in RSA 259:66.

(b) "Operate" means "operate: as defined in RSA 215-C:1, VIII.

(c) "Operator" means "operator" as defined in RSA 215-C:1, IX.

(d) "Snowmobile" means "snowmobile" as defined in RSA 215-C:1.

(e) "Sound level" means total noise emission from the entire snowmobile.

Fis 1510.03 Sound Level Limits for Stationary Snowmobiles.

~~(a) No person shall operate or own in this state a snowmobile manufactured after January 1, 1973, which produces a sound level while stationary:~~

~~(1) If manufactured between January 2, 1973 and June 30, 1978, inclusive, 90 dB or more when measured in accordance with Fis 1509.04; or~~

~~(2) If manufactured on or after July 1, 1978, 88 dB or more when measured in accordance with Fis 1509.04.~~

~~(b) The operator or owner of any snowmobile shall, when required by any law enforcement officer, submit his or her vehicle to a sound test conducted to the applicable provisions of Fis 1509.~~

~~(c) The provisions of paragraph (a) and (b) shall not apply to snowmobiles operated at approved snowmobile competitions or on their own property.~~

(a) No snowmobile may be manufactured, sold, offered for sale, or operated in this state which produces a sound level of more than 82 decibels of "A" sound pressure as measured using the Society of Automotive Engineers (SAE) J2567_201511 standard, as described in Appendix A attached hereto.

(b) No snowmobile may be manufactured, sold, offered for sale, or operated in this state unless it is equipped with a muffler in good working order.

(c) No person shall operate a snowmobile in this state that is equipped with a muffler cut out, by pass switch or similar device that serves to prevent exhaust gases from being received by installed muffler.

(d) The operator or owner of any snowmobile shall, when requested by any law enforcement officer, submit his or her vehicle to a sound test conducted pursuant to Fis 1510.04.

(e) The provisions of paragraph (a), (b), and (c) shall not apply to snowmobiles operated at permitted snowmobile events as defined in Fis 1501.01(d).

(f) Any OHRV that has been converted to operate on skis, tracks, or cleats, including, but not limited to a snow bike or tracked ATV, shall comply with the provisions of Fis 1511.

Fis 1510.04 Testing Procedures for Stationary Snowmobiles.

~~(a) The following instrumentation shall be used for testing stationary snowmobile sound levels:~~

~~(1) A sound level meter that conforms to Type 1, Type S1A, Type 2 or Type S2A requirements of ANSI S1.4;~~

~~(2) A microphone of the free-field type;~~

~~(3) A sound level calibrator with an accuracy of ± 0.1 dB;~~

~~(4) A windscreen which does not affect microphone response more than +1.0 dB for the frequency range of 63 to 4000 Hz and +1.5 dB for frequencies ranging from 4000 to 10000 Hz; and~~

~~(5) An engine speed tachometer or other means of determining engine speed with a steady-state accuracy of $\pm 3\%$ at the prescribed test speed.~~

~~(b) The surface of the ground within the test site area shall be grass or unpacked snow however if not available, packed snow, dirt, gravel or pavement may be used as specified in paragraph (e) (9).~~

~~(c) The test site shall be a flat, open surface free of large sound-reflecting surfaces, other than the ground, such as parked vehicles, signboards, buildings or hillsides located within 5 m (16 ft.) of the snowmobile being tested and the location of the microphone.~~

~~(d) The instrumentation shall be set or placed as follows:~~

~~(1) The sound level meter set for A-weighting network and slow dynamic response;~~

~~(2) The sound level meter calibrated and adjusted, if necessary, so that the meter reads within 0.1 dB of the true level at the microphone;~~

~~(3) The microphone located on the side of the snowmobile towards which the exhaust outlets are directed;~~

~~(4) The longitudinal axis of the microphone set in a plane parallel to the ground plane. There may be no physical attachment between the snowmobile and the microphone/sound level meter; and~~

~~(5) The microphone located at a distance of 4.00 m/ 157.5 inches from the longitudinal plane of symmetry and 1.22 m/ 48 inches above the ground plane in line with the exhaust outlet. If there is more than one exhaust outlet it shall be located with reference to the center most point of the multiple outlets.~~

~~(e) Testing procedures shall be as follows:~~

~~(1) No person other than the snowmobile operator and the person performing the sound level measurements shall be within 3 m or 10 ft of the snowmobile or the microphone. If another observer is present, he or she shall remain in a fixed position behind the sound level meter;~~

~~(2) With the snowmobile engine shut off, the technician shall observe the overall ambient sound level at the measurement location and record this level, including wind effects;~~

~~(3) The measured sound level of the snowmobile shall be at least 10 dB higher than the recorded ambient sound level determined above in (2);~~

~~(4) The snowmobile shall be operated in the following manner:~~

~~a. The snowmobile shall be parked at the test site with an operator seated in the normal operating position, and the forward traveling path of the snowmobile clear of obstructions;~~

~~b. The operator shall hold the brake throughout the test;~~

~~c. The operator shall start the engine and run until reaching normal operating temperature range, as specified by the manufacturer; and~~

~~d. While holding the snowmobile stationary by applying the brakes, the operator shall slowly open the throttle until a steady 4,000, but not less than 3,750, rpm engine speed is achieved.~~

~~(5) The technician shall measure the sound level observed during the steady state of operation at a maximum of 4,000 rpm, but not less than 3,750 rpm over a period of not less than 4 seconds. The technician shall record the average reading;~~

~~(6) Immediately following the first test, the test shall be repeated in an identical manner and a second reading shall be recorded. If the two readings are not within 2 dB, the technician shall repeat the test procedure until two readings within 2 dB are obtained;~~

~~(7) The technician shall record both sound levels and shall average the two readings;~~

~~(9) Using the average of both sound levels, the technician shall subtract 2 dB when testing on grass or unpacked snow and shall subtract 4 dB when testing on hard surfaces such as packed snow, pavement or gravel;~~

~~(10) For snowmobiles manufactured between January 2, 1973 and June 30, 1978 the level shall not exceed 90 dB after subtracting the required 2 dB or 4 dB from the averaged result;~~

~~(11) For snowmobiles that are manufactured on or after July 1, 1978, the level may not exceed 88 dB after subtracting the required 2 dB or 4 dB from the averaged result;~~

~~(12) The technician shall repeat the ambient sound level measurement; and~~

~~(13) The technician shall repeat the calibration procedure. If the calibration has shifted more than 0.2 dB, the individual test shall be deemed invalid.~~

~~(f) No person shall operate a snowmobile that is equipped with a muffler cut out, by pass switch or similar device.~~

(a) All snowmobile sound level testing procedures and equipment used to carry out those procedures shall be in accordance with the Society of Automotive Engineers Standards for Measurement of Exhaust Sound Levels of Stationary Snowmobiles, Standard J2567-201511, as described in Appendix A.

(b) Copies of the Society of Automotive Engineers Standards for Measurement of Exhaust Sound Levels of Stationary Snowmobiles, Standard J2567-201511, are available for inspection at the New Hampshire Fish and Game Department, 11 Hazen Drive, Concord, NH 03301; or for purchase at The Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 1509.

Adopt Fis 1511 to read as follows:

PART Fis 1511 SOUND LEVELS OF OHRV's

Fis 1511.01 Purpose.

To describe sound level limits and test procedures to be used by conservation officers to detect the exhaust sound emissions of ATV's UTV's, trail bikes, or any other OHRV for the purpose of enforcing RSA 215-A:12.

Fis 1511.02 Definitions.

(a) "All-Terrain Vehicle" (ATV) means "all-terrain vehicle" as defined in RSA 215-A:1, I-b.

(b) "Muffler" means "muffler" as defined in RSA 259:66.

(c) "Off Highway Recreational Vehicle" (OHRV) means "off highway recreational vehicle" as defined in RSA 215-A:1, VI.

(d) "Operate" means "operate" as defined in RSA 215-A:1, VII.

(e) "Operator" means "operator" as defined in RSA 215-A:1, VII.

(f) "Sound level" (noise) means total noise emission from the entire vehicle.

(g) "Trail Bike" means "trail bike" as defined in RSA 215-A:1, XIV.

(h) "Utility Terrain Vehicle" (UTV) means "utility terrain vehicle" as defined in RSA 215-A:1, XXIV.

Fis 1511.03 Sound Level Limits for Stationary ATVs, UTVs, Trail Bikes, and any other OHRV.

(a) No ATV, Trail Bike, UTV, or any other OHRV may be manufactured, sold, offered for sale, or operated in this state which produces a sound level of more than 96 decibels of A sound pressure when measured in accordance with the Society of Automotive Engineers (SAE) J1287-201704 standard.

(b) No ATV, Trailbike, UTV, or any other OHRV may be manufactured, sold, offered for sale, or operated in this state unless it is equipped with a muffler in good working order and with a functioning spark arrester of a type approved by the U.S. Forest Service. This paragraph shall not apply to any OHRV that is operated exclusively by means of an electric motor.

(c) No person shall operate an ATV, Trail Bike, UTV, or any other OHRV in this state that is equipped with a muffler cut out, by pass switch or similar device that serves to prevent exhaust gases from being received by the installed muffler.

(d) The operator or owner of any ATV, UTV, Trail Bike, or any other OHRV shall, when requested by any law enforcement officer, submit his or her vehicle to a sound test conducted pursuant to Fis 1511.04.

(e) The provisions of paragraphs (a), (b), (c), (d), and (e) shall not apply to ATV's, UTV's, Trail Bikes, or any other OHRV operated at permitted OHRV events as defined in Fis 1501.01(d).

Fis 1511.04 Testing Procedures for Stationary ATV, UTV, and Trail Bike Sound Levels.

(a) All OHRV sound level testing procedures and equipment used to carry out those procedures shall be in accordance with the Society of Automotive Engineers (SAE) Standards for Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, J1287- 201704 Standard as described in Appendix A attached hereto.

(b) Copies of the Society of Automotive Engineers Standards for Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, J1287- 201704 Standard, are available for inspection at the New Hampshire Fish and Game Department, 11 Hazen Drive, Concord, NH 03301 or for purchase at the Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

Appendix A Incorporation by Reference

Rule	Title	Obtain at:
Fis 1510.03(a) Fis 1510.04 (a)	Standards for Measurement of Exhaust Sound Levels of Stationary Snowmobiles Standard J2567-201511	The Society of Automotive Engineers Inc., 400 Commonwealth Drive Warrendale, PA 15096 Online at sae.org, or Call a customer service representative, Monday through Friday 8:00 am to 5:00 Eastern time 1-877-606-7323 (U.S. and Canada) 724-776-4970 (Outside the U.S. and Canada) Mail your order to: SAE Customer Service 400 Commonwealth Drive Warrendale, PA 15096-0001 Cost is \$76.00

Fis 1511.04(a)	Standards for Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, J1287- 201704 Standard	Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096 Online via sae.org, or Call a customer service representative, Monday through Friday 8:00 am to 5:00 Eastern time 1-877-606-7323 (U.S. and Canada) 724-776-4970 (Outside the U.S. and Canada) Mail your order to: SAE Customer Service 400 Commonwealth Drive Warrendale, PA 15096-0001 Cost is \$76.00
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APPENDIX

Rule(s)	State Statute (RSA) Implemented
Fis 1501.01-1503.08	RSA 215-A:21, 215-A: 23, VIII, 215-C:36, VIII
Fis 1504.01-1505.05	RSA 215-A:26; 215-C:45
Fis 1506.01	RSA 215-A:30, 215-C:50
Fis 1507.01-1507.05	RSA 215-A:21, 215-C:36
Fis 1508.01-1508.07	RSA 215-A:23, VIII; 215-C:39, VIII
Fis 1509.01-1509.02	RSA 215-A:27, 215-C:47
Fis 1510.01-1511.04	RSA 215-A:13, 215-C:29