

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Department of Environmental Management
DIVISION: Law Enforcement
RULE IDENTIFIER: 250-RICR-80-00-8; ERLID #: 591
REGULATION TITLE: Rules and Regulations Relating to Registration and Control of
Snowmobiles and Recreational Vehicles
RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before Monday, September 10, 2018 Department of Environmental Management will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice: Friday, August 10, 2018.

End of Comment Period Date: Monday, September 10, 2018.

SUMMARY OF PROPOSED RULE: The purpose of these regulations is to regulate the use of snowmobiles and recreational vehicles within the State of Rhode Island.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **Monday, September 10, 2018**, to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Jo-Anne Scorpio
Department of Environmental Management
Division of Law Enforcement
235 Promenade Street
Providence, RI 02908
Email Address: joanne.scorpio@dem.ri.gov

WHERE COMMENTS AND PROPOSED REGULATION MAY BE INSPECTED:

Mailing Address: Department of Environmental Management

Office of Customer and Technical Assistance, 2nd Floor
235 Promenade Street
Providence, RI 02908
(401) 222-6822

FOR FUTHER INFORMATION CONTACT:

Jo-Anne Scorpio
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SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation: The Department has determined that small businesses will not be adversely impacted by the proposed amendments.

Authority for This Rulemaking: R.I. Gen. Laws Chapters 31-3.2, 42-17.1, and 42-35

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment: The purpose of this amendment is to reformat the regulation in accordance with the RICR, to remove duplicative portions of the regulation, to amend provisions in the regulation that conflict with other DEM regulations, and to add a Definitions section.

The Department of Environmental Management proposes to amend 250-RICR-80-00-8. Electronic copies of the proposed rulemaking are available at the Secretary of State and DEM's website at the following web addresses:

<http://sos.ri.gov/ProposedRules/>

<http://www.dem.ri.gov/documents/regulations/index.php>

250-RICR-80-00-8

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 80 - LAW ENFORCEMENT

SUBCHAPTER 00 – N/A

PART 8 – Rules and Regulations Relating to Registration and Control of Snowmobiles and Recreational Vehicles

8.1 Authority

These regulations are adopted pursuant to R.I. Gen. Laws Chapters 42-17.1, Department of Environmental Management; ~~§Chapter~~ 31-3.2-6, [Snowmobiles and Recreational Vehicles](#); and in accordance with the procedures set forth in the R.I. Administrative Procedures Act Chapter 42-35.

8.2 Definitions

A. The following words when used in the rules shall have the following meaning:

1. “Identification certificate” means a document issued to the registered snowmobile/recreational vehicle owner that contains the assigned registration number, expiration date, instructions for notification if the vehicle is sold, lost, destroyed, or otherwise disposed.
24. “Recreational vehicle” means a motor vehicle including minibikes designed to travel over unimproved terrain and which has been determined by the Division of Motor Vehicles as unsuitable for operation on the public way and not eligible for registration for such use. This shall not be construed to include golf mobiles or golf carts, riding lawn mowers, or garden tractors, which are not registered as farm vehicles, but shall include any three (3) wheel drive vehicle and any other four (4) wheel drive vehicle, regardless of type or design, including all classes of all-terrain vehicles.
3. “Reportable accident” means ~~any event~~ an accident or incident resulting in death or personal injury, or property damage in excess of \$500 (five hundred dollars) total per accident.
42. “Snowmobile” means a motor vehicle designed to travel over ice or snow supported in whole or in part by skis, belts, cleats, or low-pressure tires.

8.3 Registration of Snowmobiles

- A. Every snowmobile, except those exempted ~~under R.I.~~under R.I. Gen. Laws § 31-3.2-2, operated within the State of Rhode Island shall be registered and numbered as hereinafter provided with the Department.
- B. The numbering system shall consist of two (2) identical, reflectorized, pre-numbered registration decals having ~~four~~ Arabic numerals ~~on each~~.
- C. The numbered registration decals shall be applied to each side of the cowling of the snowmobile for which they have been issued.
- D. The identification certificate shall be carried on the snowmobile whenever the snowmobile is in use.

8.4. Registration of Recreational Vehicles

- A. Every off-road recreational vehicle, except those exempt under R.I. Gen. Laws § 31-3.2-2, operated within the State of Rhode Island shall be registered with the Department and numbered as hereinafter provided.
- B. The numbering system shall consist of a reflectorized and pre-numbered registration decal having ~~five~~ Arabic numerals.
- C. The ~~single pre-~~numbered registration decal shall be applied to the recreational vehicle in such a place on the vehicle so it will be both conspicuous and receive the least amount of wear and tear.
- D. The identification certificate shall be carried on the recreational vehicle whenever it is in use.

8.5 Application for Registration

- A. The application for an identification certificate for snowmobiles and recreational vehicles shall include, but not be limited to, the following:
 - 1. Make of vehicle
 - 2. Year built
 - 3. Frame or body number
 - 4. Type of vehicle
 - 5. Engine make
 - 6. Engine serial number

7. Fees
 8. Maximum capacity of vehicle
 9. Horsepower or cc of engine
 10. Color
 11. Name, address, and date of birth of owner
 12. Signature of owner
 13. From whom vehicle was acquired
- B. The identification certificate shall contain, in addition to ~~the above §§ 8.5(A)(1) through (-13) (1) of this Part~~, the registration number assigned and the expiration date. ~~It shall also contain instructions for notification if vehicle is sold, lost, destroyed, or otherwise disposed of.~~
- C. Proof of ownership of a snowmobile or recreational vehicle is required for registration.

8.6 Duration of Registration

The identification certificate and the number assigned shall expire at midnight on the 31st day of October each year.

8.7 Lost, Destroyed, Stolen or Abandoned, Snowmobiles or Recreational Vehicles

- A. The owner shall report and surrender the identification certificate to the Department within 15 (~~15~~ **fifteen**) days after the loss, destruction, theft, abandonment of the snowmobile or recreational vehicle. The assigned number shall be held for one (1) year; and if another vehicle is not obtained and registered within that period, the number may be reassigned to someone else.
- B. Sold or Traded Snowmobiles or Recreational Vehicles
1. If the vehicle is sold or traded the reflectorized validation decals shall be removed or otherwise destroyed and within 15 (fifteen) days the Department shall be notified of the name and address of the **person(s)** ~~person or persons~~ to whom the vehicle was sold or traded.
- C. Lost or Destroyed Identification Certificate
1. In the event that an identification certificate should become lost, destroyed, or stolen, the owner of the registered snowmobile or recreational vehicle shall report to the Department forthwith the loss or

destruction and may obtain a duplicate by making an application to the Department upon payment of a fee of \$1.00 (one dollar).- If the lost or stolen certificate is subsequently recovered, the owner shall surrender it within 15 (fifteen) days to the Department.

D. Change of Address

1. The owner shall report in writing to the Department within 15 (fifteen) days of any change of address. The owner shall also note such changes on the identification certificate.

8.8 Rental **Snowmobiles**

A. _____ The registration and numbering requirements of this part shall apply to rental snowmobiles.

B. _____ Rental snowmobile and/or recreational vehicle owners shall keep or cause to be kept a record of the date and time a snowmobile or recreational vehicle is rented, the registration number of said vehicle, and the name and address of the person renting it. This record shall be kept for a period of at least six (6) months and shall be available for inspection at reasonable times upon request by the Department or a representative thereof.

8.9 Temporary Operation of Newly acquired Snowmobiles or Recreational Vehicles

An individual purchasing a new or used snowmobile or recreational vehicle may operate said vehicle for a period not to exceed ten (10) days without it being numbered in accordance with this act provided §§ 8.3 and 8.4 ~~8.9(1)~~ 8.9 of this Part; however, that the operator shall have in his or her possession the bill of sale for said vehicle which shall contain the date of the sale.

8.10 Dealer Registration -

Procedure for Issuance of Dealer Registration

- A. A dealer seeking to register a snowmobile or recreational vehicle with the Department shall make an application on the same form as provided in Part I, Subsection 3 § 8.5 of this Part checking the circle marked "Dealer". Information pertaining to vehicle identification is not required.
- B. After investigation and acceptance of the application, the Department shall assign a distinguishing dealer identification number and certificate. Dealer identification certificate must be displayed in a conspicuous place in the registrant's place of business.

- C. The Department will issue ~~to~~ the dealer three (3) reflectorized pre-numbered registration decals, each bearing the same identical numbers. These decals will consist of three (3) Arabic numerals followed by a letter "D" suffix.
1. The dealer shall mount these on wood, metal, or other durable material. Under ordinary circumstances, ~~are~~ they are to be directly applied directly to a the recreational vehicle.
 2. Snowmobiles or recreational vehicles being demonstrated or tested shall have one (1) of these mounted decals tied or otherwise not permanently affixed to the vehicle.

8.11 ~~SNOWMOBILES AND RECREATIONAL VEHICLES~~ Required Equipment

- A. Brakes - Every snowmobile or recreational vehicle shall have at least one (1) brake which may be operated by hand or foot and which is adequate to control and stop the vehicle within a straight 12 (twelve) foot- feet-wide path or lane when decelerating.
- B. Deflector on snowmobiles - Every snowmobile shall be equipped with a device mounted forward of the operator that will deflect wind, snow, and/or small flying objects from the body and face of the operator.
- C. ~~Headlamps and Tail Lamps~~Lights - Every snowmobile or recreational vehicle being operated across public highways, or between the hours of sunset and sunrise, shall be equipped with at least one (1) white or amber headlamp of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet (one hundred) ahead, as well as, a lighted tail lamp as provided in R.-I. Gen. Laws § 31-24-710 during the hours of darkness under normal atmospheric conditions or unfavorable atmospheric conditions caused by snow, fog, or otherwise, while the motor is running.
- D. Mufflers - Every snowmobile or recreational vehicle shall be equipped with a muffler to control excessive noise. ~~After June 1, 1972 no new snowmobiles or recreational vehicles may be sold or offered for sale unless the muffler limits engine noise to no more than 82 decibels on a scale at 50 ft. After June 1, 1974~~ The muffler system must limit engine noise to no more than 73 decibels.
- E. Reflectorized Material - ~~Every recreational vehicle shall be equipped with 16 square inches of reflectorized material on each side of the vehicle forward of the handle bars. In accordance with R.I. Gen. Laws § 31-3.2-7(a)(3),~~ This material shall be placed on the vehicle in such a manner that it reflects light being directed upon the vehicle from either side. Every snowmobile and recreational vehicle being operated across a street or highway shall be equipped with a red reflector on the rear of the vehicle, of such size to be visible at night time from all distances within 500 feet to 50 feet from the vehicle when directly in front of

lawful upper beams of headlamps. A separate reflector is not required if the tail light itself is reflectorized.

- F. Towing - The towing of sleds or trailers is allowed only with a standard solid hitch.

8.12 ~~Snowmobile and Recreational Vehicles~~-Accident Reporting Reports

- A. It shall be the duty of the operator of a snowmobile or recreational vehicle involved in any accident as defined ~~herein~~ in § 8.12(C) of this Part, so far as he ~~or she~~ can do so to render to other persons affected by said accident such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the occurrence.
- B. The operator of any snowmobile or recreational vehicle involved in any accident shall stop and exhibit his ~~or her~~ identification certificate if he ~~or she~~ is required to have one, give said his-name, address and the identification number of ~~the his~~ vehicle, in writing, to any person injured and to the operator or owner of any snowmobile, recreational vehicle or property damaged. In the event the person injured or the owner of property damaged cannot be located at the place where the accident occurred, then said information and a description of the accident shall be reported by the operator of the vehicle, within 24 hours, to the nearest police officer or law enforcement agency.
- C. The operator of every snowmobile or recreational vehicle involved in any reportable accident ~~as defined in § 8.2(A)(3) as defined herein § 8.12 of this Part~~, shall within seven (7) days, file a complete written report and description of the accident as provided ~~below in § 8.12(F) of this Part~~. ~~A reportable accident is one resulting in death or personal injury causing incapacitation for more than 72 hours, or property damage in excess of \$100 (one hundred dollars) total per accident.~~
- D. Accidents shall be reported on forms provided by the Department of Environmental Management for that purpose. Forms may be obtained ~~at any police station or office of the Department~~ from the Department, Division of Law Enforcement.
- E. Accident reports are to be filed with the ~~D~~department and a copy thereof shall be filed with the local enforcement agency in ~~whose the~~ jurisdiction ~~that~~ the accident occurred.
- F. Every written report shall contain, but not be limited to, the following information:
1. Number of snowmobiles or recreational vehicles involved

2. Locality where accident occurred
3. Time and date when accident occurred
4. Name, address, age, and snowmobile or recreational vehicle operating experience
5. Weather conditions at the time of accident
6. Name and address of operator of other vehicles involved
7. Name and address of owners of snowmobiles, recreational vehicles, or property involved
8. Name and address of any person injured or killed
9. Nature and extent of injury to any person or persons
10. Description of damage to property and estimated cost of repairs
11. Description of accident
12. Make, year built, type of snowmobile or recreational vehicle
13. Name and address of all known witnesses
14. Type of accident
15. Signature of persons reporting
16. Registration numbers of vehicles involved
17. Motor vehicle operator's license number, if any
18. Name of insurance company

G. Police Reporting

1. Any ~~employee-officer~~ of an enforcement agency who investigates or receives information of an accident involving a snowmobile or recreational vehicle, shall ~~complete make~~ a written report of the investigation or information received, and such additional facts relating to the accident as may come to his ~~or her~~ knowledge and mail the same within 48 hours to the Department, keeping a record of same in ~~his-said~~ office.
2. Where a serious injury or death has resulted from such accident, the investigating officer may delay mailing ~~his said~~ report to the Department pending a final determination as to the condition of the injured person or

persons; however, in such cases the investigating officer or his or her superior must promptly notify the Department ~~by telephone, teletype or in writing of such delay and the reason therefore~~ indicating the reason for delay. ~~The Said written~~ report is to be filed not later than seven (7) days after the accident.

8.13 Use of Snowmobiles and Recreational Vehicles on Public Lands Under the Jurisdiction of the Director of the Department of Environmental Management

A. See §§ 100-00-1.22 and 100-00-1.27 of this Title for hours when and Areas Where Snowmobiles operation areis pPermitted.

~~—Snowmobiling is permitted only on designated snowmobile trails in the following areas:~~

~~1. Bristol County:~~

~~a. Colt State Park~~

~~2. Kent County:~~

~~a. Beach Pond State Park~~

~~b. Big River Reservoir Acquisition Area~~

~~c. Wickabonet Management Area~~

~~3. Providence County:~~

~~a. Black Hut Management Area~~

~~b. Buck Hill Management Area~~

~~c. Durfee Hill Management Area~~

~~d. George Washington Management Area~~

~~e. Lincoln Woods State Park~~

~~f. Pulaski State Park~~

~~g. Snake Den State Park (Interim Management Area)~~

~~4. Washington County:~~

~~a. Arcadia Management Area~~

~~b. Arcadia State Park~~

c. ~~Burlingame State Park~~

d. ~~Carolina Management Area~~

e. ~~Indian Cedar Swamp Management Area~~

f. ~~Rockville Management Area~~

B. Areas Where and Hours When ~~Other~~ Recreational Vehicles are Permitted - Recreational vehicles are permitted only on designated trails in the following areas:

1. Bristol County:

a. Colt State Park

2. Kent County:

a. Beach Pond State Park

b. Big River Reservoir Acquisition Area

c. Wickaboxet Management Area

3. Providence County:

a. Black Hut Management Area - exclusive of portion south of Spring Lake Rd.

b. Buck Hill Management Area

c. Durfee Hill Management Area - exclusive of Manfred Young section

d. George Washington Management Area

e. Lincoln Woods State Park

f. Pulaski State Park

g. Snake Den State Park

h. Diamond Hill State Park - from Saturday after Labor Day until skiing season. Then after skiing season to Memorial Day - parking lot only

4. Washington County:

a. Arcadia Management Area

b. Arcadia State Park

- c. Burlingame Management Area
- d. Burlingame State Park
- e. Carolina Management Area - exclusive of portion south of Pine Hill Road
- f. Ninigret Conservation Area - on beachfront and designated - sand road only from Labor Day to the day before Memorial Day
- g. Rockville Management Area
- h. Roger Wheeler Memorial State Beach parking lot - from Saturday after Labor Day to day before Memorial Day
- i. Scarborough State Beach parking lot - from Saturday after Labor Day to day before Memorial Day

5. The same hours applicable to snowmobiles in §§ 100-00-1.22 and 100-00-1.27 of this Title shall apply to recreational vehicles, but the buddy system shall not be required unless snow covers the ground.

~~C. Protective Equipment Required~~

- ~~1. The operator of every snowmobile or recreational vehicle shall wear while the vehicle is in operation a protective safety helmet of the type with a face guard meeting the standards set forth for motorcycles and motorized bicycles approved by the administrator of the Division Registry of Motor Vehicles for motorcycle operators as provided in R. I. Gen Laws § 31-3.2-7(a)(4)(ii).~~
- ~~2. The towing of sleds or trailers is allowed only with a standard solid hitch; no ropes.~~

C. Prohibitive Operation During Certain Seasons

- 1. All snowmobiles and recreational vehicles are prohibited from management areas during ~~the hunting hours of the~~ shot-gun deer seasons.
- 2. Trails for snowmobiles and/or recreational vehicles may be closed without notice where conditions warrant. ~~It There~~ may include, but not be limited to, periods of high or extreme forest-fire danger, erosion or other physical damage, excessive harassment of wildlife populations, etc.

~~E. Carrying of Firearms Prohibited~~

- ~~1. The carrying of any firearm or bow and arrow in or upon any snowmobile or recreational vehicle or its attachments are prohibited. § 8.13(E) of this Part will not apply to any sworn enforcement officer carrying firearms in the course of duty.~~

~~F. Operation at Night~~

- ~~1. Snowmobiling is permitted only in referenced areas as defined in § 8.13(A)(1) through (4) of this Part during the period from one-half hour before sunrise to 11 o'clock P.M. During the period from one-half hour after sunset to 11 o'clock P.M., a minimum of two (2) snowmobiles must be in operation together (Buddy-system).~~
- ~~2. The same hours shall apply to other recreational vehicles, but the buddy system shall not be required unless snow covers the ground.~~

D. Organized Race or Rally

1. A written permit from the Director of the Department must be acquired for any organized activity such as a race or rally.

E. Youthful Operator

1. No person under 12 (twelve) years of age shall operate any snowmobile or recreational vehicle on property under the jurisdiction of the Department ~~of Environmental Management~~. Those persons over 12 (twelve) years of age but under 16 (sixteen) years of age will have completed the required safety course and shall be accompanied by an adult who shall be liable ~~according to law~~ according to R. I. Gen. Law § 31-3.2-11 for personal injury or property damage to others which may result from such operation.

F. Other Restrictions

- ~~1. Snowmobiles and recreational vehicles shall grant the right-of-way to all pedestrians, horses, and vehicular traffic when crossing roads in sState areas.~~

1. Horses are restricted from the use of trails designated for recreational vehicles other than those trails designated for snowmobiles exclusively.

~~SNOWMOBILE AND RECREATIONAL VEHICLES REGULATIONS PERTAINING TO GAME AND FISH RESOURCES~~

G. Harassment of Game

1. Snowmobiles or recreational vehicles shall not be operated at any time in any manner intended to or reasonably be expected to harass, drive, or pursue any wildlife.

~~REGULATIONS COVERING OPERATION OF SNOWMOBILES AND RECREATIONAL VEHICLES ON STREETS AND HIGHWAYS~~

~~K. Reflector Required on Back of Vehicle~~

- ~~1. Every snowmobile and recreational vehicle being operated across a street or highway shall be equipped with a red reflector on the rear of the vehicle, of such size to be visible at night time from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. A separate reflector is not required if the tail light itself is reflectorized.~~

H. Emergency Vehicles

1. Snowmobiles and recreational vehicles of police and fire departments, municipal departments, or public service corporations, shall be allowed to operate on streets and highways in the performance of their official duties.