

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1196

Introduced by

Representatives Nelson, Delmore, Weisz

Senators Christmann, Heitkamp

1 A BILL for an Act to create and enact a new section to chapter 39-29 of the North Dakota
2 Century Code, relating to all-terrain vehicles registered as motorcycles; to amend and reenact
3 sections 39-29-09 and 39-29-12 of the North Dakota Century Code, relating to the operation of
4 all-terrain vehicles; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 39-29 of the North Dakota Century Code is
7 created and enacted as follows:

8 **All-terrain vehicle licensed as motorcycle.** An all-terrain vehicle with four or more
9 wheels and with a combustion engine having a piston or rotor displacement of two hundred
10 cubic centimeters or more may be registered as a three-wheeled motorcycle under chapter
11 39-04 to be used on a highway. Before being registered, the all-terrain vehicle must meet the
12 necessary light, brake, and other vehicle accessory requirements for a motorcycle that are
13 applicable to a three-wheeled motorcycle if appropriate.

14 **SECTION 2. AMENDMENT.** Section 39-29-09 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-29-09. Operation of all-terrain vehicles.**

- 17 1. Except in an emergency, an individual may not operate a registered or
18 unregistered all-terrain vehicle on an interstate or United States highway system.
19 2. ~~A person~~ An individual may not operate an unregistered all-terrain vehicle on the
20 roadway, shoulder, or inside bank or slope of any road, street, or highway except
21 as provided in this chapter. ~~Except in emergencies, a person may not operate an~~
22 ~~all-terrain vehicle within the right of way of any controlled access highway.~~
23 ~~2.~~ 3. The operator of an all-terrain vehicle may make a direct crossing of a street or
24 highway only if:

- a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
- b. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
- c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
- d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.

~~3.~~ 4. ~~A person~~ An individual may not operate an all-terrain vehicle unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the director of the department of transportation, except when under the direct supervision of an all-terrain vehicle instructor teaching a certified all-terrain vehicle safety training course, the requirement for a headlamp and taillamp may be waived.

~~4.~~ 5. The emergency conditions under which an all-terrain vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.

~~5.~~ 6. ~~A person~~ An individual may not operate an all-terrain vehicle in the following ways, which are declared to be unsafe and a public nuisance:

- a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
- c. While under the influence of intoxicating liquor or a controlled substance.
- d. Without a lighted headlamp and taillamp except when used by an all-terrain vehicle instructor during a certified all-terrain vehicle safety training course.
- e. In any tree nursery or planting in a manner which damages growing stock.
- f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the all-terrain vehicle's exhaust system.

g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.

~~6- 7.~~ Except as provided in section 39-29-10, ~~a person~~ an individual may not operate an all-terrain vehicle without having in possession a valid driver's license or permit.

~~7- 8.~~ When an all-terrain vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the all-terrain vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the all-terrain vehicle.

~~8- 9.~~ ~~A person~~ An individual may not operate an all-terrain vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the all-terrain vehicle by a hinged swivel and secure hitch.

~~9- 10.~~ Helmet required. ~~No person~~ An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an all-terrain vehicle unless the ~~person~~ individual wears a safety helmet meeting United States department of transportation standards.

~~10- 11.~~ Passenger restrictions. ~~No~~ An operator of an all-terrain vehicle may not carry a passenger while operating.

SECTION 3. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties. Violation of subsection 1 of section 39-29-09 is an infraction.
Violation of subsection 2 of section 39-29-09 is an infraction for which a fee of fifty dollars must be assessed. Violation of subdivision b, c, or g of subsection ~~5~~ 6 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the ~~person~~ individual provides proof of registration

- 1 since the violation, the fee may be reduced by one-half. Violation of any other provision of this
- 2 chapter is an infraction, for which a fee of ten dollars must be assessed.