

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1295

Introduced by

Representatives Kempenich, DeKrey, Heller, Vig

Senators Klein, Miller

1 A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 39-06-14,
2 subsection 3 of section 39-27-05, subsection 2 of section 39-29-01, and subsection 1 of section
3 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles.

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

5 **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 c. A driver with a class M license may operate any motor vehicle having a seat
8 or saddle for the use of the rider and designed to travel on not more than
9 three wheels in contact with the ground, but excluding motorized bicycles;
10 ~~and tractors, and vehicles on which the operator or passengers, or both, ride~~
11 ~~within an enclosed cab.~~ A class M vehicle may not be operated under a
12 class A, B, C, or D license.

13 (1) The holder of a class A, B, C, or D license may receive a class M
14 endorsement upon successful completion of an examination. The
15 director may waive the skill portion of the examination if the applicant
16 has successfully completed a motorcycle safety course approved by
17 the director.

18 (2) An applicant sixteen years of age and older, who does not hold a
19 current valid operator's license may be issued a class M learner's
20 permit after successful completion of a written examination. The
21 class M license will be issued after the applicant has successfully
22 completed a driver's examination. The director may waive the skill
23 portion of the examination if the applicant has successfully completed a
24 motorcycle safety course approved by the director.

(3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

SECTION 2. AMENDMENT. Subsection 3 of section 39-27-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

SECTION 3. AMENDMENT. Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:

- a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
- b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
- c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.
- d. Class IV off-highway vehicle weighs more than six hundred pounds [272.16 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering device for the front wheel steering control, excluding motorcycles, and is capable of traveling sixty-five miles [104.61 kilometers] per hour.
- e. Class V off-highway vehicle weighs more than one thousand pounds [453.59 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering wheel for front steering control, is capable of traveling seventy-five miles [120.70 kilometers] per hour and has safety equipment installed as listed in chapter 39-21.

SECTION 4. AMENDMENT. Subsection 1 of section 39-29-09 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51

1 kilometers] per hour. A licensed driver over sixteen years of age may operate a
2 registered class III off-highway vehicle on a paved highway designated and posted
3 at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. Only
4 individuals with a valid class D operator's license may operate a class IV or class V
5 off-highway vehicle.