

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1351

Introduced by

Representatives Owens, Dahl, Kreun, Delmore

1 A BILL for an Act to amend and reenact section 39-24.1-07 of the North Dakota Century Code,
2 relating to the penalty for operating a snowmobile while under the influence of alcohol or drugs
3 in a city.

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

5 **SECTION 1. AMENDMENT.** Section 39-24.1-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-24.1-07. Criminal penalties for operating snowmobile while having alcohol or drug**
8 **concentrations.**

9 1. Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the
10 court shall impose the following minimum penalties:

11 ~~4.~~ a. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record
12 indicates that, within the five years preceding the date of the offense, the person
13 has not violated subdivision c of subsection 5 of section 39-24-09 or the person
14 has not been prohibited from operating a snowmobile under this chapter, the
15 offense is an infraction. The court shall impose a minimum fine of two hundred
16 fifty dollars and, as a condition of that person's probation, shall prohibit that
17 person from operating a snowmobile on all public land or private land with public
18 access for sixty days within the snowmobile season that runs from December first
19 through April first.

20 ~~2.~~ b. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record
21 indicates that, within the five years preceding the date of the offense, the person
22 has one violation of subdivision c of subsection 5 of section 39-24-09 or the
23 person has once been prohibited from operating a snowmobile under this
24 chapter, the offense is an infraction. The court shall impose a minimum fine of

1 three hundred fifty dollars and, as a condition of that person's probation, shall
2 prohibit that person from operating a snowmobile on all public land or private land
3 with public access for one year from the date of the sentence.

4 ~~3.~~ c. If the person's record indicates that, within the five years preceding the date of
5 the offense, the person has two violations of subdivision c of subsection 5 of
6 section 39-24-09 or the person has twice been prohibited from operating a
7 snowmobile under this chapter, the offense is a class B misdemeanor. The court
8 shall impose a minimum fine of four hundred fifty dollars and, as a condition of
9 that person's probation, shall prohibit that person from operating a snowmobile
10 on all public land or private land with public access for two years from the date of
11 the sentence.

12 2. A city may enact an ordinance with penal language that supersedes the penal
13 language in this section. However, the city is limited to the maximum penalty of a
14 class B misdemeanor.