

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2139

Introduced by

Senators Larsen, Armstrong

(At the request of the Parks and Recreation Department)

1 A BILL for an Act to create and enact two new sections to chapter 39-24 of the North Dakota
2 Century Code, relating to accidents and liability; to amend and reenact sections ~~39-05-02.2,~~
3 ~~39-24-01,~~ 39-24-02, ~~39-24-03,~~ 39-24-03.1, ~~39-24-04,~~ ~~39-24-05,~~ ~~39-24-06,~~ 39-24-07, 39-24-08,
4 39-24-09, 39-24-09.1, 39-24-10, and 39-24-11, and subsection 2 of section 57-40.3-01 of the
5 North Dakota Century Code, relating to the licensing of snowmobiles; to provide a penalty; and
6 to provide an effective date.

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

8 ~~— **SECTION 1. AMENDMENT.** Section 39-05-02.2 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **39-05-02.2. Exclusions from the certificate of title requirement.**~~

11 ~~— A certificate of title need not be obtained for:~~

12 ~~— 1. A vehicle owned by the United States unless it is registered in this state.~~

13 ~~— 2. A vehicle owned by a manufacturer or dealer and held for sale, even if incidentally~~
14 ~~moved on the highway or used for purposes of testing or demonstration, or a vehicle~~
15 ~~used by a manufacturer solely for testing.~~

16 ~~— 3. A vehicle owned by a nonresident of this state and not required by law to be registered~~
17 ~~in this state.~~

18 ~~— 4. A vehicle regularly engaged in interstate transportation of persons or property which is~~
19 ~~registered in accordance with the international registration plan and for which a~~
20 ~~currently effective certificate of title has been issued in another state that has a~~
21 ~~reciprocal excise tax agreement with this state.~~

22 ~~— 5. A vehicle moved solely by human or animal power.~~

23 ~~— 6. Implements of husbandry.~~

24 ~~— 7. Special mobile equipment.~~

~~8. A self-propelled wheelchair or tricycle for a mobility-impaired individual.~~

~~9. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The vehicle shall cross the highway at an angle of approximately ninety degrees to the direction of the highway.~~

~~10. Other vehicles not required to be registered in this state or not required to display distinctive plates.~~

~~11. A manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied.~~

~~12. A snowmobile as defined in section 39-24-01.~~

~~**SECTION 2. AMENDMENT.** Section 39-24-01 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**39-24-01. Definitions.**~~

~~For the purposes of this chapter:~~

~~1. "Collector snowmobile" means a snowmobile that is twenty-five years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely as a collector's item.~~

~~2. "Dealer" means a person engaged in the business of buying, selling, or exchanging snowmobiles, who advertises or holds out to the public as being engaged in the buying, selling, or exchanging of snowmobiles, or who engages in the buying of snowmobiles for resale.~~

~~3. "License" means the act of assigning a license number to a snowmobile.~~

~~4. "Operate" means to ride in or on and control the operation of a snowmobile.~~

~~4.5. "Operator" means every person who operates or is in actual physical control of a snowmobile.~~

~~5.6. "Owner" means a person, other than a lienholder, having the property in or title to a snowmobile and who is entitled to the use or possession of that snowmobile.~~

~~6. "Register" means the act of assigning a registration number to a snowmobile.~~

~~7. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.~~

~~8. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds.~~

~~[544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. The term does not include an off-highway vehicle as defined in chapter 39-29 converted to operate on tracks.~~

SECTION 1. AMENDMENT. Section 39-24-02 of the North Dakota Century Code is amended and reenacted as follows:

39-24-02. Snowmobile ~~registration~~licensing - Title certificateIdentification numbers - General requirements.

1. Except as hereinafter~~otherwise~~ provided in this section, ~~no~~a person may not operate or give permission to operate any snowmobile unless the snowmobile has been ~~registered~~numbered and licensed in accordance with the provisions of this chapter.
2. Any snowmobile purchased after July 1, 1973, must be titled under the provisions of chapter 39-05~~numbered and licensed~~ in order to be operated under the provisions of this section. Any snowmobile purchased ~~prior to~~before July 1, 1973, may be titled under the provisions of chapter 39-05~~numbered and licensed~~.

~~**SECTION 4. AMENDMENT.** Section 39-24-03 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**39-24-03. Registration -- Application -- Issuance -- Fees -- Renewal.**~~

- ~~1. Application for registration~~a license ~~must be made to the parks and recreation department in a form as the parks and recreation department shall prescribe and furnish and must state the name and address of every owner of the snowmobile and be signed by at least one owner. A copy of the application must be carried on the person when operating and shall serve as evidence of registration~~a recent and current license for a period of not more than thirty days from the date of application.
- ~~2. Upon receipt of the application in approved form and the appropriate fee, the parks and recreation department shall register~~arecord the application and issue the applicant a license with an identification number awarded the snowmobile and assign a registration number and a certificate of registration. The registration~~owner shall securely attach to each side of the snowmobile the identification number must be at least one and one-half inches [3.81 centimeters] in height and of a reflectorized material and must be securely affixed on each side of the snowmobile in a position as~~

to provide clear legibility for identification. The certificate of registration license must include information regarding the make, year, serial number, and name and address of the owner. The fee for registration licensing of each snowmobile must be five dollars for any portion of the registration licensing period and the registration licensing period is for two years beginning October first of each odd-numbered year. The fee for a duplicate or replacement registration license identification number or registration license card which or decal that is lost, mutilated, or becomes illegible may not exceed five dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there must be assessed a fee of one dollar per year for each snowmobile registered licensed, which must be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there must be assessed a snowmobile trail tax in the amount of thirty-five dollars.

~~3. Every owner of a snowmobile shall renew the registration license in a manner as the parks and recreation department shall prescribe, upon payment of the same registration licensing fees provided in this section.~~

~~4. Upon application for registration a license as prescribed in this section, any snowmobile dealer as defined in section 39-24-01 must be issued registration license identification numbers distinctively marked as dealer's registration license identification numbers upon payment of the appropriate fee as prescribed in this section. The dealer's registration license identification numbers must be used only on snowmobiles owned by the dealership.~~

~~5. While operating a snowmobile, the identification number awarded to a snowmobile dealer must be properly displayed and valid.~~

SECTION 2. AMENDMENT. Section 39-24-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-24-03.1. Snowmobile safety fees.

Upon the sale of a new or used snowmobile and in addition to other fees and taxes imposed under section 39-24-03, a dealer shall collect a five dollar safety fee from the buyer. Within fifteen days after the end of each calendar quarter, the dealer shall file a report with the parks and recreation department which discloses the number of snowmobiles sold during that calendar quarter and includes fees collected from the buyer. Fees imposed under this section

1 must be deposited in the state snowmobile fund established under section 39-24-05. The parks
2 and recreation department may use these funds solely for snowmobile safety education and
3 promotion. The parks and recreation department shall report to the director within thirty days of
4 the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted
5 a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting
6 or transmitting snowmobile safety fees.

7 **SECTION 6. AMENDMENT.** ~~Section 39-24-04 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— 39-24-04. Exemption from registration license — Exemption from fees.~~

10 ~~— 1. A registration license number must be issued without the payment of a fee for~~
11 ~~snowmobiles owned by the state of North Dakota or any of its political subdivisions~~
12 ~~upon application for the registration.~~

13 ~~— 2. No registration A license or fees fee may not be required of:~~

14 ~~— a. Snowmobiles owned and used by the United States or another state or its~~
15 ~~political subdivisions.~~

16 ~~— b. Snowmobiles registered or licensed in a country other than the United States and~~
17 ~~temporarily used within this state.~~

18 ~~— c. Snowmobiles validly licensed in another state and which have not been within~~
19 ~~this state for more than thirty consecutive days.~~

20 ~~— d. Snowmobiles operated solely upon lands owned or leased by the snowmobile~~
21 ~~owner.~~

22 ~~— e. Snowmobiles incapable of speeds in excess of ten miles per hour and with an~~
23 ~~engine displacement of less than one hundred cubic centimeters.~~

24 ~~— f. Collector snowmobiles. The director of the parks and recreation department may~~
25 ~~issue a special permit to a person to operate in a parade; organized group~~
26 ~~outings, including races, rallies, or other promotional events; and for up to~~
27 ~~ten days each year for personal transportation. The director of the parks and~~
28 ~~recreation department may impose a reasonable restriction of a permittee and~~
29 ~~may revoke, amend, suspend, or modify a permit for cause.~~

30 ~~— 3. If a snowmobile is exempt from registration licensing under subdivision b or c of~~
31 ~~subsection 2, the owner is required to purchase an out-of-state public trails and lands~~

access permit received upon payment of a fifteen-dollar per year fee. The permit must be in the operator's possession when that individual is operating the snowmobile within the state. Dealers or other agents authorized by the director of the parks and recreation department who sell out-of-state public trails and lands access permits may retain one dollar of the fifteen-dollar per year fee and the remainder of the fees collected under this subsection must be deposited in the state snowmobile fund.

— **SECTION 7. AMENDMENT.** Section 39-24-05 of the North Dakota Century Code is amended and reenacted as follows:

— **39-24-05. Disposition of registration license fees and trail tax – Transfer from highway tax distribution fund.**

— Fees from registration licensing of snowmobiles must be deposited with the state treasurer and credited to the highway tax distribution fund who shall credit the funds to the parks and recreation department to pay for the costs of administering this chapter. The assessed snowmobile trail tax license fee must be deposited in a state snowmobile fund in the state treasury. Additionally, an amount equal to the tax collected on thirty gallons [113.56 liters] of motor vehicle fuel multiplied by the number of collector snowmobiles and snowmobiles registered licensed under this chapter must be transferred annually from the highway tax distribution fund, before allocation of the fund under section 54-27-19, and credited to the state snowmobile fund. The parks and recreation department may, upon appropriation by the legislative assembly, expend from such the fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities and programs.

— **SECTION 8. AMENDMENT.** Section 39-24-06 of the North Dakota Century Code is amended and reenacted as follows:

— **39-24-06. Transfer or termination of snowmobile ownership or change of address of owner.**

— Within fifteen days after the transfer of ownership, or any part thereof of ownership, other than a security interest, or the theft, destruction, or abandonment of any snowmobile, or a change of address of the owner as listed with the application for registration license, written notice thereof of the transfer of any of these changes must be given by the owner to the director of the parks and recreation department in such a form as must be prescribed by the director of

~~the parks and recreation department. The transfer, theft, destruction, or abandonment terminates the certificate of number and license for the snowmobile except that, in the case of a transfer of a part interest which does not affect the owner's right to operate the snowmobile, the transfer does not terminate the identification number and license.~~

SECTION 3. AMENDMENT. Section 39-24-07 of the North Dakota Century Code is amended and reenacted as follows:

39-24-07. Licensing by political subdivisions.

~~No~~A political subdivision of this state may not require licensing or other registration of snowmobiles subject to the provisions of this chapter.

SECTION 4. AMENDMENT. Section 39-24-08 of the North Dakota Century Code is amended and reenacted as follows:

39-24-08. Rules and regulations.

~~Pursuant to this code and this chapter, rules~~Rules for the regulation and use of snowmobiles must be adopted as follows:

1. The director ~~of the parks and recreation department~~ shall adopt rules for the registration~~licensing~~ of snowmobiles and display of registration~~licensing identification~~ numbers ~~as to provide clear legibility for identification~~.
2. The director of the department of transportation has the authority in the interest of public health, welfare, and safety to regulate, restrict, or prohibit, by rule, the operation of snowmobiles on those highways under the ~~director's jurisdiction~~ of the director of the department of transportation. The ~~director's authority~~ of the director of the department of transportation to prohibit the use of snowmobiles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in section 39-08-03.1, the director of the department of transportation may, on a case-by-case basis, permit organized and bona fide snowmobile races on the ditch bottoms, backslopes, and the top of the backslopes of the highway rights of way under the ~~director's jurisdiction~~ of the director of the department of transportation. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the permittee. It is expressly provided that the director of the

1 department of transportation, and the transportation department and the employees
2 thereof, shall incur no liability whatsoever for permitting such races.

3 3. The director of the parks and recreation department shall adopt rules for regulating
4 use of snowmobiles in state parks and other state-owned land under the supervision
5 of the director of the parks and recreation department.

6 4. The governing bodies of political subdivisions shall promulgate rules and regulations
7 for regulating use of snowmobiles in recreation and other appropriate areas under
8 their jurisdiction. The governing bodies of cities may, by ordinance, regulate, restrict,
9 and prohibit the use of snowmobiles when operated within the exclusive jurisdiction of
10 cities.

11 **SECTION 5. AMENDMENT.** Section 39-24-09 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-24-09. Rules for operation of snowmobiles.**

14 1. ~~No~~A person may not operate a snowmobile upon the roadway, shoulder, or inside
15 bank or slope of any road, street, or highway in this state except as provided pursuant
16 to ~~in~~ this chapter. ~~No~~A person may not operate a snowmobile ~~may be operated~~ at any
17 time within the right of way of any interstate highway within this state except as
18 provided in this section.

19 2. A snowmobile may make a direct crossing of a non-interstate street or highway
20 provided:

21 a. The crossing is made at an angle of approximately ninety degrees to the direction
22 of the highway and at a place where no obstruction prevents a quick and safe
23 crossing;

24 b. The snowmobile is brought to a complete stop before crossing the shoulder or
25 main traveled way of the highway;

26 c. The driver yields the right of way to all oncoming traffic which constitutes an
27 immediate hazard; and

28 d. In crossing a divided highway, the crossing is made only at an intersection of
29 such highway with another public street or highway.

30 3. ~~No~~A person may not operate a snowmobile ~~may be operated~~ unless it is equipped with
31 at least one headlamp, one tail-lamp, and brakes, all in working order, which conform

to standards prescribed by rule of the director ~~pursuant to the authority vested in the director by this code and this chapter~~ of the department of transportation.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.

5. It is unlawful for any person to drive or operate any snowmobile 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~~ the person or property,
or to chase or harass wildlife, or in any manner that is not reasonable or prudent
under the circumstances.

c. While under the influence of intoxicating liquor or a drug as defined in section 39-24.1-01, or a combination thereof.

d. Without a lighted headlamp and tail-lamp when required for safety.

e. In any tree nursery or planting in a manner which damages or destroys growing stock.

f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.

g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs must be readable from the outside of the land and must be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed lands.

6. It is unlawful for any person to operate a snowmobile ~~pursuant to~~ under this chapter 39-24 without having in possession a valid driver's license, except as provided by section 39-24-09.1.

- 1 7. If a snowmobile is operated within the right of way of any road, street, or highway of
2 this state under this chapter, during times or conditions that warrant the use of lights,
3 the snowmobile operator shall travel in the same direction as the direction of motor
4 vehicles traveling on the side of the roadway immediately adjacent to the side of the
5 right of way traveled by the snowmobile. An operator of a snowmobile traveling on a
6 snowmobile trail maintained by the parks and recreation department which is within
7 the right of way of any road, street, or highway of this state is exempted from this rule.
8 The operator shall wait for all traffic to clear the roadway before crossing bridges and
9 other similar structures.
- 10 8. It is unlawful for any person to operate a snowmobile within a highway right of way as
11 defined in subsection 38 of section 24-01-01.1 between April first and November first
12 of any year.
- 13 9. ~~No~~A person may not operate a snowmobile ~~may be operated~~ at any time within the
14 right of way of any highway within this state while towing a sled, skid, or other vehicle,
15 unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged
16 swivel and secure hitch.
- 17 10. ~~No~~A person under the age of eighteen years may not operate, ride, or otherwise be
18 propelled on a snowmobile unless the person wears a safety helmet meeting United
19 States department of transportation standards.
- 20 11. A person may not operate a snowmobile, and an owner of a snowmobile may not
21 knowingly permit the snowmobile to be operated, upon any property maintained,
22 leased, or owned by the state parks and recreation department to which the public has
23 a right of access for snowmobile or other vehicular use, without a policy of liability
24 insurance which insures the person named, and any person using the snowmobile
25 with the express or implied permission of the person named, against loss from the
26 liability imposed by law for damages arising out of the ownership, maintenance, or use
27 of the snowmobile within this state, subject to the following limits, exclusive of interest
28 and costs, with respect to each snowmobile: twenty-five thousand dollars because of
29 bodily injury to or death of one person in any one accident and, subject to the limit for
30 one person, fifty thousand dollars because of bodily injury to or death of two or more
31 persons in any one accident, and twenty-five thousand dollars because of injury to or

destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days.

12. ~~A snowmobile person may not be operated~~operate a snowmobile within the right of way of any interstate highway within this state except:

- a. For emergency purposes; or
- b. Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass.

13. A person may not cause or knowingly permit a minor under twelve years of age to operate a snowmobile unless the minor is otherwise authorized by this section.

SECTION 6. AMENDMENT. Section 39-24-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-24-09.1. Operation by individuals at least twelve years of age.

An individual twelve years of age and over may not operate a snowmobile unless the individual is in possession of a valid driver's license, operates the snowmobile on private land, or unless the individual has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the director of the ~~department of transportation~~parks and recreation department. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce this chapter is presumptive evidence that the individual is not the holder of the certificate. Fees collected from each individual receiving certification must be deposited into the snowmobile ~~trail tax~~ fund for purposes of establishing snowmobile safety programs.

SECTION 7. AMENDMENT. Section 39-24-10 of the North Dakota Century Code is amended and reenacted as follows:

39-24-10. Enforcement.

Peace officers of this state and their respective duly authorized representatives are hereby authorized to enforce the provisions of this chapter and in the exercise of these provisions have the authority to stop any snowmobile subject to this chapter.

1 **SECTION 8. AMENDMENT.** Section 39-24-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-24-11. Penalties.**

4 Any person who violates subsection 12 of section 39-24-09 must be assessed a fee of one
5 hundred dollars. Any person who violates subdivision b or g of subsection 5 of section 39-24-09
6 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of
7 section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section
8 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B
9 misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who
10 violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any
11 person, unless specifically exempted, who fails to registerlicense or fails to display a decal as
12 required by sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the
13 person provides proof of registrationlicensing after the violation, the fee may be reduced by
14 one-half. Any person who violates any other provision of this chapter for which a specific
15 penalty is not provided must be assessed a fee of ten dollars.

16 **SECTION 9.** Two new sections to chapter 39-24 of the North Dakota Century Code are
17 created and enacted as follows:

18 **Collisions, accidents, casualties, and liability.**

19 1. The operator of a snowmobile involved in a collision, accident, or other casualty, so far
20 as that person can do so without serious danger to that person and that snowmobile's
21 passengers, shall render to other persons affected by the collision, accident, or other
22 casualty assistance as may be practicable and necessary to save them from or
23 minimize any danger caused by the collision, accident, or other casualty. That person
24 also shall give that person's name, address, and snowmobile identification in writing to
25 any person injured and to the owner of any property damaged in the collision,
26 accident, or other casualty. If a collision, accident, or other casualty involving a
27 snowmobile results in death or injury to a person or damage to property in excess of
28 an amount specified by the director of parks and recreation by rule, the operator of the
29 snowmobile shall file with the parks and recreation department a full description of the
30 collision, accident, or other casualty, including such information as the director of the
31 parks and recreation department may require by rule.

1 2. Any operator of a snowmobile, or other person who complies with this section or who
2 gratuitously and in good faith renders assistance at the scene of a snowmobile
3 collision, accident, or other casualty without objection of any person assisted may not
4 be held liable for any civil damages as a result of the rendering of assistance or for
5 any act or omission in providing or arranging salvage, towage, medical treatment, or
6 other assistance where the assisting person acts as an ordinary, reasonably prudent
7 person would have acted under the same or similar circumstances.

8 **Owner's civil liability.**

9 The owner of a snowmobile is liable for any injury or damage caused by the negligent
10 operation of the snowmobile. The owner is not liable, however, unless the snowmobile is being
11 used with the owner's express or implied consent. It must be presumed that the snowmobile is
12 being operated with the knowledge and consent of the owner, if at the time of the injury or
13 damage it is under the control of the owner's spouse, father, mother, brother, sister, son, or
14 daughter. This section does not relieve any other person from any liability that person would
15 otherwise have and does not authorize or permit any recovery in excess of injury or damage
16 actually incurred.

17 ~~**SECTION 16. AMENDMENT.** Subsection 2 of section 57-40.3-01 of the North Dakota~~
18 ~~Century Code is amended and reenacted as follows:~~

19 ~~——— 2. "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that~~
20 ~~is propelled by electric power obtained from overhead trolley wires, but not operated~~
21 ~~upon rails, every trailer, semitrailer, park model trailer as defined in subsection 2 of~~
22 ~~section 57-55-10, off-highway vehicle, snowmobile, low-speed vehicle, and travel~~
23 ~~trailer for which a certificate of title is required to be obtained under chapter 39-05, but~~
24 ~~not including snowmobiles, housetrailers or mobile homes.~~

25 **SECTION 10. EFFECTIVE DATE.** This Act becomes effective on July 1, 2016.