

Introduced by

Transportation Committee

(At the request of the Parks and Recreation Department)

1 A BILL for an Act to amend and reenact sections 39-24-09 and 39-24-11 of the North Dakota
2 Century Code, relating to snowmobile operation within the right of way of an interstate highway;
3 to provide a penalty; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 39-24-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-24-09. Rules for operation of snowmobiles.**

- 8 1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank
9 or slope of any road, street, or highway in this state except as provided pursuant to
10 this chapter. No snowmobile may be operated at any time within the right of way of
11 any interstate highway within this state except for emergency purposes.
- 12 2. A snowmobile may make a direct crossing of a non-interstate street or highway
13 provided:
- 14 a. The crossing is made at an angle of approximately ninety degrees to the
15 direction of the highway and at a place where no obstruction prevents a quick
16 and safe crossing;
- 17 b. The snowmobile is brought to a complete stop before crossing the shoulder or
18 main traveled way of the highway;
- 19 c. The driver yields the right of way to all oncoming traffic which constitutes an
20 immediate hazard; and
- 21 d. In crossing a divided highway, the crossing is made only at an intersection of
22 such highway with another public street or highway.
- 23 3. No snowmobile may be operated unless it is equipped with at least one headlamp,
24 one taillamp, and brakes, all in working order, which conform to standards

- 1 prescribed by rule of the director pursuant to the authority vested in the director by
2 this code and this chapter.
- 3 4. The emergency conditions under which a snowmobile may be operated other than
4 as provided by this chapter must be such as to render the use of an automobile
5 impractical under such conditions at such period of time and location.
- 6 5. It is unlawful for any person to drive or operate any snowmobile in the following
7 ways which are declared to be unsafe and a public nuisance:
- 8 a. At a rate of speed greater than reasonable or proper under all the surrounding
9 circumstances.
- 10 b. In a careless, reckless, or negligent manner so as to endanger the person or
11 property of another or to cause injury or damage to such person or property.
- 12 c. While under the influence of intoxicating liquor or a drug as defined in section
13 39-24.1-01, or a combination thereof.
- 14 d. Without a lighted headlamp and taillamp when required for safety.
- 15 e. In any tree nursery or planting in a manner which damages or destroys
16 growing stock.
- 17 f. Without a manufacturer-installed or equivalent muffler in good working order
18 and connected to the snowmobile exhaust system.
- 19 g. Upon any private land where the private land is posted by the owner or tenant
20 prohibiting trespassing. The name of the person posting the land must
21 appear on each sign in legible characters. The posted signs must be
22 readable from the outside of the land and must be placed conspicuously at a
23 distance of not more than eight hundred eighty yards [804.68 meters] apart,
24 provided further that as to land entirely enclosed by a fence or other
25 enclosure, posting of signs at or on all gates through the fence or enclosure
26 constitutes a posting of all the enclosed lands.
- 27 6. It is unlawful for any person to operate a snowmobile pursuant to chapter 39-24
28 without having in possession a valid driver's license or permit, except as provided
29 by section 39-24-09.1.
- 30 7. When snowmobiles are operated within the right of way of any road, street, or
31 highway of this state pursuant to this chapter, during times or conditions that

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

1 b. Across an interstate highway on an overpass or underpass, except where
2 otherwise prohibited by law or by signing, provided the snowmobile crosses
3 on the extreme right side of the overpass or underpass.

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

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

18 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.