

**HOUSE BILL NO. 1423**

Introduced by

Representatives R. Kelsch, Nelson, Porter

Senators Cook, Heitkamp

1 A BILL for an Act to amend and reenact sections 39-29-10 and 39-29-12 of the North Dakota  
2 Century Code, relating to youth operation of off-highway vehicles; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 39-29-10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-29-10. Operation by persons under age sixteen.** Except as otherwise provided in  
7 this section, ~~a person~~ an individual under sixteen years of age who is not in possession of a  
8 valid operator's license or permit to operate an ~~all-terrain~~ off-highway vehicle may not, except  
9 upon the lands of the ~~person's~~ individual's parent or guardian, operate an ~~all-terrain~~ off-highway  
10 vehicle. ~~A person~~ An individual at least ~~twelve~~ ten years of age may operate an ~~all-terrain~~  
11 off-highway vehicle if the ~~person~~ individual has completed an ~~all-terrain~~ off-highway vehicle  
12 safety training course prescribed by the director of the parks and recreation department and  
13 has received the appropriate ~~all-terrain~~ off-highway vehicle safety certificate issued by the  
14 director of the department of transportation. An individual at least ten years of age and under  
15 thirteen years of age may not operate an off-highway vehicle unless the vehicle is a class I or  
16 class II off-highway vehicle with an engine of no more than ninety cubic centimeters and that  
17 individual has received an off-highway vehicle safety certificate. An individual at least thirteen  
18 years of age and under sixteen years of age may not operate an off-highway vehicle unless the  
19 vehicle is a class I or class II off-highway vehicle and that individual has received an  
20 off-highway vehicle safety certificate. An individual without a valid operator's license or permit  
21 may not operate a class III off-highway vehicle. An individual under twelve years of age may  
22 not operate an off-highway vehicle without the supervision of a legal guardian. The failure of an  
23 operator to exhibit an ~~all-terrain~~ off-highway vehicle safety certificate on demand to any official  
24 authorized to enforce this chapter is presumptive evidence that that person does not hold ~~such~~

1 a certificate. Fees collected from each ~~person~~ individual receiving certification must be  
2 deposited in the ~~all-terrain off-highway~~ off-highway vehicle trail tax fund for ~~all-terrain off-highway~~ off-highway vehicle  
3 safety education and training programs.

4 **SECTION 2. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-29-12. Penalties.** Violation of subdivision b, c, or g of subsection 5 of section  
7 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an  
8 infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is  
9 an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of  
10 registration since the violation, the fee may be reduced by one-half. Violation of any other  
11 provision of this chapter is an infraction, for which a fee of ~~ten~~ twenty dollars must be assessed.