

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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 or as a participant in an
10 organized sporting event that involves the use of off-highway vehicles, operate an ~~all-terrain~~
11 off-highway vehicle. ~~A person~~ An individual at least ~~twelve~~ ten years of age may operate an
12 ~~all-terrain~~ off-highway vehicle if the ~~person~~ individual has completed an ~~all-terrain~~ off-highway
13 vehicle safety training course prescribed by the director of the parks and recreation department
14 ~~and~~, has received the appropriate ~~all-terrain~~ off-highway vehicle safety certificate issued by the
15 director of the department of transportation, and wears appropriate safety gear and attire. An
16 individual at least eight years of age and under ten years of age may not operate an
17 off-highway vehicle unless the vehicle is a class 1 with an engine of no more than seventy
18 cubic centimeters and that individual has received an off-highway vehicle safety certificate. An
19 individual at least ten years of age and under thirteen years of age may not operate an
20 off-highway vehicle unless the vehicle is a class 1 or class 2 off-highway vehicle with an engine
21 of no more than ninety cubic centimeters and that individual has received an off-highway
22 vehicle safety certificate. An individual at least thirteen years of age and under sixteen years of
23 age may not operate an off-highway vehicle unless the vehicle is a class 1 or class 2
24 off-highway vehicle and that individual has received an off-highway vehicle safety certificate.

1 An individual without a valid operator's license or permit may not operate a class 3 off-highway
2 vehicle. An individual under twelve years of age may not operate an off-highway vehicle
3 without the supervision of a legal guardian. The failure of an operator to exhibit an ~~all-terrain~~
4 off-highway vehicle safety certificate on demand to any official authorized to enforce this
5 chapter is presumptive evidence that that person does not hold ~~such~~ a certificate. Fees
6 collected from each ~~person~~ individual receiving certification must be deposited in the ~~all-terrain~~
7 off-highway vehicle trail tax fund for ~~all-terrain~~ off-highway vehicle safety education and training
8 programs.

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

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