

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED HOUSE BILL NO. 1295**

Introduced by

Representatives Kempenich, DeKrey, Heller, Vig

Senators Klein, Miller

1 A BILL for an Act to create and enact chapter 39-29.2 of the North Dakota Century Code,
2 relating to unconventional vehicles; and to amend and reenact subdivision c of subsection 3 of
3 section 39-06-14 and subsection 3 of section 39-27-05 of the North Dakota Century Code,
4 relating to motorcycles.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 c. A driver with a class M license may operate any motor vehicle having a seat
9 or saddle for the use of the rider and designed to travel on not more than
10 three wheels in contact with the ground, but excluding motorized bicycles;
11 ~~and tractors, and vehicles on which the operator or passengers, or both, ride~~
12 ~~within an enclosed cab.~~ A class M vehicle may not be operated under a
13 class A, B, C, or D license.

14 (1) The holder of a class A, B, C, or D license may receive a class M
15 endorsement upon successful completion of an examination. The
16 director may waive the skill portion of the examination if the applicant
17 has successfully completed a motorcycle safety course approved by
18 the director.

19 (2) An applicant sixteen years of age and older, who does not hold a
20 current valid operator's license may be issued a class M learner's
21 permit after successful completion of a written examination. The
22 class M license will be issued after the applicant has successfully
23 completed a driver's examination. The director may waive the skill

1 portion of the examination if the applicant has successfully completed a
2 motorcycle safety course approved by the director.

3 (3) Applicants fourteen or fifteen years of age may be issued a motorcycle
4 learner's permit if the applicant is enrolled in or has completed an
5 approved motorcycle safety course. Applicants for a motorcycle
6 operator's license who are under sixteen years of age shall hold an
7 initial learner's permit for at least two months before applying for a
8 class M operator's license, shall have completed an approved
9 motorcycle safety course, and shall hold a valid motorcycle learner's
10 permit at the time of application. The director may waive the skill
11 portion of the examination if the applicant has successfully completed a
12 motorcycle safety course approved by the director. Any person under
13 sixteen years of age who holds a permit or license is restricted to the
14 operation of a motorcycle powered with an engine of two hundred fifty
15 cubic centimeters, or less, displacement. Evidence that the applicant
16 has satisfactorily completed a motorcycle safety course which meets
17 the minimum requirements of the motorcycle safety foundation must
18 accompany the application.

19 **SECTION 2. AMENDMENT.** Subsection 3 of section 39-27-05 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or
22 otherwise comply with title 49, Code of Federal Regulations, part 571, Federal
23 Motor Vehicle Safety Standards, and must otherwise comply with applicable state
24 standards, as promulgated by the director. Two-wheel motorcycles using low
25 pressure tires are exempt from this subsection if the inflated height of the tire is
26 twenty inches [508 millimeters] or greater.

27 **SECTION 3.** Chapter 39-29.2 of the North Dakota Century Code is created and
28 enacted as follows:

29 **39-29.2-01. Definitions.** As used in this chapter unless the context otherwise requires:

30 1. "Identifying number" means the vehicle identification numbers and letters if any
31 assigned by the manufacturer or by the department for the purpose of identifying a

1 vehicle. The term includes any numbers or letters assigned by the manufacturer
2 for the purpose of identifying a part of a vehicle or any number placed on a part in
3 accordance with this chapter or rules of the department for the purpose of
4 identifying the vehicle.

5 2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at
6 least three wheels in contact with the ground, has an unladen weight of at least
7 three hundred pounds [136.08 kilograms] but less than eight thousand pounds
8 [3628.7 kilograms], has a permanent upright seat or saddle for the driver which is
9 mounted at least twenty-four inches [50.8 centimeters] from the ground, has a
10 steering device for front wheel steering control, is capable of speeds in excess of
11 sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in
12 chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term
13 does not include motor vehicles that otherwise may be registered under this title.

14 **39-29.2-02. Certificate of title for unconventional vehicle.** The department shall
15 issue a certificate of title for an unconventional vehicle in accordance with section 39-05-05.

16 **39-29.2-03. Registration of unconventional vehicle.**

- 17 1. Registration of an unconventional vehicle is governed by this chapter.
- 18 2. An individual may not operate an unconventional vehicle on public roadways
19 unless the vehicle has been registered under this chapter.
- 20 3. The department shall design and furnish an application that must be used to
21 register an unconventional vehicle. The registration must state the name and
22 address of every owner of the unconventional vehicle and must be signed by at
23 least one owner. A copy of the application is evidence of registration for the first
24 thirty days after the date of application.
- 25 4. On receipt of an application and the appropriate fee, the department shall register
26 an unconventional vehicle and assign a registration number and a certificate of
27 registration. The certificate of registration must include information regarding the
28 make, year, identifying number, and name and address of the owner.
- 29 5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a
30 duplicate or replacement registration number or registration card that is lost,

1 mutilated, or becomes illegible, the department may charge a fee of not more than
2 five dollars.

3 6. To renew a registration, the owner of an unconventional vehicle shall follow the
4 procedure adopted by the department and pay the registration fee.

5 7. The department shall issue a plate in the same manner as a plate is issued to a
6 motorcycle.

7 8. Funds collected from registration must be deposited in the motor vehicle
8 registration fund.

9 **39-29.2-04. Operation of unconventional vehicle.** To operate an unconventional
10 vehicle on a highway, the operator must be a licensed driver. An operator may operate an
11 unconventional vehicle on any highway except an access-controlled highway.