

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2367

Introduced by

Senators Oehlke, Cook, Erbele

Representative D. Johnson

1 A BILL for an Act to create and enact a new section to chapter 39-24 of the North Dakota
2 Century Code, relating to safety fees for snowmobiles; and to amend and reenact sections
3 39-22.3-04 and 39-29-01.1 of the North Dakota Century Code, relating to motor-powered
4 recreational vehicle dealer licenses and safety fees for off-highway vehicles.

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

6 **SECTION 1. AMENDMENT.** Section 39-22.3-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-22.3-04. Grounds for denial, suspension, cancellation, or revocation of**
9 **dealer's license.** The director may deny an application for a dealer's license or suspend,
10 revoke, or cancel the license after it has been granted for the following reasons:

- 11 1. For any material misstatement by an applicant in the application for the license.
- 12 2. For any willful failure to comply with this chapter or with any rule adopted by the
13 director.
- 14 3. For knowingly permitting any salesperson to sell or exchange, or offer or attempt to
15 sell or exchange, any motor-powered recreational vehicle except for the licensed
16 motor-powered recreational vehicle dealer by whom the salesperson is employed,
17 or to offer, transfer, or assign any sale or exchange that they may have negotiated
18 to any other dealer.
- 19 4. For having violated any law relating to the sale, distribution, or financing of
20 motorcycles.
- 21 5. For having ceased to have an established place of business.
- 22 6. For failure to collect and timely transmit the snowmobile safety and off-highway
23 safety fees.

1 **SECTION 2.** A new section to chapter 39-24 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Snowmobile safety fees.** Upon the sale of a new or used snowmobile and in addition
4 to other fees and taxes imposed under section 39-24-03, a dealer shall collect a five dollar
5 safety fee from the buyer. Within fifteen days after the end of each calendar quarter, the dealer
6 shall file a report with the parks and recreation department which discloses the number of
7 snowmobiles sold during that calendar quarter and includes fees collected from the buyer.
8 Fees imposed under this section must be deposited in the state snowmobile fund established
9 under section 39-24-05. The parks and recreation department may use these funds solely for
10 snowmobile safety education and promotion. The parks and recreation department shall report
11 to the director within thirty days of the end of each calendar quarter the motor-powered
12 recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold,
13 and shall identify every dealer not collecting or transmitting snowmobile safety fees.

14 **SECTION 3. AMENDMENT.** Section 39-29-01.1 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department**
17 **- Use of fee.** Upon the sale of a new or used off-highway vehicle, a dealer shall collect a five
18 dollar safety fee from the buyer. By the end of each calendar quarter, the dealer shall file a
19 report with the parks and recreation department which discloses the number of off-highway
20 vehicles sold the previous months and includes the fees collected from the buyer. Fees
21 imposed under this section must be deposited in the off-highway vehicle fund established under
22 section 39-29-05. The fees may be used only by the parks and recreation department and only
23 for off-highway vehicle safety education and promotion. The parks and recreation department
24 shall report to the director within thirty days of the end of each calendar quarter the
25 motor-powered recreational vehicle dealers that submitted a safety fee report and the number
26 of vehicles sold, and shall identify every dealer not collecting or transmitting the safety fee.