

Sixty-second  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1164

Introduced by

Representatives R. Kelsch, Porter, Weisz

Senators Cook, Fischer, Stenehjem

1 A BILL for an Act to amend and reenact sections 39-24-09.1 and 39-29-10 of the North Dakota  
2 Century Code, relating to the operation of off-highway vehicles by individuals under sixteen  
3 years of age.

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

5 **SECTION 1. AMENDMENT.** Section 39-24-09.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-24-09.1. Operation by individuals at least twelve years of age.**

8 1. An individual twelve years of age and over may not operate a snowmobile unless the  
9 individual is in possession of a valid driver's license, operates the snowmobile on  
10 private land, or unless the individual has completed a snowmobile safety training  
11 course as prescribed by the director of the parks and recreation department pursuant  
12 to chapter 28-32 and has received the appropriate snowmobile safety certificate  
13 issued by the director of the parks and recreation department ~~of transportation~~.

14 2. The failure of an operator to exhibit a snowmobile safety certificate upon demand to  
15 any official authorized to enforce this chapter is presumptive evidence that the  
16 individual is not the holder of the certificate. Fees collected from each individual  
17 receiving certification must be deposited into the snowmobile trail tax fund for  
18 purposes of establishing snowmobile safety programs.

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

21 **39-29-10. Operation by ~~persons~~ individuals under age sixteen.**

22 1. Except as otherwise provided in this section, an individual under sixteen years of age  
23 who is not in possession of a valid operator's license or permit to operate an  
24 off-highway vehicle may not, except upon the lands of the individual's parent or

1 guardian or as a participant in an organized sporting event that involves the use of  
2 off-highway vehicles, operate an off-highway vehicle.

3 2. An individual at least eight and under twelve years of age may operate an off-highway  
4 vehicle that is designed for and meets the recommendations of the manufacturer for  
5 the individual's height, weight, and age in a designated off-highway vehicle park and  
6 on a designated off-highway vehicle trail if the individual is under the direct supervision  
7 of an adult and has received the appropriate off-highway vehicle safety certificate  
8 issued by the director of the parks and recreation department.

9 3. An individual at least twelve years of age may operate an off-highway vehicle if the  
10 individual has completed an off-highway vehicle safety training course prescribed by  
11 the director of the parks and recreation department and has received the appropriate  
12 off-highway vehicle safety certificate issued by the director of the parks and recreation  
13 department of transportation.

14 4. The director of the parks and recreation department shall create an off-highway  
15 vehicle safety training course. The director shall issue an off-highway vehicle safety  
16 certificate to individuals who have successfully completed the off-highway vehicle  
17 safety training course.

18 5. The failure of an operator to exhibit an off-highway vehicle safety certificate on  
19 demand to any official authorized to enforce this chapter is presumptive evidence that  
20 that person does not hold a certificate. Fees collected from each individual receiving  
21 certification must be deposited in the off-highway vehicle trail tax fund for off-highway  
22 vehicle safety education and training programs.