

Introduced by

Representatives Dahl, DeKrey, Grande

Senators Nething, Oehlke, Robinson

1 A BILL for an Act to amend and reenact section 39-24.1-07 of the North Dakota Century Code,
2 relating to operating a snowmobile while under the influence of alcohol or drugs; and to provide
3 a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-24.1-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-24.1-07. Criminal penalties for operating snowmobile while having alcohol or drug**
8 **concentrations.**

9 Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court
10 shall impose the following minimum penalties:

- 11 1. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates
12 that, within the five years preceding the date of the offense, the person has not
13 violated subdivision c of subsection 5 of section 39-24-09 or the person has not been
14 prohibited from operating a snowmobile under this chapter, the offense is an infraction.
15 The court shall impose a minimum fine of two hundred fifty dollars and, as a condition
16 of that person's probation, shall prohibit that person from operating a snowmobile on
17 all public land or private land with public access for sixty days within the snowmobile
18 season that runs from December first through April first.
- 19 2. ~~Notwithstanding subsection 7 of section 12.1-32-01, if~~ the person's record indicates
20 that, within the five years preceding the date of the offense, the person has one
21 violation of subdivision c of subsection 5 of section 39-24-09 or the person has once
22 been prohibited from operating a snowmobile under this chapter, the offense is an
23 ~~infraction~~ class B misdemeanor. The court shall impose a minimum fine of three
24 hundred fifty dollars and, as a condition of that person's probation, shall prohibit that

1 person from operating a snowmobile on all public land or private land with public
2 access for one year from the date of the sentence.

3 3. If the person's record indicates that, within the five years preceding the date of the
4 offense, the person has had at least two violations of subdivision c of subsection 5 of
5 section 39-24-09 or the person has at least twice been prohibited from operating a
6 snowmobile under this chapter, the offense is a class B misdemeanor. The court shall
7 impose a minimum fine of four hundred fifty dollars and, as a condition of that person's
8 probation, shall prohibit that person from operating a snowmobile on all public land or
9 private land with public access for two years from the date of the sentence.