

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2312**

Introduced by

Senators Sinner, Laffen

1 A BILL for an Act to create and enact subsection 9 of section 39-29.2-03 and sections
2 39-29.2-05 and 39-29.2-06 of the North Dakota Century Code, relating to unconventional
3 vehicles; to amend and reenact subsection 3 of section 26.1-40-01, subsection 10 of section
4 26.1-41-01, subsection 49 of section 39-01-01, subsection 1 of section 39-04-36, subsection 2
5 of section 39-29.2-01, subsection 5 of section 39-29.2-03, subsection 7 of section 39-29.2-03,
6 and section 39-29.2-04 of the North Dakota Century Code, relating to unconventional vehicles;
7 to provide a penalty; and to declare an emergency.

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

9 **SECTION 1. AMENDMENT.** Subsection 3 of section 26.1-40-01 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 3. "Policy" means any automobile policy which includes automobile liability coverage,
12 uninsured motorist coverage, underinsured motorist coverage, automobile medical
13 payments coverage, basic or optional excess no-fault benefits, or automobile physical
14 damage coverage, delivered or issued for delivery in this state, insuring as the named
15 insured an individual residing in this state, and under which the insured vehicles
16 designated in the policy are of the following types only:
- 17 a. A motor vehicle of the private passenger ~~or station wagon~~ type that is not used as
18 a public or livery conveyance, nor rented to others.
 - 19 b. Any four-wheel motor vehicle with a load capacity of one thousand five hundred
20 pounds [680.39 kilograms] or less which is not used in the occupation,
21 profession, or business of the insured, nor used as a public or livery conveyance,
22 nor rented to others.
 - 23 c. Any motorcycle as that term is defined in section 39-01-01 that is not used as a
24 public or livery conveyance, nor rented to others.

1 d. An unconventional vehicle as that term is defined in subsection 2 of section
2 39-29.2-01 that is not used as a public or livery conveyance, nor rented to others.

3 "Policy" does not include any policy that has been in effect less than sixty days at the
4 time notice of cancellation is mailed or delivered by the insurer unless it is a renewal
5 policy; any policy issued under the North Dakota assigned risk plan; any policy
6 insuring more than six motor vehicles; any policy covering the operation of a garage,
7 automobile sales agency, repair shop, service station, or public parking place; any
8 policy providing insurance only on an excess basis; or any other contract providing
9 insurance to a named insured even though the contract may incidentally provide
10 insurance with respect to such motor vehicles.

11 **SECTION 2. AMENDMENT.** Subsection 10 of section 26.1-41-01 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 10. "Motor vehicle" means a vehicle having more than three load-bearing wheels, of a kind
14 required to be registered under the laws of this state relating to motor vehicles,
15 designed primarily for operation upon the public streets, roads, and highways, and
16 driven by power other than muscular power, and includes a trailer drawn by or
17 attached to such a vehicle. The term does not include an unconventional vehicle
18 defined in subsection 2 of section 39-29.2-01.

19 **SECTION 3. AMENDMENT.** Subsection 49 of section 39-01-01 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 49. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or
22 off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in
23 section 39-24-01.

24 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-04-36 of the North Dakota Century
25 Code is amended and reenacted as follows:

26 1. Whenever the ownership of a vehicle registered under the provisions of this chapter
27 or, chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the
28 vehicle expires and the transferor shall remove the number plates.

29 **SECTION 5. AMENDMENT.** Subsection 2 of section 39-29.2-01 of the North Dakota
30 Century Code is amended and reenacted as follows:

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

11 **SECTION 6. AMENDMENT.** Subsection 5 of section 39-29.2-03 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a
14 duplicate or replacement registration number plate or registration card that is lost,
15 mutilated, or becomes illegible, the department may charge a fee of not more than five
16 dollars.

17 **SECTION 7. AMENDMENT.** Subsection 7 of section 39-29.2-03 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 7. The department shall issue a plate in the same manner as a plate is issued to a
20 motorcycle. Whenever the ownership of an unconventional vehicle registered under
21 this chapter is transferred or assigned, the plates must be handled in accordance with
22 subsection 1 of section 39-04-36.

23 **SECTION 8.** Subsection 9 to section 39-29.2-03 of the North Dakota Century Code is
24 created and enacted as follows:

25 9. Every unconventional vehicle is subject to the motor vehicle body damage disclosure
26 requirement of section 39-05-17.2.

27 **SECTION 9. AMENDMENT.** Section 39-29.2-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **39-29.2-04. Operation of unconventional vehicle.**

2 To operate an unconventional vehicle on a highway, the operator must be a class D
3 licensed driver. An operator may operate an unconventional vehicle on any highway ~~except an~~
4 ~~access-controlled highway.~~

5 **SECTION 10.** Section 39-29.2-05 of the North Dakota Century Code is created and enacted
6 as follows:

7 **39-29.2-05. Equipment.**

8 ~~A helmet violation under this subsection has the same penalty as driving a motorcycle~~
9 ~~without a helmet.~~

10 Operators and passengers in an unconventional vehicle shall comply with seatbelt use
11 laws.

12 **SECTION 11.** Section 39-29.2-06 of the North Dakota Century Code is created and enacted
13 as follows:

14 **39-29.2-06. Manufacturer's or distributor's certification.**

15 1. The manufacturer or distributor shall certify that an unconventional vehicle is designed
16 and manufactured for use upon public highways and complies with the rules adopted
17 under this chapter. An individual who manufactures an unconventional vehicle for
18 personal use does not have to meet the certification requirements of this section, but
19 shall comply with the rules adopted under this chapter.

20 2. The certificate must be incorporated on the manufacturer's statement of origin upon
21 transfer of vehicle ownership.

22 **SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure.