

**HOUSE BILL NO. 1346**

Introduced by

Representatives Heilman, Klemin

1 A BILL for an Act to amend and reenact section 39-29-01, subsection 4 of section 39-29-08, and  
2 sections 39-29-10 and 39-29-12 of the North Dakota Century Code, relating to the regulation of  
3 the operation of off-highway vehicles and political subdivision rules regulating off-highway  
4 vehicles; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 39-29-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **39-29-01. Definitions.**

9 As used in this chapter, unless the context otherwise requires:

- 10 1. "Dealer" means any person engaged in the business of buying, selling, or exchanging  
11 off-highway vehicles or who advertises, or holds out to the public as engaged in the  
12 buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of  
13 off-highway vehicles for resale.
- 14 2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway  
15 and capable of cross-country travel on land, snow, ice, marsh, swampland, or other  
16 natural terrain. The term includes a motorized vehicle converted to operate on snow.  
17 The term does not include an electric bicycle. An off-highway vehicle must be  
18 classified into one of the following categories:
- 19 a. Class I off-highway vehicle is a vehicle that does not qualify as road capable  
20 under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled  
21 by the operator, and has handlebars for steering control of two wheels.
- 22 b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width,  
23 weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels  
24 on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or

1 less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels  
2 on four or more nonhighway tires.

3 c. Class III off-highway vehicle weighs less than eight thousand pounds  
4 [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a  
5 seat; has a wheel, handlebars, or t steering for steering control; and is  
6 designated for or capable of cross-country on or over land, water, sand, snow,  
7 ice, marsh, swampland, or other natural terrain, but does not include a vehicle  
8 registered by the department under chapter 39-04 or 39-24.

9 3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

10 4. "Operator" means an individual who operates or is in actual physical control of an  
11 off-highway vehicle.

12 5. "Owner" means a person, other than a lienholder, having the property in or title to an  
13 off-highway vehicle and entitled to its use or possession.

14 6. "Peace officer" means a public servant authorized by law or by a government agency  
15 or branch to enforce the law and to conduct or engage in investigations of violations of  
16 the law.

17 7. "Register" means the act of assigning a registration number to an off-highway vehicle.

18 **SECTION 2. AMENDMENT.** Subsection 4 of section 39-29-08 of the North Dakota Century  
19 Code is amended and reenacted as follows:

20 4. The governing bodies of political subdivisions may adopt rules to regulate use of  
21 off-highway vehicles in areas under their jurisdiction. The governing body of a city or  
22 county may, by ordinance, regulate, restrict, and prohibit the use of off-highway  
23 vehicles operated in the city limits or within the county in areas under the exclusive  
24 jurisdiction of the city or county.

25 **SECTION 3. AMENDMENT.** Section 39-29-10 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **39-29-10. Operation by persons under age sixteen.**

28 1. Except as otherwise provided in this section, an individual under sixteen years of age  
29 who is not in possession of a valid operator's license or permit to operate an  
30 off-highway vehicle may not, except upon the lands of the individual's parent or  
31 guardian or as a participant in an organized sporting event that involves the use of

1 off-highway vehicles, operate an off-highway vehicle. An individual at least twelve  
2 years of age may operate an off-highway vehicle if the individual has completed an  
3 off-highway vehicle safety training course prescribed by the director of the parks and  
4 recreation department and has received the appropriate off-highway vehicle safety  
5 certificate issued by the director of the parks and recreation department.

6 2. An individual under the age of sixteen must be supervised by a parent or legal  
7 guardian when operating an off-highway vehicle.

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

13 **SECTION 4. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-29-12. Penalties.**

16 Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B  
17 misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a  
18 fee of ~~twenty~~one-hundred dollars must be assessed. Violation of section 39-29-02 or  
19 subsection 2 of section 39-29-04 is an infraction, for which a fee of fifty dollars must be  
20 assessed. If the individual provides proof of registration since the violation, the fee may be  
21 reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a  
22 fee of ~~ten~~fifty dollars must be assessed.