

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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~~ section 39-29-12 of the North Dakota Century Code, relating to the  
3 regulation of the operation of off-highway vehicles and political subdivision rules regulating  
4 off-highway 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:

- 1           a. Class I off-highway vehicle is a vehicle that does not qualify as road capable  
2                           under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled  
3                           by the operator, and has handlebars for steering control of two wheels.
- 4           b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width,  
5                           weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels  
6                           on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or  
7                           less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels  
8                           on four or more nonhighway tires.
- 9           c. Class III off-highway vehicle weighs less than eight thousand pounds  
10                           [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a  
11                           seat; has a wheel, handlebars, or steering for steering control; and is  
12                           designated for or capable of cross-country on or over land, water, sand, snow,  
13                           ice, marsh, swampland, or other natural terrain, but does not include a vehicle  
14                           registered by the department under chapter 39-04 or 39-24.
- 15          3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
- 16          4. "Operator" means an individual who operates or is in actual physical control of an  
17                           off-highway vehicle.
- 18          5. "Owner" means a person, other than a lienholder, having the property in or title to an  
19                           off-highway vehicle and entitled to its use or possession.
- 20          6. "Peace officer" means a public servant authorized by law or by a government agency  
21                           or branch to enforce the law and to conduct or engage in investigations of violations of  
22                           the law.
- 23          7. "Register" means the act of assigning a registration number to an off-highway vehicle.

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

- 26          4. The governing bodies of political subdivisions may adopt rules to regulate use of  
27                           off-highway vehicles in areas under their jurisdiction. The governing body of a city or  
28                           county may, by ordinance, regulate, restrict, and prohibit the use of off-highway  
29                           vehicles operated in the city limits or within the county in areas under the exclusive  
30                           jurisdiction of the city or county.

1 ~~SECTION 3. AMENDMENT.~~ Section 39-29-10 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3 ~~39-29-10. Operation by persons under age sixteen.~~

4 ~~1. Except as otherwise provided in this section, an individual under sixteen years of age~~  
5 ~~who is not in possession of a valid operator's license or permit to operate an~~  
6 ~~off-highway vehicle may not, except upon the lands of the individual's parent or~~  
7 ~~guardian or as a participant in an organized sporting event that involves the use of~~  
8 ~~off-highway vehicles, operate an off-highway vehicle. An individual at least twelve~~  
9 ~~years of age may operate an off-highway vehicle if the individual has completed an~~  
10 ~~off-highway vehicle safety training course prescribed by the director of the parks and~~  
11 ~~recreation department and has received the appropriate off-highway vehicle safety~~  
12 ~~certificate issued by the director of the parks and recreation department.~~

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

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

20 **SECTION 3. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **39-29-12. Penalties.**

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