

FIRST ENGROSSMENT

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

1 b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width,
2 weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels
3 on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or
4 less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels
5 on four or more nonhighway tires.

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

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

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

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

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

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

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

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

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

1 **39-29-12. Penalties.**

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