

HB 1346 OHVs

Chair Ruby and Transportation Committee

My name is Doug Pearson I am a resident of Bismarck, and I am in favor of HB1346. I have some concerns that I didn't get a chance to share in my first letter. I have been studying our current NDCC 39-29-08, 39-29-09, 39-29-10 and the ND Parks and Recreation Youth OHV Safety Courses open for registration form, and some of the language is very vague. Could this be part of the problem why we are having the issues with the OHVs? I believe it is. In the OHV registration form it states, ND law requires youth ages 12-15 who do not have a valid driver's license or learner's permit to take a safety certification class. The certification is needed in order to legally operate OHVs on land other than their parents, which includes designated trails and ditches. Who designates these OHV trails and what ditches can they ride in? In NDCC 39-29-08 #2 it states the director, in the interest of public health, welfare, and safety, may regulate, by rule the operation of OHVs on state highways. In NDCC 39-29-08 #3 the director of the parks and recreation department shall adopt rules to regulate use of OHVs in state parks and other state-owned land under the supervision of the director of the parks and recreation department. So it's very clear in our century code the director has that authority on state highways, state parks and state land, but at a county level I don't see any jurisdiction. In the registration form it states, on land other than their parent, which includes designated OHV trails and ditches. Are the OHV trails in state parks and state land and are the ditches along state highways? I talked to the safety director at ND Parks and Recreation and I asked where the OHV signs are that let the riders know where they can ride. He said they are only in state parks and state land. So can you see where there may be some confusion where these OHVs can ride. Our young generation needs boundaries and guidelines so they know where they can ride and where they can't ride, otherwise we will have the problems we currently have.

I also want to address right of way. I am looking in our century code for language on this and it is very vague. Our sheriff's department claims that OHVs have the right to ride in all right of ways. I don't believe that is right, especially ditches that are part of our personal property. We take pride in our neighborhood, our ditches are maintained, they are mowed, fertilized and sprayed and these OHV come in and make trails and rip up our grass. How would that go in town up on people's boulevards? There are hundreds of miles of roads and ditches out in the country that these OHVs could ride on. If parents buy these OHVs for their kids they should ride in their own ditches and yards otherwise get out in the country. I am a law abiding, tax paying citizen who lives out of city limits and should be entitled to the same rule of law. That is why in our NDCC 39-29-08 #4 The governing bodies of political subdivisions may adopt rules to regulate use of OHVs in areas under their jurisdiction. The governing body of a city may, by ordinance, regulate, restrict, and prohibit the use of OHVs operated in the city limits in areas under the exclusive jurisdiction of the city. That's why it is so important that the (County) be added to this language. We need law and order restored to our neighborhoods.

Thankyou Doug Pearson