

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.