

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1412

2005 HOUSE TRANSPORTATION

HB 1412

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. 1412

House Transportation Committee

Conference Committee

Hearing Date January 27, 2005

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|------------------|
| 2 | X | | 0-6.6, 42.0-46.3 |
| | | | |
| | | | |
| Committee Clerk Signature <i>DeLora Weisz</i> | | | |

Minutes:

Chairman Weisz opened the hearing on HB 1412 A Bill for an Act to amend and reenact subsection 10 of section 39-29-09 of the North Dakota Century Code, relating to passengers on all-terrain vehicles.

Rep. Kelsch This is an ATV bill. This bill is just cleaning up code in an area of ATV's that was left out when we were going through the years. Basically what the bill does is says you cannot carry a passenger on the ATV unless it is equipped and recommended by the manufacture for passengers.

Rep. Ruby(1.4) So before you could not have a passenger on an ATV even if it was made for a passenger.

Rep. Kelsch That is my understanding.

Rep. Thorpe It says, is recommended by the manufacturer? Is there recommendations on the vehicle when you purchase it as to age limit of the operator?

Rep. Kelsch (2.1) I don't know if it has recommendations of the age of the driver, but they do have recommendations and the safety and how to carry passengers. I think there are people here that would be better equipped to answer that question.

Allan Stenehjem: (2.8) I do have pictures. (give handout with All-terrain vehicles on it) As you can see from the pictures the manufacturer allows for a passenger. The law was enacted in 1985 when the last action was taken on this and it said no passenger can ride on an ATV vehicle. Technology has changed and they have products here that are quite safe. The bill will only allow if it is a manufactured recommendation for a passenger.

Chairman Weisz (3.8) Are the vehicles clearly marked (labeled) specifically on the vehicle that it is a 2 passenger?

Allan Stenehjem: Yes. Section 39-29, I do have to offer an amendment, because if you look at the definition of an all-terrain vehicle it specifically says, a vehicle that is designed only with no passengers. This vehicle that is designed for passengers is not defined as an ATV. We should correct that in the law or they will not have to register or abide by any of the rules that are in this code.

Chairman Weisz Anyone else here in support of HB 1412?

Tom Balzer: ND Parks & Recreation:(5.5) I spoke with you last week on HB 1342, which in that bill does take care of the amendment that Mr. Stenehjem put out. We received many phone calls from a lot of manufacturers and operators of these machines including Ducks Unlimited. They use these machines quite often and we are in HB 1342. I prefer the language in HB 1412 as opposed to the language that I proposed.

Chairman Weisz(6.4) Anyone else here in support of HB 1412? Any opposition to HB 1412?

Page 3
House Transportation Committee
Bill Number 1412
Hearing Date January 27, 2005
Closed the hearing (6.6)

Tape 2 Side A (42.0)

Chairman Weisz (37.1) reopened the hearing in HB 1412.

Rep. Dosch (42.1) Line 6 where it says all-terrain vehicle, do we change that to off road vehicles now? If we pass HB 1342 you would change every thing to off road.

Rep. Weiler(43.0) Was this bill overlooked because equipment and recommendations?

Chairman Weisz This amendment has to be in because by definition in the law, if we pass this ATV bill allowing passengers, they are no longer an ATV they don't have to be registered or licensed or anything.

Rep. Owens (44.0) What if we don't pass the HB 1342? Right now you can't carry passengers.

There are ATV out there now equipped and do we want to put an emergency clause on it?

Rep. Kelsch It probably would be a good idea to put an emergency clause on it.

Chairman Weisz Lets act on this amendment since we have a motion. Voice vote was all yes.

Now we have an amended bill in front of us.

Rep. Weiler Made a motion to further amend the bill. Seconded by Rep. Meyer.

Chairman Weisz All in favor say yes. No opposition. Motion carried.

Motion Made By Rep. Owens Seconded by Rep. Iverson Carrier: Rep. Weiler

DO PASS AS AMENDED 15 Yes 0 No 0 Absent

(46.3)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1412

Page 1, line 1, after "subsection" insert "1 of section 39-29-01 and subsection"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of one thousand pounds [453.59 kilograms] or less, traveling on three or more low-pressure tires, ~~designed for operator use only with no passengers,~~ having a seat or saddle designed to be straddled by the operator, and handlebars for steering control."

Renumber accordingly

YR
1/27/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1412 TRANS 1-28-05

Page 1, line 1, after "subsection" insert "1 of section 39-29-01 and subsection"

Page 1, line 2, after "vehicles" insert "; and to declare an emergency"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of one thousand pounds [453.59 kilograms] or less, traveling on three or more low-pressure tires, ~~designed for operator use only with no passengers,~~ having a seat or saddle designed to be straddled by the operator, and handlebars for steering control."

Page 1, after line 9, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-27-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1412

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Res Amend.

Motion Made By Rep. Owens Seconded By Rep. Iverson

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------|-----|----|-----------------|-----|----|
| Rep. Weisz - Chairman | ✓ | | Rep. Delmore | ✓ | |
| Rep. Hawken - Vice Chair. | ✓ | | Rep. Meyer | ✓ | |
| Rep. Bernstein | ✓ | | Rep. Schmidt | ✓ | |
| Rep. Dosch | ✓ | | Rep. Thorpe | ✓ | |
| Rep. Iverson | ✓ | | | | |
| Rep. Kelsch | ✓ | | | | |
| Rep. Owens | ✓ | | | | |
| Rep. Price | ✓ | | | | |
| Rep. Ruby | ✓ | | | | |
| Rep. Vigesaa | ✓ | | | | |
| Rep. Weiler | ✓ | | | | |
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Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep Weiler

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1412: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 1, after "subsection" insert "1 of section 39-29-01 and subsection"

Page 1, line 2, after "vehicles" insert "; and to declare an emergency"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of one thousand pounds [453.59 kilograms] or less, traveling on three or more low-pressure tires, ~~designed for operator use only with no passengers~~, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control."

Page 1, after line 9, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2005 SENATE TRANSPORTATION

HB 1412

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1412

Senate Transportation Committee

Conference Committee

Hearing Date 2-24-05

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1 | x | | 35-495 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Mary K Monson</i> | | | |

Minutes:

Chairman Trenbeath opened the hearing on HB 1412 relating to passengers on all-terrain vehicles; and to declare an emergency.

Allan Stenehjem (BRP) Introduced and testified in support of HB 1412. Currently, ND law doesn't allow for passengers on All Terrain Vehicles. However, there are now ATV's manufactured that accommodate passengers. This bill will allow passengers if the ATV is manufactured for passenger use and recommended by the manufacturer for passengers. There is an emergency clause because the market for these is in the summer months and it will allow dealers to market their product to allow for passengers. He introduced Tim Moritz from Moritz Sport & Marine to answer questions by the committee.

Two Bombardier ATV catalogues were made available for the committee members to look at.

Senator Warner asked if three tire ATV's were still legal.

Allan Stenehjem said that to his knowledge they were not.

Tim Moritz said that they were not legal for production, but if one is traded in, he can sell it if he signs a waiver

Senator Bercier asked if add-on seats count.

Tim Moritz said their machines are designed to carry passengers. (Meter 280)

Senator Trenbeath said he guessed, if the after-market product is something that is produced by Polaris for their machine, it probably is ok.

The hearing on HB 1412 was closed.

Senator Espegard motioned a **Do Pass**. Seconded by **Senator Bercier**.

Senator Warner asked if there was any interest in the committee to amend off the three tire language.

Senator Trenbeath said there were still ATV's with three tires. It is illegal to manufacture them, but it is still legal to have one.

Roll call vote 6-0-0. **Passed**. Floor carrier is **Senator Bercier**.

Date: 2-24-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 1412

Senate _____ **TRANSPORTATION** _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. Espegard Seconded By Sen. Bercier

| Senators | Yes | No | Senators | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| Senator Espegard | ✓ | | Senator Bercier | ✓ | |
| Senator Mutch | ✓ | | Senator Warner | ✓ | |
| Senator Nething | ✓ | | | | |
| Senator Trenbeath, Chairman | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bercier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 24, 2005 11:42 a.m.

Module No: SR-34-3559
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1412, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)
recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1412 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1412

HB 1412 1-27-05

**CHAPTER 39-29
ALL-TERRAIN VEHICLES**

Section

- 39-29-01. Definitions.
- 39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee.
- 39-29-02. All-terrain vehicle registration.
- 39-29-03. Registration - Application - Issuance - Fees - Renewal.
- 39-29-04. Exemption from registration - Exemption from fees.
- 39-29-05. Disposition of registration fees.
- 39-29-06. Transfer or termination of all-terrain vehicle ownership - Change of address of owner.
- 39-29-07. Licensing by political subdivisions.
- 39-29-08. Rules.
- 39-29-09. Operation of all-terrain vehicles.
- 39-29-10. Operation by persons under age sixteen.
- 39-29-11. Enforcement.
- 39-29-12. Penalties.

39-29-01. Definitions.

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

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of one thousand pounds [453.59 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
2. "Dealer" means any person engaged in the business of buying, selling, or exchanging all-terrain vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of all-terrain vehicles, or who engages in the buying of all-terrain vehicles for resale.
3. "Operate" means to ride in or on and control the operation of an all-terrain vehicle.
4. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an all-terrain vehicle.