

FISCAL NOTE
Requested by Legislative Council
03/30/2015

Amendment to: SB 2312

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill as amended pertains to the registration and requirements for unconventional vehicles

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill as amended has no material fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 04/01/2015

FISCAL NOTE
Requested by Legislative Council
01/20/2015

Amendment to: SB 2312

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	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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This bill pertains to the registration and requirements for autocycles.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

We have no way to determine the fiscal impact of this bill at this time as we have no way to determine how many autocycles may be registered under the provisions of this proposed legislation.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

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Name: Linda Sitz

Agency: NDDOT

Telephone: 328-1986

Date Prepared: 01/27/2015

FISCAL NOTE
Requested by Legislative Council
01/20/2015

Bill/Resolution No.: SB 2312

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	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
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Name: Linda Sitz

Agency: NDDOT

Telephone: 328-1986

Date Prepared: 01/27/2015

2015 SENATE TRANSPORTATION

SB 2312

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

SB 2312

2/5/2015

Recording job number 23265

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Doris E. Perez

Explanation or reason for introduction of bill/resolution:

To create and enact chapter 39-29.3 of the North Dakota Century Code, relating to auto cycles; and to provide a penalty.

Minutes:

Attachment: 4

Chairman Oehlke opened the hearing on SB 2312 all committee members were present

Senator Sinner introduced the bill, attachment #1, and amendments attachment #2

J. R. Burke, Manager of State and Provincial Government Relations with Polaris Industries, see attachment #3, in favor

Steve Magnuson, District Manager, Polaris in favor of this bill, not being able to title this vehicle will have a negative economic impact. We have four sling shot dealerships in North Dakota.

Steve Pletan, Action Motors in favor of this bill, this vehicle is safer than a motorcycle, sales are increasing if this bill passes a new facility would be built and at least three people would be hired.

Annette Behm-Caldwell, Dealer Principal Open Road Honda, Mandan in favor see attachment #4

Glen Jackson, Director of the Drivers' License Division at the North Dakota Department of Transportation (DOT) neutral, suggested amendment where it says "a licensed driver" to be "some in possession of a class D Operators License", that is how we are going to road test them, in a regular vehicle, not in the sling shot.

No additional testimony in favor, against or neutral. **Chairman Oehlke** closed the hearing. Action will be taken once amendments are done. Meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

SB 2312

2/6/2015

Recording job number 23372

☐ Subcommittee ☐ Conference Committee

Committee Clerk Signature

Dois & Perez

Explanation or reason for introduction of bill/resolution:

To create and enact chapter 39-29.3 of the North Dakota Century Code, relating to auto cycles; and to provide a penalty.

Minutes:

Attachments: 0

Chairman Oehlke opened the discussion on SB 2312, all committee members were present. He expressed concern about how this vehicle would be insured, as a car or a motorcycle. He sent it out to Rebecca Ternes, Deputy Commissioner North Dakota Insurance Department, they were confused, and their determination is that it would need four wheels to be a car. Dairyland Insurance one of the biggest insurers of motorcycles nationwide is not sure if they would insure them or not. EMC Insurance does not insure them. At this point we are waiting for information from the insurance department to clarify: is it a motorcycle or a car? It has three wheels.

Senator Campbell it wouldn't really affect this bill, because we are talking licensing here.

Senator Rust why should we worry about the insurance?

Chairman Oehlke part of the problem is that in this bill it is called an auto cycle, we don't have a definition in code for it.

Senator Rust said there is one.

Chairman Oehlke: this would also affect other sections of the code, until we have a broader definition or where it falls in code I suggest we wait. Motorcycles do not have to carry a no fault coverage, automobiles do no matter who is at fault, that could be a great deal for some.

Senator Sinner does not think people who will buy it will worry about the cost of the insurance; the manufacturer will step up and figure this out on the insurance side. If they can't get them insured they can't drive them.

Meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2312
2/12/2015
Recording job number 23702

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Doris E. Pérez

Explanation or reason for introduction of bill/resolution:

To create and enact chapter 39-29.3 of the North Dakota Century Code, relating to autocycles; and to provide a penalty.

Minutes:

Attachment: 0

Chairman Oehlke opened the discussion on SB 2312, all committee members were present. Yesterday he spoke with people at the Department of Transportation (DOT) and with Rebecca Ternes from the Insurance Department. Much of this revolves around insurance. The way our century code is it is difficult to say if it is a motorcycle or a car. They concluded there is something in code called an unconventional vehicle. That is where this will fit. They are going to change some wording in the unconventional vehicle section to embrace some of these new vehicles that are coming along. From an insurance standpoint they will also change code on how to insure them like a motorcycle, not under auto policy. They probably will have this next week.

Senator Rust: Should we as legislators be concerned about insurance? If it is legal it is up to them to insure them.

Chairman Oehlke We have an insurance department that regulates insurance companies. Anytime they come up with a new type of policy or endorsement they need approval from the state of North Dakota Insurance Dept. So this would have been brought before the committee anyhow.

No further discussion, meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2312

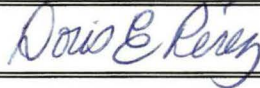
2/13/2015

Recording job number 23823

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To create and enact chapter 39-29.3 of the North Dakota Century Code, relating to autocycles; and to provide a penalty.

Minutes:

Attachment 1

Chairman Oehlke opened the discussion on SB 2312, all committee members present.

Linda Sitz, Director, Motor Vehicle Division, North Dakota Department of Transportation (DOT) Our initial testimony was geared to just the needs of Polaris; we are trying to look at the future and other types of vehicles coming into our offices. We had multiple meetings, took the amendments presented by Polaris, what they wanted taken out of the current SB 2312, and incorporated some into the unconventional section of law. Rather than strike- out we used the words "if applicable". It might not meet Polaris needs, but those of other types of unconventional vehicles. A lot of individuals want to title homemade jobs so, for safety reasons, we put parameters and added a vehicle inspection form. In page 5, we added dealership enforcement. (She walked the committee thru pages 1-1 to 1-5, attachment #1).

The Committee discussed the section regarding fenders. **Senator Rust** said that the industry won't put something out that will make them liable. **Chairman Oehlke** suggested "if applicable" be added to that section.

Chrystal Bartuska, ND Insurance Department, I don't have written amendments yet. In our century code a vehicle that has four wheels has four insurance requirements: liabilities, uninsured, underinsured, and PIP (personal insurance protection). We would create another section of code that would pull these unconventional vehicles in to have three of those requirements. On PIP it would be vehicles having more than three load bearing wheels, which would pull autocycles out (like motorcycles). I will have amendments by next week.

Pat Ward, Property and Casualty Insurance Association of America, Association of North Dakota Insurers, explained PIP coverage, the reason for excluding motorcycles, and similar vehicles, is the high frequency of accidents which makes this type of insurance prohibitively expensive.

No further discussion, meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

Sb 2312
2/19/2015
Recording job number 24127

☐ Subcommittee ☐ Conference Committee

Committee Clerk Signature *Doris E. Remy*

Explanation or reason for introduction of bill/resolution: to create and enact chapter 39-29.3 of the North Dakota Century Code relating to autocycles and to provide a penalty.

Minutes:

Attachments: 2

Chairman Oehlke opened the discussion on SB 23612, all committee members were present. Distributed the emergency clause and insurance department amendments.

Chairman Oehlke this insurance amendment (attachment #1), does two things: it takes autocycle into unconventional vehicle category (we are waiting for DOT amendment to include the autocycle into their unconventional vehicle chapter). They will be insured on a motorcycle policy; they will not have the PIP, but will be able to buy medical insurance. It can be driven with a class D license. Page 3 of the bill will be changed when we get the DOT amendment.

Senator Campbell: so the autocycles will be insured like motorcycles and driven with a regular driver's license.

Chairman Oehlke we will put an amendment with an emergency clause, because right now these things are being sold all around the state. See Attachment #1. We will wait until the amendments are consolidated into one to vote on them. Meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2312

2/20/2015

Recording job number 24211

☐ Subcommittee ☐ Conference Committee

Committee Clerk Signature

Doris E. Pérez

Explanation or reason for introduction of bill/resolution:

To create and enact chapter 39-29.3 of the North Dakota Century Code, relating to autocycles; and to provide a penalty

Minutes:

Attachment 0

Chairman Oehlke opened the discussion on SB 2312, all committee members were present.

Committee members reviewed amendment; 15.0927.01003

Senator Sinner what about the home built vehicles?

Chairman Oehlke there is a certification process done thru private garages that examine the vehicle thoroughly. The three places where if applicable appears are: 1) Section 39-29.2-14 (fenders) 2) 39-29.2-08 #3 (brakes) and 3) 39-29.2-09 #4 (tires, wheels and rims) The emergency clause is Section 23, page 9.

Senator Sinner moved to adopt the amendment

Senator Rust seconded

Roll call vote: all committee members voted in favor of the amendment.

Vice Chairman Casper moved: do pass as amended

Senator Axness seconded

Roll call vote was taken: Yes 6 No 0 Absent 0

Carrier: Senator Sinner

2/20/15
JNR
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PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 39-29.2-05, 39-29.2-06, 39-29.2-07, 39-29.2-08, 39-29.2-09, 39-29.2-10, 39-29.2-11, 39-29.2-12, 39-29.2-13, 39-29.2-14, 39-29.2-15, 39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20 of the North Dakota Century Code, relating to unconventional vehicles; to amend and reenact subsection 3 of section 26.1-40-01, subsection 10 of section 26.1-41-01, subsection 49 of section 39-01-01, subsection 2 of section 39-29.2-01, and subsection 5 of section 39-29.2-03, and section 39-29.2-04 of the North Dakota Century Code, relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 26.1-40-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Policy" means any automobile policy which includes automobile liability coverage, uninsured motorist coverage, underinsured motorist coverage, automobile medical payments coverage, basic or optional excess no-fault benefits, or automobile physical damage coverage, delivered or issued for delivery in this state, insuring as the named insured an individual residing in this state, and under which the insured vehicles designated in the policy are of the following types only:
 - a. A motor vehicle of the private passenger ~~or station wagon~~-type that is not used as a public or livery conveyance, nor rented to others.
 - b. Any four-wheel motor vehicle with a load capacity of one thousand five hundred pounds [680.39 kilograms] or less which is not used in the occupation, profession, or business of the insured, nor used as a public or livery conveyance, nor rented to others.
 - c. Any motorcycle as that term is defined in section 39-01-01 that is not used as a public or livery conveyance, nor rented to others.
 - d. An unconventional vehicle, as that term is defined in subsection 2 of section 39-29.2-01, which is not used as a public or livery conveyance, nor rented to others.

"Policy" does not include any policy that has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy; any policy issued under the North Dakota assigned risk plan; any policy insuring more than six motor vehicles; any policy covering the operation of a garage, automobile sales agency, repair shop, service station, or public parking place; any policy providing insurance only on an excess basis; or any other contract providing insurance to a named insured even though the contract may incidentally provide insurance with respect to such motor vehicles.

SECTION 2. AMENDMENT. Subsection 10 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

10. "Motor vehicle" means a vehicle having more than three load-bearing wheels, of a kind required to be registered under the laws of this state relating to motor vehicles, designed primarily for operation upon the public streets, roads, and highways, and driven by power other than muscular power, and includes a trailer drawn by or attached to such a vehicle. The term does not include an unconventional vehicle defined in subsection 2 of section 39-29.2-01.

SECTION 3. AMENDMENT. Subsection 49 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

49. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01.

SECTION 4. AMENDMENT. Subsection 2 of section 39-29.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat ~~or saddle for the driver which is mounted at least twenty-four inches [50.8 centimeters] from the ground~~ that does not require the operator to straddle or sit astride it, has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

SECTION 5. AMENDMENT. Subsection 5 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number plate or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.

SECTION 6. AMENDMENT. Section 39-29.2-04 of the North Dakota Century Code is amended and reenacted as follows:

39-29.2-04. Operation of unconventional vehicle.

To operate an unconventional vehicle on a highway, the operator must be a class D licensed driver. An operator may operate an unconventional vehicle on any ~~highway except an access-controlled highway.~~

SECTION 7. Section 39-29.2-05 of the North Dakota Century Code is created and enacted as follows:

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39-29.2-05. Equipment.

1. An unconventional vehicle must be equipped with safety glass or a windshield at all times while operating the vehicle.
2.
 - a. An operator and any passenger under the age of eighteen shall wear protective helmets, except when the unconventional vehicle has a nonremovable roof, a windshield, and an enclosed body.
 - b. If the operator of an unconventional vehicle is required to wear a safety helmet, any passenger must also wear a safety helmet regardless of the passenger's age.
 - c. A helmet violation under this subsection has the same penalty as driving a motorcycle without a helmet.
3. Operators and passengers in an unconventional vehicle shall comply with seatbelt use laws.

SECTION 8. Section 39-29.2-06 of the North Dakota Century Code is created and enacted as follows:

39-29.2-06. Manufacturer's or distributor's certification.

1. The manufacturer or distributor shall certify that an unconventional vehicle is designed and manufactured for use upon public highways and complies with the performance, United States environmental protection agency equipment requirements, and the rules of this chapter.
2. The certificate must be incorporated on the manufacturer's statement of origin upon transfer of vehicle ownership.

SECTION 9. Section 39-29.2-07 of the North Dakota Century Code is created and enacted as follows:

39-29.2-07. Frame - Chassis - Requirements.

1. The unconventional vehicle frame-chassis, including the suspension components and engine mountings, must be of substantial construction, capable of supporting the combined weight of all vehicle components including the riders for whom the vehicle is designed, and must withstand normal road shocks and operational stresses, without constituting a hazard to the riders or other users of the highway.
2. The unconventional vehicle wheelbase may not be less than forty inches [101.6 centimeters].

SECTION 10. Section 39-29.2-08 of the North Dakota Century Code is created and enacted as follows:

39-29.2-08. Brakes.

1. Every unconventional vehicle must have either a split service brake system or two independently actuated service brake systems, in accordance with rules adopted by the director under chapter 28-32. Brakes must act on the front and rear wheels.

2. Every unconventional vehicle must meet the requirements for brake system effectiveness, fade, and partial systems, as specified in rules adopted by the director under chapter 28-32.
3. If applicable, all linkages, cables, pivots, and bearings must be free of excess friction, with the front wheel brake cable located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or left.
4. Brake actuating devices must be in an accessible location, unencumbered by vehicle components, and positioned so that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements must be in accordance with rules adopted by the director under chapter 28-32. A suitable mechanism must be provided for the purpose of automatically returning the actuating devices to normal position upon release.
5. Unconventional vehicles brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.
6. An unconventional vehicle must be equipped with an emergency or parking brake of a friction type, with a solely mechanical means to retain engagement.
7. The brake system on an unconventional vehicle should be capable of stopping within a distance of thirty feet [9.14 meters] on a dry, hard, approximately level stretch of highway that is free from loose material at all times and under all conditions, at a speed of twenty miles per hour [32 kilometers per hour].

SECTION 11. Section 39-29.2-09 of the North Dakota Century Code is created and enacted as follows:

39-29.2-09. Tires, wheels, and rims.

1. Unconventional vehicle tires must be of pneumatic design, with a minimum width of two and twenty-five hundredths inches [57.15 millimeters], and must be designed for highway use.
2. Tires on an unconventional vehicle must have a load capacity rating at least equal to the respective gross axle weight ratings. Each tire on the front or rear axle must have a load capacity rating at least equal to one-half the front or rear axle gross axle weight rating.
3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or must comply with title 49, C.F.R., part 571, federal motor vehicle safety standards, and must comply with applicable state standards, as adopted by the director.

SECTION 12. Section 39-29.2-10 of the North Dakota Century Code is created and enacted as follows:

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39-29.2-10. Steering and suspension systems.

1. Unconventional vehicle steering and suspension systems must be designed and engineered to provide the operator with the means of safely controlling the unconventional vehicle direction under all maneuvers required for normal and safe operation.
2. On a three-wheel unconventional vehicle, the midpoint of the front or rear wheel track distance must be within one inch [2.54 centimeters] of the single front or single rear wheel track when the vehicle is proceeding on a straight course. If applicable, the vehicle must be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head must be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.
4. If applicable, an unconventional vehicle must meet the following specifications in relationship to front wheel geometry:
 - a. Maximum:
 - (1) Rake - Forty-five degrees; and
 - (2) Trail - Fourteen inches [35.56 centimeters] positive.
 - b. Minimum:
 - (1) Rake - Twenty degrees; and
 - (2) Trail - Two inches [5.08 centimeters] positive.
5. Manufacturer's specifications must include the specific rake and trail for each unconventional vehicle. The terms "rake" and "trail" must be defined by the director by rules adopted under chapter 28-32.
6. The steering device must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip, if so equipped, in any direction. Steering device grips may not be located above the shoulder height of the seated operator. The steering device must provide a minimum of eighteen inches [45.72 centimeters] between each grip, after final assembly.
7. The steering device must be equipped with material and surface patterns to ensure firm, nonslip gripping for the driver.
8. Every unconventional vehicle must be equipped with a suspension system. The suspension system must be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

SECTION 13. Section 39-29.2-11 of the North Dakota Century Code is created and enacted as follows:

39-29.2-11. Fuel system.

1. All fuel system components, including the tank, pump, tubing, hoses, and clamps must be securely fastened to the unconventional vehicle, so as not

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to interfere with its operation and must be leakproof when the vehicle is in its normal operating attitude.

2. Fuel lines must be positioned so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or with moving components. The fuel system must be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

SECTION 14. Section 39-29.2-12 of the North Dakota Century Code is created and enacted as follows:

39-29.2-12. Exhaust system - Prevention of noise.

1. Unconventional vehicles must be equipped with an exhaust system incorporating a muffler or other mechanical device, for the purpose of effectively reducing engine noise.
2. Cutouts and bypasses in the exhaust system are prohibited.
3. The system must be leakproof and all components must be securely attached to the vehicle and located so as not to interfere with the operation of the unconventional vehicle.
4. Shielding must be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation.
5. An unconventional vehicle operating on streets and highways must meet the noise decibel limitations as established by the United States environmental protection agency.
6. A person may not sell, offer for sale, or install any noise suppressing system or device, which will produce noise in excess of the maximum allowable decibel limitations set forth in this section.

SECTION 15. Section 39-29.2-13 of the North Dakota Century Code is created and enacted as follows:

39-29.2-13. Mirror.

Every unconventional vehicle must be equipped with two mirrors, securely affixed and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the unconventional vehicle. A mirror must consist of a minimum reflective surface of ten square inches [64.52 square centimeters]. A mirror may not contain sharp edges or projections capable of producing injury.

SECTION 16. Section 39-29.2-14 of the North Dakota Century Code is created and enacted as follows:

39-29.2-14. Fenders.

If applicable, each wheel of an unconventional vehicle must be equipped with fenders or otherwise covered by the body configuration. Fenders must be securely mounted and of sufficient size and strength to minimize water or other road surface

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substances from coming in contact with the vehicle riders or throwing the road substances unreasonably to the rear of the vehicle. The fender design must be effective in reducing side spray.

SECTION 17. Section 39-29.2-15 of the North Dakota Century Code is created and enacted as follows:

39-29.2-15. Seat.

1. A seat securely attached to the vehicle must be provided for the use of the operator and be a permanent upright seat that does not require the operator to straddle or sit astride it. The seat adjustment locking device must prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.
2. An unconventional vehicle designed to carry more than one person must be equipped with a securely mounted seat for each passenger. The seat must be located to the side or rear of the driver so that the passenger seat does not interfere with the driver's control or operation of the vehicle.

SECTION 18. Section 39-29.2-16 of the North Dakota Century Code is created and enacted as follows:

39-29.2-16. Glazing.

An unconventional vehicle windscreen and windshield must meet the following standards:

1. The glazing material must comply with the standards made by rule;
2. The metal support must be of a material that bends rather than fragments under impact; and
3. Any covering material, other than glazing, must be beaded at the edges to prevent fraying.

SECTION 19. Section 39-29.2-17 of the North Dakota Century Code is created and enacted as follows:

39-29.2-17. Horn.

Every unconventional vehicle must be equipped with a horn, in good working order, as described by subsection 1 of section 39-21-36. The horn must operate from a control located on the steering device.

SECTION 20. Section 39-29.2-18 of the North Dakota Century Code is created and enacted as follows:

39-29.2-18. Speedometer and odometer.

Every unconventional vehicle must be equipped with a properly operating speedometer and an odometer, calibrated in miles or kilometers per hour respectively, and must be fully illuminated when the headlamp is activated.

8/9

SECTION 21. Section 39-29.2-19 of the North Dakota Century Code is created and enacted as follows:

39-29.2-19. Lighting equipment.

1. An unconventional vehicle must be equipped with lamps, reflective devices, and associated equipment, as required by and in compliance with standards adopted by rule of the director.
2. A gearbox indicator light, if provided, must be located within the operator's field of vision.
3. A headlamp beam indicator light must be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated.
4. An unconventional vehicle must be equipped with at least one taillamp, in accordance with section 39-21-04.
5. An unconventional vehicle must be equipped with a stop lamp, in accordance with subsection 1 of section 39-21-19.
6. An unconventional vehicle must be equipped with hazard warning signals in accordance with section 39-21-19.1.

SECTION 22. Section 39-29.2-20 of the North Dakota Century Code is created and enacted as follows:

39-29.2-20. Headlamps.

1. The headlamp or headlamps on an unconventional vehicle must be a multiple-beam type.
2. The headlamp or headlamps on an unconventional vehicle must be of sufficient intensity to reveal an individual or a vehicle at a distance of not less than:
 - a. One hundred feet [30.48 meters], when the unconventional vehicle is operated at any speed less than twenty-five miles [40.23 kilometers] per hour;
 - b. Two hundred feet [60.96 meters], when the unconventional vehicle is operated at a speed of twenty-five miles [40.23 kilometers] per hour, but less than thirty-five miles [56.33 kilometers] per hour; and
 - c. Three hundred feet [91.44 meters], when the unconventional vehicle is operated at a speed of thirty-five miles [56.33 kilometers] per hour, or more.
3. An unconventional vehicle must be equipped with a multiple-beam headlamp that meets the minimum requirements set forth in this section and may not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam must meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.

SECTION 23. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

a/a

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
SB BILL NO. 2312**

Senate TRANSPORTATION Committee

☐ Subcommittee

Amendment LC# or Description: 15.0927.01003

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Sinner Seconded By Senator Rust

Senators	Yes	No	Senators	Yes	No
Chairman Oehlke			Senator Axness		
Vice Chairman Casper			Senator Sinner		
Senator Campbell					
Senator Rust					
<u>ROLL CALL VOTE:</u>			ALL COMMITTEE MEMBERS WERE IN FAVOR		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

TO TAKE AUTOCYCLES INTO THE UNCONVENTIONAL VEHICLE CATEGORY; TO INSURE
THEM AS MOTORCYCLES; DECLARE TO BE AN EMERGENCY

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
SB BILL NO. 2312**

Senate TRANSPORTATION Committee

☐ Subcommittee

Amendment LC# or Description: 15.0927.01003

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Vice Chairman Casper Seconded By Senator Axness

Senators	Yes	No	Senators	Yes	No
Chairman Oehlke	x		Senator Axness	x	
Vice Chairman Casper	x		Senator Sinner	x	
Senator Campbell	x			x	
Senator Rust	x				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Sinner

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

REPORT OF STANDING COMMITTEE

SB 2312: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 39-29.2-05, 39-29.2-06, 39-29.2-07, 39-29.2-08, 39-29.2-09, 39-29.2-10, 39-29.2-11, 39-29.2-12, 39-29.2-13, 39-29.2-14, 39-29.2-15, 39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20 of the North Dakota Century Code, relating to unconventional vehicles; to amend and reenact subsection 3 of section 26.1-40-01, subsection 10 of section 26.1-41-01, subsection 49 of section 39-01-01, subsection 2 of section 39-29.2-01, and subsection 5 of section 39-29.2-03, and section 39-29.2-04 of the North Dakota Century Code, relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 26.1-40-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Policy" means any automobile policy which includes automobile liability coverage, uninsured motorist coverage, underinsured motorist coverage, automobile medical payments coverage, basic or optional excess no-fault benefits, or automobile physical damage coverage, delivered or issued for delivery in this state, insuring as the named insured an individual residing in this state, and under which the insured vehicles designated in the policy are of the following types only:
 - a. A motor vehicle of the private passenger ~~or station wagon~~ type that is not used as a public or livery conveyance, nor rented to others.
 - b. Any four-wheel motor vehicle with a load capacity of one thousand five hundred pounds [680.39 kilograms] or less which is not used in the occupation, profession, or business of the insured, nor used as a public or livery conveyance, nor rented to others.
 - c. Any motorcycle as that term is defined in section 39-01-01 that is not used as a public or livery conveyance, nor rented to others.
 - d. An unconventional vehicle, as that term is defined in subsection 2 of section 39-29.2-01, which is not used as a public or livery conveyance, nor rented to others.

"Policy" does not include any policy that has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy; any policy issued under the North Dakota assigned risk plan; any policy insuring more than six motor vehicles; any policy covering the operation of a garage, automobile sales agency, repair shop, service station, or public parking place; any policy providing insurance only on an excess basis; or any other contract providing insurance to a named insured even though the contract may incidentally provide insurance with respect to such motor vehicles.

SECTION 2. AMENDMENT. Subsection 10 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

10. "Motor vehicle" means a vehicle having more than three load-bearing wheels, of a kind required to be registered under the laws of this state relating to motor vehicles, designed primarily for operation upon the public streets, roads, and highways, and driven by power other than

muscular power, and includes a trailer drawn by or attached to such a vehicle. The term does not include an unconventional vehicle defined in subsection 2 of section 39-29.2-01.

SECTION 3. AMENDMENT. Subsection 49 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

49. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01.

SECTION 4. AMENDMENT. Subsection 2 of section 39-29.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat ~~or saddle for the driver which is mounted at least twenty-four inches [50.8 centimeters] from the ground~~ that does not require the operator to straddle or sit astride it, has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

SECTION 5. AMENDMENT. Subsection 5 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number plate or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.

SECTION 6. AMENDMENT. Section 39-29.2-04 of the North Dakota Century Code is amended and reenacted as follows:

39-29.2-04. Operation of unconventional vehicle.

To operate an unconventional vehicle on a highway, the operator must be a class D licensed driver. An operator may operate an unconventional vehicle on any highway ~~except an access-controlled highway.~~

SECTION 7. Section 39-29.2-05 of the North Dakota Century Code is created and enacted as follows:

39-29.2-05. Equipment.

1. An unconventional vehicle must be equipped with safety glass or a windshield at all times while operating the vehicle.
2.
 - a. An operator and any passenger under the age of eighteen shall wear protective helmets, except when the unconventional vehicle has a nonremovable roof, a windshield, and an enclosed body.
 - b. If the operator of an unconventional vehicle is required to wear a safety helmet, any passenger must also wear a safety helmet regardless of the passenger's age.
 - c. A helmet violation under this subsection has the same penalty as driving a motorcycle without a helmet.

3. Operators and passengers in an unconventional vehicle shall comply with seatbelt use laws.

SECTION 8. Section 39-29.2-06 of the North Dakota Century Code is created and enacted as follows:

39-29.2-06. Manufacturer's or distributor's certification.

1. The manufacturer or distributor shall certify that an unconventional vehicle is designed and manufactured for use upon public highways and complies with the performance, United States environmental protection agency equipment requirements, and the rules of this chapter.
2. The certificate must be incorporated on the manufacturer's statement of origin upon transfer of vehicle ownership.

SECTION 9. Section 39-29.2-07 of the North Dakota Century Code is created and enacted as follows:

39-29.2-07. Frame - Chassis - Requirements.

1. The unconventional vehicle frame-chassis, including the suspension components and engine mountings, must be of substantial construction, capable of supporting the combined weight of all vehicle components including the riders for whom the vehicle is designed, and must withstand normal road shocks and operational stresses, without constituting a hazard to the riders or other users of the highway.
2. The unconventional vehicle wheelbase may not be less than forty inches [101.6 centimeters].

SECTION 10. Section 39-29.2-08 of the North Dakota Century Code is created and enacted as follows:

39-29.2-08. Brakes.

1. Every unconventional vehicle must have either a split service brake system or two independently actuated service brake systems, in accordance with rules adopted by the director under chapter 28-32. Brakes must act on the front and rear wheels.
2. Every unconventional vehicle must meet the requirements for brake system effectiveness, fade, and partial systems, as specified in rules adopted by the director under chapter 28-32.
3. If applicable, all linkages, cables, pivots, and bearings must be free of excess friction, with the front wheel brake cable located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or left.
4. Brake actuating devices must be in an accessible location, unencumbered by vehicle components, and positioned so that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements must be in accordance with rules adopted by the director under chapter 28-32. A suitable mechanism must be provided for the purpose of automatically returning the actuating devices to normal position upon release.
5. Unconventional vehicles brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.

6. An unconventional vehicle must be equipped with an emergency or parking brake of a friction type, with a solely mechanical means to retain engagement.
7. The brake system on an unconventional vehicle should be capable of stopping within a distance of thirty feet [9.14 meters] on a dry, hard, approximately level stretch of highway that is free from loose material at all times and under all conditions, at a speed of twenty miles per hour [32 kilometers per hour].

SECTION 11. Section 39-29.2-09 of the North Dakota Century Code is created and enacted as follows:

39-29.2-09. Tires, wheels, and rims.

1. Unconventional vehicle tires must be of pneumatic design, with a minimum width of two and twenty-five hundredths inches [57.15 millimeters], and must be designed for highway use.
2. Tires on an unconventional vehicle must have a load capacity rating at least equal to the respective gross axle weight ratings. Each tire on the front or rear axle must have a load capacity rating at least equal to one-half the front or rear axle gross axle weight rating.
3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or must comply with title 49, C.F.R., part 571, federal motor vehicle safety standards, and must comply with applicable state standards, as adopted by the director.

SECTION 12. Section 39-29.2-10 of the North Dakota Century Code is created and enacted as follows:

39-29.2-10. Steering and suspension systems.

1. Unconventional vehicle steering and suspension systems must be designed and engineered to provide the operator with the means of safely controlling the unconventional vehicle direction under all maneuvers required for normal and safe operation.
2. On a three-wheel unconventional vehicle, the midpoint of the front or rear wheel track distance must be within one inch [2.54 centimeters] of the single front or single rear wheel track when the vehicle is proceeding on a straight course. If applicable, the vehicle must be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head must be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.
4. If applicable, an unconventional vehicle must meet the following specifications in relationship to front wheel geometry:
 - a. Maximum:
 - (1) Rake - Forty-five degrees; and
 - (2) Trail - Fourteen inches [35.56 centimeters] positive.
 - b. Minimum:
 - (1) Rake - Twenty degrees; and

- (2) Trail - Two inches [5.08 centimeters] positive.
5. Manufacturer's specifications must include the specific rake and trail for each unconventional vehicle. The terms "rake" and "trail" must be defined by the director by rules adopted under chapter 28-32.
 6. The steering device must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip, if so equipped, in any direction. Steering device grips may not be located above the shoulder height of the seated operator. The steering device must provide a minimum of eighteen inches [45.72 centimeters] between each grip, after final assembly.
 7. The steering device must be equipped with material and surface patterns to ensure firm, nonslip gripping for the driver.
 8. Every unconventional vehicle must be equipped with a suspension system. The suspension system must be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

SECTION 13. Section 39-29.2-11 of the North Dakota Century Code is created and enacted as follows:

39-29.2-11. Fuel system.

1. All fuel system components, including the tank, pump, tubing, hoses, and clamps must be securely fastened to the unconventional vehicle, so as not to interfere with its operation and must be leakproof when the vehicle is in its normal operating attitude.
2. Fuel lines must be positioned so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or with moving components. The fuel system must be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

SECTION 14. Section 39-29.2-12 of the North Dakota Century Code is created and enacted as follows:

39-29.2-12. Exhaust system - Prevention of noise.

1. Unconventional vehicles must be equipped with an exhaust system incorporating a muffler or other mechanical device, for the purpose of effectively reducing engine noise.
2. Cutouts and bypasses in the exhaust system are prohibited.
3. The system must be leakproof and all components must be securely attached to the vehicle and located so as not to interfere with the operation of the unconventional vehicle.
4. Shielding must be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation.
5. An unconventional vehicle operating on streets and highways must meet the noise decibel limitations as established by the United States environmental protection agency.

6. A person may not sell, offer for sale, or install any noise suppressing system or device, which will produce noise in excess of the maximum allowable decibel limitations set forth in this section.

SECTION 15. Section 39-29.2-13 of the North Dakota Century Code is created and enacted as follows:

39-29.2-13. Mirror.

Every unconventional vehicle must be equipped with two mirrors, securely affixed and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the unconventional vehicle. A mirror must consist of a minimum reflective surface of ten square inches [64.52 square centimeters]. A mirror may not contain sharp edges or projections capable of producing injury.

SECTION 16. Section 39-29.2-14 of the North Dakota Century Code is created and enacted as follows:

39-29.2-14. Fenders.

If applicable, each wheel of an unconventional vehicle must be equipped with fenders or otherwise covered by the body configuration. Fenders must be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders or throwing the road substances unreasonably to the rear of the vehicle. The fender design must be effective in reducing side spray.

SECTION 17. Section 39-29.2-15 of the North Dakota Century Code is created and enacted as follows:

39-29.2-15. Seat.

1. A seat securely attached to the vehicle must be provided for the use of the operator and be a permanent upright seat that does not require the operator to straddle or sit astride it. The seat adjustment locking device must prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.
2. An unconventional vehicle designed to carry more than one person must be equipped with a securely mounted seat for each passenger. The seat must be located to the side or rear of the driver so that the passenger seat does not interfere with the driver's control or operation of the vehicle.

SECTION 18. Section 39-29.2-16 of the North Dakota Century Code is created and enacted as follows:

39-29.2-16. Glazing.

An unconventional vehicle windscreen and windshield must meet the following standards:

1. The glazing material must comply with the standards made by rule;
2. The metal support must be of a material that bends rather than fragments under impact; and
3. Any covering material, other than glazing, must be beaded at the edges to prevent fraying.

SECTION 19. Section 39-29.2-17 of the North Dakota Century Code is created and enacted as follows:

39-29.2-17. Horn.

Every unconventional vehicle must be equipped with a horn, in good working order, as described by subsection 1 of section 39-21-36. The horn must operate from a control located on the steering device.

SECTION 20. Section 39-29.2-18 of the North Dakota Century Code is created and enacted as follows:

39-29.2-18. Speedometer and odometer.

Every unconventional vehicle must be equipped with a properly operating speedometer and an odometer, calibrated in miles or kilometers per hour respectively, and must be fully illuminated when the headlamp is activated.

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39-29.2-19. Lighting equipment.

1. An unconventional vehicle must be equipped with lamps, reflective devices, and associated equipment, as required by and in compliance with standards adopted by rule of the director.
2. A gearbox indicator light, if provided, must be located within the operator's field of vision.
3. A headlamp beam indicator light must be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated.
4. An unconventional vehicle must be equipped with at least one taillamp, in accordance with section 39-21-04.
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6. An unconventional vehicle must be equipped with hazard warning signals in accordance with section 39-21-19.1.

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- b. Two hundred feet [60.96 meters], when the unconventional vehicle is operated at a speed of twenty-five miles [40.23 kilometers] per hour, but less than thirty-five miles [56.33 kilometers] per hour; and
- c. Three hundred feet [91.44 meters], when the unconventional vehicle is operated at a speed of thirty-five miles [56.33 kilometers] per hour, or more.
- 3. An unconventional vehicle must be equipped with a multiple-beam headlamp that meets the minimum requirements set forth in this section and may not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam must meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.

SECTION 23. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2015 HOUSE TRANSPORTATION

SB 2312

2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2312
3/20/2015
Job #25187

☐ Subcommittee
Conference Committee

Committee Clerk Signature *Kenneth M. Tolch*

Explanation or reason for introduction of bill/resolution:

A bill relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

Minutes:

Attachments #1-6

Chairman Dan Ruby opened the hearing on SB 2312.

Senator Sinner, District 46 in Fargo, introduced SB 2312. He provided written testimony and proposed amendments. See attachment #1.

J. R. Burke, Government Relations, Polaris Industries: As many of you know, Polaris Industries is known for its off-road vehicles; its snowmobiles and such like that. But recently we introduced the Polaris Slingshot in July of last year. As Sen. Sinner alluded to, there were some challenges as to where that was going to reside within the Century Code. So, the Unconventional Vehicle made some sense from that perspective, to address seat height issues, the unique characteristics of that product, and I just wanted to point out a couple of them. The footprint, as you may have seen out front, is that the vehicle has two forward wheels and one rear drive wheel. The seating has two upright bucket seats, side-by-side, it has a steering wheel, gas and brake at the floorboard, and then it has a GM 2.4-liter dual overhead cam motor with a five-speed transmission. And then it has automotive features for lighting and such. It doesn't fit into a typical motorcycle category. It isn't a passenger vehicle, so the unconventional vehicle category made some sense. If you look at how Slingshot is categorized across the country, by and large it is titled as a motorcycle in a number of other states. A small handful of them are in the midst of considering new legislation similar to what we're doing here, to find a category for it. Unconventional vehicle and autocycle, a motorcycle-type of definition are things that are being looked at. Of those states, there's only six that are not currently titling Slingshot; North Dakota being one of them. What our main concern is, we've got a vehicle, it's well thought out, it's well designed. We know we have a market for it here in North Dakota. We have independently-owned small business dealers across the state who have customers that want this vehicle, and we are really just wanting to make sure there is a proper place to title this product, get it out on the road so that our dealers and the consumers here in North Dakota can join 90 percent of

the rest of the country in being able to enjoy that experience that Slingshot provides. I'm happy to answer any questions.

Vice Chairman Lisa Meier: How fast can the Slingshot go?

Burke: It can get over 100 miles per hour.

Chairman Dan Ruby: Are you familiar with technical issues about the bill, or should we save those for the Department?

Burke: I am familiar with some of them. I know that the way the bill was written, it did have some tweaks that needed to be made because they addressed traditional, forward-trike designs. So, where there's one wheel in the front, two in the rear; that weren't applicable to reverse-trike designs like the Slingshot. So some of the amendments that were offered in the Senate, and then some of the amendments that I think you have before you today are really to address the flexibility that's needed to accommodate this type of vehicle design.

Chairman Dan Ruby: Some of the technical changes that are required for allowing them on the road seem to be in the first two, and then half of the third page. From there on, it's almost like seven pages of specific language to the type of equipment and features they must have. I'm just wondering, is all this information really narrowly focused to this vehicle from your manufacturing company? Or would this encompass other companies that put something similar on the road?

Burke: The way the bill is written, it's really designed to provide any form of reverse-trike designed product. Polaris is the most prominent at this point, but we do know that there are a number of other manufacturers out there that are producing similar vehicles, or that soon will be producing similar vehicles. There is a company that is scheduled to begin production out of a former GM plant in Louisiana on the first part of 2016. There is another company called Companion Motors out of Quebec. They produce a vehicle similar to the Slingshot, and there are a number of other companies out there that have similarly-configured vehicles, and I think these technical changes that we have made, both on the Senate side and now here in your committee, are not reflective of just how do we get the Polaris Slingshot into the marketplace, but they would really grab a whole host of other products.

Chairman Dan Ruby: Do these vehicles have seatbelts?

Burke: Yes, that's correct.

Chairman Dan Ruby: Are there helmet rules in the bill?

Burke: I think that's on page 3.

Chairman Dan Ruby: Are you seeing in other states where you must be buckled and wearing a seat belt at the same time?

Burke: The warning labels inside the vehicle, which are designed to be compliant with Federal warning labels, warn for seatbelt use and for helmet use. But, what we're finding is

that across the states, they're by and large allowing operators of this product to operate it akin to what they are currently requiring for two-wheel motorcycles. So, oftentimes like you have here in North Dakota, is that anyone 18 years of age and younger will be required to wear a helmet, whereas it's a voluntary choice for those folks over 18. That's really what we're seeing across the country, and while Polaris will always err on the side of safety, we're flexible in how are we consistent with other user groups and how they're required to adhere to safety requirements. So, I think the helmet requirement is certainly a good idea, but it really is a voluntary decision at this point, from our perspective.

Chairman Dan Ruby: Why was the language put in, on page 2 and line 4, that the unconventional vehicle, as that term is defined in subsection 2 of section 3929.201 that is not used as a public nor livery conveyance, nor rented to others. Why wouldn't it be allowed to be rented?

Burke: I don't have a solid answer for that. I don't really foresee this being a type of vehicle you would get from your Avis at the airport or anything of that nature. These are really just personal vehicles. People go to a Polaris dealership, purchase the product, use them for their own personal use. So I'm not really sure what the purpose of that language is.

Representative Chris Olson: It is in a portion dealing with insurance that says "rented". It's about coverage.

Steve Pletan, Action Motor Sports, Mandan: We are currently a Polaris and Suzuki dealer. We sell Victory and Indian motorcycles. And now the new Polaris Slingshot. The Slingshot has really driven a lot of floor traffic in our business in the last six or seven months since it's been released. We actually have generated over \$250,000 of business already. We are building a new facility that is going to have more square footage for the Slingshot. We'll have more technicians, more sales people, more parts people alone because of the floor traffic and the phone calls that we've had about the new machine. As far as what it does for our consumers, we have a lot of customers that are bike enthusiasts for a long time. And the motorcycle is getting too heavy for a guy 60 or 65, 70, 75 or 80 years old. And they can't get any experience like a motorcycle in a car, so this really gives them a safe way to get out on the road with their other companions and still have a good time. The first two we sold, the first gentlemen who bought them were actually 78 and 79 years old. So, it's not just a fast young man's sport car, or what do you want to call it. It is a safe way for these baby-boomer generation, older generation to get on the road and enjoy the same feeling of a motorcycle on the road. So, as far as us from a dealer standpoint, it has been great for us. It has generated a lot of business. It's a great way for growth for the power sport industry. The power sport industry is ever changing. There's always new things coming out throughout the years, and different avenues. The Slingshot just really gives us as a dealership, and as dealers throughout the state, a great way of growth for our overall business.

Annette Behm-Caldwell, Open Road Honda, Mandan, spoke to support SB 2312. Written testimony was provided. See attachment #2.

Chairman Dan Ruby: As I read the bill, and it got very specific on steering and braking, and where cables go, and many things, wheel size; it kind of made me concerned that it

possibly could be written for a specific vehicle. We want something that, again, we're not back here in one or two sessions tweaking something because it's too specific.

Behm-Caldwell: I think the challenge is how do you write something on a blank piece of paper. So, using the specifications of the Slingshot may have been a good way to start, but it's hard to tell what the future may bring. So we face that issue in almost every piece of legislation that gets discussed.

Rep. Delmore: Is the mileage that you get on that similar to cycles? What's the range of how far you can drive on a tank of gas?

Behm-Caldwell: My father-in-law hasn't let me ride his, so I don't know.

Burke: It has about a nine-gallon fuel tank, and average miles per gallon is about 25-26, so there is plenty distance to go.

Steve Magnuson, Polaris Industries in Fargo, spoke to support SB 2312. We're forecasting sales of several million dollars for the state of North Dakota with this product. As Steve and other dealers have all brought on extra employees, dedicated space in the showrooms for these products, and future products that will probably come with this, so we're asking that you look favorably on the product. It's the first day of spring, and I wish we had keys for everyone, and we could go out and play today.

There was no further support for SB 2312.
There was no opposition to SB 2312.

Linda Sitz, North Dakota Department of Transportation, spoke in a neutral capacity on SB 2312. She provided amendments for SB 2312. See attachment #3. A variety of pictures of unconventional vehicles was also provided. See attachment #4. The DOT was asked to write this legislation from the Legislative council. So we were instrumental in both phases of this legislation. Due to that, there are a few amendments that we would also like to submit, just because we did this kind of on fast-track, and we didn't have a lot of free time to do it. I think, overall, that the changes we put in place on this legislation that we wrote, it fits the vehicles of the future. When in doubt, we put it if applicable because it might not fit what Polaris wants to title, because they wanted to take out this section on the rake, but it would probably fall into some of these other vehicles of the future. So we don't want to have to come back and revisit this in a couple years.

Chairman Dan Ruby: Do we include the damage disclosure on motorcycles, too? What is the damage level?

Linda Sitz: Yes, we do. You have to do it in eight calendar years. It is 75% of the fair market value of the vehicle.

Rep. Mark Owens: So the part you helped them write, with all this equipment requirements, with frame and chassis and distributorship certificate and brakes and wheels; all of this stuff?

Linda Sitz: Correct. We pretty much stole from other sections of code. If you look at the true legislation of unconventional vehicles, it didn't have any specifics in there. So what we were trying to do; it's not technically a motorcycle. In talking with the Insurance Department, there's sections in there that we have to try to figure out how to protect citizens against driving it like a car, because it's a cross between a car and a motorcycle, so we were trying to encompass all of that in a section of code. It was a challenge.

Rep. Mark Owens: There are a lot of specific details in here. I gather from what you're saying right now that you were trying to write it for any unconventional motor vehicles that might come up; not just the Slingshot. But what my quandary is is yet we can take a manure spreader and put certain things on it and have it inspected by the Highway Patrol, and they can declare it road-worthy. Somebody can inspect it and declare it road-worthy, and that has a lot less specifications than this. It seems like we could just say if it meets 3921. I was just curious why such detail.

Linda Sitz: When we started the unconventional section of law, we had seven items in there, and that's all we have in there currently. Also, one of those vehicles was a CanAm Spyder because when that first came into North Dakota, the motorcycle law did not fit, that category. So we used the unconventional section to fit that category. The other items that are in there are the manure spreader, which somebody converted, and a vehicle called the Stallion, which kind of looks like a pinewood derby vehicle that my girls competed with when they were younger, but it's not as low to the ground as the Spyder would be. The other one was another home-made type of vehicle. When unconventional was created, all that they needed to do was pass the vehicle inspection form, and as long as they met those guidelines on that form, that's what the guidelines were that they needed to pass. You're right. We have this odd duck in here, but we don't know where else to put it at this point in time. This individual who created this wanted to use it more for parades and those types of events. But you know, it doesn't go fast enough to go blasting down the Interstate.

Rep. Mark Owens: What I'm understanding the Department to say is you would like something in Code that allows you the flexibility for unconventional motor vehicles.

Linda Sitz: That is correct. We are seeing those types of vehicles, like the T-Rex. We couldn't title that because of the distance it was from the ground. The Polaris, we can't, because we didn't have a way to fit it. So the unconventional section seems to fit this type the best.

Rep. Mark Owens: Have you had a chance to look at the amendments that Sen. Sinner brought?

Linda Sitz: Sen. Sinner handed it to me the second time he came back in the room, so I haven't looked at it.

Linda Sitz provided a form for *Certificate of Vehicle Inspection* prepared by the North Dakota Department of Transportation. See attachment #5.

Chairman Dan Ruby: Some of the specifics that I was talking about as I read through it, I thought, Holy Cow! Dealing with the brakes: must be free of excess friction. Secured as to

not become pinched. Positioned so that adequate leverage and safe operation is insured. Capable of being adjusted automatically or manually with means provided. All this stuff that just seems so laborious. It's common sense stuff anyway. You're not going to put something where you're going to have brake cables that are going to be pinched. I don't know where we have anything else like that defined in any of the vehicles that we have. That's mainly where I was concerned. I understand you want something broad, and I agree with you that we have to do something so we're not coming back here all the time. And some of these just don't fit the molds of what our laws have had in the past. So I understand the concern. I'm just wondering, are we putting language in there that's really not necessary?

Linda Sitz: We were trying to figure out how to get this to fit. So we did steal from another section of code. And that came out of the motorcycle code. Because we don't know what is coming in the future, we were just trying to cover all of our bases. We would be open to any suggestions to get this changed.

Chairman Dan Ruby: It's pretty simple, like with tires: you just make sure they have the Federal DOT stamp on there, and they're approved for roads. Pretty much anything they would come up with that would be approved in that, you'd think should be acceptable at the state level. Some simplified things like that is what I'm thinking about.

Representative Chris Olson: Do motorcycles require windshields?

Linda Sitz: No.

Representative Chris Olson: I'm wondering why we want to require windshields on unconventional vehicles if we don't require them on motorcycles.

Linda Sitz: If you look underneath 3927, underneath glazing, it does talk about the windshield on a motorcycle. So we took that section out of here also.

Representative Chris Olson: What I'm saying is, you're requiring that all unconventional vehicles actually be equipped. This is just saying, when equipped. In the case of a motorcycle, it's not a requirement that we actually have a windshield on a motorcycle. So I'm curious why we should insist on requiring a windshield on an unconventional vehicle. I'm looking at some of the photos you handed us of others who have tried to register in the state. Some of these don't have windshields.

Linda Sitz: We're open to suggestions for change.

Chairman Dan Ruby: Do you envision this would have a Class D license or a Class M license?

Linda Sitz: Class D because we talked to Drivers License about that, and it's more of an automobile. You can't test this like you would test a motorcycle, so it would not have a motorcycle endorsement. It would be more an auto endorsement.

Chairman Dan Ruby: And then the plate, would it be the full-size auto plate or would it be the smaller motorcycle plate.

Linda Sitz: It would be the motorcycle-size plate.

Representative Lois Delmore: Do you know what the cost will be to license these? Will it be similar to the cost of a motorcycle? Do you have any idea on how you're intending to do that?

Linda Sitz: Page 3 talks about \$50 on line 9 for registration fee.

Chairman Dan Ruby: That is current for unconventional vehicles. And then the language that's being added on the top of page 3. We're removing the seat height, and before it said, seat or saddle for the driver, which is mounted, and that was some of the limiting for some of the previous ones. This says it does not require operator to straddle or sit astride it. So this would be under the unconventional vehicle definition. Is that going to cause any problems for the ones that do have some type of a saddle or seat you would straddle?

Linda Sitz: We did that deliberately because we did not want somebody creating a vehicle and straddling on it 7 inches off the ground, and trying to ride it down the road like a motorcycle. So, this whole section, we re-did that. To answer your question, it does not affect any unconventional vehicles currently registered in any state.

Chairman Dan Ruby: Can someone from the Insurance Department answer, was the issue with the nor rented, was that put in mainly on a personal policy, and so you'd require that if there was a rental place that would let you take one for a run and use it for part of a day, they would have to have commercial insurance?

Chrystal Bartuska, Director, Product Filing Division, N.D. Ins. Dept., On Page 1 currently that is the way that our current code is written for policies that if you rent a car or anything like that, and so to be consistent, we put it in the same section for unconventional vehicles, so that the same requirements would be applicable. I don't know that a lot of dealers will rent these. I know a lot of dealers don't usually rent four-wheelers and that sort of thing, just for liability reasons. We wanted to be consistent with our code. This would be a personal auto policy.

Rep. Mark Owens: To clarify this, if someone wants to rent one of these vehicles, I can't rent it out?

Johnny Palsgraaf, Attorney for the state insurance Department, Yes, you could do that, is the answer. And no, it wouldn't prevent you from doing that. You can rent it out, but the change in the insurance just won't happen. There won't be any effect on your insurance at that point. So, if you're someone who rents these in a commercial capacity, that would go under your commercial policy.

Elio Motors submitted neutral testimony by email. (Attachment #6)

The hearing was closed on SB 2312.

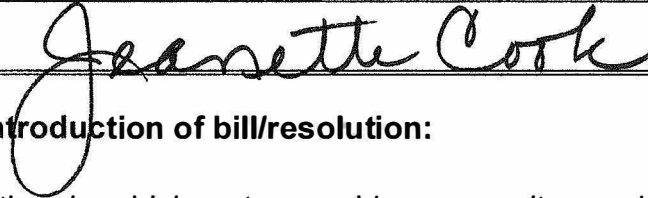
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2312
3/26/2015
#25461

☐ Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

Minutes:

Chairman Dan Ruby brought SB 2312 back before the committee. He explained that he has some amendments that will remove a large section of the bill. The intent is to require an unconventional vehicle to meet the equipment requirements under the motorcycle section or the vehicle section.

Representative Robin Weisz: The transportation committee has acted on this before. It appears that we need to look at unconventional vehicles under two different classifications: the unconventional motorcycle type and the unconventional automobile type. One would be one that you ride (with a saddle), and the other that you sit in. We should just fix that part, under Section 4.

Chairman Dan Ruby: Department of Transportation will work on language to identify the unconventional motorcycle and vehicle.

Representative Ben Hanson: Would anything be left out if we deleted the proposed bill starting at Section 7? Would that achieve what the goal was? The concern was the over-description of all of the equipment.

Chairman Dan Ruby: Yes, basically, we would replace all of that with some reference to the section of Code that describes the equipment that would be necessary to be on the road: turning signals, lights, brakes, etc.

Representative Robin Weisz: In Section 4, it could list an unconventional vehicle that you ride, with the criteria mentioned, and the existing language. Then it would list an unconventional vehicle that you sit in. It would have the same type of criteria: the maximum and minimum weight and a Class D license, and it would meet the applicable code in 39-21. So, there would either be an automotive type of unconventional vehicle, or

a motorcycle type, which is already under unconventional vehicles. There have been no concerns or problems with that. The details do not need to be in Code.

Representative Ben Hanson: It seems if we start deleting on Section 7, the bill will achieve what it sets out to do, without the cumbersome descriptions. The language on Page 2 defines that those subsections, Lines 19-20 and Lines 3-4, already references Code where it needs to be referenced. Do we need to add more?

Representative Robin Weisz: You would have to add language that defines a motor vehicle. In the amendments on Page 2 Line 30 you have eliminated the requirement for a motorcycle unconventional vehicle. We do want those to still require a motorcycle license. That is why we need the two different classes. There are some differences that you still have to take into account.

Chairman Dan Ruby: The amendments are being drafted, they are taking all of the motorcycle section (39-29.2), and putting it in the unconventional vehicle (39-21), so the language is almost verbatim. We will get a copy of the amendments later today.

2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2312
3/26/2015
#25517

☐ Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Attachment #1

A bill relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

Chairman Dan Ruby brought SB 2312 back before the committee.

Amendments were provided. See attachment #1.

Representative Chris Olson: Are we going to strike out the helmet requirement?

Chairman Dan Ruby: Yes, I asked for that to be taken out.

Representative Robin Weisz: We need this separated, so the language for the motorcycle isn't applied to the unconventional vehicle.

Chairman Dan Ruby: We had some discussion on this bill. Representative Robin Weisz asked that the bill was modified to have a distinction for an unconventional vehicle and an unconventional motorcycle.

Linda Sitz, Department of Transportation: Currently, we changed our Section of Code underneath motorcycle to address the two wheels in front (Can-Am). After that section of Code changed, we haven't titled anything under unconventional vehicles, except that Can-Am. We have been trying to get that out of that section, but we can't because we can't connect with the individual that owned one.

Chairman Dan Ruby: So, no other vehicles that you see would qualify under an unconventional motorcycle type?

Linda Sitz: No. There are seven vehicles that are in the unconventional vehicle right now. There is the manure spreader, another homemade item, and the Stallion. The Stallion is similar to the Slingshot, because you sit in it, and it has a steering wheel.

Chairman Dan Ruby: It seems like the seat or the handlebars determine where you put the vehicle. So, you don't see the need for the distinction for an unconventional hybrid motorcycle that we might need to worry about in the future?

Linda Sitz: Your guess is as good as mine. We don't know. Normally, if the setup is similar to a motorcycle, it should fall into the motorcycle category. We will have to handle those case by case.

Chairman Dan Ruby: In Section 4 when you are adding 39-18 or Chapter 39-29.2 is Section 29.2 the motorcycle section?

Linda Sitz: Yes, I believe it is.

Chairman Dan Ruby: Aren't we confusing that a little bit?

Linda Sitz: We were just trying to talk through the equipment section because we had taken out all of that where we had addressed items within the equipment. We were just trying to say, "Where it is applicable", rather than be so specific. Technically, the Slingshot is more of an automobile than a motorcycle. We want to be able to look at both sections if we need to for future items that may get created.

Chairman Dan Ruby: On the amendment it says Page 3 Line 12 inserts Section 12, but that is between 5 and 6.

Linda Sitz: With the speed that we wrote this, it is possible that we have our lines off.

Chairman Dan Ruby: So, it would be after Line 18?

Linda Sitz: What the legal team is trying to do is move down Line 12 and insert this as the new section.

Chairman Dan Ruby: We are not adding to the current Section 4, we are adding another Section 4. Then this would be Section 5?

Discussion with **Challis Williams** (legislative intern) the amendments. The sections get renumbered.

Chairman Dan Ruby: They only need one plate, correct?

Linda Sitz: Yes.

Review of amendments.

Chairman Dan Ruby: We will be deleting all of Section 7, except the seatbelt requirement?

Vice Chairman Lisa Meier: If you have a vehicle, similar to the Slingshot, on the road going 60-70 mph, you would want them to have seatbelts on because of the current state laws.

Rep. Mark Owens moved an amendment to delete Section 7 except the seatbelt law. Vice Chairman Lisa Meier seconded the motion.

A voice vote was taken. The motion carried. (Vote 1)

Chairman Dan Ruby: What would you suggest that we do, if we want to allow someone to create a modified vehicle as long as they meet some requirements?

Linda Sitz: Just add on to the rules of the chapter, when appropriate.

Language was read by intern. Inaudible- no microphone.
More suggestions about amendments. Question if manufacturer means anyone or just a specific manufacturer, like Polaris.

Chairman Dan Ruby: We don't want to limit someone from building something; do we have a way to get around that?

Linda Sitz: The clearer it is for us to follow the guidelines, the easier it will be for us to enforce them. If there is way to make it extremely clear, so there is no confusion or gray areas, that would help our section.

Representative Robin Weisz: Does it say anywhere in current Code that the manufacturer must comply with to license a normal vehicle?

Linda Sitz: I believe we follow NITZA standards. If we did something like that, it might work. In our certification for vehicle inspection we do have quite a few different sections of law that someone would have to make sure they follow if they are creating a vehicle. They would have to meet the standards that are out there. We do have admin. rule and sections of Century Code to use if we are facing a vehicle that is a new creation. We would make sure the vehicle falls under those sections of Code. If we are in doubt if something is safe for the roads in North Dakota, we do ask for a vehicle inspection. That might be a way to cover us.

Chairman Dan Ruby: So, we can just take Section 8 out?

Linda Sitz: I'm not sure that we could take the whole section out (8), but at least the part about EPA.

More discussion on possible language and further amendment possibilities.

Representative Robin Weisz moved further amendments (Section 8). Representative Ben Hanson seconded the motion.

A voice vote was taken. The motion carried. (Vote 2)

**Representative Lois Delmore moved a DO PASS as amended on SB 2312.
Representative Ben Hanson seconded the motion.**

**A roll call vote was taken: Aye 11 Nay 0 Absent 3
The motion carried. (Vote 3)**

Representative Ben Hanson will carry SB 2312.

2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2312
3/27/2015
#25550

☐ Subcommittee
Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

Minutes:

Chairman Dan Ruby brought SB 2312 back before the committee. The bill was passed on 03-26-15. There is a possibility of reconsidering the bill.

Representative Robin Weisz moved to reconsider our actions on SB 2312.
Rep. Mark Owens seconded the motion.

Chairman Dan Ruby: There was one area in the bill that mentioned license plates.

There was further discussion on the reconsideration.

A roll call vote was taken: Yea 7 Nay 5 Absent 2
The motion carried.

Rep. Mark Owens moved to further amend the bill to include 39-04-08, to change the two from a one when dealing with tags, and amend 39-04-11, to change the two to a one in regards to the number of license plates displayed.

Representative Robin Weisz seconded the motion.

Chairman Dan Ruby: The fee will remain the same.

Representative Chris Olson: So, we are saying that the department shall furnish only one tag/plate instead of two?

Chairman Dan Ruby: Yes.

Representative Chris Olson: What if a person wants two plates or tags?

Rep. Mark Owens: 04-08 talks about how many they will issue, 04-11 talks about how many must be displayed. That is why it is two separate sections.

Representative Chris Olson: If a person wants two plates and/or tags will there be a mechanism to go about getting two?

Representative Robin Weisz: They already do have a way to get an extra plate. It costs \$8.00. It is the same as a replacement plate.

Representative Chris Olson: You would assume that if we go to one plate, it would cost an additional \$8.00 for the second plate?

Representative Robin Weisz: Probably.

Rep. Mark Owens: I thought about this because we have been discussion unconventional vehicles, and they only need one plate. So, if they only need one plate, why do cars and trucks need more than one?

Vice Chairman Lisa Meier: Would the license plate go on the back of the vehicle or the front?

Chairman Dan Ruby: The back. This would be for all vehicles.

Vice Chairman Lisa Meier: What reasons would the Highway Patrol or the local law enforcement give to want to have two license plates?

Chairman Dan Ruby: We have had the discussion many times.
They reasons they give are:

- When law enforcement is approaching a vehicle, especially if there is an amber alert, a vehicle in a ditch with the front plate visible, or a stolen vehicle, and they only have access of one side of the vehicle, they can scan the plate when driving.
- Usually the petroleum marketers have opposed one plate because of the potential of drive offs. They want the cameras to be able to pick up the plates from both sides.

Representative Lois Delmore: It concerns me that we would be putting this on a bill without a hearing.

Chairman Dan Ruby: Yes, but one of the things about the two plates was that 3M always lobbied hard to keep two plates because they sold the decals and didn't want to lose that.

Representative Robin Weisz: It is true that this didn't have a hearing, but we did a new plate issue that never went to a policy committee.

Chairman Dan Ruby: I would not like this to jeopardize the bill. If Senator Sinner is really upset about it, we would back off.

Rep. Mark Owens: Apportionment vehicles only have one plate as well.

**A roll call vote was taken on the amendment: Aye 6 Nay 6 Absent 2
The motion failed.**

**Representative Chris Olson moved a DO PASS on SB 2312 as previously amended.
Representative Lois Delmore seconded the motion.**

**A roll call vote was taken on SB 2312 as amended. Aye 12 Nay 0 Absent 2
The motion carried.**

Representative Ben Hanson will carry SB 2312.

March 26, 2015

AS
3-27-15
102

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2312

Page 1, line 1, after "enact" insert "subsection 9 of section 39-29.2-03 and"

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove ", 39-29.2-07, 39-29.2-08,"

Page 1, remove line 2

Page 1, line 3, remove "39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20"

Page 1, line 5, after the third comma insert "subsection 1 of section 39-04-06,"

Page 1, line 6, after the second comma insert "subsection 7 of section 39-29.2-03,"

Page 2, after line 25, insert:

"SECTION 4. AMENDMENT. Subsection 1 of section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

1. Whenever the ownership of a vehicle registered under the provisions of this chapter ~~or, chapter 39-18, or chapter 39-29.2~~ is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates."

Page 3, after line 12, insert:

"SECTION 7. AMENDMENT. Subsection 7 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle. Whenever the ownership of an unconventional vehicle registered under this chapter is transferred or assigned, the plates must be handled in accordance with subsection 1 of section 39-04-36.

SECTION 8. Subsection 9 to section 39-29.2-03 of the North Dakota Century Code is created and enacted as follows:

9. Every unconventional vehicle is subject to the motor vehicle body damage disclosure requirement of section 39-05-17.2."

Page 3, remove lines 22 through 31

Page 4, line 1, remove "3."

Page 4, line 7, remove "performance."

Page 4, line 8, remove "United States environmental protection agency equipment requirements, and the"

Page 4, line 9, replace "of" with "adopted under"

Page 4, line 9, after the underscored period insert "An individual who manufactures an unconventional vehicle for personal use does not have to meet the certification"

requirements of this section, but shall comply with the rules adopted under this chapter."

Page 4, remove lines 12 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 and 31

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 31

Page 9, remove lines 1 and 31

Page 10, remove lines 1 through 25

Renumber accordingly

17/18
3-27-15
2d2

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 15.0927.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Mark Owens Seconded By Vice Chairman Lisa Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens					
Rep. Paur			VOICE VOTE		
Rep. Schatz			MOTION CARRIED		
Rep. Sukut					
Rep. Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Section 7 - except seatbelt

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 15.0927.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative Robin Weisz Seconded By Representative Ben Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens					
Rep. Paur			VOICE VOTE		
Rep. Schatz			MOTION CARRIED		
Rep. Sukut					
Rep. Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Section 8

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 15.0927.02001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative Lois Delmore Seconded By Representative Ben Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	A		Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	A				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Representative Ben Hanson

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

Section 8

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☒ Reconsider ☐ _____

Motion Made By Representative Robin Weisz Seconded By Rep. Mark Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore		X
Vice Chairman Meier		X	Rep. Hanson	A	
Rep. Rick Becker	X		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur		X			
Rep. Schatz	X				
Rep. Sukut		X			
Rep. Weisz	X				

Total (Yes) 7 No 5

Absent 2

Floor Assignment _____

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

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Mark Owens Seconded By Representative Robin Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore		X
Vice Chairman Meier		X	Rep. Hanson	A	
Rep. Rick Becker	X		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken		X			
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur		X	MOTION FAILED		
Rep. Schatz	X				
Rep. Sukut		X			
Rep. Weisz	X				

Total (Yes) 6 No 6

Absent 2

Floor Assignment _____

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

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2312**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative Chris Olson Seconded By Representative Lois Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	A	
Rep. Rick Becker	X		Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Representative Ben Hanson

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

REPORT OF STANDING COMMITTEE

SB 2312, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2312 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "subsection 9 of section 39-29.2-03 and"

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove ", 39-29.2-07, 39-29.2-08,"

Page 1, remove line 2

Page 1, line 3, remove "39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20"

Page 1, line 5, after the third comma insert "subsection 1 of section 39-04-06,"

Page 1, line 6, after the second comma insert "subsection 7 of section 39-29.2-03,"

Page 2, after line 25, insert:

"SECTION 4. AMENDMENT. Subsection 1 of section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

1. Whenever the ownership of a vehicle registered under the provisions of this chapter ~~or~~ chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates."

Page 3, after line 12, insert:

"SECTION 7. AMENDMENT. Subsection 7 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle. Whenever the ownership of an unconventional vehicle registered under this chapter is transferred or assigned, the plates must be handled in accordance with subsection 1 of section 39-04-36.

SECTION 8. Subsection 9 to section 39-29.2-03 of the North Dakota Century Code is created and enacted as follows:

9. Every unconventional vehicle is subject to the motor vehicle body damage disclosure requirement of section 39-05-17.2."

Page 3, remove lines 22 through 31

Page 4, line 1, remove "3."

Page 4, line 7, remove "performance."

Page 4, line 8, remove "United States environmental protection agency equipment requirements, and the"

Page 4, line 9, replace "of" with "adopted under"

Page 4, line 9, after the underscored period insert "An individual who manufactures an unconventional vehicle for personal use does not have to meet the certification"

requirements of this section, but shall comply with the rules adopted under this chapter."

Page 4, remove lines 12 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 and 31

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 31

Page 9, remove lines 1 and 31

Page 10, remove lines 1 through 25

Renumber accordingly

2015 CONFERENCE COMMITTEE

SB 2312

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2312

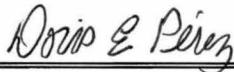
4/9/2015

Recording job number 25966

☐ Subcommittee

☒ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

Minutes:

Attachments: 0

Chairman Rust opened the Conference Committee hearing on SB 2312, present were:

Senator Campbell, Senator Sinner, Rep Owens, Rep Sukut and Rep Hanson.

He asked **Rep. Owens** what the House had done on this bill and why.

Rep. Owens: when the slingshot and other things came about some code was copied out of the motorcycle section and stuck in here. That is why you have all those details. The discussion in the House was that it seems that every time something like this comes up we alter the law. We have a section of law that says the requirements if you take something and turn it into a vehicle. We have an inspection system that determines if it is roadworthy and meets all the requirements, that is already in code. We wanted to give DOT the flexibility in the future not to have to come to the legislature; they would determine how to register these unconventional vehicles. We took out all of the very specific information about the vehicle and we referred it back to the part of section 39 that governs what vehicles have to have to be roadworthy. In the process we left in a few things. We didn't change the intent or the focus, just made it easier for DOT to adjudicate in the future.

Chairman Rust: you took out so much stuff, because it is a piece of another regulation in code?

Rep Owens: Yes, we already have most of that in code. We tried to limit it to what we already have an inspection report form for, what we already have in code.

Chairman Rust: on page 4, 3000 version, under equipment, the helmet violation was taken out because other vehicles might be brought into the picture?

Senator Campbell: DOT decides how to license and title? (Was told yes)

Committee members discussed: Page 3 lines 18-19 seatbelt use; helmet violations; class M and class D drivers licenses.

Senator Sinner: regarding helmets, can DOT require them if there is no roll cage in this vehicle, or is a roll cage required in some place?

Rep. Owens: the law says if you are under 18 you have to wear a helmet on motorcycles, then it goes back to the classification of the vehicle.

Senator Sinner: section 10 says that operators and passengers on conventional vehicles shall comply with seat belt laws, but it says nothing about any other laws regarding motorcycles. I am trying to get clarification.

Rep. Owens: that is only the section where it talks about applying the seatbelt. This references a number of laws that this would apply to.

Linda Sitz, Director, Motor Vehicle Division, ND Department of Transportation (DOT). From my understanding of the conversation, when the changes were made there wasn't a desire to enforce the helmet issue, so that section was taken out. If you look at 39.10.2 it talks about the equipment for the motorcycle riders and addresses the helmet in that section. An auto cycle is not going to be tested as a motorcycle because it doesn't have the same motorcycle endorsements; therefore it is underneath class D. The helmet use is going to be an enforcement issue.

Senator Campbell: you won't need a helmet because it falls under class D but you will need a seatbelt? (Was told yes)

Chairman Rust Linda, as you look at what the House has done to it, what kind of concerns might you have with regard to the changes from one to the other?

Linda Sitz, overall the changes they did referred to the equipment section and we can follow that. On page 4, lines 24-25, it takes out EPA requirements, our concern is that there are many trucks brought in from overseas We currently register them as off-highway because they do not meet the federal safety guidelines. If you take out that section it will open up, and give the ability for those mini trucks to be registered as unconventional vehicles. Unconventional vehicle can travel on interstate, off roads cannot.

Chairman Rust: putting that back in, what would it do? Why was it taken it out?

Linda Sitz, you would have a standard to keep those mini trucks out of the unconventional classification.

Rep. Hanson: because we found it duplicative, there was something already in federal law.

Linda Sitz as long as the legislative intent is for us to meet the federal guidelines we are following for every other type of vehicle we have an avenue to keep the mini trucks out of the road. If you take it off citizens can challenge the off-highway classification.

Rep Owens volunteered to research why that section was taken off.

Chairman Rust: Chrystal Bartuska, ND Ins. Dept. do you see anything in here that makes you wonder about this stuff?

Chrystal Bartuska: as long as Section 1 and Section 2 reference to 39-29.201 doesn't change due to renumbering or anything else you guys decide to do, we are fine with it.

Senator Campbell moved for Senate to accede to House amendments.

Rep Hanson seconded the motion

Rep. Owens supported the motion; he thinks Rep Hanson's reason for removing lines 24-25 on page 4 was correct.

Roll call vote was taken: Yes 5 No 1 Absent 0

Motion carried.

Carrier for Senate: Senator Rust Carrier for House: Rep. Owens

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

SB 2312 as engrossed

Senate Transportation Committee

- Action Taken ☒ SENATE accede to House Amendments
☐ SENATE accede to House Amendments and further amend
☐ HOUSE recede from House amendments
☐ HOUSE recede from House amendments and amend as follows

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen Campbell Seconded by: Rep Hanson

Senators	4/9/15			Yes	No		Representatives	4/9/15			Yes	No
Rust, David S	√			X			Owens, Mark S	√			X	
Campbell, Tom	√			X			Sukut, Gary	√			X	
Sinner, George	√				X		Hanson, Ben	√			X	
Total Senate Vote				2	1		Total Rep. Vote				3	0

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Sen. Rust House Carrier Rep. Owens

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2312, as engrossed: Your conference committee (Sens. Rust, Campbell, Sinner and Reps. Owens, Sukut, Hanson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1093-1094 and place SB 2312 on the Seventh order.

Engrossed SB 2312 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

SB 2312

1
2/05/15

SB 2312 - Auto Cycle Bill

Chairman Oehlke and fellow members of the Senate Transportation Committee,
Thank you for allowing me to appear before you this morning and introduce
Senate Bill 2313 for your consideration.

I am George Sinner, Senator from District 46 in Fargo.

Mr. Chairman, you and I have had several conversations over the past few weeks
about the purpose of this legislation, which is to provide for a new category of
vehicle in North Dakota, AUTO CYCLES.

Auto cycles are vehicles that do not fit in any of the current categories because of
the limitations on seat height with motorcycles.

With that I will answer any questions you might have as best I can but I will allow
the industry representative talk about the vehicle and answer your questions.

Thank you.

#2
2/05/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 231 2

Amendment #1

Page 1, line 11, strikethrough "which is mounted at least six inches [15.24 centimeters] from the ground" and then insert "and passenger" immediately after "driver"

Amendment #2

Page 2, remove lines 11 through 12

Renumber accordingly

Amendment #3

Page 2, replace "under the age of eighteen" with "of an autocycle"

Amendment #4

Page 4, remove lines 3 through 5

Renumber accordingly

Amendment #5

Page 5, line 11 through 12, strikethrough "The vehicle must be equipped with an adjustment feature that will provide proper wheel tracking."

Amendment #6

Page 5, remove lines 15 through 31

Renumber accordingly

Amendment #7

Page 7, remove lines 3 through 8

Amendment #8

Page 7, line 10 through 13, strikethrough "The seat may not be less than six inches [15.24 centimeters] above a level road surface when measured to the lowest point on top of the seat cushion with the operator seated in a driving position."

#3-1
2/05/15

Testimony before the North Dakota Senate Transportation Committee

Senate Bill 2312

Mr. Chairman and members of the committee, my name is J.R. Burke, Manager of State & Provincial Government Relations with Polaris Industries. I am here in that capacity to speak in favor of Senate Bill 2312 and amendments proffered to clarify items specific to an autocycle design and configuration.

As many of you know, Polaris started 60 years ago as a snowmobile company in Roseau, MN, but since that time we have become the global leader in off-road vehicles with our ATVs and SxS products, we have two of the strongest brands in motorcycles with Victory and Indian motorcycles and we have a myriad of other products that have bolstered our powersports and utility portfolio.

Most recently we launched the Polaris Slingshot, as a reverse trike design three-wheel motorcycle under federal law. The key characteristics of this product are:

1. **Footprint:** two forward wheels and one rear drive wheel
2. **Seating:** two upright side-by-side bucket seats w/ three point safety belts
3. **Steering:** steering wheel
4. **Acceleration & braking:** foot pedals at the floorboard
5. **Power & transmission:** General Motors 2.4 liter DOHC w/ 5-speed manual transmission
6. **Lighting:** automotive style lighting (front & rear)

And on safety, the Polaris Slingshot has a Vehicle Dynamic Control (VDC) system that assists the driver if they provide improper operator inputs or when they encountering adverse environmental conditions. For example:

1. **Anti-lock brake system:** mitigates slip when braking & promotes vehicle control/response to drivers inputs while braking
2. **Electronic stability control:** VDC provides inputs to the vehicles suspension and wheels to encourage stability when it receives improper operator inputs
3. **Traction control:** VDC provides inputs to the wheels of the vehicle that encourage vehicle control
4. **Electronic brake force distribution:** when VDC senses disruption in control of the vehicle, it applies force to various braking systems to regain control
5. **Drag torque mitigation:** when VDC senses front-end loss of control, the rear wheel is designed to generate drag that brings the vehicle back in line under control

So as you can see, Slingshot and other similarly configured products that are already in the market, or are scheduled to soon enter the market, have designs that can make them difficult to define. As a brief snapshot, most states are currently titling Slingshot as a motorcycle, with only a small handful still updating their statutes for Slingshot as either a motorcycle, or, as with North Dakota, as an autocycle.

Last month, Polaris received notification from the North Dakota Department of Transportation that they had determined Slingshot cannot be properly titled under existing motor vehicle definitions. The new autocycle definition offered by Senator Sinner will remedy that, and we believe, most closely address the unique design of this type of product and provide consumers the most efficient opportunity to get behind the wheel.

Thank you for your time. I am happy to stand for any questions you may have.

#4-1

Testimony – Senate Bill 2312
Senate Transportation Committee
February 5, 2015

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan

I request a Do Pass vote on SB 2312

In 1970 American Honda introduced the ATC or All Terrain Cycle. It was unlike anything the powersports industry had seen before. The ATC spawned the ATV or 4-wheeler which was further developed into the side-by-side off highway vehicle. The ATV and side-by-side vehicles have become an integral tool for the agriculture and energy industries in our state.

In the early 70's, North Dakota's Century Code had to be revised to accommodate the ATC and has since been revised to allow ATV and side by sides to be sold, licensed and titled.

The motorcycle market also has seen its share of changes. The trike kit revolutionized the Goldwing and touring bike market. Modifying the motorcycle to have two rear wheels provided added stability and allowed riders with disabilities and balance issues to continue to ride. It was different and North Dakota Century Code was revised to accommodate the motorcycle modifications.

A few years ago, Can-Am introduced the Spyder, a 3-wheel motorcycle with two wheels in the front. Again, something new and different.

Now Polaris has released the Slingshot. I see it as a combination of a convertible and a motorcycle. Like the ATC 45 years ago, something new and different. And as we did in the 1970's for the ATC, I believe it is appropriate to revise our laws to allow for the product to be licensed and titled in our state. Who can tell what future modes of transportation may come from the introduction of the Slingshot?

I am also here to represent my family. My father-in-law Dean Caldwell of Minot, purchased one of the first Slingshots delivered to a North Dakota dealer. He has ridden motorcycle since his teens. Now at the age of 78 he has decided he cannot safely ride a motorcycle and the Slingshot is for him, the perfect blend of motorcycle excitement, comfort and stability.

I thank you for your time and ask that you pass SB 2312.

SB 2312
2/05/15

4-2

SB 2312—Testimony presented by Annette Behm-Caldwell

ATC
All Terrain Cycle



ATV
All Terrain Vehicle



SxS
Side-by-Side

OUTDOORCYCLES
Courtesy of Honda



SB 2312—Testimony presented by Annette Behm-Caldwell

Honda Goldwing
Motorcycle with
Trike Kit



Can-Am Spyder



Polaris Slingshot



CHAPTER 39-29.2 UNCONVENTIONAL VEHICLES

39-29.2-01. Definitions.

As used in this chapter unless the context otherwise requires:

1. "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle or any number placed on a part in accordance with this chapter or rules of the department for the purpose of identifying the vehicle.
2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat ~~or saddle that does not require the operator to straddle or sit astride it, for the driver which is mounted at least twenty-four inches [50.8 centimeters] from the ground,~~ has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

39-29.2-02. Certificate of title for unconventional vehicle.

The department shall issue a certificate of title for an unconventional vehicle in accordance with section 39-05-05.

39-29.2-03. Registration of unconventional vehicle.

1. Registration of an unconventional vehicle is governed by this chapter.
2. An individual may not operate an unconventional vehicle on public roadways unless the vehicle has been registered under this chapter.
3. The department shall design and furnish an application that must be used to register an unconventional vehicle. The registration must state the name and address of every owner of the unconventional vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
4. On receipt of an application and the appropriate fee, the department shall register an unconventional vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, identifying number, and name and address of the owner.
5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number plate or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
6. To renew a registration, the owner of an unconventional vehicle shall follow the procedure adopted by the department and pay the registration fee.
7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle.
8. Funds collected from registration must be deposited in the motor vehicle registration fund.

39-29.2-04. Operation of unconventional vehicle.

To operate an unconventional vehicle on a highway, the operator must be a Class D licensed driver.

An operator may operate an unconventional vehicle on any highway ~~except an access-controlled highway.~~

Equipment.

1. An unconventional vehicle shall be equipped with safety glass or a windshield at all times while operating the vehicle.
2. a. An operator and any passenger under the age of eighteen shall wear protective helmets, except when the unconventional vehicle has a nonremovable roof, a windshield, and an enclosed body.
- b. If the operator of an unconventional vehicle is required to wear a safety helmet, any passenger must also wear a safety helmet regardless of the passenger's age.
- c. A helmet violation under this subsection has the same penalty as driving a motorcycle without a helmet.
3. Operators and passengers in an unconventional vehicle are required to comply with seatbelt use laws.

Manufacturer's or distributor's certification .

1. The manufacturer or distributor shall certify that an unconventional vehicle is designed and manufactured for use upon public highways and complies with the performance, Environmental Protection Agency equipment requirements, and the rules of this chapter.
2. The certificate must be incorporated on the manufacturer's statement of origin upon transfer of vehicle ownership.

Frame - chassis - Requirements .

1. The unconventional vehicle frame-chassis, including the suspension components and engine mountings, must be of substantial construction, capable of supporting the combined weight of all vehicle components including the riders for whom the vehicle is designed, and must withstand normal road shocks and operational stresses, without constituting a hazard to the riders or other users of the highway.
2. The wheelbase may not be less than forty inches [101.6 centimeters].

Brakes .

1. Every unconventional vehicle must have either a split service brake system or two independently actuated service brake systems, in accordance with rules adopted by the director pursuant to chapter 28 - 32. Brakes must act on the front and rear wheels.
2. Every unconventional vehicle must meet the requirements for brake system effectiveness, fade, and partial systems, as specified in rules adopted by the director under chapter 28 - 32.
3. If applicable, all linkages, cables, pivots, and bearings must be free of excess friction, with the front wheel brake cable located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or left.
4. Brake actuating devices must be in an accessible location, unencumbered by vehicle components, and positioned so that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements must be in accordance with rules adopted by the director pursuant to chapter 28 - 32. A suitable mechanism must be provided for the purpose of automatically returning the actuating devices to normal position upon release.
5. Unconventional vehicles brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.
6. Unconventional vehicle must be equipped with an emergency or parking brake of a friction type, with a solely mechanical means to retain engagement.
7. The brake system on an unconventional vehicle should be capable of stopping within a distance of thirty feet on a dry, hard, approximately level stretch of highway that is free from loose material at all times and under all conditions, at a speed of twenty miles per hour.

Tires, wheels, and rims.

1. Unconventional vehicle tires must be of pneumatic design, with a minimum width of two and twenty - five hundredths inches [57.15 millimeters], and must be designed for highway use.
2. Tires on a unconventional vehicle must have a load capacity rating at least equal to the respective gross axle weight ratings. Each tire on the front or rear axle must have a load capacity rating at least equal to one-half the front or rear axle gross axle weight rating.
3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or must comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must comply with applicable state standards, as promulgated by the director.

Steering and suspension systems.

1. Unconventional vehicle steering and suspension systems must be designed and engineered to provide the operator with the means of safely controlling the unconventional vehicle direction under all maneuvers required for normal and safe operation.
2. On a three-wheel unconventional vehicle, the midpoint of the front or rear wheel track distance must be within one inch [2.54 centimeters] of the single front or single rear wheel track when the vehicle is proceeding on a straight course. If applicable, the vehicle must be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head must be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.
4. If applicable an unconventional vehicle must meet the following specifications in relationship to front wheel geometry:
 - a. Maximum:
 - (1) Rake - Forty - five degrees; and
 - (2) Trail - Fourteen inches [35.56 centimeters] positive.
 - b. Minimum:
 - (1) Rake - Twenty degrees; and
 - (2) Trail - Two inches [5.08 centimeters] positive.
5. Manufacturer's specifications must include the specific rake and trail for each unconventional vehicle. The terms "rake" and "trail" must be defined by the director by rules adopted pursuant to chapter 28 - 32.
6. The steering device must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip, if so equipped, in any direction. Steering device grips may not be located above the shoulder height of the seated operator. The steering device must provide a minimum of eighteen inches [45.72 centimeters] between each grip, after final assembly.
7. The steering device must be equipped with material and surface patterns to ensure firm, nonslip gripping for the driver.
8. Every unconventional vehicle must be equipped with a suspension system. The suspension system must be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

Fuel system.

1. All fuel system components, including the tank, pump, tubing, hoses, and clamps must be securely fastened to the unconventional vehicle, so as not to interfere with its operation and must be leak-proof when the vehicle is in its normal operating attitude.

2. Fuel lines must be positioned so as to prevent their contact with the engine head, manifold, exhaust system, or other high-temperature surfaces, or with moving components. The fuel system must be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

Exhaust system - Prevention of noise .

1. Unconventional vehicles must be equipped with an exhaust system incorporating a muffler or other mechanical device, for the purpose of effectively reducing engine noise.
2. Cutouts and bypasses in the exhaust system are prohibited.
3. The system must be leakproof and all components must be securely attached to the vehicle and located so as not to interfere with the operation of the unconventional vehicle.
4. Shielding must be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation.
5. An unconventional vehicle operating on streets and highways must meet the noise decibel limitations as established by the environmental protection agency.
6. A person may not sell, offer for sale, or install any noise suppressing system or device, which will produce noise in excess of the maximum allowable decibel limitations set forth in this section.

Mirror.

Every unconventional vehicle must be equipped with two mirrors, securely affixed and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the unconventional vehicle. A mirror must consist of a minimum reflective surface of ten square inches [64.52 square centimeters]. A mirror may not contain sharp edges or projections capable of producing injury.

Fenders.

Each wheel of an unconventional vehicle must be equipped with fenders or otherwise covered by the body configuration. Fenders must be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or throwing the road substances unreasonably to the rear of the vehicle. The fender design must be effective in reducing side spray.

Seat.

1. A seat securely attached to the vehicle must be provided for the use of the operator and be a permanent upright seat that does not require the operator to straddle or sit astride it. The seat adjustment locking device must prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions
2. Passenger seat for an unconventional vehicle designed to carry more than one person must be equipped with a securely mounted seat for each passenger. The seat must be located to the side or rear of the driver so that the passenger seat does not interfere with the driver's control or operation of the vehicle.

Glazing .

An unconventional vehicle windscreen and windshield must meet the following standards:

1. The glazing material must comply with the standards promulgated by rule of the director;
2. The metal support must be of a material that bends rather than fragments under impact; and
3. Any covering material, other than glazing, must be beaded at the edges to prevent fraying.

Horn .

Every unconventional vehicle must be equipped with a horn, in good working order, as described by subsection 1 of section 39 - 21 - 36. The horn must operate from a control located on the steering device.

Speedometer and odometer.

Every unconventional vehicle must be equipped with a properly operating speedometer and an odometer, calibrated in miles or kilometers per hour respectively, and must be fully illuminated when the headlamp is activated.

Lighting equipment .

1. A unconventional vehicle must be equipped with lamps, reflective devices, and associated equipment, as required by and in compliance with standards adopted by rule of the director.
2. A gearbox indicator light, if provided, must be located within the operator's field of vision.
3. A headlamp beam indicator light must be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated.
4. An unconventional vehicle must be equipped with at least one tail lamp, in accordance with section 39 - 21 - 04.
5. An unconventional vehicle must be equipped with a stop lamp, in accordance with subsection 1 of section 39 - 21 - 19.
6. A unconventional vehicle must be equipped with hazard warning signals in accordance with section 39 - 21 - 19.1.

Headlamps .

1. The headlamp or headlamps on an unconventional vehicle must be a multiple-beam type.
2. The headlamp or headlamps on an unconventional vehicle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than:
 - a. One hundred feet [30.48 meters], when the unconventional vehicle is operated at any speed less than twenty-five miles [40.23 kilometers] per hour;
 - b. Two hundred feet [60.96 meters], when the unconventional vehicle is operated at a speed of twenty-five miles [40.23 kilometers] per hour, but less than thirty-five miles [56.33 kilometers] per hour; and
 - c. Three hundred feet [91.44 meters], when the unconventional vehicle is operated at a speed of thirty-five miles [56.33 kilometers] per hour, or more.
3. An unconventional vehicle must be equipped with a multiple-beam headlamp that meets the minimum requirements set forth above and may not exceed the limitations set forth in subsection 1 of section 39 - 21 - 20 and the lowermost beam must meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39 - 21 - 20 .

Need to also address the Dealership Enforcement under NDCC 39-01-01.49 (This would then legally cover the dealership's selling these units under Section 39-22.3.)

49. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle and off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01.

1-1
2/19/15

Prepared by the North Dakota
Insurance Department
February 17, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 3 of section 26.1-40-01 and subsection 10 of section 26.1-41-01 of the North Dakota Century Code, relating to unconventional vehicles;"

Page 1, after line 3, insert:

"SECTION 1. Subsection 3 of section 26.1-40-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Policy" means any automobile policy which includes automobile liability coverage, uninsured motorist coverage, underinsured motorist coverage, automobile medical payments coverage, basic or optional excess no-fault benefits, or automobile physical damage coverage, delivered or issued for delivery in this state, insuring as the named insured an individual residing in this state, and under which the insured vehicles designated in the policy are of the following types only:
 - a. A motor vehicle of the private passenger ~~or station wagon~~ type that is not used as a public or livery conveyance, nor rented to others.
 - b. Any four-wheel motor vehicle with a load capacity of one thousand five hundred pounds [680.39 kilograms] or less which is not used in the occupation, profession, or business of the insured, nor used as a public or livery conveyance, nor rented to others.
 - c. Any motorcycle as that term is defined in section 39-01-01 that is not used as a public or livery conveyance, nor rented to others.
 - d. An unconventional vehicle as that term is defined in subsection 2 of section 39-29.2-01 that is not used as a public or livery conveyance, nor rented to others.

"Policy" does not include any policy that has been in effect less than sixty days at the time notice of cancellation is mailed or

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1-2
2/19/15

delivered by the insurer unless it is a renewal policy; any policy issued under the North Dakota assigned risk plan; any policy insuring more than six motor vehicles; any policy covering the operation of a garage, automobile sales agency, repair shop, service station, or public parking place; any policy providing insurance only on an excess basis; or any other contract providing insurance to a named insured even though the contract may incidentally provide insurance with respect to such motor vehicles.

SECTION 2. Subsection 10 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

- "10. "Motor vehicle" means a vehicle having more than three load-bearing wheels, of a kind required to be registered under the laws of this state relating to motor vehicles, designed primarily for operation upon the public streets, roads, and highways, and driven by power other than muscular power, and includes a trailer drawn by or attached to such a vehicle. The term does not include an unconventional vehicle defined in subsection 2 of section 39-29.2-01."

Renumber accordingly

15.0927.01001
Title.

#2
Prepared by the Legislative Council staff for
Senator Sinner

February 16, 2015

2-1
2/19/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Page 1, line 2, remove "and"

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

Page 9, after line 9, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency
measure."

Renumber accordingly

#1 SB 2312
3-20-15
SB 2312 - "Unconventional Vehicles" Bill

1 of 2

Chairman Ruby and members of the House Transportation Committee,

Thank you for allowing me to appear before you this morning and introduce Senate Bill 2312 for your consideration.

I am George Sinner, Senator from District 46 in Fargo.

Mr. Chairman, as you know, I have introduced this legislation to provide a primary sector manufacturer in this region, Polaris Industries, the opportunity to get one of their latest vehicles on the road, legally.

Because of the uniqueness of these vehicles they did not fit in any of the current categories because of the limitations on seat height with motorcycles and some of the other restrictions on "unconventional vehicles".

Mr. Chairman, there are other folks here that can speak to this legislation better than I so I will step aside and let them tell you more about what we are trying to do here.

With that I will answer any questions you might have as best I can but I will allow the industry representatives talk about the vehicle and answer your questions.

Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Amendment #1

Page 3, Lines 22-23: ~~If A~~an unconventional vehicle ~~must be~~ is equipped with safety glass or a windshield ~~at all times while operating the vehicle~~ it must meet applicable federal motor vehicle safety standards.

Purpose: Not all products falling under this definition will be equipped with a windshield, as not all motorcycles have windshields. However, if the vehicle is so equipped, it should be required to meet applicable safety standards.

Amendment #2

Page 6, Lines 13-14: 3. If applicable, ~~the~~ steering head must be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.

Purpose: "Steering head" applies only to vehicles that have a front fork (e.g., two-wheel and three-wheel motorcycle). Most products that will properly fall under the unconventional vehicle category will not have a front fork.

Amendment #3

Page 6, Lines 26-31: 6. The steering device must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip, if so equipped, in any direction. Steering device grips may not be located above the shoulder height of the seated operator. ~~The steering device must provide a minimum of eighteen inches [45.72 centimeters] between each grip, after final assembly.~~

Purpose: This is a two and three-wheel motorcycle standard and applies to vehicles that have handlebars, and subsequently should be titled as motorcycles. Products such as Slingshot that will conceivably fall under the unconventional vehicle category will not have handlebars, but a steering wheel that does not meet the eighteen inch threshold.

SB 2312 #2
3-20-15

1 of 3

Testimony - Senate Bill 2312
House Transportation Committee
March 20, 2015
Testimony presented by Annette Behm-Caldwell
Dealer Principal - Open Road Honda, Mandan

I request a Do Pass vote on SB 2312

In 1970 American Honda introduced the ATC or All Terrain Cycle. It was unlike anything the powersports industry had seen before. The ATC spawned the ATV or 4-wheeler which was further developed into the side-by-side off highway vehicle. The ATV and side-by-side vehicles have become an integral tool for the agriculture and energy industries in our state.

In the early 70's, North Dakota's Century Code had to be revised to accommodate the ATC and has since been revised to allow ATV and side by sides to be sold, licensed and titled.

The motorcycle market also has seen its share of changes. The trike kit revolutionized the Goldwing and touring bike market. Modifying the motorcycle to have two rear wheels provided added stability and allowed riders with disabilities and balance issues to continue to ride. It was different and North Dakota Century Code was revised to accommodate the motorcycle modifications.

A few years ago, Can-Am introduced the Spyder, a 3-wheel motorcycle with two wheels in the front. Again, something new and different.

Now Polaris has released the Slingshot. I see it as a combination of a convertible and a motorcycle. Like the ATC 45 years ago, something new and different. And as we did in the 1970's for the ATC, I believe it is appropriate to revise our laws to allow for the product to be licensed and titled in our state. Who can tell what future modes of transportation may come from the introduction of the Slingshot?

I am also here to represent my family. My father-in-law Dean Caldwell of Minot, purchased one of the first Slingshots delivered to a North Dakota dealer. He has ridden motorcycle since his teens. Now at the age of 78 he has decided he cannot safely ride a motorcycle and the Slingshot is for him, the perfect blend of motorcycle excitement, comfort and stability.

I thank you for your time and ask that you pass SB 2312.

SB 2312—Testimony presented by Annette Behm-Caldwell

Honda Goldwing
Motorcycle with
Trike Kit



Can-Am Spyder



Polaris Slingshot



SB 2312—Testimony presented by Annette Behm-Caldwell



ATC
All Terrain Cycle



ATV
All Terrain Vehicle



SxS
Side-by-Side

 **HONDA** 
Courtesy of Honda



Pre-production model shown

#3 SB 2312
3-20-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2312

Page 1, line 1, after "enact" insert "subsection 9 of section 39-29.2-03 and"

Page 1, line 5, after "39-01-01," insert "subsection 1 of section 39-04-36,"

Page 1, line 6, after "39-29.2-03," insert "subsection 7 of 39-29.2-03,"

Page 2, after line 25, insert:

"SECTION 4. AMENDMENT. Subsection 1 of section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

1. Whenever the ownership of a vehicle registered under the provisions of this chapter, or chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates."

Page 3, after line 12, insert:

"SECTION 6. AMENDMENT. Subsection 7 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle. Whenever the ownership of an unconventional vehicle registered under the provisions of this chapter is transferred or assigned, the plates shall be handled in accordance with subsection 1 of section 39-04-36."

Page 3, after line 18, insert:

"SECTION 7. Subsection 9 to section 39-29.2-03 of the North Dakota Century Code is created and enacted as follows:

9. Every unconventional vehicle shall comply with the motor vehicle body damage disclosure requirements of section 39-05-17.2."

Renumber accordingly.

#4

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3-20-15

1 of 5



Polaris Slingshot



Campagna T-Rex



Culpeper Autocycle

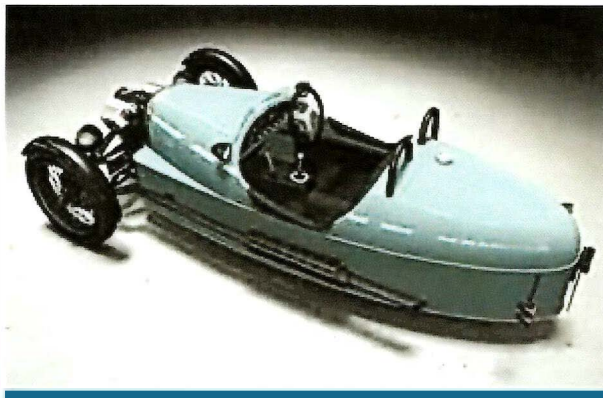


Elio

NEW 250CC TRIKE



Bode ZTR



Morgan 3-Wheeler



Ariel Atom



MEV Rocket



KTM X-Bow



Zap Xebra

CERTIFICATE OF VEHICLE INSPECTION

North Dakota Department of Transportation, Motor Vehicle Division
SFN 2486 (Rev. 08-2014)

SB2312
3-20-15 #5
TITLE NO.

Vehicle described must be inspected by a qualified business to verify compliance with state laws before title or registration will be issued by the ND Department of Transportation (NDDOT). If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the Motor Vehicle Division, NDDOT, 608 E. Boulevard Ave., Bismarck, North Dakota 58505, before the vehicle will be registered. If vehicle is already licensed and titled, this form may be used to rescind the license and title if the vehicle is found to be illegally equipped.

Year	Make	Model	Style	VIN	Number of Axles
------	------	-------	-------	-----	-----------------

REASON FOR INSPECTION

☐ VIN Inspection:

Printed Inspector Name and Business

Signature of Agent for Qualified Business

Date

Vehicle Identification Number has been affixed in a secure manner and inspected by a qualified business as required by NDCC 39-05-20.2 (check one):

☐ Motor Vehicle to be affixed on left front pillar post between door hinges.

☐ Mobile Home/Trailer to be affixed on hitch.

☐ Motorcycle to be affixed on the frame.

☐ Public Vehicle Identification number replacement.

☐ Rebuilt ☐ Modified ☐ Antique ☐ Homemade ☐ Window Tint

☐ Other

NOTE: If vehicle is antique, is it equipped with original or equivalent parts? ☐ Yes ☐ No - Explain

MOTOR VEHICLE OR 4-WHEELED UNCONVENTIONAL

Does the vehicle meet the statutory requirements including all electronic components that gives power to any of the following?

(See Chapter 39-21 NDCC and Article 37-12 NDAC)

PASS FAIL

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Headlights (39-21-02, 39-21-03, 39-21-20) |
| <input type="checkbox"/> | <input type="checkbox"/> | Taillights (39-21-04) |
| <input type="checkbox"/> | <input type="checkbox"/> | License Plate Light (39-21-04) (3) |
| <input type="checkbox"/> | <input type="checkbox"/> | Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12) |
| <input type="checkbox"/> | <input type="checkbox"/> | Stoplights (39-21-06) (1) |
| <input type="checkbox"/> | <input type="checkbox"/> | Turn Signals (39-21-06(2), 39-21-19) |
| <input type="checkbox"/> | <input type="checkbox"/> | Brakes (39-21-32, 39-21-33) (37-12-02-03(1)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Horn (39-21-36) (37-12-02-04) |
| <input type="checkbox"/> | <input type="checkbox"/> | Exhaust System (39-21-37) (37-12-02-03(3)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Mirrors (39-21-38) (37-12-02-02(5)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Windshield - Tinted Windows (39-21-39 (1) (4) |
| <input type="checkbox"/> | <input type="checkbox"/> | Windshield Wipers (39-21-39 (2) (3) |
| <input type="checkbox"/> | <input type="checkbox"/> | Bumper Height (39-21-45.1) (37-12-02-03(2)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Door Latches (37-12-02-02(1)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Floor Pan (37-12-02-02(2)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Hood Latches (37-12-02-02(3)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Steering Wheel (37-12-02-02(4)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Fenders (37-12-02-03(4)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Fuel System (37-12-02-03(5)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Steering and Suspension (37-12-02-03(6)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Tires (37-12-02-03(7)) |

MOTORCYCLE OR 3-WHEELED UNCONVENTIONAL

Does the vehicle meet the statutory requirements including all electronic components that gives power to any of the following?

(See Chapter 39-27 NDCC)

PASS FAIL

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Frame and Chassis (39-27-03) |
| <input type="checkbox"/> | <input type="checkbox"/> | Brakes (39-27-04) (39-27-04.1) |
| <input type="checkbox"/> | <input type="checkbox"/> | Tires, Wheel and Rims (39-27-05) |
| <input type="checkbox"/> | <input type="checkbox"/> | Steering and Suspension (39-27-06) |
| <input type="checkbox"/> | <input type="checkbox"/> | Fuel System (39-27-07) |
| <input type="checkbox"/> | <input type="checkbox"/> | Muffler (39-27-08) |
| <input type="checkbox"/> | <input type="checkbox"/> | Mirror (39-27-09) |
| <input type="checkbox"/> | <input type="checkbox"/> | Fenders (39-27-10) |
| <input type="checkbox"/> | <input type="checkbox"/> | Seat (39-27-11) |
| <input type="checkbox"/> | <input type="checkbox"/> | Chain Guard (39-27-12) |
| <input type="checkbox"/> | <input type="checkbox"/> | Vehicle Stand (39-27-13) |
| <input type="checkbox"/> | <input type="checkbox"/> | Glazing (39-27-14) |
| <input type="checkbox"/> | <input type="checkbox"/> | Horn (39-27-15) |
| <input type="checkbox"/> | <input type="checkbox"/> | Speedometer and Odometer (39-27-16) |
| <input type="checkbox"/> | <input type="checkbox"/> | Lighting Equipment (39-27-17) (39-27-17.1) |
| <input type="checkbox"/> | <input type="checkbox"/> | Passenger Seat (39-27-18) |
| <input type="checkbox"/> | <input type="checkbox"/> | Footrest (39-27-20) |
| <input type="checkbox"/> | <input type="checkbox"/> | Highway Bars (39-27-21) |

TRAILER

Does the vehicle meet the statutory requirements including all electronic components that gives power to any of the following?

(See Chapter 39-21 NDCC)

PASS FAIL

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Taillights (39-21-04) |
| <input type="checkbox"/> | <input type="checkbox"/> | Clearance Lights & Reflectors (39-21-05, 39-21-10) |
| <input type="checkbox"/> | <input type="checkbox"/> | Stoplights (39-21-06, 39-21-08) |
| <input type="checkbox"/> | <input type="checkbox"/> | Turn Signals (39-21-06, 39-21-08) |
| <input type="checkbox"/> | <input type="checkbox"/> | Safety Chains or Brakes (39-21-32) |

CERTIFICATE OF REPAIRS FOR SALVAGE VEHICLE

Repairs Completed By	Address	City	State	Zip Code
----------------------	---------	------	-------	----------

I certify that I have rebuilt the above described vehicle. I further certify: The frame of the vehicle was not in need of repair or has been repaired in such a manner that the repairs will not detract from the overall performance of the vehicle and the chassis is now in a condition that would be comparable to the chassis of a similar vehicle which has not been damaged in an accident. The wheel alignment for the vehicle is within the tolerances allowed for vehicles of the same make, year model, and style.

X

Signature

Date

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

INSPECTED BY:

Printed Inspector Name and Business

Signature of Agent for Qualified Business

Date

PENALTY: Any person making a false statement on this certificate of which another penalty is not specifically provided is guilty of a class B misdemeanor.

HG
By email
SB2312
3/20/15

1 of 4



March 19, 2015

Testimony RE: SB 2312

Dear Honorable Chairmen and Members of the Joint Transportation Committee:

Background:

Elio Motors www.eliomotors.com will be manufacturing a two passenger, fully enclosed 3 wheeled, front wheel drive, gasoline powered vehicle which NHTSA will certify as a motorcycle. The vehicle will retail for an expected 6800.00 and is expected to achieve 84 MPG Highway/49 City. It is engineered to the highest available safety standards and includes: a high strength roll cage (similar to a race car), front and side curtain airbags, 3 point safety restraints, ABS, Stability Control, Traction Control, and other safety enhancement equipment that you would normally find on an automobile. Standard equipment includes A/C, Power Windows, Door Lock and Radio. It is 90% North American content will be manufactured in the USA at our Shreveport, LA manufacturing facility in 2016—truly an American product. We have over 40,000 presold reservations for our autocyte in the USA alone so far.

SB 2312 provides exemptions for helmet and motorcycle license requirements---

Helmet Issue:

In ND, helmets are required under the age of 18 for vehicles certified as a motorcycle.

1) Helmet use with 3 point safety restraints can cause significant damage to the neck in a collision. The restraints hold the body against the seat, but the head, (with the extra 3-4lbs. of a helmet), will fly violently forward with the extra weight causing whiplash, paralysis or even death. NASCAR uses the HANS device to protect from this injury. Although race cars travel at much higher speeds than the public, it is commonly accepted by automotive safety engineers that the requirement of helmets in enclosed vehicles with safety restraints, will actually lower safety ratings of those vehicles because of damage to the neck.

2) Our vehicle has airbags. No manufacturer considers the extra 3-4 lbs. of weight when setting the sensitive calibration of airbag deployment.

3) Helmets in enclosed vehicles can reduce vision.

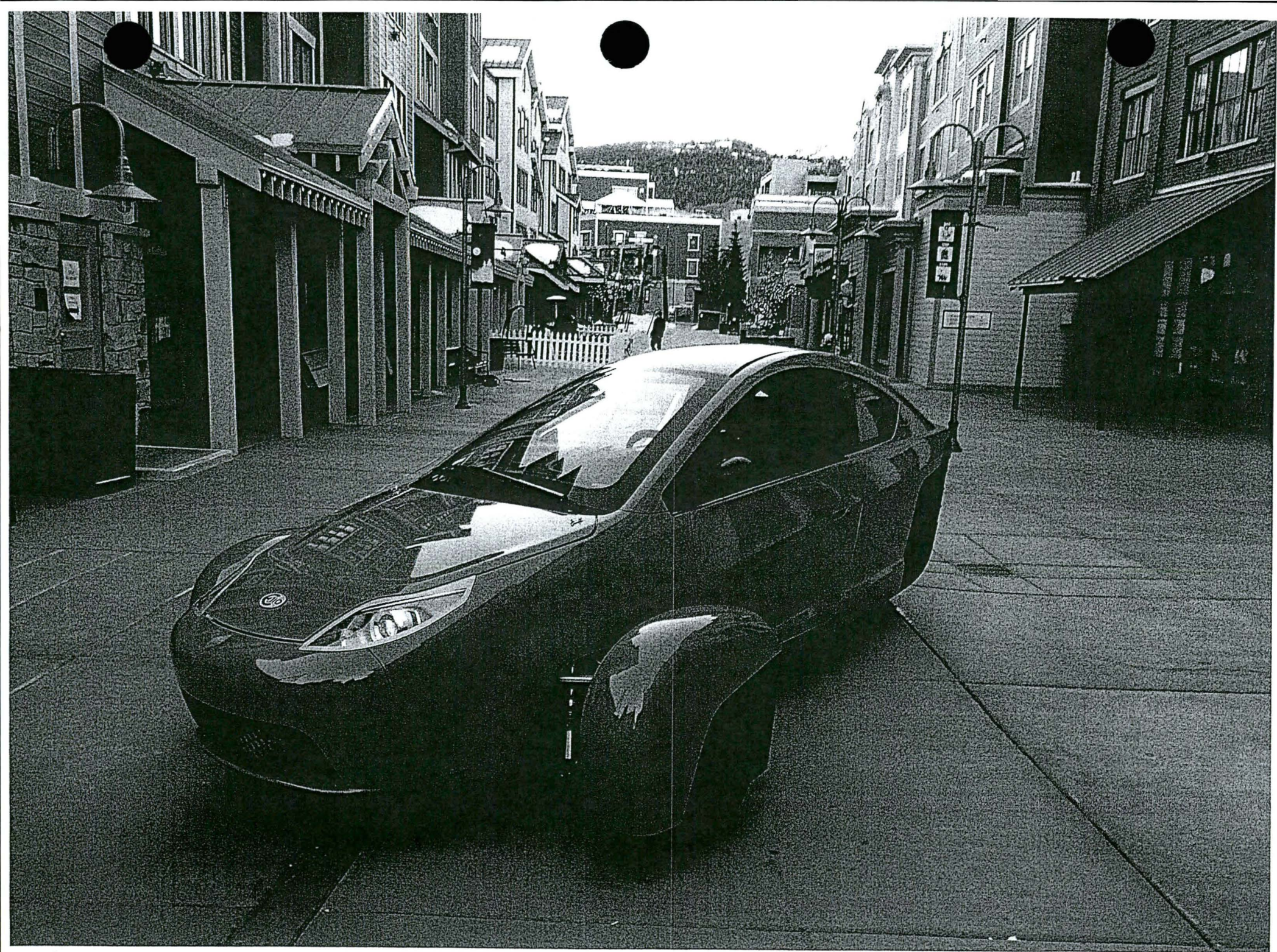
4) Helmets in enclosed vehicles reduces audio perception.

Motorcycle Endorsement Issue:

- 1) Autocycles like ours are too wide and too long to pass the road test.
- 2) Autocycles have automotive equipment and controls and handle like automobiles, not motorcycles. Instructions and tips like “leaning into a curve” provide no benefit to autocycle operators.
- 3) With AZ and MS passing this week, the majority of states now do not require an M endorsement for autocycle operation—in ND case, “unconventional vehicle” operation. All states now have autocycle legislation in various stages of consideration.
- 4) AAMVA (American Association of Motor Vehicle Administration), an organization which provides “best practices” for states to follow, “strongly recommends” that only a regular driver’s license should be required to operate these vehicles and any “special license should be forbidden” ND is a member of AAMVA.

In conclusion, Elio Motors would have preferred the original language in SB 2312--“autocycle” definition be put in statute, since ND is the only state that I am aware of that is using “unconventional vehicle” to provide exemptions for helmet or motorcycle license exemptions. However, the bill still accomplishes exactly what is needed—removing helmet and endorsement requirements for these vehicles. Elio Motors remains strongly in support of SB 2312.

Joel Sheltroun
VP of Governmental Affairs
Elio Motors, Inc. Phoenix, AZ
jsheltroun@eliomotors.com 989-387-7551





PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2312

Page 1, line 1, after "enact" insert "subsection 9 of section 39-29.2-03 and"

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove ", 39-29.2-07, 39-29.2-08,"

Page 1, remove line 2

Page 1, line 3, remove "39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20"

Page 1, line 5, after the third comma insert "subsection 1 of section 39-04-06,"

Page 1, line 6, after the second comma insert "subsection 7 of section 39-29.2-03,"

Page 2, after line 25, insert:

"SECTION 4. AMENDMENT. Subsection 1 of section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

1. Whenever the ownership of a vehicle registered under the provisions of this chapter or chapter 39-18 or chapter 39-29.2 is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates."

Page 3, after line 12, insert:

"SECTION 7. AMENDMENT. Subsection 7 of section 39-29.2-03 of the North Dakota Century Code is amended and reenacted as follows:

7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle. When the ownership of an unconventional vehicle registered under this chapter is transferred or assigned, the plates must be handled in accordance with subsection 1 of section 39-04-36.

SECTION 8. Subsection 9 to section 39-29.2-03 of the North Dakota Century Code is created and enacted as follows:

9. Every unconventional vehicle must comply with the motor vehicle body damage disclosure requirement of section 39-05-17.2."

Page 3, line 22, remove "An unconventional vehicle must be equipped with safety glass or a windshield at all"

Page 3, remove lines 23 through 29

Page 3, line 30, replace "c." with "An unconventional vehicle operator and passenger shall wear protective headgear as required under section 39-10.2-06.

2."

Page 4, remove lines 12 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 25

Renumber accordingly