

2021 HOUSE TRANSPORTATION

HB 1068

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1068
1/7/2021

A bill relating to the definition of an off-highway vehicle.
--

11:00 AM Hearing on HB 1068 was opened. Members present: Present: Rep. Ruby, Rep Kading, Rep Becker, Rep Christensen, Rep Hagert, Rep Jones, Rep O'Brien, Rep Paulson, Rep Paur, Rep Weisz, Rep Westlind, Rep Hager and Rep Hanson, Rep Owens

Discussion Topics:

- Motorized vehicle converted to operate on snow

11:01 **Anton Hillig, Motorized Recreation Coordinator**, testifying for **ND Parks and Recreation Department**, testified in favor of HB 1068. # 208 & 259

11:08 **Jennifer Blumhagenn, Motor Vehicle Division Director, ND Dept. of Transportation**, testified in favor of HB 1068 on ZOOM. Testimony #168.

11:11 The hearing was closed on HB 1068.

11:12 Hearing was reopened for questions.

11:13 **Anton Hillig** responded.

11:33 Hearing was closed on HB 1068.

11:39 **Chairman Ruby** adjourned the meeting

Jeanette Cook, Committee Clerk

HB 1068:
North Dakota Parks and Recreation Department
House Transportation Committee
Room 327E, 11:00 AM
Thursday, January 7, 2021

Good morning Chairman Ruby, members of the committee, my name is Anton Hillig, Motorized Recreation Coordinator for the North Dakota Parks and Recreation Department I am testifying on behalf of the Department in support of HB 1068.

We are requesting the definition of an off-highway vehicle (OHV) be changed to include a motorized vehicle converted to operate on snow. This change keeps pace with industry trends, eliminates user's registration requirement confusions, assists with law enforcements' understanding of classifications, and enhances our overall program of responsibility.

The definition of an off-highway vehicle has changed over the last decade, most recently in the N.D.C.C §39-39-01 in 2013, as a means of keeping pace with industry trends. The current definition describes an OHV as any motor vehicle not designed for use on a highway and capable of cross-country travel but leaves a gap by not addressing modifications to tracked vehicles, leaving them open to the description of a snowmobile.

North Dakota currently has 41,999 OHV registrations as of December 1, 2020. We conservatively estimate that approximately 4 percent or 1650 of these registered OHVs has been converted to operate on snow by the installation of a tracked vehicle kit. Nationally, about 7-8 percent of OHVs are converted to operate on snow which extends the riding season of owners, provides transportation to ice fishing adventures, and increases trafficability in general. The general cost of converting an OHV to operate on snow ranges from \$3K- \$5K depending on the type of OHV and the performance of the conversion kit.

With the emergence of this new technology, our office has fielded multiple calls from consumers who were confused on whether they needed to register their tracked OHV as an OHV, as a snowmobile, or as both. Accordingly, we are requesting this change to eliminate any existing confusion among our OHV registrants regarding registration processes while also providing clarity to non-resident users on the type of temporary trail pass they need to pursue.

Secondly, this change to the definition of an OHV provides clarity during internal department discussions and law enforcement citations. It also prevents temptation to register these machines a second time as snowmobiles, simply so they can use a provided snowmobile trail.

In closing, this requested change provides users and other stakeholders clarity when discerning N.D.C.C. §39-29-01 and eliminates the possibility of having to register a vehicle twice. As we prepare to usher in a new motorized recreation trend into North Dakota, tracked vehicle use on snowmobile trails, this legislation will streamline processes to welcome additional riders to our winter trails.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions that committee may have. Thank you for your time and consideration

Example of Class 1 OHV converted to operate on snow



Example Class 1 OHV – photo courtesy of Full Throttle, Bismarck ND



Example Class 1 OHV converted – photo courtesy of Full Throttle, Bismarck, ND

**HOUSE TRANSPORTATION COMMITTEE
January 7, 2021 - 11:00 a.m. – Room 327E**

**North Dakota Department of Transportation
Jennifer Blumhagen, Motor Vehicle Director**

HB 1068

Good morning Mr. Chairman and members of the committee. I'm Jennifer Blumhagen, Motor Vehicle Division Director for the North Dakota Department of Transportation (DOT). I'm here to provide testimony in support of HB1068 in the bill's current form.

House Bill 1068 proposes to change the definition of an off-highway vehicle to include motorized vehicles converted to operate on snow. The reason for this requested change is to provide clarification and simplicity to citizens and non-resident trail users on how to properly register their off-highway vehicles. This bill's current form does not have any impact on NDDOT's current processes for registering off-highway vehicles.

This concludes my testimony. Thank You.

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1068
1/14/2021

A bill relating to the definition of an off-highway vehicle.
--

10:01 AM **Chairman Ruby** opened the meeting.

Attendance:

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	A
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Amendment to overstrike language that defines a snowmobile.

10:01 **Representative Weisz** presented an amendment, 21.8083.01001.

10:02 **Representative Becker** moved the amendment (21.8083.01001).

10:02 **Representative Weisz** seconded the motion.

10:03 A voice vote was taken. All aye. Motion carried.

10:03 **Representative Becker** do pass as amended.

10:04 **Representative Christensen** seconded the motion.

10:04 Roll call vote.

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y

Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	A
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion passed. 13-0-1

10:05 **Representative Christensen** will carry the bill.

10:06 **Chairman Ruby** closed the meeting.

Jeanette Cook, Committee Clerk

January 14, 2021

95
1/14/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1068

Page 1, line 1, after "reenact" insert "subsection 8 of section 39-24-01 and"

Page 1, line 2, after "vehicle" insert "and a snowmobile"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 8 of section 39-24-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. ~~The term does not include an off-highway vehicle as defined in chapter 39-29 converted to operate on tracks.~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1068: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1068 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 8 of section 39-24-01 and"

Page 1, line 2, after "vehicle" insert "and a snowmobile"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 8 of section 39-24-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. ~~The term does not include an off-highway vehicle as defined in chapter 39-29 converted to operate on tracks."~~

Renumber accordingly

2021 SENATE TRANSPORTATION

HB 1068

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1068
2/18/2021

A BILL for an Act to amend and reenact subsection 8 of section 39-24-01 and subsection 2 of section 39-29-01 of the North Dakota Century Code, relating to the definition of an off-highway vehicle and a snowmobile.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [09:01]

Discussion Topics:

- Off highway vehicle definitions
- Registration of Off Highway vehicles

Anton Hillig ND Parks & Rec In favor #6856 and #6914 [9:02]

Jennifer Blumhagen NDDOT Motor Vehicle In favor #6841 [9:09]

Anton Hillig answered questions [9:11]

Jennifer Blumhagen continued testimony [9:11]

Chair Clemens closed public hearing [09:15]

Senator Bakke Motion do pass [9:16]

Senator Conley second [9:16]

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passed 6-0-0 [9:16]

Senator Bakke carries [9:16]

Chair Clemens adjourns the meeting. [09:17]

Sheldon Wolf, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1068, as engrossed: Transportation Committee (Sen. Clemens, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1068 was placed on the Fourteenth order on the calendar.

HB 1068:
North Dakota Parks and Recreation Department
Senate Transportation Committee
Fort Totten Room, 09:00 AM
Thursday, February 18, 2021

Good morning Chairman Clemens, members of the committee; my name is Anton Hillig, Motorized Recreation Coordinator for the North Dakota Parks and Recreation Department. I appear today in support of HB 1068 for an Act to amend and reenact subsection 8 of section 39-24-01 and subsection 2 of section 39-29-01 of the North Dakota Century Code, relating to the definition of an off-highway vehicle.

We are requesting that the definitions of an off-highway vehicle (OHV) and snowmobile be changed to address those OHVs converted to operate on snow. This change keeps pace with industry trends, eliminates user registration confusions, assists with law enforcement's understanding of classifications, and enhances our overall program of responsibility.

The definition of an off-highway vehicle has changed over the last decade, most recently in the N.D.C.C §39-39-01 in 2013, as a means of keeping pace with industry trends. The current definition describes an OHV as any motor vehicle not designed for use on a highway and capable of cross-country travel but presents the potential for confusion by not addressing modifications to operated solely on snow, specifically converted class 1 OHVs.

North Dakota currently has 41,999 OHV registrations as of December 1, 2020. In a conservative estimate, four (4) percent or 1650 of these OHVs have been converted to operate on snow by the installation of a tracked vehicle kit. Nationally, seven to eight (7-8) percent of OHVs are being converted to operate on snow to extend the riding season of owners, provide transportation to ice fishing adventures, and increase trafficability in general. The general cost of converting an OHV to operate on snow ranges from \$3K- \$5K depending on the type of OHV and the conversion kit performance.

With the emergence of this new technology, our office has fielded multiple calls from consumers who were confused on whether they needed to register their tracked OHV as an OHV, as a snowmobile, or as both. This recommendation also provides clarity for authorized use on NDPRD snowmobile trails, assists law enforcement when referencing citations, and prevents the allure to register these machines a second time as snowmobiles.

In closing, this requested change provides users and other stakeholders clarity when discerning N.D.C.C. §39-29-01 and N.D.C.C §39-24-01 as standalone documents while eliminating the possibility of having to register a vehicle twice. As we prepare to usher in a new motorized recreation trend into North Dakota, tracked vehicle use on snowmobile trails, this legislation will streamline processes to welcome additional riders to our winter trails.

Mr. Chairman, this concludes my remarks; I would be pleased to answer any questions that the committee may have. Thank you for your time and consideration

Example of Class 1 OHV converted to operate on snow



Example Class 1 OHV – photo courtesy of Full Throttle, Bismarck ND



Example Class 1 OHV converted – photo courtesy of Full Throttle, Bismarck, ND

**HOUSE TRANSPORTATION COMMITTEE
February 18, 2021 - 9:00 a.m. – Fort Totten**

**North Dakota Department of Transportation
Jennifer Blumhagen, Motor Vehicle Director**

HB 1068

Good morning Mr. Chairman and members of the committee. I'm Jennifer Blumhagen, Motor Vehicle Division Director for the North Dakota Department of Transportation (DOT). I'm here to provide testimony in support of HB1068 in the bill's current form. Thank you for your time today.

House Bill 1068 proposes to change the definition of an off-highway vehicle to include motorized vehicles converted to operate on snow. The reason for this requested change is to provide clarification and simplicity to citizens and non-resident trail users on how to properly register their off-highway vehicles. This bill's current form does not have any impact on NDDOT's current processes for registering off-highway vehicles.

This concludes my testimony. Thank You.