

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2080

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Operator's Signature

LaCosta Rickford

Date

10/15/03

2003 SENATE TRANSPORTATION

SB 2080

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2080

Senate Transportation Committee

☐ Conference Committee

Hearing Date 01-09-03

Tape Number	Side A	Side B	Meter #
1	x		0-2315
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes: The hearing on SB 2080 relating to snowmobile operation within the right of way of an interstate highway was opened by **Chairman Senator Thomas Trenbeath**. Roll call was taken with all committee members present.

Senator Trenbeath called for testimony in support of this bill.

Doug Prchal: (Director of ND Parks and Recreation) This bill and the change came about because the current law was misunderstood. The current law does not relate to the interstate highway systems. From a safety standpoint and to keep the trail system intact he requests consideration for changing this law.

Tom Balzer: (Recreation Division Manager, ND Parks and Recreation) See attached testimony.

Gary Berreth: (Director of Operations, Department of Transportation) Spoke in support of SB 2080.

Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2080

Hearing Date 1-09-03

Senator Trenbeath: Concerned with whether adequate consideration is being taken with the dangers of the overpass situation when snowmobilers are crossing the county roads to get to the right side to cross the interstate.

Gary Berreth: (Meter 983) Hoping that related portions of the law would take into account the surrounding roadways.

General discussion on snowmobile trails crossing divided highways and the interstate. (Meter 1118) Map attached.

Senator Bercler: Questioned Highway Patrol as to how many citations are written for violations to the law as it currently exists.

Capt. Mark Bethke, ND Highway Patrol: (Meter 1480) Citations are issued. There would be a problem to separate those that were issued for actually crossing on an overhead or underpass versus a snowmobile operating down in the ditch or within the right of way of the actual interstate system.

A discussion on fines indicated that reasons for the different amounts included a deterrent factor and the potential of more severe accidents happening on interstate. (Meter 1820)

Senator Bercler motions a Do Pass. Seconded by **Senator Espegard**. Roll call taken, 4-2-0.

Floor carrier is **Senator Bercler**.

Hearing closed.

Date: 1-9-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2080

Senate **TRANSPORTATION** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Bernier Seconded By Sen. Espeard

[illegible]

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Bersier

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

Operator's Signature Lacosta Rickford Date 10/15/03

REPORT OF STANDING COMMITTEE (410)
January 9, 2003 11:27 a.m.

Module No: SR-03-0405
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2080: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-03-0405

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Date

10/15/03

2003 HOUSE TRANSPORTATION

SB 2080

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Operator's Signature

La Costa Rickford

Date

10/15/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2080

House Transportation Committee

☐ Conference Committee

Hearing Date February 27, 2003

Tape Number	Side A	Side B	Meter #
1	x		1.2 to 5.4
	x		36.8 to 39.0
Committee Clerk Signature <i>Lauren B. Ford</i>			

Minutes:

Rep. Weisz opened the hearing on SB 2080, a bill for an Act to amend and reenact sections 39-24-09 and 39-24-11 of the North Dakota Century Code, relating to snowmobile operation within the interstate highway; to provide a penalty; and to declare an emergency.

Tom Balzer, Recreation and Division Manager with the North Dakota Parks and recreation Department spoke for SB 2080 explaining the reason and history for this legislation. a copy of his remarks are in written form attached here. He proposed an amendment on page 1 line 11. A copy of his amendment is attached.

Gary Bereth, Director of Operations, ND DOT spoke on behalf and in support of SB 2080 as recommended with the proposed amendments, he stated it was a cooperative effort between the Parks and Recreation and the Highway Patrol with the DOT.

There being no other person wishing to testify, Rep. Hawken, Acting chairperson closed the hearing on SB 2080. End of hearing record. (5.8)

Page 2

House Transportation Committee

Bill/Resolution Number SB 2080

Hearing Date February 27, 2003

Action Tape 1 Side A (36.7)

Rep. Weisz opened the discussion for action on SB 2080. Rep. Ruby moved the amendments presented by Mr. Balzer. Rep. Thorpe seconded the motion. The motion carried on a voice vote.

Rep. Thorpe moved a 'Do Pass as amended' motion. Rep. Ruby seconded the motion. Motion carried on a roll call vote 10 Ayes 0 Nays 3 Absent and not voting.

Rep. Thorpe was designated to carry SB 2080 on the floor.

end of record (39.0).

38176.0101
Title.0200

Adopted by the Transportation Committee
February 27, 2003

VR
2/27/03

HOUSE AMENDMENTS TO SENATE BILL NO. 2080 TRAN. 2-27-03

Page 1, line 11, overstrike "emergency purposes" and insert immediately thereafter "as provided in this section"

Renumber accordingly

Page No. 1

38176.0101

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LaCosta Rickford
Operator's Signature

10/15/03
Date

Date: 2/27/03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2081

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38176.0100

Action Taken Do Pass as amended

Motion Made By Rep. Thorpe Seconded By Rep. Raskin

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	A	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	A	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	A				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 10 No 0

Absent 3

Floor Assignment Rep. Thorpe

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

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 2:32 p.m.

Module No: HR-35-3621
Carrier: Thorpe
Insert LC: 38176.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2080: Transportation Committee (Rep. Welsz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2080 was placed on the Sixth
order on the calendar.

Page 1, line 11, overstrike "emergency purposes" and insert immediately thereafter "as
provided in this section"

Renumber accordingly

2003 TESTIMONY

SB 2080

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10/15/03
Date

**TESTIMONY - SENATE BILL 2080
SENATE TRANSPORTATION COMMITTEE
JANUARY 9, 2003 - 9:00 AM
LEWIS AND CLARK ROOM**

Mr. Chairman and members of the Senate Transportation Committee, my name is Tom Balzer, Recreation Division Manager with the North Dakota Parks and Recreation Department. I appear in support of Senate Bill 2080 allowing for the operation of snowmobiles in the right-of-way of an interstate highway on overpasses and underpasses.

The bill before you came as a result of a collaborative effort between the North Dakota Highway Patrol, North Dakota Department of Transportation and our agency at the request of snowmobile users.

Currently it is unlawful for snowmobiles to be operated in the right of way of an interstate highway except for emergency purposes. This bill would allow for the operation of snowmobiles in the interstate highway right of way on an overpass or underpass for the purpose of crossing the interstate highway in a safe and expeditious manner.

North Dakota is challenged by the location of the interstate highway systems in the state. Currently snowmobile travel from Minnesota westward or from South Dakota north is, limited by law, therefore preventing state-to-state cross-country rides. In essence a snowmobile user from west of Interstate 29 or south of Interstate 94 cannot ride their snowmobile into the heart of the North Dakota trail system.

The State of South Dakota, which shares the same challenge of Interstate 29, allows the operation of snowmobiles in the interstate right of way under similar conditions proposed in this bill. Their law states "No snowmobile may be operated upon or across an interstate highway, except that it may cross in the ditch of an underpass or on the extreme right of an overpass."¹

Due to the potential danger of operating snowmobiles on the interstate highway surface, in the right of way parallel to the interstate highway or in the median of an interstate highway, violation of this section needs to warrant a fee of one hundred dollars.

Finally, to reduce redundancies and increase readability we recommend moving subsection 12 of the bill to replace the second sentence of subsection 1 with subdivision "a" and "b" following. As well changing the reference on page 4, line 6 removing "12" and inserting "1."

Senate Bill 2080 is the work of a collaborative effort of state agencies at the request of snowmobile users in the state. We ask for a vote of DO PASS on Senate Bill 2080 with

South Dakota Codified Laws § 32-20A-5

consideration for the suggested changes. I will be willing to work with the committee to effect those changes.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.

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LaCosta Rickford

Date

10/15/03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2080

Page 1, line 11, after "except" insert ":

- a. For emergency purposes; or
- b. Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass."

Page 4, line 6, delete "12" insert "1"

Fifty-eighth
Legislative Assembly
Of North Dakota

AMENDED SENATE BILL NO. 2080

Introduced by

(At the request of the Parks and Recreation Department)

- 1 A BILL for an Act to amend and reenact sections 39-24-09 and 39-24-11 of the North Dakota
2 Century Code, relating to snowmobile operation within the right of way of an interstate highway;
3 to provide a penalty, and to declare an emergency.

4
5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6

7 SECTION 1. EMERGENCY This Act is declared to be an emergency measure.

8 SECTION 2. AMENDMENT. Section 39-24-09 of the 2001 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 39-24-09 Rules for operation of snowmobiles

11 1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank or
12 slope of any road, street, or highway in this state except as provided pursuant to this
13 chapter. No snowmobile may be operated at any time within the right of way of any
14 interstate highway within this state except for:

15 a. For emergency purposes; or

16 b. Across an interstate highway on an overpass or underpass, except where
17 otherwise prohibited by law or by signing, provided that it crosses on the extreme
18 right side of the overpass or underpass.

1 2. A snowmobile may make a different crossing of a non-interstate street or highway
2 provided:

- 3 a. The crossing is made at an angle of approximately ninety degrees to the
4 direction of the highway and at a place where no obstruction prevents a
5 quick and safe crossing;
6 b. The snowmobile is brought to a complete stop before crossing the
7 shoulder or main traveled way of the highway;
8 c. The driver yields the right of way to all oncoming traffic which constitutes
9 and immediate hazard; and
10 d. In crossing a divided highway, the crossing is made only at an intersection
11 of such highway with another public street or highway.

12 3. No snowmobile may be operated unless it is equipped with at least one headlamp,
13 one taillamp, and brakes, all in working order, which conform to standards prescribed by
14 rule of the director pursuant to the authority vested in the director by this code and this
15 chapter.

16 4. The emergency conditions under which a snowmobile may be operated other than
17 as provided by this chapter must be such as to render the use of an automobile impractical
18 under such conditions at such period of time and location.

19 5. It is unlawful for any person to drive or operate any snowmobile in the following
20 ways which are declared to be unsafe and a public nuisance:

- 21 a. At a rate of speed greater than reasonable or proper under all the
22 surrounding circumstances

- 1 b. In a careless, reckless, or negligent manner so as to endanger the person or
2 property of another or to cause injury or damage to such person or
3 property.
4 c. While under the influence of intoxicating liquor or a drug as defined in
5 section 39-24.0-01, or a combination thereof.
6 d. Without a lighted headlamp and taillamp when required for safety.
7 e. In any tree nursery or planting in a manner which damages or destroys
8 growing stock.
9 f. Without a manufacturer-installed or equivalent muffler in good working
10 order and connected to the snowmobile exhaust system.
11 g. Upon any private land where the private land is posted by the owner or
12 tenant prohibiting trespassing. The name of the person posting the land
13 must appear on each sign in legible characters. The posted signs must be
14 readable from the outside of the land and must be placed conspicuously at
15 a distance of not more than eight hundred eighty yards [804.68 meters]
16 apart, provided further that as to land entirely enclosed by a fence or other
17 enclosure, posting of signs at or on all gates through the fence or enclosure
18 constitutes a posting of all the enclosed lands.
19 6. It is unlawful for any person to operate a snowmobile pursuant to chapter 39-24
20 without having in possession a valid driver's license or permit, except as provided by
21 section 39-24-09.1.
22 7. When snowmobiles are operated within the right of way of any road, street, or
23 highway of this state pursuant to this chapter, during times or conditions that warrant the

1 use of light, such snowmobiles shall travel in the same direction as the direction of motor
2 vehicles traveling on the side of the roadway immediately adjacent to the side of the right
3 of way traveled by the snowmobile.

4 8. It is unlawful for any person to operate a snowmobile within a highway right of
5 way as defined in subsection 38 of section 24-01-01.1 between April first and November
6 first of any year.

7 9. No snowmobile may be operated at any time within the right of way of any
8 highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid,
9 or other vehicle is connected to the snowmobile by a hinged swivel ad secure hitch.

10 10. No person under the age of eighteen years may operate, ride, or otherwise be
11 propelled on a snowmobile unless the person wears a safety helmet meeting United States
12 department of transportation standards.

13 11. A person may not operate a snowmobile, and an owner of a snowmobile may not
14 knowingly permit the snowmobile to be operated, upon any property maintained, leased,
15 or owned by the state parks and recreation department to which the public has a right of
16 access for snowmobile or other vehicular use, without a policy of liability insurance
17 which insures the person names, and any person using the snowmobile with the express
18 or implied permission of the ownership, maintenance, or use of the snowmobile within
19 this state, subject to the following limits, exclusive of interest and costs, with respect to
20 each snowmobile: twenty-five thousand dollars because of bodily injury to or death of
21 one person in any one accident and, subject to the limit for one person, fifty thousand
22 dollars because of bodily injury to or death of two or more persons in any one accident,
23 and twenty-five thousand dollars because of injury to or destruction of property of others

1 in any one accident. Upon request of a law enforcement officer, a person operating a
2 snowmobile shall provide proof of liability insurance to that officer within twenty days.

3 **SECTION 3. AMENDMENT.** Section 39-24-11 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **39-24-11. Penalties.** Any person who violates subsection 1 of section 39-24-09 must be
6 assessed a fee of one hundred dollars. Any person who violates subdivision b or g of subsection
7 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c
8 of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as
9 determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is
10 guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any
11 person who violates any other provision of section 39-24-09 must be assessed a fee of twenty
12 dollars. Any person, unless specifically exempted, who fails to register as required by section 39-
13 24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration after the
14 violation, the fee may be reduced by one-half. Any person who violates any other provision of
15 this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

NORTH D A K O T A *Snowmobiling Trails*

SB2080

TRAIL CONDITIONS:
1-800-HELLOND

CONTACT STATE PARKS AND RECREATION DEPARTMENT FOR A COPY

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Date

10/15/03

**TESTIMONY - SENATE BILL 2080
HOUSE TRANSPORTATION COMMITTEE
FEBRUARY 27, 2003 - 9:00 AM
FORT TOTTEN ROOM**

Mr. Chairman and members of the House Transportation Committee, my name is Tom Balzer, Recreation Division Manager with the North Dakota Parks and Recreation Department. I appear in support of Senate Bill 2080 allowing for the operation of snowmobiles in the right-of-way of an interstate highway on overpasses and underpasses.

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Senate Bill 2080 is the work of a collaborative effort of state agencies at the request of snowmobile users in the state. We ask for a vote of DO PASS on Senate Bill 2080 with consideration for the suggested changes. I will be willing to work with the committee to effect those changes.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.

¹ South Dakota Codified Laws § 32-20A-5

LaCosta Rickford
Operator's Signature

10/15/03
Date

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2080

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