

2009 HOUSE TRANSPORTATION

HB 1295

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7565

Committee Clerk Signature

Jeanette Cook

Minutes:

Representative Kempenich introduced and spoke in support of HB 1295. He explained that the purpose of this bill is to create a multipurpose vehicle class for small utility trucks.

Most of the bill's language is modeled after South Dakota's law. The bill gives this vehicle a registration as a vehicle not a RV. Attachment #1 has examples of this type of vehicle. There will be a \$20 registration fee for two years at the time of registration. DOT has offered an amendment. See attachment #2. The amendment clarifies the registration.

There was discussion about the reasons for wanting these vehicles to be in their own class rather than just register them as a regular vehicle. It was felt that speed is one of the factors. It was pointed out that the main reason is by making a new class for these vehicles will take them out of the ATV class, which may be prohibited by city ordinances. This bill will allow these small utility trucks legally on city streets. People are using them more because of the high cost of fuel.

Representative Delmore expressed concern about the minimal cost of the registration.

Representative Schmidt confirmed that this law includes right hand drive vehicles.

Glen Jackson, Director of Motor Vehicles at DOT, provided neutral testimony on HB 1295.

The DOT appreciates the modification of Code that provides the flexibility to register newer vehicle types. See attachment #3. DOT feels that the \$20 fee is adequate.

Representative Gruchalla asked if these vehicles would be required to carry liability insurance?

Glen Jackson wasn't sure but would investigate to find out. Since an operator's license is required to operate the vehicles on the highway, he would infer that liability insurance would be required. Operation on private land would have different requirements.

There was no further testimony.

The bill was held in committee.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02/13/09

Recorder Job Number: 9494

Committee Clerk Signature

Janette Cook

Minutes:

Chairman Ruby brought HB 1295 to the attention of the committee. He explained the amendments that would make new classifications for the new types of vehicles. There would be two new classifications added. These amendments will cover all of the vehicles that were presented to us during the hearing. There was some question about some of the scooters that would still need to be under the motorcycle category, if they are above a certain cc. If the wheel size complies with CFR49 part 51 federal motor vehicle safety standards, then they will be acceptable in North Dakota as well.

Representative Delmore: Is there anything in here for penalties, or what they are going to charge?

Chairman Ruby: It is probably covered under

Representative R. Kelsch moved the amendments to HB 1295.

Representative Delmore seconded the motion.

Representative Weiler: I have a question on the amendments. In subsection B page 2, it says, "Class five vehicles may not operate on highways with a posted speed limit above 75 miles per hour." Do we have that restriction for the classes for normal cars?

Representative Weisz: If the committee wants them to be able to operate on any highway regardless of the speed limit, then that section ("Class five vehicles may not operate on highways with a posted speed limit above 75 miles per hour.") can be deleted. Then regardless of what the speed limits are they will be able to operate these vehicles.

It was confirmed that this was drafted by the DOT and that they are neutral with this. They think we should make the policy.

A voice vote was taken. All were in favor. The motion passed.

Representative Weisz stated that these vehicles would be registered and pay the same fees and classed one, two, and three.

Representative Weiler: Is there a safety issue with two wheels in the front and one in the back?

Representative Weisz: Those drive like a car.

Representative Thorpe: How does this fit in with federal regulations?

Representative Weisz: It is not an issue, because the state has the ability to allow whatever they want outside of commercial. Again, this is only in the state.

Representative Griffin moved to further amend HB 1295 by removing Subsection B.

Representative Weisz seconded the motion.

A voice vote was taken and all were in favor to the amendment.

The motion carried.

Representative R. Kelsch moved a Do Pass as Amended on HB 1295.

Representative Delmore seconded the motion.

A roll call vote was taken. **Aye 12 Nay 2 Absent 0**

The motion passed.

Representative Weisz will carry HB 1295.

FISCAL NOTE
Requested by Legislative Council
04/28/2009

Amendment to: Engrossed
 HB 1295

1A. 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.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$0 | | |
| Expenditures | | | | \$2,600 | | |
| Appropriations | | | | \$0 | | |

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

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. 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 in conference committee should have approximately the same fiscal impact as previously reported. The conference committee version may result in some revenue gains, but we have no way of estimating these at this time. Any such revenue gains would most likely be insignificant.

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.*

The only fiscal impact will be system programming changes to track and process these vehicle classes.

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.*

The costs associated with this are IT in nature: modification of VRTS tables - \$600.00; ITD involvement in VRTS processing and reporting - \$2000.00. Operational costs will simply be part of our operational support cost and negligible.

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 is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|----------------------|------------------|-----------------------|------------|
| Name: | Shannon L. Sauer | Agency: | NDDOT |
| Phone Number: | 328-4375 | Date Prepared: | 04/28/2009 |

FISCAL NOTE
Requested by Legislative Council
02/17/2009

Amendment to: HB 1295

1A. 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.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$0 | | |
| Expenditures | | | | \$2,600 | | |
| Appropriations | | | | \$0 | | |

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

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. 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 creates two new Off-Highway Vehicle classifications and modifies operator requirements.

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.*

The only fiscal impact will be system programming changes to track and process these vehicle classes.

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.*

The costs associated with this are IT in nature: modification of VRTS tables - \$600.00; ITD involvement in VRTS processing and reporting - \$2000.00. Operational costs will simply be part of our operational support cost and negligible.

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 is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|----------------------|---------------|-----------------------|------------|
| Name: | Glenn Jackson | Agency: | NDDOT |
| Phone Number: | 328-4792 | Date Prepared: | 02/17/2009 |

FISCAL NOTE
Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1295

1A. 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.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$0 | | |
| Expenditures | | | | \$900 | | |
| Appropriations | | | | \$0 | | |

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

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. 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 changes certain designations of multi-purpose 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.*

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.*

The costs associated with this are mostly IT in nature: modification of VRTS tables - \$600.00; ITD involvement in VRTS processing - \$300.00. Otherwise there may be a very minimal time for staff to process these, however with no definitive idea on the actual number to be processed; it will simply be part of our operational support cost and negligible.

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 is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|----------------------|---------------|-----------------------|------------|
| Name: | Glenn Jackson | Agency: | NDDOT |
| Phone Number: | 328-4792 | Date Prepared: | 01/16/2009 |

VK
2/13/09
1083

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1295

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision c of subsection 3 of section 39-06-14, subsection 3 of section 39-27-05, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 3 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

- c. A driver with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles, and tractors, and vehicles on which the operator or passengers, or both, ride within an enclosed cab. A class M vehicle may not be operated under a class A, B, C, or D license.
- (1) The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
- (2) An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
- (3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

SECTION 2. AMENDMENT. Subsection 3 of section 39-27-05 of the North Dakota Century Code is amended and reenacted as follows:

- 2 of 3
3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

SECTION 3. AMENDMENT. Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.
 - d. Class IV off-highway vehicle weighs more than six hundred pounds [272.16 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering device for the front wheel steering control, excluding motorcycles, and is capable of traveling sixty-five miles [104.61 kilometers] per hour.
 - e. Class V off-highway vehicle weighs more than one thousand pounds [453.59 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering wheel for front steering control, is capable of traveling seventy-five miles [120.70 kilometers] per hour and has safety equipment installed as listed in chapter 39-21.

SECTION 4. AMENDMENT. Subsection 1 of section 39-29-09 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. Only individuals with a valid class D operator's license may operate a class IV or class V off-highway vehicle. Class IV

vehicles may not operate on a highway with a posted speed limit above
sixty-five miles [104.61 kilometers] per hour."

3 of 3

Renumber accordingly

Voice Vote
Roll Call Vote #. _____

BILL/RESOLUTION NO. 1295

b. 1295
Amendment Committee

Legislative Council Amendment Number _____

Motion Made By Kelsch Seconded By Delmore

[illegible]

Absent

Bill Carrier

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

Voice Vote
Roll Call Vote #: 2

BILL/RESOLUTION NO. 1293

Committee

Legislative Council Amendment Number _____

Motion Made By Griffin Seconded By Wells

[illegible]

Absent

Bill Carrier

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

Date: 2-13-09

Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1295

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do pass ☐ Don't Pass ☒ Amended

Motion Made By Kelsch Seconded By Delmore

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------------|-----|----|--------------------------|-----|----|
| Representative Ruby - Chairman | ✓ | | Representative Delmore | ✓ | |
| Rep. Weiler - Vice Chairman | ✓ | | Representative Griffin | ✓ | |
| Representative Frantsvog | ✓ | | Representative Gruchalla | | ✓ |
| Representative Heller | ✓ | | Representative Potter | ✓ | |
| Representative R. Kelsch | ✓ | | Representative Schmidt | ✓ | |
| Representative Sukut | ✓ | | Representative Thorpe | | ✓ |
| Representative Vigasaa | ✓ | | | | |
| Representative Weisz | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total Yes 12 No 2

Absent 0

Bill Carrier Weisz

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

REPORT OF STANDING COMMITTEE

HB 1295: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 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 amend and reenact subdivision c of subsection 3 of section 39-06-14, subsection 3 of section 39-27-05, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 3 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

- c. A driver with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles, and tractors, ~~and vehicles on which the operator or passengers, or both, ride within an enclosed cab.~~ A class M vehicle may not be operated under a class A, B, C, or D license.
 - (1) The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - (2) An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - (3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

SECTION 2. AMENDMENT. Subsection 3 of section 39-27-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

SECTION 3. AMENDMENT. Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.
 - d. Class IV off-highway vehicle weighs more than six hundred pounds [272.16 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering device for the front wheel steering control, excluding motorcycles, and is capable of traveling sixty-five miles [104.61 kilometers] per hour.
 - e. Class V off-highway vehicle weighs more than one thousand pounds [453.59 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering wheel for front steering control, is capable of traveling seventy-five miles [120.70 kilometers] per hour and has safety equipment installed as listed in chapter 39-21.

SECTION 4. AMENDMENT. Subsection 1 of section 39-29-09 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved

highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. Only individuals with a valid class D operator's license may operate a class IV or class V off-highway vehicle. Class IV vehicles may not operate on a highway with a posted speed limit above sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

2009 SENATE TRANSPORTATION

HB 1295

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1295

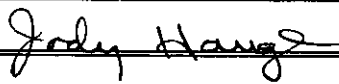
Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 6, 2009

Recorder Job Number: 10376

Committee Clerk Signature



Minutes:

Representative Kempenich introduced Engrossed HB 1295 relating to off-highway vehicles.

He handed out pictures of what type of vehicles they would be discussing. Attachments #1

The House made a new class of off road vehicle so this bill deals with class IV and class V

vehicles. Other states around us have made a new class of off-road vehicles. The class V is

no longer limited to 65 mile an hour roads. The House added this. Liability insurance will still cover these vehicles.

Senator Potter asked if this bill was removing any safety regulation on class IV.

Rep. Kempenich said they were not changing any of that. Class V can go on the Interstate and they have more regulations requirements and Class IV is the same.

Senator Fiebiger asked how many of these vehicles are out there.

Rep. Kempenich said there are not that many out there but there is getting to be more. Most of these Japanese Mini trucks are being used in rural areas and in small municipalities. He said they were trying to do what South Dakota and Montana are doing.

Senator Fiebiger Question on usage on Interstate.

Rep. Kempenisch said class IV cannot be used on the Interstate or roads with a speed limit over 65. Class V does allow travel on Interstate or over 65.

Senator Fiebiger asked if insurance companies insure these vehicles.

Rep. Kempenisch said the Class IV is covered under Homeowners. They are covered like a 4-wheeler.

Senator Nodland asked if these classifications include JD Gators or Rangers.

Rep. Kempenisch said they were not included.

Senator Nodland asked if they had to travel 65 mph.

Rep. Kempenisch replied no.

Senator Nething asked what the difference was between class M & D.

Rep. Kempenisch said that the M was a motor cycles and class D is a regular driver's license.

Senator Nething: Then we are saying that in order to drive a class IV or V vehicle; you will need to have a class D license for either of those classes.

Kent Olson testified on behave of the Professional Insurance Agency in support of the bill. They like the fact that the bill defines these various motor vehicles. They are insurable and there is no problem getting insurance on them.

Rep. Kopplemen testified in support of engrossed HB 1295 and explained why in the House he had offered the amendment to add a class V. He handed out pictures of what some of these vehicles look like. Attachment #2

Opposing Testimony

Neutral Testimony

Glenn Jackson welcomed clarification to the statues governing these kinds of vehicles but called attention to the fact that ND is the only state that allows Off Highway vehicles access to public roadways. He supplied neutral testimony. Attachment #3

Senator Fiebiger asked if the red/three wheel vehicle was classed as M and did it fit in motorcycle statues.

Jackson said that would be a motorcycle.

Senator Fiebiger questioned that it did not have handlebars. He asked if we were going to have problems with the statue of what constitutes a motorcycle. Why would we classify it as a motorcycle?

Jackson "I don't know."

Senator Lee questioned Mr. Jackson on what he was saying. He said that he thought he was in support of the classification but had concerns on the safety on roadways.

Jackson said that is correct. We want operators of class V's to have licenses.

Senator Fiebiger asked what neighboring states were doing.

Jackson supplied committee with survey information and research. Attachment #4

Eric Dietrick, NDPRD was available to answer any questions. He is a safety instructor. He deals with class 1, 2 and 3.

Senator Lee closed the hearing on Engrossed HB 1295.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1295

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10861

Committee Clerk Signature

Jody Hauge

Minutes:

Committee work on Engrossed HB 1295 relating to off-highway vehicles.

Committee discussed the Class IV off-highway vehicles and the concern that they would be traveling on roads at 65 miles per hour. Senator Lee said that they don't make them travel at

65 miles per hour but that the vehicles have to be capable of traveling at 65 miles an hour.

They discussed the safety issue of these vehicles going that fast.

Senator Nodland moved a Do Not Pass.

Senator Fiebiger seconded.

Senator Potter he understands the bill as quite harmless. The way it reads on Page 3, line 16, these Class IV off-highway vehicles have to be capable of traveling 65 miles per hour. And on page 3, line 21, the Class V has to be capable of driving 75 miles per hour. He said the only objection that we heard raised was they are not NATSA certified.

Senator Fiebiger said that we heard no opposition.

Senator Nething said that no one really spoke to the safety issue.

Senator Lee said the Department of Transportation liked the idea of the classes.

Senator Nodland said that his argument is only safety.

Senator Lee said that these vehicles are off-road vehicles.

Senator Fiebiger said that the insurance agencies didn't bring up safety and they said they can insure them.

Senator Nething said the problem is if we don't pass it, it creates the problem again of how to license these vehicles. Discussion followed on eliminating the entire section 4 or just taking out the last sentence in section 4 and that would leave in 55 miles per hour. That would keep Class IV vehicles away from 65 miles per hour. Also discussed Class V.

Senator Nodland and Senator Fiebiger withdrew their motion and second.

Senator Nething moved the Nething amendment.

Senator Nodland seconded.

Roll call vote: 6-0-0

Senator Nodland moved a Do Pass as amended.

Senator Nething seconded.

Roll call vote: 6-0-0.

Senator Nething will be the carrier.

Date: 3-12-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1295

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Other

Motion Made By Senator Nodland Seconded By Senator Fiebiger

| Senator | Yes | No | Senator | Yes | No |
|---------------------------|-----|----|----------------------------|-----|----|
| Chairman Senator Gary Lee | | | Senator Tom Fiebiger | | |
| Senator George Nodland | | | Senator Richard Marcellais | | |
| Senator Dave Nething | | | Senator Tracy Potter | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent

With draw

Date: 3-12-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed H B 1295

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Nothing amendment

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other
Amendment

Motion Made By Senator Nething Seconded By Senator Nodland

| Senator | Yes | No | Senator | Yes | No |
|---------------------------|-----|----|----------------------------|-----|----|
| Chairman Senator Gary Lee | ✓ | | Senator Tom Fiebiger | ✓ | |
| Senator George Nodland | ✓ | | Senator Richard Marcellais | ✓ | |
| Senator Dave Nething | ✓ | | Senator Tracy Potter | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 3-12-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. Engrossed HB 1295

Senate Transportation

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other

as amended

Motion Made By Senator Nodland Seconded By Senator Nething

| Senator | Yes | No | Senator | Yes | No |
|---------------------------|-----|----|----------------------------|-----|----|
| Chairman Senator Gary Lee | ✓ | | Senator Tom Fiebiger | ✓ | |
| Senator George Nodland | ✓ | | Senator Richard Marcellais | ✓ | |
| Senator Dave Nething | ✓ | | Senator Tracy Potter | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Nething

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

REPORT OF STANDING COMMITTEE

HB 1295, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1295 was placed on the Sixth order on the calendar.

Page 4, line 5, remove "Class IV vehicles may not operate on a highway with a"

Page 4, remove line 6

Renumber accordingly

2009 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1295

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

x Check here for Conference Committee

Hearing Date: 04/16/09

Recorder Job Number: 11895

Committee Clerk Signature



Minutes:

Representative Weisz brought the Conference Committee to order and the clerk took the roll.

He asked the Senate to explain the amendments that were made to HB 1295.

Senator Lee: We agreed with the five different classifications of vehicles. We changed that

Class 4 and 5 would not be on roads greater than 65 mph. We were concerned with safety and the mix of vehicles on the higher speed roadways.

Chairman Weisz: From the House perspective we added these classes because they are a normal vehicle, and some are safer than a motorcycle for example. In the Class 5 they have an airbag and seatbelt. They don't pose any danger to the rest of the public, and if someone wanted to buy a small vehicle, these are being driven in Europe at high speeds. The Class 5's are designed to run on the highway. You have relegated them not to be used as a method of transportation as they were designed, but to be used on county roads. They are not off road vehicles as we would define them. The House added this classification so that all these new vehicles could come in that were designed to drive on main highways.

Representative R. Kelsch: These are nice vehicles, not like four wheelers. Given the price of gas last summer, they would have been far more economical for people. I see that they are probably a lot safer on our state and interstate highways than they are on township roads or

gravel roads. I don't think that people from the larger cities are going to buy these and travel on the county and gravel roads. That is not what they are intended for or what people want them for.

Senator Nodland: I felt that they aren't that safe because of their size. Some of them were also of a three-wheel nature. Running around a town they may make a good economical vehicle but not on a highway.

Representative Delmore: The reason they have appeal to people is that they are economical. When gas was so high last summer, that was a big sacrifice for many people. We also don't have highways congested with traffic, like New York or other places.

Representative R. Kelsch: Senator Nodland, I would be more inclined to buy one of the three-wheeled vehicles that has seatbelts and airbags and turn signals, than buy a motorcycle.

Motorcycles have two wheels with no protection around them, and we let them travel on the interstates and highways.

Senator Potter: Your amendments state that these vehicles would be able to be driven 75 miles per hour?

Representative Weisz: The Class 4 could be driven 65 miles per hour, and the Class 5 could be driven on all highways.

Senator Potter: We made both Class 4 and 5 legal to drive 55 mph?

Representative Weisz: Yes, 55 mph or less.

Senator Lee: Because we made the mistake of letting motorcycles drive on the road, I don't know that we need to make the same mistake of letting some of these other size vehicles drive there as well. Some are three-wheeled vehicles, some have different devices for front wheel steering, and I think they are for city driving. I think we have to consider the traveling public when we make these decisions. I think that ours was reasonable.

Representative Weisz: To clarify, some of the three-wheel vehicles that are listed there would be under a Class 3 since they don't meet the weight and size. They are city commuter vehicles. We wanted to accommodate them so that they could drive in town, but not run up and down the interstate. It is the same as the difference between a Cadillac and a Ford Focus. There are other cars that are out there that are very light vehicles, and they are licensed as a car. It is a matter of choice to the people buying the vehicle. It doesn't increase the hazards to the rest of the driving public. If I choose to drive a motorcycle, I am putting myself at greater risk, but am not putting anyone else at greater risk.

Senator Potter: In your bill, where are we allowing Class 5 vehicles to drive more than 65 miles per hour?

Representative Weisz: It doesn't, but that was the intent, these Class 5's have safety features. The language does limit it.

Senator Potter: It doesn't say what a Class 5 can drive.

Representative Weisz: That is because they are just a vehicle like any other. We don't limit any other vehicles, they can just drive on all roads. The problem is the Off Road category. That is where it got caught in with the limits. It says they are capable, but it doesn't say that they may. Class 4 doesn't have the capability of driving sixty-five miles per hour, so it is limited to slower roads.

Senator Lee: I thought that some of the vehicles might be able to obtain the speed, but not be able to sustain it for a long period of time.

Representative Delmore: When we are on the highway now, it is the driver that controls the speed of the vehicle. So, it is that way already.

Representative Weisz: The vehicles that we heard about that are in the Class 5 are all capable of over 100 miles per hour.

Representative R. Kelsch: Did the Senate see the document with the yellow car that we are referring to?

Representative Weisz: You are also banning these from the highways, (referred to picture) which the ranchers and businesses use all over the place. They are a class 4 vehicle.

Representative R. Kelsch: We have an opportunity for more business in North Dakota by getting some of these dealerships to sell them. People won't buy them if they can only drive them on a county or gravel road. Constituents have been asking for the opportunity to buy them, and business people have been asking for the opportunity to sell them.

Senator Nodland: You don't think that people would just buy them to drive in town for economic reasons?

Representative Delmore: We are looking at the overall picture. Most people don't go out and buy an extra car just to drive around the city. When we purchase a car, we want it to go other places as well.

Representative R. Kelsch: Some people may purchase them to drive around town. But, I live in Mandan, so if I purchase one to drive around Mandan, I cannot get on the interstate to drive to Bismarck to drive to work. I would have to drive an alternate route.

Senator Nodland: That is the difference of where we live. I come from the rural west where we have all types of ways to get around besides the interstate. You come from the urban area where you have to use the interstate. I understand your thoughts.

Representative Weisz: The people that buy the Class 3's that were presented to us are probably not going to go beyond the city. They really are just a get to the grocery store type thing. They are limited. When you are spending between \$8,000 to \$20,000 on some of these vehicles you will want to drive greater distances. If I bought one, I could not leave my farm legally because I would have to drive on the state highway to get anywhere.

Representative Weisz: Do we have any movement, or do we need to think about it?

Senator Lee: We need to think.

Representative Weisz: I will have them reschedule. I officially adjourn the conference committee. It will probably be on Tuesday.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04/21/09

Recorder Job Number: 12032

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Weisz explained the amendments. They were not back from Legislative Council yet.

Chairman Weisz:

The amendments will:

- take these types of vehicles completely out of the "Off Road" section.
- Define an unconventional vehicle.
- State that a vehicle must meet the 3921 or the 3927 safety code, whichever is more appropriate. The DOT will have the ability to apply the code that is appropriate for the vehicle.
- Set up a registration and a title for these vehicles with a \$50 registration fee.
- Say that if the vehicle meets the 3921 or 3927 safety code, they can drive on non-access controlled highways if they also have seatbelts, can maintain a speed at an excess of 75 mph, and weigh at least 1000 pounds.

There will only be one class of vehicle with a 300 pound minimum and less than 8,000 pounds.

It has to maintain an excess of 65 mph. They can run on all but controlled access roads. If they are at least 1,000 pounds and have safety belts, they can drive on all highways. The

registration fees go into the Motor Vehicle Registration Fund which goes into the Distribution Fund. They are truly motor vehicles that are designed to be driven on highways not off the road.

Senator Lee: It says in this amendment that the unconventional vehicles can run on all but controlled access roads.

Chairman Weisz: The amendments that are coming add, "If, in addition, they have a minimum weight of 1,000 pounds, they meet all 3921 safety codes, they have seat belts for every person, and they can maintain a speed in excess of 75 mph, then they can drive on all roads and highways in the state".

Senator Potter: How does this affect current Off – Road vehicle law? Not at all?

Chairman Weisz: It makes no changes.

Senator Potter: I believe there will be some resistance to the driving on interstates.

Representative Delmore: We already allow motorcycles on the interstate. They have no seatbelts and nothing much for protection. I carried Senator Lee's bill on the floor that allows bicycles on the highway. I sold that because of the same reasons that we are looking at here. Gas prices were high, but the bicyclists were experienced. The people who drive these cars will have licenses. They are not without the criteria that we set for other vehicles. There is a safety issue, but we are trusting the people that use these types of vehicles, just like the bikes.

Senator Nodland referred to a sheet with pictures of vehicles and asked which ones would be the type that would be allowed on controlled access roads. See attachment #1/A (yellow car).

Chairman Weisz: The yellow car because it has seatbelts and is a heavier weight. Many licensed cars, micro-cars from Europe, are less than 1,000 pounds.

Representative R. Kelsch: This yellow car even has air bags. We didn't include air bags in the criteria because there are a lot of cars driving now that don't have air bags.

Chairman Weisz: There is concern about traffic flow on the interstate, but we don't have a minimum speed on the interstate. You may have a tractor driving down the interstate at a very slow speed.

Senator Lee: There is some of that, but make safe policy not mirror something that isn't. I still struggle with putting them on controlled access.

Senator Potter: Did you suggest that the ones that would be driving on the 75 mph highway would have a steering wheel?

Chairman Weisz: Yes, they have to have a steering wheel.

Senator Lee: This says that they must be a licensed driver not over 16?

Chairman Weisz: Yes, because all licensed drivers can drive all other types of vehicles.

Senator Lee: Will the weight range, 300-8,000, cover all of what we are talking about?

Chairman Weisz: Yes, it will cover all the classes.

There was additional discussion about the different types of vehicles in attachment #1.

Senator Potter: Will these cars be allowed to drive in Minnesota?

Chairman Weisz: According to the testimony, I thought that they were already allowed in Minnesota. I haven't confirmed that.

Glenn Jackson, DOT: At this time some of these vehicles would not be acceptable on the interstate in Minnesota. The rules for all of these vehicles in all the different states vary. There is no consistent application for how they are handled. This issue truly raised itself last year when fuel prices climbed. Many new vehicles suddenly came on the market. The states are struggling to find ways to register them. We are working with an Unconventional Vehicle group that is trying to put together some generally accepted rules that all states can apply. We do know that in the next year and a half we should start to see some consistent application across the states.

Senator Lee: Is this common nomenclature that is being used for this types of vehicle, Unconventional Vehicle?

Glenn Jackson: That is the standard term being used.

Representative Delmore: There are lots of vehicles like this in Europe. Are they restricted?

Glenn Jackson: There are many small vehicles in Europe. Their system is designed for that type of vehicle. We have a different system with wide open highways and large trucks. We don't expect to see any of these vehicles in the winter.

Senator Lee: Have you talked to the Highway Patrol about these vehicles?

Glenn Jackson: We met yesterday. The HP participated in the meeting and were in agreement with all of us that moving them to Unconventional Vehicles and out of Off Highway was the best approach. They did agree that this does appear to be a safe direction to go. The interstate is the only issue as to how that mix works and to what level of safety will be necessary.

Senator Nodland: Where would the three-wheeled vehicles with a steering wheel go? Under the motorcycle class?

Chairman Weisz: If they have a steering wheel, they shouldn't be licensed as a motorcycle. They will fit under here now.

The criteria were reviewed.

An additional meeting will be scheduled when the amendments are ready.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1295

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04/22/09

Recorder Job Number: 12124

Committee Clerk Signature

Janette Cook

Minutes:

Chairman Weisz called the committee to order.

Chairman Weisz distributed the amendments that were discussed at the last meeting. He commented that the amendment do what were intended. The language on the last page allows a vehicle that is over 1000# and has seat belts to drive on all highways. If not, they are limited to non-access controlled highways.

Senator Nodland: Do we know if the vehicles that are being proposed are capable of sustaining seventy-five miles per hour?

Chairman Weisz: In testimony in the House we were informed that the yellow car in the pictures (Attachment 1 – 4-21-09) can reach speeds of close to 100 miles per hour. They didn't say anything about sustained speeds. That's what limits a lot of the vehicles; they can't even reach a speed of seventy-five. The way the amendment is written, all the criteria must be met to be allowed on controlled access roads.

Senator Potter: How do you define 'being able to go 75 mph'? Does that mean for a minute?

Chairman Weisz: I'm sure that they are governed. They would have to be taken out on the highway and driven.

Senator Potter: At some place in the manufacturer's information does it say that?

Chairman Weisz: Yes.

Senator Nodland: Have we looked at other states to see how their laws are written to allow these vehicles on the interstate and what states do allow them?

Chairman Weisz: I don't have that information. In testimony we were told that other states do allow them, but I can't verify that. Mr. Jackson gave us information yesterday about that.

Glenn Jackson, DOT: There is an Unconventional Vehicle working group in (inaudible acronym) that is looking to try to lend some commonality to implementation of laws across the states so that these types of vehicles can be handled the same way. As of today there is nothing in place that lends uniformity or commonality. It is hit or miss in different places.

Some are considered to be motorcycles. Some are golf cartish type things. There are no real rules for putting these vehicles on the highways. So, if you were to travel into different states from here, you would need to call to ask how each state is handling your type of vehicle.

Senator Potter: What is the registration fee for other vehicles?

Chairman Weisz: That varies from \$27 to \$200 on a passenger vehicle, based on age and weight of the vehicle.

Senator Potter: You think that the \$50 is a reasonable amount, or did you pull it out of the air?

Chairman Weisz: If you look at an average vehicle of the same value, it would be comparable.

Glenn Jackson: We also referenced that fee because we will be registration, tabs, and title work on those vehicles. We felt that the fee was adequate to cover the cost of those items, rather than a lower fee, and we would lose money.

Senator Lee: It looks like Sections 1 and 2 are identical to the engrossed bill. Section 3 is the new section. I think that is good language and puts us out in front in terms of being on the

leading edge of what it takes to put these vehicles on the road. My only trouble is putting them on the interstate highways. Other than that I think you have done good work, and we have a good bill here. If we could fix that language, I think we could make a deal.

Senator Nodland: That is where I stand, I think you did an excellent job.

Representative R. Kelsch moved that the Senate recede from its amendments as printed on p 757 of the Senate Journal and page 984 of the House Journal and engrossed HB 1295 be amended as follows: .0202.

Representative Delmore seconded the motion.

A roll call vote was taken. **Yea 3 Nay 3 The motion failed.**

Chairman Weisz: I was hoping we could agree on this. I feel that it is a reasonable compromise, especially since we are extremely limiting the vehicles that can drive on the interstate.

Representative R. Kelsch requested that Senator Potter bring the weight of his car to the next committee meeting.

Chairman Weisz adjourned the meeting and will schedule another meeting.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04/24/09

Recorder Job Number: 12209

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Weisz called the meeting to order. He provided amendment .0204. The major change in this amendment is the change from the minimum limit of 1,000 pounds to 1,205 pounds. He has done some research and currently there are all kinds of vehicles that are already driving on the interstate that would not meet these qualifications. Many of them cannot make 75 mph or weigh 1000 pounds, and they are all legal. Some do not have seatbelts. If they are imported and meet the federal standards, they are legal. They are allowed on all highways.

Senator Lee: On the last paragraph it states:

- It is limited to a licensed driver.
- It is equipped as in motor vehicle safety 21 and 27.
- It has to be 1,250 pounds.
- It has to go 75 mph.
- It can't go on an access controlled highway?

Chairman Weisz: I actually can. The language is rather confusing. If the vehicle is not properly equipped may operate on any highway except an access controlled highway. So, if they ARE properly equipped, they may operate on all highways. It makes it clear that an

unconventional vehicle is prohibited on an access controlled highway, unless it is properly equipped.

Senator Potter: So we have unconventional vehicles, and then we are going to subdivide that into properly equipped and not properly equipped?

Chairman Weisz: Yes, that wouldn't have been my language, but yes, that is correct.

Representative R. Kelsch moved that the Senate recede from its amendments as printed on page 757 of the Senate Journal and page 984 of the House Journal and that engrossed HB 1295 be amended as follows, .0204.

Representative Delmore seconded the motion.

A roll call vote was taken. Aye 3 Nay 3 Absent 0 The motion failed.

Senator Lee distributed another amendment, .0203.

Senator Lee: I think the amendment clearly states what is important for us to have. It is clear enough for most people to understand. It indicates that a licensed driver of at least 16 may drive an unconventional vehicle on any highway except access controlled highways.

Chairman Weisz: It is clear that nothing has changed except that one last little paragraph.

Representative R. Kelsch: Do you have to be sixteen to operate a motorcycle?

Chairman Weisz: No.

Representative R. Kelsch: What is the purpose of saying that you have to be sixteen to operate one of these when they are safer than a motorcycle? I can tell you that a motorcycle does not have airbags, or seatbelts, and it is wide open. This little yellow car has seatbelts, airbags, and a frame around you with three wheels instead of two.

Senator Potter: Is it the sixteen years of age or the access controlled highway that is the ticking point, or both?

Representative R. Kelsch: In my mind it is both. I don't understand this. If you want to say you have to be sixteen to operate any vehicle, let's make that the age that you license people. But you can allow 14 ½ year olds on a motorcycle going down the interstate at 75 mph, then I don't understand why they couldn't drive a vehicle like this. It seem ludicrous to me.

Senator Lee moved the amendments .0203 .

Senator Potter seconded the motion.

A roll call vote was taken. **Aye 3 Nay 3 Absent 0**

The motion failed.

Representative Weisz: I guess we will have the week-end to think about this. If there is any way we could get any closer, I would like to resolve this. It is tough to understand why you would prohibit a vehicle that is probably safer than hundreds of different vehicles that are currently are legal to be on the interstate. Also, fourteen year olds can drive other vehicles. The House is having trouble understanding why these are problems.

There was general discussion of different types of vehicles, and the comparison to the safety of motorcycles vs. three-wheeled cars.

Senator Potter: I would hate to see this bill fail. There are economic development implications here. I think it is something that we need to address.

Senator Nodland: In terms of compromise we have come quite a ways from this side. We have agreed in terms of the unconventional status of these "things". We have allowed them on every road but access controlled highways. I think we have done a significant part in terms of moving off of dead center. I haven't seen that on the House side.

Chairman Weisz: The amendments were reconstructed to address some of the concerns that the Senate had as to how it was structured in Off Road. We went that route to try to address the concerns, since that wasn't the way it came out of the House. I think it is a step in the right

direction. I think that in the future that we are going to see a lot of these vehicles of different styles that don't fit into a conventional license. It think it is important for the companies that are going to sell them, that we have a way to license these unconventional vehicles.

Senator Lee: We have given them the opportunity to drive almost everywhere in the state.

Chairman Weisz: But, the reality is that we are still limiting both the growth from a economic standpoint and the ability for these vehicles to be as functional and useful as possible. I would like to put something together so we won't be back next session and have to change this again.

Senator Nodland: I think we have come a long way with what we've done with this bill. If we allow this the way that we have introduced, it is a lot different than the way that it was before. I think that most people that will buy these will be using them in the Metro areas to save gas. I don't think that there are people that will buy that vehicle to go up and down the interstate.

The committee was adjourned and will be scheduled for Monday.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1295

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04/27/09

Recorder Job Number: 12274

Committee Clerk Signature

Janette Cook

Minutes:

Chairman Weisz called the Conference Committee to order on HB 1295.

Chairman Weisz: Looking at Senator Lee's amendments, we are considering a compromise. Are you willing to take the "sixteen years of age" on your amendment? Then it would say, 'the operator will be a licensed driver'.

Senator Lee: 'Licensed driver' would be a position that I could agree.

Chairman Weisz: OK

Representative R. Kelsch: Is that a motion to further amend .0203?

Senator Lee moved to further amend .0203 to make the language read, 'the operator must be a licensed driver'.

Senator Nodland seconded the motion.

A voice vote was taken. The motion passed and the amendment was adopted.

Senator Lee brought up the idea of possibly studying this in an interim committee.

Senator Potter asked if there are other studies that are going on that might be related to this.

Chairman Weisz stated that he is not aware of any, other than the DOT budget.

Representative R. Kelsch: Would it be a stretch when looking at highway funding to also look at these vehicles, considering the fact that we are also putting the registration fees into the Highway Distribution Fund?

Chairman Weisz: I suppose they could take a look at it.

Senator Lee moved the amendments 90104.0203 as further amended today, and for the Senate to recede from the Senate amendments on the Senate Journal page 757.

Senator Potter seconded the motion.

A roll call vote was taken. **Aye 6 Nay 0 Absent 0**

The motion passed.

Representative Weisz will carry the bill.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1295 (, as (re)engrossed):

Date: 4-16-09

Your Conference Committee Transportation

For the Senate:

Attendee

YES / NO

For the House:

Attendee

YES / NO

| | | | | | |
|----------------|---|--|-----------------|---|--|
| George Nodland | ✓ | | Rep. Weisz | ✓ | |
| Gary Lee | ✓ | | Rep. RAKelsch | ✓ | |
| Tracy Potter | ✓ | | Rep. L. Delmore | ✓ | |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

OTE COUNT YES NO ABSENT

#2

Attendance

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

 Bill Number 1295 (, as (re)engrossed):

 Date: 4-21-09

 Your Conference Committee Transportation

For the Senate:

For the House:

| | YES / NO | | YES / NO |
|------------------|----------|------------------|----------|
| X George Nodland | | X Robin Weisz | |
| X Gary Lee | | X Rae Ann Kelsch | |
| X Tracy Potter | | X Lois Delmore | |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

 _____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

 _____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ____ YES ____ NO ____ ABSENT

#3 Roll call vote
Amendment 90104.0202.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1295 (, as (re)engrossed):

Date: 4-22-09

Your Conference Committee Transportation

For the Senate:

YES / NO

For the House:

YES / NO

| | | | | | | | | |
|------------|---|----------------|--|---|---|---------------|---|--|
| Attendance | X | George Hodland | | X | X | Robin Weisz | X | |
| | X | Gary Lee | | X | X | BaeAnn Kelsch | X | |
| | X | Tracy Potter | | X | X | Lois Delmore | X | |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT YES NO ABSENT

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1295

That the Senate recede from its amendments as printed on page 757 of the Senate Journal and page 984 of the House Journal and that Engrossed House Bill No. 1295 be amended as follows:

Page 1, line 1, after "to" insert "create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to" and replace the comma with "and"

Page 1, line 2, remove ", subsection 2 of section 39-29-01, and subsection 1 of section"

Page 1, line 3, remove "39-29-09" and replace "off-highway vehicles" with "motorcycles"

Page 2, replace lines 25 through 30 with:

"SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

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 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 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 licensed driver. An operator may operate a properly equipped unconventional vehicle on any highway. A properly equipped unconventional vehicle weighs at least one thousand two hundred fifty pounds [566.99 kilograms], has safety belts, complies with chapter 39-21 or 39-27, and is capable of a speed of at least seventy-five miles [120.70 kilometers] per hour. An operator may operate an unconventional vehicle that is not properly equipped on any highway except on an access-controlled highway."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 6

Renumber accordingly

#4

Amendment , 0204

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1295 (, as (re)engrossed):

Date: 4-24-09

Your Conference Committee Transportation

For the Senate:

For the House:

| | YES / NO | | YES / NO |
|--|-------------------------------------|--------------------------------|-------------------------------------|
| <u>Attend.</u> X <u>Senator</u> George Nodland | <input checked="" type="checkbox"/> | <u>Attend.</u> X Chr. Weisz | <input checked="" type="checkbox"/> |
| X <u>Sen. Lee</u> | <input checked="" type="checkbox"/> | X Rep. Kelsch | <input checked="" type="checkbox"/> |
| X <u>Sen. Potter</u> | <input checked="" type="checkbox"/> | X Rep. Delmore | <input checked="" type="checkbox"/> |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT YES NO ABSENT

April 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1295

That the Senate recede from its amendments as printed on page 757 of the Senate Journal and page 984 of the House Journal and that Engrossed House Bill No. 1295 be amended as follows:

Page 1, line 1, after "to" insert "create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to" and replace the comma with "and"

Page 1, line 2, remove ", subsection 2 of section 39-29-01, and subsection 1 of section"

Page 1, line 3, remove "39-29-09" and replace "off-highway vehicles" with "motorcycles"

Page 2, replace lines 25 through 30 with:

"SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

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 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 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 licensed driver ~~who is at least sixteen years of age~~. An operator may operate an unconventional vehicle on any highway except an access-controlled highway."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 6

Renumber accordingly

#5 Amendment .0203

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1295 (, as (re)engrossed):

Date: 4/24/09

Your Conference Committee Transportation

For the Senate:

For the House:

| YES / NO | | YES / NO | |
|--|-------------------------------------|--|-------------------------------------|
| <input checked="" type="checkbox"/> Sen. Nodland | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Chr. Weisz | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Sen. Lee | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Rep. Kelsch | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Sen. Potter | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Rep. Delmore | <input checked="" type="checkbox"/> |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

OTE COUNT YES NO ABSENT

#6 further amend. .0203

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1295 (, as (re)engrossed):

Date: 4/27/09

Your Conference Committee Transportation

For the Senate:

Attend.

YES / NO

For the House:

Attend.

YES / NO

| | | | | | |
|--------------|--|--|--------------|--|--|
| Sen. Nodland | | | Chr. Weisz | | |
| Sen. Lee | | | Rep. Kelsch | | |
| Sen. Potter | | | Rep. Delmore | | |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT YES NO ABSENT

Voice
Vote
Passed

VR
4/27/09
1082

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1295

That the Senate recede from its amendments as printed on page 984 of the House Journal and page 757 of the Senate Journal and that Engrossed House Bill No. 1295 be amended as follows:

Page 1, line 1, after "to" insert "create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to" and replace the comma with "and"

Page 1, line 2, remove ", subsection 2 of section 39-29-01, and subsection 1 of section"

Page 1, line 3, remove "39-29-09" and replace "off-highway vehicles" with "motorcycles"

Page 2, replace lines 25 through 30 with:

"SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

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 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

202

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 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 licensed driver. An operator may operate an unconventional vehicle on any highway except an access-controlled highway."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 6

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1295 (, as (re)engrossed):

Date: 4/27/09

Your Conference Committee Transportation

For the Senate:

For the House:

| <i>Attend.</i> | | YES / NO | <i>Attend.</i> | | YES / NO |
|----------------|--------------|----------|----------------|--------------|----------|
| X | Sen. Nodland | X | X | Chr. Weisz | X |
| X | Sen. Lee | X | X | Rep. Kelsch | X |
| X | Sen. Potter | X | X | Rep. Delmore | X |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE) from

the (Senate/House) amendments on (HJ) page(s) 984 - _____

_____, and place _____ on the Seventh order.

✓, adopt _____ amendments as follows, and place 1295 on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4/27/09

CARRIER: Rep. Weisz

| |
|--|
| LC NO. <u>90104.0205</u> of amendment <u>01400</u> |
| LC NO. _____ of engrossment _____ |
| Emergency clause added or deleted _____ |
| Statement of purpose of amendment _____ |

MOTION MADE BY: Senator Lee

SECONDED BY: Senator Potter

OTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1295, as engrossed: Your conference committee (Sens. Nodland, G. Lee, Potter and Reps. Weisz, R. Kelsch, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 984, adopt amendments as follows, and place HB 1295 on the Seventh order:

That the Senate recede from its amendments as printed on page 984 of the House Journal and page 757 of the Senate Journal and that Engrossed House Bill No. 1295 be amended as follows:

Page 1, line 1, after "to" insert "create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to" and replace the comma with "and"

Page 1, line 2, remove ", subsection 2 of section 39-29-01, and subsection 1 of section"

Page 1, line 3, remove "39-29-09" and replace "off-highway vehicles" with "motorcycles"

Page 2, replace lines 25 through 30 with:

"SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

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 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 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 licensed driver. An operator may operate an unconventional vehicle on any highway except an access-controlled highway."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 6

Renumber accordingly

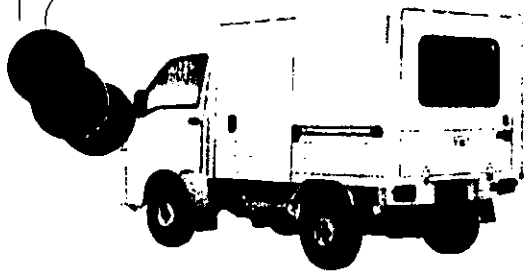
Engrossed HB 1295 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

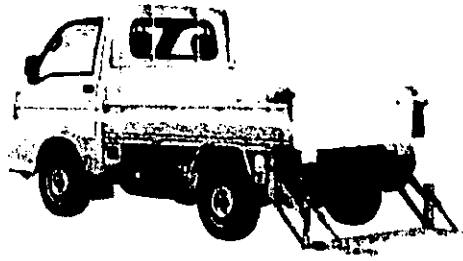
HB 1295

HB-1295

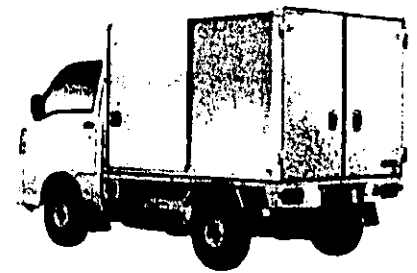
Attachment #1



Rear Window Van

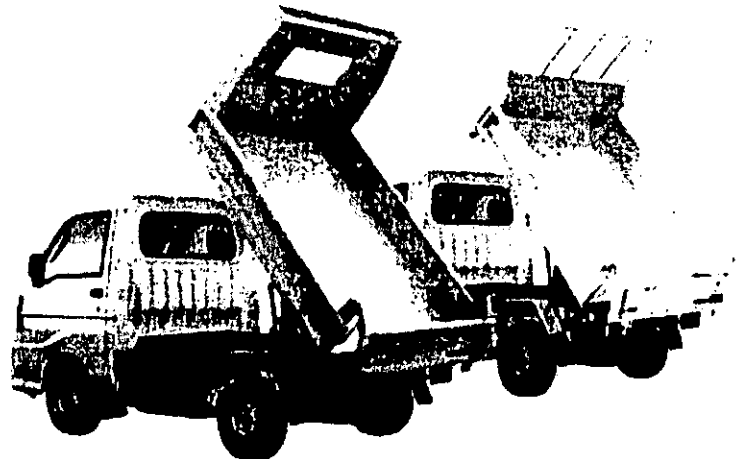
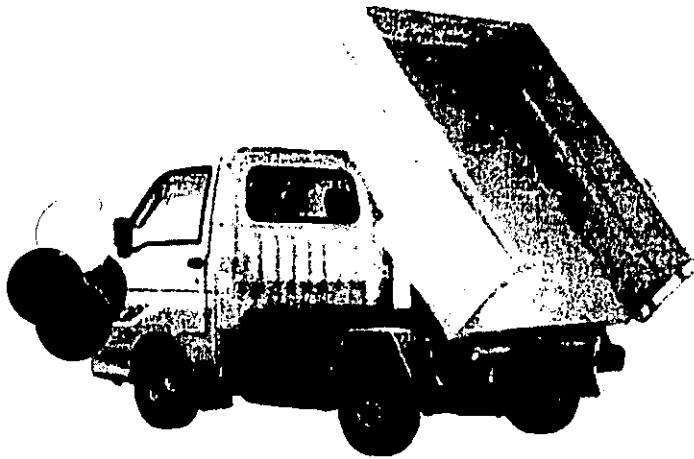


Lift Gate

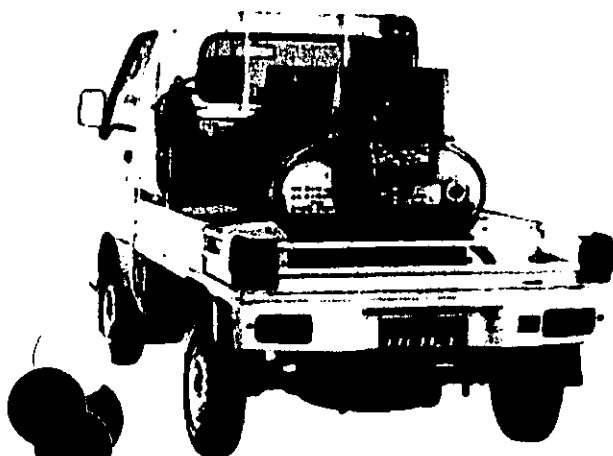


Reefer Box

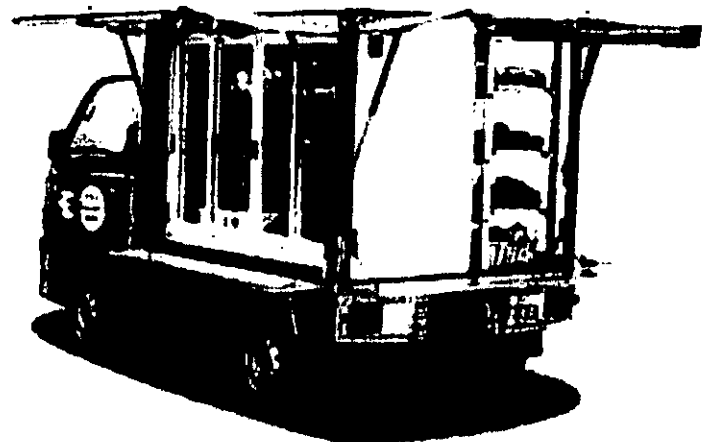
A 4wd Utility with a 1001 Uses!



A wide variety of Dumpers



Mobile Fuel Station



Mobile Concession Stand

Mini Truck Mania!!

The work horse that cost less to feed than a horse.

Japanese Mini Trucks have a thousand uses

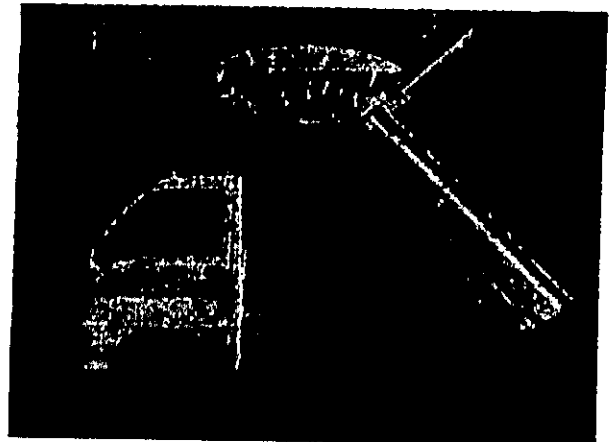
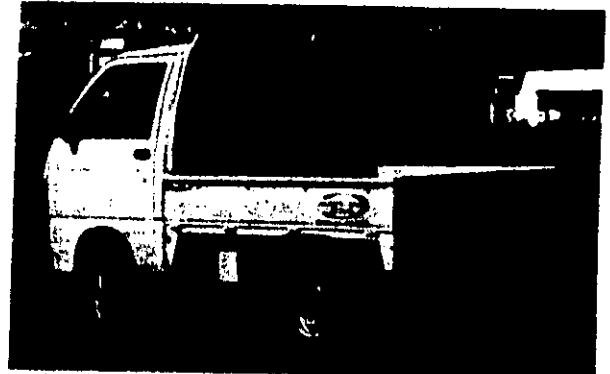
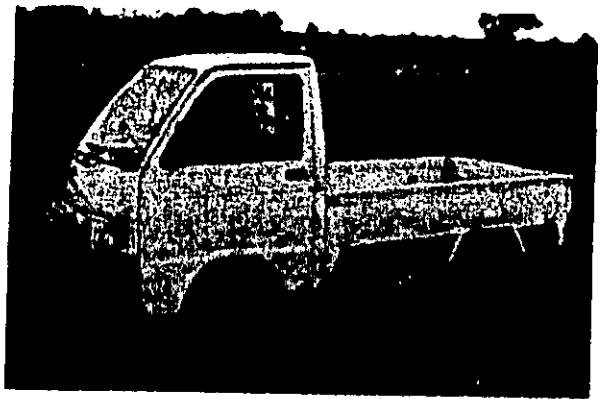
The Japanese have been making right hand drive light duty trucks for decades. These light trucks can be used as ranch hay haulers, for search and rescue teams, as wholesale nursery stock transporters, as compact maintenance vehicles for golf courses, schools and universities, municipalities, parks, and zoos. They can be used at airports, cemeteries, hotels, marinas, campgrounds, orchards, resorts, theme parks, corporate campuses, factories, and as transporters of endless other types of equipment within large storage yards — all at very high miles per gallon of gas. They are also safer than typical utility vehicles. The number of functions these mini trucks can perform is almost endless.

Mini Truck In Japan

These were built as a more fuel efficient alternative to the standard size vehicles. The K-class vehicles include passenger cars, vans, and mini trucks. They often equip the beds of these little trucks with specialized industry specific equipment. These trucks have 45 horsepower 660cc engines. For comparison purposes these units are typically about two thirds the length and three quarters of the width of a Dodge Dakota. K-class vehicle regulations have upgraded repeatedly over the years, mainly to meet ever tightening emissions standards and crash worthiness requirements. That means over the decades of production the Japanese manufacturers have really perfected these little trucks.

Quality Used Vehicles

In Japan a new vehicle Registration Fee lasts for three years and then must be renewed every two years coupled with mandatory maintenance checks. Although these mandatory checks keep Japanese vehicles in good running condition, those same laws force heavy depreciation of perfectly fine used mini trucks. That means good prices on great quality used mini trucks for buyers outside of Japan. The major Japanese mini truck manufacturers, in order of recent Japanese sales volumes are: Suzuki, Daihatsu, Honda, Subaru, and Mazda. The specs on these mini trucks vary from make to make and from year to year, but the size is dictated by the Japanese Government. The mini trucks are typically 10'-6" in total length, about 4'-6" in total width, and about 5'-8" high. The typical wheelbase on a mini truck is 6'-3", and the inside dimensions of the bed are 4'-6" by 6'-6". They weigh in at about 1,600 lbs.



Heritage Auto Center

701-523-3287

heritagekorner@ndsupernet.com

4wd Mini Trucks

Benefits and Safety

Protection in a cab - Passenger safety
Good Stability - No Towing necessary

Comfort

Warm and Dry for Winter
Good weather protection

Excellent for All types of Activities

Farms - Ranches - Acreages - Contractors
Fishermen - Hunters

Performance and Economy

Great stability - low center of gravity
Good in Wet conditions

Affordable

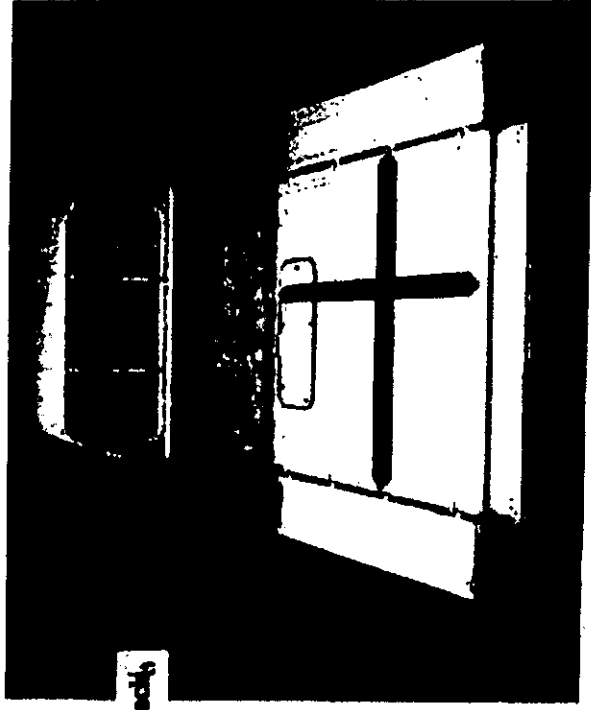
Inexpensive to operate - Low Maintenance

Versatility

4wd with a box all in one
Feed, Fencing, Fishing, Hunting,
even get the groceries.

What are these vehicles used for in Japan ?

They are used as an On Road Vehicle for moving
goods due to the narrow roads and crowded streets
in the cities of Japan.



Low, wide cargo deck

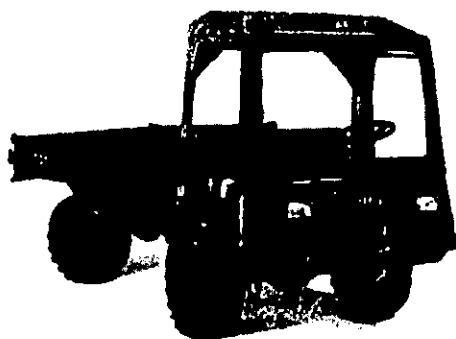
Specifications I

| I t e m | | |
|-------------------------------|--------|--------------|
| Overall length | mm(in) | 3,195(125.8) |
| Overall width | mm(in) | 1,395(54.9) |
| Overall height | mm(in) | 1,705(67.1) |
| Cargo bed | length | 1,940(76.4) |
| | width | 1,330(52.4) |
| | height | 270 (10.6) |
| Wheelbase | mm(in) | 1,810(71.3) |
| Track | Front | 1,210(47.6) |
| | Rear | 1,220(48.0) |
| Min. road clearance | mm(in) | 165 (6.5) |
| Cargo bed height above ground | mm(in) | 665 (26.2) |
| Kerb weight | kg(lb) | 795(1,621) |
| Gross vehicle weight | kg(lb) | 1,440(3,175) |
| Min. turning radius | m(ft) | 3.6 (11.8) |
| Seating capacity | | 2 |

Compare to a UTV
Which one would you prefer to drive.
4wd Mini Trucks are much safer and
more practical than any UTV.



Snapper Ground Cruiser



PUG Badlands 4x4



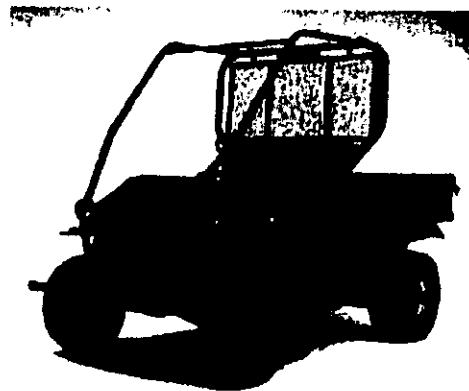
John Deere Gator 4x2



Yamaha Rhino 4x4



Koyker Raptor 4x4



Kawasaki Mule 4x4

Tired of getting COLD??
Can't stand getting WET??
Want to carry MORE??
Want to feel SAFER??

Don't want to PAY too much??

CHECK THIS OUT!

Daihatsu HiJet 4x4 Mini-truck

660cc liquid cooled 3 cylinder engine, 4x4,
high/low range with rear locker! 4 or 5 speed,
radio and cargo light. Rear box has turndown
side rails or remove to make a flatbed.

This seats 2with a heater!

This is **NOT** an ATV!

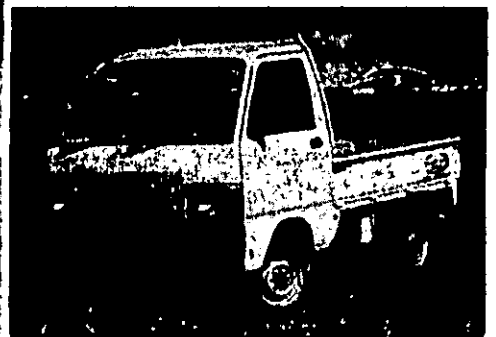
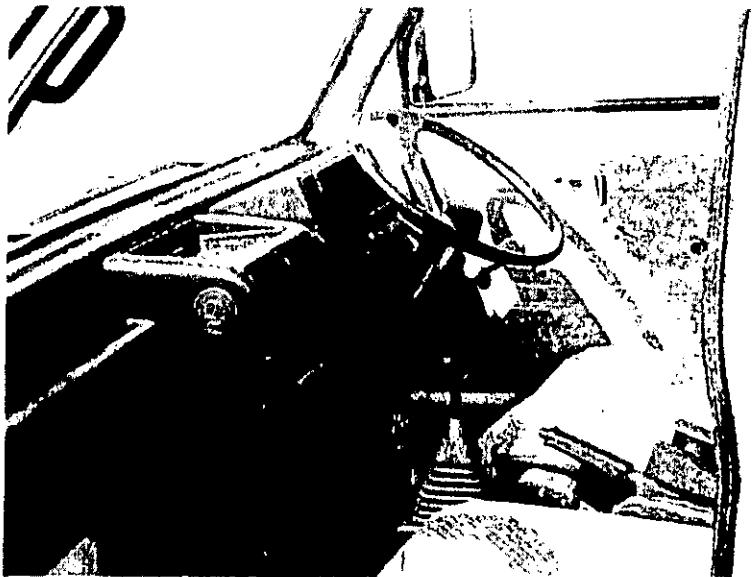
*This is a
Work Horse!*

Farmers, Ranchers,
Landscaping, Orchards,
golf courses,
all types of uses.

Heritage Auto Center

1-701-523-3287

heritagekornet@ndsupernet.com



Attachment #2

HOUSE BILL NO. 1295

39-29.2-01. Definitions. As used in this chapter unless the context otherwise requires:

2. "Multipurpose 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 does not exceed less than three thousand pounds [1360.78 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 and has an identifying number. The term does not include motor vehicles that may be otherwise registered under this title. The term includes vehicles imported for off-road or agricultural purposes.

39-29.2-03. Registration of multipurpose vehicle.

2. An individual may not operate a multipurpose vehicle on public roadways or as exempted under number 3, unless the vehicle has been registered under this chapter.

5. The department shall design and furnish an application that must be used to register a multipurpose vehicle. The registration must state the legal name as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner. When two or more owners are designated, at least one of the owners must comply with the identification requirement in this subsection and all names used must be legal names. ~~name and address of every owner of the multipurpose 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.

7. The fee for registration of a multipurpose vehicle is twenty dollars for each registration cycle of two years ending on March thirty-first. ~~The department may prorate the initial registration fee.~~ For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.

HOUSE TRANSPORTATION COMMITTEE
January 22, 10:15 a.m., Fort Totten Room

North Dakota Department of Transportation
Glenn Jackson, Director, Motor Vehicle Division

HB1295

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Motor Vehicle Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation welcomes clarification to the statutes governing the kind of off-highway vehicles we can register. HB1295 will create a new class of vehicles outside of the current off-highway structure as outlined in NDCC 39-29, Off-Highway Vehicles. The Off-Highway statute was established in the 2005 legislative session with three class categories. Each class is specifically defined and for that reason, we have not been able to title or register some of the unique vehicles purchased by the public. As an example, there is a three-wheeled enclosed motorcycle trike having a steering wheel rather than handlebars. It did not fall into either of the class categories for off-highway vehicles based upon the steering mechanism and number of tires. It could not be titled or registered as a motorcycle as it has a steering wheel and not handle bars.

We have worked with Rep. Kempenich on some changes to HB 1295.

Section 1:

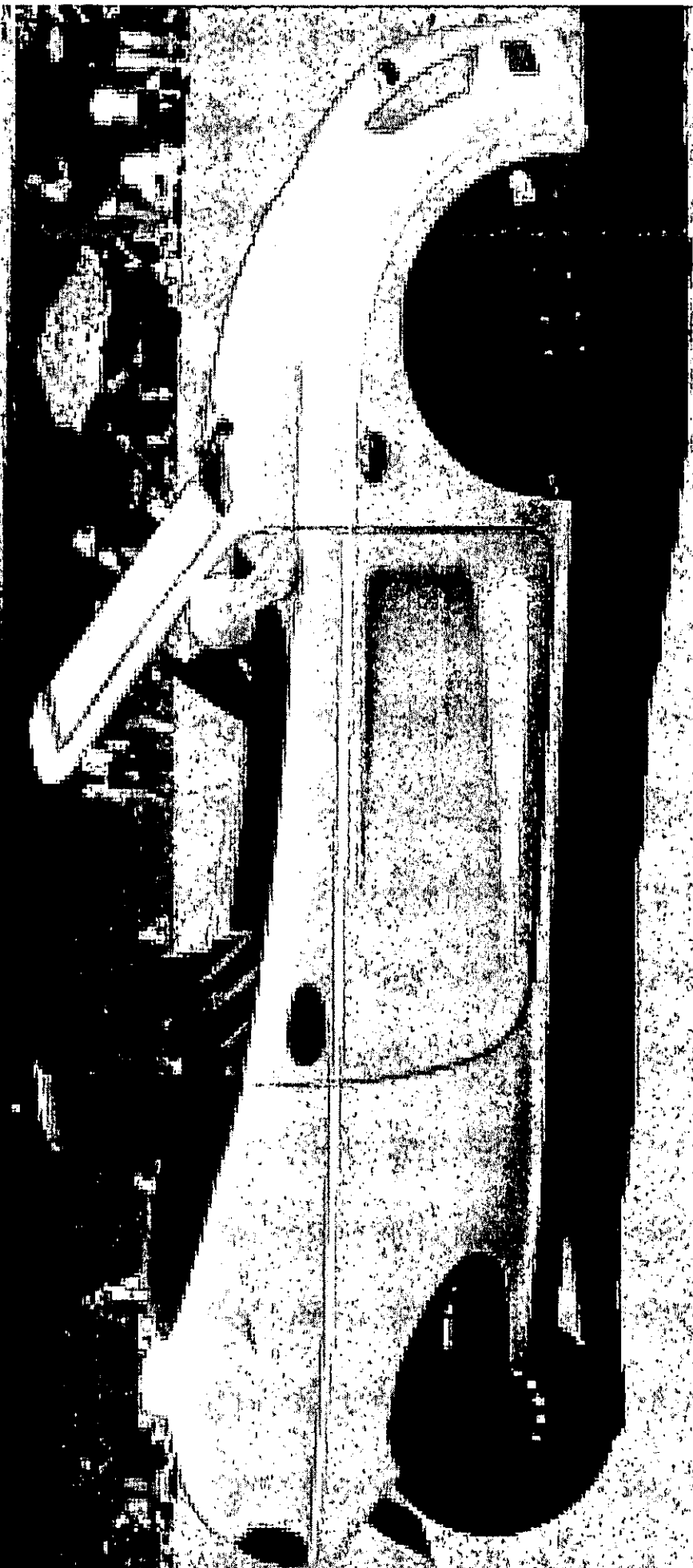
Within Section 1 are several items we believe could be modified for clarification for Motor Vehicle staff.

- Page 1 Line 16: remove the words "but less than 3,000 pounds" to read "not exceeds" 3,000 pounds making it consistent with the verbiage of Low Speed vehicles as defined in section 39-29.1.
- Page 2 Line 8: after the word vehicle add "on public roadways or as exempted under number 3". This clarifies the intent is for this vehicle to be used on public roadways or as exempted in item 3.
- Page 2, Line 21: changing the registration name to match the legal name requirement which we are seeking through SB2150.
- Page 2, line 30 & 31 Remove the sentence "The department may prorate the initial registration fee." This will create a single fee for registration purposes, instead of a prorated fee for this vehicle class.

In summary, we do support the modification of code to provide us the flexibility to register newer vehicle types. It is our goal to register vehicles that are roadworthy and safe for our citizens. For this reason, we require the National Highway Traffic Safety Administration label to be on each vehicle as certification of the safety for use on the roadway. This change in the code will allow us to register those vehicles that both are certified road safe and do not fall into a current vehicle classification.

Thank you, Mr. Chairman. I would be happy to answer any questions at this time.

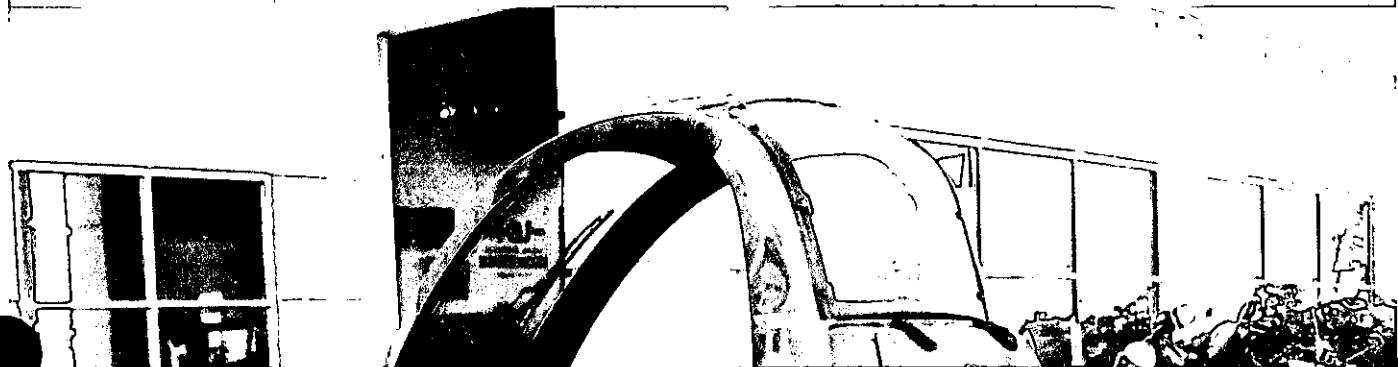
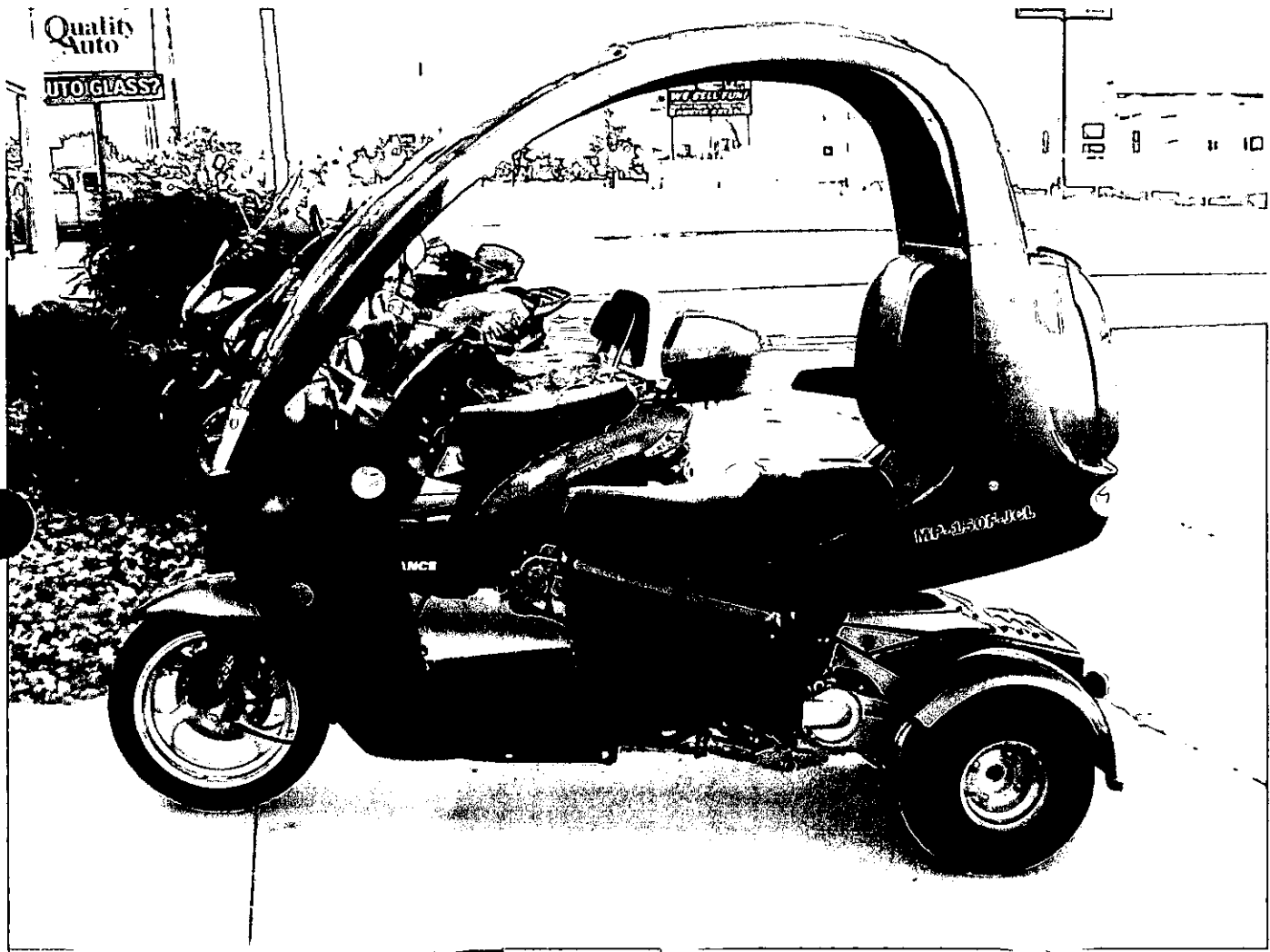
#2

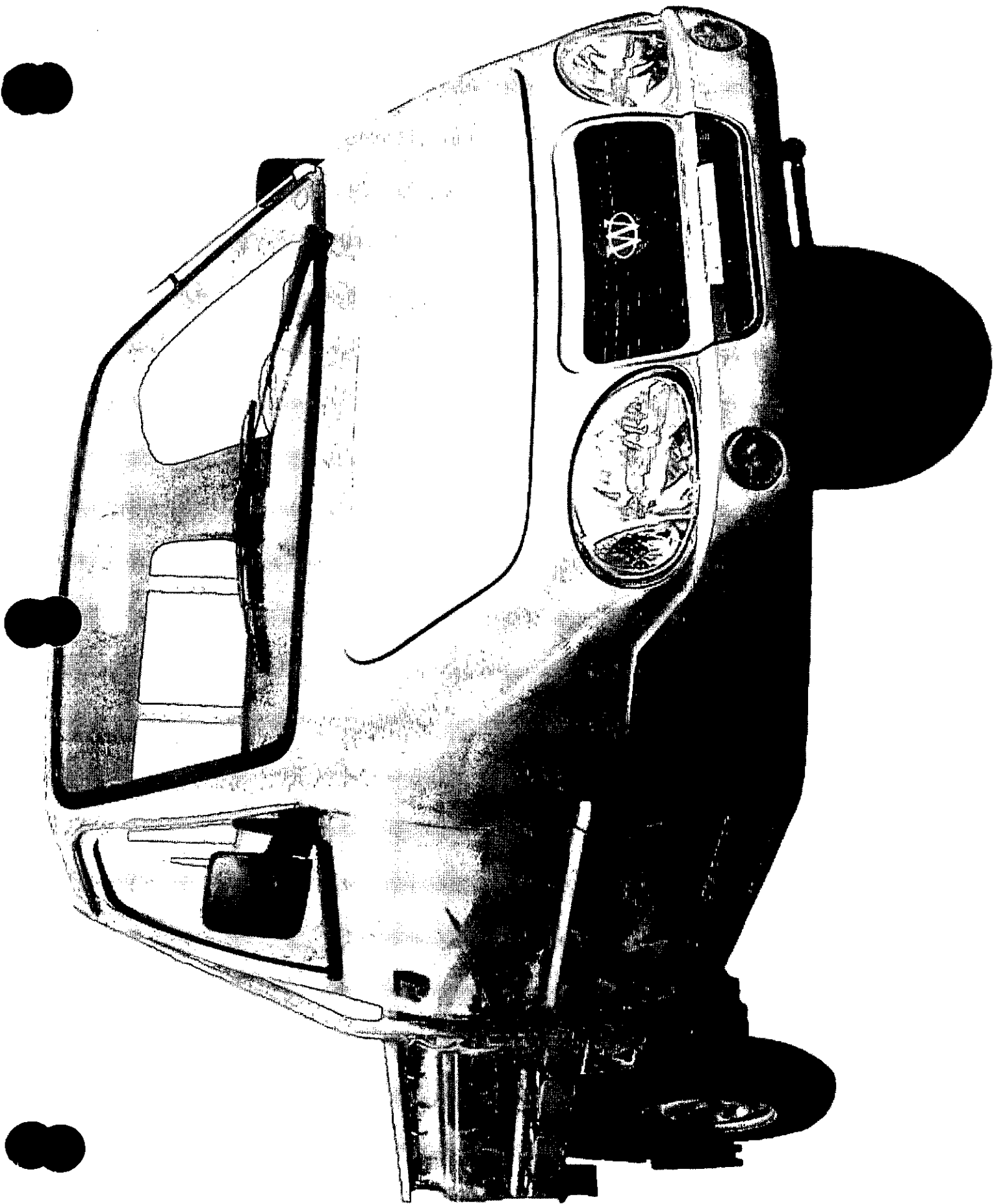


Ken Jones

Cell 701-729-4800

Home 701-282-6381







#1

Japanese Mini Trucks

[Home](#)
[Mini](#)
[Trucks in](#)
[Stock!](#)
[Your](#)
[Pictures](#)



Japanese Mini Trucks in conjunction with FTC Inc. is pleased to offer used Japanese mini trucks from the following manufacturers:

Subaru Sambar
Mazda
Scrum

Suzuki Carry
Mitsubishi Minicab

Honda Acty
Daihatsu Hi jet

These used Japanese mini trucks typically share the following specifications:

- Japanese mini trucks for non hi-way use only in the United States
- Principally constructed between the years of 1989-1996
- Engines are 550cc to 660cc, liquid cooled, 2, 3 or 4 cylinder gasoline, 40 MPG
- 4x4, 12" tires, aftermarket tires available
- Some with differential lock or axle lock
- Ten feet long, Five feet high and Four feet wide
- 4' x 6' rear bed with folding sides, some available with dumps
- Bed capacity, ~ 880lbs
- Weight ~ 1800lbs
- Full instrumentation - electric, oil, temp, etc
- Heat, defrost, wipers and headlight all standard, some with A/C



While Japanese "Kei" class trucks are by nature very similar there are some slight differences between brands.

#3

SENATE TRANSPORTATION COMMITTEE

March 6, 2009, 9:30 a.m.

Lewis & Clark Room

**North Dakota Department of Transportation
Glenn Jackson, Director, Drivers License & Traffic Safety Division**

HB1295

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License & Traffic Safety Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation welcomes clarification to the statutes governing the kind of vehicles we can register. HB1295 as amended will create two new classifications of vehicles inside of the current off-highway structure as outlined in NDCC 39-29, Off-Highway Vehicles (OHV). These classifications will allow us to register non-standard vehicles that are arriving in our state that do not fit current statute.

Section 1. Currently a three wheeled, enclosed, high fuel efficiency vehicle with a steering wheel instead of handle bars cannot be registered. With the changes in this bill, that vehicle would be registered and licensed as a motorcycle, and operated with a class M endorsement on an operator license.

Section 2. Some of these vehicles have wheel rim diameters that vary from the minimum ten inch requirement today. This change would enable vehicles that comply with federal safety standards to be registered appropriately.

Section 3. There are two classes of OHV added to this bill, a Class IV and a Class V.

Section 4. This section clarifies the operator's license required for these class vehicles.

We do support the modification of code to provide us the flexibility to register newer vehicle types. The proposed change in the code in this bill will allow us to register those vehicles that do not fall into a current vehicle classification. However, a review of other states reveals that North Dakota is the only state that allows Off Highway Vehicles access to public roadways.

It is our goal to register vehicles that are roadworthy and safe for our citizens. We require the National Highway Traffic Safety Administration (NHTSA) certification label to be on each vehicle as certification of the safety of the vehicle for use on the roadway as a passenger vehicle. The addition of these higher speed non-NHTSA certified vehicles onto the public highway system may create a situation in which safety of our citizens could be negatively impacted.

Thank you, Mr. Chairman. I would be happy to answer any questions at this time.

March 1, 2009

Compiled by: Rosie Krein, Consumer Services Manager

5

Other States Requirements for "Unique" Vehicles

March 7, 2008 an AAMVA survey was conducted regarding those unique vehicles of which North Dakota had no categorization. The survey targeted the "enclosed three wheeled vehicles" being specific to the Urban Commuter vehicle, Reverse Trikes, and the Tango Trikes. These types of vehicles operate with three tires, have a seat or saddle to straddle, and a steering wheel for operation. Even though the remainder of their basic design resembles a car, truck, or motorcycle North Dakota cannot register them as such.

The following is North Dakota's basis for denial:

- NDAC Title 37-12-02-01 sub 2(c) relates to passenger vehicles and trucks with an unladen weight of six thousand pounds or less equipped with two or more axles having at least two wheels per axle, and which are intended for use on public highways.
- Motorcycle equipment requirements:
 - NDCC 39-27-05 requires wheel rims to be not less than ten inches.
 - NDCC 39-27-06 subsections (4) & (5) require handlebars for steering control.
 - NDCC 39-27-11 requires the seat or saddle to be not less than twenty-five inches above the level road surface when measured at the lowest point.

Survey & Results (response from 11 states)

Questions posed:

1. Does your state view these types of vehicles as a motorcycle?
2. If not a motorcycle, how does your state regulate their usage?
3. Please provide additional information that would assist in our research to determine how we will proceed.

Minnesota – initially indicated they would title and license these as a motorcycle if the vehicle met all NHTSA and EPA requirements. They have discussed qualifications and standards for "green" vehicles, which this vehicle would be considered as but, no definite decisions have been made. They are in the middle of compiling information for legislation and are presently fighting the public on the use of the Acty trucks on their roadways.

South Dakota – hasn't addressed any of these as of to date.

Montana – has a motorcycle definition as a motor vehicle having not more than three wheels in contact with the ground, a saddle on which the operator sits or a platform on

which the operator stands, and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. It does not address the steering mechanism for steering control. In addition, Montana titles and registers Non-Conforming Light Vehicles to include dune buggy, karts, Japanese mini trucks, etc. Passing inspection is required to establish, based upon their equipment requirements, whether it would be considered street legal or OHV. When either is registered they are allowed on all public roadways regardless of speed postings.

Idaho – defines anything with three wheels and a seat or saddle designed for the rider as a motorcycle. Must meet NHTSA standards for motorcycles. If it does not meet federal standards no form of title registration can be issued.

Illinois – titles and registers three wheeled enclosed as motorcycles. No other information was provided. Can only assume they can access roadways with various speed postings.

Maine – titles and registers as motorcycles. No other information was provided. Can only assume they can access roadways with various speed postings.

Massachusetts – defines a motorcycle as a three-wheeled vehicle having a seat and saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except; a tractor or a motor vehicle designed to carry golf clubs and not more than four person, an industrial three-wheel truck, a motor vehicle on which the operator and passenger ride within an enclosed cab, or a motorized bicycle. If the operator and passenger ride in an enclosed cab, it must be registered as a motor vehicle however, three-wheel need not be registered and would be considered as incidental movement to cross the roadway. Any registered motor vehicle must meet the federal motor vehicle safety standards.

Michigan – dependent upon the following:

- Motorcycle - is every vehicle having a saddle or seat for the use of the rider designed to travel on not more than three wheels in contact with the ground excluding a tractor
- Autocycle - is an enclosed motorcycle equipped with safety belts, rollbar, windshield, wipers, steering wheel, and equipment otherwise required and which has no t more than three wheels in contact with the ground.

Michigan law is silent on whether motorcycles must have handlebars or steering wheels. However, autocycles must have a steering wheel.

Nevada – classifies as a Tri-mobile defined as every motor vehicle designed to travel with three wheels in contact with the ground, two of which are power driven.

- NOTE: Their problem with the definition is it requires two powered wheels and these have only one but, Nevada uses it anyway because it is the closest they have to defining.

New Jersey – same as North Dakota by definition and use. They would not be approved for use on public roadways as they are not capable of being titled or registered. Restricted to use on private property only.

South Carolina – Does not have any classification or regulation defined for three-wheel enclosed vehicles.

In conclusion ... any state included within this survey that titles and registers enclosed three-wheeled vehicles, allows their operation on any posted roadways. If the state classified a vehicle as an OHV vehicle that is exactly what they were; Off-highway Vehicles. They were not allowed on public roadways regardless of speed.

Attachment 1

House Bill 1569

Purpose: To bring North Dakota's Cycle and scooter laws up to date and make it more compatible with the high mileage and fuel efficient 3 wheel vehicles that are being developed and put into use in America and around the world. These vehicles are cutting the use of fossil fuels by achieving 60 to 80 miles per gallon with total stability.

Licensing/Operation: When dealing with the operation of a 3 wheel vehicle the operation and handling characterizes are not significantly different than that of 4 wheels and make the motorcycle endorsement requirement for the operation seem unnecessary. Other states such as California already follow this policy (one of the toughest regulatory states).

Wheel size: The 1975 law that requires a minimum wheel size of 10" was fine for 2 wheel vehicles but 3 wheel vehicles with a trike pattern and 2 wheels in back again are unnecessary (see red unit below)

