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Sixty-second
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1164

Introduced by

Representatives R. Kelsch, Porter, Weisz

Senators Cook, Fischer, Stenehjem

A BILL for an Act to amend and reenact sections 39-24-09.1, 39-29-01, 39-29-10, and 39-29-12 of the North Dakota Century Code, relating to the operation of off-highway vehicles by individuals under sixteen years of age; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-24-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-24-09.1. Operation by individuals at least twelve years of age.

1. An individual twelve years of age and over may not operate a snowmobile unless the individual is in possession of a valid driver's license, operates the snowmobile on private land, or unless the individual has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the director of the parks and recreation department ~~of transportation~~.
2. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce this chapter is presumptive evidence that the individual is not the holder of the certificate. Fees collected from each individual receiving certification must be deposited into the snowmobile trail tax fund for purposes of establishing snowmobile safety programs.

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

39-29-01. Definitions.

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

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the

buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.

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.

3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.

5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.

6. "Register" means the act of assigning a registration number to an off-highway vehicle.

7. "Under the direct supervision of an adult" means an adult is present in such close proximity as to have direct observation with the unaided eye, be able to direct actions, and come to the immediate aid of an off-highway vehicle operator as required by section 39-29-10.

SECTION 3. AMENDMENT. Section 39-29-10 of the North Dakota Century Code is amended and reenacted as follows:

39-29-10. Operation by ~~persons~~individuals under age sixteen.

1. Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle.
2. An individual at least eight and under twelve years of age may operate an off-highway vehicle that is designed for and meets the recommendations of the manufacturer for the individual's height, weight, and age if the vehicle is operated on public property that is a designated off-highway vehicle training area that does not include a designated off-highway vehicle trail, if the individual is under the direct supervision of an adult and is participating in an authorized off-highway vehicle safety training course.
3. An individual at least twelve years of age may operate an off-highway vehicle if the individual has ~~completed an off-highway vehicle safety training course prescribed by the director of the parks and recreation department and has~~ received the appropriate off-highway vehicle safety certificate issued by the director of the parks and recreation department ~~of transportation~~.
4. The director of the parks and recreation department shall create an off-highway vehicle safety training course. The director shall issue an off-highway vehicle safety certificate to individuals who have successfully completed the off-highway vehicle safety training course. An individual is not eligible for an off-highway vehicle safety certificate until the individual is at least twelve years of age.
5. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs.

SECTION 4. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties.

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of subsection 2 or 3 of section 39-29-10 is an infraction, for which a fee of fifty dollars must be assessed. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed.