

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2205

2005 SENATE TRANSPORTATION

SB 2205

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2205

Senate Transportation Committee

Conference Committee

Hearing Date 1-28-05

Tape Number	Side A	Side B	Meter #
1	x		4140-5240

Committee Clerk Signature *Mary K. Moxson*

Minutes:

Senator Trenbeath opened the hearing on SB 2205 relating to snowmobile operation by an individual who is a least twelve years of age.

All members were present except Senator Nething.

Senator Judy Lee (District 13) Testified in support of SB 2205. She was contacted by the Program Manager of Snowmobile North Dakota asking for clarification of the law on snowmobile use and driving. Last session the snowmobile registration fee was increased to \$5 and the trail tax to \$35. That is working well but there are some areas that are unclear so this bill calls for clarification. They have had some challenges with law enforcement in understanding and enforcement of the 16 year old requirement for drivers licenses. The Attorney General has issued an opinion saying that a drivers license is not required if the rider is over 16 and yet there have been law enforcement issues with that. There is a continuing concern about the need for riders to have snowmobile education.

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Senate Transportation Committee

Bill/Resolution Number SB 2205

Hearing Date 1-28-05

Tom Balzer (Recreation Division Manager, ND Parks and Recreation) See attached testimony in support of SB 2205.

Keri Vammer (Program Manager of Snowmobile ND) See attached testimony in support of SB 2205.

There was no testimony in opposition to SB 2205.

The hearing on SB 2205 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2205

Senate Transportation Committee

Conference Committee

Hearing Date 2-03-05

Tape Number	Side A	Side B	Meter #
1		x	4960-5475
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Trenbeath opened SB 2205 for discussion.

Senator Mutch asked if the bill relates to the operation of snowmobiles only in parks or if it is anyplace.

Senator Trenbeath said the snowmobile operator has to be either licensed or operating on the parents land. A drivers license wouldn't be needed if the person had completed the snowmobile training course.

Senator Warner motioned a **Do Pass**. Seconded by **Senator Bercier**.

Senator Trenbeath said the intent of this is to promote the safety training course.

As per Chairman Trenbeath, the vote was held open for Senator Espegard. Final roll call vote

5-1-0. **Passed**. Floor carrier is **Senator Warner**.

Date: 2-3-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 2205

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. Warner Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch		✓	Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Warner

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

REPORT OF STANDING COMMITTEE (410)
February 4, 2005 8:41 a.m.

Module No: SR-23-1818
Carrier: Warner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2205: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS
(5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2205 was placed on the
Eleventh order on the calendar.

2005 HOUSE TRANSPORTATION

SB 2205

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2205

House Transportation Committee

Conference Committee

Hearing Date February 24, 2005

Tape Number	Side A	Side B	Meter #
1	X		8.9-16.1,20-25.3
Committee Clerk Signature <i>Debra L. Schumaker</i>			

Minutes:

Chairman Weisz opened the hearing on SB 2205 A Bill for an Act to amend and reenact subsection 6 of section 39-24-09 and section 39-2401 of North Dakota Century Code, relating to snowmobile operation by an individual who is at least twelve years of age.

Senator J. Lee: Has been introduced because Snowmobile ND would like to have introduced.

The law says people over the age of 16 and don't have a drivers license or permit can drive a snowmobile on the state trail system, but there has been some problems with the interpretation of that by law enforcement, so they would like to have some clarification there. They feel strongly about the importance of snowmobile safety education and they will be able to address the details for you and will follow behind me and give you information about this. I agreed with what they are hoping to do and the senate did as well so I hope you will act favorably on SB 2205.

Tom Balzer: (see attached testimony #1)

Chairman Weisz If someone had a suspended license they would not be able to drive the snowmobile on the trails on the trails under this bill. They went back in regardless of age and got a snowmobile safety certificate.

Tom Balzer:(12.4) That is my understanding .If they do not have a valid operators license that they would have to come back and get a safety certificate. Yes.

Keri Vanner:(12.7) Snowmobile ND. We are here in support of SB 2205.

Rep. Meyer Are there allot of these safety classes available.

Keri Vanner: They have hired a safety educator this past year and Tom can answer your questions better than I can.

Tom Balzer: We offer 28-29 courses throughout this state this past year. We are trying to get it on a CD instructional too. That way they could do that at home then. The cost is \$10.

Chairman Weisz Anyone else in support of SB 2205? None, Anyone in opposition to SB 2209.

Carol Two Eagle:(14.7)I have friends in law enforcement and they think 12 years of age is too young. They wondered about keying it something with additional restrictions with regard to ability to handle the machine. I have two grandsons who are short people and at 12 they are not big enough to handle these machines so we don't let them ride.

Rep Price Discussed changes that need to be made to make the bill better and clearer. (Lines 16, 17.) Discussion with Rep. Price and Chairman Weisz to do the various changes. Age limit and drinking age doesn't need changes. Conflicts with driving on private land and their own lands.

Chairman Weisz No one else here in opposition to HB 2205 so closed the hearing. (16.0)

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House Transportation Committee
Bill Number SB 2205
Hearing Date February 24, 2005

Rep. Weiler reopened hearing on HB 2205. (22.8) Do want to have something similiar like ATV and snowmobiles. The ATV is off road, but do we want to say it is OK for a twelve year old. That would be the only reason I would oppose this bill. I don't like us putting it in our century code.

Chairman Weisz ATV age was 16.

Rep. Weiler I don't mind 16 because you can drive a car at 16, but 12 is too young.

Rep. Ruby The age 12 is already in the code. Do we propose to remove that completely?

Chairman Weisz Will have intern review the amendment and come up with some changes for next week.

Hearing closed (25.2)

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2205

House Transportation Committee

Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
2		X	6.5-16.8
Committee Clerk Signature <i>Dr. Louis D. Shumaker</i>			

Minutes:

Chairman Weisz reopened hearing on SB 2205. I have a suggested change from the senate amendment. What it does is changes the placement of the registration sticker. Current law says it has to be on the front of the snowmobile. Some of the new vehicles don't have a place to put the stickers anymore so they are losing the stickers so my understanding is parks and recreation even forwarded the suggested change. It would say is all you have to do is have it on the plan site on the snowmobile so you could put it on the tunnel on the back where you have a nice smooth surface. 39-24-03 says registration should be securely fixed on each side of the forward half of the snowmobile. My memo would say it should be securely affixed on each side of the snowmobile. They just have to put it on each side, instead of having to have it on the hood. Motion made by Rep. Hawken to accept the amendment. Seconded by Rep. Bernstein Voice vote carried. No opposition.

Rep. Price (9.7) Made another motion to amend further so they could operate a snowmobile on private land, or unless the individual has completed the safety course. Seconded by Rep. Hawken.

Rep. Weiler However that clause reads, what we are saying an individual that is at least 12 years of age can operate a vehicle, if they are on private land or if they have had a snowmobile safety training course?

Chairman Weisz No, that is not correct. They cannot operate a snowmobile unless they have either a drivers license or completed safety training if you are at least 12 years of age, except on private land.

Rep. Weiler My concern is they can operate on private land if they are 13 years old without taking a safety course. I think they should have to take the safety course no matter where they operate the snowmobile.

Chairman Weisz No, we left it the way it is under current law. Operation of persons under age 16 except as provided. A person under 16 may not except upon the land that the persons parent or guardian operate an all terrain vehicle. The reason for the change is under this it says someone under 16. If I had a DUI and my license was suspended under this proposed bill, I couldn't drive snowmobile on my own land, but I could on my parents land. You have to be at least 12 to operate it on non private land and you will have to have had a safety certificate if you don't have a drivers license.

Rep. Weiler(12.6) Was that for snowmobiles or ATV's?

Chairman Weisz You have to be at least 12 years old in both cases and have had to have completed the safety training. The difference is under the proposed bill under snowmobile we

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House Transportation Committee
Bill Number SB 2205
Hearing Date March 10, 2005

are saying and on both of them, if you have a valid drivers license you can drive on non private land regardless of your age. The ATV section basically says if you are under 16 then it is only on the parents or guardians land if you don't have the other requirements.

Rep. Dosch(13.9) They say private land. Isn't most land private?

Chairman Weisz It can't prohibit you to driving across my neighbors land if he gives me permission. Drivers license only controls the use on public roadways. Any further discussion on the amendment? Voice vote carried. No opposition.

Motion Made By Rep. Iverson Seconded By Rep. Delmore

Do Pass As Amended 11 Yes 2 No 2 Absent Carrier: Rep. Iverson

Done (16.8)

Date: 3-10-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2205

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amend.

Motion Made By Rep Iverson Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	✓		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch		✓	Rep. Thorpe	<u>abs</u>	
Rep. Iverson	✓				
Rep. Kelsch	<u>abs</u>				
Rep. Owens	✓				
Rep. Price	✓				
Rep. Ruby	✓				
Rep. Vigesaa	✓				
Rep. Weiler		✓			

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep Iverson

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

REPORT OF STANDING COMMITTEE

SB 2205: Transportation Committee (Rep. Welsz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2205 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 2 of section 39-24-03," and after "39-24-09" insert a comma

Page 1, line 2, after "to" insert "snowmobile registration and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 39-24-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the application and the appropriate fee, the department shall register a snowmobile and assign a registration number and a certificate of registration. The registration number must be at least one and one-half inches [3.81 centimeters] in height and of a reflectorized material and must be securely affixed on each side of the ~~forward half of the~~ snowmobile in a position as to provide clear legibility for identification. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner. The fee for registration of each snowmobile must be five dollars for any portion of the registration period and the registration period is for two years beginning October first of each odd-numbered year. The fee for a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible may not exceed five dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there must be assessed a fee of one dollar per year for each snowmobile registered, which must be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there must be assessed a snowmobile trail tax in the amount of thirty-five dollars."

Page 1, line 16, overstrike "to operate a snowmobile", remove "or operates the snowmobile", and overstrike "upon the lands"

Page 1, line 17, overstrike "of the", remove "individual's", and overstrike "parent or guardian" and insert immediately thereafter "operates the snowmobile on private land"

Renumber accordingly

2005 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2205

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2205

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-05-05

Tape Number	Side A	Side B	Meter #
1	x		0-408
Committee Clerk Signature <i>Mary K Moulson</i>			

Minutes:

Chairman Espegard opened the Conference Committee Hearing on SB 2205.

Attendance was taken with all members present: Sen. Espegard, Sen. Nething, Sen. Warner, Rep. Price, Rep. Owens, and Rep. Schmidt.

Chairman Espegard asked the House members if they would explain their amendment.

Representative Price explained that they took out the language "on an individual's parent or guardian." Because this is all over 12 years old, it means any adult, even if someone does not have a drivers license. Maybe they don't drive or they might have lost it to a DUI. They could be 40 years old and never having had a drivers license under this bill they would not be able to operate a snowmobile on private land. That's why they switched it. They still expect those under sixteen to get the safety course. But if they have a drivers license or if they are an adult who just chooses not to have a drivers license or has lost it to a DUI, the House thought they should be able to run their snowmobile on private land -- not the park trails but private land.

Senator Warner indicated concern with adults who can't use the trail system because they don't have a drivers license. It would seem to him to be more appropriate for them to use the public trail system than to be poaching a private land.

Representative Price responded that the House didn't touch the public trail system because of the way it came to them. If they want to come down to your farm and snowmobile and they get permission, they should be allowed to do that. That is why the House didn't restrict it just to their own land, just to private land. They assume that anybody is going to stay off posted land or ask permission to ride snowmobile.

Senator Warner asked about an analogous situation with another class of vehicle such as motocross bike or dirt bike.

Representative Price said they had been dealing with ATV's also. They are separate pieces of the code. The House didn't choose to blend anything because they are doing different things for ATV's such as passengers etc.

Chairman Espgaard asked for the wishes of the committee.

Senator Nething moved that the **Senate Accede to the House Amendments.**

Seconded by **Senator Warner.** Roll call vote 6-0-0. **Passed.**

Senator Warner is the carrier.

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2205: Your conference committee (Sens. Espegard, Nething, Warner and Reps. Price, Owens, Schmidt) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 873 and place SB 2205 on the Seventh order.

SB 2205 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

SB 2205

**TESTIMONY – SENATE BILL 2205
SENATE TRANSPORTATION COMMITTEE
JANUARY 25, 2005 – 9:45 AM
LEWIS AND CLARK ROOM**

Same to House

Mr. Chairman and members of the Senate Transportation Committee, my name is Tom Balzer, Recreation Division Manager with the North Dakota Parks and Recreation Department. Our department administers the snowmobile safety certificate program for the state of North Dakota. I appear in support of Senate Bill 2205 relating to snowmobile operation by an individual who is at least twelve years of age.

The first change proposed in this legislation removes references to driver's permits. Given the requirement to have an individual with a valid driver's license accompany the individual with a permit there has been uncertainty as to how to comply with this requirement or if the requirement is even valid. By exempting those individuals who have a valid driver's license it is implied that the instruction and testing necessary to obtain a driver's license provides a comprehensive understanding of motor vehicles and their safe operation. Holders of a permit are still apprentices and have not satisfied the necessary instruction and training to fulfill this contention.

The second amendment continues to use twelve years of age as the minimum age to obtain a safety certificate but removes the sixteen-year-old age constraint. There has been confusion as to the legislative intent of this section. Examples we have addressed recently are whether a seventeen year old who does not have his driver's license need a safety certificate, or, does an individual with a suspended or revoked driver's license over the age of sixteen need a safety certificate to operate a snowmobile. By providing a base line as opposed to a range with an exception, the law provides no ambiguity and can be enforced and administered in a more consistent manner.

These changes improve the clarity and the intent of the law regarding the need for a safety certificate. With the passage of this legislation administrators and citizen will know without interpretation that if you are over the age of twelve you either need a safety certificate or a valid driver's license, or you cannot operate a snowmobile on public lands.

The North Dakota Parks & Recreation Department fully endorses Senate Bill 2205 and we ask for a DO PASS recommendation.

Mr. Chairman this concludes my testimony, I will be happy to answer any questions the committee may have.

TESTIMONY – SENATE BILL 2154
SENATE TRANSPORTATION COMMITTEE
JANUARY 19, 2005 – 10:30 AM
LEWIS AND CLARK ROOM

Mr. Chairman and members of the Senate Transportation Committee, my name is Keri Vammer and I am the Program Manager for Snowmobile North Dakota which represents an association of snowmobile enthusiasts in North Dakota. Snowmobile North Dakota is contracted by the North Dakota Parks & Recreation Department to manage North Dakota's snowmobile trail system. I appear today in support of Senate Bill 2205 relating to snowmobile operation by individuals who are at least twelve years of age.

Snowmobile North Dakota deems snowmobile safety education as a necessity when operating a snowmobile. Each year snowmobile accidents take place and each year the snowmobile administrators on a state and national level review the snowmobile safety programs in hopes to decrease the number of accidents on the trail system. With the proper education snowmobile users learn the proper safety equipment and snowmobile operations in a controlled environment. Currently, section 39-24-09 allows individuals whom are 17 years of age or older to operate a snowmobile on the state trail system without a valid drivers license and does not require these individuals to take the snowmobile safety course to learn the proper operation of a snowmobile. At this time, Snowmobile North Dakota would like to recommend a Do Pass vote on requiring the snowmobile safety course for all individuals 12 years of age or older who do not possess a valid drivers license.

Snowmobile North Dakota has also encountered some problems regarding section 39-24-09 regarding the individual can possess either a valid drivers license or a permit. Due to the strong support of the snowmobile enthusiasts regarding the snowmobile safety course, Snowmobile North Dakota feels it is necessary to remove or a permit from the law and require a valid drivers license. With a Do Pass vote Snowmobile North Dakota feels very strongly the snowmobile safety education will be increased providing safer trails for everyone.

Senate Bill 2205 is a bill with the full support of the snowmobiling community. We ask for a vote of DO PASS on Senate Bill 2205 as introduced.

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

**AGE-RELATED REGULATIONS for Snowmobiles and ATVs
Relating to SB 2205**

ATV (from NDCC)

Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

ATV (from engrossed HB 1342)

9. A person under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.

Snowmobile (from NDCC)

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