**2015 SENATE TRANSPORTATION**

**SB 2198**

# 2015 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**
Lewis and Clark Room, State Capitol

SB 2198
1/30/2015
Recording job number 22887

☐ Subcommittee ☐ Conference Committee

Committee Clerk Signature Dris E Perez

**Explanation or reason for introduction of bill/resolution:**
To amend and reenact section 39-24-09.1 of the North Dakota Century Code, relating to the minimum age for snowmobile operators.

**Minutes:** Attachments: 4

**Chairman Oehlke** opened the hearing on SB 2198, all committee members were present.

**Senator Campbell**, District 19, Grand Forks, Walsh County, co-sponsor of the bill. The intent is to lower the minimum age to operate a snowmobile to ten or eleven years old.

**Senator Sinner** if they leave private land they have to be accompanied by a parent or guardian. What is the definition of a guardian? **Senator Campbell** did not know.

**Keri Wanner**, Executive Director, Snowmobile North Dakota, in favor of this bill. The ND Snowmobile Program Strategic Plan 2013-17, Focus Area Six, legislative recommendations, objective six focuses on reducing the allowable riding age to those our research has shown are riding anyway. See attachment #1, pages 1-4. (Segment 3:16 - 7:01) **Senator Sinner,** no, I was not aware this bill, apparently, will take away the rights of children under 10 to drive snowmobiles on private property, this was not our intention. We are willing to work with the committee and Parks and Rec if an amendment is needed. The intention is to provide that permit for 10 yrs. old on state land.

**Senator Rust** requested clarification on section 1 page 1 lines 7-12. The restrictions don't seem clear.

**Senator Sinner** if I am out, with some of my neighbor kids, am I their guardian in that case? We need a definition guardian. **Keri Wanner** intention was if parents had passed away or something like that.

**Vice Chairman Casper** as written now, potentially, it would be okay, you would be like a responsible adult, not a guardian; they are under your supervision.

**Senator Axness** we have a legal definition of guardian in century code we can cross reference it.

**Vice Chairman Casper**: Are there limitations on the size/ power of what a 10 yr. old would be operating?

**Keri Wanner:** No, some manufacturers are not producing smaller machines any more. We are hoping parents be responsible enough to supervise the children. (14:49)

**Sheri Hoffman**, Vice-President, Snowmobile North Dakota, in favor of this bill. North Dakota is the only state not allowing 10 & 11 year olds to ride on public property. See attachment # 2 (15:17-18:34)

**Martin Malachowski**, Snowmobile North Dakota, in favor of this bill read letter from **Tim Juelson**, orthopedic surgeon, Bone & Joint Center, Bismarck ND in favor of this bill. See attachment # 3 (18:58-22:46) No, **Senator Sinner**, I don't think the age change will increase the insurance costs. In farms, kids operate machinery, and it usually does not affect insurance. All sleds are insured and registered. (24:46 - 25:30) Yes, **Senator Sinner** snowmobiles have **kill switches** (emergency stop safety mechanisms), some use tag lines along the clothing or clips that tie to the shirt. If you fall off, the engine shuts off. Yes, we can put this in the law as an amendment to make it even safer. (25:32- 26:59)

**Matthew Gardner**, Recreation Division Manager, North Dakota Parks and Recreation Department (NDPRD), neutral testimony; See attachment # 4, it includes amendment to remove the requirement that the Department of Transportation issue safety certificates and replaces it with Parks and Recreation Department. Read portion of the Century Code which says director of Parks & Rec shall adopt rules for regulating the use of snowmobiles in state parks, trails system, and other state owned lands, under the supervision of the director. In private property we have no authority, no certification nor age limit. The new section of the bill mirrors the old one. We need to review the code to see if amendments are needed in order not to restrict those under the age of 10 on private land, we will work on that with our legal counsel

**Senator Sinner**: If I lose my driver's license. Can I ride a snowmobile to work?

**Matthew Gardner**: you can, but you have to come to a safety certification class.

No additional testimony in favor, opposition or neutral. **Chairman Oehlke** closed the hearing. Action delayed until amendments come back.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**
Lewis and Clark Room, State Capitol

**SB 2198**
2/5/2015
Recording job number 23319

☐ Subcommittee ☐ Conference Committee

| Committee Clerk Signature | Doris E Perez |
|---|---|

**Explanation or reason for introduction of bill/resolution:**
To amend and reenact section 39-24-09.1 of the North Dakota Century Code, relating to the minimum age for snowmobile operators.

**Minutes:** Attachment:1

**Chairman Oehlke** opened the discussion on SB 2198, all committee members were present.

**Vice Chairman Casper moved to amend lines 12 and 18 to strike "department of transportation" on both lines and replace with "department of parks and recreation"**

**Senator Axness seconded**

**Senator Sinner** on line 9 where it says parent or guardian, do we need to put "legal guardian" or not?

**Vice Chairman Casper withdrew the motion, Senator Axness withdrew the second** because what they are proposing is included in the new amendment 01, attachment #1

**Chairman Oehlke** discussed amendment 01 with the committee and the intern.

**Senator Sinner moved the amendments**

**Senator Campbell seconded**

**Voice vote: all in favor**

**Vice Chairman Casper moved do pass as amended**

**Senator Rust seconded the motion**

**Roll call vote was taken: Yes 6 No 0 Absent 0**

**Carrier: Senator Rust**

15.0447.02001
Title.03000

Adopted by the Transportation Committee

February 5, 2015

2/5/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2198

Page 1, line 7, after "1." insert "An individual under the age of ten may not operate a snowmobile unless the individual operates the snowmobile on private land."

Page 1, line 8, replace the first "is" with "operates the snowmobile"

Page 1, line 8, remove "unless"

Page 1, line 9, replace "and the individual" with "pursuant to chapter 30.1-27,"

Page 1, line 11, after "28-32" insert and underscored comma

Page 1, line 12, after the second "the" insert "parks and recreation"

Page 1, line 12, remove "of transportation"

Page 1, line 18, after the second "the" insert "parks and recreation"

Page 1, line 18, overstrike "of transportation"

Renumber accordingly

Date: 2/5/2015
Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE**
**ROLL CALL VOTES**
**SB BILL NO. 2198**

Senate **TRANSPORTATION** Committee

☐ Subcommittee

Amendment LC# or Description: 15.0447.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By **Senator Sinner** Seconded By **Senator Campbell**

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Chairman Oehlke | | | Senator Axness | | |
| Vice Chairman Casper | | | Senator Sinner | | |
| Senator Campbell | | | | | |
| Senator Rust | | | | | |
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| **Voice vote: all in favor** | | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

To allude to the definition of "guardian" pursuant to chapter 30.1-27
To replace "parks and recreation" with "of transportation" on lines 12 and 18

Date: 2/5/2015
Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE**
**ROLL CALL VOTES**
**SB BILL NO. 2198**

Senate **TRANSPORTATION** Committee

☐ Subcommittee

Amendment LC# or Description: 15.0447.02001

Recommendation:
☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By **Vice Chairman Casper** Seconded By **Senator Rust**

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Chairman Oehlke | X | | Senator Axness | X | |
| Vice Chairman Casper | X | | Senator Sinner | X | |
| Senator Campbell | X | | | | |
| Senator Rust | X | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment **Senator Rust**

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

## REPORT OF STANDING COMMITTEE

**SB 2198: Transportation Committee (Sen. Oehlke, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Sixth order on the calendar.

Page 1, line 7, after "1." insert "An individual under the age of ten may not operate a snowmobile unless the individual operates the snowmobile on private land."

Page 1, line 8, replace the first "is" with "operates the snowmobile"

Page 1, line 8, remove "unless"

Page 1, line 9, replace "and the individual" with "pursuant to chapter 30.1-27,"

Page 1, line 11, after "28-32" insert and underscored comma

Page 1, line 12, after the second "the" insert "parks and recreation"

Page 1, line 12, remove "of transportation"

Page 1, line 18, after the second "the" insert "parks and recreation"

Page 1, line 18, overstrike "of transportation"

Renumber accordingly

**2015 HOUSE TRANSPORTATION**

**SB 2198**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**
Fort Totten Room, State Capitol

SB 2198
3/12/2015
#24736

☐ Subcommittee
Conference Committee

| Committee Clerk Signature | Jeanette Cook |
|---|---|

**Explanation or reason for introduction of bill/resolution:**

A bill relating to the minimum age for snowmobile operators.

**Minutes:** Attachments #1-3

**Chairman Dan Ruby** opened the hearing on SB 2198.

**Senator Armstrong** introduced SB 2198. He stated that this bill would lower the age of snowmobile operators from 12 years of age to 10 years of age provided that they are under direct parental supervision and have completed a snowmobile safety course. I agreed to sponsor the bill because these snowmobile organizations have this well thought out, they are very organized, and seem to know what they are doing. I also, to some degree, believe that parents should be the ones making these decisions and not the state of North Dakota.

**Representative Ben Hanson**: No matter what age we put this at, how is it even enforceable?

**Senator Armstrong**: I suppose if you get caught by law enforcement, the parents and the child will at least get a strong scolding and maybe a ticket.

**Chairman Dan Ruby**: This doesn't apply to public land, does it?

**Senator Armstrong**: No, it doesn't.

**Representative Lois Delmore**: Do you know if there is a fine or penalty, if someone is under age?

**Senator Armstrong**: Yes, there is.

**Vice Chairman Lisa Meier**: Does this bill exempt a 10 year old from crossing a highway?

**Senator Armstrong**: No, I don't believe so.

**Vice Chairman Lisa Meier**: Would you be in favor of making sure that a 10 year old is not driving over a highway?

**Senator Armstrong**: I don't have ownership of the bill anymore, but it is a valid concern.

**Chairman Dan Ruby**: But, there are a lot of trails that cross roads, and you wouldn't be able to run some of the trails. I think that is why the training course is there. We can discuss that.

**Keri Wanner, Executive Director of Snowmobile North Dakota**, spoke to support SB 2198. Written testimony was presented. See attachment #1.

9:00
**Representative Mike Schatz**: In testimony it says the plan is 2013-2017. Is that the correct date?

**Keri Wanner**: Yes, the survey was started in 2012 and finished in 2013, but the plan will go for the next 5 years.

**Representative Robin Weisz**: What is the youngest age that kids can attend the course?

**Keri Wanner**: We will allow anyone to attend, but they are not certified until they are 12.

**Chairman Dan Ruby**: You have a simulator?

**Keri Wanner**: Yes.

**Chairman Dan Ruby**: Did the size of the snowmobile come up at all in the Senate?

**Keri Wanner**: They did ask the question about the cc's of a snowmobile. We have done research and snowmobile manufacturers make a 120 cc snowmobile, which isn't even safe to operate on the state snowmobile system because it goes so slow. It wouldn't even be big enough to carry a kid above 9 years old. Then we jump up to a 400 cc machine, but the average is around 500 cc's.

**Sheri Hoffmann, Vice-President of Snowmobile North Dakota and officer of the Ridge Runners Snowmobile Club**, spoke to support SB 2198. Written testimony was provided. See attachment #2.

14:27
**Todd Thronson, Trail Inspector for Snowmobile North Dakota**, spoke to present a letter from **Timothy J. Juelson, MD**. Written testimony was provided. See attachment #3.

**Chairman Dan Ruby**: In some states they do prohibit younger children from crossing the highway. Would that be difficult in some areas, since you know the trails better than we do?

**Todd Thronson**: From my experience when we went to South Dakota in years past, the law there stated that they could not ride the machines across the road. In my opinion it was

more dangerous running back and forth across the road and getting the kid's snowmobiles across, than it would have been to have them follow right with you.

There was no further support for SB 2198.
There was no opposition to SB 2198.

**Matthew Gartner, Recreation Division Manager, North Dakota Parks and Recreation:** As far as the question about the certification course and certification card, that was just copied over from previous language. We do want to make sure that it is OUR card that WE issue. Someone could say that they took a certification course that we have no record of; they would need OUR card.

**Chairman Dan Ruby**: If someone is coming from out-of-state, and they want to bring their kids, how quickly can they get them into a course to get the certification?

**Matthew Gartner**: We currently have reciprocity with every other state that offers safety certification courses. There is a group that has set minimum standards for these certifications, and the states have agreed that they will teach them at their courses. If a child comes from somewhere that they can't get a class, we offer an online certification course.

**Representative Robin Weisz**: Will you issue the card regardless of age if they have completed the course?

**Matthew Gartner**: We will stay within the law. So, anyone that passes a certification course will get a card as long as they are 10, with this new law. There was a question earlier about types of kids that come to the courses. Most of them are in the 12-16 years of age group. We do also get kids that sit in that are under age, but they don't get a card.

**Representative Lois Delmore** had a question on the fine. It is $20 if you are an underage operator, and you don't have your card

There was no further testimony on SB 2198.
The hearing was closed on SB 2198.

**Representative Rick C. Becker moved a DO PASS on SB 2198.**
**Representative Ben Hanson seconded the motion.**

**A roll call vote was taken on SB 2198: Aye 11 Nay 0 Absent 3**
**The motion carried.**

**Representative Rick C. Becker will carry SB 2198.**

3-12-15
Date: Click here to enter a date.
Roll Call Vote #: "Enter Vote #" 1

**2015 HOUSE STANDING COMMITTEE**
**ROLL CALL VOTES**
**BILL/RESOLUTION NO. "Enter Bill/Resolution No."** SB 2198

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Becker Seconded By Hanson

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Dan Ruby | X | | Rep. Lois Delmore | X | |
| Vice Chair. Lisa Meier | X | | Ben Hanson | X | |
| Rick C. Becker | X | | Marvin E. Nelson | A | |
| Robert Frantsvog | A | | | | |
| Kathy Hawken | X | | | | |
| Christopher D. Olson | A | | | | |
| Mark S. Owens | X | | | | |
| Gary Paur | X | | | | |
| Mike Schatz | X | | | | |
| Gary R. Sukat | X | | | | |
| Robin Weisz | X | | | | |
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Total (Yes) 11 No 0

Absent 3

Floor Assignment Becker

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

## REPORT OF STANDING COMMITTEE

**SB 2198, as engrossed: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2198 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**SB 2198**

Attachment #1-1

Laura Forbes, President
Keri Wanner, Executive Director

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Snowmobile North Dakota

# TESTIMONY – SENATE BILL 2198
# SENATE TRANSPORTATION COMMITTEE
# JANUARY 30, 2015 – 10:30 AM
# LEWIS AND CLARK ROOM

Mr. Chairman and members of the Senate Transportation Committee, my name is Keri Wanner and I am the Executive Director for Snowmobile North Dakota which represents an association of snowmobile enthusiasts in North Dakota. I appear today in support of Senate Bill 2198 relating to the minimum age requirements for snowmobile operators.

Snowmobile North Dakota is contracted by the North Dakota Parks and Recreation (Department) to manage the state snowmobile trails. Our organization works with 36 snowmobile clubs, 14 trail associations and hundreds of statewide volunteers to manage 2,800 miles of snowmobile trail. With the help of the snowmobile clubs and associations, Snowmobile North Dakota secures land leases and trail insurance, inspects the state snowmobile trails, provides weekly trail reports and processes the annual trail expenses.

Every five years the Department in cooperation with Snowmobile North Dakota conduct a five year strategic plan. The current North Dakota Snowmobile Program Strategic Plan is for the period of 2013-2017. The plan helps our organizations understand the current needs of snowmobile enthusiasts and program management. Three stakeholder groups were interviewed or surveyed to develop the plan. This included surveying the registered snowmobile owners in the state; surveying the clubs, trail associations and dealers; and interviewing the snowmobile program's staff members. Key findings showed 35% of the registered snowmobilers in North Dakota are members of Snowmobile North Dakota.

The 2013-2017strategic plan highlights six Focus Areas which cover everything from organizational development and trail management to legislative recommendations. Focus Area Six covers legislative recommendations and includes six objectives. Objective six focusses on reducing the allowable riding age to enhance education opportunities to those our research has showed are riding anyway. A copy of Focus Area six has been included for your reference.

Key findings in the 2013-2017 North Dakota Strategic Plan reflect 94.2% of households surveyed had 1-2 children under 12 years old that go snowmobiling during a typical season. Currently, these children are allowed to attend a North Dakota Parks and Recreation Department snowmobile safety class. However, the children can't take the test to become a certified snowmobile operator on public property which includes the state snowmobile trails. Due to this, not many children are willing to sit in the class because they cannot become certified snowmobile operators.

To reach snowmobile riders of all ages, the Department and Snowmobile North Dakota produced snowmobile safety public service announcements in 2013. The public service announcements focused on the importance of sticking to the trail, respecting private property, wearing your helmet and dressing right, and reminding riders to register their snowmobile. Last season, Midcontinent Communications provided overwhelming support and donated over $750,000 in free airtime to play the snowmobile public

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1/30/15
SB 2198

service announcements; helping the state snowmobile program reach snowmobilers of all ages and reminding them why it's important to Ride Safe Ride Smart!

In 2008, the Department purchased a simulator for the safety education program to assist in teaching riding positions for both snowmobiles and ATV's. Annually, the Department and Snowmobile North Dakota attend 30 appearances and events at schools, agriculture safety days, sports shows, snow shows, and dealer safety days. The simulator is exposed to over 10,000 riders per year and is used by state agencies, state associations and local clubs to help promote why you should Ride Safe Ride Smart.

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In 2014, Snowmobile North Dakota conducted international research on minimum age requirements for snowmobile operators. This table includes our findings:

| Jurisdiction | Allow Youth Under 12 to Ride | Law |
|---|---|---|
| **Colorado** | Yes | **33-14-109. Restrictions on young operators.** (1) No person under the age of ten years may operate a snowmobile, except upon lands owned or leased by his parent or guardian, unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the division for the successful completion of a snowmobile safety education and training course conducted by the division. |
| **Idaho** | Yes | This is the case where it is allowed because it is not prohibited. |
| **Manitoba** | Yes | No person under the age of 14 years shall operate an off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent. |
| **Michigan** | Yes | "(1) A parent or legal guardian shall not permit his or her child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian." Our LE interpretation of this is a child under 12 could operate on the trail system, as long as they were under the "direct supervision" of an adult. And, "direct supervision" means "within line-of-sight" at all times. However, they cannot operate a snowmobile across a road or street. The adult supervisor must drive the snowmobile across the road then the child can continue. This is section 82120 of the attached law. |
| **Minnesota** | Yes | Resident and non-resident youth, under age 12, without a safety certificate, may operate snowmobiles on public lands, waters or grant-in-aid trails if accompanied by an adult. (Accompanied by an adult means a parent, legal guardian, or other person 18 years of age or older designated by the parent or guardian who needs to be close enough to be able to direct the youth's operation of their snowmobile.) [84.872.1.b] |
| **Montana** | Yes | This is the case where it is allowed because it is not prohibited. |
| **North Dakota** | No | **Age Requirements (NDCC 39-24-09.1)** Youth operators must be at least 12 years old and possess a valid driver's license or have completed a snowmobile safety training course from the Parks and Recreation Department. However, there is no age or license requirement for youth operators riding on private land owned by the operator's parent or guardian. For more information on how to obtain a snowmobile safety certificate please contact the North Dakota Parks and Recreation Department. |
| **South Dakota** | Yes | 32-20A-3. Age restrictions on drivers--Violation as misdemeanor. There is no age limitation for the operation of a snowmobile. However, no person under the age of fourteen may drive a snowmobile across a roadway as defined in subdivision 32-14-1(27) of a highway as defined in subdivisions 31-1-5(1) to (4), inclusive, except under the immediate direction of a parent, legal guardian, or person who is eighteen years of age or older. A violation of this section is a Class 2 misdemeanor. |
| **Wisconsin** | Yes | **350.05 Operation by youthful operators restricted. (1)** PERSONS UNDER 12. No person under the age of 12 years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over 18 years of age. |
| **Wyoming** | Yes | This is the case where it is allowed because it is not prohibited. |

After conducting the above research, the Snowmobile North Dakota Board of Directors and the organization's membership voted to present a bill with the following language. In order to enhance education opportunities and promote a fun family activity; snowmobile riders ages 10 and 11 may ride on public property including the state snowmobile trail system, as long as they have been certified by the North Dakota Parks and Recreation Department and are riding in the presence of a parent or guardian.

Senate Bill 2198 is a bill with the full support of the snowmobiling community. Snowmobile North Dakota recommends a vote of Do Pass relating to the minimum age requirements for snowmobile operators. Mr. Chairman and committee members, I would like to thank you for your consideration of Senate Bill 2198 and I will take any questions from the committee.

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SB 2198

# Focus Area #6 – Legislative Recommendations



As part of the North Dakota Parks & Recreation Department's oversight, it provides suggested legislative changes which are vetted through a number of channels prior to introduction. It is imperative that the agency actively weigh the political tides and the public pressure inherent with government against the appropriate need for the listed proposals to insure the integrity of the agency. Many of the recommendations will need the cooperation of other state agencies.

Snowmobile North Dakota has an expectation by its members to advocate for policies that further organizational objectives and benefit the trail program. Snowmobile North Dakota must also scrutinize proposals for their appropriate need and the credibility of the organization.

## Objectives

1. Change the registration term from biennial to annual to reduce impacts of low snow years.
2. Investigate having North Dakota Parks & Recreation Department take over registration. Currently the North Dakota Department of Transportation is seeing significant increases in workload and $5 of the registration is taken to fund the registration process which North Dakota Parks & Recreation Department could do to increase amount of registration dollars going into the program.
3. Eliminate excise taxes on snowmobiles to be competitive with surrounding states.
4. Require that dealers register snowmobile at the time of purchase.
5. Increase fines for various snowmobile violations.
6. Consider reducing the allowable riding age to include under 12 to enhance education opportunities to those our research is showed are riding anyway.

#2 2-1

Laura Forbes, President
Keri Wanner, Executive Director

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SND 1974-2014

Snowmobile North Dakota

# TESTIMONY – SENATE BILL 2198
# SENATE TRANSPORTATION COMMITTEE
# JANUARY 30, 2015 – 10:30 AM
# LEWIS AND CLARK ROOM

Mr. Chairman and members of the Senate Transportation Committee, my name is Sheri Hoffmann. I am the Vice-President of Snowmobile North Dakota, a 20-year officer of the Ridge Runners Snowmobile Club, and mother of two boys who love to ride snowmobile.

Today we are asking for a Do Pass recommendation regarding 10 & 11 year olds operating snowmobiles on trails and other public property. In the most recent survey done for our strategic plan, we found 94.2% of households had 1-2 children under 12 that go snowmobiling every season. As we like to think of snowmobiling as a family activity, that is a fantastic number.

The issue we are having is while those children are allowed to take the snowmobile safety course taught by North Dakota Parks and Recreation, they are not allowed to become certified snowmobile operators on public property, including the trail system, until they are 12.

Following the direction of our membership, we are asking that 10 & 11 year olds be allowed to become certified to operate snowmobiles and be allowed to ride on public property given they are directly supervised by a parent or guardian while riding.

In 2014, Snowmobile North Dakota researched the minimum age requirements in other "snow" states. We found North Dakota to be the only state not allowing 10 & 11 year olds to ride on public property. As a parent of a 10 year old, I would love to see this changed, giving our family opportunities we would otherwise not have, unless we go out of state.

The average snowmobiler spends $4,000 a year on the sport. North Dakota families that have young children who cannot ride in state are spending those dollars out of state. This also causes non-resident families with young kids to not travel to North Dakota to spend their dollars on the recreation.

Senate bill 2198 has the full support of the snowmobiling community. Snowmobile North Dakota and future snowmobilers ask for your recommendation of Do Pass.

Thank you for your time and consideration.

Sincerely,

Sheri Hoffmann

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#3
1/30/2015

# The Bone & Joint Center

Orthopaedic Center of Excellence


Charles P. Dahl, M.D.
Troy D. Pierce, M.D.
Timothy J. Juelson, M.D.
Timothy J. Bopp, M.D.
Duncan B. Ackerman, M.D.
Derrick Cote, M.D.
Joseph W. Carlson, M.D.
Chad B. Carlson , M.D.


Mr. Chairman and members of the Senate Transportation Committee:

Thank you for taking the time to review Senate Bill 2198. I wish that I could be present with you, but I was already committed to my patients who had scheduled surgery on the day that this bill will be discussed. My name is Tim Juelson and I am an orthopedic surgeon practicing in Bismarck, ND, at the Bone & Joint Center. My specialty is orthopedic sports surgery and I am currently board certified by the American Academy of Orthopedic Surgeons. Also, I have additional training in sports injuries and hold the first certificate of added qualification in orthopedic sports surgery in North Dakota. My specialty focuses mostly on prevention, management, and treatment of sports injuries, including snowmobilers.

I will be brief in my testimony as many of the details regarding other states have already been discussed by Mrs. Wanner. From my perspective as an orthopedic sports surgeon, we strive to prevent injuries at every possible opportunity. This bill presents an opportunity to encourage snowmobiling (after completion of a safety class) with the supervision of a more experienced adult. Children can be transitioned to a greater degree of independence after reaching 12 years old. Riding from 10-11 years of age with direct supervision will help to develop decision making skills while out on their snowmobile with direct feedback and guidance from an experienced rider. Riding in a supervised manner will allow kids to transition into more independence on a snowmobile over a period of two seasons. Adults with more experience and wisdom can directly demonstrate appropriate snowmobile safety to their kids firsthand during this two year learning period. Hopefully, we all keep learning throughout our lifetime, but the most rapid learning curve is early in the course in any endeavor or activity.

There are multiple considerations with this bill, but from my perspective the most important component is the safety of our children. Learning with supervision from the ages of 10-11 prior to operating a snowmobile independently is a great change to help develop sound judgment prior to independent snowmobile operation. Please let me know if I can answer any questions. You may contact me at tjuelson@bone-joint.com or 816-500-3547. Thank you for your time and consideration.

Sincerely,

Dr. Tim Juelson


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# SB 2198:

Senate Transportation Committee
Lewis and Clark Room, 9:00 A.M.
Friday, January 30th, 2015

Mr. Chairman, members of the Senate Transportation Committee, my name is Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). I appear today offering neutral testimony for SB 2198.

The North Dakota Parks and Recreation Department is charged with providing snowmobile safety training for youth ages 12 and older. Those 12 and older to legally operate on public lands need either their snowmobile certification card or driver's license. We do receive many requests from parents wishing to have younger children certified on snowmobile safety. While we allow them to attend our courses, they cannot be certified due to their age but training these under aged youth is important because they are riding anyway. Current law limits youth to riding strictly on private land if they are under 12.

The curriculum used for the ND Snowmobile Safety Certification Course is designed for ages 12 – 16 and is offered both through classroom and online courses. In consideration of this bill, NDPRD would adjust the curriculum to the younger riders. NDPRD certifies over 500 children per biennium but reaches many more through other outreach efforts. These courses are taught by both NDPRD staff and volunteer instructors.

We do propose an amendment to SB 2198. In working with the Department of Transportation we request to remove the requirement that the Department of Transportation issue safety certificates and replace with Parks and Recreation Department. Lines 12 and 18 in the bill (39-24-09.1 - snowmobile chapter). The Parks and Recreation Department currently has an agreement with the Department of Transportation to design, print and distribute the safety certificates to youth. This amendment will create efficiencies within state agencies and recognize an already existing practice.

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

Attachment # 1
2/05/15

PROPOSED AMENDENTS TO SENATE BILL NO. 2198

Page 1, line 7, after "1." insert "An individual nine years of age or younger may not operate a snowmobile unless the individual operates the snowmobile on private land."

Page 1, line 8, replace the first "is" with "operates the snowmobile"

Page 1, line 8, remove "unless"

Page 1, line 9, replace "and the individual" with "pursuant to chapter 30.1-27,"

Page 1, line 12, after the second "the" insert "parks and recreation"

Page 1, line 12, remove "of transportation"

Page 1, line 18, after the second "the" insert "parks and recreation"

Page 1, line 18, remove "of transportation"

SB 2198
3-12-15
#1

Snowmobile North Dakota

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*Keri Wanner, Executive Director*

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# TESTIMONY – SENATE BILL 2198
# HOUSE TRANSPORTATION COMMITTEE
# MARCH 12, 2015 – 10:30 AM
# FORT TOTTEN ROOM

Mr. Chairman and members of the House Transportation Committee, my name is Keri Wanner and I am the Executive Director for Snowmobile North Dakota which represents an association of snowmobile enthusiasts in the state. I appear today in support of Senate Bill 2198 relating to the minimum age requirements for snowmobile operators.

Snowmobile North Dakota is contracted by the North Dakota Parks and Recreation (Department) to manage the state snowmobile trails. Our organization works with 36 snowmobile clubs, 14 trail associations and hundreds of statewide volunteers to manage 2,800 miles of snowmobile trail. With the help of the snowmobile clubs and associations, Snowmobile North Dakota secures land leases and trail insurance, inspects the state snowmobile trails, provides weekly trail reports and processes the annual trail expenses.

Every five years the Department in cooperation with Snowmobile North Dakota conduct a five year strategic plan. The current North Dakota Snowmobile Program Strategic Plan is for the period of 2013-2017. The plan helps our organizations understand the current needs of snowmobile enthusiasts and program management. Three stakeholder groups were interviewed or surveyed to develop the plan. This included surveying the registered snowmobile owners in the state; surveying the clubs, trail associations and dealers; and interviewing the snowmobile program's staff members. Key findings showed 35% of the registered snowmobilers in the state are members of Snowmobile North Dakota.

The 2013-2017 strategic plan highlights six Focus Areas which cover everything from organizational development and trail management to legislative recommendations. Focus Area Six covers legislative recommendations and includes six objectives. Objective six focusses on reducing the allowable riding age to enhance education opportunities to those our research has showed are riding anyway. A copy of Focus Area six has been included for your reference.

Key findings in the 2013-2017 North Dakota Strategic Plan reflect 94.2% of households surveyed had 1-2 children under 12 years old that go snowmobiling during a typical season. Currently, these children are allowed to attend a North Dakota Parks and Recreation Department snowmobile safety class. However, the children can't take the test to become a certified snowmobile operator on public property which includes the state snowmobile trails. Due to this, not many children are willing to sit in the class because they cannot become certified snowmobile operators.

To reach snowmobile riders of all ages, the Department and Snowmobile North Dakota produced snowmobile safety public service announcements in 2013. The public service announcements focused on the importance of sticking to the trail, respecting private property, wearing your helmet and dressing right, and reminding riders to register their snowmobile. Last season, Midcontinent Communications provided overwhelming support and donated over $750,000 in free airtime to play the snowmobile public service announcements; helping the state snowmobile program reach snowmobilers of all ages and reminding them why it's important to Ride Safe Ride Smart!

In 2008, the Department purchased a simulator for the safety education program to assist in teaching riding positions for both snowmobiles and ATV's. Annually, the Department and Snowmobile North Dakota attend 30 appearances and events at schools, agriculture safety days, sports shows, snow shows, and dealer safety days. The simulator is exposed to over 10,000 riders per year and is used by state agencies, state associations and local clubs to help promote why you should Ride Safe Ride Smart.

In 2014, Snowmobile North Dakota conducted international research on minimum age requirements for snowmobile operators. This table includes our findings:

| Jurisdiction | Allow Youth Under 12 to Ride | Law |
|---|---|---|
| **Colorado** | Yes | **33-14-109. Restrictions on young operators.** (1) No person under the age of ten years may operate a snowmobile, except upon lands owned or leased by his parent or guardian, unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the division for the successful completion of a snowmobile safety education and training course conducted by the division. |
| **Idaho** | Yes | This is the case where it is allowed because it is not prohibited. |
| **Manitoba** | Yes | No person under the age of 14 years shall operate an off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent. |
| **Michigan** | Yes | "(1) A parent or legal guardian shall not permit his or her child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian." Our LE interpretation of this is a child under 12 could operate on the trail system, as long as they were under the "direct supervision" of an adult. And, "direct supervision" means "within line-of-sight" at all times. However, they cannot operate a snowmobile across a road or street. The adult supervisor must drive the snowmobile across the road then the child can continue. This is section 82120 of the attached law. |
| **Minnesota** | Yes | Resident and non-resident youth, under age 12, without a safety certificate, may operate snowmobiles on public lands, waters or grant-in-aid trails if accompanied by an adult. (Accompanied by an adult means a parent, legal guardian, or other person 18 years of age or older designated by the parent or guardian who needs to be close enough to be able to direct the youth's operation of their snowmobile.) [84.872.1.b] |
| **Montana** | Yes | This is the case where it is allowed because it is not prohibited. |
| **North Dakota** | No | **Age Requirements (NDCC 39-24-09.1)** Youth operators must be at least 12 years old and possess a valid driver's license or have completed a snowmobile safety training course from the Parks and Recreation Department. However, there is no age or license requirement for youth operators riding on private land owned by the operator's parent or guardian. For more information on how to obtain a snowmobile safety certificate please contact the North Dakota Parks and Recreation Department. |
| **South Dakota** | Yes | 32-20A-3. Age restrictions on drivers--Violation as misdemeanor. There is no age limitation for the operation of a snowmobile. However, no person under the age of fourteen may drive a snowmobile across a roadway as defined in subdivision 32-14-1(27) of a highway as defined in subdivisions 31-1-5(1) to (4), inclusive, except under the immediate direction of a parent, legal guardian, or person who is eighteen years of age or older. A violation of this section is a Class 2 misdemeanor. |
| **Wisconsin** | Yes | **350.05 Operation by youthful operators restricted. (1)** PERSONS UNDER 12. No person under the age of 12 years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over 18 years of age. |
| **Wyoming** | Yes | This is the case where it is allowed because it is not prohibited. |

After conducting the above research, the Snowmobile North Dakota Board of Directors and the organization's membership voted to present a bill with the following language. In order to enhance education opportunities and promote a fun family activity; snowmobile riders ages 10 and 11 may ride on public property including the state snowmobile trail system, as long as they have been certified by the North Dakota Parks and Recreation Department and are riding in the presence of a parent or guardian. A person becomes a guardian by acceptance of a testamentary appointment or upon appointment by the court (NDCC 30.1-27-01. (5-201) Status of guardian of minor – general).

Senate Bill 2198 is a bill with the full support of the snowmobiling community. Snowmobile North Dakota recommends a vote of Do Pass relating to the minimum age requirements for snowmobile operators. Mr. Chairman and committee members, I would like to thank you for your consideration of Senate Bill 2198 and I will take any questions from the committee.

# Focus Area #6 – Legislative Recommendations



As part of the North Dakota Parks & Recreation Department's oversight, it provides suggested legislative changes which are vetted through a number of channels prior to introduction. It is imperative that the agency actively weigh the political tides and the public pressure inherent with government against the appropriate need for the listed proposals to insure the integrity of the agency. Many of the recommendations will need the cooperation of other state agencies.

Snowmobile North Dakota has an expectation by its members to advocate for policies that further organizational objectives and benefit the trail program. Snowmobile North Dakota must also scrutinize proposals for their appropriate need and the credibility of the organization.

## Objectives

1. Change the registration term from biennial to annual to reduce impacts of low snow years.
2. Investigate having North Dakota Parks & Recreation Department take over registration. Currently the North Dakota Department of Transportation is seeing significant increases in workload and $5 of the registration is taken to fund the registration process which North Dakota Parks & Recreation Department could do to increase amount of registration dollars going into the program.
3. Eliminate excise taxes on snowmobiles to be competitive with surrounding states.
4. Require that dealers register snowmobile at the time of purchase.
5. Increase fines for various snowmobile violations.
6. Consider reducing the allowable riding age to include under 12 to enhance education opportunities to those our research is showed are riding anyway.

SB 2198
3-12-15
#2

Snowmobile North Dakota

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*Keri Wanner, Executive Director*

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# TESTIMONY – SENATE BILL 2198
# HOUSE TRANSPORTATION COMMITTEE
# MARCH 12, 2015 – 10:30 AM
# LEWIS AND CLARK ROOM

Mr. Chairman and members of the House Transportation Committee, my name is Sheri Hoffmann. I am the Vice-President of Snowmobile North Dakota, a 20-year officer of the Ridge Runners Snowmobile Club, and mother of two boys who love to ride snowmobile.

Today we are asking for a Do Pass recommendation regarding 10 & 11 year olds operating snowmobiles on trails and other public property. In the most recent survey done for our strategic plan, we found 94.2% of households had 1-2 children under 12 that go snowmobiling every season. As we like to think of snowmobiling as a family activity, that is a fantastic number.

The issue we are having is while those children are allowed to take the snowmobile safety course taught by North Dakota Parks and Recreation, they are not allowed to become certified snowmobile operators on public property, including the trail system, until they are 12.

Following the direction of our membership, we are asking that 10 & 11 year olds be allowed to become certified to operate snowmobiles and be allowed to ride on public property given they are directly supervised by a parent or guardian while riding.

In 2014, Snowmobile North Dakota researched the minimum age requirements in other "snow" states. We found North Dakota to be the only state not allowing 10 & 11 year olds to ride on public property. As a parent of a 10 year old, I would love to see this changed, giving our family opportunities we would otherwise not have, unless we go out of state.

The average snowmobiler spends $4,000 a year on the sport. North Dakota families that have young children who cannot ride in state are spending those dollars out of state. This also causes non-resident families with young kids to not travel to North Dakota to spend their dollars on the recreation.

Senate bill 2198 has the full support of the snowmobiling community. Snowmobile North Dakota and future snowmobilers ask for your recommendation of Do Pass.

Thank you for your time and consideration.

Sincerely,

Sheri Hoffmann

*Explore ND's 2,800 miles of snowmobile trails!*

SB2198
3-12-15
#3

# The Bone & Joint Center

Orthopaedic Center of Excellence


Charles P. Dahl, M.D.
Troy D. Pierce, M.D.
Timothy J. Juelson, M.D.
Timothy J. Bopp, M.D.
Duncan B. Ackerman, M.D.
Derrick Cote, M.D.
Joseph W. Carlson, M.D.
Chad B. Carlson , M.D.


03/09/2015

Mr. Chairman and members of the House Transportation Committee:

Thank you for taking the time to review Senate Bill 2198. I wish that I could be present with you, but I was already committed with a previous engagement on the day that this bill will be discussed. My name is Tim Juelson and I am an orthopedic surgeon practicing in Bismarck, ND, at the Bone & Joint Center. My specialty is orthopedic sports surgery and I am currently board certified by the American Academy of Orthopedic Surgeons. Also, I have additional training in sports injuries and hold the first certificate of added qualification in orthopedic sports surgery in North Dakota. My specialty focuses mostly on prevention, management, and treatment of sports injuries, including snowmobilers.

I will be brief in my testimony as many of the details regarding other states have already been discussed by Mrs. Wanner. From my perspective as an orthopedic sports surgeon, we strive to prevent injuries at every possible opportunity. This bill presents an opportunity to encourage snowmobiling (after completion of a safety class) with the supervision of a more experienced adult. Children can be transitioned to a greater degree of independence after reaching 12 years old. Riding from 10-11 years of age with direct supervision will help to develop decision making skills while out on their snowmobile with direct feedback and guidance from an experienced rider. Riding in a supervised manner will allow kids to transition into more independence on a snowmobile over a period of two seasons. Adults with more experience and wisdom can directly demonstrate appropriate snowmobile safety to their kids firsthand during this two year learning period. Hopefully, we all keep learning throughout our lifetime, but the most rapid learning curve is early in the course in any endeavor or activity.

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Sincerely,

Timothy J. Juelson, MD Timothy Juelson, MD


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