

HOUSE BILL NO. 1295

Introduced by

Representatives Kempenich, DeKrey, Heller, Vig

Senators Klein, Miller

1 A BILL for an Act to create and enact chapter 39-29.2 of the North Dakota Century Code,
2 relating to multipurpose vehicles; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 39-29.2 of the North Dakota Century Code is created and
5 enacted as follows:

6 **39-29.2-01. Definitions.** As used in this chapter unless the context otherwise
7 requires:

8 1. "Identifying number" means the vehicle identification numbers and letters if any
9 assigned by the manufacturer or by the department for the purpose of identifying a
10 vehicle. The term includes any numbers or letters assigned by the manufacturer
11 for the purpose of identifying a part of a vehicle or any number placed on a part in
12 accordance with this chapter or regulations of the department for the purpose of
13 identifying the vehicle.

14 2. "Multipurpose vehicle" means a motor vehicle that is designed to travel on at least
15 three wheels in contact with the ground, has an unladen weight of at least three
16 hundred pounds [136.08 kilograms] but less than three thousand pounds [1360.78
17 kilograms], has a permanent upright seat or saddle for the driver which is mounted
18 at least twenty-four inches [50.8 centimeters] from the ground and has an
19 identifying number. The term does not include motor vehicles that may be
20 otherwise registered under this title. The term includes vehicles imported for
21 off-road or agricultural purposes.

22 **39-29.2-02. Certificate of title for multipurpose vehicle.** The department shall issue
23 a certificate of title for a multipurpose vehicle in accordance with section 39-05-05, except a

1 certificate of origin is not required if other sufficient evidence of change of ownership is provided
2 by the applicant.

3 **39-29.2-03. Registration of multipurpose vehicle.**

- 4 1. Registration of a multipurpose vehicle is governed by this chapter. Chapters 39-04
5 and 39-22 do not apply to multipurpose vehicles unless specifically included in this
6 chapter. A political subdivision may not require licensing or registration of a
7 multipurpose vehicle.
- 8 2. An individual may not operate a multipurpose vehicle unless the vehicle has been
9 registered under this chapter.
- 10 3. Registration and payment of fees are not required of a multipurpose vehicle:
- 11 a. Owned and used by the United States or another state or its political
12 subdivisions;
- 13 b. Registered in a foreign country and temporarily used in this state;
- 14 c. Validly licensed in another state and which has not been within this state for
15 more than thirty consecutive days;
- 16 d. Used exclusively on private lands; or
- 17 e. Used exclusively in organized track racing events.
- 18 4. A multipurpose vehicle owned by the state or any of its political subdivisions is
19 exempt from registration fees.
- 20 5. The department shall design and furnish an application that must be used to
21 register a multipurpose vehicle. The registration must state the name and address
22 of every owner of the multipurpose vehicle and must be signed by at least one
23 owner. A copy of the application is evidence of registration for the first thirty days
24 after the date of application.
- 25 6. On receipt of an application and the appropriate fee, the department shall register
26 a multipurpose vehicle and assign a registration number and a certificate of
27 registration. The certificate of registration must include information regarding the
28 make, year, identifying number, and name and address of the owner.
- 29 7. The fee for registration of a multipurpose vehicle is twenty dollars for each
30 registration cycle of two years ending on March thirty-first. The department may
31 prorate the initial registration fee. For a duplicate or replacement registration

1 number or registration card that is lost, mutilated, or becomes illegible, the
2 department may charge a fee of not more than five dollars.

3 8. To renew a registration, the owner of a multipurpose vehicle shall follow the
4 procedure adopted by the department and pay the registration fee.

5 9. The department shall issue a plate in the same manner as a plate is issued to a
6 motorcycle.

7 10. Within fifteen days after the transfer of any ownership interest in a multipurpose
8 vehicle, other than a security interest, or the destruction or abandonment of any
9 multipurpose vehicle, or a change of address of the owner as listed with the
10 application for registration, written notice of the fact must be given by the new
11 owner to the director in the form required by the director.

12 **39-29.2-04. Multipurpose vehicle equipment requirements.**

13 1. Chapters 39-21 and 39-27 do not apply to a multipurpose vehicle unless
14 specifically included in this chapter.

15 2. A multipurpose vehicle must be equipped with a braking system that will stop the
16 vehicle within forty feet [12.19 meters] from an initial speed of twenty miles [32.19
17 kilometers] per hour on a level, dry, smooth, hard surface.

18 3. A multipurpose vehicle must be equipped with a parking brake adequate to hold
19 the vehicle on any grade.

20 4. A multipurpose vehicle must be equipped with a horn in good working order and
21 capable of omitting a sound audible under normal conditions from a distance of not
22 less than two hundred feet [60.96 meters]. A horn or warning device may not omit
23 an unreasonably loud or harsh sound or whistle.

24 5. A multipurpose vehicle must be equipped with a muffler or other noise depressant
25 system, maintained and operated in good working order so as to prevent excessive
26 or unusual noise or the escape of excessive fumes or smoke. An individual may
27 not use a muffler cutout, bypass, or similar device.

28 6. A multipurpose vehicle must be equipped with one mirror mounted on the left side
29 of the vehicle and located as to reflect to the driver a view of the highway to the
30 rear of the vehicle.

- 1 7. If a multipurpose vehicle is equipped with a windshield and an enclosed cab, the
2 vehicle must be equipped with a device for cleaning rain, snow, or other moisture
3 from the windshield, at the control of the driver of the vehicle. The windshield must
4 comply with section 39-21-39.
- 5 8. A multipurpose vehicle must be equipped with tires that have a load capacity rating
6 at least equal to the respective gross axle weight rating divided by the number of
7 tires on the axle.
- 8 9. A multipurpose vehicle that is not more than fifty inches [127.00 centimeters] in
9 width must have at least one:
- 10 a. Headlamp on the front of the multipurpose vehicle.
11 b. Taillamp mounted on the rear of the multipurpose vehicle.
12 c. Red reflector mounted on the rear, either as part of the taillamp or separately.
13 d. Stop lamp mounted on the rear of the multipurpose vehicle.
- 14 10. A multipurpose vehicle that is more than fifty inches [127.00 centimeters] in width
15 must have at least two:
- 16 a. Headlamps with at least one on each side of the front of the multipurpose
17 vehicle.
- 18 b. Taillamps mounted on the rear of the multipurpose vehicle.
19 c. Red reflectors mounted on the rear, either as part of the taillamps or
20 separately.
- 21 d. Stop lamps mounted on the rear of the multipurpose vehicle.
- 22 **39-29.2-05. Operation of multipurpose vehicles.**
- 23 1. Multipurpose vehicles designed for operation at speeds of twenty-five miles [40.23
24 kilometers] per hour or less must be equipped with a slow-moving vehicle emblem.
25 If a multipurpose vehicle is incapable of achieving the maximum speed allowed on
26 a specific highway, the vehicle must be operated on the extreme right-hand edge
27 of the roadway and be equipped with a slow-moving vehicle emblem.
- 28 2. An individual may operate a multipurpose vehicle in the same manner and with the
29 same prohibitions as a class III off-highway vehicle under section 39-29-09 except
30 for safety helmet requirements.

1 **39-29.2-06. Penalty.** Violation of subdivision b, c, or g of subsection 5 of section
2 39-29-09 as applied to a multipurpose vehicle under section 39-29.2-05 is a class B
3 misdemeanor. Violation of any other provision of section 39-29-09 as applied to a multipurpose
4 vehicle is an infraction for which a fee of twenty dollars must be assessed. Violation of section
5 39-29.2-03 is an infraction, for which a fee of fifty dollars must be assessed. Violation of any
6 other provision by an operator or owner of a multipurpose vehicle is an infraction, for which a
7 fee of ten dollars must be assessed.