

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2043**

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact subsection 8 of section 39-24-01, subsection 2 of
2 section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code,
3 relating to off-highway vehicles and snowmobiles.

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

5 **SECTION 1. AMENDMENT.** Subsection 8 of section 39-24-01 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 8. "Snowmobile" means a self-propelled vehicle ~~designed for travel on snow, ice, or a~~
8 ~~natural terrain and steered by skis or runners~~intended for off-road travel primarily on
9 snow, having a curb weight of not more than one thousand two hundred pounds
10 [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski
11 or skis in contact with the snow, and which is not wider than forty-eight inches
12 [121.92 centimeters]. The term does not include an off-highway vehicle as defined in
13 chapter 39-29 converted to operate on tracks.

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

16 2. "Off-highway vehicle" means any ~~wheeled~~ motorized vehicle not designed for use on a
17 highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or
18 other natural terrain. An off-highway vehicle must be classified into one of the following
19 categories:

- 20 a. Class I off-highway vehicle is a vehicle that does not qualify as road capable
21 under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled
22 by the operator, and has handlebars for steering control of two wheels.
- 23 b. Class II off-highway vehicle is ~~less than~~ fifty inches [1270.00 millimeters] or less
24 in width, weighs one thousand two hundred pounds [544.31 kilograms] or less.

1 ~~and travels on three or more low-pressure nonhighway tires, has a saddle-~~
2 ~~designed to be straddled by the operator, and has handlebars for steering-~~
3 ~~control; or is sixty-five inches [1651 millimeters] or less in width, weighs two~~
4 ~~thousand pounds [907.19 kilograms] or less, and travels on four or more~~
5 ~~nonhighway tires.~~

6 c. Class III off-highway vehicle weighs less than eight thousand pounds,
7 ~~[3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires;~~ has a
8 ~~seat and; has a wheel, handlebars, or t steering for steering control;~~ and is
9 designated for or capable of cross-country on or over land, water, sand, snow,
10 ice, marsh, swampland, or other natural terrain, ~~unless~~ but does not include a
11 vehicle registered by the department under chapter 39-04 or 39-24.

12 **SECTION 3. AMENDMENT.** Subsection 1 of section 39-29-09 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or
15 inside bank or slope of any road, street, or highway except as provided in this chapter.
16 Except in emergencies, an individual may not operate an off-highway vehicle within
17 the right of way of any controlled-access highway. An individual may operate a
18 registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual
19 may operate a registered off-highway vehicle on a paved highway designated and
20 posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed
21 driver over sixteen years of age may operate a registered class III off-highway vehicle
22 on a paved highway designated and posted at a speed not exceeding sixty-five miles
23 [104.61 kilometers] per hour. An individual may not operate an off-highway vehicle on
24 a paved highway if the vehicle is unable to attain a speed, on a paved level surface, of
25 at least thirty miles [48.28 kilometers] per hour.