

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2139**

Introduced by

Senators Larsen, Armstrong

(At the request of the Parks and Recreation Department)

1 A BILL for an Act to create and enact two new sections to chapter 39-24 of the North Dakota
2 Century Code, relating to accidents and liability; to amend and reenact sections 39-24-02,
3 39-24-03.1, 39-24-07, 39-24-08, 39-24-09, 39-24-09.1, 39-24-10, and 39-24-11, and subsection
4 2 of section 57-40.3-01 of the North Dakota Century Code, relating to the licensing of
5 snowmobiles; to provide a penalty; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 39-24-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-24-02. Snowmobile registration - Title certificate - General requirements.**

10 1. Except as hereinafter otherwise provided in this section, ~~no~~ a person may not operate
11 or give permission to operate any snowmobile unless the snowmobile has been
12 registered in accordance with the provisions of this chapter.

13 2. Any snowmobile purchased after July 1, 1973, must be titled under the provisions of
14 chapter 39-05 in order to be operated under the provisions of this section. Any
15 snowmobile purchased ~~prior to~~ before July 1, 1973, may be titled under the provisions
16 of chapter 39-05.

17 **SECTION 2. AMENDMENT.** Section 39-24-03.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-24-03.1. Snowmobile safety fees.**

20 Upon the sale of a new or used snowmobile and in addition to other fees and taxes
21 imposed under section 39-24-03, a dealer shall collect a five dollar safety fee from the buyer.
22 Within fifteen days after the end of each calendar quarter, the dealer shall file a report with the
23 parks and recreation department which discloses the number of snowmobiles sold during that
24 calendar quarter and includes fees collected from the buyer. Fees imposed under this section

1 must be deposited in the state snowmobile fund established under section 39-24-05. The parks
2 and recreation department may use these funds solely for snowmobile safety education and
3 promotion. ~~The parks and recreation department shall report to the director within thirty days of~~
4 ~~the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted~~
5 ~~a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting~~
6 ~~or transmitting snowmobile safety fees.~~

7 **SECTION 3. AMENDMENT.** Section 39-24-07 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-24-07. Licensing by political subdivisions.**

10 ~~NeA~~ political subdivision of this state may not require licensing or other registration of
11 snowmobiles subject to the provisions of this chapter.

12 **SECTION 4. AMENDMENT.** Section 39-24-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-24-08. Rules and regulations.**

15 ~~Pursuant to this code and this chapter, rules~~Rules for the regulation and use of
16 snowmobiles must be adopted as follows:

- 17 1. The director shall adopt rules for the registration of snowmobiles and display of
18 registration numbers.
- 19 2. The director of the department of transportation has the authority in the interest of
20 public health, welfare, and safety to regulate, restrict, or prohibit, by rule, the operation
21 of snowmobiles on those highways under the ~~director's jurisdiction~~ of the director of
22 the department of transportation. The ~~director's authority~~ of the director of the
23 department of transportation to prohibit the use of snowmobiles is limited to the
24 roadways, shoulders, inslopes, and medians within the right of way, except where
25 such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions
26 in section 39-08-03.1, the director of the department of transportation may, on a
27 case-by-case basis, permit organized and bona fide snowmobile races on the ditch
28 bottoms, backslopes, and the top of the backslopes of the highway rights of way under
29 the ~~director's jurisdiction~~ of the director of the department of transportation. The
30 planning, organization, route selection, and safety precautions of any such race are
31 the sole responsibility of the permittee. It is expressly provided that the director of the

1 department of transportation, and the transportation department and the employees
2 thereof, shall incur no liability whatsoever for permitting such races.

3 3. The director of the parks and recreation department shall adopt rules for regulating
4 use of snowmobiles in state parks and other state-owned land under the supervision
5 of the director of the parks and recreation department.

6 4. The governing bodies of political subdivisions shall promulgate rules and regulations
7 for regulating use of snowmobiles in recreation and other appropriate areas under
8 their jurisdiction. The governing bodies of cities may, by ordinance, regulate, restrict,
9 and prohibit the use of snowmobiles when operated within the exclusive jurisdiction of
10 cities.

11 **SECTION 5. AMENDMENT.** Section 39-24-09 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-24-09. Rules for operation of snowmobiles.**

14 1. ~~No~~A person may not operate a snowmobile upon the roadway, shoulder, or inside
15 bank or slope of any road, street, or highway in this state except as provided pursuant
16 ~~to~~in this chapter. ~~No~~A person may not operate a snowmobile ~~may be operated~~ at any
17 time within the right of way of any interstate highway within this state except as
18 provided in this section.

19 2. A snowmobile may make a direct crossing of a non-interstate street or highway
20 provided:

21 a. The crossing is made at an angle of approximately ninety degrees to the direction
22 of the highway and at a place where no obstruction prevents a quick and safe
23 crossing;

24 b. The snowmobile is brought to a complete stop before crossing the shoulder or
25 main traveled way of the highway;

26 c. The driver yields the right of way to all oncoming traffic which constitutes an
27 immediate hazard; and

28 d. In crossing a divided highway, the crossing is made only at an intersection of
29 such highway with another public street or highway.

30 3. ~~No~~A person may not operate a snowmobile ~~may be operated~~ unless it is equipped with
31 at least one headlamp, one tail-lamp, and brakes, all in working order, which conform

1 to standards prescribed by rule of the director ~~pursuant to the authority vested in the~~
2 ~~director by this code and this chapter~~ of the department of transportation.

3 4. The emergency conditions under which a snowmobile may be operated other than as
4 provided by this chapter must be such as to render the use of an automobile
5 impractical under such conditions at such period of time and location.

6 5. It is unlawful for any person to drive or operate any snowmobile in the following ways
7 which are declared to be unsafe and a public nuisance:

8 a. At a rate of speed greater than reasonable or proper under all the surrounding
9 circumstances.

10 b. In a careless, reckless, or negligent manner so as to endanger the person or
11 property of another or to cause injury or damage to ~~such~~ the person or property,
12 or to chase or harass wildlife, or in any manner that is not reasonable or prudent
13 under the circumstances.

14 c. While under the influence of intoxicating liquor or a drug as defined in section
15 39-24.1-01, or a combination thereof.

16 d. Without a lighted headlamp and tail-lamp when required for safety.

17 e. In any tree nursery or planting in a manner which damages or destroys growing
18 stock.

19 f. Without a manufacturer-installed or equivalent muffler in good working order and
20 connected to the snowmobile exhaust system.

21 g. Upon any private land where the private land is posted by the owner or tenant
22 prohibiting trespassing. The name of the person posting the land must appear on
23 each sign in legible characters. The posted signs must be readable from the
24 outside of the land and must be placed conspicuously at a distance of not more
25 than eight hundred eighty yards [804.68 meters] apart, provided further that as to
26 land entirely enclosed by a fence or other enclosure, posting of signs at or on all
27 gates through the fence or enclosure constitutes a posting of all the enclosed
28 lands.

29 6. It is unlawful for any person to operate a snowmobile ~~pursuant to~~ under this chapter
30 ~~39-24~~ without having in possession a valid driver's license, except as provided by
31 section 39-24-09.1.

- 1 7. If a snowmobile is operated within the right of way of any road, street, or highway of
2 this state under this chapter, during times or conditions that warrant the use of lights,
3 the snowmobile operator shall travel in the same direction as the direction of motor
4 vehicles traveling on the side of the roadway immediately adjacent to the side of the
5 right of way traveled by the snowmobile. An operator of a snowmobile traveling on a
6 snowmobile trail maintained by the parks and recreation department which is within
7 the right of way of any road, street, or highway of this state is exempted from this rule.
8 The operator shall wait for all traffic to clear the roadway before crossing bridges and
9 other similar structures.
- 10 8. It is unlawful for any person to operate a snowmobile within a highway right of way as
11 defined in subsection 38 of section 24-01-01.1 between April first and November first
12 of any year.
- 13 9. ~~No~~A person may not operate a snowmobile ~~may be operated~~ at any time within the
14 right of way of any highway within this state while towing a sled, skid, or other vehicle,
15 unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged
16 swivel and secure hitch.
- 17 10. ~~No~~A person under the age of eighteen years may not operate, ride, or otherwise be
18 propelled on a snowmobile unless the person wears a safety helmet meeting United
19 States department of transportation standards.
- 20 11. A person may not operate a snowmobile, and an owner of a snowmobile may not
21 knowingly permit the snowmobile to be operated, upon any property maintained,
22 leased, or owned by the state parks and recreation department to which the public has
23 a right of access for snowmobile or other vehicular use, without a policy of liability
24 insurance which insures the person named, and any person using the snowmobile
25 with the express or implied permission of the person named, against loss from the
26 liability imposed by law for damages arising out of the ownership, maintenance, or use
27 of the snowmobile within this state, subject to the following limits, exclusive of interest
28 and costs, with respect to each snowmobile: twenty-five thousand dollars because of
29 bodily injury to or death of one person in any one accident and, subject to the limit for
30 one person, fifty thousand dollars because of bodily injury to or death of two or more
31 persons in any one accident, and twenty-five thousand dollars because of injury to or

1 destruction of property of others in any one accident. Upon request of a law
2 enforcement officer, a person operating a snowmobile shall provide proof of liability
3 insurance to that officer within twenty days.

4 12. ~~A snowmobile person~~ may not ~~be operated~~ operate a snowmobile within the right of
5 way of any interstate highway within this state except:
6 a. For emergency purposes; or
7 b. Across an interstate highway on an overpass or underpass, except where
8 otherwise prohibited by law or by signing, provided the snowmobile crosses on
9 the extreme right side of the overpass or underpass.

10 13. A person may not cause or knowingly permit a minor under twelve years of age to
11 operate a snowmobile unless the minor is otherwise authorized by this section.

12 **SECTION 6. AMENDMENT.** Section 39-24-09.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-24-09.1. Operation by individuals at least twelve years of age.**

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

25 **SECTION 7. AMENDMENT.** Section 39-24-10 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **39-24-10. Enforcement.**

28 Peace officers of this state and their respective duly authorized representatives are hereby
29 authorized to enforce the provisions of this chapter and in the exercise of these provisions have
30 the authority to stop any snowmobile subject to this chapter.

1 **SECTION 8. AMENDMENT.** Section 39-24-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-24-11. Penalties.**

4 Any person who violates subsection 12 of section 39-24-09 must be assessed a fee of one
5 hundred dollars. Any person who violates subdivision b or g of subsection 5 of section 39-24-09
6 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of
7 section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section
8 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B
9 misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who
10 violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any
11 person, unless specifically exempted, who fails to registerlicense or fails to display a decal as
12 required by sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the
13 person provides proof of registrationlicensing after the violation, the fee may be reduced by
14 one-half. Any person who violates any other provision of this chapter for which a specific
15 penalty is not provided must be assessed a fee of ten dollars.

16 **SECTION 9.** Two new sections to chapter 39-24 of the North Dakota Century Code are
17 created and enacted as follows:

18 **Collisions, accidents, casualties, and liability.**

19 1. The operator of a snowmobile involved in a collision, accident, or other casualty, so far
20 as that person can do so without serious danger to that person and that snowmobile's
21 passengers, shall render to other persons affected by the collision, accident, or other
22 casualty assistance as may be practicable and necessary to save them from or
23 minimize any danger caused by the collision, accident, or other casualty. That person
24 also shall give that person's name, address, and snowmobile identification in writing to
25 any person injured and to the owner of any property damaged in the collision,
26 accident, or other casualty. If a collision, accident, or other casualty involving a
27 snowmobile results in death or injury to a person or damage to property in excess of
28 an amount specified by the director of parks and recreation by rule, the operator of the
29 snowmobile shall file with the parks and recreation department a full description of the
30 collision, accident, or other casualty, including such information as the director of the
31 parks and recreation department may require by rule.

1 2. Any operator of a snowmobile, or other person who complies with this section or who
2 gratuitously and in good faith renders assistance at the scene of a snowmobile
3 collision, accident, or other casualty without objection of any person assisted may not
4 be held liable for any civil damages as a result of the rendering of assistance or for
5 any act or omission in providing or arranging salvage, towage, medical treatment, or
6 other assistance where the assisting person acts as an ordinary, reasonably prudent
7 person would have acted under the same or similar circumstances.

8 **Owner's civil liability.**

9 The owner of a snowmobile is liable for any injury or damage caused by the negligent
10 operation of the snowmobile. The owner is not liable, however, unless the snowmobile is being
11 used with the owner's express or implied consent. It must be presumed that the snowmobile is
12 being operated with the knowledge and consent of the owner, if at the time of the injury or
13 damage it is under the control of the owner's spouse, father, mother, brother, sister, son, or
14 daughter. This section does not relieve any other person from any liability that person would
15 otherwise have and does not authorize or permit any recovery in excess of injury or damage
16 actually incurred.

17 **SECTION 10. EFFECTIVE DATE.** This Act becomes effective on July 1, 2016.