

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2154

Introduced by

Senators Heitkamp, Fischer, Lyson

Representatives Amerman, R. Kelsch, Nelson

1 A BILL for an Act to amend and reenact sections 24-02-01.5, 39-24-01, 39-24-04, and 39-24-05
2 of the North Dakota Century Code, relating to collector snowmobiles.

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

4 **SECTION 1. AMENDMENT.** Section 24-02-01.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-02-01.5. (Contingent effective date - See note - Effective through June 30,**
7 **2005) Department of transportation - Administrative rules.** The department of
8 transportation may adopt the administrative rules necessary to carry out its responsibilities and
9 functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules
10 adopted by the agencies whose functions relate to the functions or agencies created,
11 transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and
12 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of
13 section 39-01-01, subsection 1 of section 39-16-01, ~~subsection 7 of section 39-24-01,~~
14 subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section
15 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section
16 57-43.1-44, subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until
17 they are specifically amended or repealed by the department.

18 **(Effective after June 30, 2005) Department of transportation - Administrative**
19 **rules.** The department of transportation may adopt the administrative rules necessary to carry
20 out its responsibilities and functions as created and transferred by sections 24-02-01.1 through
21 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies
22 created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5,
23 subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02,
24 subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, ~~subsection 7~~

1 ~~of section 39-24-01~~, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04,
2 subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section
3 57-43.1-01, section 57-43.1-44, subsection 5 of section 57-43.2-01, and section 57-43.2-37
4 remain in effect until they are specifically amended or repealed by the department.

5 **SECTION 2. AMENDMENT.** Section 39-24-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-24-01. Definitions.** For the purposes of this chapter:

- 8 1. "Collector snowmobile" means a snowmobile that is twenty-five years old or older,
9 was originally produced as a separate identifiable make by a manufacturer, and is
10 owned and operated solely as a collector's item.
- 11 ~~2.~~ "Dealer" means every a person, partnership, corporation, or limited liability
12 ~~company~~ engaged in the business of buying, selling, or exchanging snowmobiles,
13 ~~or who advertises;~~ or holds out to the public as being engaged in the buying,
14 selling, or exchanging of snowmobiles, or who engages in the buying of
15 snowmobiles for resale.
- 16 ~~2.~~ 3. "Operate" means to ride in or on and control the operation of a snowmobile.
- 17 ~~3.~~ 4. "Operator" means every person who operates or is in actual physical control of a
18 snowmobile.
- 19 ~~4.~~ 5. "Owner" means a person, other than a lienholder, having the property in or title to
20 a snowmobile and who is entitled to the use or possession thereof of that
21 snowmobile.
- 22 ~~5.~~ "Person" includes an individual, partnership, corporation, limited liability company,
23 association, the state and its departments, agencies, and political subdivisions,
24 and any body of persons, whether incorporated or not.
- 25 6. "Register" means the act of assigning a registration number to a snowmobile.
- 26 ~~7.~~ "Registrar" means the director of the department of transportation of this state as
27 provided in section 24-02-01.3.
- 28 ~~8.~~ "Roadway" means that portion of a highway improved, designed, or ordinarily used
29 for vehicular travel.
- 30 ~~9.~~ 8. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a
31 natural terrain and steered by skis or runners.

1 **SECTION 3. AMENDMENT.** Section 39-24-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-24-04. (Effective through July 31, 2005) Exemption from registration -**
4 **Exemption from fees.**

- 5 1. A registration number must be issued without the payment of a fee for
6 snowmobiles owned by the state of North Dakota or any of its political subdivisions
7 upon application for the registration.
- 8 2. No registration or fees may be required of:
- 9 a. Snowmobiles owned and used by the United States or another state or its
10 political subdivisions.
- 11 b. Snowmobiles registered in a country other than the United States and
12 temporarily used within this state.
- 13 c. Snowmobiles validly licensed in another state and which have not been within
14 this state for more than thirty consecutive days.
- 15 d. Snowmobiles operated upon lands owned or leased by the snowmobile
16 owner.
- 17 e. Snowmobiles incapable of speeds in excess of ten miles per hour and with an
18 engine displacement of less than one hundred cubic centimeters.
- 19 f. Collector snowmobiles. The director may issue a special permit to a person
20 to operate in a parade; in organized group outings, including races, rallies, or
21 other promotional events; and for up to ten days each year for personal
22 transportation. The permit must be in the form of a card to be carried on or by
23 the operator of the collector snowmobile. The permit is valid for the duration
24 of ownership of the snowmobile by the recipient of the permit. The director
25 may impose a reasonable restriction of a permittee and may revoke, amend,
26 suspend, or modify a permit for cause.

27 **(Effective after July 31, 2005) Exemption from registration - Exemption from fees.**

- 28 1. A registration number must be issued without the payment of a fee for
29 snowmobiles owned by the state of North Dakota or any of its political subdivisions
30 upon application for the registration.
- 31 2. No registration or fees may be required of:

- 1 a. Snowmobiles owned and used by the United States or another state or its
2 political subdivisions.
- 3 b. Snowmobiles registered in a country other than the United States and
4 temporarily used within this state.
- 5 c. Snowmobiles validly licensed in another state and which have not been within
6 this state for more than thirty consecutive days.
- 7 d. Snowmobiles operated upon lands owned or leased by the snowmobile
8 owner.
- 9 e. Snowmobiles incapable of speeds in excess of ten miles per hour and with an
10 engine displacement of less than one hundred cubic centimeters.
- 11 f. Collector snowmobiles. The director may issue a special permit to a person
12 to operate in a parade; organized group outings, including races, rallies, or
13 other promotional events; and for up to ten days each year for personal
14 transportation. The director may impose a reasonable restriction of a
15 permittee and may revoke, amend, suspend, or modify a permit for cause.
- 16 3. If a snowmobile is exempt from registration under subdivision b or c of
17 subsection 2, the owner is required to display on the snowmobile a decal received
18 upon payment of a fifteen dollar per year trail access fee. Fees collected under
19 this subsection must be deposited in the state snowmobile fund.

20 **SECTION 4. AMENDMENT.** Section 39-24-05 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **39-24-05. Disposition of registration fees and trail tax - Transfer from highway tax**
23 **distribution fund.** Fees from registration of snowmobiles must be deposited with the state
24 treasurer and credited to the motor vehicle registration fund. The snowmobile trail tax must be
25 deposited in a state snowmobile fund in the state treasury. Additionally, an amount equal to the
26 tax collected on thirty gallons [113.56 liters] of motor vehicle fuel multiplied by the number of
27 collector snowmobiles and snowmobiles registered under this chapter must be transferred
28 annually from the highway tax distribution fund, before allocation of the fund under section
29 54-27-19, and credited to the state snowmobile fund. The parks and recreation department
30 may, upon appropriation by the legislative assembly, expend from such fund moneys it deems

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- 1 necessary for purposes of administering snowmobile safety programs and establishing and
- 2 maintaining snowmobile facilities and programs.