

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2154  
(Senators Heitkamp, Fischer, Lyson)  
(Representatives Amerman, R. Kelsch, Nelson)

AN ACT to amend and reenact sections 24-02-01.5, 39-24-01, 39-24-04, and 39-24-05 of the North Dakota Century Code, relating to collector snowmobiles.

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

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

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subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

**(Effective after June 30, 2005) Department of transportation - Administrative rules.** The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, ~~subsection 7 of section 39-24-01~~, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 5 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

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

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

1. "Collector snowmobile" means a snowmobile that is twenty-five years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely as a collector's item.
2. "Dealer" means every a person, ~~partnership, corporation, or limited liability company~~ engaged in the business of buying, selling, or exchanging snowmobiles, ~~or~~ who advertises, or holds out to the public as being engaged in the buying, selling, or exchanging of snowmobiles, or who engages in the buying of snowmobiles for resale.
2. ~~3.~~ 3. "Operate" means to ride in or on and control the operation of a snowmobile.
3. ~~4.~~ 4. "Operator" means every person who operates or is in actual physical control of a snowmobile.

4. ~~5.~~ "Owner" means a person, other than a lienholder, having the property in or title to a snowmobile and who is entitled to the use or possession thereof of that snowmobile.
5. ~~"Person" includes an individual, partnership, corporation, limited liability company, association, the state and its departments, agencies, and political subdivisions, and any body of persons, whether incorporated or not.~~
6. "Register" means the act of assigning a registration number to a snowmobile.
7. ~~"Registrar" means the director of the department of transportation of this state as provided in section 24-02-01.3.~~
8. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
9. ~~8.~~ "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by skis or runners.

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

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

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

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

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

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

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

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

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2154.

Senate Vote:    Yeas    46        Nays    0        Absent    1

House Vote:    Yeas    88        Nays    2        Absent    4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State