

**HOUSE BILL NO. 1342**

Introduced by

Representatives Weisz, Drovdal, Ruby

Senator Trenbeath

1 A BILL for an Act to amend and reenact subsection 59 of section 39-01-01 and sections  
2 39-29-01, 39-29-01.1, 39-29-02, 39-29-03, 39-29-04, 39-29-05, 39-29-06, 39-29-07, 39-29-08,  
3 39-29-09, 39-29-10, 39-29-12, 51-20-01, and 57-40.3-01 of the North Dakota Century Code,  
4 relating to all-terrain vehicles.

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

6 **SECTION 1. AMENDMENT.** Subsection 59 of section 39-01-01 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 59. "Recreational vehicle" means any motorcycle not qualified for registration,  
9 ~~all-terrain off-highway~~ vehicle, snowmobile, vessel, or personal watercraft.

10 **SECTION 2. AMENDMENT.** Section 39-29-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-29-01. Definitions.** As used in this chapter, unless the context otherwise requires:

13 1. ~~"All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270.00~~  
14 ~~millimeters] or less in width, having a dry weight of one thousand pounds [453.59~~  
15 ~~kilograms] or less, traveling on three or more low-pressure tires, designed for~~  
16 ~~operator use only with no passengers, having a seat or saddle designed to be~~  
17 ~~straddled by the operator, and handlebars for steering control.~~

18 2. "Dealer" means any person engaged in the business of buying, selling, or  
19 exchanging ~~all-terrain off-highway~~ vehicles or who advertises, or holds out to the  
20 public as engaged in the buying, selling, or exchanging of ~~all-terrain off-highway~~  
21 vehicles, or who engages in the buying of ~~all-terrain off-highway~~ vehicles for  
22 resale.

23 2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use  
24 on a highway and capable of cross-country travel on land, snow, ice, marsh,

1 swampland, or other natural terrain. An off-highway vehicle must be classified into  
2 one of the following categories:

- 3 a. Class I off-highway vehicle is a vehicle that does not qualify as road capable  
4 under chapters 39-21 and 39-27, has a seat or a saddle designed to be  
5 straddled by the operator, and has handlebars for steering control of two  
6 wheels.
- 7 b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in  
8 width, travels on three or more low-pressure tires, has a saddle designed to  
9 be straddled by the operator, and has handlebars for steering control.
- 10 c. Class III off-highway vehicle weighs less than eight thousand pounds, travels  
11 on four or more tires, has a seat and a wheel for steering control, and is  
12 designated for or capable of cross-country on or over land, water, sand, snow,  
13 ice, marsh, swampland, or other natural terrain, unless registered by the  
14 department under chapter 39-04.

- 15 3. "Operate" means to ride in or on and control the operation of an ~~all-terrain~~  
16 off-highway vehicle.
- 17 4. "Operator" means a person who operates or is in actual physical control of an  
18 ~~all-terrain~~ off-highway vehicle.
- 19 5. "Owner" means a person, other than a lienholder, having the property in or title to  
20 an ~~all-terrain~~ off-highway vehicle and entitled to its use or possession.
- 21 6. "Register" means the act of assigning a registration number to an ~~all-terrain~~  
22 off-highway vehicle.

23 **SECTION 3. AMENDMENT.** Section 39-29-01.1 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department**  
26 **- Use of fee.** Upon the sale of ~~an all-terrain~~ a new or used off-highway vehicle, ~~each~~ a dealer  
27 shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter, the  
28 dealer shall file a report with the parks and recreation department which discloses the number  
29 of ~~all-terrain~~ off-highway vehicles sold the previous months and includes the fees collected from  
30 the buyer. Fees imposed under this section must be deposited in the ~~all-terrain~~ off-highway  
31 vehicle fund established under ~~subsection 2 of~~ section 39-29-05. The fees may be used only

1 by the parks and recreation department and only for ~~all-terrain~~ off-highway vehicle safety  
2 education and promotion.

3 **SECTION 4. AMENDMENT.** Section 39-29-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-29-02. ~~All-terrain~~ Off-highway vehicle registration.** Except as provided in this  
6 chapter, a person may not operate an ~~all-terrain~~ off-highway vehicle unless it has been  
7 registered ~~in accordance with~~ under this chapter.

8 **SECTION 5. AMENDMENT.** Section 39-29-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-29-03. Registration - Application - Issuance - Fees - Renewal.**

- 11 1. Application for registration must be made to the department of transportation in the  
12 form the department prescribes and furnishes. The registration must state the  
13 name and address of every owner of the ~~all-terrain~~ off-highway vehicle and be  
14 signed by at least one owner. A copy of the application is evidence of registration  
15 for the first thirty days after the date of application.
- 16 2. On receipt of an application and the appropriate fee, the department shall register  
17 the ~~all-terrain~~ off-highway vehicle and assign a registration number and a  
18 certificate of registration. The certificate of registration must include information  
19 regarding the make, year, serial number, and name and address of the owner.
- 20 3. The fee for registration of each ~~all-terrain~~ off-highway vehicle is five dollars for a  
21 registration period of two years. For a duplicate or replacement registration  
22 number or registration card which is lost, mutilated, or becomes illegible, the  
23 department may charge a fee of not more than five dollars. For each ~~all-terrain~~  
24 off-highway vehicle registered under this chapter, there is an ~~all-terrain~~ off-highway  
25 vehicle trail tax of five dollars.
- 26 4. The owner of an ~~all-terrain~~ off-highway vehicle shall renew the registration in the  
27 manner the department prescribes and pay the registration fees and applicable tax  
28 provided in subsection 3.
- 29 5. On application for registration as prescribed in subsection 2, and on payment of the  
30 amounts prescribed in subsection 3, an ~~all-terrain~~ off-highway vehicle dealer is  
31 entitled to be issued registration numbers distinctively marked as dealer's

1 registration numbers. The dealer's registration numbers may be used only on  
2 ~~all-terrain~~ off-highway vehicles owned by the dealership.

3 **SECTION 6. AMENDMENT.** Section 39-29-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-29-04. Exemption from registration - Exemption from fees.**

- 6 1. Registration and payment of fees is not required of:
- 7 a. ~~All-terrain~~ Off-highway vehicles owned and used by the United States or  
8 another state or its political subdivisions.
- 9 b. ~~All-terrain~~ Off-highway vehicles registered in a foreign country and temporarily  
10 used in this state.
- 11 c. ~~All-terrain~~ Off-highway vehicles validly licensed in another state and which  
12 have not been within this state for more than thirty consecutive days.
- 13 d. ~~All-terrain~~ Off-highway vehicles used exclusively ~~for work~~ on private  
14 ~~agricultural lands or on industrial jobsites on private land.~~
- 15 e. ~~All-terrain~~ Off-highway vehicles used exclusively in organized track racing  
16 events.
- 17 2. ~~All-terrain~~ Off-highway vehicles owned by the state or any of its political  
18 subdivisions are exempt from the registration fees in section 39-29-03.

19 **SECTION 7. AMENDMENT.** Section 39-29-05 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **39-29-05. Disposition of registration fees and trail tax.**

- 22 1. Fees from registration of ~~all-terrain~~ off-highway vehicles must be deposited with  
23 the state treasurer and credited to the motor vehicle registration fund.
- 24 2. The ~~all-terrain~~ off-highway vehicle trail tax must be deposited in a state off-highway  
25 vehicle fund in the state treasury. The parks and recreation department may, on  
26 appropriation by the legislative assembly, expend from that fund moneys for  
27 establishing ~~all-terrain~~ off-highway vehicle facilities, ~~all-terrain~~ off-highway vehicle  
28 use areas, and ~~all-terrain~~ off-highway vehicle safety and education programs, and  
29 enforcement of this chapter.

30 **SECTION 8. AMENDMENT.** Section 39-29-06 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **39-29-06. Transfer or termination of ~~all-terrain~~ off-highway vehicle ownership -**  
2 **Change of address of owner.** Within fifteen days after the transfer of any ownership interest  
3 in an ~~all-terrain~~ off-highway vehicle, other than a security interest, or the destruction or  
4 abandonment of any ~~all-terrain~~ off-highway vehicle, or a change of address of the owner as  
5 listed with the application for registration, written notice of the fact must be given by the new  
6 owner to the director in the form the director requires.

7           **SECTION 9. AMENDMENT.** Section 39-29-07 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **39-29-07. Licensing by political subdivisions.** Political subdivisions of this state may  
10 not require licensing or registration of ~~all-terrain~~ off-highway vehicles.

11           **SECTION 10. AMENDMENT.** Section 39-29-08 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **39-29-08. Rules.** ~~Rules for the regulation and use of all-terrain vehicles must be~~  
14 ~~adopted as follows:~~

- 15           1. The department shall adopt rules for the registration of ~~all-terrain~~ off-highway  
16 vehicles and display of registration numbers.
- 17           2. The director ~~may~~, in the interest of public health, welfare, and safety, may regulate,  
18 by rule, the operation of ~~all-terrain~~ off-highway vehicles on state highways. The  
19 director's authority to prohibit the use of ~~all-terrain~~ off-highway vehicles is limited to  
20 the roadways, shoulders, inslopes, and medians within the right of way, except  
21 where such action is necessary to avoid an obstacle. Notwithstanding the racing  
22 prohibitions in section 39-08-03.1, the director may, on a case-by-case basis,  
23 permit organized and bona fide ~~all-terrain~~ off-highway vehicle races on the ditch  
24 bottoms, backslopes, and the top of the backslopes of the state highway rights of  
25 way. The planning, organization, route selection, and safety precautions of any  
26 ~~such~~ race are the sole responsibility of the person obtaining the permit. The  
27 director, the department, and the department's employees do not incur ~~no~~ any  
28 liability for permitting ~~such~~ races.
- 29           3. The director may permit a political subdivision or a person acting under authority of  
30 a political subdivision to operate on the inside bank or slope of a highway for the  
31 purposes of weed and insect control.

1           4. The director of the parks and recreation department shall adopt rules to regulate  
2           use of ~~all-terrain~~ off-highway vehicles in state parks and other state-owned land  
3           under the supervision of the director of the parks and recreation department.

4           4- 5. The governing bodies of political subdivisions may adopt rules to regulate use of  
5           ~~all-terrain~~ off-highway vehicles in areas under their jurisdiction. The governing  
6           body of a city may, by ordinance, regulate, restrict, and prohibit the use of  
7           ~~all-terrain~~ off-highway vehicles operated in the city limits in areas under the  
8           exclusive jurisdiction of the city.

9           **SECTION 11. AMENDMENT.** Section 39-29-09 of the North Dakota Century Code is  
10          amended and reenacted as follows:

11           **39-29-09. Operation of ~~all-terrain~~ off-highway vehicles.**

- 12           1. A person may not operate an ~~all-terrain~~ off-highway vehicle on the roadway,  
13           shoulder, or inside bank or slope of any road, street, or highway except as  
14           provided in this chapter. Except in emergencies, a person may not operate an  
15           ~~all-terrain~~ off-highway vehicle within the right of way of any controlled-access  
16           highway.
- 17           2. The operator of an ~~all-terrain~~ off-highway vehicle may make a direct crossing of a  
18           street or highway only if:
- 19           a. The crossing is made at an angle of approximately ninety degrees to the  
20           direction of the highway and at a place where no obstruction prevents a quick  
21           and safe crossing;
- 22           b. The ~~all-terrain~~ off-highway vehicle is brought to a complete stop before  
23           crossing the shoulder or main traveled way of the highway;
- 24           c. The operator yields the right of way to all oncoming traffic which constitutes  
25           an immediate hazard; and
- 26           d. In crossing a divided highway, the crossing is made only at an intersection of  
27           the highway with another public street or highway.
- 28           3. A person may not operate an ~~all-terrain~~ off-highway vehicle unless it is equipped  
29           with at least one headlamp, one taillamp, and brakes, all in working order, which  
30           conform to standards prescribed by rule of the director ~~of the department of~~  
31           ~~transportation~~, except when under the direct supervision of an ~~all-terrain~~

- 1            off-highway vehicle instructor teaching a certified ~~all-terrain~~ off-highway vehicle  
2            safety training course, the requirement for a headlamp and taillamp may be  
3            waived.
- 4            4. The emergency conditions under which an ~~all-terrain~~ off-highway vehicle may be  
5            operated other than as provided by this chapter are only those that render the use  
6            of an automobile impractical under the conditions and at the time and location in  
7            question.
- 8            5. A person may not operate an ~~all-terrain~~ off-highway vehicle in the following ways,  
9            which are declared to be unsafe and a public nuisance:
- 10           a. At a rate of speed greater than reasonable or proper under all the surrounding  
11           circumstances.
- 12           b. In a careless, reckless, or negligent manner so as to endanger the person or  
13           property of another or to cause injury or damage to ~~such~~ another person or  
14           the property of another person.
- 15           c. While under the influence of intoxicating liquor or a controlled substance.
- 16           d. Without a lighted headlamp and taillamp except when used by an ~~all-terrain~~  
17           off-highway vehicle instructor during a certified ~~all-terrain~~ off-highway vehicle  
18           safety training course.
- 19           e. In any tree nursery or planting in a manner ~~which~~ that damages growing  
20           stock.
- 21           f. Without a manufacturer-installed or equivalent muffler in good working order  
22           and connected to the ~~all-terrain~~ off-highway vehicle's exhaust system.
- 23           g. On any private land where the private land is posted prohibiting trespassing.  
24           The name and address of the person posting the land and the date of posting  
25           must appear on each sign in legible characters. The posted signs must be  
26           readable from outside the land and be placed conspicuously at a distance of  
27           not more than eight hundred eighty yards [804.68 meters] apart. Land entirely  
28           enclosed by a fence or other enclosure is sufficiently posted by posting of  
29           ~~such~~ these signs; at or on all gates through the fence or enclosure.
- 30           6. Except as provided in section 39-29-10, a person may not operate an ~~all-terrain~~  
31           off-highway vehicle without having in possession a valid driver's license or permit.

- 1           7. When an ~~all-terrain~~ off-highway vehicle is operated within the right of way of any  
2           road, street, or highway, during times or conditions that warrant the use of lights by  
3           other motor vehicles, the ~~all-terrain~~ off-highway vehicle must be operated in the  
4           same direction as the direction of other motor vehicles traveling on the side of the  
5           roadway immediately adjacent to the side of the right of way traveled by the  
6           ~~all-terrain~~ off-highway vehicle.
- 7           8. A person may not operate an ~~all-terrain~~ off-highway vehicle within the right of way  
8           of any highway while towing a sled, skid, or other vehicle, unless the object towed  
9           is connected to the ~~all-terrain~~ off-highway vehicle by a hinged swivel and secure  
10          hitch.
- 11          9. ~~Helmet required. No~~ A person under the age of eighteen years may not operate,  
12          ride, or otherwise be propelled on an ~~all-terrain~~ off-highway vehicle unless the  
13          person wears a safety helmet meeting United States department of transportation  
14          standards.
- 15          10. ~~Passenger restrictions. No~~ An operator of an ~~all-terrain~~ off-highway vehicle may  
16          not carry a passenger while operating, unless the off-highway vehicle has a  
17          specific passenger seat with a back rest.
- 18          11. Unless otherwise provided by this chapter, an off-highway vehicle may be operated  
19          on an aggregate road surface only when designated as part of an active  
20          off-highway vehicle trail by the managing entity.

21           **SECTION 12. AMENDMENT.** Section 39-29-10 of the North Dakota Century Code is  
22   amended and reenacted as follows:

23           **39-29-10. Operation by persons under age sixteen.**

- 24           1. Except as otherwise provided in this section, a person under sixteen years of age  
25           who is not in possession of a valid operator's license ~~or permit to~~ may not operate  
26           an ~~all-terrain~~ off-highway vehicle ~~may not~~, except upon the lands of the person's  
27           parent or guardian, ~~operate an all-terrain vehicle.~~ A person born after July 31,  
28           1997, must be in possession of a valid off-highway vehicle safety certificate before  
29           operating an off-highway vehicle.
- 30           2. A person at least ~~twelve~~ eight years of age and under twelve years of age may  
31           operate an ~~all-terrain~~ off-highway vehicle if the person has completed an ~~all-terrain~~



1           off-highway vehicle safety training course prescribed by the director of the parks  
2           and recreation department and, has received the appropriate ~~all-terrain~~  
3           off-highway vehicle safety certificate issued by the director of the department of  
4           transportation, and is within twenty-five feet [7.58 meters] of parent or guardian. A  
5           person at least eight years of age who has received the appropriate off-highway  
6           vehicle safety certificate may operate a class I or class II off-highway vehicle with  
7           an engine of not more than seventy cubic centimeters.

8           3. A person at least twelve years of age who has received the appropriate  
9           off-highway vehicle safety certificate may operate a class I with an engine of not  
10           more than ninety cubic centimeters or a class II off-highway vehicle with an engine  
11           of not more than one hundred twenty-five cubic centimeters.

12           4. A person sixteen years of age or older who has received the appropriate  
13           off-highway vehicle safety certificate may operate a class I or class II off-highway  
14           vehicle with an engine of any size. A person without a valid operator's license or  
15           permit may not operate a class III off-highway vehicle.

16           5. The failure of an operator to exhibit an ~~all-terrain~~ off-highway vehicle safety  
17           certificate on demand to any official authorized to enforce this chapter is  
18           presumptive evidence that that person does not hold such a certificate. Fees  
19           collected from each person receiving certification must be deposited in the  
20           ~~all-terrain~~ off-highway vehicle trail tax fund for ~~all-terrain~~ off-highway vehicle safety  
21           education and training programs.

22           **SECTION 13. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is  
23           amended and reenacted as follows:

24           **39-29-12. Penalties.** Violation of subdivision b, c, or g of subsection 5 of section  
25           39-29-09 is a class B misdemeanor. Violation of any other provision of ~~section~~ sections  
26           39-29-09 and 39-29-10 is an infraction for which a fee of twenty dollars must be assessed.

27           Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If  
28           the person provides proof of registration since the violation, the fee may be reduced by  
29           one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten  
30           dollars must be assessed.

1           **SECTION 14. AMENDMENT.** Section 51-20-01 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **51-20-01. Definitions.** As used in this chapter, unless the context requires otherwise:

- 4           1. "Contractual arrangement" means a written franchise or other written agreement,  
5           by whatever name such agreement may be called, between a distributor and a  
6           dealer whereby the dealer agrees to sell at retail and service the distributor's  
7           recreation vehicles in a given location or locations, whether or not exclusively with  
8           respect to a given geographic area, and the distributor authorizes the dealer to sell,  
9           or sell and service, and agrees to supply an inventory of recreation vehicles, and, if  
10          the dealer is to perform service, an inventory of parts for those vehicles.
- 11          2. "Dealer" means a person, partnership, corporation, limited liability company, or  
12          other business entity which sells at retail and services new recreation vehicles.
- 13          3. "Distributor" means any manufacturer, wholesaler, or distributor of recreation  
14          vehicles who has a contractual arrangement with a dealer in such vehicles.
- 15          4. "Recreation vehicle" includes snowmobiles as defined in section 39-24-01, plus  
16          trailers for transporting same when those trailers are furnished by the same  
17          distributor who furnishes the snowmobiles; ~~all-terrain~~ off-highway vehicles as  
18          defined in section 39-29-01; motorcycles as defined in subsection 39 of section  
19          39-01-01; travel trailers, which term means vehicles without motive power  
20          designed for recreational use as living or sleeping quarters for people and which do  
21          not exceed forty feet [12.19 meters] in length; and motorboats, whether propelled  
22          by an inboard or outboard marine engine, plus any outboard marine engines and  
23          boat trailers.
- 24          5. "Repair parts" includes accessories.

25           **SECTION 15. AMENDMENT.** Section 57-40.3-01 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **57-40.3-01. Definitions.** As used in this chapter, except when the context clearly  
28 indicates a different meaning:

- 29          1. ~~"All-terrain vehicle" means any motorized off-highway vehicle fifty inches~~  
30          ~~[1270 millimeters] or less in width, having a dry weight of one thousand pounds~~  
31          ~~[453.59 kilograms] or less, traveling on three or more low-pressure tires, designed~~

- 1           ~~for operator use only with no passengers, having a seat or saddle designed to be~~  
2           ~~straddled by the operator, and handlebars for steering control.~~
- 3           2. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed,  
4           upon a paved surface, of twenty miles per hour [32 kilometers per hour] in one mile  
5           [1.6 kilometers per hour] and not more than twenty-five miles per hour [40  
6           kilometers per hour] in one mile [1.6 kilometers per hour] and may not exceed one  
7           thousand five hundred pounds [680.39 kilograms] in unloaded weight.
- 8           ~~3.~~ 2. "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that  
9           is propelled by electric power obtained from overhead trolley wires, but not  
10          operated upon rails, every trailer, semitrailer, park model trailer as defined in  
11          subsection 2 of section 57-55-10, ~~all-terrain~~ off-highway vehicle, snowmobile,  
12          low-speed vehicle, and travel trailer for which a certificate of title is required to be  
13          obtained under chapter 39-05, but not including housetrailers or mobile homes.
- 14          3. "Off-highway vehicle" means off-highway vehicle as defined in section 39-29-01.
- 15          4. "Person" includes any individual, firm, partnership, joint venture, association,  
16          corporation, limited liability company, estate, business trust, receiver, or any other  
17          group or combination acting as a unit and the plural as well as the singular number.
- 18          5. "Purchase price" means the total amount paid for the motor vehicle whether  
19          received in money or otherwise; provided, however, that when a motor vehicle or  
20          other tangible personal property that will be subject to a sales or use tax imposed  
21          by chapter 57-39.2 or 57-40.2 when sold or used is taken in trade as a credit or as  
22          part payment on a motor vehicle taxable under this chapter, the credit or trade-in  
23          value allowed by the person selling the motor vehicle shall be deducted from the  
24          total selling price to establish the purchase price of the vehicle being sold and the  
25          trade-in allowance allowed by the seller on a motor vehicle accepted as a trade-in  
26          shall constitute the purchase price of a motor vehicle accepted as a trade-in. If a  
27          motor vehicle is purchased by an owner who has had a motor vehicle stolen or  
28          totally destroyed, a credit or trade-in credit shall be allowed in an amount not to  
29          exceed the total amount the purchaser has been compensated by an insurance  
30          company for the loss but not to exceed the total amount of motor vehicle excise tax  
31          paid. The purchaser must provide the director of the department of transportation

- 1 with a notarized statement from the insurance company verifying the fact that the  
2 original vehicle was a total loss and stating the amount compensated by the  
3 insurance company for the loss. The statement from the insurance company must  
4 accompany the purchaser's application for a certificate of title for the replacement  
5 vehicle. In instances in which a licensed motor vehicle dealer places into the  
6 dealer's service a new vehicle for the purpose of renting, leasing, or dealership  
7 utility service, the reasonable value of the vehicle replaced shall be included as  
8 trade-in value provided the vehicle replaced has been subject to motor vehicle  
9 excise tax under section 57-40.3-02 and if the new vehicle is properly registered  
10 and licensed. "Purchase price" when the motor vehicle is acquired by gift or by  
11 any other transfer for a nominal or no monetary consideration also includes the  
12 average value of similar motor vehicles, established by standards and guides as  
13 determined by the director of the department of transportation. "Purchase price"  
14 when a motor vehicle is manufactured by a person who registers it under the laws  
15 of this state means the manufactured cost of such motor vehicle and manufactured  
16 cost means the amount expended for materials, labor, and other properly allocable  
17 costs of manufacture except that, in the absence of actual expenditures for the  
18 manufacture of a part or all of the motor vehicle, manufactured cost means the  
19 reasonable value of the completed motor vehicle.
- 20 6. "Purchaser" means any person owning or in possession of a motor vehicle who  
21 makes application to the director of the department of transportation for registration  
22 plates or a certificate of title for such vehicle.
- 23 7. "Registrar" means the director of the department of transportation of this state as  
24 provided by section 24-02-01.3, and who shall act as the agent of the state tax  
25 commissioner in administering this chapter.
- 26 8. "Sale", "sells", "selling", "purchase", "purchased", or "acquired" includes any  
27 transfer of title or ownership of a motor vehicle by way of gift, exchange or barter,  
28 or by any other manner or by any other means whatsoever for or without  
29 consideration.
- 30 9. "Semitrailer" includes every vehicle of the trailer type so designed and used in  
31 conjunction with a motor vehicle that some part of its own weight and that of its

- 1 own load rests upon or is carried by another motor vehicle and for which a  
2 certificate of title is required to be obtained pursuant to the provisions of  
3 chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- 4 10. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a  
5 natural terrain and steered by skis or runners.
- 6 11. "Trailer" includes every vehicle without motive power designed to carry property or  
7 passengers wholly on its own structure and to be drawn by a motor vehicle and for  
8 which a certificate of title is required to be obtained pursuant to the provisions of  
9 chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- 10 12. "Travel trailer" means a mobile home or housetrailer designed to be towed behind  
11 a motor vehicle for recreational purposes and providing temporary sleeping  
12 quarters for people.
- 13 13. "Use" means the exercise by any person of any right or power over a motor vehicle  
14 incident to the ownership or possession of such a vehicle, except that it shall not  
15 include the sale or holding for sale of such a vehicle in the regular course of  
16 business.
- 17 14. "Vehicle" includes every device in, upon, or by which any person or property may  
18 be transported or drawn upon a public highway, except devices moved by human  
19 power or animal power or used exclusively upon stationary rails or tracks.