NORTH DAKOTA PARKS & RECREATION

North Dakota OFF-HIGHWAY VEHICLE

Laws & Safety Guidelines 2013-2015

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Dear Off-Highway Vehicle (OHV) Enthusiast:

Off-highway vehicle usage in North Dakota is a great pastime for many residents and out-of-state visitors. They are also very useful work and farm related tools. Whether you use an off-highway vehicle (OHV) for work or recreation, the proper operation and safe use of these vehicles is very important. This booklet provides useful information regarding the safe and lawful operation of OHVs in the State of North Dakota.

I would like to highlight some changes in the OHV laws section:

- OHV definition changed to simply motorized vehicles (to include tracked vehicles).
- Class II OHV definition changed with a weight and additional width restriction.
- Class III OHV definition changed to add certain tracked and amphibious vehicles.

Also, remember the importance of OHV registration. Registration is required to legally operate your OHV on any public lands. Funding from registration goes toward trail development and maintenance, safety education programs and safety promotions.

Please remember that for any person age 12 to 16 to legally operate an OHV on any public lands, he or she must have either a valid driver's license or an OHV safety certification card. OHV safety courses are offered throughout North Dakota.

To find scheduled courses, set up a course in your area, take the online course, or any other questions regarding OHV usage, call 701-328-5348 or visit us at **ridesafe.nd.gov.**

RIDE SAFE, RIDE SMART.

Mark Zimmerman
Director, North Dakota Parks and Recreation Department

Get your OHV safety certification!

For more information, visit ridesafe.nd.gov.

DEFINITIONS (NDCC 39-29-01)

Dealer: Any person who advertises or holds out to the public his or her engagement in the buying, selling, resale, or exchange of off-highway vehicles.

Off-highway vehicles (OHV): "Off-highway" vehicle means any motorized vehicle not capable for use on a highway and capable of cross-country travel on land, snow, ice marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:

Class I *off-highway vehicle has two low pressure tires, a saddle seat designed to be straddled by the operator, and it is steered by the use of handlebars.*

Class II *off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires, or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.*

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

Operate: To ride in or on an off-highway vehicle and control its operation.

Operator: A person who operates or is in physical control of an off-highway vehicle.

Owner: A person, other than a lienholder, having the property in, or title to, an off-highway vehicle and is entitled to its use or possession.

Register: The act of assigning a registration number to an off-highway vehicle.

REGISTRATION (NDCC 39-29-03)

- The application for registration of each off-highway vehicle is made by the North Dakota Department of Transportation at any licensing office statewide.
- The off-highway vehicle application should state each owner's name and address, and it should be signed by at least one owner.
- A copy of the off-highway vehicle application is evidence of registration up to 30 days following the date of application.
- Upon receipt of the application and fees, the North Dakota Department of Transportation will register the off-highway vehicle and assign it a registration number. Also, a certificate of registration will be issued and will include information regarding the make, year, and serial number of the off-highway vehicle, along with the name and address of the owner.

A. Fees (NDCC 39-29-03)

- Registration is required to operate any off-highway vehicle on public lands.
- The registration fee of each off-highway vehicle is $5. This fee covers a registration period of two years.
- Each registered off-highway vehicle owner must also pay a $15 off-highway vehicle trail tax.

Registration and payment of fees is not required of: (NDCC 39-29-04)

1. Off-highway vehicles owned and used by the United States or another state or its political subdivisions.
2. Off-highway vehicles registered in a foreign country and temporarily used in this state.

3. Off-highway vehicles validly licensed in another state and which have not been within this state for more than 30 consecutive days.
4. Off-highway vehicles used exclusively on private lands.
5. Off-highway vehicles used exclusively in organized track racing events.

B. Display (NDCC 39-29)

- The registration number must be securely affixed on the OHV in a position as to provide clear legibility for identification.

C. Expiration & Renewal (NDCC 39-29-03)

Off-highway vehicle registration fees must be paid every two years. The owner of an off-highway vehicle can renew his or her vehicle registration by paying the $5 registration fee and $15 off-highway vehicle trail tax to the North Dakota Department of Transportation. Fine is $50 for no registration or expired registration.

D. Replacement (NDCC 39-29-03)

There is a $5 fee for the duplication or replacement of a registration number or registration card which is lost, mutilated, or becomes illegible.

E. Transfer of Ownership (NDCC 39-29-06)

A new application for registration must be submitted to the North Dakota Department of Transportation within 15 days of transferring ownership.

GENERAL OPERATIONS

A. General Required Equipment (NDCC 39-29-09)

An individual can operate an off-highway vehicle on a right-of-way (ditch) and trails only if it is equipped with the following equipment, all of which must be in working order:

- One headlamp
- One taillamp
- A manufacturer-installed or equivalent muffler that is in good working order and connected to the off-highway vehicle's exhaust system

If you are operating a class I OHV, you are not required to have a headlamp, taillamp or brake light unless you are riding at night.

B. Required Roadway Equipment (NDCC 39-29-09)

An individual can operate an off-highway vehicle on a roadway (paved and loose-surface) only if it is equipped with the following equipment, all of which must be in working order:

- One headlamp
- One horn
- One taillamp
- Speedometer
- One brake light
- Odometer
- One mirror
- Motor with a minimum of 350 cubic centimeters

If you are operating a class I OHV, you are not required to have a headlamp, taillamp or brake light unless you are riding at night.

C. Where You May Ride (NDCC 39-29-09)

- Private lands with the land owner's permission.
- Lands designated as off-highway vehicle trails or riding areas.
- A registered OHV on a paved highway designated and posted at a speed not exceeding 55 miles per hour.
- A licensed driver over 16 years of age may operate a registered class III OHV on a paved highway designated and posted at a speed not exceeding 65 miles per hour.
- A licensed driver over 16 years of age may operate a registered class III OHV on state park roads.
- Before riding on county and township roads, please check with local law enforcement as local ordinances may be more restrictive than state law.
- In the highway right-of-way, bottom of the ditch or along the outslope. It is illegal to operate on the shoulder or inside slope.

** An individual may not operate an off-highway vehicle on a paved highway if the vehicle is unable to attain a speed, on a paved level surface, of at least thirty miles [48.28 kilometers] per hour.*

In times that require the use of lights, you must travel in the same direction as other motor vehicles on the same side of the right-of-way.

- A registered off-highway vehicle may operate on a gravel, dirt, or loose-surface roadway.
- A person who is performing pest control or survey work for a political subdivision may operate an off-highway vehicle on any bottom slope, back slope, inside slope, or shoulder of a highway, other than a controlled-access highway.

D. Where You May NOT Ride (NDCC 39-29-09)

- Public lands that are not designated as trails or riding areas (this includes state parks and wildlife management areas except when used on public roads).
- Any tree nursery or planting area.
- Controlled access highways and right-of-ways (Interstate 94 & 29).
- You may not ride ON railroad tracks, but you may directly CROSS them.
- An off-highway vehicle may not be operated in the right-of-way of any highway when towing a sled, skid, or any other vehicle, unless the object is connected to the off-highway vehicle by a hinged swivel or a secure hitch.
- No person, while hunting either large or small game statewide, other than waterfowl or cranes, may use an off-highway vehicle on land other than an established road or trail. However, an off-highway vehicle may be operated off-trail with permission from the land owner, except when hunting big game and during the deer gun season. In situations where a person has reduced a big game animal to possession and cannot easily retrieve the animal, an off-highway vehicle may be used to retrieve the big game. The off-highway vehicle must return to an established road or trail after such retrieval (NDCC 20.1-01-07).
- On any private land that is posted as prohibiting trespassing/hunting. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of no more than 880 yards apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.

E. Liability Insurance (NDCC 39-08-20)

A person may not operate an OHV without liability insurance while on public lands. The liability insurance insures the OHV owner named on the policy and any operator of that OHV, with permission of the owner. Upon request of a law enforcement officer, a person operating an OHV shall provide proof of liability insurance to that officer within 20 days.

DRIVING UNDER THE INFLUENCE (DUI)

It is unlawful to operate an off-highway vehicle under the influence of a controlled substance or other hazardous substance. A DUI on an off-highway vehicle carries the same penalties as a DUI while driving a motor vehicle.

F. Other Prohibitions (NDCC 39-29-09)

An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

- At an unreasonable rate of speed in relation to surrounding circumstances.
- In a careless, reckless, or negligent manner that endangers the rider or property of another or causes injury or damage to other persons or their property.
- Riding with passengers is limited to those OHVs that are manufacturer-equipped with a passenger seat.
- No person may kill, chase, or harass any protected or unprotected wild animal or bird while operating an off-highway vehicle.

G. Speed (NDCC 39-29-09)

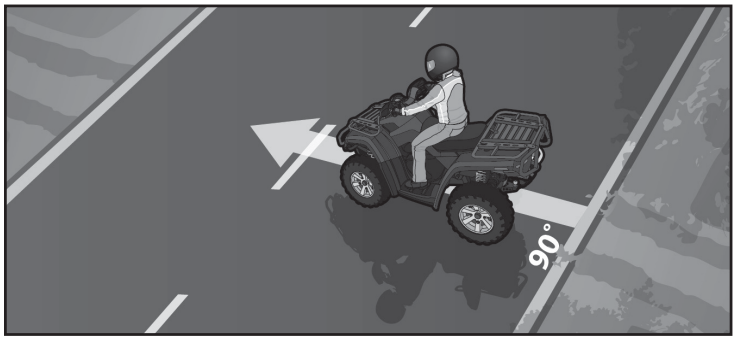
If operating on public roads, the right-of-way or on public trails, you must obey the posted speed limit. Otherwise, you must maintain a reasonable and proper rate of speed in accordance with terrain conditions.

H. Crossing Public Roads (NDCC 39-29-09)

The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:

- The crossing is made at an angle approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

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



I. Youth Operators (NDCC 39-29-10)

- You must be at least 12 years old and possess an OHV safety certificate to operate an off-highway vehicle. Any person under the age of 16 without a valid driver's license, learner's permit or off-highway vehicle safety certificate may not operate an off-highway vehicle except on the private lands of that person's parent or guardian or as a participant in an organized sporting event that involves the use of OHVs.
- North Dakota also accepts ATV Safety Institute (ASI) certifications and other states' OHV certifications.
- No person under the age of 18 may ride or otherwise be propelled by an OHV without a safety helmet, meeting the United States Department of Transportation standards.

SAFETY

A. Education and Training

- Read all warning stickers on your off-highway vehicle. These stickers warn against dangers of improper use of the machine. It is important that these stickers are not removed

- The majority of OHV accidents are caused by improper use due to lack of knowledge or training regarding proper operation. The increase in OHV users, OHV purchases and accidents played an important role in establishing the North Dakota Off-highway Vehicle Education Course.
- No operator of an off-highway vehicle may carry a passenger unless the off-highway vehicle is designed with an appropriate manufacturer-equipped passenger seat.

B. Riding Attire

Wear proper attire when riding your off-highway vehicle:

1. **Wear a helmet.** Seventy-eight percent of fatal injuries while riding an OHV could have been prevented by wearing a helmet. Make certain your helmet is approved by the U.S. Department of Transportation, American National Standards Institute, or the Snell Memorial Foundation. Your helmet should fit snugly, and you should always use the chin strap.
2. **Use eye protection.** The best protection for off-highway vehicle riders is protective goggles made with hard polycarbonate lenses. Eye injury can also be prevented by wearing a helmet that comes with a protective shield.
3. **Wear appropriate clothing.** Long-sleeved clothing and long pants will protect your skin and reduce any abrasions received from an accident.
4. **Wear gloves.** Gloves aid in grip, prevent soreness, reduce abrasions, and keep your hands warm.
5. **Wear riding boots.** You should have boots that cover your ankles. A low-heeled riding boot is recommended to prevent your feet from slipping off the footrests.

Avoid an accident or damage to your OHV by doing a pre-ride inspection before each ride. Although the owner's manual is the best resource for your OHV, the following can be used as a reference for its inspection.

Get your OHV safety certification!

For more information, visit ridesafe.nd.gov.

C. Know Your Parts & Procedures

TIRES & WHEELS

- Refer to your owner's manual to check for proper tire pressure.
- Tires and wheels should be checked for cuts, gouges, or loose spokes.

CONTROLS & CABLES

- Check all controls to see if they are functioning properly. The throttle should move smoothly without sticking.
- The brake cables should be inspected for proper operation, and all cables should be checked for frays. A frayed cable should be replaced immediately.
- The foot shifter should be in the correct position if the off-highway vehicle is equipped with one.

LIGHTS & ELECTRONICS

- All switches and gauges should be checked to ensure they are in working order.
- North Dakota law prohibits operation of any off-highway vehicle without operational headlights and taillights, unless it is a class I OHV.

OIL & FUEL

- Check to make certain the fuel level is full and you have the proper amount of oil.
- Look for any leaks.
- Clean your air filter, if necessary.

CHAIN & CHASSIS

- Inspect your chain's tension and lubrication.
- The chassis should be inspected for loose nuts and bolts.
- The frame and suspension should be checked for bending or cracking.
- If your off-highway vehicle is equipped with a drive shaft instead of a chain, check for any leaks and confirm that it has the appropriate amount of oil, as stated in the owner's manual.

Starting Procedure

Below are guidelines for starting your off-highway vehicle. Different makes and models of off-highway vehicles start in various ways. Consult your owner's manual if you are unsure of the proper method.

- You should be seated with both feet flat on the footrests.
- Maintain both hands on the handlebars or steering wheel for secure handling.
- Always have the parking brake on if your OHV is equipped with one.

- If your OHV is equipped with one, your fuel cap, vent, or valve should be in the ON position. Likewise, if your OHV is equipped with an ignition key, it should also be in the ON position.
- Your transmission must always be in the neutral or park position.
- The engine stop switch should be in the RUN or START position.
- If the engine is cold, put the choke in the ON position and start the engine according to your manual.

**** Note: The choke has three positions: full choke, half choke, and no choke. If the engine has not been run for a long period of time, you may need to be in the "full choke" position to give the engine a higher gas flow.***

D. Rider Safety

The following are general off-highway vehicle operational skills.

Posture

- Sit straight and keep your weight close to the gas tank.
- Your feet should be straight forward on the foot pegs.
- Bend your elbows slightly outward.
- Keep your head and eyes up.

Turning

- Prior to turning, slow the accelerator and look into the turn while concentrating on your intended path of travel.
- Initiate turns by placing pressure on the inside handle grip and foot peg.
- For turns at higher speeds, lean your upper body toward the inside of the turn while keeping your weight on the outer footrest. This balances the higher cornering forces as the vehicle speed increases.
- Keep weight forward by sliding to the front of your seat before turning. This increases front wheel traction, making it easier to turn.
- Immediately transfer your weight to the outside peg and shift your weight (to counterbalance the bike).
- Lean your machine into the direction of the turn.

- If your off-highway vehicle starts tipping during a turn at any speed, lean your upper body farther into the turn while gradually reducing the throttle and making the turn wider.
- Keep your throttle setting steady and avoid rapid changes during the turn. Do not accelerate or brake abruptly.

U-Turns on a Hill

- If using a U-turn on a hill, make sure to shift your weight to the uphill side during each portion of the turn.

Climbing Hills

- Stay clear of hills too steep for your ability or that of your off-highway vehicle.
- Keep both feet firmly on the footrests.
- Shift into low gear and speed up BEFORE ascending the hill to reduce stalling your engine.
- When climbing small hills, shift your weight forward by sliding on the seat.
- When climbing steep hills, stand on the footrests and lean well over the front wheel in order to shift as much weight forward as possible.
- If the hill is too steep and you must downshift to prevent stalling, shift quickly and smoothly. Don't forget to close the throttle while shifting. This will prevent the front wheel from lifting.
- In the event that your engine stalls, apply the brakes before the forward motion stops. If your OHV stalls and rolls backward, apply the brakes slowly but firmly. Rapidly applying the brakes during a backward roll can cause a rear overturn.

K-Turns

- A K-Turn may be needed if your engine stalls while climbing a hill.
- Apply the parking brake and dismount from your off-highway vehicle.
- Turn your handlebars toward you and release the parking brake, allowing the off-highway vehicle to roll to the side.
- Again, apply the parking brake and mount the off-highway vehicle. You may then begin to ride back down the hill.

Descending Hills

- Keep both feet firmly on the footrests.
- Point the off-highway vehicle directly downhill.
- Transfer your weight to the rear.
- On steep downward sloping hills, bend forward sharply at the waist so that your posterior is over the back of the seat.
- Periodically pump the brakes as needed to slow your descent. Never ride your brakes down the hill; riding your brakes could cause your off-highway vehicle to lose control or wear down your brakes.

Traversing Hills

- Avoid crossing steep slopes where there is slippery or bumpy terrain.
- Stand up with both feet firmly on the footrests.
- Concentrate body weight on the downhill footrest while leaning into the uphill slope. This forces the tires into the hill while traversing.
- Keep your body weight centered on the bike.
- If the off-highway vehicle begins to tip, turn the front wheels downward.
- If the terrain prohibits your turning downhill, dismount on the uphill side immediately.
- Never traverse a hill while towing implements or hauling other materials on your off-highway vehicle.

Obstacles

- Rocks, roots, and other objects may become unavoidable obstacles while riding your off-highway vehicle.
- Approach the obstacle at a 90 degree angle.
- Stand on the pegs, with knees and elbows slightly bent.
- Adjust the speed as necessary to maintain momentum.
- Concentrate your weight on the pegs, not on the handlebars.
- Apply the burst of throttle prior to the obstacle. As soon as the front wheels clear the object, lean forward and release the throttle.

- When the rear wheels cross over the object, keep a forward lean as your momentum carries your vehicle over the object.
- For obstacles taller than the front wheel, compress suspension prior to reaching the obstacle by applying the front brake. Follow this with a burst of throttle as the front wheel clears the obstacle.

Braking

- Begin the braking process by releasing the throttle and shifting to a lower gear well in advance of the intended stopping point. Applying the brakes smoothly and evenly will bring your OHV to its quickest stop.
- Apply brakes lightly on slippery surfaces.

Riding on Paved Surfaces

- About 10% of off-highway vehicle injuries and over 25% of off-highway vehicle deaths have occurred while the vehicle was operating on a paved road.
- Although some states allow off-highway vehicles to ride on public streets and highways, you are strongly encouraged to avoid these areas while riding. Off-highway vehicles were not designed for use on paved surfaces.
- Off-highway vehicle tires are meant to mold to rough terrain for traction, not smooth surfaces.

Riding on Snow or Ice

The use of OHVs is prohibited on all state snowmobile trails.

- You should only ride on firm, compact snow to avoid damaging the terrain.
- If you are riding on private land, be sure to have the land owner's permission.
- Dress for the weather and know the forecast.
- Slow down when on snow or ice to have more control.
- When traveling on frozen bodies of water, verify that there is a minimum of 8 inches of solid ice beneath you.
- If you are crossing frozen rivers or streams, cross the shortest path possible and remember that previous tracks do not ensure a safe crossing.

Riding Through Water/Fording

- Your off-highway vehicle may drive through shallow water, but fast-flowing water should be avoided.
- Avoid crossing areas of water where banks, streambeds, or spawning grounds could be damaged.
- Before crossing water, determine its depth. Do not cross water exceeding the depth outlined in your owner's manual.
- Plant your feet firmly on the footrests to avoid slipping.
- Always maintain proper balance while crossing the water, being careful to avoid submerged objects.
- After crossing through the water, check your brakes to be sure they are working properly. Hold the brakes and apply the throttle lightly, attempting to dry the brakes.

Operating with Rigid Mount & Pull Type Equipment

Equipment can either be rigidly mounted to your off-highway vehicle or be towed by your off-highway vehicle's towbar. Although this equipment can increase your vehicle's usefulness, it imposes operating restrictions that must be followed for safe operations.

1. Rigid Mount Equipment

- This type of equipment is usually bolted to the front or rear of the machine. It includes cargo racks to transport feed or supplies, broadcast seeders, and wick applicators for chemical weed control.

- Rigid mount equipment will significantly affect the weight and stability of your off-highway vehicle.
- Mounting on the front of an off-highway vehicle can make steering more difficult and decrease traction on the rear wheels.
- Rear mounting can increase the chance of rear overturn.
- Both frontal and rear mounting can increase the chance of side overturn. Therefore, extra caution must be exercised when operating on both level and sloped ground.

2. Pull Equipment

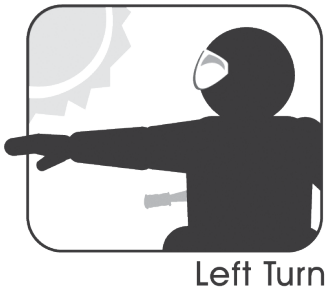
- Pull equipment is attached to the off-highway vehicle's towbar and affects the vehicle's stability.
- When equipment is added, counterweights can be used to offset the load and improve the balance of the machine.
- As the amount of pull required of the drawbar increases, so too does the tendency for the front end of the off-highway vehicle to rise.
- Use the engine to slow your vehicle and downshift. The brakes should not be applied suddenly.
- On slippery surfaces, downshift and apply the brakes evenly and lightly.
- Always shift to a lower gear when descending a hill.
- Additional equipment may require additional protective gear for the off-highway vehicle operator. For example, chemical protection from the drift of sprayers may be a necessity.
- You should not exceed the weight limitations set forth by the off-highway vehicle manufacturer.

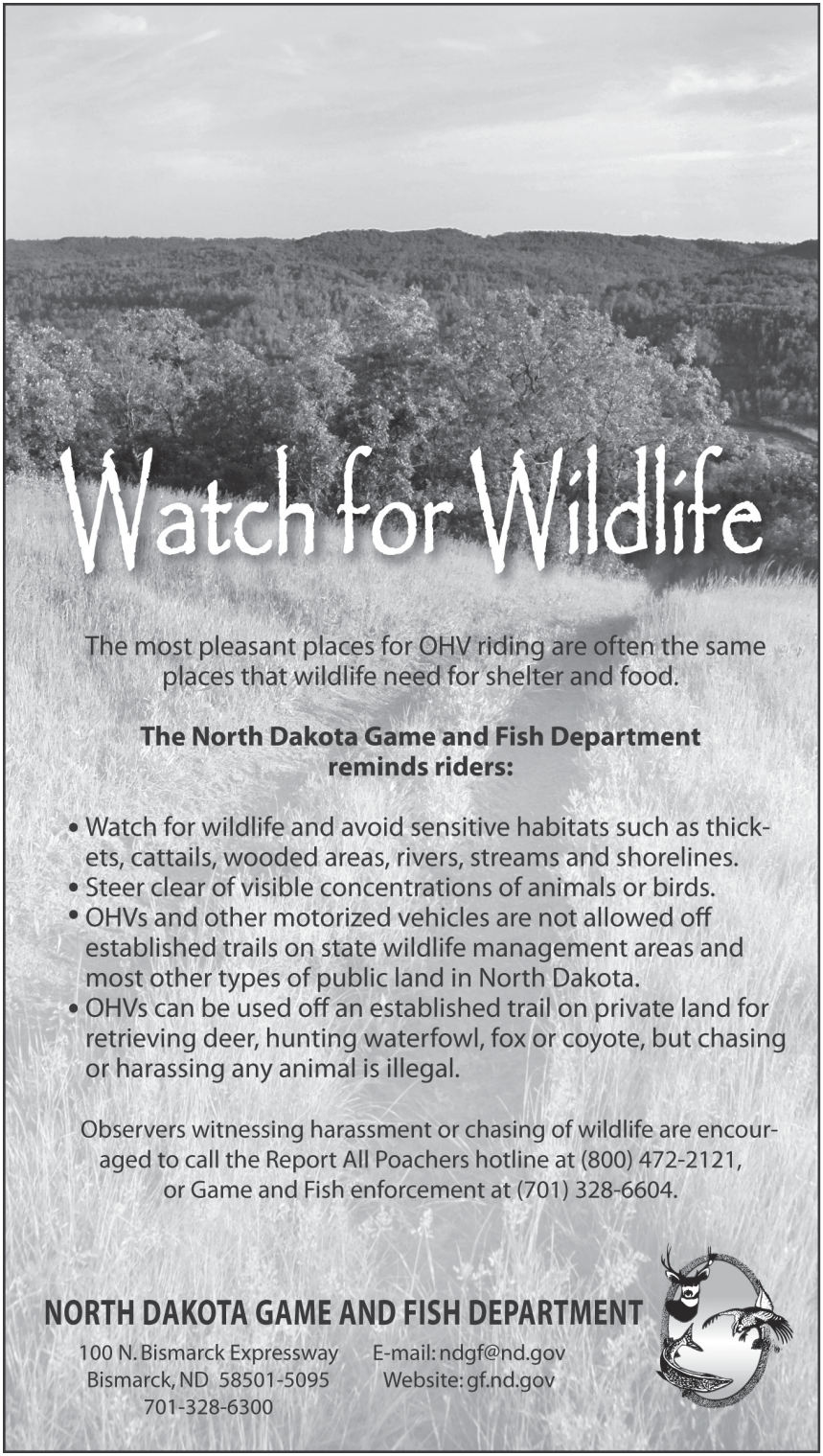
Riding with Passengers (NDCC 39-29-09)

- Riding with passengers is limited to those off-highway vehicles that are manufacturer-equipped with a passenger seat.
- Off-highway vehicle handling characteristics with passengers are similar to those of rigid mount equipment.
- Inform the passenger of correct riding techniques and direct him or her to hold onto the passenger handles. The passenger should never hold onto the operator.
- Use extreme caution when climbing hills.
- Children under six years of age should never ride as passengers.

E. Approved OHV Hand Signals

Traveling in a group requires communication. Make sure everyone in your group understands basic hand signals.




Watch for Wildlife
The most pleasant places for OHV riding are often the same places that wildlife need for shelter and food.
The North Dakota Game and Fish Department reminds riders:
• Watch for wildlife and avoid sensitive habitats such as thickets, cattails, wooded areas, rivers, streams and shorelines.
• Steer clear of visible concentrations of animals or birds.
• OHVs and other motorized vehicles are not allowed off established trails on state wildlife management areas and most other types of public land in North Dakota.
• OHVs can be used off an established trail on private land for retrieving deer, hunting waterfowl, fox or coyote, but chasing or harassing any animal is illegal.
Observers witnessing harassment or chasing of wildlife are encouraged to call the Report All Poachers hotline at (800) 472-2121, or Game and Fish enforcement at (701) 328-6604.
NORTH DAKOTA GAME AND FISH DEPARTMENT
100 N. Bismarck Expressway
Bismarck, ND 58501-5095
701-328-6300
E-mail: ndgf@nd.gov
Website: gf.nd.gov

What is the North Dakota Off-Road Vehicle Association?

The North Dakota Off-Road Vehicle Association, or the North Dakota Dirt Riders, is an organization made up of ATV, dirt bike and off-highway vehicle enthusiasts. The organization is committed to making riding areas accessible, fun, safe and friendly to the environment. The NDDR regularly works with state agencies and the legislature to help develop and establish a variety of riding areas within the state of North Dakota.

Thank you for your interest in North Dakota Dirt Riders. Have a great riding season and see you on the trails!

Website: www.parkrec.nd.gov
Email: parkrec@nd.gov
Phone: 701-328-5357

RIDE SAFE.

RIDE SMART.

NORTH DAKOTA PARKS & RECREATION

» Partners in Responsible Riding

TRAVEL RESPONSIBLY

RESPECT THE RIGHTS OF OTHERS

EDUCATE YOURSELF

AVOID SENSITIVE AREAS

DO YOUR PART

tread lightly!® ON LAND AND WATER

NOHVCC
National Off-Highway Vehicle Conservation Council™
"Creating a Positive Future for Off-Highway Vehicle Recreation"

North Dakota Parks & Recreation
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503
Phone: 701-328-5357
Email: parkrec@nd.gov

www.parkrec.nd.gov

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For an alternate format of this publication, contact North Dakota Parks & Recreation Department.

Help keep your trail GREEN...

If you pack it IN... pack it OUT!