CHAPTER 58-02-08
PARK USE RULES

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58-02-08-01. Authority. These state park use rules apply to all those areas which are under the control of or operated by the North Dakota parks and recreation department. The authority to make and enforce these rules is granted pursuant to North Dakota Century Code sections 55-08-01.3 and 55-08-05.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-05

58-02-08-02. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Camping unit" means any vehicle or shelter specifically used for sleeping in or upon a portion of state land or water designated as a campsite.

2. "Campsite" means any area so designated by the department for the express purpose of camping. A campsite will normally include the following items: parking pad, picnic table, campsite marker, and fire ring.

3. "Department" means the North Dakota parks and recreation department.

4. "Director" means the director of the North Dakota parks and recreation department.

5. "Immediate family" means parent, parents, or guardian and their children under the age of eighteen.

6. "Occupied campsite" means a campsite where a valid camping permit is affixed to the campsite marker and a camping unit is onsite. If a camping unit is not onsite, a campsite is not occupied unless specific permission for leaving the campsite has been given by park personnel.

7. "Off-highway vehicle" means that term as defined by North Dakota Century Code section 39-29-01.

8. "Park manager" means the individual responsible for the administration of a state park.

9. "Snowmobile" means that term as defined in North Dakota Century Code section 39-24-01.

10. "State park" or "park" includes and embraces all land and water managed by the North Dakota parks and recreation department.

11. "Swimming area" means an area, marked by buoys, ropes, signs, or floats, or other United States coast guard-approved devices, in which swimming is allowed and the adjacent designated land area.

12. "Trail" means any path or route managed by the North Dakota parks and recreation department for motorized or nonmotorized recreational activities.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996; April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3
Law Implemented: NDCC 55-08-01.3

58-02-08-03. Rules enforcement policy - Fees. All rules of the department will be enforced within the state park boundaries. Individuals violating these rules will receive a verbal or written warning, an administrative complaint, a civil summons and complaint, a criminal complaint and warrant or summons, or loss of park privileges. Fees for violation of noncriminal park rules and regulations under this chapter shall be: class 1 - one hundred dollars, class 2 - fifty dollars, class 3 - twenty-five dollars. Fees for violations of rules not specifically noted shall be two hundred fifty dollars. The park manager may expel any person or persons from the lands under the management of the department for violations of any state law, administrative rule, or posted rules and regulations. Persons expelled are not eligible for refunds.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-16, 55-08-18. 55-08-19
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-04.1, 55-08-16, 55-08-17, 55-08-18, 55-08-19

58-02-08-04. Public behavior.

1. The hours between one-half hour after sunset and seven a.m. are designated as quiet hours. Activity or noise levels that interfere with the peace and quiet of the park or result in complaints constitute a class 1 violation of this section.

2. Violation of any state law or any rules of the department by a member or guest of a member of a camping party is cause for revocation of the camping permit and eviction from the property.

History: Effective September 1, 1987; amended effective May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05, 55-08-19
Law Implemented: NDCC 55-08-01.3, 55-08-05, 55-08-19

58-02-08-05. Limitation of cabin, dormitory, or campsite occupancy.

1. A person or group of persons may not occupy any cabin, dormitory, or campsite for more than fourteen days within any thirty-day period without the written permission of the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. Overnight visitors must comply with date and time expirations listed on their vehicle permit. Additional vehicles at a cabin or campsite will be charged the day use fee for each day in the park. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

3. Only one camping unit with a maximum of six persons or the immediate family members shall be permitted on each designated single campsite except with the permission of the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. Children under the age of eighteen must be accompanied by an adult in order to occupy a campsite or cabin in a state park, unless written permission is granted by the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

5. No camping unit may be left unattended for more than twenty-four hours without written permission from the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

6. A person may not use campground shower facilities in any state park unless the person is a registered overnight customer or has purchased a special shower pass along with a vehicle permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

History: Effective September 1, 1987; amended effective October 1, 1988; April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05, 55-08-19
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05, 55-08-19

58-02-08-06. Camping and camping equipment.

1. A person may not camp in an area not designated as a campsite. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. No person may take or attempt to take possession of a campsite when it is an occupied campsite, or when informed by park personnel that such site is an occupied campsite, or when the site is posted with a "Reserved" sign. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. All nonreserved campsites are available on a first-come, first-served basis. Campers must immediately establish an occupied campsite following purchase of a camping permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. All camping sites are restricted to one camping unit per campsite unless designated as a multiple or group site. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

5. No camping party may move from an assigned site to another campsite without permission from the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

6. Camping equipment or setup may not damage the campsite. The use of portable kennels and swimming pools must be approved by the park manager. Pools may not exceed six feet in diameter and eight inches in depth. Digging of sod, soil, or gravel to accommodate camping or camping equipment is prohibited. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05, 55-08-19
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05, 55-08-19

58-02-08-07. Park roads, trails, and vehicle use.

1. Unless otherwise specified, in statute or rule, the use of motor vehicles in state parks, including automobiles, trucks, off-highway vehicles, motorcycles, snowmobiles, motorized scooters, and minibikes, is governed under North Dakota Century Code title 39.

2. All traffic control devices posted within the park, including those located at entrance stations, must be obeyed. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

3. No person may operate a vehicle at speeds exceeding the posted speed limit, or at a speed greater than is reasonable and prudent for the conditions. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. No person shall operate any motorized or nonmotorized vehicle beyond the roads and trails built and maintained for the operation of that specific vehicle. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

5. Unless specifically designated, off-highway vehicles are not permitted to operate within state parks or on state snowmobile trails. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

6. No person may use a trail that has been closed for public use by department personnel or in a matter that impedes traffic. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

7. No person may park any vehicle, camper, or trailer in any area not specifically designated for parking or in a manner that impedes traffic. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

8. The department may provide signed permanent or temporary parking places for persons with mobility impairments. No person may park in a space so designated without a valid permit. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

9. No person may park or leave a vehicle, camper, watercraft, or other equipment in a designated storage area without a valid storage permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

10. Groomed and designated cross-country ski trails are for the exclusive use of cross-country skiers. Walking, pets, or any activity that may interfere with the groomed and tracked surface shall be a violation. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05, 55-08-19
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05, 55-08-19

58-02-08-08. Sanitation.

1. No person may dispose of any refuse, sewage, waste, or wastewater except in places or receptacles provided for disposal. Fish and game cleaning is allowed only in designated areas of the park. Only fish, including bait fish, may be cleaned or deposited at designated fish cleaning stations. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. If no cleaning station is available, game and fish remains, including bait fish, must be removed from the park. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. Game cleaning allowed only in designated areas. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. It is unlawful to place refuse generated outside the state park into receptacles. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

5. Sewage holding tanks must be dumped in designated dump stations. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

6. Gray water must be dumped in designated dump stations. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

7. Trash must be deposited in park dumpsters or other containers provided for refuse. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-09. Animals.

1. Pets shall be personally attended at all times and shall be effectively restrained by a portable enclosure or a leash not exceeding six feet [1.83 meters] in length. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. No person may keep a noisy, vicious, or dangerous pet or other animal, or one which is disturbing to other persons, in a state park. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

3. Pet waste must be bagged and disposed of in an appropriate waste container. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

4. Animals are not allowed on any designated swimming areas, playgrounds, in buildings, or other posted areas in a state park, except for animals used to assist the disabled. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

5. No person may tie or hitch any animal to a tree or plant. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

6. No person may bring riding or pack animals onto a site or trail which has not been developed and maintained to accommodate riding or pack animals. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

7. Only certified weed-free hay and feed are allowed in state parks. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

8. All riding or pack animals must be restrained and under control. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

9. Horse waste and hay must be removed daily from all areas except designated horse trails. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

10. No person shall apply, or allow to be applied, any pesticide, within a state park unless it is formulated and labeled for household use only and does not require mixing or spraying with any type of carrier. If applying an authorized treatment, the treatment must not infringe on people or property in adjacent use areas. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

History: Effective September 1, 1987; amended effective February 1, 1996; April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-10. Destruction of property.

1. A person may not destroy, in any manner, any native, wild, or domesticated tree, shrub, fruit, plant, wildflower, or animal. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

2. No person may destroy, deface, or remove, or disturb, in any manner, any real, personal, or public property, including geological formations or features and historical and cultural artifacts. Any person who violates this subsection is guilty of a noncriminal offense.

3. Collecting of fruit or plant materials is prohibited. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-11. Building fires.

1. No person may build a fire outside of stoves, grills, fire rings, or other places provided for building a fire. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. All fires must be attended by a person eighteen years of age or older at all times. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. Upon abandonment of the fire, it must be completely extinguished. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. Open fires may be prohibited based on conditions. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

5. All firewood must be sized to fit the fire rings provided. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

6. Collection or cutting of wood is prohibited in a state park without a special permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

7. Use of chainsaws is prohibited without a special permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

8. Burning of lumber with nails, staples, or other metal is prohibited. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-12. Firearms, bows and arrows, slingshots, BB guns, and fireworks.

1. No person, with the exception of a duly authorized peace officer, or person licensed for concealed carry, may possess a loaded firearm or dangerous weapon in a state park. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. Unless as exempted, above, firearms must be contained in a gun case and unloaded both in barrel and magazine. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. No person may discharge or set off within a state park any firearm, bow and arrow, slingshot, BB gun, self-propelled rocket, any form of fireworks, or other projectile, unless authorized by the director. Any person who violates this subsection is guilty of a class 3 noncriminal

offense. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-13. Fees and permits.

1. No person may evade or attempt to evade any fee or other charge that may be levied for admission to or use of any state park or facility contained therein. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

2. Park visitors must immediately register at the park office or entrance station or utilize the self-registration facilities, when available, to secure a valid vehicle or camping permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. While in the park, visitors must have their daily entrance permits or annual entrance permits affixed to the lower left-hand corner of their vehicle or camping unit windshield to be considered validly registered for admission. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

4. Camping permits must be placed on the campsite marker specifically provided for that purpose. If no campsite marker is provided, the permit must be conspicuously displayed on the camping unit or on a vehicle parked on the campsite. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

5. The annual entrance permit may only be used on vehicles registered to the owner of the permit as listed on the department's annual vehicle permit log. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

6. Daily vehicle permits used for day use activity expire one-half hour after sunset on the day of purchase. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective July 1, 1992; April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05, 55-08-06

58-02-08-14. Closed areas and closing hours.

1. No person may enter or use a campsite or other area which is closed to public use. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. No person may be admitted or allowed to remain in any state park after the designated closing hour except for the purpose of camping, dormitory, and cabin rentals, unless the person has written permission from the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-15. Hunting and harassing wildlife.

1. No person may hunt, trap, pursue, catch, or kill any wild bird or wild animal in a state park unless specifically allowed by the director or by proclamation. Any person who violates this subsection is guilty of a noncriminal offense.

2. When hunting is permitted in a state park, no person may hunt in areas closed to hunting. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. Special restrictions may be set by the park manager for hunting within a state park. Any violation of those special restrictions may result in loss of hunting privileges or payment of the fine indicated, or both. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

History: Effective September 1, 1987; amended effective May 1, 2011.
General Authority: NDCC 55-08-01.3
Law Implemented: NDCC 55-08-01.3, 55-08-04

58-02-08-16. Metal detectors. No person may use any device for the purpose of locating or removing any metallic object or any other objects of value from a state park. Exceptions may be made by the director for approved archaeological surveys or law enforcement personnel. Use of a metal detector to find a lost item may be allowed under the direct supervision of park staff. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

History: Effective September 1, 1987; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-17. Advertising, special events, and authorized concession operations.

1. No person may erect, post, or hand out any sign, notice, or literature, or solicit signatures for a petition unless prior authorization is obtained from the park manager. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. No organization or group may hold any event that charges an admission or registration on lands owned or leased by the department without prior permission from the director. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

3. No person, firm, or corporation may operate any concessions, business, enterprise, or sell personal property in a state park without prior permission from the director. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

History: Effective September 1, 1987; amended effective May 1, 2011.
General Authority: NDCC 55-08-01.3, 55-08-05
Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-18. Swimming areas, boat ramps, and marinas. Any person swimming in a state park swimming area or area under the control of or operated by the department shall do so at the person's own risk.

1. No person may swim at a state park, except within designated swimming areas. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. It is unlawful in a state park designated swimming area:

   a. To possess glass containers. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

   b. To use the beach or designated swimming area between one-half hour after sunset and seven a.m. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

   c. To enter with any boat, canoe, or raft. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

   d. To fish. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

   e. To engage in any hazardous activity which could cause injury to others. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

f. To use any soap, detergent, or shampoo. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

g. To change clothes except in structures that may be provided by the park for that purpose. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

3. Swimming is not allowed in state parks by children under the age of twelve years, unless they are supervised by a person eighteen years of age or older. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

4. No person may give or transmit a false signal or alarm of drowning. Any person who violates this subsection is guilty of a class 1 noncriminal offense.

5. Any person using any designated beach, designated swimming area, boat ramp, or marina shall obey all posted rules and instructions given by lifeguards, rangers, or other state park employees. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

6. All watercraft operating in state park marinas or near boat ramps must be restricted to idle speed. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

7. No person may fish off courtesy docks located on boat launching ramps. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

8. No person may park or leave any watercraft, unattended, on courtesy docks located on boat launching ramps unless retrieving or parking the towing vehicle. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

9. Bicycles, skateboards, or any similar equipment are prohibited on courtesy docks. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996; April 1, 2006; May 1, 2011.
General Authority: NDCC 55-08-01.3
Law Implemented: NDCC 55-08-01.3, 55-08-04

58-02-08-19. Operation of a snowmobile or off-highway vehicle within right of way of a road, street, or highway within a state park or on trails maintained by the director of parks and recreation which cross or run parallel to roads, streets, or highways. When a snowmobile or off-highway vehicle operated within a state park or on a trail maintained by the director of parks and recreation is making a direct crossing of a street or highway as allowed by

North Dakota Century Code section 39-24-09 or 39-29-09 or is operated upon the roadway, shoulder, or inside bank or slope of any road, street, or highway under those emergency circumstances allowed by North Dakota Century Code chapter 39-24 or 39-29, or is otherwise operated within the right of way of any road, street, or highway, the rules and laws adopted or applied by the director of the department of transportation defining the operation of a vehicle in a negligent, reckless, or hazardous manner shall be applied to snowmobiles operating within the right of way of any such road, street, or highway. In all other cases, the rules and laws adopted or applied by the director of the department of transportation defining the operation of a vehicle in a negligent, reckless, or hazardous manner shall be used as an aid to interpreting and applying these rules.

History: Effective February 1, 1998; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 39-29-08(3), 55-08-01.3

58-02-08-20. Snowmobile registration - Title certificate - General requirements.

1. Except as hereinafter provided, no person may operate any snowmobile unless the snowmobile has been registered in accordance with the provisions of this chapter. Any snowmobile purchased after July 1, 1973, must be titled under the provisions of chapter 39-05 in order to be operated under the provisions of this section. A snowmobile purchased prior to July 1, 1973, may be titled under the provisions of chapter 39-05. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

2. Any out-of-state or out-of-country snowmobile operated on public lands must have in possession an out-of-state public lands and trails access permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

History: Effective February 1, 1998; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-02, 39-24-08(3), 55-08-01.3

58-02-08-21. Rules of operation of a snowmobile. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property. Any person who violates this subsection is guilty of a class B misdemeanor.

3. While under the influence of intoxicating liquor or a drug as defined in North Dakota Century Code section 39-24.1-01, or a combination thereof. Any person who violates this subsection is guilty of a noncriminal offense.

4. Without a lighted headlamp and tail lamp when required for safety. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

5. In any tree nursery or planting in a manner which damages or destroys growing stock. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

6. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

7. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs must be readable from the outside of the land and must be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed lands. Any person who violates this subsection is guilty of a class B misdemeanor.

History: Effective February 1, 1998; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-22. License or permit requirement for operation of a snowmobile. It is unlawful for any person to operate a snowmobile pursuant to North Dakota Century Code chapter 39-24 without having in possession a valid driver's license, except as provided by North Dakota Century Code section 39-24-09.1. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective February 1, 1998; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-23. Towing or pulling with a snowmobile. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid, or other vehicle

is connected to the snowmobile by a hinged swivel and secure hitch. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

History: Effective February 1, 1998; amended effective April 1, 2006; May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-24. Helmet requirements on a snowmobile. No person under the age of eighteen years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards. Any person who violates this section is guilty of a class 3 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-25. Liability insurance requirements when operating a snowmobile. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property maintained, leased, or owned by the state parks and recreation department to which the public has a right of access for snowmobile or other vehicular use, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days. Any person who violates this section is guilty of a class 1 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-26. Age requirements for snowmobile operation. An individual twelve years of age and over may not operate a snowmobile unless the individual is in possession of a valid driver's license, operates the snowmobile on private land, or the individual has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to North Dakota Century Code chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce this chapter is presumptive evidence that the individual is not

the holder of the certificate. Any person who violates this section is guilty of a class 3 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-27. Off-highway vehicle registration. Except as provided in this chapter, an individual may not operate an off-highway vehicle unless it has been registered under North Dakota Century Code section 39-29-02. Any person who violates this section is guilty of a class 2 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-29-08(3), 39-29-02, 55-08-01.3

58-02-08-28. Rules of operation of an off-highway vehicle. An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person. Any person who violates this subsection is guilty of a class B misdemeanor.

3. While under the influence of intoxicating liquor or a controlled substance. Any person who violates this subsection is guilty of a class B misdemeanor.

4. Without a lighted headlamp and tail lamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

5. In any tree nursery or planting in a manner that damages growing stock. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

6. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system. Any person who violates this subsection is guilty of a class 3 noncriminal offense.

7. On any private land where the private land is posted prohibiting trespassing. 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 not more than eight hundred eighty yards [804.68 meters] 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. Any person who violates this subsection is guilty of a class B misdemeanor.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-29-08(3), 55-08-01.3

58-02-08-29. License or permit requirement for operation of an off-highway vehicle. Except as provided in North Dakota Century Code section 39-29-10, an individual may not operate an off-highway vehicle without having in possession a valid driver's license or permit. Any person who violates this section is guilty of a class 3 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-29-08(3), 55-08-01.3

58-02-08-30. Helmet requirements on an off-highway vehicle. An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards. Any person who violates this section is guilty of a class 3 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-29-08(3), 55-08-01.3

58-02-08-31. Liability insurance requirements for operation of an off-highway vehicle. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by North Dakota Century Code chapter 39-16.1. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred fifty dollar fee.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-08-20, 39-29-08(3), 55-08-01.3

58-02-08-32. Age requirements for operation of an off-highway vehicle. Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not operate an off-highway vehicle, except upon the lands of the individual's parent or guardian or as a participant in an organized sporting

event that involves the use of off-highway vehicles. An individual at least twelve years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate off-highway vehicle safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs. Any person who violates this section is guilty of a class 3 noncriminal offense.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-29-08(3), 55-08-01.3

58-02-08-33. Careless operation of a snowmobile or off-highway vehicle. A snowmobile or off-highway vehicle is operated in a negligent manner when it is operated at a speed greater than is reasonable or proper under all the surrounding circumstances, when it is operated with want of ordinary care and diligence under all the surrounding circumstances, or when it is operated in a way that is not reasonable or prudent under the conditions or without regard to the actual or potential hazards then existing. Any person who violates this section is guilty of a class B misdemeanor.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 39-29-08(3), 55-08-01.3

58-02-08-34. Reckless operation of a snowmobile or off-highway vehicle. A snowmobile or off-highway vehicle is operated in a reckless manner when it is operated recklessly in disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another. Any person who violates this section is guilty of a class B misdemeanor.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 39-29-08(3), 55-08-01.3

58-02-08-35. Negligent operation of a snowmobile or off-highway vehicle. A snowmobile or off-highway vehicle is operated in a negligent manner when it is operated at a speed greater than is reasonable or proper under all the surrounding circumstances, when it is operated with want of ordinary care and diligence under all the surrounding circumstances, or when it is operated in a way that is not reasonable or prudent under the conditions or without regard to the

actual or potential hazards then existing. Any person who violates this section is guilty of a class B misdemeanor.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 39-29-08(3), 55-08-01.3

58-02-08-36. Authority - Snowmobile and off-highway vehicle use. The director of the parks and recreation department adopts sections 58-02-08-19 through 58-02-08-35 to regulate the use of snowmobiles and off-highway vehicles in state parks; on trails maintained, leased, or owned by the state parks and recreation department; or on other land owned, leased, or otherwise administered by the director, for the protection and care of all persons and property owners affected by that use. Penalties for violating sections 58-02-08-19 through 58-02-08-35 shall be as otherwise provided by law.

History: Effective May 1, 2011.
General Authority: NDCC 28-32-01, 39-24-08(3), 39-29-08(3), 55-08-01.3
Law Implemented: NDCC 39-24-08(3), 39-29-08(3), 55-08-01.3