

Off-highway Vehicles

What is an off-highway vehicle?

An off-highway vehicle is any wheeled motorized vehicle not designed 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 is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels. (ex. dirt bikes, mopeds & scooters that are not street legal)
- Class II off-highway vehicle is less than fifty inches (1270.00 millimeters) in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control. Class II off-highway vehicles must be equipped with one head lamp, one tail light and brakes. (ex. all terrain vehicles)
- Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel 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, unless registered by the department under chapter 39-04. Class III off-highway vehicles must be equipped with one head lamp, one tail light and brakes. (ex. dune buggy, golf cart)

Where can an off-highway vehicle **NOT** be operated?

An individual **may not** operate an off-highway vehicle on the roadway, shoulder, inside bank or slope of any road, street, or highway, or within the right of way of any controlled-access highway, except in emergencies.

Where can an individual operate an off-highway vehicle?

An individual may operate a **registered** off-highway vehicle on a gravel, dirt or loose surface roadway, on a paved highway designated and posted at a speed not exceeding fifty-five miles (88.51 kilometers) per hour.

A licensed driver **over** 16 years of age may operate a **registered** Class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles (104.61 kilometers) per hour. The Class III off-highway vehicle **must** be equipped with mirror (39-37-09), horn (39-27-15), speedometer and odometer (39-27-16), brake light (39-27-17.1), lighted headlamp (39-27-17.1), and 350 cubic centimeter motor or greater.

Can an operator of an off-highway vehicle cross a street or highway?

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 of approximately ninety 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.

Are off-highway vehicles subject to tax?

Yes. Off-highway vehicles titled and licensed in North Dakota are subject to the 5% motor vehicle excise tax. Off-highway vehicles purchased that are **not** registered and titled with the Motor Vehicle Division are subject to sales tax.

Are off-highway vehicles required to be registered?

Yes. An individual may not operate an off-highway vehicle in the designated areas unless it has been registered with the Motor Vehicle Division.

When are off-highway vehicles NOT required to be registered?

Off-highway vehicles owned and used by the United States Government or another state government or its political subdivisions, vehicles registered in a foreign country and temporarily used in this state, vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days, vehicles used exclusively on private lands and vehicles used exclusively in organized track racing events.

What is required to title and license a new off-highway vehicle?

[SFN 2872 Application for Certificate of Title](#) form must be completed in full and signed by the buyer. The Manufactures Certificate of Origin (MCO) would be required and must be completed and signed by the dealership, 5% motor vehicle excise tax will be due on the purchase price, \$5.00 title fee and \$10.00 license fee which is valid for a two-year period ending December 31, of each even numbered calendar year.

If a Manufactures Certificate of Origin (MCO) was not provided when the vehicle was purchased, the owner must contact the dealership for assistance in obtaining a duplicate Manufactures Certificate of Origin (MCO). The Manufactures Certificate of Origin (MCO) or other documentation from the manufacturer should describe the engine size and maximum speed of the vehicle.

What is required to title and license an older used off-highway vehicle that was never titled and there is no Manufacturers Certificate of Origin (MCO) available? [SFN 2872 Application for Certificate of Title](#) form must be completed in full and signed by the buyer, 5% motor vehicle excise tax will be due on the purchase price, \$5.00 title fee, and \$10.00 license fee for a two-year period ending December 31, of each even numbered calendar year. [SFN 2486 Certificate of Vehicle Inspection](#) form must be completed by North Dakota Highway Patrol. [SFN 2888 Notarized Bill of Sale](#) completed, signed, and notarized by the seller and a notarized Statement of Facts from the applicant.

Are off-highway vehicles required to be insured?

Yes. Liability insurance is required if the off-highway vehicle is registered.