



UNDER THE TROOPER'S HAT

BY: TROOPER MICHAEL HAYEN

Off-highway vehicles, commonly called OHVs, are becoming more common on North Dakota roads. One of the most common examples is the side-by-side, which many people use for farm work, recreation, checking cattle, running short trips around town, and other everyday jobs.

North Dakota law separates OHVs into different classes. A Class III OHV generally includes larger off-highway vehicles that weigh less than 8,000 pounds, travel on four or more tires, tracks, skis, or runners, have a seat, and are controlled by a steering wheel, handlebars, or similar steering control. Common examples include side-by-side utility vehicles such as a Polaris Ranger, Can-Am Defender, John Deere Gator, or similar machine.

As more of these vehicles are used on public roads, one question comes up often: Do I have to wear a seat belt in a Class III OHV if I am operating it on a highway?

The simple answer is yes, if the OHV was originally manufactured with seat belts. In that case, the driver and passengers need to wear them when the OHV is operated on a highway.

North Dakota Century Code Chapter 39-29 covers off-highway vehicles and explains when and where they may be operated. Under certain conditions, a properly registered Class III OHV may be operated on a highway by a licensed driver over 16 years old. Once that OHV is being operated on a highway, the seat belt laws become important.

The seat belt requirement comes from NDCC 39-21-41.4. That law says a driver may not operate a motor vehicle on a highway if it was designed for fewer than 11 passengers and originally manufactured with safety belts unless each occupant is wearing a properly adjusted and fastened seat belt.

Some people may ask, "But is an OHV considered a motor vehicle?" Under NDCC 39-01-01, a motor vehicle is broadly defined as a self-propelled vehicle, with certain exceptions. An OHV is not excluded from that definition. Because of that, when a Class III OHV is operated on a highway, the seat belt law can apply. In plain English: if your side-by-side came with seat belts, you need to wear them.

Children have additional requirements. Under North Dakota's child re-

straint law, children under 8 generally need to be in an approved child safety seat unless they are at least 57 inches tall. Children ages 8 through 17 must be in an approved child restraint or properly buckled in a seat belt.

There is also an OHV-specific rule to remember. Anyone under 18 who operates, rides, or is otherwise propelled on an OHV must wear a DOT-approved helmet. That helmet requirement applies even if the child is also wearing a seat belt or secured in a child safety seat.

A child safety seat may be used in an OHV, but only if it can be installed correctly. The child seat must be used according to the child seat manufacturer's instructions, and the OHV must have a proper seating position and seat belt system that allows the seat to be secured correctly. Just because a car seat physically fits in the machine does not automatically mean it is safe or legally proper.

OHV owners should also remember that passengers may only be carried if the OHV is designed and recommended by the manufacturer to carry passengers. A person should not ride in a cargo area, on someone's lap, or in any location not intended for passengers.

The best rule is simple: follow the law, follow the owner's manual, wear the seat belt, put helmets on riders under 18, and do not carry a child unless the child can be properly secured.

OHVs are useful and enjoyable machines, but once they are on a highway, they are sharing the road with regular traffic. A seat belt, helmet, and properly secured child passenger can make a big difference when something goes wrong.

The mission of the North Dakota Highway Patrol is to make a difference every day by providing high-quality law enforcement services to keep North Dakota safe and secure. NDHP invites you to visit the FAQ section of the website: www.nd.gov/ndhp; like our Facebook page www.facebook.com/northdakotahighwaypatrol; or join us on Instagram, www.instagram.com/ndhighwaypatrol, to learn more about traffic safety, get tips, and read NDHP news. Previous Under the Troopers Hat articles can be found at www.nd.gov/ndhp/safety-and-education/under-troopers-hat.

BACK IN THE DAY

Underwood

COMPILED BY SHELLY WALLACE

from the Files of the Central McLean News Journal

20 years ago, June 2006

Visitors to the McLean County Fair in Underwood will have a new sign pointing the way. Kathy Neumiller of Washburn, who is a member of the fair board, painted the sign, which is located along U.S. Highway 83 near Underwood.

Birka Lutheran Church will celebrate its 100th anniversary on July 1-2. Swedish immigrants that came to the area in the mid-1880s formed the church body in 1906, in what was then called the Basto Community.

Open almost a year and a half now, owners Dwaine and Marilyn Grimsley have decided to have a big celebration for their customers on June 24. There will be food specials, beer and drink specials and free kids' games, and a dance with the band Coal Creek capping off the day.

Dean and Verlaine Ash announce the engagement of their daughter, Bobbi Ellen, to Christopher Logan Maxwell, son of Robert and Myra Rasmusson.

Justin Pochant, Coleharbor, and Clay Haraseth, Riverdale, have been named to the president's honor list at NDSCS, Wahpeton.

After 56 years, Coleharbor's St. Andrew's Lutheran Church has closed. It was formally organized in 1950.

Junior golfers are learning the fundamentals of golf at Westridge Golf Course. The program started on June 8 and will run each Thursday morning through June 29. Nancy Heger and Jay Snyder head the junior golf program.

30 years ago, June 1996

A big Saturday turnout helped even things out at this year's McLean County Fair in Underwood, as gate receipts indicate the fair attendance was about the same as last year's fair. Although he couldn't give an exact accurate count of the fair attendance, fair board treasurer, Ed Schmidt of Max, said a large crowd at the beef barbecue and races Saturday helped to make up for a poor crowd Thursday.

Peggy Smith and family officially opened "Hangtime" on Saturday in the former Rose Theatre building. "It's for the kids," Peggy says, although adults are welcome, too. "I'm trying to get the cruisers in here. Get them off the road." Video rentals dominate the front of the building. There is a snack area where they offer soft-serve ice cream, pizza, sandwiches and other snack items.

40 years ago, June 1986

The Energy Development Impact Office awarded \$407,000 to McLean County entities. The Underwood School received \$7,000 toward a storage shed; the city of Underwood was awarded funds for graveling First Street and completion of the sewage lagoons; the Underwood Fire Dept. received funds for pag-

ers and valves; the park district struck out on its three requests.

Welcome rains were fairly general around McLean County. About an inch and a half was a typical measurement for most of the rural areas.

Underwood's First Baptist Church hosted representatives of churches in the Northern North Dakota Association of the North American Baptist Church. Business sessions were held on Saturday morning and seminars in the afternoon. Banquets were held for the women at city hall and for the men at First Assembly of God.

James Borlaug was ordained as a Lutheran minister at services held at his home church, First Lutheran of Washburn. Before entering the seminary, Borlaug did a stint in the newspaper business, including the Underwood News, and was McLean County Auditor for two years.

50 years ago, June 1976

The Underwood Coast to Coast and the Underwood Bottle Shop are slated to begin their grand openings this week. The new Coast to Coast store is owned by Mr. and Mrs. TeRoy Repnow. Their son, Tom, will manage the store for them. The Underwood Bottle Shop is owned and operated by Mr. and Mrs. Claire Ihringer. The Ihringer's are also part owners in Underwood Redi-Mix.

The Louis (Bud) Stengel farm was one of many hit by a tornado that cut across central McLean County Friday night. Stengel lost a barn, grain storage bin and roofs off two other farm buildings. Luckily, his home was untouched.

Eugene Wirtz was named to the president's honor list at NDSSS in Wahpeton.

The wedding of Miss Connie Boger and Tim Scheer will take place June 19 at St. John's Lutheran Church.

Mr. and Mrs. Edmund Ash will celebrate their 35th wedding anniversary with an open house June 17 at St. Bonaventure Parish Hall.

Cindy Holte, Riverdale, has been selected to participate in the "America's Youth in Concert" 1976 program and will perform in Philadelphia, New York City and on a European tour.

60 years ago, June 1966

Joe Diede, 60, escaped death in a sewer ditch cave in at Coleharbor last Friday morning. Mr. Diede is employed by the S & W Excavating Company and they were engaged in putting in a new drain field for a septic tank at the HiWay 83 Cafe when the accident happened.

Underwood friends will be interested to learn that Lyle S. Evenson has been named to the State Department of Public Instruction staff, effective July

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