

SENATE BILL NO. 2172

Introduced by

Senator Sand

1 A BILL for an Act to amend and reenact sections 39-06-04, 39-21-01, 39-21-07, 39-21-13,
2 39-21-15, 39-21-16, 39-21-21, and subsection 7 of section 39-21-43 of the North Dakota
3 Century Code, relating to the display of headlamps on vehicles; and to provide an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06-04. Instruction permit.** Any person who is at least fourteen years of age may
9 apply to the director for an instruction permit. The director may issue to the applicant an
10 instruction permit which entitles the applicant while having such permit in the permittee's
11 immediate possession to drive a motor vehicle upon the public highways for a period of one
12 year when accompanied by a licensed operator who holds a license corresponding to the
13 vehicle the permittee operates and has had at least one year of driving experience and who is
14 occupying a seat beside the driver. Persons holding an instruction permit for the operation of a
15 motorcycle shall operate the motorcycle only during hours when the use of headlights is not
16 required pursuant to subsection 1, 2, or 3 of section 39-21-01, and may not carry or transport
17 any passenger. Any instruction permit may be renewed or a new permit issued for an
18 additional period. A person who is not yet eighteen years of age is not eligible for a license until
19 that person has had an instruction permit issued for at least three months. The director may
20 recognize an instruction permit issued by another jurisdiction in computing the three-month
21 instructional period.

22 **SECTION 2. AMENDMENT.** Section 39-21-01 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **39-21-01. When lighted lamps are required.** Subject to exceptions with respect to
2 parked vehicles, every vehicle upon a highway within this state must display lighted lamps and
3 illuminating devices as required in this chapter for different classes of vehicles as follows:

- 4 1. At any time from sunset to sunrise, and every farm tractor upon a highway within
5 this state at any time from a half hour after sunset to a half hour before sunrise;
- 6 2. At any time when it is raining, snowing, sleeting, or hailing or during other adverse
7 driving conditions and these conditions do not render a person or vehicle on the
8 highway clearly discernible at a distance of one thousand feet [304.8 meters]
9 ahead; ~~or~~
- 10 3. At any other time when visibility is impaired by weather, smoke, fog, or other
11 conditions, or when there is insufficient light to render a person or vehicle on the
12 highway clearly discernible at a distance of one thousand feet [304.8 meters]
13 ahead; or
- 14 4. All the time, for headlamps for every vehicle on which headlamps are required.

15 Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of
16 such devices.

17 **SECTION 3. AMENDMENT.** Section 39-21-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-21-07. Application of succeeding sections.** Those sections of this chapter which
20 follow immediately, including sections 39-21-08, 39-21-09, 39-21-10, 39-21-11, and 39-21-12,
21 relating to clearance and marker lamps, reflectors, and stoplights, apply as stated in said
22 sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck
23 tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon
24 any highway, and said vehicles must be equipped as required and all lamp equipment required
25 must be lighted at the times mentioned in subsection 1, 2, or 3 of section 39-21-01, except that
26 clearance and side marker lamps need not be lighted on any said vehicle when operated within
27 any municipality where there is sufficient light to render clearly discernible persons and vehicles
28 on the highway at a distance of five hundred feet [152.4 meters].

29 **SECTION 4. AMENDMENT.** Section 39-21-13 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **39-21-13. Lamp or flag on projecting load.** Whenever the load upon any vehicle
2 extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the
3 vehicle, there must be displayed at the extreme rear end of the load, at the times specified in
4 subsection 1, 2, or 3 of section 39-21-01, a red light or lantern plainly visible from a distance of
5 at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required
6 under this section must be in addition to the red rear light required upon every vehicle. At any
7 other time there must be displayed at the extreme rear end of a load a red flag or cloth not less
8 than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the
9 driver of a vehicle approaching from the rear.

10 **SECTION 5. AMENDMENT.** Section 39-21-15 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-21-15. Lamps, reflectors, and reflective materials on farm tractors, farm**
13 **equipment, and implements of husbandry.** Every farm tractor, self-propelled unit of farm
14 equipment, or towed implement of husbandry, manufactured or assembled after January 1,
15 1980, must at all times, and every farm tractor, self-propelled unit of farm equipment, or towed
16 implement of husbandry must, when operated upon the highways of this state during the times
17 mentioned in subsection 1, 2, or 3 of section 39-21-01, be equipped as follows:

18 1. Tractors and self-propelled units of farm equipment must be equipped with two
19 single-beam or multiple-beam headlamps meeting the requirements of section
20 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm
21 equipment which is not equipped with an electrical system must be equipped with
22 at least one lamp displaying a white light visible when lighted from a distance of not
23 less than one thousand feet [304.8 meters] to the front of the vehicle. Every tractor
24 and self-propelled unit of farm equipment must be equipped with at least one lamp
25 displaying a red light visible when lighted from a distance of one thousand feet
26 [304.8 meters] to the rear of the vehicle. In addition, every tractor and every
27 self-propelled unit of farm equipment must be equipped with two red reflectors
28 visible from all distances from six hundred feet [182.88 meters] to one hundred feet
29 [30.48 meters] to the rear when directly in front of lawful lower beams of
30 headlamps.

1 2. Every towed unit of farm equipment or implement of husbandry must be equipped
2 with at least one lamp displaying a red light visible when lighted from a distance of
3 one thousand feet [304.8 meters] to the rear or two red reflectors visible from all
4 distances within six hundred feet [182.88 meters] to one hundred feet [30.48
5 meters] to the rear when directly in front of lawful lower beams of headlamps. In
6 addition, if the extreme left projection of a towed unit of farm equipment or
7 implement of husbandry extends beyond the extreme left projection of the towing
8 tractor or vehicle, the unit or implement must be equipped with at least one amber
9 lamp or reflector mounted to indicate as nearly as practicable the extreme left
10 projection and visible from all distances within six hundred feet [182.88 meters] to
11 one hundred feet [30.48 meters] to the front when illuminated by the lower beams
12 of headlamps and at least one red lamp reflector so mounted and visible from the
13 same distances to the rear.

14 The lamps and reflectors required by this section must be so positioned as to show from front
15 and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side
16 of the roadway used in passing the vehicle. If a farm tractor or a unit of farm equipment,
17 whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from
18 the front or two or more lamps or reflectors visible from the rear, the lamps or reflectors must be
19 so positioned that the extreme projections both to the left and to the right of the vehicle must be
20 indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint
21 may be used in lieu of the reflectors required in subsection 2.

22 **SECTION 6. AMENDMENT.** Section 39-21-16 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **39-21-16. Lamps on other vehicles and equipment.** Every vehicle, including
25 animal-drawn vehicles and vehicles referred to in subsection 3 of section 39-21-46, not
26 specifically required by the provisions of this chapter to be equipped with lamps or other lighting
27 devices, must at all times specified in section 1, 2, or 3 of section 39-21-01 be equipped with at
28 least one lamp displaying a white light visible from a distance of not less than one thousand feet
29 [304.8 meters] to the front of the vehicle, and must also be equipped with two lamps displaying
30 red light visible from a distance of not less than one thousand feet [304.8 meters] to the rear of

1 the vehicle, or two red reflectors visible for distances of one hundred feet [30.48 meters] to six
2 hundred feet [182.88 meters] to the rear when illuminated by the lower beams of headlamps.

3 **SECTION 7. AMENDMENT.** Section 39-21-21 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **39-21-21. Use of multiple-beam road-lighting equipment.** Whenever a motor
6 vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified
7 in subsection 1, 2, or 3 of section 39-21-01, the driver shall use a distribution of light, or
8 composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles
9 at a safe distance in advance of the vehicle, subject to the following requirements and
10 limitations:

- 11 1. Whenever a driver of a vehicle approaches an oncoming vehicle within five
12 hundred feet [152.4 meters], such driver shall use a distribution of light, or
13 composite beam, so aimed that the glaring rays are not projected into the eyes of
14 the oncoming driver. The lowermost distribution of light, or composite beam,
15 specified in subsection 2 of section 39-21-20 must be deemed to avoid glare at all
16 times, regardless of road contour and loading.
- 17 2. Whenever the driver of a vehicle follows another vehicle within three hundred feet
18 [91.44 meters] to the rear, the driver shall use a distribution of light permissible
19 under this chapter other than the uppermost distribution of light specified in
20 subsection 1 of section 39-21-20.

21 **SECTION 8. AMENDMENT.** Subsection 7 of section 39-21-43 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 7. Whenever any vehicle described in this section is disabled, or stopped for more
24 than ten minutes, upon a roadway outside of an urban district or upon the roadway
25 of a divided highway at any time when lighted lamps are not required by
26 subsection 1, 2, or 3 of section 39-21-01, the driver of the vehicle shall display two
27 red flags as follows:
 - 28 a. If traffic on the roadway moves in two directions, one flag shall be placed
29 approximately one hundred feet [30.48 meters] to the rear and one flag
30 approximately one hundred feet [30.48 meters] in advance of the vehicle in
31 the center of the lane occupied by the vehicle.

- 1 b. Upon a one-way roadway, one flag must be placed approximately one
2 hundred feet [30.48 meters] and one flag approximately two hundred feet
3 [60.96 meters] to the rear of the vehicle in the center of the lane occupied by
4 the vehicle.

5 **SECTION 9. EFFECTIVE DATE.** This Act becomes effective on January 1, 2000.