

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2100

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision
2 to subsection 2 of section 39-06.1-06, a new paragraph to subdivision a of subsection 3 of
3 section 39-06.1-10, and a new subsection to section 39-21-06.1 of the North Dakota Century
4 Code, relating to the amount of statutory fees, entries against driving record, and moving
5 violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17,
6 subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section
7 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2
8 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of
9 section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26,
10 subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section
11 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to
12 the amount of statutory fees and moving violations; and to provide a penalty.

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

14 **SECTION 1.** A new subsection to section 39-04-37 of the North Dakota Century Code is
15 created and enacted as follows:

16 To operate, or for the owner thereof knowingly to permit anyone to operate a motor
17 vehicle on a highway if the owner is employed in this state on a temporary or full-time
18 basis, is a resident of the state, and does not have a temporary registration permit
19 when required under subsection 1 of section 39-04-18.2. As used in this subsection,
20 the term "resident" means a resident as defined under subdivision e of subsection 2 of
21 section 39-04-18.

22 **SECTION 2. AMENDMENT.** Section 39-04-55 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **39-04-55. Registration card to be carried in or on vehicle - Inspection of card -**
2 **Penalty.**

3 The registration card issued for a vehicle must be carried in the driver's compartment of the
4 vehicle or, in the case of a housetrailer or mobile home or a trailer or semitrailer, regardless of
5 when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being
6 operated upon a highway in this state. The card is subject to inspection by any peace officer or
7 highway patrol officer. Any person violating this section must be assessed a fee of twenty
8 dollars. However, a person cited for violation of this section may not be found to have
9 committed the violation if the person, within ~~forty-eight hours~~ fourteen days after being cited,
10 produces and displays to ~~any peace officer or highway patrol officer, or to the hearing official~~
11 ~~before whom the person was to appear~~ office of the prosecutor where the matter is pending, a
12 registration card valid at the time the person was cited. A peace officer or highway patrol officer,
13 upon citing a person for violating this section, shall inform the person that a violation will be
14 considered as not having occurred if the person produces and displays a valid registration card
15 in the manner provided in this section. ~~A peace officer or highway patrol officer receiving~~
16 ~~evidence of the existence of a valid registration card as herein provided shall notify the hearing~~
17 ~~official of the appropriate jurisdiction of that fact.~~

18 **SECTION 3. AMENDMENT.** Subsections 2 and 4 of section 39-05-17 of the North Dakota
19 Century Code are amended and reenacted as follows:

- 20 2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of
21 title to the transferee within thirty days of the date the vehicle was purchased.
- 22 4. Within thirty days of receiving the title, the transferee shall deliver the endorsed
23 certificate of title to the department with a transfer fee of five dollars, and shall make
24 an application for a new certificate of title. In addition to any other penalty, the
25 registration to a motor vehicle may be suspended or revoked if the transferee fails to
26 present the endorsed certificate of title to the department for transfer and make
27 application for a new certificate of title within thirty days. The department shall deliver
28 the new certificate of title to the lienholder with priority. If there is no lienholder, delivery
29 must be made to the owner.

30 **SECTION 4. AMENDMENT.** Subsection 3 of section 39-06-14.1 of the North Dakota
31 Century Code is amended and reenacted as follows:

- 1 3. The director may issue a motorized bicycle operator's permit to an applicant who is at
2 least fourteen years of age. An individual holding an operator's permit for the operation
3 of a motorized bicycle may not operate the motorized bicycle during the hours when
4 the use of headlights are required under section 39-21-01 or carry or transport any
5 passenger. To obtain a permit, the applicant shall pay a fee as listed in section
6 39-06-49 and take a written examination of the applicant's knowledge of traffic laws
7 and general rules of the road. If the applicant passes the written examination and the
8 director is satisfied that the applicant has adequate eyesight, the director may issue
9 the applicant a motorized bicycle operator's permit, even if the applicant does not have
10 an operator's license. The permit expires in the same manner as an operator's license.
11 A person who has an operator's license, a temporary permit, an instruction permit, or a
12 motorcycle permit is not required to obtain a motorized bicycle operator's permit.

13 **SECTION 5. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **39-06-16. License to be carried and exhibited on demand.**

16 An individual licensed to operate a motor vehicle shall have the operator's license in the
17 individual's immediate possession at all times when operating a motor vehicle and shall
18 physically surrender the operator's license, upon demand of any court, police officer, or a field
19 deputy or inspector of the department. However, an individual charged with violating this section
20 may not be convicted or assessed any court costs if the individual produces ~~in court or in the~~
21 ~~office of the arresting officer~~ within fourteen days to the office of the prosecutor where the matter
22 is pending, a valid operator's license issued to that individual that is not under suspension,
23 revocation, or cancellation at the time of the individual's arrest.

24 **SECTION 6. AMENDMENT.** Subdivision f of subsection 2 of section 39-06.1-06 of the North
25 Dakota Century Code is amended and reenacted as follows:

- 26 f. A violation of ~~subsection 1 of section 39-04-37 by an individual by becoming a~~
27 ~~resident of this state~~ 1 of this Act, a fee of one hundred dollars.

28 **SECTION 7.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota
29 Century Code is created and enacted as follows:

30 A violation of 39-06-04 or 39-19-03, a fee of fifty dollars.

1 **SECTION 8. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 1. A violation of section ~~39-04-11~~39-04-02.1, ~~subsection 1 of section 39-04-37 by an~~
4 individual by becoming a resident of this state¹ of this Act, subsection 4 of section
5 39-06-17, and section 39-06-20, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50,
6 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal
7 ordinance equivalent to the foregoing sections.

8 **SECTION 9. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06.1-09. Moving violation defined.**

11 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
12 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,
13 39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-08-25,
14 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section
15 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09, except
16 subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
17 violation of the provisions of chapter 39-10, 39-10.2, ~~or 39-21~~, or 39-27, or equivalent
18 ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and
19 3 of section 39-21-46, and those sections within those chapters which are specifically listed in
20 subsection 1 of section 39-06.1-08.

21 **SECTION 10.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
22 North Dakota Century Code is created and enacted as follows:

23 Driving in violation of the conditions of a class D instruction 2 points
24 permit.

25 **SECTION 11. AMENDMENT.** Section 39-07-05 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **39-07-05. Persons working on highways - Exceptions.**

28 Unless specifically made applicable, the provisions of chapters ~~39-08~~, 39-09, 39-10, and
29 39-12, except sections ~~39-08-01~~, ~~39-08-03~~, 39-09-01.1 and ~~39-08-19~~39-10-22.1, do not apply to
30 persons, motor vehicles, and other equipment while actually engaged in work upon a highway,
31 but do apply to such persons and vehicles when traveling to or from such work.

1 **SECTION 12. AMENDMENT.** Subsection 2 of section 39-10-14 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. The foregoing limitations do not apply upon a one-way roadway, nor under the
4 conditions described in section 39-10-08, nor to the driver of a vehicle turning left into
5 or from an alley, private road, or driveway unless doing so creates a hazard for
6 approaching vehicles.

7 **SECTION 13. AMENDMENT.** Section 39-10-19 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-10-19. Driving on divided highway.**

10 Whenever any highway has been divided into two or more roadways by leaving an
11 intervening space or by a physical barrier or clearly indicated dividing section so constructed as
12 to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway,
13 unless directed or permitted to use another roadway by official traffic-control devices or police
14 officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or
15 section, except through an opening in such physical barrier or dividing section or space or at a
16 crossover or intersection as established by public authority, unless such crossing is specifically
17 prohibited and such prohibition is indicated by appropriate traffic-control devices. A vehicle may
18 not be driven over, across, or within any such dividing space, barrier, or section of a controlled
19 access roadway, except for emergency or highway maintenance vehicles.

20 **SECTION 14. AMENDMENT.** Subsection 2 of section 39-10-26 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency
23 and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching
24 traffic shall move to the right-hand edge or curb of the roadway and shall stop, but
25 once having stopped, traffic may proceed past the scene at its own risk when the
26 roadway is clear, except when otherwise directed by a police officer. If an authorized
27 emergency vehicle is otherwise parked or stopped on the interstate system, or on a
28 multilane highway outside the limits of a city, and the authorized emergency vehicle is
29 displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of
30 an approaching vehicle shall proceed with caution and yield the right of way by moving
31 to a lane that is not adjacent to the authorized emergency vehicle if the move may be

1 made with due regard to safety and traffic conditions or if not, the driver shall proceed
2 with due caution, reduce the speed of the vehicle, and maintain a safe speed for the
3 road conditions.

4 **SECTION 15. AMENDMENT.** Subsections 1 and 2 of section 39-10-38 of the North Dakota
5 Century Code are amended and reenacted as follows:

- 6 1. No person may turn a vehicle ~~or~~, move right or left upon a roadway, or merge into or
7 from traffic unless and until such movement can be made with reasonable safety
8 without giving an appropriate signal in the manner hereinafter provided.
- 9 2. A signal of intention to turn ~~or~~, move right or left ~~when required~~, or merge into or from
10 traffic must be given continuously during not less than the last one hundred feet [30.48
11 meters] traveled by the vehicle before turning, moving right or left, or changing lanes.

12 **SECTION 16.** A new subsection to section 39-21-06.1 of the North Dakota Century Code is
13 created and enacted as follows:

14 Lighting displayed underneath a motor vehicle is not authorized while the vehicle is on
15 a public roadway.

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

18 **39-21-07. Application of succeeding sections.**

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

28 **SECTION 18. AMENDMENT.** Section 39-21-15 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **39-21-15. Lamps, reflectors, and reflective materials on farm tractors, farm**
2 **equipment, and implements of husbandry.**

3 1. Every farm tractor, self-propelled unit of farm equipment, or towed implement of
4 husbandry, manufactured or assembled after January 1, 1980, must at all times, and
5 every farm tractor, self-propelled unit of farm equipment, or towed implement of
6 husbandry must, when operated upon the highways of this state during the times
7 mentioned in section 39-21-01, be equipped as follows:

8 4. a. Tractors and self-propelled units of farm equipment must be equipped with two
9 single-beam or multiple-beam headlamps meeting the requirements of section
10 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm
11 equipment which is not equipped with an electrical system must be equipped with
12 at least one lamp displaying a white light visible when lighted from a distance of
13 not less than one thousand feet [304.8 meters] to the front of the vehicle. Every
14 tractor and self-propelled unit of farm equipment must be equipped with at least
15 one lamp displaying a red light visible when lighted from a distance of one
16 thousand feet [304.8 meters] to the rear of the vehicle. In addition, every tractor
17 and every self-propelled unit of farm equipment must be equipped with two red
18 reflectors visible from all distances from six hundred feet [182.88 meters] to one
19 hundred feet [30.48 meters] to the rear when directly in front of lawful lower
20 beams of headlamps.

21 2. b. Every towed unit of farm equipment or implement of husbandry must be
22 equipped with at least one lamp displaying a red light visible when lighted from a
23 distance of one thousand feet [304.8 meters] to the rear or two red reflectors
24 visible from all distances within six hundred feet [182.88 meters] to one hundred
25 feet [30.48 meters] to the rear when directly in front of lawful lower beams of
26 headlamps. In addition, if the extreme left projection of a towed unit of farm
27 equipment or implement of husbandry extends beyond the extreme left projection
28 of the towing tractor or vehicle, the unit or implement must be equipped with at
29 least one amber lamp or reflector mounted to indicate as nearly as practicable
30 the extreme left projection and visible from all distances within six hundred feet
31 [182.88 meters] to one hundred feet [30.48 meters] to the front when illuminated

1 by the lower beams of headlamps and at least one red lamp or reflector so
2 mounted and visible from the same distances to the rear.

3 2. The lamps and reflectors required by this section must be so positioned as to show
4 from front and rear as nearly as practicable the extreme projection of the vehicle
5 carrying them on the side of the roadway used in passing the vehicle. If a farm tractor
6 or a unit of farm equipment, whether self-propelled or towed, is equipped with two or
7 more lamps or reflectors visible from the front or two or more lamps or reflectors
8 visible from the rear, the lamps or reflectors must be so positioned that the extreme
9 projections both to the left and to the right of the vehicle must be indicated as nearly
10 as is practicable. If all other requirements are met, reflective tape or paint may be used
11 in lieu of the reflectors required in ~~subsection 2~~subdivision b.

12 **SECTION 19. AMENDMENT.** Subsection 2 of section 39-21-26 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 2. No person may drive or move any vehicle or equipment upon any highway with any
15 lamp or device thereon displaying ~~a red or green light~~any color other than white or
16 amber or any shade of color between white and amber visible from directly in front of
17 the center thereof, ~~nor any color other than red or amber or any shade of color~~
18 between red and amber visible from the sides and rear, except for white backup lamps
19 when in reverse or a rear white license plate lamp. This section does not apply to any
20 vehicle upon which a red light visible from the front is expressly authorized or required
21 by this chapter.

22 **SECTION 20. AMENDMENT.** Subsection 1 of section 39-21-39 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 1. A motor vehicle must be equipped with a windshield. An individual may not drive any
25 motor vehicle with damage or any sign, poster, or other nontransparent material upon
26 the front windshield, side wings, or side or rear windows which obstructs the driver's
27 clear view of the highway or any intersecting highway.

28 **SECTION 21. AMENDMENT.** Subsection 1 of section 39-21-45.1 of the North Dakota
29 Century Code is amended and reenacted as follows:

30 1. An individual who operates a registered motor vehicle on a highway may not modify
31 that vehicle unless the modification meets the following requirements:

- 1 a. Any modifying equipment must meet any other requirement applicable to a
2 vehicle under chapter 39-21.
- 3 b. If tires placed on a motor vehicle have a diameter greater than that of the tires on
4 the motor vehicle as manufactured, those tires must be branded with a United
5 States department of transportation tire identification number.
- 6 c. If tires placed on a motor vehicle have a greater width than the tires on the motor
7 vehicle as manufactured the motor vehicle must be equipped with fenders
8 designed to cover the entire tread width that comes in contact with the road
9 surface.
- 10 d. The maximum body height permitted for a motor vehicle is forty-two inches
11 [106.68 centimeters]. Measurement of body height is made from a level ground
12 surface to the floor of the cargo area.

13 **SECTION 22. AMENDMENT.** Subsection 11 of section 39-24-09 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 11. A person may not operate a snowmobile, and an owner of a snowmobile may not
16 knowingly permit the snowmobile to be operated; on a public highway or highway right
17 of way or upon any property maintained, leased, or owned by the state parks and
18 recreation department to which the public has a right of access for snowmobile or
19 other vehicular use, without a policy of liability insurance which insures the person
20 named, and any person using the snowmobile with the express or implied permission
21 of the person named, against loss from the liability imposed by law for damages
22 arising out of the ownership, maintenance, or use of the snowmobile within this state,
23 subject to the following limits, exclusive of interest and costs, with respect to each
24 snowmobile: twenty-five thousand dollars because of bodily injury to or death of one
25 person in any one accident and, subject to the limit for one person, fifty thousand
26 dollars because of bodily injury to or death of two or more persons in any one
27 accident, and twenty-five thousand dollars because of injury to or destruction of
28 property of others in any one accident. Upon request of a law enforcement officer, a
29 person operating a snowmobile shall provide proof of liability insurance to that officer
30 within twenty days.

1 **SECTION 23. AMENDMENT.** Subsection 9 of section 39-29-09 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 9. ~~An individual under the age of eighteen years~~A driver may not operate, ~~ride, or~~
4 ~~otherwise be propelled on an off-highway vehicle unless the person wears~~all
5 ~~occupants under the age of eighteen years of age wear~~ a safety helmet meeting
6 United States department of transportation standards.