

# MOTOR VEHICLES

## CHAPTER 278

### HOUSE BILL NO. 1148

(Representatives D. Ruby, Marschall, Meier, Mock, Westlind)  
(Senators Clemens, Kreun, Rust)

AN ACT to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to electric bicycle regulations, manufacturing, and operations; to amend and reenact sections 39-01-01, 39-05-02.2, and 39-10.1-08, subsection 5 of section 39-16-01, subsection 2 of section 39-29-01, and subsection 2 of section 57-40.3-01 of the North Dakota Century Code, relating to the requirements for electric bicycles distributed, manufactured, and operated in the state; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>176</sup> **SECTION 1. AMENDMENT.** Section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-01-01. Definitions.**

In this title, unless the context or subject matter otherwise requires:

1. "Appropriate licensed addiction treatment program" means an addiction treatment program conducted by an addiction facility licensed by the department of human services or conducted by a licensed individual specifically trained in addiction treatment.
2. "Authorized emergency vehicles":
  - a. "Class A" authorized emergency vehicles means:
    - (1) Vehicles of a governmentally owned fire department.
    - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.

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<sup>176</sup> Section 39-01-01 was also amended by section 351 of House Bill No. 1247, chapter 352, section 1 of Senate Bill No. 2097, chapter 280, and section 1 of Senate Bill No. 2329, chapter 279.

- (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.
  - (4) Ambulances and other vehicles authorized by licensure granted under chapter 23-27.
  - (5) Vehicles operated by or under the control of the director, district deputy director, or a district deputy game warden of the game and fish department.
  - (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
  - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
  - (8) Vehicles operated by or under the control of the director of the parks and recreation department.
  - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
  - (10) Vehicles operated by or under the control of the state forester.
  - (11) Vehicles operated by or under the control of the bureau of criminal investigation and used for law enforcement purposes.
  - (12) Vehicles operated by or under the state department of health in cases of emergencies.
- b. "Class B" authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C" authorized emergency vehicles means:
- (1) Vehicles used by the state division of homeland security or local division of emergency management organizations.
  - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
  - (3) Vehicles, other than ambulances, used by emergency medical services personnel.
3. "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels ~~either of which is more than twenty inches [50.8 centimeters] in diameter or two parallel wheels and one forward or rearward wheel. The term includes an electric bicycle.~~
4. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. Provided, every motor vehicle designed for

carrying not more than fifteen persons and used for a ridesharing arrangement, as defined in section 8-02-07, is not a "bus".

5. "Business district" means the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet [91.44 meters] or more is occupied by buildings in use for business.
6. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
7. "Cancellation" means a license is annulled and terminated because of an error or defect or because the licensee is no longer entitled to the operator's license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after the cancellation.
8. "Child restraint system" means a specifically designed device, built-in seating system, or belt-positioning booster that meets the federal motor vehicle safety standards and is permanently affixed to a motor vehicle, is affixed to the vehicle by a safety belt or universal attachment system, or is combined with a federally compliant safety belt system.
9. "Commercial freighting" means the carriage of things other than passengers, for hire, except that such term does not include:
  - a. The carriage of things other than passengers within the limits of the same city;
  - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles [3.22 kilometers] from the corporate or recognized limits of said city; or
  - c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
10. "Commercial passenger transportation" means the carriage of passengers for hire, except that the term does not include:
  - a. The carriage of passengers within the limits of a city.
  - b. The carriage by local buslines of passengers to or from a railroad station from or to places within any city or within two miles [3.22 kilometers] of the limits of the city.
  - c. The carriage of passengers under a ridesharing arrangement, as defined in section 8-02-07.
11. "Commissioner" means the director of the department of transportation of this state, acting directly or through authorized agents as provided by section 24-02-01.3.
12. "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons

have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

13. "Conviction" means a final order or judgment or conviction by the North Dakota supreme court, any lower court having jurisdiction, a tribal court, or a court in another state if an appeal is not pending and the time for filing a notice of appeal has elapsed. Subject to the filing of an appeal, the term includes:
  - a. An imposed and suspended sentence;
  - b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or
  - c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.
14. "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
15. "Dealer" means every person, partnership, corporation, or limited liability company engaged in the business of buying, selling, or exchanging motor vehicles, or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, limited liability company, or association doing business in several cities or in several locations within a city must be considered a separate dealer in each such location.
16. "Department" means the department of transportation of this state as provided by section 24-02-01.1.
17. "Director" means the director of the department of transportation of this state as provided by section 24-02-01.3.
18. "Driver" means every person who drives or is in actual physical control of a vehicle.
19. "Electric bicycle" means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of seven hundred fifty or fewer watts which meets the requirements of one of the following three classes:
  - a. A class 1 electric bicycle if the motor provides assistance only when the individual is pedaling and the motor ceases to provide assistance when a speed of twenty miles [32 kilometers] per hour is achieved.
  - b. A class 2 electric bicycle if the motor is capable of propelling the bicycle without the individual pedaling and the motor ceases to provide assistance when a speed of twenty miles [32 kilometers] per hour is achieved.

- c. A class 3 electric bicycle if the motor provides assistance only when the individual is pedaling and the motor ceases to provide assistance when a speed of twenty-eight miles [45 kilometers] per hour is achieved.
20. "Electronic communication device" means an electronic device, including a wireless telephone, personal digital assistant, a portable or mobile computer or other device, and video display equipment. The term does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.
- 20-21. "Essential parts" means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation and includes all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
- 21-22. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb.
- 22-23. "Farm tractor" includes every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.
- 23-24. "Farm trailer" includes those trailers and semitrailers towed by a bona fide resident farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds [10886.22 kilograms].
- 24-25. "Fifth-wheel travel trailer" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- 25-26. "Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or equivalent closed-cup test device.
- 26-27. "Foreign vehicle" means every motor vehicle which is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.
- 27-28. "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon.
- 28-29. "Guest" means and includes a person who accepts a ride in any vehicle without giving compensation therefor.

- 29-30. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.
- 30-31. "House car" or "motor home" means a motor vehicle which has been reconstructed or manufactured primarily for private use as a temporary or recreational dwelling and having at least four of the following permanently installed systems:
- a. Cooking facilities.
  - b. Icebox or mechanical refrigerator.
  - c. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
  - d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
  - e. Heating or air-conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.
  - f. A 110-115 volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.
- 31-32. "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.
- 32-33. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of each roadway of such divided highway by an intersecting highway must be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of two roadways of such highways must be regarded as a separate intersection.
- 33-34. "Intoxicating liquor" means and includes any beverage containing alcohol.
- 34-35. "Judgment" means any judgment which has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a claim for relief arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of

any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on an agreement of settlement for such damages.

- 35-36. "Legal owner" means a person who holds the legal title to a vehicle.
- 36-37. "Licensed health care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant who is licensed, certified, or registered in accordance with laws and regulations in this or another state.
- 37-38. "Lienholder" means a person holding a security interest in a vehicle.
- 38-39. "Local authorities" includes every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
- 39-40. "Mail" means to deposit mail properly addressed and with postage prepaid with the United States postal service.
- 40-41. "Manifest injustice" means a specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable person, with due consideration of the totality of circumstances.
- 41-42. "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet [2.44 meters] or more in width or forty body feet [12.19 meters] or more in length, or, when erected onsite, is three hundred twenty square feet [29.73 square meters] or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to whether the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under title 42 of the United States Code.
- 42-43. "Manufacturer" means any person who manufactures, assembles, or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term does not include a person who assembles or specially builds interior equipment on a completed vehicle supplied by another manufacturer, distributor, or supplier.
- 43-44. "Metal tires" includes all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material except that this provision does not apply to pneumatic tires.
- 44-45. "Mobile home" means a structure, either single or multisectional, which is built on a permanent chassis, ordinarily designed for human living quarters, either on a temporary or permanent basis, owned or used as a residence or place of business of the owner or occupant, which is either attached to utility services or is twenty-seven feet [8.23 meters] or more in length.

- 45-46. "Modular unit" includes every factory fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.
- 46-47. "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles. The term does not include a snowmobile as defined in section 39-24-01 or an electric bicycle.
- 47-48. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry. The term does not include an electric bicycle.
- 48-49. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles [48.28 kilometers] per hour on a level road surface, and a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two inches [81.28 centimeters]. The term does not include an electric bicycle.
- 49-50. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01. The term does not include an electric bicycle.
- 50-51. "Nonresident" means any person who is not a resident of this state.
- 51-52. "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.
- 52-53. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- 53-54. "Operator" means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- 54-55. "Operator's license", "driver's license", or "license to operate a motor vehicle" means any operator's or driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- a. Any temporary license or instruction permit;



- b. The privilege of any person to drive a motor vehicle whether such person holds a valid license; or
- c. Any nonresident's operating privilege as defined in this section.

55-56. "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

56-57. "Park", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

57-58. "Passenger motor vehicle" means every motor vehicle designed principally for the transportation of persons and includes vehicles which utilize a truck chassis, but have a seating capacity for four or more passengers.

58-59. "Pedestrian" means any person afoot.

59-60. "Person" includes every natural person, firm, copartnership, association, corporation, or limited liability company.

60-61. "Pneumatic tires" includes all tires inflated with compressed air.

61-62. "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

62-63. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

63-64. "Primary source identity document" means documentary evidence of an individual's name, date of birth, and legal presence required in chapters 39-06 and 39-06.2 related to the issuance of permits, licenses, and nondriver photo identification cards, and retained in the driver record.

64-65. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

65-66. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring after the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of 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, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

- 66-67. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
- 67-68. "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- 68-69. "Reconstructed vehicle" means any vehicle, of a type required to be registered, materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.
- 69-70. "Recreational vehicle" means any motorcycle not qualified for registration, off-highway vehicle, snowmobile, vessel, or personal watercraft. The term does not include an electric bicycle.
- 70-71. "Residence district" means territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.
- 71-72. "Revocation" means that the operator's license is terminated and may not be renewed or restored, except on application for a new license presented to and acted upon by the director after the expiration of the period of revocation.
- 72-73. "Right of way" means the privilege of the immediate use of a roadway.
- 73-74. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
- 74-75. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.
- 75-76. "Saddle mount" means placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.
- 76-77. "Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone.
- 77-78. "Salvage certificate of title" means a document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicle registration purposes.
- 78-79. "Schoolbus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-related events. For the purposes of chapter 39-21, "schoolbus" means any motor vehicle that is owned or leased by a public or governmental agency and used to transport primary or secondary school students to or from school or to or from school-related events, or is privately owned and operated for compensation to transport primary or

secondary school students to or from school or to or from school-related events. Schoolbus does not include a bus used as a common carrier.

- 79-80. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it does not include a "housetrailer" or "mobile home".
- 80-81. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
- 81-82. "Solid tire" includes every tire made of rubber or other resilient material other than a pneumatic tire.
- 82-83. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.
- 83-84. "Specially constructed vehicle" means any vehicle which was not constructed originally under the distinct name, make, model, or type by a generally recognized manufacturer of vehicles.
- 84-85. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- 85-86. "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.
- 86-87. "Stop", when required, means complete cessation from movement.
- 87-88. "Stop" or "stopping", when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- 88-89. "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- 89-90. "Superintendent" means the superintendent of the North Dakota state highway patrol, acting directly or through authorized employees of the superintendent.
- 90-91. "Suspension" means that the operator's license is temporarily withdrawn but only during the period of the suspension.
- 91-92. "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.

- 92-93. "Trackless trolley coach" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- 93-94. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.
- 94-95. "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- 95-96. "Trailer" includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it does not include a "house trailer" or "mobile home", which terms mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.
- 96-97. "Travel trailer" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require a special highway movement permit when towed by a motorized vehicle.
- 97-98. "Truck" includes every motor vehicle designed, used, or maintained primarily for transportation of property.
- 98-99. "Truck camper" means a portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use; consists of a roof, floor, and sides; and is designed to be loaded onto and unloaded from the bed of a pickup truck.
- 99-100. "Truck tractor" includes every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- 100-101. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet [30.48 meters] for a distance of a quarter of a mile [402.34 meters] or more.
- 101-102. "Used vehicle" means a motor vehicle which has been sold, bargained, exchanged, given away, or the title to which has been transferred to another, by the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer.
- 102-103. "Vehicle" includes every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. The term does not include an electric bicycle.

**SECTION 2. AMENDMENT.** Section 39-05-02.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-05-02.2. Exclusions from the certificate of title requirement.**

A certificate of title need not be obtained for:

1. A vehicle owned by the United States unless it is registered in this state.
2. A vehicle owned by a manufacturer or dealer and held for sale, even if incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing.
3. A vehicle owned by a nonresident of this state and not required by law to be registered in this state.
4. A vehicle regularly engaged in interstate transportation of persons or property which is registered in accordance with the international registration plan and for which a currently effective certificate of title has been issued in another state that has a reciprocal excise tax agreement with this state.
5. A vehicle moved solely by human or animal power.
6. Implements of husbandry.
7. Special mobile equipment.
8. A self-propelled wheelchair or tricycle for a mobility-impaired individual.
9. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The vehicle shall cross the highway at an angle of approximately ninety degrees to the direction of the highway.
10. Other vehicles not required to be registered in this state or not required to display distinctive plates.
11. A manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied.
12. An electric bicycle.

**SECTION 3. AMENDMENT.** Section 39-10.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-10.1-08. Point system not applicable.**

Any violation of this chapter, or any moving violation as defined in section 39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle or an electric bicycle as defined in section 39-01-01, is not cause for the licensing authority to assess points against the driving record of the violator pursuant to section 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation is applicable to bicyclists.

**SECTION 4.** A new section to chapter 39-10.1 of the North Dakota Century Code is created and enacted as follows:

**Electric bicycles.**

1. Beginning January 1, 2022, any person that manufacturers or distributes an electric bicycle in this state shall affix a permanent label to the electric bicycle which contains the following information in at least nine-point Arial font:
  - a. The designated class of the electric bicycle;
  - b. The maximum assisted speed of the electric bicycle; and
  - c. The wattage of the electric bicycle's motor.
2. Any electric bicycle equipment and manufacturing must be in accordance with the requirements for bicycles provided under 16 CFR part 1512.
3. An electric bicycle must be equipped so the electric motor can be disengaged or cease to function when the individual operating the electric bicycle stops pedaling or when the brakes are applied.
4. A person may not tamper with or modify an electric bicycle to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required under subsection 1 is replaced after modification.
5. Unless otherwise prohibited by a governmental entity having jurisdiction, an individual may operate an electric bicycle on any bicycle path or multi-use path.
6. An individual operating a class 3 electric bicycle shall ensure the bicycle is equipped with a functioning speedometer.
7. An individual under the age of eighteen may not operate a class 3 electric bicycle unless the individual is wearing a safety helmet.

**SECTION 5. AMENDMENT.** Subsection 5 of section 39-16-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Motor vehicle" includes every self-propelled vehicle, including trailers and semitrailers designed for use with these vehicles. The term does not include special mobile equipment or an electric bicycle.

<sup>177</sup> **SECTION 6. AMENDMENT.** Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any 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. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
  - a. 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.

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<sup>177</sup> Section 39-29-01 was also amended by section 2 of House Bill No. 1068, chapter 299.

- b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
- c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering 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, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.

**SECTION 7. AMENDMENT.** Subsection 2 of section 57-40.3-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, every trailer, semitrailer, park model trailer as defined in subsection 2 of section 57-55-10, off-highway vehicle, snowmobile, low-speed vehicle, and travel trailer for which a certificate of title is required to be obtained under chapter 39-05, but not including housetrailer or mobile homes. The term does not include an electric bicycle.

Approved April 21, 2021

Filed April 22, 2021

## CHAPTER 279

### SENATE BILL NO. 2329

(Senators Patten, Lemm, K. Roers)

AN ACT to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definition of an authorized emergency vehicle.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>178</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Authorized emergency vehicles":
  - a. "Class A" authorized emergency vehicles means:
    - (1) Vehicles of a governmentally owned fire department.
    - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.
    - (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.
    - (4) Ambulances and other vehicles authorized by licensure granted under chapter 23-27.
    - (5) Vehicles operated by or under the control of the director, district deputy director, or a district deputy game warden of the game and fish department.
    - (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
    - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
    - (8) Vehicles operated by or under the control of the director of the parks and recreation department.

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<sup>178</sup> Section 39-01-01 was also amended by section 1 of House Bill No. 1148, chapter 278, section 351 of House Bill No. 1247, chapter 352, and section 1 of Senate Bill No. 2097, chapter 280.



- (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
  - (10) Vehicles operated by or under the control of the state forester.
  - (11) Vehicles operated by or under the control of the bureau of criminal investigation and used for law enforcement purposes.
  - (12) Vehicles operated by or under the state department of health in cases of emergencies.
  - (13) Vehicles used or operated by governmental search and rescue personnel while performing emergency operations or duties. As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue.
- b. "Class B" authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C" authorized emergency vehicles means:
- (1) Vehicles used by the state division of homeland security or local division of emergency management organizations.
  - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
  - (3) Vehicles, other than ambulances, used by emergency medical services personnel.
  - (4) Vehicles used by volunteer search and rescue personnel if performing an emergency operation or duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph. As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue.

Approved April 16, 2021

Filed April 16, 2021

## CHAPTER 280

### SENATE BILL NO. 2097

(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to create and enact a new subsection to section 39-06.2-07 of the North Dakota Century Code, relating to statutory fees and moving violations; to amend and reenact subsection 78 of section 39-01-01, subsection 6 of section 39-06.1-06, and sections 39-06.1-09, 39-12-22, and 39-32-02 of the North Dakota Century Code, relating to statutory fees and moving violations; to repeal sections 8-02-08, 39-06.2-17, 39-12-24, and 39-12-25 of the North Dakota Century Code, relating to transportation standards, exemptions, citations, excess size and weight restrictions, and funding for an electronic permit system; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>179</sup> **SECTION 1. AMENDMENT.** Subsection 78 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

78. "Schoolbus" means a ~~commercial~~ motor vehicle designed or used to transport carry more than ten passengers in addition to the driver, and is used for the purpose of transporting preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-related events. For the purposes of chapter 39-21, "schoolbus" means any motor vehicle that is owned or leased by a public or governmental agency and used to transport preprimary, primary, or secondary school students to or from school or to or from school-related events, or is privately owned and operated for compensation to transport preprimary, primary, or secondary school students to or from school or to or from school-related events. Schoolbus does not include a bus used as a common carrier.

<sup>180</sup> **SECTION 2. AMENDMENT.** Subsection 6 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

6. For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:
- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

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<sup>179</sup> Section 39-01-01 was also amended by section 1 of House Bill No. 1148, chapter 278, section 351 of House Bill No. 1247, chapter 352, and section 1 of Senate Bill No. 2329, chapter 279.

<sup>180</sup> Section 39-06.1-06 was also amended by section 5 of House Bill No. 1502, chapter 283, and section 6 of House Bill No. 1502, chapter 283.

- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

<sup>181</sup> **SECTION 3. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

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

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, section 4 of this Act, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 4.** A new subsection to section 39-06.2-07 of the North Dakota Century Code is created and enacted as follows:

A commercial learner's permitholder may not operate a commercial motor vehicle:

- a. Transporting passengers requiring a passenger endorsement;
- b. Transporting passengers requiring a schoolbus endorsement;
- c. Requiring a tank vehicle endorsement unless the tank is empty and does not contain residue of hazardous materials; or
- d. Transporting hazardous materials, regardless of need for hazardous materials endorsement.

**SECTION 5. AMENDMENT.** Section 39-12-22 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-22. Permissible loads - Exceptions.**

When any motor truck, truck tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum prescribed under the provisions of sections 39-12-03 and 39-12-05 or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state;

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<sup>181</sup> Section 39-06.1-09 was also amended by section 8 of House Bill No. 1502, chapter 283.

provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in section ~~39-12-05~~39-12-05.3, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

**SECTION 6. AMENDMENT.** Section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-32-02. Intrastate exemptions from hours of service regulations.**

1. The following intrastate drivers are not subject to hours of service regulations:
  - a. A driver of an authorized emergency vehicle;
  - b. A driver who operates a motor vehicle in intrastate commerce if the gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating are less than twenty-six thousand one pounds [11797.18 kilograms] unless the vehicle is used to transport hazardous materials requiring a placard, the vehicle is designed to transport more than eight passengers, including the driver, for compensation, or ~~unless the vehicle is designed or used to transport sixteen or more people, including the driver not for compensation;~~ or
  - c. A driver of a tow truck operating at the request of a law enforcement officer.
2. Except for a driver included in subsection 1, a motor carrier may not permit or require any intrastate driver to drive and an intrastate driver may not drive:
  - a. More than twelve cumulative hours following ten consecutive hours off duty;
  - b. For any period after the end of the sixteenth hour after coming on duty following ten consecutive hours off duty; or
  - c. After having been on duty for seventy hours in any period of seven consecutive days.
3. Hours of service limitations do not apply to an intrastate driver operating a commercial vehicle to provide emergency relief during an emergency declared by the governor. Under this subsection, an emergency is the result of any natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion, blackout, or other occurrence, natural or manmade, which interrupts delivery of essential services, such as electricity, medical care, sewer, water, telecommunications transmissions, or essential supplies, such as food and fuels, or otherwise threatens human life or public welfare.
4. Hours of service limitations do not apply to an intrastate driver transporting agricultural commodities or farm supplies, including farm equipment or machinery, for agricultural purposes in this state during planting and harvesting seasons from January first through December thirty-first, if the transportation is limited to an area within a one hundred fifty air-mile radius

from the source of the commodities or the distribution point for the farm supplies.

5. An intrastate driver is exempt from maintaining a record of duty status if:
- a. The driver operates within a one hundred fifty air-mile radius from the driver's normal work-reporting location or from the official worksite of the vehicle;
  - b. At least ten consecutive hours off duty separate each twelve hours on duty;
  - c. The driver, except for a driver salesperson, returns to the work-reporting location and is released from work within twelve consecutive hours; and
  - d. The motor carrier maintains and retains for a period of six months accurate time records showing the time the driver reports for duty and is released from duty each day.

**SECTION 7. REPEAL.** Sections 8-02-08, 39-06.2-17, 39-12-24, and 39-12-25 of the North Dakota Century Code are repealed.

Approved March 25, 2021

Filed March 26, 2021

## CHAPTER 281

### SENATE BILL NO. 2112

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-02-03 of the North Dakota Century Code, relating to department of transportation branch office duties.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-02-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-02-03. Powers and duties of director and department.**

The director may adopt and enforce such administrative rules and, designate such agencies, and establish such branch offices, including contracted branch offices, as may be necessary to carry out the motor vehicle and driver's license laws applicable to the director's office and department. The director shall provide suitable forms for applications, registration cards, license number plates, and all other motor vehicle and driver's license forms and equipment requisite for the operation of the director's office and department, and shall prepay all transportation charges thereon. Branch office contracts entered under this section may extend five years and may be renewed in accordance with this section. At least one year before the end of each branch office contract term, the department shall consider entering contracts with new branch office vendors. Notwithstanding any other provision of law, the director may enter direct negotiations and contract with qualified vendors to provide branch office services. The director may provide for a maximum fee schedule for the various services provided by the branch offices, not to exceed ten dollars for each service provided. Any branch office may establish a different fee schedule if the schedule does not contain a fee that exceeds a maximum fee established by the director and is approved by the director. All branch office managers must be bonded. The department may lease or provide office space or other costs as necessary to independent motor vehicle branch managers. All rents collected under this section must be deposited in the state highway fund. The department and the officers thereof shall enforce the provisions of all laws pertaining to the director and the department.

Approved March 23, 2021

Filed March 24, 2021

## CHAPTER 282

### SENATE BILL NO. 2043

(Government and Veterans Affairs Committee)  
(At the request of the Public Employees Retirement System)

AN ACT to amend and reenact subsection 1 of section 39-03.1-09 and section 39-03.1-10 of the North Dakota Century Code, relating to contributions to the highway patrolmen's retirement system by members and the state.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 1 of section 39-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Every member, except as provided in section 39-03.1-07, shall contribute into the fund ten and thirty-hundredths percent of the member's monthly salary, which sum must be deducted from the member's salary and credited to the member's account in the fund. Member contributions increase by one percent of the member's monthly salary beginning with the monthly reporting period of January 2012; ~~with an additional increase of one percent, beginning with the monthly reporting period of January 2013; and; with an additional increase of one percent, beginning with the monthly reporting period of January 2014;~~ with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2022; with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2023; with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2024; and with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2025.

<sup>182</sup> **SECTION 2. AMENDMENT.** Section 39-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-03.1-10. Contributions by the state.**

The state shall contribute to the fund a sum equal to sixteen and seventy-hundredths percent of the monthly salary or wage of a participating member. State contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012; ~~and; with an additional increase of one percent, beginning with the reporting period of January 2013; and; with an additional increase of one percent, beginning with the monthly reporting period of January 2014;~~ with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2022; with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2023; with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2024; and with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2025. If the member's contribution is paid by the state under subsection 2 of

<sup>182</sup> Section 39-03.1-10 was also amended by section 1 of Senate Bill No. 2044, chapter 439.

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section 39-03.1-09, the state shall contribute, in addition, an amount equal to the required member's contribution. The state shall pay the associated employer contribution for those members who elect to exercise their rights under subsection 3 of section 39-03.1-10.1.

Approved April 28, 2021

Filed April 29, 2021



## CHAPTER 283

### HOUSE BILL NO. 1502

(Representatives Mock, D. Ruby, Boschee)  
(Senators Clemens, Dwyer)  
(Approved by the Delayed Bills Committee)

AN ACT to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations and entries against driving record; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

~~registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.~~

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

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

<sup>183</sup> **SECTION 4. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is amended and reenacted as follows:

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

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

<sup>184</sup> **SECTION 5. AMENDMENT.** Subdivision f of subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

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

<sup>185</sup> **SECTION 6.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of 39-19-03, a fee of fifty dollars.

**SECTION 7. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>183</sup> Section 39-06-16 was also amended by section 2 of House Bill No. 1072, chapter 288.

<sup>184</sup> Section 39-06.1-06 was also amended by section 6 of House Bill No. 1502, chapter 283, and section 2 of Senate Bill No. 2097, chapter 280.

<sup>185</sup> Section 39-06.1-06 was also amended by section 5 of House Bill No. 1502, chapter 283, and section 2 of Senate Bill No. 2097, chapter 280.

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

<sup>186</sup> **SECTION 8. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

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

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section ~~39-04-11~~, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, ~~39-06-04~~, 39-06-14, 39-06-14.1, 39-06-16, ~~39-06-2-07~~, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 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 subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, ~~or 39-21~~, ~~or 39-27~~, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

<sup>187</sup> **SECTION 9.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Driving in violation of the conditions of                      2 points  
an instructional permit.

<sup>188</sup> **SECTION 10. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- |  |                  |
|--|------------------|
| b. Criminal Violations<br>Conviction of:   | Points Assigned: |
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance   | 8 points         |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance  | 12 points        |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances | 14 points        |

<sup>186</sup> Section 39-06.1-09 was also amended by section 3 of Senate Bill No. 2097, chapter 280.

<sup>187</sup> Section 39-06.1-10 was also amended by section 10 of House Bill No. 1502, chapter 283.

<sup>188</sup> Section 39-06.1-10 was also amended by section 9 of House Bill No. 1502, chapter 283.

(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points
(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points
(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance	2 points
(10) Driving in violation of the conditions of an instruction permit	2 points

**SECTION 11. AMENDMENT.** Subsection 2 of section 39-10-26 of the North Dakota Century Code is amended and reenacted as follows:

2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system, or on a multilane highway outside the limits of a city, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.

**SECTION 12. AMENDMENT.** Subsections 1 and 2 of section 39-10-38 of the North Dakota Century Code are amended and reenacted as follows:

1. No person may turn a vehicle ~~or~~ move right or left upon a roadway, or merge into or from traffic unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn ~~or~~ move right or left ~~when required,~~ or merge into or from traffic must be given continuously during not less than the last one

hundred feet [30.48 meters] traveled by the vehicle before turning, moving right or left, or changing lanes.

**SECTION 13. AMENDMENT.** Section 39-21-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, manufactured or assembled after January 1, 1980, must at all times, and every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry must, when operated upon the highways of this state during the times mentioned in section 39-21-01, be equipped as follows:
  4.
    - a. Tractors and self-propelled units of farm equipment must be equipped with two single-beam or multiple-beam headlamps meeting the requirements of section 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm equipment which is not equipped with an electrical system must be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than one thousand feet [304.8 meters] to the front of the vehicle. Every tractor and self-propelled unit of farm equipment must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear of the vehicle. In addition, every tractor and every self-propelled unit of farm equipment must be equipped with two red reflectors visible from all distances from six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps.
    2.
      - b. Every towed unit of farm equipment or implement of husbandry must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear or two red reflectors visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps. In addition, if the extreme left projection of a towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, the unit or implement must be equipped with at least one amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the front when illuminated by the lower beams of headlamps and at least one red lamp or reflector so mounted and visible from the same distances to the rear.
  2. The lamps and reflectors required by this section must be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, the lamps or reflectors must be so positioned that the extreme projections both to the left and to the right of the vehicle must be indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required in ~~subsection 2~~subdivision b.

Approved April 21, 2021

Filed April 22, 2021

## CHAPTER 284

### HOUSE BILL NO. 1176

(Representatives Roers Jones, Becker, Heinert, Ista, Jones, Klemin, Mock)  
(Senators Bakke, Bekkedahl, Davison)

AN ACT to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to cancellation of a minor's driver's license.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06-01.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-06-01.1. Special provisions for minor operators.**

1. The director shall cancel the operator's license of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 ~~or has committed an alcohol-related offense or a drug-related offense while operating a motor vehicle~~, if:
  - a. The acts or offenses were committed while the individual was a minor; and
  - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. The director shall cancel the operator's license of an individual who has committed an alcohol-related offense or a drug-related offense while operating a motor vehicle if:
  - a. The offense was committed while the individual was a minor;
  - b. The individual was found to have committed the offense by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense;
  - c. The offense created an imminent risk of injury to another individual;
  - d. A lesser penalty would be ineffective to prevent future risk to another individual; and
  - e. The official having jurisdiction orders the director to cancel the operator's license.
3. If an individual has had that individual's license to operate a motor vehicle canceled under subsection 1 or 2, the director shall deem that individual to have never had any license to operate a motor vehicle and may not issue any license to operate a motor vehicle other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted

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instruction permit, the director may not issue any other operator's license to that individual until that individual:

- a. Meets the requirements of section 39-06-17. The driver education requirement may be met through either an internet course or successfully completing a course at an approved commercial driver training school meeting the requirements of chapter 39-25; and
- b. Satisfies all other requirements that apply to that individual for that operator's license.

Approved March 25, 2021

Filed March 26, 2021



## CHAPTER 285

### HOUSE BILL NO. 1406

(Representatives Simons, Christensen, Magrum, D. Ruby)  
(Senators Heitkamp, O. Larsen)

AN ACT to amend and reenact section 39-06-07 of the North Dakota Century Code, relating to an application for an operator's license.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-06-07. Application for operator's license.**

1. An applicant for an operator's license must be made upon a form furnished by the director.
2. An applicant must state on the application the full name, date of birth, sex, social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number or the applicant provides an affidavit stating the applicant was not assigned a social security number, residence and mailing address, and provide a brief description of the applicant. By signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the fee listed in section 39-06-49. The application must contain any other information as the director may require to improve identity security. The director may require an applicant to provide a social security card and proof of residence address.
3. If an application is received from an individual previously licensed in another jurisdiction, the director may request a copy of the driver's record from the other jurisdiction. A copy of another jurisdiction's driving record becomes a part of the driving record in this state with the same force and effect as though entered on the driving record in this state in the original instance.

Approved March 17, 2021

Filed March 18, 2021

## CHAPTER 286

### HOUSE BILL NO. 1185

(Representatives K. Koppelman, Christensen, Jones, Klemin, Paulson, Satrom,  
Schauer, Vigesaa)  
(Senators Clemens, Dwyer)

AN ACT to amend and reenact sections 39-06-09 and 39-08-13 of the North Dakota Century Code, relating to liability for negligence of a minor driver and accident report forms; to provide a penalty; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06-09 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-06-09. Liability for negligence of minor - General.**

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1. Subject to subsection 2, any negligence of a minor when driving a motor vehicle ~~upon~~ on a highway must be imputed to the individual who has signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority has been temporarily transferred under section 39-06-08. This individual is jointly and severally liable with the minor for any damages caused by the negligence, except as provided in section 39-06-10.
2. The negligence of a minor under subsection 1 may not be imputed to the individual who signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority temporarily has been transferred under section 39-06-08 for any injury or damage to that individual which was caused by the minor's negligence.

<sup>189</sup> **SECTION 2. AMENDMENT.** Section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-08-13. Accident report forms.**

1. The director shall prepare and supply to law enforcement agencies, garages, and other suitable agencies or individuals forms for accident reports required by law, appropriate with respect to the purposes to be served. The reports to be made by investigating officers shall call for sufficiently detailed information to disclose the cause of a traffic accident, conditions then existing, persons and vehicles involved, and whether the requirements for the deposit of security under section 39-16-05 are applicable.

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<sup>189</sup> Section 39-08-13 was also amended by section 5 of House Bill No. 1098, chapter 295.

2. Every accident report required to be made to the director must be made in the appropriate format or approved by the director and must contain all the information required therein unless not available.
3. Every law enforcement officer who investigates a vehicle accident for which a report must be made as required in this chapter shall forward a report of such accident to the department within ten days after the accident.
4. Except as provided in subsection 5, reports required to be forwarded by law enforcement officers and the information contained in the reports is not privileged or confidential. If, however, the investigating officer expresses an opinion as to fault or responsibility for the accident, the opinion is confidential and not open to public inspection, except as provided in subsection 56. In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or accident involving a party to the accident:
  - a. Driver identification number of a party in the report;
  - b. Telephone number of a party in the report;
  - c. Insurance company name and policy number of a party in the report; and
  - d. Day and month of birth of a party in the report.
5. a. Unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or accident involving a party to the accident, the following information contained in the report is exempt:
  - (1) The name of a minor party in the report;
  - (2) Driver identification number of a minor party in the report; and
  - (3) Telephone number uniquely owned by a minor party in the report.
- b. A person may not forward a report in which a minor party's information is disclosed to a person that is not an authorized requester under subdivision a. A person that violates this subdivision is guilty of a class B misdemeanor.
6. Upon affirmation by a party to the accident, a party's legal representative, or the insurer of any party to the accident that the investigating officer's opinion is material to a determination of liability and upon payment of a fee of five dollars, the director or investigating agency shall release a completed copy of the investigating officer's opinion to the entity requesting the information. The request must be made on an appropriate form approved by the director.
- ~~6-7.~~ Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of

that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

- ~~7-8.~~ Copies of accident reports are not admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.
- ~~8-9.~~ The director, without a request under subsection 4 ~~or~~ 5, or 6 may send a copy of an accident report to the registered owner of each vehicle involved as indicated by the report.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 12, 2021

Filed April 13, 2021

## CHAPTER 287

### HOUSE BILL NO. 1168

(Representatives Toman, Bosch, Ertelt, Kading, Mock)  
(Senator Schaible)

AN ACT to amend and reenact sections 39-06-13 and 39-06-19 and subsection 2 of section 39-06-49 of the North Dakota Century Code, relating to operator's license examinations, renewals, and fees.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06-13 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-06-13. Examination of applicants.**

1. Unless otherwise provided in this chapter, the director shall examine every applicant for an operator's license. The examination must include a test of the applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; and knowledge of the traffic laws of this state. The director shall make any written portion of the examination, except writing on illustrations of signs, available to an applicant in any widely practiced language. The director may waive the written portion of the examination for an applicant who has successfully passed a written examination in another state and has an operator's license that is not or in the process of being revoked, suspended, or canceled.
2. The director shall establish a process to administer the written portion of an examination for an operator's license through an online electronic medium. The director shall charge an applicant a fee of ten dollars to access the online written examination. The online examination must:
  - a. Use personal questions about the applicant before the examination which the applicant is required to answer during the examination, to strengthen test security to deter fraud; and
  - b. Require the applicant's parent or legal guardian to certify to the department the parent or legal guardian monitored the applicant during the online written examination, before issuance by the department of a class D instruction permit to an applicant who has passed the online examination.
3. The examination must include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle unless waived for an applicant who has successfully passed an actual ability test in this or another state conducted by a state licensing authority or by a commercial driver training school meeting the driver education requirements prescribed by the director under chapter 39-25. A minor may operate a motor vehicle no matter how owned for the actual ability test.
- ~~3-4.~~ In lieu of an eyesight test, the applicant may provide a statement of examination from a licensed physician or an optometrist stating the corrected

and uncorrected vision of the applicant, if the examination was within six months of the application.

4-5. The director may require any other physical or mental examination.

<sup>190</sup> **SECTION 2. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is renewed according to this section.
2. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an odd numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an even numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
3. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.
5. An applicant for renewal must present the application with the fee for renewal of license to the director not before ten months prior to the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal or a substitute to provide documentation that confirms to

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<sup>190</sup> Section 39-06-19 was also amended by section 1 of House Bill No. 1102, chapter 289.

the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously completed or if there are changes to the information already on file. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.

6. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
7. An applicant for renewal of an operator's license must provide a certificate of examination from the driver licensing or examining authorities or a statement as to the corrected and uncorrected vision of the applicant from a licensed physician or an optometrist, except as required under subsection 9. The director shall provide visual examination equipment at each location where a license may be renewed.
8. An individual submitting an application and the fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to the application, must be treated as an initial applicant.
9. A noncommercial applicant may apply by mail or electronically for renewal of a license during every other renewal cycle, except as otherwise provided by subsection 10. The director may use vision information provided by the applicant to meet vision requirements for applicants under sixty-five years of age and adopt procedures necessary to implement this subsection.
10. A noncommercial applicant for an operator's license may not renew by mail or electronically if the applicant is seeking a new photo or changes to the information on the face of the physical operator's license.

**SECTION 3. AMENDMENT.** Subsection 2 of section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

2. The fee for:
  - a. An application for a nondriver photo identification card is eight dollars.
  - b. Written testing for an application for an operator's license is five dollars.
  - c. Online written testing for an application for an operator's license is ten dollars.
  - d. Actual ability testing for an application for an operator's license is five dollars.
- d-e. An application for an operator's license is fifteen dollars.
- e-f. An application for a motorized bicycle operator's permit is ten dollars.

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- f.g. A substitute operator's license is eight dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is three dollars.
  - g.h. An operator's license renewal is fifteen dollars.
  - h.i. Reinstatement after suspension is fifty dollars unless the suspension was the result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.
  - i.j. Reinstatement after revocation is fifty dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars.

Approved April 12, 2021

Filed April 13, 2021



## CHAPTER 288

### HOUSE BILL NO. 1072

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to electronic motor vehicle operator's licenses; and to amend and reenact section 39-06-16 of the North Dakota Century Code, relating to carrying an operator's license and exhibiting the license on demand.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

##### **Electronic operator's license.**

1. The department shall implement a computerized licensing system that allows a licensed motor vehicle operator to provide electronic proof of valid licensing on an electronic communications device.
2. The electronic proof of valid licensing may be used:
  - a. When being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law; or
  - b. For identification purposes.
3. The electronic operator's license must be designed so that there is no need for the credential holder to relinquish possession of the device in which the electronic credential system is installed in order to present the credential, or for the individual to whom the credential is presented to access the verification system to confirm the validity of the credential.
4. The computerized licensing system may not transmit or transfer any information contained on an electronic operator's license without authorization from the licensed motor vehicle operator.
5. In case of a discrepancy between a physical and electronic credential, the electronic credential takes priority and is considered to provide the current information.
6. The electronic credential and verification systems must be designed to protect the credential holder's privacy, including the use of privacy enhancing technology or other appropriate methods. If the department enters an agreement with a third-party electronic credential system provider, the agreement must require the third-party electronic credential system provider to take appropriate measures to protect the credential holder's privacy.

7. In addition to the fees required by section 39-06-49 for an operator's license, a substitute operator's license, and an operator's license renewal:
  - a. An initial fee of five dollars is required from a licensed motor vehicle operator seeking to possess an electronic operator's license; and
  - b. The fee for an electronic operator's license renewal is five dollars.
8. The director may adopt rules necessary for the effective implementation of an electronic operator's licensing system.

<sup>191</sup> **SECTION 2. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is amended and reenacted as follows:

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

An individual licensed to operate a motor vehicle shall have ~~the~~ a physical or electronic operator's license in the individual's immediate possession at all times when operating a motor vehicle and shall physically surrender ~~the~~ electronically provide an operator's license, upon demand of any court, police officer, or a field deputy or inspector of the department. However, an individual charged with violating this section may not be convicted or assessed any court costs if the individual produces in court or in the office of the arresting officer a valid operator's license issued to that individual that is not under suspension, revocation, or cancellation at the time of the individual's arrest.

Approved April 19, 2021

Filed April 20, 2021

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<sup>191</sup> Section 39-06-16 was also amended by section 4 of House Bill No. 1502, chapter 283.

## CHAPTER 289

### HOUSE BILL NO. 1102

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 9 of section 39-06-19 of the North Dakota Century Code, relating to online driver's license renewals.

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

<sup>192</sup> **SECTION 1. AMENDMENT.** Subsection 9 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

9. A noncommercial applicant may apply by mail or electronically for renewal of a license during every other renewal cycle. The director may use vision information provided by the applicant to meet vision requirements for applicants under ~~sixty-five~~sixty-seven years of age and adopt procedures necessary to implement this subsection.

Approved March 8, 2021

Filed March 9, 2021

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<sup>192</sup> Section 39-06-19 was also amended by section 2 of House Bill No. 1168, chapter 287.

## CHAPTER 290

### SENATE BILL NO. 2113

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact a new subsection to section 39-06.2-10.6 and new subsection to section 39-20-05 of the North Dakota Century Code, relating to conducting department of transportation administrative hearings by electronic means; and to amend and reenact subsection 2 of section 39-06-33 of the North Dakota Century Code, relating to conducting department of transportation administrative hearings by electronic means.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 2 of section 39-06-33 of the North Dakota Century Code is amended and reenacted as follows:

2. Any hearing conducted under this section and any appeal from the decision of the hearing must be conducted under chapter 28-32, except the hearing must be heard within sixty days of the receipt of the request for hearing and in the county of the licensee's residence, unless the parties agree to a different time and place for the hearing. A hearing under this section may be conducted by telephone, television, virtual online interface, or other electronic means with the consent of the licensee. At the hearing, the regularly kept records of the director may be introduced and are prima facie evidence of their content without further foundation.

**SECTION 2.** A new subsection to section 39-06.2-10.6 of the North Dakota Century Code is created and enacted as follows:

A hearing under this section may be conducted in whole or in part by telephone, television, virtual online interface, or other electronic means with the consent of the licensee. A hearing officer may provide a notice, decision, or order under this section by mail or other means as authorized by the director.

**SECTION 3.** A new subsection to section 39-20-05 of the North Dakota Century Code is created and enacted as follows:

A hearing under this section may be conducted in whole or in part by telephone, television, virtual online interface, or other electronic means with the consent of the licensee. A hearing officer may provide a notice, decision, or order under this section by mail or other means as authorized by the director.

Approved April 12, 2021

Filed April 13, 2021

## CHAPTER 291

### SENATE BILL NO. 2099

(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to amend and reenact subsection 2 of section 39-06.1-02, and sections 39-06.1-07 and 39-07-07 of the North Dakota Century Code, relating to citations; and to repeal section 39-07-07.1 of the North Dakota Century Code, relating to citations.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-02 of the North Dakota Century Code is amended and reenacted as follows:

2. If the individual is cited for a traffic violation under state law and posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the violation admitted. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official in accordance with section 39-06.1-03.

**SECTION 2. AMENDMENT.** Section 39-06.1-07 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-06.1-07. Notification to offenders - Duties of director.**

1. ~~The director shall prepare notification forms and a temporary operator's permit under section 39-20-03.1 or 39-20-03.2 to be delivered to the charged individual with the uniform traffic summons and complaint under section 29-05-31. The notification form may be delivered to the individual in writing, by providing a website address, or providing a quick response code. The notification forms must contain language, approved by the attorney general, informing an individual charged with a traffic violation, other than offenses listed in section 39-06.1-05, of the procedures available to that individual under sections 39-06.1-02 and 39-06.1-03 and informing an individual who refuses a chemical test or onsite screening test under chapter 39-20 or who, on taking a chemical test, is found to be in violation of subdivision a of subsection 1 of section 39-08-01, of the procedures available under chapter 39-20. The notification must contain a schedule of points to be charged against an individual's driving record or other operator's license penalties as provided by law and a schedule of statutory fees and bond amounts as determined in accordance with this chapter. A notification form separate from the uniform traffic summons and complaint may be delivered to an individual charged with a violation of subsection 3 of section 39-21-46.~~
2. The director shall prepare a temporary operator's permit under sections 39-20-03.1, 39-20-03.2, and 39-20-04. The temporary operator's permit must

inform the driver of the procedures available under chapter 39-20 and must be issued in accordance with that chapter. The temporary operator's permit may not be delivered by mail or electronic means unless specifically authorized under chapter 39-20.

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

**39-07-07. Halting ~~person~~ an individual for violating traffic regulations - Duty of officer halting.**

1. Whenever ~~any person~~ any individual is halted for the violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting ~~that person~~ the individual, except as otherwise provided in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:
  1. a. Take the name and address of the ~~person~~ individual;
  2. b. Take the license number of the ~~person's~~ individual's motor vehicle; and
  3. c. If a city ordinance or state criminal traffic violation, issue a summons or otherwise notify ~~that person~~ the individual in writing to appear at a time and place to be specified in the summons or notice or, if a state noncriminal traffic violation, notify the ~~person~~ individual of the right to request a hearing when posting bond by mail.
2. A halting officer employed by ~~any~~ a political subdivision of the state may not take a ~~person~~ an individual into custody or require ~~that person~~ the individual to proceed with the officer to any other location for the purpose of posting bond, ~~whereif~~ where the traffic violation was a noncriminal offense under section 39-06.1-02. The officer shall offer to provide the ~~person with~~ individual with an envelope for use in mailing the bond.

**SECTION 4. REPEAL.** Section 39-07-07.1 of the North Dakota Century Code is repealed.

Approved April 12, 2021

Filed April 13, 2021

## CHAPTER 292

### SENATE BILL NO. 2109

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to create and enact a new subsection to section 39-06.2-10 of the North Dakota Century Code, relating to commercial driver's license disqualifications.

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

**SECTION 1.** A new subsection to section 39-06.2-10 of the North Dakota Century Code is created and enacted as follows:

An individual who is convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking of persons as defined in the federal Trafficking Victims Protection Reauthorization Act of 2017 [Pub. L. 115-427, 132 Stat. 5503; 22 U.S.C. 7102] is disqualified permanently from driving a commercial motor vehicle, without the possibility of reinstatement.

Approved March 22, 2021

Filed March 23, 2021

## CHAPTER 293

### HOUSE BILL NO. 1336

(Representatives D. Johnson, Jones, Karls, Satrom)  
(Senators Larson, Luick, Myrdal)

AN ACT to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record of a driving under the influence offense; and to provide for retroactive application.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>193</sup> **SECTION 1. AMENDMENT.** Section 39-08-01.6 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-08-01.6. Criminal record - Seal - Exception.**

1. The court shall seal an individual's criminal record ~~under~~ in accordance with sections 12.1-32-07.1 and 12.1-32-07.2 which relates to a conviction under section 39-08-01, if the individual:
  - a. Has pled guilty or nolo contendere to, or has been found guilty of a violation under section 39-08-01; and
  - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent violation of section 39-08-01, or any other criminal offense, within seven years of the first violation under section 39-08-01.
2. This section does not apply to an individual licensed as a commercial driver under section 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of enhancement under subsection 3 of section 39-08-01.

**SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively.

Approved March 25, 2021

Filed March 26, 2021

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<sup>193</sup> Section 39-08-01.6 was also amended by section 1 of House Bill No. 1355, chapter 294.



## CHAPTER 294

### HOUSE BILL NO. 1355

(Representatives Meier, Becker, Karls, Paur, Roers Jones, Satrom)  
(Senators Dwyer, Luick, Myrdal)

AN ACT to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>194</sup> **SECTION 1. AMENDMENT.** Section 39-08-01.6 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-08-01.6. Criminal record - Seal - Exception.**

1. The court shall seal an individual's criminal record under sections 12.1-32-07.1 and 12.1-32-07.2 if the individual:
  - a. Has pled guilty or nolo contendere to, or has been found guilty of a violation under section 39-08-01 or an equivalent ordinance; and
  - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent violation of section 39-08-01 or an equivalent ordinance, or any other criminal offense, within seven years of the first violation under section 39-08-01 or an equivalent ordinance.
2. This section does not apply to an individual licensed as a commercial driver under section 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of enhancement under subsection 3 of section 39-08-01 or an equivalent ordinance.

Approved March 25, 2021

Filed March 26, 2021

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<sup>194</sup> Section 39-08-01.6 was also amended by section 1 of House Bill No. 1336, chapter 293.

## CHAPTER 295

### HOUSE BILL NO. 1098

(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to amend and reenact sections 39-08-05, 39-08-08, 39-08-10, 39-08-11, 39-08-13, 39-08-14, 39-08-15, and 39-08-16 of the North Dakota Century Code, relating to reporting crashes and obtaining crash reports and data.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-08-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-05. Accidents~~Crashes~~ involving damage to vehicle - Penalty.**

The driver of any vehicle involved in an ~~accident~~ crash resulting only in damage ~~to a vehicle which is driven or attended by any person~~ property damage to the driver's vehicle or any other vehicle shall immediately stop ~~such~~ the vehicle at the scene of ~~such accident~~ the crash or as close ~~thereto~~ to the scene of the crash as possible but shall ~~forthwith~~ return to and in every event shall remain at the scene of such accident the crash until the driver has fulfilled the requirements of section 39-08-06 and 39-08-09. Every such stop must be made without obstructing traffic more than is necessary. Any person failing to stop or comply with ~~said~~ the requirements ~~under such circumstances~~ in this section is guilty of a class B misdemeanor.

**SECTION 2. AMENDMENT.** Section 39-08-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-08. Duty upon striking highway fixtures or other property.**

The driver of any vehicle involved in an ~~accident~~ crash resulting only in damage to highway fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of ~~such~~ the property of ~~such fact and of the damage.~~ The driver shall provide the driver's name and address, and of the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's operator's or chauffeur's license and. The driver shall make report of such accident the crash when and as required in section 39-08-09. The driver shall provide the name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, to the owner or person in charge of the damaged property or to the law enforcement officer investigating the crash.

**SECTION 3. AMENDMENT.** Section 39-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-10. Officer to report.**

Every law enforcement officer, who in the regular course of duty investigates a motor vehicle ~~accident~~ crash required to be reported as provided in section 39-08-09 either at the time and at the scene of the ~~accident~~ crash or thereafter by interviewing

the participants, or witnesses, shall make and promptly forward to the director a report of the ~~accident~~crash in ~~the~~ format prescribed by the director. The report must contain all the information required therein unless the information is not available, and must be transmitted electronically to the department of transportation using the software prescribed by the director.

**SECTION 4. AMENDMENT.** Section 39-08-11 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-11. When driver unable to report.**

1. ~~An accident~~A crash notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of ~~an accident~~a crash and there was another occupant in the vehicle at the time of the ~~accident~~crash capable of doing so, ~~such~~the occupant shall make or cause to be given the notice not given by the driver.
3. Whenever the driver is physically incapable of giving notice of ~~an accident~~a crash and ~~such~~the driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the ~~accident~~crash give ~~such~~the notice and insurance information not given by the driver.

<sup>195</sup> **SECTION 5. AMENDMENT.** Section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-13. Accident**Crash **report forms.**

1. The director shall prepare and supply to law enforcement agencies, garages, and other suitable agencies or individuals forms for ~~accident~~crash reports required by law, appropriate with respect to the purposes to be served. The reports to be made by investigating officers shall call for sufficiently detailed information to disclose the cause of a traffic ~~accident~~crash, conditions then existing, persons and vehicles involved, and whether the requirements for the deposit of security under section 39-16-05 are applicable.
2. Every ~~accident~~crash report required to be made to the director must be made in the ~~appropriate~~ format ~~or approved~~prescribed by the director and must contain all the information required therein unless not available.
3. Every law enforcement officer who investigates a vehicle ~~accident~~crash for which a report must be made as required in this chapter shall forward a report of such ~~accident~~crash to the department within ten days after the ~~accident~~crash.
4. The reports required to be forwarded by law enforcement officers and the information contained in the reports is not privileged or confidential. ~~If, however, the investigating officer expresses an opinion as to fault or responsibility for the accident, the opinion is confidential and not open to public inspection, except as provided in subsection 5.~~Crash reports held by a public entity other than the department of transportation and a law enforcement agency that contracts with service providers are exempt records.

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<sup>195</sup> Section 39-08-13 was also amended by section 2 of House Bill No. 1185, chapter 286.

In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the ~~accident~~crash, a party's legal representative, the insurer of any party to the ~~accident~~crash, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or ~~accident~~crash involving a party to the ~~accident~~crash:

- a. Driver identification number of a party in the report;
  - b. Telephone number of a party in the report;
  - c. Insurance company name and policy number of a party in the report; and
  - d. Day and month of birth of a party in the report.
5. Upon ~~affirmation by request from~~ a party to the accident~~crash~~, a party's legal representative, or the insurer of any party to the ~~accident~~crash ~~that the investigating officer's opinion is material to a determination of liability~~crash, ~~the agent of the insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or crash involving a party to the crash~~, and upon payment of a fee of ~~five~~up to seven dollars, the ~~director or investigating agency~~ shall release a completed copy of the ~~investigating officer's opinion~~crash report to the entity requesting the information. The request must be made on an ~~appropriate~~the form ~~approved~~prescribed by the director.
  6. Upon request of any person and upon payment of a fee of ~~two~~up to seven dollars, the ~~director or the law enforcement agency~~ may furnish to a requester a copy of that ~~portion of an investigating officer's accident~~crash report which does not disclose the ~~opinion of the reporting officer~~ or contain any exempt information that may not be disclosed, if the report shows that the ~~accident~~crash is one for which a driver is required to file a report under section 39-08-09.
  7. Copies of ~~accident~~crash reports are not admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle ~~accident~~crash.
  8. The director, without a request under subsection 4 or 5, may send a copy of an ~~accident~~crash report to the registered owner of each vehicle involved as indicated by the report.

**SECTION 6. AMENDMENT.** Section 39-08-14 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-14. Public inspection of reports relating to accidents**~~crashes~~.

1. All ~~accident~~crash reports made by persons involved in ~~accidents~~crashes or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for ~~accident~~crash prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an ~~accident~~crash when such identity is not otherwise known or when such person denies the person's presence at such ~~accident~~crash.

2. All ~~accident~~crash reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility are confidential and not open to general public inspection, nor may copying of lists of such reports be permitted.
3. No written reports or written information mentioned in this section may be used as evidence in any trial, civil or criminal, arising out of an ~~accidenta~~crash, except that the director shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified ~~accident~~crash report has or has not been made to the director in compliance with law.
4. Notwithstanding any other provisions of this chapter, any information compiled or otherwise made available to the department pursuant to this chapter must be transmitted to each and every duly authorized official or agency of the United States requesting such.

**SECTION 7. AMENDMENT.** Section 39-08-15 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-15. Director of the department of transportation to tabulate and analyze ~~accident~~crash reports.**

The director shall tabulate and may analyze all ~~accident~~crash reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic ~~accidents~~crashes.

**SECTION 8. AMENDMENT.** Section 39-08-16 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-16. Any incorporated city may require ~~accident~~crash reports.**

Any incorporated city or other municipality may by ordinance require that the driver of a vehicle involved in an ~~accidenta~~crash shall file with a designated city department a report of such ~~accident~~crash or a copy of any report herein required to be filed with the director. All such reports must be for the confidential use of the city department and subject to the provisions of section 39-08-14.

Approved March 9, 2021

Filed March 10, 2021

**CHAPTER 296****SENATE BILL NO. 2056**

(Judiciary Committee)  
(At the request of the Supreme Court)

AN ACT to amend and reenact subsection 2 of section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 39-08-20 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, including written or electronic proof of insurance, of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section. If that person produces satisfactory evidence, including written or electronic proof of insurance, of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the office of the ~~court under which the matter will be heard~~ prosecutor where the matter is pending, that person may not be found in violation of subsection 1.

Approved March 22, 2021

Filed March 23, 2021

## CHAPTER 297

### HOUSE BILL NO. 1290

(Representatives Mock, Hager, Hagert, Jones, Kading, O'Brien, Owens, Sanford)  
(Senators Bakke, Clemens, Dwyer)

AN ACT to create and enact section 39-10-11.1 of the North Dakota Century Code, relating to a vehicle overtaking and passing a bicycle on a roadway; and to provide a penalty.

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

**SECTION 1.** Section 39-10-11.1 of the North Dakota Century Code is created and enacted as follows:

#### **39-10-11.1. Overtaking and passing a bicycle.**

The driver of a vehicle shall leave a safe distance when overtaking and passing a bicycle proceeding in the same direction on a roadway and shall maintain clearance until safely clear of the overtaken bicycle. "Safe distance" as used in this section means no less than three feet [0.91 meters] clearance.

Approved March 16, 2021

Filed March 16, 2021

## CHAPTER 298

### HOUSE BILL NO. 1252

(Representatives Mock, Hager, Jones, Kading, O'Brien, D. Ruby)  
(Senators Bakke, Dwyer, D. Larsen)

AN ACT to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to stopping and yielding while operating a bicycle; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 39-10.1 of the North Dakota Century Code is created and enacted as follows:

#### **Yielding and stopping while operating a bicycle on a roadway.**

1. An individual operating a bicycle who is approaching a stop sign at an intersection with a roadway having three or more lanes for moving traffic shall come to a complete stop before entering the intersection.
2. An individual operating a bicycle who is approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection.
3. An individual operating a bicycle who is approaching a stop sign at an intersection with a roadway having two or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the individual shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the individual is moving across or within the intersection, except that an individual, after slowing to a reasonable speed and yielding the right-of-way if required, cautiously may make a turn or proceed through the intersection without stopping.
4. An individual operating a bicycle who is approaching an intersection shall yield the right-of-way to any vehicle that already has entered the intersection.
5. When an individual operating a bicycle and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle on the right.
6. If the individual operating a bicycle is involved in a collision with a vehicle in the intersection or junction of roadways after proceeding past a stop sign without stopping or past a steady red traffic-control light, the collision is deemed prima facie evidence of the individual's failure to yield the right of way.

Approved March 17, 2021

Filed March 18, 2021



## CHAPTER 299

### HOUSE BILL NO. 1068

(Transportation Committee)

(At the request of the Parks and Recreation Department)

AN ACT to amend and reenact subsection 8 of section 39-24-01 and subsection 2 of section 39-29-01 of the North Dakota Century Code, relating to the definition of an off-highway vehicle and a snowmobile.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 8 of section 39-24-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. ~~The term does not include an off-highway vehicle as defined in chapter 39-29 converted to operate on tracks.~~

<sup>196</sup> **SECTION 2. AMENDMENT.** Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any 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. The term includes a motorized vehicle converted to operate on snow. An off-highway vehicle must be classified into one of the following categories:
  - a. 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.
  - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
  - c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering 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, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.

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<sup>196</sup> Section 39-29-01 was also amended by section 6 of House Bill No. 1148, chapter 278.

Approved March 8, 2021

Filed March 9, 2021

## CHAPTER 300

### SENATE BILL NO. 2094

(Transportation Committee)

(At the request of the Parks and Recreation Department)

AN ACT to amend and reenact section 39-29-10 of the North Dakota Century Code, relating to the issuance of off-highway vehicle safety certificates by the parks and recreation department for completion of an off-highway vehicle safety training course.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-29-10 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-29-10. Operation by persons under age sixteen.**

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, 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, operate an off-highway vehicle. 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~~ parks and recreation department. 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.

Approved March 22, 2021

Filed March 23, 2021

## **CHAPTER 301**

### **SENATE BILL NO. 2027**

(Legislative Management)  
(Agriculture and Transportation Committee)

AN ACT to repeal section 39-34-05 of the North Dakota Century Code, relating to transportation network company reporting requirements.

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

**SECTION 1. REPEAL.** Section 39-34-05 of the North Dakota Century Code is repealed.

Approved March 22, 2021

Filed March 23, 2021

## CHAPTER 302

### SENATE BILL NO. 2149

(Senators Burckhard, Dwyer, Kreun)  
(Representative O'Brien)

AN ACT to amend and reenact section 39-34-06 of the North Dakota Century Code, relating to a commercial service airport's authority to enter an agreement with a transportation network company.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-34-06 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-34-06. Controlling authority.**

1. Notwithstanding any other provision of law, transportation network companies and transportation network company drivers are governed exclusively by this chapter, chapter 26.1-40.1, and any rules adopted consistent with this chapter and adopted by the insurance commissioner under chapter 26.1-40.1.
2. A political subdivision may not impose a tax on, or require a license for, a transportation network company or a transportation network company driver or subject a transportation network company to the political subdivision's rate, entry, operational, or other requirements.
3. This chapter may not be construed to limit the ability of a commercial service airport or the governing body of a commercial service airport to enter an operating agreement with a transportation network company which authorizes operational access to the commercial service airport. An operating agreement entered under this subsection may provide guidelines for entry, pick-up, drop-off, fees, and other airport operational procedures required by the commercial service airport for the transportation network company to be allowed operational access to the commercial service airport. As used in this subsection, "commercial service airport" means a public airport that has at least two thousand five hundred passenger boardings per calendar year and receives scheduled passenger aircraft service.

Approved March 23, 2021

Filed March 24, 2021