

Introduced by

Senator Bekkedahl

1 A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota
2 Century Code, relating to requiring mud flaps on certain vehicles; to amend and reenact
3 sections 39-06.1-09 and 39-21-44.1 of the North Dakota Century Code, relating to moving
4 violations and preventing sifting or leaking loads; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06.1-09. Moving violation defined.**

9 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
10 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,
11 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,
12 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,
13 39-12-06, 39-12-09, 39-21-44.1, section 3 of this Act, 39-21-45.1, 39-24-02, or 39-24-09, except
14 subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
15 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except
16 subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section
17 39-21-46, and those sections within those chapters which are specifically listed in subsection 1
18 of section 39-06.1-08.

19 **SECTION 2. AMENDMENT.** Section 39-21-44.1 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads - Covers or**
22 **tarps required.**

23 1. No vehicle ~~An individual~~ may be driven or moved ~~not operate a vehicle~~ on any highway
24 unless ~~it is~~ the vehicle is so constructed or loaded as to ~~prevent its~~ keep the contents

1 ~~from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may~~
2 ~~be dropped for the purpose of securing traction, or water or other substance may be~~
3 ~~sprinkled on a roadway in cleaning or maintaining the roadway. No person within or on~~
4 ~~the vehicle.~~

5 2. An individual may not operate on any highway any vehicle with any load unless the
6 load and any covering thereon on the vehicle is securely fastened so as to prevent
7 saidthe covering or load from becoming loose, detached, or in any manner a hazard to
8 other users of the highway.

9 3. An individual may not operate a commercial motor vehicle hauling soil, sand, rocks,
10 rock chips, gravel, silica, trash, or garbage, on a public road or highway unless the
11 load is covered and secured with a close-fitting tarpaulin or other appropriate cover, or
12 a device designed to reasonably ensure the cargo will not drop, blow, leak, or
13 otherwise escape.

14 4. This section does not apply to:

15 a. Sand being dropped for the purpose of securing traction, or water or other
16 substance being sprinkled on a roadway in cleaning or maintaining the roadway;

17 b. Farm vehicles carrying agricultural products locally from a harvest site, or to or
18 from a farm;

19 c. The operation of highway maintenance vehicles engaged in removing snow or
20 ice from the roadway; or

21 d. A vehicle owned or operated by the state or a political subdivision.

22 **SECTION 3.** A new section to chapter 39-21 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Mud flaps required.**

25 1. A commercial motor vehicle registered for over ten thousand pounds [4535.92
26 kilograms] must be equipped with mud flaps for the rear wheels when operated on a
27 public road or highway. The mud flaps must be wide enough to cover the full tread
28 width of the tire being protected, and must be constructed of a rigid material or a
29 flexible material of a sufficiently rigid character to provide adequate protection when
30 the vehicle is in motion.

- 1 2. This section does not apply to farm implements or to a vehicle not required to be
- 2 registered.