

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1502

Introduced by

Representatives Mock, D. Ruby, Boschee

Senators Clemens, Dwyer

(Approved by the Delayed Bills Committee)

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

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

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

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

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

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

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

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

20 ~~— 2. — If legal title passes to the transferee, the owner shall deliver the endorsed certificate of~~
21 ~~title to the transferee within thirty days of the date the vehicle was purchased.~~

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

30 **SECTION 3. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **39-06-16. License to be carried and exhibited on demand.**

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

10 **SECTION 4. AMENDMENT.** Subdivision f of subsection 2 of section 39-06.1-06 of the North
11 Dakota Century Code is amended and reenacted as follows:

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

14 **SECTION 5.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota
15 Century Code is created and enacted as follows:

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

17 **SECTION 6. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 1. A violation of section ~~39-04-11~~ 39-04-02.1, ~~subsection 1 of section 39-04-37 by an~~
20 ~~individual by becoming a resident of this state~~ 1 of this Act, subsection 4 of section
21 39-06-17, and section 39-06-20, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50,
22 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal
23 ordinance equivalent to the foregoing sections.

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

26 **39-06.1-09. Moving violation defined.**

27 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
28 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,
29 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,
30 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,
31 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,

1 except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
2 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or 39-27, or equivalent
3 ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and
4 3 of section 39-21-46, and those sections within those chapters which are specifically listed in
5 subsection 1 of section 39-06.1-08.

6 **SECTION 8.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
7 North Dakota Century Code is created and enacted as follows:

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

10 **SECTION 9. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the
11 North Dakota Century Code is amended and reenacted as follows:

12 b. Criminal Violations

13 Conviction of: Points Assigned:

- | | |
|--|-----------|
| 14 (1) Reckless driving in violation of section 39-08-03, or | 8 points |
| 15 equivalent ordinance | |
| 16 (2) Aggravated reckless driving in violation of section | 12 points |
| 17 39-08-03, or equivalent ordinance | |
| 18 (3) Leaving the scene of an accident involving property | 14 points |
| 19 damage in violation of section 39-08-05, 39-08-07, | |
| 20 or 39-08-08, or equivalent ordinances | |
| 21 (4) Leaving the scene of an accident involving personal | 18 points |
| 22 injury or death in violation of section 39-08-04, or | |
| 23 equivalent ordinance | |
| 24 (5) Violating restrictions in a restricted license issued | 3 points |
| 25 under section 39-06-17 and relating to the use of | |
| 26 eyeglasses or contact lenses while driving | |
| 27 (6) Violating any restrictions other than those listed in | 4 points |
| 28 paragraph 5, contained in a restricted license issued | |
| 29 under section 39-06-17 or 39-06.1-11 | |

- 1 (7) Except as provided in paragraph 9 of subdivision a, 2 points
2 knowingly operating an unsafe vehicle in violation of
3 section 39-21-46, or equivalent ordinance
4 (8) Fleeing in a motor vehicle from a peace officer in 24 points
5 violation of section 39-10-71, or equivalent ordinance
6 (9) Causing an accident with an authorized emergency 2 points
7 vehicle or a vehicle operated by or under the control
8 of the director used for maintaining the state highway
9 system in violation of subsection 5 of section 39-10-26,
10 or equivalent ordinance
11 (10) ~~Driving in violation of the conditions of an instruction 2 points~~
12 permit

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

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

28 **SECTION 11. AMENDMENT.** Subsections 1 and 2 of section 39-10-38 of the North Dakota
29 Century Code are amended and reenacted as follows:

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

7 **SECTION 12. AMENDMENT.** Section 39-21-15 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-21-15. Lamps, reflectors, and reflective materials on farm tractors, farm**
10 **equipment, and implements of husbandry.**

- 11 1. Every farm tractor, self-propelled unit of farm equipment, or towed implement of
12 husbandry, manufactured or assembled after January 1, 1980, must at all times, and
13 every farm tractor, self-propelled unit of farm equipment, or towed implement of
14 husbandry must, when operated upon the highways of this state during the times
15 mentioned in section 39-21-01, be equipped as follows:
- 16 4. a. Tractors and self-propelled units of farm equipment must be equipped with two
17 single-beam or multiple-beam headlamps meeting the requirements of section
18 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm
19 equipment which is not equipped with an electrical system must be equipped with
20 at least one lamp displaying a white light visible when lighted from a distance of
21 not less than one thousand feet [304.8 meters] to the front of the vehicle. Every
22 tractor and self-propelled unit of farm equipment must be equipped with at least
23 one lamp displaying a red light visible when lighted from a distance of one
24 thousand feet [304.8 meters] to the rear of the vehicle. In addition, every tractor
25 and every self-propelled unit of farm equipment must be equipped with two red
26 reflectors visible from all distances from six hundred feet [182.88 meters] to one
27 hundred feet [30.48 meters] to the rear when directly in front of lawful lower
28 beams of headlamps.
- 29 2. b. Every towed unit of farm equipment or implement of husbandry must be
30 equipped with at least one lamp displaying a red light visible when lighted from a
31 distance of one thousand feet [304.8 meters] to the rear or two red reflectors

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

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