

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2169

Introduced by

Senators Rummel, Kessel, Sickler

Representatives Klemin, Lefor, Steiner

1 A BILL ~~for an Act to create and enact a new subsection to section 39-06.1-06 of the North-~~  
2 ~~Dakota Century Code, relating to the amount of fees for certain traffic offenses; to amend and~~  
3 ~~reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city~~  
4 ~~finest and penalties; and to provide a penalty.~~ for an Act to create and enact a new section to  
5 chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the  
6 maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North  
7 Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by  
8 Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section  
9 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing  
10 injury or death while operating a vehicle while under the influence of alcohol or any other drugs  
11 or substances, driving while under the influence of alcohol or any other drugs or substances  
12 while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting  
13 load; to provide for a legislative management study; to provide for a legislative management  
14 report; and to provide a penalty.

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

16 ~~—SECTION 1. A new subsection to section 39-06.1-06 of the North Dakota Century Code is-~~  
17 ~~created and enacted as follows:~~  
18 ~~The specified fee is increased by one hundred dollars for any of the listed offenses if a~~  
19 ~~driver has had three previous convictions of any combination of the following offenses~~  
20 ~~within a five-year period:~~  
21 ~~— a. A violation of section 39-08-03.1, 39-08-23, 39-08-24, or 39-08-25.~~  
22 ~~— b. A violation of chapter 39-09.~~

1 ~~c. A violation of section 39-10-04, 39-10-05, 39-10-08, 39-10-12, 39-10-13,~~  
2 ~~39-10-14, 39-10-15, 39-10-16, 39-10-17, 39-10-18, 39-10-22, 39-10-23,~~  
3 ~~39-10-24, 39-10-26, 39-10-35, 39-10-38, 39-10-44, or 39-10-46.~~

4 ~~**SECTION 2. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century~~  
5 ~~Code is amended and reenacted as follows:~~

6 ~~2. For every violation of a city ordinance that regulates the operation or equipment of a~~  
7 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~  
8 ~~39-06.1-05 or the additional increased fee amount assessed under section 1 of this~~  
9 ~~Act, a fee may be established, by ordinance, which may exceed, by up to one hundred~~  
10 ~~percent, the limit, for an equivalent category of violation, set forth in section~~  
11 ~~39-06.1-06.~~

12 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**  
15 **while under the influence of alcohol or any other drugs or substances - Penalty.**

- 16 1. An individual is guilty of criminal vehicular homicide if the individual commits an  
17 offense under section 39-08-01 or equivalent ordinance and as a result the individual  
18 causes a death of another individual to occur, including the death of an unborn child,  
19 unless the individual who causes the death of the unborn child is the mother. A  
20 violation of this subsection is a class A felony. If an individual commits a violation  
21 under this subsection, the court shall impose at least three years' imprisonment. If the  
22 individual violates this section after having been previously convicted of a violation of  
23 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least  
24 ten years' imprisonment. An individual may not be prosecuted and found guilty of this  
25 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
- 26 2. An individual is guilty of criminal vehicular injury if the individual violates section  
27 39-08-01 or equivalent ordinance and as a result that individual causes substantial  
28 bodily or serious bodily injury to another individual. Violation of this subsection is a  
29 class C felony. If an individual violates this subsection, the court shall impose at least  
30 one year's imprisonment. If the individual violates this section after having been

1 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent  
2 ordinance, the court shall impose at least two years' imprisonment.

- 3 3. The sentence under this section may not be suspended unless the court finds that  
4 manifest injustice would result from the imposition of the sentence. Before a sentence  
5 under this section applies, a defendant must be notified of the minimum mandatory  
6 sentence. The elements of an offense under this section are the elements of an  
7 offense for a violation of section 39-08-01 and the additional elements that create an  
8 offense in each subsection of this section. Whether an individual caused death or  
9 substantial or serious bodily injury must be determined in accordance with section  
10 12.1-02-05.

11 **SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**  
14 **substances while being accompanied by a minor - Penalty.**

15 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to  
16 violate section 39-08-01 if the violation occurred while a minor was accompanying the  
17 individual in a motor vehicle. If an individual has a previous conviction for a violation of  
18 section 39-08-01.4, a violation of this section is a class C felony. ~~An individual~~  
19 ~~convicted under this section must be sentenced in accordance with subsection 5 of~~  
20 ~~section 39-08-01.~~

21 2. The minimum sentence for an individual convicted of violating this section must  
22 include:

23 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'  
24 imprisonment, an order for a substance abuse evaluation by an appropriate  
25 licensed addiction treatment program, at least three hundred sixty days of  
26 unsupervised probation, and at least three hundred sixty days' participation in the  
27 twenty-four seven sobriety program under chapter 54-12 as a mandatory  
28 condition of probation.

29 b. For a second or subsequent offense within fifteen years, at least thirty days'  
30 imprisonment, a fine of two thousand dollars, an order for a substance abuse  
31 evaluation by an appropriate licensed addiction treatment program, at least two

1 years' supervised probation, and at least three hundred sixty days' participation in  
2 the twenty-four seven sobriety program under chapter 54-12 as a mandatory  
3 condition of probation.

4 **SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Temporary alteration of maximum speed limit on state highway due to hazardous**  
7 **road conditions.**

8 The maximum speed limit as provided under section 39-09-02 may be altered temporarily  
9 on all or any part of the state highway system by the director and the superintendent when  
10 jointly determined that road conditions are too hazardous for the posted speed limit. The  
11 duration of any maximum speed limit altered under this section may not exceed five days. A  
12 maximum speed limit altered under this section is effective when posted on an appropriately  
13 fixed or variable sign.

14 **SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as  
15 amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is  
16 amended and reenacted as follows:

17 **39-10-21.1. Closing road because of hazardous road conditions - Road closure notice**  
18 **- Entering closed road prohibited.**

- 19 1. The highway patrol or local law enforcement authorities having jurisdiction over a road  
20 may close a road temporarily due to hazardous conditions for the protection and safety  
21 of the public. If a closing is made, the authority ordering the closing shall make every  
22 reasonable attempt to notify the public and, when practical, may post appropriate  
23 official traffic-control devices to advise motorists of the closing.
- 24 2. If a road closure under subsection 1 has been announced to the public and the road  
25 has been closed with an appropriate traffic control device in use at two points of entry,  
26 an individual may not drive on the road between the two closed points of entry.
- 27 3. If an individual is operating a vehicle on a road before the road has been closed under  
28 subsection 1, the individual is allowed to drive to the nearest safe location to leave the  
29 closed road to seek shelter.

1 4. The highway patrol or local law enforcement authorities having jurisdiction over a road  
2 may close a road temporarily from use by commercial motor vehicles due to  
3 hazardous conditions for the protection and safety of the public.

4 5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of  
5 this section who becomes stranded and requires assistance from law enforcement or  
6 whose vehicle obstructs the road may be assessed a fee of:

7 a. Five hundred dollars for a driver of a noncommercial motor vehicle; or

8 b. One thousand dollars for a driver of a commercial motor vehicle.

9 **SECTION 5. AMENDMENT.** Section 39-21-13 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **39-21-13. Lamp or flag on projecting load.**

12 Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or  
13 more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of  
14 the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a  
15 distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or  
16 lantern required under this section must be in addition to the red rear light required upon every  
17 vehicle. At any other time there must be displayed at the extreme rear end of a load a red or  
18 bright orange flag or cloth not less than twelve inches [30.48 centimeters] square and so hung  
19 that the entire area is visible to the driver of a vehicle approaching from the rear.

20 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the  
21 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by  
22 state and local governments and conduct an analysis of the fee structure provided under  
23 title 39. The study must include a comprehensive assessment and review of North Dakota's  
24 traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other  
25 states. The legislative management shall report its findings and recommendations, together with  
26 any legislation required to implement the recommendations, to the sixty-ninth legislative  
27 assembly.

28 **SECTION 7. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION -**  
29 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department  
30 of transportation shall study seat belt usage in the state. The study must include an evaluation  
31 of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a

1 statistical examination of the effects of seat belt usage in various speed zones and while on  
2 different highways. The department shall report its findings to the legislative management by  
3 June 1, 2024.

4 **SECTION 8. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION -**  
5 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department  
6 of transportation, in consultation with the highway patrol, shall study highway safety. The study  
7 must include an assessment of crash data, speed differentials on the interstate, the use of  
8 variable speed limits, and the ability to close roads to commercial vehicle traffic. The  
9 department shall report its findings to the legislative management by June 1, 2024.