

HOUSE BILL NO. 1253

Introduced by

Representatives Klemin, Cory, D. Ruby

Senator Rummel

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06 of
2 the North Dakota Century Code, relating to the amount of statutory fees for traffic offenses; to
3 amend and reenact section 39-21-44.1 of the North Dakota Century Code, relating to
4 transportation of aggregate material; and to provide a penalty.

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

6 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota
7 Century Code is created and enacted as follows:

8 A violation of subsection 3 of section 39-21-44.1, a fee of one hundred dollars.

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

11 **39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads -**

12 **Transportation of aggregate material.**

13 ~~No vehicle~~

- 14 1. An individual may be driven or moved not operate a vehicle on any highway unless
15 if the vehicle is so constructed or loaded as to ~~prevent its~~keep the contents from
16 dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be
17 dropped for the purpose of securing traction, or water or other substance may be
18 sprinkled on a roadway in cleaning or maintaining the roadway. ~~No person~~
- 19 2. An individual may not operate on any highway any vehicle with any load unless the
20 load and any covering thereon on the vehicle is securely fastened so as to prevent
21 ~~said~~the covering or load from becoming loose, detached, or in any manner a hazard to
22 other users of the highway.
- 23 3. An individual may not operate a vehicle on a highway if the vehicle is transporting
24 aggregate material with a diameter of two inches [5.08 centimeters] or less unless:

- 1 a. The load is covered by a tarp or other cover in a manner that prevents the
2 aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping
3 from the vehicle; or
- 4 b. The vehicle uses another method that prevents the aggregate material from
5 escaping from the vehicle.
- 6 4. Subsection 3 does not apply to a vehicle:
- 7 a. Operating entirely within a marked construction zone;
- 8 b. Involving in maintenance of public roads during snow or ice removal operations;
9 or
- 10 c. Involving in emergency operations requested by a law enforcement agency or an
11 emergency response agency.
- 12 5. As used in this section, "aggregate material" means any rock, sand, silts, gravel,
13 stone, and shale. The term does not include hot asphalt including asphalt patching
14 material, wet concrete, or other materials not susceptible to blowing.