

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact sections 39-03-09 and 54-21-17.1 of the North Dakota  
2 Century Code, relating to powers of the highway patrol.

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

4 **SECTION 1. AMENDMENT.** Section 39-03-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-03-09. Powers of highway patrol.**

7 The superintendent and each member of the highway patrol shall have the power:

- 8 1. Of a peace officer for the purpose of enforcing the provisions of this title relating to  
9 operators' licenses, the provisions of title 24 relating to highways, and of any other law  
10 regulating the operation of vehicles or the use of the highways, and in addition the  
11 highway patrol shall enforce all laws relating to the use or presence of alcoholic  
12 beverages in motor vehicles.
- 13 2. To make arrests upon view and without warrant for any violation committed in the  
14 person's presence of any of the provisions of this title relating to operators' licenses, or  
15 of title 24 relating to highways or to other laws regulating the operation of vehicles or  
16 the use of the highways.
- 17 3. To direct traffic in conformance with law, or, in case of fire or emergency and to  
18 expedite traffic, or, to ensure safety by directing traffic as conditions may require  
19 notwithstanding the provisions of law.
- 20 4. To facilitate compliance with the provisions of this title, to require the driver of a vehicle  
21 to stop and exhibit the driver's operator's license and the registration cards issued for  
22 the vehicle, if any are required, and to submit to an inspection and test of the  
23 equipment of such vehicle.

- 1        5. For the purpose of locating stolen vehicles and to investigate the title and registration
- 2            thereof, to inspect any vehicle of a type required to be registered under the provisions
- 3            of this title, in any public garage or repair shop, or in any place where such vehicles
- 4            are held for sale or wrecking.
- 5        6. To serve all warrants relating to the enforcement of the laws regulating the operation of
- 6            vehicles or the use of the highways.
- 7        7. To investigate traffic accidents and secure testimony of witnesses or of persons
- 8            involved.
- 9        8. To investigate reported thefts of motor vehicles, trailers, or semitrailers.
- 10       9. To take applications for operators' licenses without making a charge therefor.
- 11       10. To enforce all laws, rules, or regulations of the state of North Dakota pertaining to the
- 12           closing hours of all businesses or establishments selling alcoholic beverages outside
- 13           the limits of incorporated cities of this state.
- 14       11. ~~To exercise general police powers~~ Of a peace officer over all violations of law
- 15           committed on state owned or leased property.
- 16       12. ~~To exercise general police powers~~ Of a peace officer over all violations of law
- 17           committed in their presence or when in pursuit of any actual or suspected law violator.
- 18       13. To require a motor carrier owner, or a motor carrier's agent, affected by rules adopted
- 19           under chapter 39-21 to produce logs or other documents to determine compliance with
- 20           rules adopted under chapter 39-21.
- 21       14. ~~To provide~~ Of a peace officer when providing security and protection for the governor,
- 22           the governor's immediate family, and other officers next in order of succession to the
- 23           office of governor ~~to the extent and in a manner the governor and the superintendent~~
- 24           ~~deems~~ deemed adequate and appropriate by the superintendent.
- 25       15. ~~To provide~~ Of a peace officer when providing security and protection for both
- 26           ~~houses~~ members of the legislative assembly ~~while in session as in the opinion of the~~
- 27           ~~speaker of the house, the president of the senate, and the superintendent areas~~
- 28           ~~deemed~~ adequate and appropriate by the superintendent.
- 29       16. Of a peace officer when responding to a call for emergency assistance requiring an
- 30           immediate response. Following a call for emergency assistance which occurs outside
- 31           state-owned or state-leased property, a highway, or the highway right of way,

1 notification must be provided to the local law enforcement agency having primary  
2 jurisdiction.

3 17. To promote public trust and an understanding of law enforcement through education,  
4 community outreach, and job shadowing programs.

5 18. ~~To exercise general police powers~~Of a peace officer over any violation of law  
6 committed on public or private property when requested by another law enforcement  
7 agency.

8 19. Of a peace officer when providing security and protection for visiting dignitaries at the  
9 request of another law enforcement agency or the governor. The highway patrol may  
10 request the assistance of other law enforcement agencies with security and protection,  
11 and the other law enforcement agencies may provide the assistance as requested  
12 under this section.

13 **SECTION 2. AMENDMENT.** Section 54-21-17.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **54-21-17.1. Superintendent to secure interior of capitol building, capitol grounds, and**  
16 **executive mansion - Issuance and return of keys and electronic card access.**

17 1. The superintendent of the highway patrol shall see to the security of the state capitol  
18 building, capitol grounds, and executive mansion. The superintendent shall have  
19 control over the issuance and return of keys and electronic card access allowing entry  
20 to the building proper, or any door located therein. Keys to doors in the legislative wing  
21 must be issued and controlled by the legislative council when so requested by the  
22 highway patrol exterior doors of the state capitol building. The superintendent shall  
23 have control over electronic card access for the interior doors of the state capitol  
24 building. Keys to interior doors of the state capitol building must be controlled by  
25 individual agency heads and requested through the office of management and budget.  
26 The highway patrol shall determine the manner in which keys to the exterior doors of  
27 the state capitol building are to be issued and returned, including the procedure for  
28 receiving and recording the payment of fees in lieu of return of keys provided in  
29 section 54-06-15 and the manner in which electronic card access for interior and  
30 exterior doors is granted or removed.

- 1        2.    The legislative council may issue keys and grant electronic card access for interior
- 2            doors in areas controlled by the legislative branch.
- 3        3.    The superintendent may adopt rules and procedures for the immediate lock-down and
- 4            closure of the capitol building and executive mansion to promote safety during times of
- 5            emergency.