

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1095
(Representative Coats)

AN ACT to amend and reenact subsections 1 and 4 of section 39-10-46, sections 39-21-18, and 39-21-27 of the North Dakota Century Code, relating to schoolbus strobe lights.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 4 of section 39-10-46 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The driver of a vehicle meeting or overtaking from either direction any schoolbus stopped on the highway shall stop the vehicle before reaching the schoolbus when there is in operation on the schoolbus the flashing red lights; ~~or the stop sign on the control arm, or the safety strobe lights~~ specified in section 39-21-18, and the driver may not proceed until ~~such the schoolbus resumes motion or he, the driver is signaled by the schoolbus driver to proceed,~~ or the flashing red lights; and the stop sign on the control arm; ~~and the safety strobe lights are no longer actuated.~~
4. Every schoolbus ~~may be equipped with safety strobe lights and~~ must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of the schoolbus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren. ~~A schoolbus driver may not actuate the stop sign or the special visual signals:~~
 - a. ~~On city streets on which the receiving or discharging of schoolchildren is prohibited by ordinance;~~
 - b. ~~At intersections or other places where traffic is controlled by traffic control signals or police officers; or~~
 - c. ~~In designated schoolbus loading areas where the bus is entirely off the roadway.~~

SECTION 2. AMENDMENT. Section 39-21-18 of the North Dakota Century Code is amended and reenacted as follows:

39-21-18. Audible and visual signals on vehicle.

1. Every authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of causing a minimum sound intensity level of eighty-five decibels; ~~such.~~ The siren or signal must be mounted outside of the vehicle or in front of the radiator.
2. ~~Every schoolbus, except small vehicles such as automobiles, station wagons, suburbans, and van type vehicles having a seating capacity of up to and including sixteen pupils, and every~~ Any authorized emergency vehicle may be equipped with safety strobe lights and must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with:
 - a. ~~Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight; and~~

- ~~b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus; be equipped with a flashing red light; and when activated, extend out from the bus at approximately a ninety degree angle.~~
- 3. A police vehicle when used as an authorized emergency vehicle may, ~~but need not,~~ be equipped with alternately flashing red lights specified herein and a vehicle designated for the use of the adjutant general or the assistant adjutant general may, ~~but need not,~~ be equipped with a siren, exhaust whistle, or bell specified herein.
- 4. ~~The use of the signal equipment described herein imposes upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in sections 39-10-26 and 39-10-46. Every schoolbus, except vehicles with a seating capacity of less than sixteen students, must be equipped with:~~
 - a. Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4] in normal sunlight;
 - b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus, be equipped with a flashing red light, and when activated, extend out from the bus at approximately a ninety degree angle; and
 - c. Safety strobe lights if the schoolbus was manufactured after July 31,1998. Older schoolbuses may have safety strobe lights installed.

SECTION 3. AMENDMENT. Section 39-21-27 of the North Dakota Century Code is amended and reenacted as follows:

39-21-27. Special lighting and warning equipment on schoolbuses.

- 1. The superintendent of public instruction, in cooperation with the registrar, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices, including the stop sign on a control arm specified in section 39-21-18, to be carried by schoolbuses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. ~~Such~~ The standards and specifications must correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.
- 2. It is unlawful to operate any flashing warning signal light or the stop sign on the control arm specified in section 39-21-18 on ~~any a~~ schoolbus except when ~~any said the~~ schoolbus is stopped on a highway for the purpose of permitting schoolchildren to board or alight from ~~said the~~ schoolbus.
- 3. Schoolbuses equipped with safety strobe lights pursuant to subsection 4 of section 39-21-18 must have the safety strobe light in operation whenever the schoolbus is being operated upon a highway for purposes of transporting children either to or from school or for a school sanctioned activity. It is unlawful to operate a safety strobe light on a schoolbus when the schoolbus is used for any other purpose.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1095.

House Vote: Yeas 77 Nays 19 Absent 2

Senate Vote: Yeas 26 Nays 22 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State