

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1236

Introduced by

Representatives Dorso, R. Kelsch

Senators G. Nelson, C. Nelson

1 A BILL for an Act to create and enact a new subsection to section 39-06.1-05 of the North  
2 Dakota Century Code, relating to criminal traffic violations; to amend and reenact sections  
3 39-06.1-09 and 39-10-21.1 of the North Dakota Century Code, relating to knowingly entering a  
4 road closed due to hazardous conditions; and to provide a penalty.

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

6 **SECTION 1.** A new subsection to section 39-06.1-05 of the 1995 Supplement to the  
7 North Dakota Century Code is created and enacted as follows:

8 Knowingly entering a road closed under section 39-10-21.1.

9 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the 1995 Supplement to the North  
10 Dakota Century Code is amended and reenacted as follows:

11 **39-06.1-09. "Moving violation" defined.** For the purposes of sections 39-06.1-06 and  
12 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section  
13 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; 39-12-04;  
14 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of  
15 subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10,  
16 39-10.2, or 39-21, or equivalent ordinances, except sections 39-10-21.1, 39-21-44, 39-21-45.1,  
17 39-21-46, and those sections within those chapters which are specifically listed in subsection 1  
18 of section 39-06.1-08.

19 **SECTION 3. AMENDMENT.** Section 39-10-21.1 of the 1995 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21 **39-10-21.1. Closing road because of hazardous conditions - Posting of official**  
22 **traffic-control devices - Entering closed road prohibited - Penalty.** The highway patrol or  
23 local law enforcement authorities having jurisdiction over a road may close a road temporarily  
24 due to hazardous conditions for the protection and safety of the public. If ~~such~~ a closing due to

1 hazardous conditions is made, the authority ordering the closing shall make every reasonable  
2 attempt to notify the public and, when practical, may post appropriate official traffic-control  
3 devices to advise motorists of the closing. No person, while operating a motor vehicle, may  
4 knowingly enter a road closed under this section. A violation of this section by a motor vehicle  
5 operator is an infraction. If, as a result of a violation of this section, any agency of this state or  
6 any political subdivision incurs any costs for the purpose of rescuing the violator, any  
7 passenger, or the vehicle operated by the violator, the violator is civilly liable for those costs.