

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2390

Introduced by

Senators Tallackson, Holmberg, T. Mathern

Representative Schmidt

1 A BILL for an Act to amend and reenact section 39-10-26 of the North Dakota Century Code,  
2 relating to passing an authorized emergency vehicle.

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

4 **SECTION 1. AMENDMENT.** Section 39-10-26 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **39-10-26. Operation of vehicle on approach of authorized emergency vehicle.**

- 7 1. Upon the immediate approach of an authorized emergency vehicle displaying a  
8 visible flashing, revolving, or rotating blue, white, or red light, the driver of every  
9 other vehicle shall yield the right of way and shall immediately drive to a position  
10 parallel to, and as close as possible to, the right-hand edge or curb of the roadway  
11 clear of any intersection and shall stop and remain in that position until the  
12 authorized emergency vehicle has passed, except when otherwise directed by a  
13 police officer.
- 14 2. ~~Whenever~~ If an authorized emergency vehicle is parked or stopped at the scene of  
15 an emergency and is displaying a flashing, revolving, or rotating blue, white, or red  
16 light, approaching traffic shall move to the right-hand edge or curb of the roadway  
17 and shall stop, but once having stopped, traffic may proceed past the scene at its  
18 own risk when the roadway is clear, except when otherwise directed by a police  
19 officer. If an authorized emergency vehicle is otherwise parked or stopped on a  
20 multilane highway outside the limits of a city unless the highway is part of the  
21 interstate system, and the authorized emergency vehicle is displaying a flashing,  
22 revolving, or rotating amber, blue, white, or red light, the driver of an approaching  
23 vehicle shall proceed with caution and yield the right of way by moving to a lane  
24 that is not adjacent to the authorized emergency vehicle if the move may be made

- 1                   with due regard to safety and traffic conditions or if not, the driver shall proceed  
2                   with due caution, reduce the speed of the vehicle, and maintain a safe speed for  
3                   the road conditions.
- 4               3.   This section does not operate to relieve the driver of an authorized emergency  
5               vehicle from the duty to drive with due regard for the safety of all persons using the  
6               highway.