

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2164**

Introduced by

Senator J. Lee

1 A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code,  
2 relating to the driver of a motor vehicle fleeing or attempting to elude a law enforcement officer.

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

4 **SECTION 1. AMENDMENT.** Section 39-10-71 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-10-71. Fleeing or attempting to elude a peace officer - Penalty.**

7 1. Any driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a  
8 stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police  
9 vehicle or peace officer, when given a visual or audible signal to bring the vehicle  
10 to a stop, is guilty of a ~~class A misdemeanor for a first offense and a class C felony~~  
11 ~~for a subsequent offense within three years.~~

12 2. A signal complies with this section if the signal is perceptible to the driver and:

13 ~~4-~~ a. If given from a vehicle, the signal is given by hand, voice, emergency light, or  
14 siren, and the stopping vehicle is appropriately marked showing it to be an  
15 official police vehicle; or

16 ~~2-~~ b. If not given from a vehicle, the signal is given by hand, voice, emergency light,  
17 or siren, and the officer is in uniform and prominently displays the officer's  
18 badge of office.