

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1135

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact subsection 10 of section 39-06.1-05, section  
2 39-06.1-09, paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10, and section  
3 39-10-26 of the North Dakota Century Code, relating to operation of a vehicle on approach of  
4 department of transportation vehicles.

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

6 **SECTION 1. AMENDMENT.** Subsection 10 of section 39-06.1-05 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 10. Causing an accident with an authorized emergency vehicle or a vehicle operated  
9 by or under the control of the director used for maintaining the state highway  
10 system in violation of subsection 4 of section 39-10-26.

11 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and  
14 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section  
15 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; subsection 2  
16 of section 39-12-02; sections 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09,  
17 except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the  
18 provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 4 5  
19 of section 39-10-26, sections 39-21-44 and 39-21-45.1, and subdivision b of subsection 1 and  
20 subsection 2 of section 39-21-46, and those sections within those chapters which are  
21 specifically listed in subsection 1 of section 39-06.1-08.

22 **SECTION 3. AMENDMENT.** Paragraph 13 of subdivision b of subsection 3 of section  
23 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

24 (13) Causing an accident with 2 points

an authorized emergency  
vehicle or a vehicle  
operated by or under  
the control of the  
director used for  
maintaining the state  
highway system  
in violation of  
subsection 4 5  
of section 39-10-26, or  
equivalent ordinance

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

**39-10-26. Operation of vehicle on approach of authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.**

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on a multilane highway outside the limits of a city unless the highway is part of the interstate system, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching

1 vehicle shall proceed with caution and yield the right of way by moving to a lane  
2 that is not adjacent to the authorized emergency vehicle if the move may be made  
3 with due regard to safety and traffic conditions or if not, the driver shall proceed  
4 with due caution, reduce the speed of the vehicle, and maintain a safe speed for  
5 the road conditions.

6 3. If a vehicle operated by or under the control of the director used for maintaining the  
7 state highway system is parked or stopped on a multilane highway outside the  
8 limits of a city unless the highway is part of the interstate system and the vehicle is  
9 displaying a flashing, revolving, or rotating amber or white light, the driver of an  
10 approaching vehicle shall proceed with caution and yield the right of way by  
11 moving to a lane that is not adjacent to the vehicle if the move may be made with  
12 due regard to safety and traffic conditions or if not, the driver shall proceed with  
13 due caution, reduce the speed of the vehicle, and maintain a safe speed for the  
14 road conditions.

15 4. This section does not operate to relieve the driver of an authorized emergency  
16 vehicle or a vehicle operated by or under the control of the director used for  
17 maintaining the state highway system from the duty to drive with due regard for the  
18 safety of all persons using the highway.

19 ~~4.~~ 5. a. Any individual who violates subsection 2 and causes an accident with an  
20 authorized emergency vehicle while the authorized emergency vehicle is  
21 displaying a visible flashing, revolving, or rotating amber, blue, white, or red  
22 light is guilty of an infraction.

23 b. Any individual who violates subsection 3 and causes an accident with a  
24 vehicle operated by or under the control of the director used for maintaining  
25 the state highway system while the vehicle is displaying a visible flashing,  
26 revolving, or rotating amber or white light is guilty of an infraction.