

HOUSE BILL NO. 1258  
with Senate AmendmentsSixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1258

Introduced by

Representatives Gulleeson, Amerman, Brandenburg, DeKrey

Senator Heitkamp

1 A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code,  
2 relating to tourist-oriented directional signs; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 39-13-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-13-09. Tourist-oriented directional signs.**

7 1. In this section:

8 a. "Tourist-oriented directional sign" means a sign providing identification of and  
9 directional information for tourist-related businesses, services, or activities.  
10 b. "Tourist-related business, service, or activity" means rural agricultural  
11 business and tourism attractions, including recreation, historical sites, festival  
12 and cultural events, lodging and food services which are singularly and  
13 uniquely related to historical, cultural, or recreational tourist attractions, and  
14 guide services, but does not include any business operated under a franchise  
15 agreement. The term includes a business that derives a major portion of  
16 income or visitors from individuals who do not reside in the immediate area of  
17 the business. The immediate area of the business is within the city limits in  
18 which the business is located, or within one mile [1.61 kilometers] from the  
19 business if located outside city limits.

20 2. Notwithstanding section 24-01-12, the department shall establish by rule standards  
21 for the erection and maintenance of tourist-oriented directional signs. The rules  
22 must conform to federal standards for tourist-oriented directional signs adopted  
23 under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual adopted by the

1 department under section 39-13-06 except that the rules must provide that logos  
2 may not be used on tourist-oriented directional signs.

3 3. Upon the request of any person, a local authority that has adopted an ordinance  
4 permitting the erection of tourist-oriented directional signs may authorize their  
5 erection within the right of way of any highway under the jurisdiction of the local  
6 authority except that tourist-oriented directional signs may not be erected within  
7 the right of way of the interstate highway system. A tourist-oriented directional  
8 sign may not be erected unless it is erected in compliance with rules adopted by  
9 the department for such signs.

10 4. The permit applicant shall engage a qualified contractor for the erection,  
11 installation, and maintenance of tourist-oriented directional signs within the right of  
12 way of any highway under the jurisdiction of the department except that  
13 tourist-oriented directional signs may not be erected within the right of way of the  
14 interstate highway system. A tourist-oriented directional sign may not be erected  
15 unless it is erected in compliance with rules adopted by the department for such  
16 signs.

17 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.