

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1196

Introduced by

Representatives Klemin, Karls, Vigesaa

Senators Lyson, Mathern, Tallackson

1 A BILL for an Act to create and enact subsection 3 to section 39-06-01.1 and a new paragraph
2 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code,
3 relating to cell phone use by minors in motor vehicles; and to amend and reenact section
4 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation.

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

6 **SECTION 1.** Subsection 3 of section 39-06-01.1 of the North Dakota Century Code is
7 created and enacted as follows:

8 3. A minor may not operate a wireless or cellular telephone while operating a motor
9 vehicle that is in motion. The minor may assert as an affirmative defense that the
10 violation was made for the sole purpose of obtaining emergency assistance to
11 prevent a crime about to be committed or in a reasonable belief that an individual's
12 life or safety was in danger.

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

15 **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and
16 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section
17 39-04-37; section 39-04-55; 39-06-01; subsection 3 of section 39-06-01.1; section 39-06-14;
18 39-06-16; 39-09-04.1; 39-09-09; subsection 1 of section 39-12-02; ~~sections~~ section 39-12-04;
19 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of
20 subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10,
21 39-10.2, or 39-21, or equivalent ordinances, except subsection 4 of section 39-10-26, sections
22 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within
23 those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

1 **SECTION 3.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of
2 the North Dakota Century Code is created and enacted as follows:
3 Using a portable telecommunications device in violation of
4 of subsection 3 of section 39-06-01.1 2 points