

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO.

Introduced by

Representative Klemin

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 wireless telecommunications device use by minors in motor vehicles; and to amend  
4 and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a  
5 moving violation.

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

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

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

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

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