

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 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 **39-06-01.1. Special provisions for minor operators.**

9 3. A minor may not operate a wireless or cellular telephone while operating a motor
10 vehicle that is in motion or part of traffic. The minor may assert as an affirmative
11 defense that the violation was made for the sole purpose of obtaining emergency
12 assistance to prevent a crime about to be committed or in a reasonable belief that
13 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 portable telecommunications device in violation of
4 of subsection 3 of section 39-06-01.1 2 points