

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1190

Introduced by

Representatives Ruby, Bellew, Koppelman

1 A BILL ~~for an Act to create and enact a new section to chapter 39-08 of the North Dakota~~
2 ~~Century Code, relating to distracted driving; to amend and reenact subsection 2 of section~~
3 ~~39-06.1-06 and section 39-06.1-09 of the North Dakota Century Code, relating to fees for a~~
4 ~~moving violation; and to provide a penalty.~~ for an Act to amend and reenact subsection 5 of
5 section 39-06.1-06 and section 39-09-01.1 of the North Dakota Century Code, relating to care
6 required; and to provide a penalty.

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

8 ~~**SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota~~
9 ~~Century Code is amended and reenacted as follows:~~

10 ~~2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except~~
11 ~~for:~~

12 ~~a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or~~
13 ~~39-10-46.1, a fee of fifty dollars.~~

14 ~~b. A violation of section 39-10-05 involving failure to yield to a pedestrian or~~
15 ~~subsection 1 of section 39-10-28, a fee of fifty dollars.~~

16 ~~c. A violation of section 39-21-41.2, a fee of twenty-five dollars.~~

17 ~~d. A violation of subsection 1 of section 39-12-02, a fee of one hundred dollars.~~

18 ~~e. A violation of section 3 of this Act, a fee of one hundred dollars.~~

19 ~~f. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one~~
20 ~~hundred dollars.~~

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

1 ~~— **39-06.1-09. Moving violation defined.**~~

2 ~~— For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a~~
3 ~~violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,~~
4 ~~39-06-14, 39-06-16, section 3 of this Act, 39-09-04.1, 39-09-09, subsection 1 of section~~
5 ~~39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except~~
6 ~~subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of~~
7 ~~chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section~~
8 ~~39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and~~
9 ~~those sections within those chapters which are specifically listed in subsection 1 of section~~
10 ~~39-06.1-08.~~

11 ~~— **SECTION 3.** A new section to chapter 39-08 of the North Dakota Century Code is created~~
12 ~~and enacted as follows:~~

13 ~~— **Distracted driving – Secondary enforcement.**~~

14 ~~— 1. The operator of a motor vehicle that is in motion or part of traffic may not engage in an~~
15 ~~activity that requires the use of the operator's sight unless that activity involves~~
16 ~~operating or using the whole motor vehicle or a built-in accessory. The operator may~~
17 ~~use an electronic device that transmits data automatically and does not require direct~~
18 ~~initiation by the operator, a voice-operated device, or a navigational system or may~~
19 ~~use an electronic device to obtain emergency assistance; report a crime; or report a~~
20 ~~traffic offense, hazard, or accident.~~

21 ~~— 2. A law enforcement officer may not issue a citation for a violation of this section unless~~
22 ~~the officer lawfully stopped or detained the operator of the motor vehicle for another~~
23 ~~violation. Operators' license demerit points may not be assessed against any person~~
24 ~~for a violation of this section.~~

25 **SECTION 1. AMENDMENT.** Subsection 5 of section 39-06.1-06 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving,
28 a fee of not less than ~~ten~~**thirty** dollars nor more than ~~thirty~~**fifty** dollars.

29 **SECTION 2. AMENDMENT.** Section 39-09-01.1 of the North Dakota Century Code is
30 amended and reenacted as follows:

39-09-01.1. Care required in operating vehicle.

~~Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.~~ An individual may not operate a vehicle on a highway:

1. In a careless manner;

2. In an imprudent manner;

3. In an inattentive manner;

4. In a manner that creates a hazard to the life, limb, or property of any person;

5. Without having due regard to the existing conditions, including the traffic, surface, and width of the highway; or

6. Without giving warnings as are reasonably necessary for safe operation under the circumstances.