

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2253  
with House Amendments**

**SENATE BILL NO. 2253**

Introduced by

Senators Rummel, Klein, Cory

Representatives Dressler, O'Brien

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the use of an  
3 engine compression brake device and cities and counties posting a zone prohibiting the use of  
4 an engine compression brake device; to amend and reenact section 39-06.1-09 of the North  
5 Dakota Century Code, relating to the definition of a moving violation; and to provide a penalty.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
8 Century Code is created and enacted as follows:

9 A violation of section 3 of this Act, a fee of fifty dollars.

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

12 **39-06.1-09. Moving violation defined.**

13 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
14 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,  
15 39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24,  
16 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,  
17 section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, section 3 of this Act,  
18 section 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09,  
19 or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or  
20 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44,  
21 and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which  
22 are specifically listed in subsection 1 of section 39-06.1-08.

1       **SECTION 3.** A new section to chapter 39-21 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Engine compression brake device - Prohibited - Posting.**

4       1.   An operator of a commercial motor vehicle may not use an engine compression brake  
5       device that creates a noise disturbance in a zone posted as prohibiting the use of an  
6       engine compression brake device.

7       2.   Subsection 1 does not apply to the use of an engine compression brake device during  
8       an emergency situation.

9       3.   A city or county may adopt an ordinance prohibiting the use of an engine compression  
10      brake device in a designated zone and may post the prohibition in the designated  
11      zone.