

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1394**

Introduced by

Representatives Aarsvold, Carlisle, Porter, Severson

Senators Heitkamp, Lyson

1 A BILL for an Act to create and enact a new subsection to section 39-06.1-05 and a new  
2 paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century  
3 Code, relating to offenses exempted from administrative proceedings and demerit points; to  
4 amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code,  
5 relating to yielding to an emergency vehicle; and to provide a penalty.

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

7 **SECTION 1.** A new subsection to section 39-06.1-05 of the North Dakota Century  
8 Code is created and enacted as follows:

9 Causing an accident with an authorized emergency vehicle in violation of  
10 subsection 4 of section 39-10-26.

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

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

22 **SECTION 3.** A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of  
23 the North Dakota Century Code is created and enacted as follows:

24 Causing an accident with 2 points

1                    an authorized emergency  
2                    vehicle in violation of  
3                    subsection 4 of section  
4                    39-10-26, or equivalent  
5                    ordinance

6                    **SECTION 4.** Section 39-10-26 of the North Dakota Century Code is amended and  
7 reenacted as follows:

8                    **39-10-26. Operation of vehicle on approach of authorized emergency vehicle -**  
9 **Penalty.**

- 10                    1. Upon the immediate approach of an authorized emergency vehicle displaying a  
11 visible flashing, revolving, or rotating blue, white, or red light, the driver of every  
12 other vehicle shall yield the right of way and shall immediately drive to a position  
13 parallel to, and as close as possible to, the right-hand edge or curb of the roadway  
14 clear of any intersection and shall stop and remain in that position until the  
15 authorized emergency vehicle has passed, except when otherwise directed by a  
16 police officer.
- 17                    2. If an authorized emergency vehicle is parked or stopped at the scene of an  
18 emergency and is displaying a flashing, revolving, or rotating blue, white, or red  
19 light, approaching traffic shall move to the right-hand edge or curb of the roadway  
20 and shall stop, but once having stopped, traffic may proceed past the scene at its  
21 own risk when the roadway is clear, except when otherwise directed by a police  
22 officer. If an authorized emergency vehicle is otherwise parked or stopped on a  
23 multilane highway outside the limits of a city unless the highway is part of the  
24 interstate system, and the authorized emergency vehicle is displaying a flashing,  
25 revolving, or rotating amber, blue, white, or red light, the driver of an approaching  
26 vehicle shall proceed with caution and yield the right of way by moving to a lane  
27 that is not adjacent to the authorized emergency vehicle if the move may be made  
28 with due regard to safety and traffic conditions or if not, the driver shall proceed  
29 with due caution, reduce the speed of the vehicle, and maintain a safe speed for  
30 the road conditions.

- 1           3. This section does not operate to relieve the driver of an authorized emergency  
2           vehicle from the duty to drive with due regard for the safety of all persons using the  
3           highway.
- 4           4. Any individual who violates subsection 2 and causes an accident with an  
5           authorized emergency vehicle while the authorized emergency vehicle is  
6           displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is  
7           guilty of an infraction.