

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:

1 **39-09-01.1. Care required in operating vehicle.**

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

8 1. In a careless manner;

9 2. In an imprudent manner;

10 3. In an inattentive manner;

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

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

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