

Introduced by

Representatives Klemin, Cory, D. Ruby

Senator Rummel

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06 of  
2 the North Dakota Century Code, relating to the amount of statutory fees for traffic offenses; to  
3 amend and reenact section 39-21-44.1 of the North Dakota Century Code, relating to  
4 transportation of aggregate material; and to provide a penalty.

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

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

8 A violation of subsection 3 of section 39-21-44.1, a fee of one hundred dollars.

9 **SECTION 2. AMENDMENT.** Section 39-21-44.1 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads -**

12 **Transportation of aggregate material.**

13 ~~No vehicle~~

- 14 1. ~~An individual may be driven or moved~~not operate a vehicle on any highway unless  
15 ~~the vehicle~~ is so constructed or loaded as to ~~prevent its~~keep the contents from  
16 dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be  
17 dropped for the purpose of securing traction, or water or other substance may be  
18 sprinkled on a roadway in cleaning or maintaining the roadway. ~~No person~~
- 19 2. An individual may not operate on ~~any~~a highway ~~any~~a vehicle with ~~any~~a load unless the  
20 load and any covering ~~thereon~~on the vehicle is securely fastened so as to prevent  
21 ~~said~~the covering or load from becoming loose, detached, or in any manner a hazard to  
22 other users of the highway.

- 1       3. An individual may not operate a vehicle on ~~a highway~~the interstate highway system or  
2       the United States or state highway system if the vehicle is transporting aggregate  
3       material with a diameter of two inches [5.08 centimeters] or less unless:
- 4       a. The load is covered by a tarp or other cover in a manner that prevents the  
5       aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping  
6       from the vehicle; or
- 7       b. The vehicle uses another method that prevents the aggregate material from  
8       escaping from the vehicle.
- 9       4. Subsection 3 does not apply to a vehicle:
- 10      a. Operating entirely within a marked construction zone;
- 11      b. Involved in maintenance of public roads during snow or ice removal operations;
- 12      ~~or~~
- 13      c. Involved in emergency operations requested by a law enforcement agency or an  
14      emergency response agency;
- 15      d. That is a farm grain truck; or
- 16      e. Owned and operated by the state or a political subdivision.
- 17      5. As used in this section, "aggregate material" means any rock, sand, silts, gravel,  
18      stone, and shale. The term does not include hot asphalt including asphalt patching  
19      material, wet concrete, or other materials not susceptible to blowing.

23.0705.01002  
Title.

Prepared by the Legislative Council staff for  
Representative Klemin  
February 1, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1253

Page 1, line 23, replace "a highway" with "the interstate highway system or the United States or state highway system"

Page 2, remove line 9

Page 2, line 11, after "agency" insert ":

- d. That is a farm grain truck; or
- e. Owned and operated by the state or a political subdivision"

Renumber accordingly

