Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with House Amendments

ENGROSSED SENATE BILL NO. 2132

Introduced by

Senators Rummel, Clemens, Davison, Boehm

Representatives Schauer, Novak

A BILL for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to careless driving and causing injury to the operator of an authorized emergency vehicle or damage to an authorized emergency vehicle; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-09-01 of the North Dakota Century Code is amended and reenacted as follows:

39-09-01. Basic rule - Penalty for violation.

~~No person~~

1. An individual may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and ~~having~~shall drive with regard to ~~the~~existing actual and potential hazards ~~then existing. Consistent with the foregoing, every person~~. An individual shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians ~~or~~, other traffic ~~or by reason of~~, weather, or highway conditions. ~~Any person~~An individual who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles ~~without heed to~~in violation of the requirements or restrictions of this section ~~has committed~~is guilty of careless driving and must be assessed a fee of ~~thirty~~one hundred dollars.

~~Any person who, by reason of careless driving as herein defined, causes~~

2. An individual is guilty of an infraction if the individual violates subsection 1 of this section and:

   a. Causes and inflicts injury ~~upon~~on the person of an operator of snow removal equipment engaged in snow removal operations ~~or causes~~;

   b. Causes and inflicts injury on the person of:

      (1) A first responder acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway;

      (2) The operator or occupant of an authorized emergency vehicle acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway; or

      (3) An individual assisting another individual displaying a visible hazard warning light while stationary on the side of a roadway;

   c. Causes damage in excess of ~~one thousand~~four thousand dollars to snow removal equipment engaged in snow removal ~~is guilty of an infraction~~; or

   d. Causes damage in excess of four thousand dollars to an authorized emergency vehicle.

3. As used in this section, "snow removal equipment" means a vehicle that is operated by ~~a person~~an individual employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.