

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2253
(Senators Rummel, Klein, Cory)
(Representatives Dressler, O'Brien)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 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, 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, 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, section 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

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

Engine compression brake device - Prohibited - Posting.

1. An operator of a commercial motor vehicle may not use an engine compression brake device that creates a noise disturbance in a zone posted as prohibiting the use of an engine compression brake device.
2. Subsection 1 does not apply to the use of an engine compression brake device during an emergency situation.
3. A city or county may adopt an ordinance prohibiting the use of an engine compression brake device in a designated zone and may post the prohibition in the designated zone.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2253.

Senate Vote: Yeas 36 Nays 11 Absent 0

House Vote: Yeas 54 Nays 40 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State