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.

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	Preside	ent of the Senate		Speaker of the House Chief Clerk of the House	
	Secreta	ary of the Senate			
		I originated in the Secords of that body		kty-ninth Legislative <i>F</i> o. 2253.	Assembly of North
Senate Vote:	Yeas 36	Nays 11	Absent 0		
House Vote:	Yeas 54	Nays 40	Absent 0		
				Secretary of the Se	enate
Received by the Governor atM. on					, 2025.
Approved at _	M. on _				, 2025.
				Governor	
Filed in this off	ice this	day of			, 2025,
at o	'clock	_M.			
				Secretary of State	