

# **MOTOR VEHICLES**

## **CHAPTER 349**

### **SENATE BILL NO. 2120**

(State and Local Government Committee)  
(North Dakota Public Employees Retirement System)

AN ACT to provide for a transfer to the highway patrol troopers' retirement system fund.

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

**SECTION 1. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO HIGHWAY PATROL TROOPERS' RETIREMENT SYSTEM FUND.** The office of management and budget shall transfer the sum of \$15,000,000 from the strategic investment and improvements fund to the highway patrol troopers' retirement system fund, for the purpose of increasing the funded liability of the highway patrol troopers' retirement plan during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 17, 2025

Filed April 17, 2025

## CHAPTER 350

### HOUSE BILL NO. 1137

(Representatives Toman, Bosch, Nathe)  
(Senator Larson)

AN ACT to amend and reenact subsection 6 of section 39-01-15 of the North Dakota Century Code, relating to the display of mobility-impaired parking permits; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 6 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

6. A certificate issued under this section must be hung from the rearview mirror or placed on the dashboard of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility impaired and is being used by a mobility-impaired individual or another individual for the purposes of transporting the mobility-impaired individual. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 351

### HOUSE BILL NO. 1327

(Representatives Hendrix, Christianson, Koppelman, Maki, D. Ruby, Schatz)  
(Senators Clemens, Walen)

AN ACT to amend and reenact section 39-04-10 of the North Dakota Century Code, relating to special plates for amateur radio station licenseholders.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-04-10 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-04-10. Special plates for amateur radio station licenseholders.**

Owners of motor vehicles required to be registered under subdivisions a and b of subsection 2 of section 39-04-19, who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D.C., may receive special plates. The plates will be issued upon application to the department, accompanied by proof of ownership of the amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws. The special plates will be issued in lieu of the plates ordinarily issued, and must have inscribed on ~~them~~the plates the official amateur radio call letters of the applicant as assigned by the federal communications commission ~~and the the words "AMATEUR RADIO". Applicants under this section may apply for up to five plates with the same call letters. The department shall add an additional ascending number from two to five to each subsequent plate issued to the same applicant under this section.~~

Approved March 21, 2025

Filed March 24, 2025

## CHAPTER 352

### HOUSE BILL NO. 1432

(Representatives M. Ruby, Dockter, Marschall, J. Olson, Pyle)  
(Senators Axtman, Castaneda, Paulson)

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to military sacrifice number plates; and to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-04-10.3 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-04-10.3. Personalized plates.**

At the request of a registrant, the department may provide special license plates marked with not more than seven numerals, letters, or combinations of numerals and letters, upon application for a special license plate and payment of an additional fee of twenty-five dollars per registration period, unless the plate is a gold star license plate, military sacrifice license plate, or a prisoner of war license plate, then there is no additional charge. A personal plate containing a restricted character may not be renewed. The department shall make the special license plates authorized by this section available for motor vehicles registered under section 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for the special license plates issued under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one hundred dollars. The special license plates for motorcycles may contain not more than six numerals, letters, or a combination of not more than six numerals and letters. In the event of sale or transfer of the vehicle, the owner shall remove the special license plates in accordance with section 39-04-36. Upon payment of the applicable transfer fee, the special license plates may be transferred to a replacement motor vehicle.

**SECTION 2.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

##### **Military sacrifice plates.**

1. The director shall issue distinctive number plates to individuals eligible under this section upon receiving:
  - a. Payment of all other fees required under this chapter for registration of a motor vehicle; and
  - b. Verification, as determined by the department, of an individual's eligibility status under this section.
2. An individual is eligible for a military sacrifice plate if the individual is an immediate family member of a individual who died outside a combat zone while serving honorably and has not been not found guilty of willful misconduct

- as defined in title 38, Code of Federal Regulations, part 3, subpart a, section 3.1, subsection n, as a current member of any branch of the armed forces of the United States, either active or reserve, the national guard under federal or state control, or the United States coast guard.
3. On request of the director, the department of veterans' affairs shall certify an immediate family member of an individual listed in subsection 2 as eligible to receive military sacrifice plates.
  4. Military sacrifice plates must be inscribed with a distinctive emblem and the words "military sacrifice".
  5. For purposes of this section "immediate family member" means a:
    - a. Spouse;
    - b. Parent, step-parent, or other individual who acted in loco parentis;
    - c. Sibling, whether of the whole or half-blood, or by adoption;
    - d. Child, including those by adoption, or a step-child; or
    - e. Grandparent.
  6. The director may issue military sacrifice plates under this section only to the owner of a passenger motor vehicle or a truck the registered gross vehicle weight rating of which does not exceed twenty thousand pounds [9071.85 kilograms].

Approved March 21, 2025

Filed March 24, 2025

## CHAPTER 353

### SENATE BILL NO. 2133

(Senators Roers, Cory, Rummel)  
(Representatives Christy, Stemen, Vigesaa)

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to blackout number plates.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

##### **Blackout number plates.**

1. The director shall issue blackout number plates under this section upon receiving payment of:
  - a. All other fees required under this chapter for registration of a motor vehicle; and
  - b. An additional fee of twenty-five dollars per registration period.
2. Blackout number plates issued under this section must have:
  - a. A solid black background; and
  - b. White numbers and letters.
3. The director may issue blackout number plates under this section only to the owner of a passenger motor vehicle, a truck the registered gross weight of which does not exceed twenty thousand pounds [9071.85 kilograms], or a motorcycle.

Approved April 30, 2025

Filed May 1, 2025

## CHAPTER 354

### HOUSE BILL NO. 1118

(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to amend and reenact sections 39-04-11, 39-04-12, 39-04-36, 39-04-37, and 39-04-56 of the North Dakota Century Code, relating to display of temporary registration permits; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-04-11 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-04-11. Display of number plates and tabs - Temporary registration.**

Unless otherwise provided by law, an individual may not operate a vehicle on a public highway of this state unless the vehicle has a distinctive number assigned to the vehicle by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a house trailer must be attached to the rear of the house trailer. An individual may operate a motor vehicle on a public highway of this state with a valid temporary registration permit. A temporary registration permit obtained from the department of transportation or a licensed motor vehicle dealer must be displayed on the rear window, the rearmost driver's side window, or in the location of the rear license plate. The temporary registration permit must be clearly visible and free of any obstructions. Number plates assigned to a motorcycle or trailer must be attached to the rear of the motorcycle or trailer and may be displayed vertically. When only one number plate is furnished for an apportioned vehicle registered under the international registration plan as authorized in section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a visible manner that clearly displays the distinctive number assigned to the vehicle and the name of the state on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department are the property of the department for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

**SECTION 2. AMENDMENT.** Section 39-04-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-12. Contents of number plates - Size of letters and numerals on plates - Reflectorized - Tabs or stickers.**

1. Number plates must be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and must be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all number plates and temporary registration permits must be legible for a minimum distance of one hundred feet [30.48 meters] to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate must be treated with a reflectorized material according to the specifications prescribed by the department. The department shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. The plate, tab, or sticker must show the registration year for which issued, and is valid only for that year.
2. The department may provide to an owner of a fleet of one hundred or more vehicles number plates that are valid for as many as six consecutive years and that are exempt from the requirements of evidence of annual validation. The registrant shall file with the department a corporate surety bond in an amount the department determines to be reasonable and adequate, and conditioned that the owner will pay the annual fee at the beginning of each annual registration period for which the number plates are valid.

**SECTION 3. AMENDMENT.** Section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-36. Transfer of registered vehicle - Removal of number plates - Transfer of number plates.**

1. Whenever the ownership of a vehicle registered under the provisions of this chapter, chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates.
2. Upon applying for the transfer of the registration and paying a five dollar fee, a person who transfers or assigns to another person the ownership of a registered vehicle may receive credit for the unused portion of the fees paid for the transferred vehicle. The transferor must use a number plate previously removed pursuant to subsection 1, regardless of whether there is any license fee credit remaining. If the number plate has become lost, stolen, or mutilated, the transferor may apply for duplicate plates. The department may establish procedures that permit the transferor to assign the credit to the transferee if the transferor is the spouse, a sibling, or a lineal ancestor or descendant of the transferee. Any remaining credit on a vehicle owned by a leasing company must be credited to the lessee. One-twelfth of the annual fee must be credited for each month of the registration period remaining after the month in which the transfer is made. The credit may not extend beyond the original expiration of the registration. Except as provided in section 39-04-44, the credit must be applied to the registration fees for a replacement vehicle. The transferor shall apply for the transfer of registration within thirty days of the purchase of the replacement vehicle.



3. Except as otherwise permitted in this chapter, before the transferee of a registered vehicle may operate the vehicle on a highway, the transferee must apply for and obtain a new registration of the vehicle, as on an original registration. To provide the transferee adequate time to obtain a new registration, the director may provide for the issuance of a temporary registration certificate to permit the transferee to operate the vehicle for thirtyseventy-five days after the date of acquisition. ~~The certificate must be printed on the reverse side of each vehicle registration card and must be available to the transferee from licensed vehicle dealers, law enforcement agencies, and motor vehicle branch offices.~~ The vehicle may be operated for five days from date of purchase without a plate or certificate of ownership if dated evidence of ownership is carried in the vehicle. The evidence of ownership must be in a form as prescribed by the department.

**SECTION 4. AMENDMENT.** Section 39-04-37 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-37. Violations of registration provisions.**

It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled or revoked, or for which the registration fees required in this title have not been paid, or which does not have attached thereto and displayed thereon a number plate, plates, temporary registration permit, or validation tabs assigned thereto by the director for the current registration period, subject to the exemptions allowed in this title.
2. To display or cause or permit to be displayed, or to have in possession, any registration card, registration number plate, temporary registration permit, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
3. To lend any registration number plate, registration card, temporary registration permit, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
4. To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate, temporary registration permit, or validation tab which has been suspended, canceled, or revoked as is provided in this chapter.
5. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud in any application.
6. To operate, or for the owner thereof knowingly to permit anyone to operate a motor vehicle on a highway if the owner is employed in this state on a temporary or full-time basis, is a resident of the state, and does not have a temporary registration permit when required under subsection 1 of section 39-04-18.2. As used in this subsection, the term "resident" means a resident as defined under subdivision e of subsection 2 of section 39-04-18.

**SECTION 5. AMENDMENT.** Section 39-04-56 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-56. Altering or forging registration card - Penalty.**

It is a class ~~C felony~~ A misdemeanor for any person to:

1. Alter with fraudulent intent any registration card or temporary registration permit issued by the department;
2. Forge or counterfeit any registration card or temporary registration permit purporting to have been issued by the department under the provisions of this chapter;
3. Alter or falsify with fraudulent intent or forge any assignment of a registration card or temporary registration permit; or
4. Use any registration card, temporary registration permit, or assignment, knowing the same to have been altered, forged, or falsified.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 355

HOUSE BILL NO. 1345

(Representatives Heinert, D. Anderson, Berg, Grueneich, Hagert, Ostlie, Hauck)  
(Senators Boehm, Cleary, Cory)

AN ACT to amend and reenact subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to passenger motor vehicle registration; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	\$73	\$65	\$57	\$49
3,200 - 4,499	93	81	69	57
4,500 - 4,999	111	94	79	63
5,000 - 5,999	142	120	98	76
6,000 - 6,999	175	146	117	89
7,000 - 7,999	208	172	137	102
8,000 - 8,999	241	199	157	115
9,000 and over	274	225	177	128

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].  
A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the ~~shipping~~gross vehicle weight rating of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be ~~twice the shipping~~gross vehicle weight rating of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.

Approved April 2, 2025  
Filed April 3, 2025

## CHAPTER 356

### SENATE BILL NO. 2247

(Senators Thomas, Cory, Clemens)  
(Representatives Grueneich, D. Ruby)

AN ACT to amend and reenact subsection 1 of section 39-05-05 and section 39-05-20 of the North Dakota Century Code, relating to obtaining a new vehicle certificate of title, an application for a certificate of title, and the removal of number plates on a vehicle.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 1 of section 39-05-05 of the North Dakota Century Code is amended and reenacted as follows:

1. An application for a certificate of title must be made upon a form provided by the department and must contain all of the following:
  - a. A full description of the vehicle, including the name of the manufacturer, model year if the model year is known, either the engine, serial, or identification number, and any other distinguishing marks. The department ~~may~~shall assign a vehicle identification number for a vehicle not otherwise assigned a number or for a vehicle in which the identification number can not be located. The assigned number must be permanently affixed to the vehicle and the department may require ~~the vehicle be inspected~~the applicant to provide a photo of the vehicle identification number before issuing a certificate of title for the vehicle.
  - b. A statement as to whether the vehicle is new or used.
  - c. A statement of the applicant's title and the name and address of each lienholder in the order of priority.
  - d. The name and address of the person to whom the certificate of title must be delivered.
  - e. If applicable, a statement as to whether the vehicle is a specially constructed, reconstructed, or foreign vehicle.
  - f. The owner's legal name, as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, street address, city, and county, or township and county, of residence. When two or more owners are designated, at least one of the owners must comply with the identification requirement of this subdivision and all names used must be legal names. A dealer shall make specific inquiry as to this information before filling in the information on the application.
  - g. The department may require odometer disclosure information as required under the Truth in Mileage Act of 1986 [Pub. L. 99-579].

- h. Any other information required by the department.

**SECTION 2. AMENDMENT.** Section 39-05-20 of the North Dakota Century Code is amended and reenacted as follows:

**39-05-20. Transferee may obtain new certificate of title upon inability to obtain old certificate - Proof of ownership - Appeal.**

1. When the transferee of a vehicle is unable to obtain a properly assigned certificate of title for a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to the transferee, provided ~~that~~ the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-27. Except as otherwise provided by this subsection, satisfactory proof of ownership must include compliance by the transferee with the procedures outlined in title 35.
  - a. If the transferee is an insurer that has paid a total loss claim on a vehicle but the payment has not satisfied all liens of record on the vehicle, the transferee is not required to comply with the procedures outlined in title 35 to establish satisfactory proof of ownership and the department may cancel the old certificate of title and issue a new certificate to the insurer free and clear of all liens and claims of ownership.
  - b. If the transferee is a tax exempt organization under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] to which a vehicle has been donated, the transferee shall provide an affidavit providing proof the vehicle was donated.
  - c. If the transferee is a licensed motor vehicle dealer that, at the request of an insurer, took possession of a vehicle that is the subject of an insurance claim but for which a total loss claim is not paid by the insurer and the vehicle has been in the possession of the dealer for more than thirty days, the necessary satisfactory proof of ownership includes only proof the dealer made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to have the vehicle removed from the dealer's facility, upon payment of applicable charges. If satisfactory proof of ownership is established, the department may cancel the old certificate of title and issue a new certificate to the licensed motor vehicle dealer free and clear of all liens and claims of ownership.
  - d. If the transferee is ~~an individual~~ a person and the vehicle is less than forty years old at the time of the application, satisfactory proof of ownership must include that the transferee has paid for the vehicle, and that the transferee made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to obtain the certificate of title. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the ~~individual~~ person, subject to any existing lien.
  - e. If the transferee is a person and the vehicle is more than forty years old at the time of the application, satisfactory proof of ownership is established by a bill of sale or affidavit of ownership. An affidavit of ownership created by the department under this section must have the option for an applicant

to provide a vehicle purchase price. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the person, subject to any existing lien. When valuing a vehicle transferred under this subdivision, the department shall use the sale price on the bill of sale if a bill of sale is presented. The department may only request an appraisal of the vehicle if a bill of sale is not presented to the department. A transfer under this subdivision is exempt from subsection 1 of section 39-04-36.

2. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases when the department is unable to determine the legal owner of record. The procedures may include determining the validity of any liens on a certificate of title. Any person aggrieved by a decision of the department as to ownership of a vehicle may appeal that decision to the district court under chapter 28-32.
3. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.
4. If the department can verify the ownership of a vehicle and the vehicle has a vehicle identification number, the vehicle may be transferred under this section regardless of the condition of the vehicle.

Approved April 2, 2025

Filed April 3, 2025

## CHAPTER 357

### HOUSE BILL NO. 1422

(Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert)  
(Senators Conley, Rummel)

AN ACT to amend and reenact sections 39-06-42, 39-06.1-06, and 39-06.1-09 and paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to operating a motor vehicle while driving privileges are suspended or revoked, the amount of statutory fees, the definition of moving violations, and entries against a driving record; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-42. Penalty for driving while license suspended or revoked - Impoundment of vehicle number plates - Authority of cities.**

1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while an individual's operator's license is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion to amend a charge under this section to a violation of section 39-06-01.
4. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the sheriff. If a period of suspension has been extended under subsection 6 of section 39-06-17, the court may order the number plates to be destroyed under this subsection. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the sheriff and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.

5. A city may authorize, by ordinance, its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 4.

<sup>152</sup> **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-06. Amount of statutory fees.**

The fees required for a noncriminal disposition under section 39-06-01, 39-06.1-02, or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
  - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
  - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
  - h. A violation of section 39-10-59, a fee of five hundred dollars.
  - i. A violation of section 39-09-01, a fee of thirty dollars.
  - j. A violation of section 39-09-01.1, a fee of thirty dollars.
  - k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

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<sup>152</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.



- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.
- 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
- 4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

- 5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 10	\$2/each mph over limit
11 +	\$20 plus \$5/each mph over 10 mph over limit

- 6. For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:
  - a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
  - b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
  - c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
  - d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

7. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.
8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.
9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".
10. For a violation of operating a motor vehicle while not being licensed under section 39-06-01, a fee of one hundred fifty dollars.

<sup>153</sup> **SECTION 3. 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, 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 4. AMENDMENT.** Paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- |  |           |
|--|-----------|
| (23) Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance | 40 points |
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Approved April 7, 2025

Filed April 8, 2025

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<sup>153</sup> Section 39-06.1-09 was also amended by section 2 of Senate Bill No. 2253, chapter 362.

## CHAPTER 358

### HOUSE BILL NO. 1229

(Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek,  
McLeod)

(Senators Cleary, Clemens, Sickler)

AN ACT to create and enact a new subdivision to subsection 2 of section 39-06.1-06 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>154</sup> **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 39-10-71.1, a fee of one hundred dollars for a first violation, and five hundred dollars for a second or subsequent violation except as provided under section 39-10-71.1.

**SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

#### **39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.

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<sup>154</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
  - c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of section 39-10-71.
  - d. The motor vehicle owner provides information that demonstrates the owner was not the driver of the motor vehicle at the time of the offense.
4. A motor vehicle owner may not be found to have violated this section, and the lessee is presumed to have violated this section, if the motor vehicle owner is a lessor of vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in the possession of a lessee, and the lessor provides a peace officer with the motor vehicle's registration number and the name, address, and operator's license number of the individual renting or leasing the motor vehicle.
5. An individual may not be charged both with violating this section and section 39-10-71 for acts arising out of the same incident or occurrence.
6. This section may not apply to a motor vehicle rental company that rents motor vehicles to customers for a period of ninety days or less.

Approved May 1, 2025

Filed May 2, 2025

## CHAPTER 359

### HOUSE BILL NO. 1294

(Representatives Novak, D. Anderson, Hauck, J. Olson, Pyle, Jonas)  
(Senators Patten, Rummel)

AN ACT to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for a moving violation.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>155</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
  - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
  - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
  - h. A violation of section 39-10-59, a fee of five hundred dollars.
  - i. A violation of section 39-09-01, a fee of thirty dollars.
  - j. A violation of section 39-09-01.1, a fee of thirty dollars.
  - k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one hundred~~ two hundred fifty dollars.

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<sup>155</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.

Approved March 25, 2025

Filed March 26, 2025

## CHAPTER 360

### HOUSE BILL NO. 1298

(Representatives Koppelman, Louser, Murphy, Pyle, Schneider, Vetter, Grueneich)  
(Senators Cory, Meyer, Paulson, Roers)

AN ACT to amend and reenact sections 39-06.1-06, 39-09-02, 39-09-04, and 39-09-07.1, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the amount of statutory fees, speed limitations on multilane highways, variable speed limits, alteration of maximum speed limits on state highways, speed zone reduction limitations, and city fines and penalties; to provide for a legislative management report; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>156</sup> **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-06.1-06. Amount of statutory fees.**

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

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<sup>156</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
- h. A violation of section 39-10-59, a fee of five hundred dollars.
- i. A violation of section 39-09-01, a fee of thirty dollars.
- j. A violation of section 39-09-01.1, a fee of thirty dollars.
- k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.
3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
4. Except as provided in ~~subsections 5 and 7~~ subsection 6, for a violation of section 39-09-02, or an equivalent ordinance, a fee ~~established as follows~~:

Miles per hour over lawful speed limit	Fee
1-5	\$ 5
6-10	\$ 5 plus \$1/each mph over 5 mph over limit
11-15	\$ 10 plus \$1/each mph over 10 mph over limit
16-20	\$ 15 plus \$2/each mph over 15 mph over limit
21-25	\$ 25 plus \$3/each mph over 20 mph over limit
26-35	\$ 40 plus \$3/each mph over 25 mph over limit
36-45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

5. ~~On a highway on which the speed limit is a speed higher than fifty five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over lawful speed limit	Fee
1-10	\$2/each mph over limit

- ~~11+ \$20 plus \$5/each mph over 10 mph over limit of twenty dollars, or three dollars for each mile per hour over the limit, whichever is greater. An additional fee of twenty dollars must be assessed for a violation of sixteen miles per hour or more over the limit.~~

- ~~6-5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:



- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7-6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of twenty dollars, or five dollars for each mile per hour over the limit, whichever is greater. An additional fee of twenty dollars must be assessed for a violation of sixteen miles per hour or more over the limit.

~~8-7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

~~9-8.~~ For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

**SECTION 2. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-02. Speed limitations.**

1. Subject to the provisions of section 39-09-01 and except in those instances when a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
  - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.

- b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
  - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
  - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
  - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
  - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
  - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
  - h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
  - i. ~~Seventy-five~~ Eighty miles [120.70 ~~128.75~~ kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. Differing limits may be established for different times of the day within highway construction zones which are effective when posted upon appropriate fixed or variable speed limit signs.
  3. The director may designate variable speed limit adjustment zones along the state highway system. The department may install variable speed limit signs in a variable speed limit adjustment zone. In each variable speed limit adjustment zone the director, in coordination with the superintendent of the highway patrol, may use real time intelligent transportation systems to adjust the speed limit when a speed limit adjustment would provide for the safe and efficient movement of motor vehicles.
  4. Except as provided by law, ~~it is unlawful for any~~ a person ~~to~~ may not drive a vehicle ~~upon~~ on a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.

- 4-5. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense.

**SECTION 3. AMENDMENT.** Section 39-09-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-04. Alteration of maximum speed limits on state highways.**

The maximum speed limits specified in section 39-09-02 may be altered on all or any part of the state highway system by an administrative order by the director after holding a public hearing ~~has been held. Such~~ The determination must be based on engineering and traffic investigations with primary consideration given to the establishment of reasonable and safe speeds, highway conditions, enforcement, and the general welfare. Speed limits established ~~pursuant to~~ pursuant to this section ~~shall be~~ are effective only when appropriate signs giving notice ~~thereof~~ are erected and ~~such the~~ maximum speed limits may be declared ~~to be~~ effective at all times or at ~~such the~~ times ~~as are~~ indicated ~~upon said~~ on the signs. Differing limits may be established by the director for different times of the day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, ~~which shall be.~~ Differing limits are effective when posted ~~upon~~ on appropriate fixed or variable signs. An administrative order is not required to lower maximum speed limits temporarily due to unsafe conditions.

**SECTION 4. AMENDMENT.** Section 39-09-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-07.1. Speed zones - Reduction limitation.**

1. ~~Except for highway construction zones under subsections 2 and 3, no~~ street, road, or highway in the state highway system or any other township, county, or state road or highway may not be posted in a manner which reduces the maximum speed limit on the street, road, or highway by more than twenty miles [32.19 kilometers] per hour between ~~any~~ two signs ~~so~~ posted in a speed zone.
2. The maximum speed limit reductions between two fixed or variable signs in a variable speed limit adjustment zone may exceed twenty miles [32.19 kilometers] per hour when speed limits are lowered temporarily by the director due to unsafe conditions.
3. The maximum speed limit reduction between ~~any~~ two signs posted in a highway construction zone may not exceed thirty miles [48.28 kilometers] per hour.

**SECTION 5. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06 except for a violation of a speed limitation.

**SECTION 6. HIGHWAY PATROL STUDY - DRIVER'S LICENSE POINTS SYSTEM - TRAFFIC FEE SCHEDULE - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2025-26 interim, the highway patrol, in conjunction with local law enforcement, shall study the driver's license points system and the traffic fee schedule. The study must include a review of the driver's license points system, the traffic fee schedule, and a recommended structure to improve the driver's license points system and the traffic fee schedule. On or before August 1, 2026, the highway patrol shall submit a report regarding its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

Approved May 5, 2025

Filed May 6, 2025

## CHAPTER 361

### SENATE BILL NO. 2183

(Senators Rummel, Klein, Conley, Meyer)  
(Representatives O'Brien, Grueneich)

AN ACT to amend and reenact subsection 9 of section 39-06.1-06 of the North Dakota Century Code, relating to a violation of a construction zone speed limit; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>157</sup> **SECTION 1. AMENDMENT.** Subsection 9 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of ~~eightyone hundred fifty~~ eightyone hundred fifty dollars for one through ten miles per hour over the posted speed; and ~~eightyone hundred fifty~~ eightyone hundred fifty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee ~~\$80~~ \$150".

Approved April 2, 2025

Filed April 3, 2025

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<sup>157</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, and section 1 of Senate Bill No. 2253, chapter 362.

## CHAPTER 362

### 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:

<sup>158</sup> **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.

<sup>159</sup> **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.

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<sup>158</sup> Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, and section 1 of Senate Bill No. 2183, chapter 361.

<sup>159</sup> Section 39-06.1-09 was also amended by section 3 of House Bill No. 1422, chapter 357.

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.

Approved April 2, 2025

Filed April 3, 2025

## CHAPTER 363

### HOUSE BILL NO. 1316

(Representatives D. Ruby, Fegley, Grueneich, Maki, Motschenbacher, Osowski)  
(Senators Castaneda, Larson)

AN ACT to create and enact two new subsections to section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>160</sup> **SECTION 1.** Two new subsections to section 39-06.1-11 of the North Dakota Century Code are created and enacted as follows:

An individual who has a temporary restricted driver's license and commits a moving traffic violation is subject to the fee specified for the violation, plus an additional fee of one hundred dollars.

The director shall revoke an individual's temporary restricted license if the individual commits three moving traffic violations after being issued the temporary restricted license. A revocation under this subsection may only last a period of thirty days.

Approved April 10, 2025

Filed April 11, 2025

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<sup>160</sup> Section 39-06.1-11 was also amended by section 11 of House Bill No. 1030, chapter 301.



## CHAPTER 364

### HOUSE BILL NO. 1093

(Representatives K. Anderson, Beltz, Brandenburg, Hagert, Headland, Nehring,  
Schreiber-Beck)  
(Senators Clemens, Conley, Lemm, Luick, Thomas)

AN ACT to amend and reenact section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's licenses; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-06.2-06. Commercial driver's license required.**

1. Except when driving under a commercial learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, an individual may not drive a commercial motor vehicle on the highways of this state unless the individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the individual is driving. This subsection does not apply when the vehicle being driven:
  - a. ~~When the vehicle being driven is~~ a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
  - b. ~~When the vehicle being driven constitutes~~ Constitutes emergency or firefighting equipment necessary to the preservation of life or property.
  - c. ~~When the vehicle is~~ being driven for military purposes, subject to any limitations imposed by title 49 CFR, Code of Federal Regulations, part 383.3(c).
  - d. ~~When the vehicle being driven is~~ a covered farm vehicle as defined in this chapter.
2. ~~No person~~ An individual may ~~not~~ drive a commercial motor vehicle on the highways of this state while the ~~person's~~ individual's driving privilege is suspended, revoked, or canceled, while subject to a disqualification.
3. The provisions of this chapter ~~are waived, as do not apply~~ to farm-to-market operations by farmers, but ~~limited only with respect~~ to those operators of a farm vehicle that is:
  - a. Controlled and operated by a farmer.
  - b. Used to transport ~~either~~ agricultural products, including trees; farm machines; or farm supplies, ~~or both~~, to or from a farm.
  - c. Not used in the operations of a common or contract carrier.

- d. Used within one hundred fifty miles [241.40 kilometers] of the ~~person's~~individual's farm.
4. The provisions of this chapter ~~are waived and do not apply~~ to an individual employed by and operating a vehicle at the request of and within a political subdivision, with a population of less than three thousand, during an emergency declared by that political subdivision for the removal of snow and ice. This waiver only applies when the regularly employed driver is unavailable or the employing political subdivision determines that additional assistance is required.
5. Pursuant to the limitations imposed by title 49 CFR, Code of Federal Regulations, part 383.3, the required knowledge and skills tests may be waived and a restricted commercial driver's license issued for a single period of ~~one hundred eighty~~two hundred ten days or two periods of ~~ninety~~one hundred five days within a ~~twelve-month period~~calendar year to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, including retailers and suppliers of trees, and livestock feeders.
6. Pursuant to the limitations imposed by title 49, Code of Federal Regulations, part 383.3, the holder of a class A commercial driver's license is exempt from the hazardous materials endorsement, if the licenseholder is:
- a. Acting within the scope of the licenseholder's employment, and within the state of domicile, or another state with a hazardous materials enforcement exemption, as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and
  - b. Operating a service vehicle that is transporting diesel in a quantity of one thousand gallons [3785 liters] or less which is clearly marked with "flammable" or "combustible" placard, as appropriate.
7. In accordance with title 49, Code of Federal Regulations, part 384, section 230, the department may not issue a commercial driver's license to an individual who obtains a commercial learner's permit unless the individual complies with title 49, Code of Federal Regulations, part 380, subpart F.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 365

### HOUSE BILL NO. 1206

(Representatives Louser, Bolinske, Karls, Klemin)  
(Senators Larson, Castaneda, Paulson)

AN ACT to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor; to provide a penalty; and to provide for application.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>161</sup> **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances - Penalty.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the

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<sup>161</sup> Section 39-08-01.2 was also amended by section 1 of House Bill No. 1503, chapter 366.

additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3. APPLICATION.** Section 2 of this Act applies to criminal charges filed after the effective date of this Act.

Approved April 10, 2025

Filed April 11, 2025

## CHAPTER 366

### HOUSE BILL NO. 1503

(Representatives Bolinske, Louser, S. Olson, Richter, D. Ruby, M. Ruby, Wolff)  
(Senators Burckhard, Castaneda)

AN ACT to amend and reenact subsection 2 of section 39-08-01.2 of the North Dakota Century Code, relating to punishment for causing injury while operating a vehicle under the influence of alcohol; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>162</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or an equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class ~~CB~~ felony. If an individual violates this subsection, the court shall impose at least one ~~year's~~year and one day's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or an equivalent ordinance, the court shall impose at least two years' imprisonment.

Approved April 2, 2025

Filed April 3, 2025

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<sup>162</sup> Section 39-08-01.2 was also amended by section 1 of House Bill No. 1206, chapter 365.

## CHAPTER 367

### HOUSE BILL NO. 1364

(Representatives Klemin, Karls, Lefor, Louser, Schneider)  
(Senators Dwyer, Larson, Myrdal)

AN ACT to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota Century Code, relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>163</sup> **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2. The court also shall issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

Approved April 10, 2025

Filed April 11, 2025

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<sup>163</sup> Section 39-08-01.5 was also amended by section 13 of House Bill No. 1030, chapter 301.

## CHAPTER 368

### SENATE BILL NO. 2132

(Senators Rummel, Clemens, Davison, Boehm)  
(Representatives Schauer, Novak)

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 thirtyone 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 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.

Approved March 25, 2025

Filed March 26, 2025



## CHAPTER 369

### HOUSE BILL NO. 1241

(Representatives Satrom, Ostlie)  
(Senator Conley)

AN ACT to amend and reenact sections 39-10-03.1 and 39-21-26 of the North Dakota Century Code, relating to class B authorized emergency vehicles and special restrictions on lamps on motor vehicles or equipment.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-10-03.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-10-03.1. Class B authorized emergency vehicles.**

1. The driver of a class B authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter.
  - b. Exceed the speed limit so long as the driver does not endanger life or property during the time of a local or national disaster.
  - c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions granted in this section to a class B authorized emergency vehicle apply only when the authorized emergency vehicle is displaying an amber and white light visible under normal atmospheric conditions for a distance of five hundred feet [152.4 meters] in any direction, and:
  - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
  - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of the driver; or
  - c. When traveling at a speed slower than the normal flow of traffic.
3. A class B authorized emergency vehicle may display a flashing blue light when the vehicle is stopped on a highway. A class B authorized emergency vehicle may not display a flashing blue light when transporting another vehicle or when traveling on a highway.

**SECTION 2. AMENDMENT.** Section 39-21-26 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-21-26. Special restrictions on lamps.**

1. Any lighted lamp or illuminating device ~~upon~~ on a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency

vehicle warning lamps and schoolbus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower must be ~~so~~ directed so that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet [22.86 meters] from the vehicle.

2. ~~No~~ A person may not drive or move any vehicle or equipment ~~upon~~ on any highway with ~~any~~ a lamp or device ~~thereon~~ displaying a red or green light visible from directly in front of the center ~~thereof~~ of the vehicle or equipment. This section does not apply to ~~any~~ a vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.
3. Flashing lights are prohibited except on ~~an authorized~~ :
  - a. An authorized emergency vehicle, ~~schoolbus, snow removal equipment~~;
  - b. A schoolbus;
  - c. Snow-removal equipment;
  - d. A vehicle owned by a funeral home, which may display a flashing purple light only while used for the purpose of escorting a funeral procession; or on any
  - e. Any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

Approved April 10, 2025

Filed April 11, 2025

## CHAPTER 370

### SENATE BILL NO. 2371

(Senators Klein, Roers, Cory)  
(Representatives Weisz, Koppelman, Vigesaa)

AN ACT to amend and reenact section 39-10-16 of the North Dakota Century Code, relating to rotary traffic islands.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-10-16 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-10-16. One-way roadways and rotary traffic islands.**

1. The director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
2. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
3. A vehicle passing around a rotary traffic island must be driven only to the right of such island.
4. After a vehicle enters a rotary traffic island, the vehicle may ~~not~~ exit from any position within the rotary traffic island without ~~first~~ giving a signal of intention to exit the rotary traffic island.

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 371

### SENATE BILL NO. 2061

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-10-43 of the North Dakota Century Code, relating to railroad crossings.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-10-43 of the North Dakota Century Code is amended and reenacted as follows:

#### **39-10-43. Certain vehicles must stop at all railroad grade crossings.**

1. The driver of a bus carrying passengers, or of a schoolbus, or of a vehicle carrying chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track of a railroad, shall stop the vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment and may not proceed until the driver can do so safely. After stopping as required and upon proceeding when safe to do so, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing and the driver may not shift gears manually while crossing the track.
2. A stop is not required at a crossing if traffic is controlled by a police officer. For the purposes of this section, a United States marshal is considered a police officer.
3. A stop is not required at a crossing that the director has designated as an out-of-service or exempt crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. ~~The designation must be limited to use at a crossing where track has been abandoned or its use discontinued.~~
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.

- ~~6-5.~~ All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

Approved March 17, 2025

Filed March 18, 2025

## **CHAPTER 372**

### **HOUSE BILL NO. 1055**

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to repeal section 39-21-35 of the North Dakota Century Code, relating to the regulation of hydraulic brake fluid.

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

**SECTION 1. REPEAL.** Section 39-21-35 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

## CHAPTER 373

### HOUSE BILL NO. 1340

(Representatives Vetter, Christianson, Grueneich, Headland, D. Ruby, Holle, Toman,  
D. Johnston, Heinert)  
(Senators Cory, Castaneda)

AN ACT to amend and reenact subsection 4 of section 39-21-39 of the North Dakota Century Code, relating to motor vehicle window tint.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 4 of section 39-21-39 of the North Dakota Century Code is amended and reenacted as follows:

4. An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least ~~thirty-five~~ fifty percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides ~~that~~ which meet the requirements of section 39-21-38.

Approved March 21, 2025

Filed March 24, 2025

## CHAPTER 374

### HOUSE BILL NO. 1155

(Representatives Tveit, Bosch, Heinert, D. Ruby, Weisz, Dressler, Klemin)  
(Senators Barta, Lemm, Thomas)

AN ACT to amend and reenact section 39-21-52 of the North Dakota Century Code, relating to equipment exemption for certain street rod, collector, or special interest motor vehicles.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-21-52 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-52. Exemption for certain street rod, collector, or special interest motor vehicles.**

The provisions of this chapter or chapter 37-12-02 of the North Dakota Administrative Code relating to bumpers, tires, and fenders do not apply to street rod, collector, or special interest motor vehicles. However, a street rod, collector, or special interest vehicle must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. For purposes of this section "street rod is, collector, or special interest vehicle" means a modernized motor vehicle which was manufactured ~~before 1949~~ by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle, which is at least forty years old. A street rod, collector, or special interest vehicle may have improved modifications to the body, chassis, engine, brakes, power train, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles. The director may adopt rules to implement this section.

Approved March 21, 2025

Filed March 24, 2025



## CHAPTER 375

### HOUSE BILL NO. 1346

(Representatives Heilman, Klemm)

AN ACT to amend and reenact section 39-29-01, subsection 4 of section 39-29-08, and section 39-29-12 of the North Dakota Century Code, relating to the regulation of the operation of off-highway vehicles and political subdivision rules regulating off-highway vehicles; and to provide a penalty.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-29-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. The term includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
  - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
  - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
  - c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Peace officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.
7. "Register" means the act of assigning a registration number to an off-highway vehicle.

**SECTION 2. AMENDMENT.** Subsection 4 of section 39-29-08 of the North Dakota Century Code is amended and reenacted as follows:

4. The governing bodies of political subdivisions may adopt rules to regulate use of off-highway vehicles in areas under their jurisdiction. The governing body of a city or county may, by ordinance, regulate, restrict, and prohibit the use of off-highway vehicles operated in the city limits or within the county in areas under the exclusive jurisdiction of the city or county.

**SECTION 3. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-12. Penalties.**

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of ~~twenty~~ fifty dollars must be assessed. Violation of section 39-29-02 or subsection 2 of section 39-29-04 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ~~ten~~ twenty dollars must be assessed.

Approved March 27, 2025

Filed March 31, 2025

## CHAPTER 376

### SENATE BILL NO. 2075

(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to amend and reenact subsection 5 of section 39-32-02 of the North Dakota Century Code, relating to the exemption from the requirement to maintain a record of duty status for certain intrastate drivers; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 5 of section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

5. An intrastate driver is exempt from maintaining a record of duty status if:
  - a. The driver operates within a one hundred fifty air-mile radius from the driver's normal work-reporting location or from the official worksite of the vehicle;
  - b. ~~At least ten consecutive hours off duty separate each twelve hours on duty;~~
  - c. The driver, except for a driver salesperson, returns to the work-reporting location and is released from work within ~~twelve~~fourteen consecutive hours;
  - d. ~~At least ten consecutive hours off duty separate each fourteen hours on duty; and~~
  - e. The motor carrier maintains and retains for a period of six months accurate time records showing the time the driver reports for duty and is released from duty each day.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 18, 2025

Filed March 18, 2025