# CHAPTER 39-21
# EQUIPMENT OF VEHICLES

**39-21-01. When lighted lamps are required.**

Subject to the exceptions for parked vehicles, every vehicle upon a highway within this state must display lighted headlamps, taillamps, and illuminating devices as required in this chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleeting, or hailing or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead; or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead.

Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of these devices.

**39-21-02. Visibility distance and mounted height of lamps.**

1. Whenever requirement is hereinafter declared as to distance from which certain lamps and devices must render objects visible or within which such lamps or devices must be visible, said provisions apply during the times stated in section 39-21-01 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
2. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it means from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

**39-21-03. Headlamps on motor vehicle.**

1. Every motor vehicle must be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps must comply with the requirements and limitations set forth in this chapter.
2. Every headlamp upon every motor vehicle must be located at a height measured from the center of the headlamp of not more than fifty-four inches [137.16 centimeters] nor less than twenty-four inches [60.96 centimeters] to be measured as set forth in subsection 2 of section 39-21-02.

**39-21-04. Taillamps.**

1. Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, must be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, must emit a red light plainly visible from a distance of one thousand feet [304.8 meters] to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually be seen from the distance specified. Every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1964, must be equipped with at least two taillamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, comply with the provisions of this section.
2. Every taillamp upon every vehicle must be located at a height of not more than seventy-two inches [182.88 centimeters] nor less than fifteen inches [38.1 centimeters].
3. Either a taillamp or a separate lamp must be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from

a distance of fifty feet [15.24 meters] to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

**39-21-05. New motor vehicle to be equipped with reflectors.**

1. Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor must carry on the rear, either as a part of the taillamps or separately, two or more red reflectors, meeting the requirements of this section, except that vehicles of the type mentioned in section 39-21-08 must be equipped with reflectors as required in applicable sections.
2. Every such reflector must be mounted on the vehicle at a height not less than fifteen inches [38.1 centimeters] nor more than sixty inches [152.4 centimeters] measured as set forth in subsection 2 of section 39-21-02, and must be of size and characteristics and so mounted as to be visible as required in section 39-21-11.

**39-21-06. Stop lamps and turn signals required on new motor vehicle.**

1. A person may not sell, offer for sale, or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1964, unless it is equipped with at least two stop lamps that are in good working order when lighted, are mounted on the rear on the same level and as widely spaced laterally as practicable, and meet the requirements of section 39-21-19 and this section, except that a truck tractor manufactured or assembled after January 1, 1964, must be equipped with at least one stop lamp meeting the requirements of section 39-21-19.
2. A person may not sell, offer for sale, or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1952, unless it is equipped with electrical turn signals in good working order which meet the requirements of section 39-21-19. This subsection does not apply to any trailer or semitrailer of less than three thousand pounds [1360.78 kilograms] gross weight.
3. A stop lamp on a vehicle must be located at a height of not more than seventy-two inches [182.88 centimeters] nor less than fifteen inches [38.10 centimeters] from the ground.

**39-21-06.1. Additional lighting equipment.**

1. Any motor vehicle may be equipped with one or more backup lamps either separately or in combination with other lamps, but the backup lamp or lamps may not be lighted when the vehicle is in a forward motion.
2. Any vehicle may be equipped with one or more side marker lamps which may be flashed in conjunction with turn signals or vehicular hazard warning signals.

**39-21-07. Application of succeeding sections.**

Those sections of this chapter which follow immediately, including sections 39-21-08, 39-21-09, 39-21-10, 39-21-11, and 39-21-12, relating to clearance and marker lamps, reflectors, and stoplights, apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles must be equipped as required and all lamp equipment required must be lighted at the times mentioned in section 39-21-01, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet [152.4 meters].

**39-21-08. Additional equipment required on certain vehicles.**

In addition to other equipment required in this chapter, the following vehicles must be equipped as herein stated under the conditions stated in section 39-21-07:

1. On every bus, truck, trailer, or semitrailer there must be the following:

a. On the rear, two reflectors, one at each side, and one stoplight.
b. A trailer or semitrailer which is not so loaded or of such dimensions as to obscure the stoplight on the towing vehicle, need not be equipped with a stoplight.

2. On every bus, truck, trailer, or semitrailer eighty inches [203.2 centimeters] or more in overall width there must be the following:
   a. On the rear, two reflectors, one at each side, two clearance lamps, one at each side, and one stoplight.
   b. On the front, two clearance lamps, one at each side.
3. On every truck tractor there must be the following:
   a. On the front, two clearance lamps, one at each side.
   b. On the rear, one stoplight.
4. On every pole trailer there must be the following:
   a. On the rear of the pole trailer or load, two reflectors, one at each side.
   b. In addition, on pole trailers exceeding three thousand pounds [1360.78 kilograms] gross weight, there must be on each side one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.

**39-21-09. Color of clearance lamps, side marker lamps, backup lamps, and reflectors.**

1. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle must display or reflect an amber color.
2. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle must display or reflect a red color.
3. All lighting devices and reflectors mounted on the rear of any vehicle must display or reflect a red color, except that the light illuminating the license plate must be white and the light emitted by a backup lamp must be white or amber.
4. Any person who violates this section must be assessed a fee of ten dollars for each offense.

**39-21-10. Mounting of reflectors, clearance lamps, and side marker lamps.**

1. Reflectors when required by section 39-21-08 must be mounted at a height not less than fifteen inches [38.1 centimeters] and not higher than sixty inches [152.4 centimeters] above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than fifteen inches [38.1 centimeters] the reflector must be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the taillamp but must meet all the other reflector requirements of this chapter.
2. Clearance lamps must be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

**39-21-11. Visibility of reflectors, clearance lamps, and marker lamps.**

1. Every reflector upon any vehicle referred to in section 39-21-08 must be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] from the vehicle when directly in front of lawful lower beams of headlamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, must be measured in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle must reflect the required color of light to the sides, and those mounted on the rear must reflect a red color to the rear.
2. Front and rear clearance lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet [152.4 meters] from the front and rear, respectively, of the vehicle.

3. Side marker lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet [152.4 meters] from the side of the vehicle on which mounted.

**39-21-12. Obstructed lights not required.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination must be lighted.

**39-21-13. Lamp or flag on projecting load.**

Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

**39-21-14. Lamps on parked vehicle.**

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet [304.8 meters] upon such street or highway, no lights need be displayed.
2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet [304.8 meters] upon such highway, the vehicle must be equipped with at least one lamp displaying a white or amber light visible from a distance of one thousand feet [304.8 meters] to the front of the vehicle. The same lamp or at least one other lamp must display a red light visible from a distance of one thousand feet [304.8 meters] to the rear of the vehicle, and the location of the lamp or lamps must always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. Local authorities may provide by ordinance that no lights need be displayed upon any motor vehicle when parked upon a highway where the speed limit in effect does not exceed thirty miles [48.28 kilometers] per hour in accordance with local ordinances or where there is sufficient light to reveal any person within a distance of two hundred feet [60.96 meters] upon such highway.
3. Any lighted headlamps upon a parked vehicle must be depressed or dimmed.

**39-21-15. Lamps, reflectors, and reflective materials on farm tractors, farm equipment, and implements of husbandry.**

1. Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, manufactured or assembled after January 1, 1980, must at all times, and every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry must, when operated upon the highways of this state during the times mentioned in section 39-21-01, be equipped as follows:
   a. Tractors and self-propelled units of farm equipment must be equipped with two single-beam or multiple-beam headlamps meeting the requirements of section 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm

equipment which is not equipped with an electrical system must be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than one thousand feet [304.8 meters] to the front of the vehicle. Every tractor and self-propelled unit of farm equipment must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear of the vehicle. In addition, every tractor and every self-propelled unit of farm equipment must be equipped with two red reflectors visible from all distances from six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps.

b. Every towed unit of farm equipment or implement of husbandry must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear or two red reflectors visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps. In addition, if the extreme left projection of a towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, the unit or implement must be equipped with at least one amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the front when illuminated by the lower beams of headlamps and at least one red lamp or reflector so mounted and visible from the same distances to the rear.

2. The lamps and reflectors required by this section must be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, the lamps or reflectors must be so positioned that the extreme projections both to the left and to the right of the vehicle must be indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required in subdivision b.

**39-21-16. Lamps on other vehicles and equipment.**

Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection 4 of section 39-21-46, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, must at all times specified in section 39-21-01 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet [304.8 meters] to the front of the vehicle, and must also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet [304.8 meters] to the rear of the vehicle, or two red reflectors visible for distances of one hundred feet [30.48 meters] to six hundred feet [182.88 meters] to the rear when illuminated by the lower beams of headlamps.

**39-21-17. Spot lamps and auxiliary lamps.**

1. Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp must be so aimed and used so that no part of the high-intensity portion will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.
2. Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches [30.48 centimeters] nor more than thirty inches [76.2 centimeters] above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet [7.62 meters] ahead project higher than a level of four inches [10.76 centimeters] below the level of the center of the lamp from which it

comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in subsection 2 of section 39-21-20.

3. Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches [60.96 centimeters] nor more than forty-two inches [106.68 centimeters] above the level surface upon which the vehicle stands. The provisions of section 39-21-20 apply to any combination of headlamps and auxiliary passing lamps.
4. Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps. Any auxiliary driving lamp mounted at a height of less than sixteen inches [40.64 centimeters] or more than forty-two inches [106.68 centimeters] above the level surface upon which the vehicle stands may not be lighted when the vehicle is used upon a highway. The provisions of section 39-21-20 apply to any combination of headlamps and auxiliary driving lamps.

**39-21-18. Audible and visual signals on vehicle.**

1. Every authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of causing a minimum sound intensity level of eighty-five decibels. The siren or signal must be mounted outside of the vehicle or in front of the radiator.
2. Any authorized emergency vehicle may be equipped with safety strobe lights.
3. A police vehicle when used as an authorized emergency vehicle may be equipped with alternately flashing red lights specified herein and a vehicle designated for the use of the adjutant general or the assistant adjutant general may be equipped with a siren, exhaust whistle, or bell specified herein.
4. Every schoolbus, except vehicles with a seating capacity of less than sixteen students, must be equipped with:
   a. Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight;
   b. A stop sign on a control arm that can be activated by the bus driver. The stop sign on the control arm must be located on the left side of the bus, be equipped with a flashing red light, and when activated, extend out from the bus at approximately a ninety-degree angle; and
   c. Safety strobe lights if the schoolbus was manufactured after July 31, 1998. Older schoolbuses may have safety strobe lights installed.

**39-21-18.1. Flashing signals on rural mail vehicle - Standards.**

Notwithstanding any other provision of law, it is lawful for any vehicle regularly used as a rural mail delivery vehicle to display two simultaneously flashing amber lamps mounted on top of such vehicle while it is being used to deliver mail. The light assembly must consist of two lamps mounted on top of the vehicle with one lamp being as near as is practicable to each side of the vehicle, displaying an amber light not less than four inches [10.16 centimeters] in diameter and visible under normal atmospheric conditions for a distance of at least five hundred feet [152.4 meters] to the front and to the rear of such vehicle. The lamp assembly must include a sign at least seven inches [17.78 centimeters] in height containing the words "U.S. MAIL" in black letters not less than four inches [10.16 centimeters] in height and of not less than three-quarters of an inch [1.905 centimeters] in width of stroke, upon a white background. The sign must be constructed so as to permit folding down out of the line of vision when not in use. The lamps must be equipped with a device to cause them to flash on and off, and such lamps must be so wired as to cause both lamps to flash simultaneously. In lieu of the light assembly permitted by this section, a vehicle may display one revolving amber light placed on top of the vehicle and accompanied by a sign placed on the rear of the vehicle and containing the words "U.S. MAIL". The light and sign must comply with the requirements applicable to the amber

lights and sign used with a light assembly permitted by this section. Amber lights permitted by this section may only be operated for the purpose of discharging official duties and must not be in operation except during the actual performance of duty delivering mail.

**39-21-19. Signal lamps and signal devices.**

1. Any motor vehicle may be equipped and when required under this chapter must be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than three hundred feet [91.44 meters] to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may, but need not, be incorporated with one or more other rear lamps.
2. Any motor vehicle may be equipped and when required under this chapter must be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. The lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than three hundred feet [91.44 meters] to the front in normal sunlight, and the lamps showing to the rear must be located at the same level and as widely spaced laterally as practicable and when in use display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred feet [91.44 meters] to the rear in normal sunlight. Any motor vehicle or combination of vehicles eighty inches [20.32 decimeters] or more in overall width, and manufactured or assembled after January 1964, must be equipped with the lamps required by this subsection mounted and spaced in the same manner but visible from a distance of not less than five hundred feet [152.4 meters] to the front and rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.
3. No stop lamp or signal lamp may project a glaring light.

**39-21-19.1. Vehicular hazard warning signals.**

1. Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
2. After January 1, 1980, every bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches [20.32 decimeters] or more in overall width or thirty feet [9.14 meters] or more in overall length must be equipped with lamps meeting the requirements of this section.
3. Vehicular hazard warning signal lamps used to display warning to the front must be mounted at the same level and as widely spaced laterally as practicable, and must display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display warning to the rear must be mounted at the same level and as widely spaced laterally as practicable, and must show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights must be visible from a distance of not less than five hundred feet [152.4 meters] in normal sunlight.

**39-21-20. Multiple-beam road-lighting equipment.**

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles must be so arranged that the driver may select at will between distributions of light projected to different elevations and these lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

1. There must be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least four hundred fifty feet [137.16 meters] ahead for all conditions of loading.
2. There must be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred fifty feet [45.72 meters] ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam may be directed to strike the eyes of an approaching driver.
3. Every new motor vehicle, registered in this state, which has multiple-beam road-lighting equipment must be equipped with a beam indicator, which must be lighted whenever the uppermost distribution of light from the headlamps is in use, and may not otherwise be lighted. The indicator must be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

**39-21-21. Use of multiple-beam road-lighting equipment.**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-21-01, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet [152.4 meters], such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of section 39-21-20 must be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within three hundred feet [91.44 meters] to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of section 39-21-20.

**39-21-22. Single-beam road-lighting equipment.**

Headlamps arranged to provide a single distribution of light are permitted on motor vehicles manufactured and sold prior to one year after July 1, 1963, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps must be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet [7.62 meters] ahead project higher than a level of five inches [12.7 centimeters] below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches [106.68 centimeters] above the level on which the vehicle stands at a distance of seventy-five feet [22.86 meters] ahead.
2. The intensity must be sufficient to reveal persons and vehicles at a distance of at least two hundred feet [60.96 meters].

**39-21-23. Lighting equipment on motor-driven cycles.**

Repealed by S.L. 1979, ch. 431, § 37.

**39-21-24. Arrest for improperly adjusted headlamps or improper bulbs - Certificate of conformance a defense.**

The driver of any motor vehicle equipped with approved headlamps, auxiliary driving lamps, rear lamps, or signal lamps who is arrested upon the charge that such lamps are adjusted improperly or are equipped with bulbs of a candle power not approved for use therewith, must be allowed forty-eight hours within which to bring such lamps into conformance with the

requirements of this chapter. It is a defense to any such charge that the person arrested produces in court or submits to the state's attorney a certificate showing that within forty-eight hours after such arrest such lamps have been made to conform with the requirements of this chapter.

**39-21-25. Number of driving lamps required or permitted.**

1. At all times specified in section 39-21-01 at least two lighted lamps must be displayed, one on each side at the front of every motor vehicle, except when a vehicle is parked subject to the regulations governing lights on parked vehicles.
2. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle may be lighted at any one time when upon a highway.

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

1. Any lighted lamp or illuminating device 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 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. A person may not drive or move any vehicle or equipment on any highway with a lamp or device displaying a red or green light visible from directly in front of the center of the vehicle or equipment. This section does not apply to 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:
   a. An authorized emergency vehicle;
   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
   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.

**39-21-27. Special lighting and warning equipment on schoolbuses.**

1. The superintendent of public instruction, in cooperation with the director, is authorized to adopt standards and specifications applicable to lighting equipment and special warning devices, including the stop sign on a control arm specified in section 39-21-18, to be carried by schoolbuses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. The standards and specifications must correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.
2. It is unlawful to operate any flashing warning signal light or the stop sign on the control arm specified in section 39-21-18 on a schoolbus except when the schoolbus is stopped on a highway for the purpose of permitting schoolchildren to board or alight from the schoolbus.
3. Schoolbuses equipped with safety strobe lights pursuant to subsection 4 of section 39-21-18 must have the safety strobe light in operation whenever the schoolbus is being operated upon a highway for purposes of transporting children either to or from school or for a school-sanctioned activity. It is unlawful to operate a safety strobe light on a schoolbus when the schoolbus is used for any other purpose.

**39-21-27.1. Schoolbus standards - Equipment and color regulations.**

Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers may be used as schoolbuses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of schoolbuses and shall prepare and publish standards for North Dakota schoolbuses which must set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any schoolbus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a schoolbus is purchased for a purpose or purposes other than the public transport of schoolchildren, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights and the stop sign on the control arm.

Highway patrol officers and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

**39-21-28. Standards for lights on snow-removal or other hazardous equipment.**

1. The director shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal or other hazardous equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section must correlate with and, so far as possible, conform with those approved by the American association of state highway officials.
2. It is unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

**39-21-29. Selling or using lamps or equipment.**

1. No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer, or use upon these vehicles any headlamp, auxiliary, or fog lamp, rear lamp, signal lamp, or required reflector, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been approved by the department. The provisions of this subsection do not apply to equipment in actual use or replacement parts when this section is adopted.
2. No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the department unless the lamp or device bears the trademark or name under which it is approved so as to be legible when installed.
3. No person may use upon any motor vehicle, trailer, pole trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the department.

**39-21-30. Authority of department.**

1. The department may approve or disapprove any lighting devices or other safety equipment, component, or assembly, even though the device is of a type for which approval is not specifically required in this chapter. The department may issue and enforce regulations establishing standards and specifications for the approval of the lighting devices, safety equipment, components, or assemblies, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. The

regulations must correlate with and, so far as practicable, conform to the then current applicable standards and specifications of the society of automotive engineers.

2. The department shall approve or disapprove any lighting device or other safety equipment, component, or assembly, of a type on which approval is specifically required in this chapter, within a reasonable time after the device has been submitted.
3. The department may set up the procedure which must be followed when approval is sought for any lighting device or safety equipment, component, or assembly. The procedure may provide for submission of the device, equipment, component, or assembly to the American association of motor vehicle administrators, the society of automotive engineers, or other appropriate testing agency as the agent of the department and for the issuance of an approval certificate by the testing agency in the name of the department in lieu of submission of the device, equipment, component, or assembly to the department. Approval by the testing agency has the same force and effect as if it had been issued by the department.
4. The department upon approving any device, equipment, component, or assembly shall issue to the applicant a certificate of approval together with any instructions determined by the department. The department shall maintain lists of all devices, components, or assemblies which it has approved.

**39-21-30.1. Duration of approval.**

Approvals of lighting devices or other safety equipment, components, or assemblies remain valid unless revoked under section 39-21-31 or unless the department requires them to be renewed by regulation.

**39-21-31. Revocation of certificate of approval.**

When the department has reason to believe that an approved lighting device or other safety equipment, component, or assembly being sold commercially does not comply with the requirements of this chapter, the department may, after giving thirty days' previous notice to the person holding the certificate of approval for the device in this state, conduct a hearing upon the question of compliance of the approved device. After the hearing, the department shall determine whether the approved device meets the requirements of this chapter. If the device does not meet the requirements of this chapter, the department shall give notice to the person holding the certificate of approval for the device in this state of its intention to revoke the approval.

If at the expiration of ninety days after notice the person holding the certificate of approval for the device has failed to satisfy the department that the approved device to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued for the device. The department may require that devices sold after the notification following the hearing be replaced with devices that do comply with the requirements of this chapter and shall require the withdrawal of those devices from the market.

When an approval has been suspended or revoked pursuant to this section, the device may not again be approved unless and until it has been submitted for approval and it has been demonstrated, in the same manner as in an application for an original approval, that the device meets the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of the approved devices, and if the device upon retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of the device. The department may require that all previously approved devices be effectively recalled and removed from the market as a condition for reapproval.

**39-21-32. Brake equipment required.**

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means must be effective to apply the brakes to at least two

wheels. If these two separate means of applying the brakes are connected in any way, they must be so constructed that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

2. Every farm tractor, motorcycle, and motor-driven cycle, when operated upon a highway, must be equipped with at least one brake, which may be operated by hand or foot.
3. Every trailer or semitrailer when operated upon a highway at a speed in excess of twenty-five miles [40.23 kilometers] per hour must be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes must be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes are automatically applied.
4. One of the means of brake operation must be parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes must be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power-assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes must be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brakedrums, brakeshoes and lining assemblies, brakeshoe anchors, and mechanical brakeshoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes.

**39-21-33. Maintenance of brakes.**

All brakes must be maintained in good working order and must be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

**39-21-33.1. Engine compression brake device - Prohibited - Posting.**

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

**39-21-34. Brakes on motor-driven cycles.**

Repealed by S.L. 1979, ch. 431, § 37.

**39-21-35. Hydraulic brake fluid.**

Repealed by S.L. 2025, ch. 372, § 1.

**39-21-36. Horn and warning device.**

1. While being operated upon a highway, every motor vehicle must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet [60.96 meters], but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with the vehicle's horn, but may not otherwise use the vehicle's horn while upon a highway.

2. No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.
3. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
4. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet [152.4 meters] and of a type approved by the department, but the siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of approaching vehicles.

**39-21-37. Muffler - Prevention of noise and smoke.**

1. Every motor vehicle must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.
2. The engine and power mechanism of every motor vehicle must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

**39-21-38. Mirror.**

On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet [60.96 meters] to the rear of such motor vehicle.

**39-21-39. Windshield - Must be unobstructed and equipped with wipers - Tinted windows.**

1. A motor vehicle must be equipped with a windshield. An individual may not drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the highway or any intersecting highway.
2. The windshield on a motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which must be constructed as to be controlled or operated by the driver of the vehicle.
3. The windshield wiper upon a motor vehicle must be maintained in good working order.
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 percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides which meet the requirements of section 39-21-38.
5. Subsection 4 does not apply to nonreflective sunscreening or window tinting material above the AS-1 line or within the top five inches [12.7 centimeters] of the windshield.

**39-21-39.1. Windshield impairing vision of drivers.**

A windshield may not be shattered or in such a defective condition that the windshield materially impairs or obstructs the driver's clear view.

**39-21-40. Restrictions as to tire equipment.**

1. Every solid rubber tire on a vehicle must have rubber on its entire traction surface at least one inch [2.54 centimeters] thick above the edge of the flange of the entire periphery.
2. No person may operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
3. No tire on a vehicle moved on a highway may have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it is permissible to use tire chains of reasonable proportions. It is also permissible to use, from October fifteenth to April fifteenth, pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch [1.59 millimeters] beyond the tread of the traction surface of the tire, except that it is permissible to use such tires on schoolbuses at any time during the year.

**39-21-41. Safety glazing material in motor vehicles.**

1. No person may sell any new motor vehicle, nor may any new motor vehicle be registered, unless it is equipped with safety glazing material of a type approved by the department wherever glazing material is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and schoolbuses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartment.
2. The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.
3. The department shall maintain a list of types of glazing material by name approved by it as meeting the requirements of this section and may not register after January 1, 1964, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and it shall thereafter suspend the registration of any motor vehicle subject to this section which it finds is not equipped until it is made to conform to the requirements of this section. The requirements of this section do not apply to antique automobiles licensed under chapter 39-04.

**39-21-41.1. Safety belts.**

1. Every passenger car manufactured or assembled after January 1, 1965, must be equipped with lapbelt assemblies for use in the driver's and one other front seating position.
2. All motor vehicles manufactured after January 1, 1968, must be equipped with any lapbelt or shoulder belt required at the time the vehicle was manufactured by standards of the United States department of transportation. Nothing in this subsection affects the requirement in subsection 1 for a lapbelt in the driver's seating position.
3. The department may except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections 1 and 2 when compliance would be impractical.
4. No person may install, distribute, have for sale, offer for sale, or sell any belt for use in motor vehicles unless it meets current minimum standards and specifications of the United States department of transportation.
5. Every owner shall maintain belts and assemblies required by this section in proper condition and in a manner that will enable occupants to use them.

**39-21-41.2. Child restraint devices - Evidence.**

1. If a child, under eight years of age, is present in a motor vehicle, that motor vehicle must be equipped with at least one child restraint system for the child. However, a child under the age of eight who is at least fifty-seven inches [1.45 meters] tall is not required to use a child restraint system, but must be correctly buckled in a safety belt. The child restraint system must meet the standards adopted by the United States department of transportation for those systems [49 CFR 571.213]. While the motor vehicle is in motion, the child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of eight through seventeen years of age who is in the motor vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a safety belt. Use of child restraint systems and safety belts is not required in motor vehicles that were not equipped with safety belts when manufactured. If a child is being transported in an emergency situation, this section does not apply.
2. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

**39-21-41.3. Use of safety belts required in certain motor vehicles - Enforcement.**

Deleted by R.M. December 5, 1989.

**39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement - Evidence.**

A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or safety belt in accordance with section 39-21-41.2; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; to an occupant who is an emergency medical services personnel, during the provision of direct patient care; or when all safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

**39-21-41.5. Secondary enforcement.**

Repealed by S.L. 2023, ch. 362, § 2.

**39-21-42. Certain vehicles to carry flares or other warning devices.**

1. No person may operate any motor truck, passenger bus, or truck tractor, or any motor vehicle towing a housetrailer, upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there is carried in the vehicle the following equipment except as provided in subsection 2:
   a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which must be capable of being seen and distinguished at a distance of not less than six hundred feet [182.88 meters] under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with the requirements of this section unless it is of a type which has been submitted to the department and

approved by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it meets the requirements of the national highway traffic safety administration motor vehicle safety standard number 125 or unless it is so designed and constructed as to include two reflecting elements one above the other, each of which must be capable of reflecting red light clearly visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] under normal atmospheric conditions at night when directly in front of lawful lower beams of headlamps, and unless it is of a type which has been submitted to the department and approved by it.

b. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

c. At least two red-cloth flags, not less than twelve inches [30.48 centimeters] square, with standards to support such flags.

2. No person may operate at the time and under conditions stated in subsection 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there is carried in the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection 1, and there shall not be carried in the vehicle any flare, fusee, or signal produced by flame.

**39-21-43. Display of warning devices when vehicle disabled.**

1. Whenever any truck, bus, truck tractor, trailer, semitrailer, or pole trailer eighty inches [20.32 decimeters] or more in overall width or thirty feet [91.44 decimeters] or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of this chapter. The lamps need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections 2 through 8 are in place.
2. Whenever any vehicle of a type referred to in subsection 1 is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of the vehicle shall display the following warning devices except as provided in subsection 3:
   a. A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector must immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
   b. As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
      (1) One, approximately one hundred feet [30.48 meters] from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.
      (2) One, approximately one hundred feet [30.48 meters] in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
      (3) One at the traffic side of the disabled vehicle not less than ten feet [30.48 decimeters] rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1, it may be used for this purpose.
3. Whenever any vehicle referred to in this section is disabled, or stopped for more than ten minutes, within five hundred feet [152.4 meters] of a curve, hillcrest, or other obstruction to view, the warning device in the direction must be so placed as to afford

ample warning to other users of the highway, but in no case less than one hundred feet [30.48 meters] nor more than five hundred feet [152.4 meters] from the disabled vehicle.

4. Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections 2 and 3 must be placed as follows: one at a distance of approximately two hundred feet [60.96 meters] from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet [30.48 meters] from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet [30.48 decimeters] from the vehicle in the direction of the nearest approaching traffic.
5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten minutes, at any time and place mentioned in subsection 2, 3, or 4, the driver of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified in subsection 2, 3, or 4. Flares, fusees, or signals produced by flame may not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
6. The warning devices described in subsections 2 through 5 need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand feet [304.8 meters].
7. Whenever any vehicle described in this section is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by section 39-21-01 the driver of the vehicle shall display two red flags as follows:
   a. If traffic on the roadway moves in two directions, one flag shall be placed approximately one hundred feet [30.48 meters] to the rear and one flag approximately one hundred feet [30.48 meters] in advance of the vehicle in the center of the lane occupied by the vehicle.
   b. Upon a one-way roadway, one flag must be placed approximately one hundred feet [30.48 meters] and one flag approximately two hundred feet [60.96 meters] to the rear of the vehicle in the center of the lane occupied by the vehicle.
8. When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place mentioned in this section, the warning devices must be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
9. The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section must conform with the applicable requirements of section 39-21-42.

**39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review.**

Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

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

No vehicle may be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person may operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

**39-21-44.2. Drawbar or connection between vehicles - Precautions required.**

The drawbar or other coupling device between vehicles, one of which is towing or drawing the other on a highway, must include safety chains connecting the vehicles. The drawbar or other coupling device, and the safety chains, must be of a design, strength, and construction so as to prevent the unintentional uncoupling of the vehicles. The safety chain requirement of this section does not apply to:

1. A fifth-wheel coupling device; or
2. A vehicle towing an implement of husbandry or an implement of husbandry towing a vehicle, when operated at a speed not exceeding twenty-five miles [40.23 kilometers] per hour.

**39-21-45. Air-conditioning equipment.**

1. The term "air-conditioning equipment", as used or referred to in this section, means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
2. Air-conditioning equipment must be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public and may not contain any refrigerant which is toxic to persons or which is flammable, unless the refrigerant is included in the list published by the United States environmental protection agency as a safe alternative motor vehicle air-conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671k(c).
3. The department may adopt and enforce safety requirements, rules, and specifications consistent with the requirements of this section applicable to equipment which must correlate with and, so far as possible, conform to the current recommended practice or standard applicable to air-conditioning equipment approved by the society of automotive engineers.
4. No person may have for sale, offer for sale, sell, or equip any motor vehicle with any air-conditioning equipment unless it complies with the requirements of this section.
5. No person may operate on any highway any motor vehicle equipped with any air-conditioning equipment unless the equipment complies with the requirements of this section.

**39-21-45.1. Modification of motor vehicle.**

1. An individual who operates a registered motor vehicle on a highway may not modify that vehicle unless the modification meets the following requirements:
   a. Any modifying equipment must meet any other requirement applicable to a vehicle under chapter 39-21.
   b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must be branded with a United States department of transportation tire identification number.
   c. The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.
2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made

from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.

3. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this section.
4. The director may adopt rules to implement this section.

**39-21-46. Scope and effect of equipment requirements - Penalty.**

1. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter for which a fee or penalty for its violation is not otherwise provided.
2. A person who drives or moves, or any owner who causes or knowingly permits to be driven or moved upon a highway, any vehicle or combination of vehicles which that person knows is in such unsafe condition as to endanger a person is guilty of an infraction.
3. The superintendent of the state highway patrol shall, under chapter 28-32, adopt necessary rules concerning the safe operation of motor vehicles and when and how motor carrier audits or inspections will be conducted. The rules must duplicate or be consistent with current motor carrier safety regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the motor carrier safety regulations by reference, and any adoption must be construed to incorporate amendments as may be made from time to time. A violation of rules adopted under this subsection is a noncriminal violation. A person who fails or refuses to comply with these rules must be assessed a fee in the amount set forth in section 39-06.1-06 for each violation.
4. Nothing contained in this chapter may be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
5. The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.
6. The provisions of this chapter with respect to equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as specifically made applicable.
7. The provisions of this chapter and regulations of the department do not apply to vehicles moved solely by human power, except as specifically made applicable.

**39-21-47. Distress signals for handicapped drivers - Penalty for misuse.**

Repealed by S.L. 1975, ch. 106, § 673.

**39-21-48. Crash helmets required for operators of and passengers on motorcycles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-21-49. Number of riders on motorcycles limited.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-21-50. Slow-moving vehicles required to display identification emblem - Penalty.**

All implements of husbandry, as defined in section 39-01-01, and machinery, including all road construction machinery, designed for operation at a speed of twenty-five miles [40.23 kilometers] an hour or less, must display either a triangular slow-moving vehicle emblem or a

rotating or flashing amber light, as authorized for class B emergency vehicles, whenever traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. The emblem or light must be mounted so as to be visible from a distance of not less than five hundred feet [152.4 meters] to the rear. The director shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. The standards and specifications for slow-moving vehicle emblems referred to in this section must correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, must display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this section must be assessed a fee of twenty dollars for each offense.

**39-21-51. Alteration of odometers or other mileage recorders, hour meters on tachometers, or other hour recorders - Penalty.**

A person may not willfully, as defined in section 12.1-02-02, alter a motor vehicle odometer or other mileage recorder, hour meter on tachometer, or other hour recorder, or offer for sale or sell a motor vehicle knowing the odometer or other mileage recorder has been altered, for the purpose of deceiving another. Violation of this section is a class C felony if the person has previously been convicted of violating this section, or if the person has violated this section with respect to more than one vehicle, and a class B misdemeanor in all other cases.

**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, collector, or special interest vehicle" means a modernized motor vehicle which was manufactured 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.

**39-21-53. Retractable axle control requirements.**

1. For a motor vehicle manufactured after July 31, 2005, variable load suspension or retractable axles, or both, raised or lowered by air, hydraulic, or other pressure must have the lock or pressure regulator valve, or both, positioned outside the cab and inaccessible from the driver's compartment if there is more than one variable load suspension axle or retractable axle, or a combination of each.
2. The control to lift and lower a retractable or variable load suspension axle may be accessible in the driver's compartment, but also may not function as the pressure control device unless allowed by subsection 1.

**39-21-54. Requirement for steerable, castering, or pivoting axles.**

A single unit vehicle or any vehicle in combination may not be equipped with more than four axles unless the additional axles are steerable, castering, or pivoting axles.

**39-21-55. Exemption from rear-end protection requirements.**

Repealed by S.L. 2009, ch. 341, § 1.

**39-21-56. Definitions - Prohibition on counterfeit and nonfunctional airbag - Penalty.**

1. As used in this section:
   a. "Airbag" means an inflatable occupant restraint system device in a motor vehicle which is part of a supplemental restraint system.
   b. "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark identical, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.
   c. "Nonfunctional airbag" means a replacement airbag that:
      (1) Was previously deployed or damaged;
      (2) Has an electric fault that is detected by the motor vehicle's airbag diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;
      (3) Includes a part or object, including a supplemental restraint system component, which is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing a functional airbag has been installed; or
      (4) Is subject to the prohibitions of 49 U.S.C. 30120(j).
   d. "Supplemental restraint system" means a passive inflatable motor vehicle crash protection system designed for use in conjunction with active restraint systems as defined in title 49, Code of Federal Regulations, part 571, section 208, which includes one or more airbags and all components required to ensure an airbag works as designed by the motor vehicle manufacturer including:
      (1) Operating as designed in the event of a crash; and
      (2) Is designed in accordance with federal motor vehicle safety standards of the specific make, model, and year of the motor vehicle in which the airbag is or will be installed.
2. A person may not intentionally or knowingly:
   a. Manufacture, import, install, reinstall, distribute, sell, or offer for sale any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component, nonfunctional airbag, or a device that does not meet the federal motor vehicle safety standards as provided under title 49, Code of Federal Regulations, part 571, section 208.
   b. Sell, install, or reinstall in a motor vehicle, any device that causes the motor vehicle's diagnostic systems to fail to warn when the motor vehicle is equipped with a counterfeit supplemental restraints system component or nonfunctional airbag, or when an airbag is not installed.
3. Subsection 2 does not prohibit a motor vehicle dealer, repair facility, manufacturer, or other entity from taking action to collect and dispose of used or recalled supplemental restraint system components in accordance with federal law.
4. A person that violates subsection 2 is guilty of a class A misdemeanor.