

2021 SENATE TRANSPORTATION

SB 2100

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2100
1/7/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new subsection to section 39-21-06.1 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26, subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [11:00]

Discussion Topics:

- Vehicle registration and titles
- Driver's licenses
- Turning movements
- Vehicle equipment
- Snowmobile insurance
- Helmets for off-highway vehicle riders under the age of 18

Sergeant Wade Kadrmas [11:02], presents the bill and submits testimony #160, 161, 162 in favor of SB 2100.

Additional written testimony:

Anton Hillig submits testimony #150.

Jennifer Blumhagen submits testimony #202.

Chair Clemens adjourns the meeting on SB 2100. [12:09]

Sheldon Wolf, Committee Clerk

PROPOSED AMENDMENTS TO SENATE BILL NO. 2100

Page 2, line 10 after “the”, remove “hearing official”, replace with “office of the”

Page 2, line 11 remove “before whom the person was to appear”, replace with “prosecutor where the matter is pending,”

Page 3, line 21 remove “hearing official to whom the person was”, replace with “office of the prosecutor where the”

Page 3, line 22 remove “to appear”, replace with “matter is pending,”

Page 9, after line 31, insert:

SECTION 23. AMENDMENT. Create a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century code is created and enacted as follows:

39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit schedule - Suspension.

1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the director, the director shall proceed to enter the proper points on the licensee's driving record, unless the points assigned to the violation are two or less. If the points assigned to the violation are two or less, the violation and points may not be entered on the driving record but must be recorded separately, and the separate record is not available to the public. Points from a violation in which the points are two or less are considered a part of the driving record for the sole purpose of point reduction under section 39-06.1-13 and for purposes of license suspension. If the driving record shows that the licensee has accumulated a total of twelve or more points, assigned on the basis of the schedule contained in subsection 3, the director shall notify the licensee of the director's intention to suspend the operator's license under section 39-06-33. For the purposes of this chapter, the director also may receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

2. If the director confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the director shall suspend the licensee's operator's license according to the following schedule:

Accumulated Point Total: Period of Suspension:

- a. Twelve 7 days
- b. Thirteen and above 7 days for each point over eleven

3. Points must be assigned and accumulated on the basis of the following schedule:

a. Noncriminal Violations

Noncriminal Adjudication or Admission of: Points Assigned:

(1) Overtime and double parking in violation of city Ordinances

0 points

| | |
|---|-----------|
| (2) Failure to display license plates | 1 point |
| (3) Permitting unauthorized minor to drive | 2 points |
| (4) Permitting unauthorized person to drive | 2 points |
| (5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47 | 2 points |
| (6) Unlawful parking in prohibited place | 1 point |
| (7) Leaving motor vehicle improperly unattended on an open highway | 1 point |
| (8) Opening or leaving motor vehicle doors open when unsafe to do so | 1 point |
| (9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances | 2 points |
| (10) Careless driving in violation of section 39-09-01, or equivalent ordinance | 6 points |
| (11) Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03 | 4 points |
| (12) Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance | 10 points |
| (13) Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance | 3 points |
| (14) Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or equivalent ordinances | 2 points |
| (15) Disobeying an official traffic-control device in violation of section 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances | 2 points |
| (16) Driving on wrong side of road in violation of section 39-10-08, 39-10-14, or 39-10-16, or equivalent ordinances | 2 points |
| (17) Failing to dim headlights in violation of section 39-21-21, or equivalent ordinance | 1 point |

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|---|----------|
| (18) Failing to stop at railroad crossing in violation of section 39-10-41 or 39-10-42, or equivalent ordinances | 3 points |
| (19) Knowingly driving with defective brakes in violation of section 39-21-32 or 39-21-33, or equivalent ordinances | 2 points |
| (20) Disregarding the lawful commands of a police officer in violation of section 39-10-02, or equivalent ordinance | 2 points |
| (21) Overtaking where prohibited or in an unsafe manner in violation of section 39-10-11, 39-10-12, 39-10-13, or 39-10-15, or equivalent ordinances | 2 points |
| (22) Overtaking and passing a schoolbus in violation of section 39-10-46, or equivalent ordinance | 6 points |
| (23) Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance | 4 points |
| (24) Improperly operating or unlawfully carrying passengers or packages on a motorcycle in violation of section 39-10.2-02, or equivalent ordinance | 2 points |
| (25) Improperly operating a motorcycle in laned traffic in violation of section 39-10.2-03, or equivalent ordinance | 2 points |
| (26) Clinging to other vehicles while riding a motorcycle in violation of section 39-10.2-04, or equivalent ordinance | 4 points |
| (27) Carrying a passenger on a motorcycle not equipped with passenger footrests in violation of section 39-10.2-05, or equivalent ordinance | 2 points |
| (28) Operating a motorcycle without protective headgear in violation of subsection 1 of section 39-10.2-06, or equivalent ordinance | 2 points |
| (29) Failing to use the care required in section 39-09-01.1, or equivalent ordinance | 2 points |
| (30) Except as provided in paragraph 33, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance | |
| 6 - 10 mph over limit | 0 points |
| 11 - 15 mph over limit | 1 point |
| 16 - 20 mph over limit | 3 points |
| 21 - 25 mph over limit | 5 points |
| 26 - 35 mph over limit | 9 points |

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|---|-----------|
| 36 - 45 mph over limit | 12 points |
| 46 + mph over limit | 15 points |
| (31) Driving in violation of section 39-08-18 | 2 points |
| (32) Driving in violation of section 39-08-09 | 6 points |
| (33) On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance | |
| Miles per hour over lawful speed limit | Points |
| 1 - 5 | 0 |
| 6 - 10 | 1 |
| 11 - 15 | 3 |
| 16 - 20 | 5 |
| 21 - 25 | 7 |
| 26 - 30 | 10 |
| 31 - 35 | 12 |
| 36 + | 15 |
| (34) Failing to have a minor in a child restraint system or seatbelt in violation of section 39-21-41.2 | 1 point |
| (35) Failure or refusal to comply with rules of the superintendent of the highway patrol in violation of subsection 3 of section 39-21-46 | 0 points |
| (36) Violation of section 39-21-44 or any rule adopted under that section | 2 points |
| (37) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20 | 6 points |
| (38) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the driving record shows that the licensee has within the eighteen months preceding the violation previously violated section 39-08-20 | 12 points |
| (39) Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of investigation of an accident in which the driver is the owner | 14 points |
| (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance | 1 point |

(41) Driving in violation of the conditions of a Class D instruction permit

2 points

**Senate Bill 2100
Addendum
NDHP Testimony**

SECTION 1

39-04-18. Motor vehicles exempt from registration fees - Reciprocal use of state highways by foreign licensed motor vehicles.

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified; provided, however, that whenever the department determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, the department may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:

e. Passenger motor vehicles registered in any other state or territory; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state. **For purposes of this subdivision, an individual is a resident of this state if the individual is gainfully employed or engages in any trade, profession, or occupation within this state and owns, leases, or rents a place of residence or otherwise lives within this state for the purposes of employment, or regardless of domicile or any other circumstance, remains in this state for a period of at least ninety consecutive days.** For purposes of this subdivision, a resident does not include a student at a university, college, or technical school in this state or a daily commuter from another jurisdiction if that jurisdiction exempts the vehicle of a daily commuter from this state from registration in that jurisdiction under a reciprocity agreement.

39-04-18.2. Temporary motor vehicle registration - Fees.

1. Any owner, lessee, or operator of a motor vehicle who is employed in this state on a temporary or full-time basis may choose to purchase a temporary registration permit in lieu of registering the vehicle pursuant to section 39-04-18, if the vehicle displays a valid registration and license plate from another jurisdiction and is properly insured.

Application for the temporary registration permit must be made in the manner and form prescribed by the department. The temporary registration permit must bear a distinctive number assigned to the vehicle and an expiration date. At all times the operator shall ensure that the temporary registration permit is displayed and clearly visible on the vehicle in a manner prescribed by the department. Motor vehicles temporarily registered under this section may be registered without a title transfer or imposition of motor vehicle excise tax. The operator shall keep evidence of registration from the other jurisdiction in the motor vehicle and provide evidence of registration to a law enforcement officer or the department, upon request.

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, 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, 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, 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, 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.

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:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - f. A violation of subsection 1 of section 39-04-37 **by an individual by becoming a resident of this state**, a fee of one hundred dollars.

SECTION 2

39-04-55. Registration card to be carried in or on vehicle - Inspection of card - Penalty.

The registration card issued for a vehicle must be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being operated upon a highway in this state. The card is subject to inspection by any peace officer or highway patrol officer. Any person violating this section must be assessed a fee of twenty dollars. However, a person cited for violation of this section may not be found to have committed the violation if the person, within forty-eight hours after being cited, produces and displays to any peace officer or highway patrol officer, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrol officer, upon citing a person for violating this section, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration card in the manner provided in this section. A peace officer or highway patrol officer receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

SECTION 3

39-05-17. Transfer of title of vehicle - Endorsement required - Certificate of title delivered - New certificate obtained - Penalty.

1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.
2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within thirty days.
3. If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.
4. Within thirty days, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars, and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.
5. A violation of this section by an owner, lienholder, or transferee is a class B misdemeanor.

SECTION 4

39-01-01. Definitions.

In this title, unless the context or subject matter otherwise requires:

48. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a **speed not to exceed thirty miles** [48.28 kilometers] per hour on a level road surface, and a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two inches [81.28 centimeters].

Examples of motorized bicycles:



SECTION 5

39-06-16. License to be carried and exhibited on demand.

An individual licensed to operate a motor vehicle shall have the operator's license in the individual's immediate possession at all times when operating a motor vehicle and shall physically surrender the operator's license, upon demand of any court, police officer, or a field deputy or inspector of the department. However, an individual charged with violating this section may not be convicted or assessed any court costs if the individual produces in court or in the office of the arresting officer a valid operator's license issued to that individual that is not under suspension, revocation, or cancellation at the time of the individual's arrest.

SECTION 7

39-06-04. Class D instruction permit.

1. Any resident of this state who is at least fourteen years of age may apply to the director for a class D instruction permit.
2. The director may issue a class D instruction permit that entitles the applicant while having the permit in the permittee's immediate possession to drive a motor vehicle upon the public highways, if the individual:
 - a. Has successfully passed a standard written rules of the road knowledge test prescribed by the director;
 - b. Has successfully passed a vision examination; and
 - c. Has the written approval of the individual's parent or legal guardian.
3. The permittee must be accompanied by an individual with a class A, B, C, or D license in a vehicle allowed to be operated with a class D license, who is at least eighteen years of age, who has had at least three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permitholder may not be in the

front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder.

4. An individual who is not yet eighteen years of age is not eligible for a class D license until that individual has had an instruction permit issued for at least six months or at least twelve months if under the age of sixteen. The director may recognize an instruction permit issued by another jurisdiction in computing the six-month or twelve-month instructional period.

5. The permittee may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

39-06.1-10. Entries against driving record - Director duties - Hearings – Demerit schedule - Suspension.

3. Points must be assigned and accumulated on the basis of the following schedule:

a. Noncriminal Violations

Noncriminal Adjudication or Admission of: Points Assigned:

| | |
|---|----------|
| (1) Overtime and double parking in violation of city ordinances | 0 points |
| (2) Failure to display license plates | 1 point |
| (3) Permitting unauthorized minor to drive | 2 points |
| (4) Permitting unauthorized person to drive | 2 points |
| (5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47 | 2 points |
| (6) Unlawful parking in prohibited place | 1 point |
| (7) Leaving motor vehicle improperly unattended on an open highway | 1 point |
| (8) Opening or leaving motor vehicle doors open when unsafe to do so | 1 point |
| (9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances | 2 points |
| (10) Careless driving in violation of section 39-09-01, or equivalent ordinance | 6 points |
| (11) Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03 | 4 points |

- (12) Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance 10 points
- (13) Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance 3 points
- (14) Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or equivalent ordinances 2 points
- (15) Disobeying an official traffic-control device in violation of section 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances 2 points
- (16) Driving on wrong side of road in violation of section 39-10-08, 39-10-14, or 39-10-16, or equivalent ordinances 2 points
- (17) Failing to dim headlights in violation of section 39-21-21, or equivalent ordinance 1 point
- (18) Failing to stop at railroad crossing in violation of section 39-10-41 or 39-10-42, or equivalent ordinances 3 points
- (19) Knowingly driving with defective brakes in violation of section 39-21-32 or 39-21-33, or equivalent ordinances 2 points
- (20) Disregarding the lawful commands of a police officer in violation of section 39-10-02, or equivalent ordinance 2 points
- (21) Overtaking where prohibited or in an unsafe manner in violation of section 39-10-11, 39-10-12, 39-10-13, or 39-10-15, or equivalent ordinances 2 points
- (22) Overtaking and passing a schoolbus in violation of section 39-10-46, or equivalent ordinance 6 points
- (23) Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance 4 points
- (24) Improperly operating or unlawfully carrying passengers or packages on a motorcycle in violation of section 39-10.2-02, or equivalent ordinance 2 points
- (25) Improperly operating a motorcycle in laned traffic in violation of section 39-10.2-03, or equivalent ordinance 2 points
- (26) Clinging to other vehicles while riding a motorcycle in violation of section 39-10.2-04, or equivalent ordinance 4 points

| | |
|--|-----------|
| (27) Carrying a passenger on a motorcycle not equipped with passenger footrests in violation of section 39-10.2-05, or equivalent ordinance | 2 points |
| (28) Operating a motorcycle without protective headgear in violation of subsection 1 of section 39-10.2-06, or equivalent ordinance | 2 points |
| (29) Failing to use the care required in section 39-09-01.1, or equivalent ordinance | 2 points |
| (30) Except as provided in paragraph 33, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance | |
| 6 - 10 mph over limit | 0 points |
| 11 - 15 mph over limit | 1 point |
| 16 - 20 mph over limit | 3 points |
| 21 - 25 mph over limit | 5 points |
| 26 - 35 mph over limit | 9 points |
| 36 - 45 mph over limit | 12 points |
| 46 + mph over limit | 15 points |
| (31) Driving in violation of section 39-08-18 | 2 points |
| (32) Driving in violation of section 39-08-09 | 6 points |
| (33) On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance | |
| Miles per hour over lawful speed limit | Points |
| 1 - 5 | 0 |
| 6 - 10 | 1 |
| 11 - 15 | 3 |
| 16 - 20 | 5 |
| 21 - 25 | 7 |
| 26 - 30 | 10 |
| 31 - 35 | 12 |
| 36 + | 15 |
| (34) Failing to have a minor in a child restraint system or seatbelt in violation of section 39-21-41.2 | 1 point |
| (35) Failure or refusal to comply with rules of the superintendent of the highway patrol in violation of subsection 3 of section 39-21-46 | 0 points |
| (36) Violation of section 39-21-44 or any rule adopted under that section | 2 points |

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|---|-----------|
| (37) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20 | 6 points |
| (38) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the driving record shows that the licensee has within the eighteen months preceding the violation previously violated section 39-08-20 | 12 points |
| (39) Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of investigation of an accident in which the driver is the owner | 14 points |
| (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance | 1 point |

b. Criminal Violations

Conviction of: Points Assigned:

- | | |
|---|-----------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving | 3 points |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 | 4 points |
| (7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance | 2 points |
| (8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance | 24 points |

(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points

(10) *Driving in violation of the conditions of an instruction permit* 2 points

39-19-03. Reciprocal use of highways.

No person may operate a vehicle upon the highways of this state unless the driver is licensed to operate a motor vehicle in this state or under a reciprocal agreement, arrangement, or declaration, has paid the mile tax in lieu of registration, or has complied with the requirements of a reciprocity agreement, arrangement, or declaration executed as provided in section 39-19-01.

SECTION 8

39-04-11. Display of number plates and tabs.

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 housetrailer must be attached to the rear of the housetrailer. 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.

39-04-02.1. Change of address.

Whenever any person after making application for or obtaining the registration of a vehicle moves from the address named in the application or shown upon a registration card such person shall within ten days thereafter notify the department of the person's old and new addresses.

39-06.1-08. Nonmoving violation defined.

For the purposes of section 39-06.1-06, a “nonmoving violation” means:

1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, subsection 4 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.

2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

39-06-20. Notice of change of address or name.

If an individual after applying for or receiving an operator's license or identification card moves from the address named on the license or identification card, or if the name is changed by marriage or otherwise, that individual within ten days after moving or the name change shall notify the director in writing or in person of that individual's old and new addresses or of the individual's former and new names and of the number of any operator's license or identification card then held by that person. An individual may obtain a corrected operator's license or identification card for address only changes, but must obtain a new operator's license or identification card for a name change, by making an application as provided for in section 39-06-18. The department may change the address based on information received from any authorized address correction service of the United States postal service. The department may also develop procedures for receiving notification of address changes by electronic means.

SECTION 9:

Chapter 39-27

Motorcycle Equipment

| | |
|------------|---|
| 39-27-01 | Purpose |
| 39-27-02 | Manufacturer's or distributor's certification |
| 39-27-03 | Frame-chassis requirements |
| 39-27-04 | Brakes |
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| | |
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SECTION 11

39-10-08. Drive on right side of roadway - Exceptions.

1. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the roadway, except as follows:

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

d. Upon a roadway restricted to one-way traffic.

2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.

3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision b of subsection 1. However, this subsection may not be construed

as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

39-10-14. Further limitations on driving on left of center of roadway.

1. No vehicle may be driven to the left side of the roadway under any of the following conditions:

a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

b. When approaching within one hundred feet [30.48 meters] of or traversing any intersection or railroad grade crossing.

c. When the view is obstructed upon approaching within one hundred feet [30.48 meters] of any bridge, viaduct, or tunnel.

2. The foregoing limitations do not apply upon a one-way roadway, nor under the conditions described in section 39-10-08, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.



SECTION 12

39-10-19. Driving on divided highway.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

39-10-20. Restricted access.

No person may drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

SECTION 13

39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.

2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.

SECTION 14

39-10-38. Turning movements and required signals.

1. No person may turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.

2. A signal of intention to turn or move right or left when required must be given continuously during not less than the last one hundred feet [30.48 meters] traveled by the vehicle before turning.

3. No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

4. The signals required on vehicles by subsection 2 of section 39-10-39 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

I-94 Exit 347 – Fargo



I-94 Exit 64 – Dickinson



Hwy 2 16th St SW entrance - Minot



SECTION 15

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.



SECTION 16

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.



SECTION 17

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

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:

1. 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.

2. 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 reflector so mounted and visible from the same distances to the rear. 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 subsection 2.



SECTION 18

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.

39-21-26. Special restrictions on lamps.

1. Any lighted lamp or illuminating device upon 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 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 person may drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or green light visible from directly in front of the center thereof. This section does not apply to any 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 emergency vehicle, schoolbus, snow-removal equipment or on 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.

Title 49 Section
§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

S5.
Requirements.

S5.1
Required motor vehicle lighting equipment.

S5.1.1 Except as provided in succeeding paragraphs of this S5.1.1, each vehicle shall be equipped with at least the number of lamps, reflective devices, and associated equipment specified in Tables I and III and S7, as applicable. Required equipment shall be designed to conform to the SAE Standards or Recommended Practices referenced in those tables. Table I applies to multipurpose passenger vehicles, trucks, trailers, and buses, 80 or more inches in overall width. Table III applies to passenger cars and motorcycles and to multipurpose passenger vehicles, trucks, trailers, and buses, less than 80 inches in overall width.

S5.1.3 No additional lamp, reflective device or other motor vehicle equipment shall be installed that impairs the effectiveness of lighting equipment required by this standard.

Table I

Table I—Required Motor Vehicle Lighting Equipment Other Than Headlamps
 Multipurpose Passenger Vehicles, Trucks,
 Trailers, and Buses, of 80 or More Inches
 Overall Width

| Item | Multipurpose passenger vehicles, trucks, and buses | Trailers | Applicable SAE standard or recommended practice (See S5 for subreferenced SAE materials) |
|--|--|----------------|--|
| Taillamps | 2 red | 2 red | J585e, September 1977. |
| Stoplamps | 2 red | 2 red | SAE J1398, May 1985. |
| License plate lamp | 1 white | 1 white | J587 October 1981. |
| Reflex reflectors | 4 red; 2 amber | 4 red; 2 amber | J594f, January 1977. |
| Side marker lamps | 2 red; 2 amber | 2 red; 2 amber | J592e, July 1972. |
| Backup lamp | 1 white | None | J593c, February 1968. |
| Turn signal lamps | 2 red or amber; 2 amber | 2 red or amber | SAE J1395, April 1985. |
| Turn signal operating unit | 1 | None | J589, April 1964. |
| Turn signal flasher | 1 | None | J590b, October 1965. |
| Vehicular hazard warning signal operating unit | 1 | None | J910, January 1966. |
| Vehicular hazard warning signal flasher. | 1 | None | J945, February 1966. |
| Identification lamps | 3 amber; 3 red | 3 red | J592e, July 1972. |
| Clearance lamps | 2 amber; 2 red | 2 amber; 2 red | J592e, July 1972. |
| Intermediate side marker lamps. | 2 amber | 2 amber | J592e, July 1972. |
| Intermediate side reflex reflectors. | 2 amber | 2 amber | J594f, January 1977. |
| Conspicuity | See S5.7 | See S5.7 | See S5.7 |

Table III

Table III—Required Motor Vehicle Lighting Equipment
 [All Passenger Cars and Motorcycles, and
 Multipurpose Passenger Vehicles, Trucks, Buses
 and Trailers of Less Than 80 (2032) Inches (mm)
 Overall Width]

| Item | Passenger cars, multipurpose passenger vehicles, trucks, and buses | Trailers | Motorcycles | Applicable SAE standard or recommended practice (See S5 for subreferenced SAE materials) |
|--|--|----------------|-------------------------|--|
| Headlamps | See S7 | None | See S7.9 | J566 January 1960. |
| Taillamps | 2 red | 2 red | 1 red | J585e, September 1977. |
| Stoplamps | 2 red | 2 red | 1 red | SAE J586, February 1984. |
| High-mounted stoplamp | 1 red | Not required | Not required | J186a, September 1977. |
| License plate lamp | 1 white | 1 white | 1 white | J587, October 1981. |
| Parking lamps | 2 amber or white | None | None | J222, December 1970. |
| Reflex reflectors | 4 red; 2 amber | 4 red; 2 amber | 3 red; 2 amber | J594f, January 1977. |
| Intermediate side reflex reflectors | 2 amber | 2 amber | None | J594f, January 1977. |
| Intermediate side marker lamps | 2 amber | 2 amber | None | J592e, July 1972. |
| Side marker lamps | 2 red; 2 amber | 2 red; 2 amber | None | J592e, July 1972. |
| Backup lamp | 1 white | None | None | J593c, February 1968. |
| Turn signal lamps | 2 red or amber; 2 amber | 2 red or amber | 2 amber; 2 red or amber | SAE J588, November 1984. |
| Turn signal operating unit. ^{3,4} | 1 | None | 1 | J589, April 1964. |
| Turn signal flasher | 1 | None | 1 | J590b, October 1965. |
| Vehicular hazard warning signal operating unit | 1 | None | None | J910, January 1966. |
| Vehicular hazard warning signal flasher | 1 | None | None | J945, February 1966. |



Video: [Wheel Lighting](#)

Video: [Diode Dynamic Demon Eyes & Fogs](#)

SECTION 19

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 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 meet the requirements of section 39-21-38.



SECTION 20

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.



SECTION 21

39-01-01. Definitions.

46. "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles. *The term does not include a snowmobile as defined in section 39-24-01.*

39-08-20. Driving without liability insurance prohibited - Penalty.

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, a *motor vehicle* in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1.

39-24-09. Rules for operation of snowmobiles.

1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this chapter. No

snowmobile may be operated at any time within the right of way of any interstate highway within this state except as provided in this section.

2. A snowmobile may make a direct crossing of a non-interstate street or highway provided:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

3. No snowmobile may be operated unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the director pursuant to the authority vested in the director by this code and this chapter.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.

5. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:

a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.

c. While under the influence of intoxicating liquor or a drug as defined in section 39-24.1-01, or a combination thereof.

d. Without a lighted headlamp and taillamp when required for safety.

e. In any tree nursery or planting in a manner which damages or destroys growing stock.

f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.

g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs must be readable from the outside of the land and must be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed lands.

6. It is unlawful for any person to operate a snowmobile pursuant to chapter 39-24 without having in possession a valid driver's license, except as provided by section 39-24-09.1.

7. If a snowmobile is operated within the right of way of any road, street, or highway of this state under this chapter, during times or conditions that warrant the use of lights, the snowmobile operator shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile. An operator of a snowmobile traveling on a snowmobile trail maintained by the parks and recreation department which is within the right of way of any road, street, or highway of this state is exempted from this rule.

The operator shall wait for all traffic to clear the roadway before crossing bridges and other similar structures.

8. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 38 of section 24-01-01.1 between April first and November first of any year.

9. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.

10. No person under the age of eighteen years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.

11. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property maintained, leased, or owned by the state parks and recreation department to which the public has a right of access for snowmobile or other vehicular use, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days.

12. A snowmobile may not be operated within the right of way of any interstate highway within this state except:

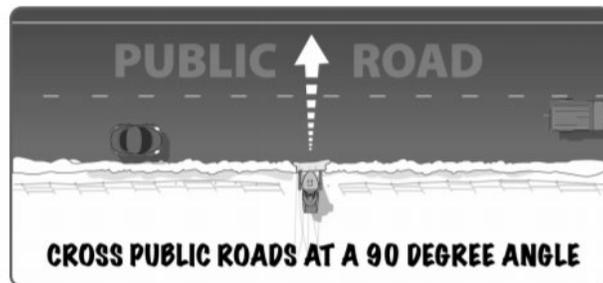
a. For emergency purposes; or

b. Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass.

B. Crossing Public Roads (NDCC 39-24-09)

A snowmobile may make a direct crossing of a non-interstate street or highway if:

- The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- In crossing a divided highway, the crossing is made only at an intersection of a highway with another public street or highway.



C. Where You May Ride (NDCC 39-24-08)

- Private lands with the landowner's permission.
- Lands designated as snowmobile trails or riding areas.
- In the highway right-of-way, bottom of the ditch or along the out-slope. It is illegal to operate on the shoulder, inside slope and roadway.
- In times that require the use of lights, you must travel in the same direction as other motor vehicles on the same side of the right-of-way. An operator of a snowmobile traveling on a snowmobile trail maintained by the North Dakota Parks & Recreation Department which is within the right-of-way of any road, street or highway of this state is exempted from this rule. The operator shall wait for all traffic to clear the roadway before crossing bridges and other similar structures.



** Contact your local law enforcement for any local ordinances.*

SECTION 22

39-10.2-06. Equipment for motorcycle riders.

1. No person under the age of eighteen years may operate or ride upon a motorcycle unless a safety helmet meeting United States department of transportation standards is being worn on the head of the operator and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear a safety helmet, any passenger must also wear a safety helmet regardless of the age of the passenger.

39-29-09. Operation of off-highway vehicles.

9. An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.

Senate Bill 2100
Senate Transportation Committee
Senator Clemens, Chairman
January 07, 2021

Chairman Clemens and members of the Senate Transportation Committee, my name is Sergeant Wade Kadrmas and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today to support and provide background information on Senate Bill 2100 which makes changes to Title 39. These changes range from vehicle registration and titles, drivers' licenses, turning movements, vehicle equipment, snowmobile insurance, and helmets for off-highway vehicle riders under the age of 18.

House Concurrent Resolution 3052 was passed during the 2019 Legislative Session. This resolution requested Legislative Management to study North Dakota Century Code Title 39, including traffic fines and penalties imposed by state and local governments, implementation of methods and mechanisms to improve traffic safety, decrease motor vehicle crashes, fatalities, and injuries, and discourage impaired driving, speeding, distracted driving, and lack of seatbelt use in North Dakota. Although this resolution was passed, this study was not selected by Legislative Management.

Absent an official study of Title 39, Senate Bill 2100 addresses several sections within Century Code. These amendments address several concerns that have been brought to our attention by the officers patrolling the highways and enforcing traffic and criminal laws.

I will provide information on the changes to each section of Century Code as affected by this bill. I have also provided an addendum to the written testimony which provides current Century Code that will be changed by this bill as well as other Century Code that may be referenced regarding this bill. The addendum also includes photos of equipment violations that may assist in understanding the proposed amendments.

SECTION 1: This section, along with the amendment in section six of this bill to subdivision f of subsection two of section 39-06.1-06, clarify that the higher \$100 fine for failing to register a motor vehicle only applies to individuals who fail to purchase temporary registration outlined in subsection one of section 39-04-18.2 and meet the definition of resident under subdivision e of subsection two of section 39-04-18. The current law states “*by an individual by becoming a*

resident of this state” which is found in subdivision f of subsection two of section 39-06.1-06 which outlines the penalty. The current wording has been interpreted as meaning any resident of the state; which allows a law enforcement officer to issue either a twenty dollar or a \$100 citation to a North Dakota resident who has let North Dakota registration tabs expire.

It is the North Dakota Highway Patrol’s understanding when the law was created the intent of the law was to only increase the fine amount for vehicles licensed out of state. The intent was to encourage individuals to purchase temporary registration while gainfully employed in the state. The changes to this section and section six addressed by this bill would clean up confusion and result in a violation if an owner operates or knowingly permits anyone to operate a motor vehicle without a temporary registration permit

SECTION 2: North Dakota law requires that a current registration card be carried in the vehicle. If an individual is cited for not having a current registration card the citation must be dismissed if the person produces or displays a valid registration card to any peace officer; the registration must be valid when the citation was issued. Law enforcement technologies have advanced to allow an officer real time access to registration information. NDHP policy directs our officers to verify status of the registration and issue a warning if registration is current and no card is present at the time of the stop. From 2017 to present, troopers have taken enforcement action for this violation just over 2,700 times resulting in only eleven citations with the remaining resulting in warnings. The patrol’s enforcement policy provides guidance to issue a warning for any violation unless there are multiple warnings verified by our records management system.

The proposed changes would give an individual fourteen days to provide documentation to the hearing official proving the vehicle was registered when the citation was issued. This process would be similar to the process currently in place for failing to carry proof of liability insurance. SB 2056 contains a suggested amendment proposed by the Supreme Court that proof of current insurance be presented to the “prosecutor where the matter is pending”. I ask the committee to consider an amendment to this section to utilize verbatim with this suggested wording.

SECTION 3: When the owner or transferor of a motor vehicle fails to transfer the endorsed certificate of title within the 30-day time limit established by law, law enforcement must use their discretion to determine the start of the time period since it is not clearly established. This lack of

clarity has proven difficult. Establishing in law when the start day of the 30-day period begins would provide clarification to the transferor, transferee, and law enforcement officer.

SECTION 4: Changes to this section provides clarification on what a motorized bicycle permit holder is allowed to do. 39-01-01 defines a motorized bicycle as a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator. These vehicles must be under 50 cc and cannot exceed thirty miles per hour. A motorized bicycle permit can be issued to an individual who is at least fourteen years of age, the same age that a motorcycle permit can be issued. Motorcycle permit holders are restricted to daylight driving only and are not allowed to carry passengers. There is currently nothing in law to prohibit a motorized bicycle permit holder to carry passengers or drive after dark. We believe the same restrictions should be in place for a motorized bicycle permit holder since motorized bicycles are less maneuverable and just as vulnerable as a motorcycle. The proposed change would result in a moving violation with a penalty of four points and twenty dollars. The committee may also want to consider adding the requirement for individuals 17 and under to wear a helmet if they are operating or a passenger on a motorized bicycle. This requirement would be consistent with current motorcycle helmet law and the off-highway vehicle law for those 17 and under.

SECTION 5: Chapter 39-06 subsection 16 requires the operator of a motor vehicle to have the operator's license in the individual's immediate possession at all times when operating a motor vehicle. If an individual fails to have their license when stopped, it is a violation that can result in a twenty-dollar citation. However, if the individual produces in court, or in the office of the arresting officer, an operator's license that was valid at the time of the citation, the operator can't be convicted or assessed a fine or fees. The proposed change in section five is similar to the changes in section two that would allow an individual fourteen days to produce to the hearing official an operator's license that was valid at the time the citation was issued. We are proposing and amendment to this section, using the same language suggested by the ND Supreme Court in Senate Bill 2056 regarding proof of current insurance.

Current technologies provide law enforcement the ability to verify license status during a stop. NDHP's enforcement policy provides guidance to issue a warning if an officer can verify if the individual has a valid license and issue a citation if unable to verify the license. From 2017 to present, troopers took enforcement action for this violation over 6,000 times, resulting in 150 citations and the remaining were warnings.

SECTION 6: If section 1 of SB 2100 is passed, a new section would need to be created to assign a fine of \$100 for violation of the new subsection created in section 1.

SECTION 7: This section affects Class D instruction permits and reciprocal use of highways. A new subdivision was added under subsection 2 of 39-06.1-06 to assign a fine of \$50 for a violation of a class D instructional permit and reciprocal use of highways. These violations are also included in section nine of this bill where they are defined as moving violations. Currently, these violations are infractions requiring a court appearance. An offense for violating a class D instructional permit is also assessed two points. A common violation of a class D instruction permit occurs when a permit holder does not have an individual who holds a valid driver's license occupying the seat next to them, that is at least eighteen years of age, and who has had at least three years of driving experience. A class D permit holder can also be cited for operating an electronic communications device to talk, compose, read, or send an electronic message while operating a motor vehicle. We feel that a \$50 fine is more appropriate than requiring the violator to appear in court for an infraction.

An out of state commercial motor vehicle operator can be cited for a violation of reciprocal use of highways if they do not purchase registration in North Dakota. When a commercial vehicle is operated in numerous states, it must be registered in each state and can be done through the International Registration Plan (IRP). If the owner does not wish to participate in IRP, the owner has the option to purchase temporary registration in each of the states in which they operate, or they can purchase a trip permit for each state which allows them to pass through the state in lieu of registration. A North Dakota trip permit costs twenty dollars and is obtainable through the NDHP E-permits system.

Changing these two violations to non-criminal would give individuals fourteen days to either pay the fine or request a court hearing. Individuals under the age of 18 wouldn't be required to appear in juvenile court and individuals over 18 wouldn't be required to appear in district or municipal court. Individuals from out of state wouldn't be required to return to North Dakota for a court appearance

We are providing an additional amendment relating to this section. Currently, a violation of a Class D instructional permit is a criminal violation under paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10. A new paragraph would need to be added under subdivision

a of subsection 3 of section 39-06.1-10 to classify a violation of 39-06-04 as non-criminal and assigned 2 points.

SECTION 8: This section makes amendments to 39-06.1-08 which defines non-moving violations.

- The display of number plates and tabs under 39-04-11 isn't a violation unless an individual operates a vehicle on a public highway. We propose to remove it from 39-06.1-08 and add it to moving violations under 39-06.1-09
- There is currently no fine specified if an individual fails to change the address listed on the vehicle registration card when the owner's address changes. Since there is no specific fine for violating this law, it is considered an infraction and requires a court appearance. Adding 39-04-02.1 as a non-moving violation would allow the issuance of a citation of twenty dollars with no requirement for a court appearance and give the individual 14 days to pay or contest the citation. It is a non-moving violation since there is no requirement for the vehicle to be operated on a public roadway. Individuals can update a change of address through an online form on the NDDOT website.
- Passage of section 1 of this bill would require deletion here and movement to the new subsection created in 39-04-37.
- There is currently no fine specified when an individual fails to change the address on their driver's license or identification card. A violation is considered an infraction and requires a court appearance. Adding 39-06-20 as a non-moving violation would allow the issuance of a citation of twenty dollars with no requirement for a court appearance. The individual would have 14 days to pay or contest the citation. It is being listed as a non-moving violation since there is no requirement for the individual to be operating a vehicle at the time of the violation. Individuals can update a change of address through an online form on the NDDOT website.

SECTION 9: This section makes amendments to 39-06.1-09 which defines moving violations.

- The display of number plates and tabs under 39-04-11 was crossed out in section 8 of this bill and should be added as a moving violation. This violation isn't considered a violation unless an individual operates a vehicle on a public highway. We propose to change it from a non-moving violation under 39-06.1-08 to a moving violation under 39-06.1-09.

- Passage of section 7 of this bill would require 39-06-04 and 39-19-03 to be added as a moving violation. Both of these violations only take place while the vehicle is being moved upon a roadway.
- We propose placing violations of 39-27 (Motorcycle Equipment) as moving violations to issuance of a citation of twenty dollars with no requirement for a court appearance and allow the individual 14 days to pay or contest the citation. This change is consistent with automobile equipment violations under Chapter 39-21.

SECTION 10: Section 39-07-05 of the North Dakota Century Code exempts persons, motor vehicles, and other equipment from violations under Chapters 39-08, 39-09, 39-10, and 39-12 while actually engaged in work upon a highway. The only violations in these chapters that currently apply to individuals engaged in work upon a highway are driving under the influence, reckless and aggravated reckless driving, and harassment of domestic animals. Green highlighted items in the addendum are the current exceptions.

Individuals engaged in work upon a highway deal with traffic traveling through construction zones or along the highway. There can be construction on both sides of the road which may require construction workers to cross or travel on the designated public roadway. When a construction worker travels on or across the public portion where they may encounter general traffic, the workers should not be exempt from open containers, reporting of crashes, and yielding to other traffic on a road or path designated for the public to traverse the construction zone. The proposed amendments would remove all exemptions in Chapter 39-08 and add an exception for 39-09-01.1, care required in operating a vehicle, and 39-10-22.1 entering freeways – right of way.

SECTION 11: The NDHP requests clarification to denote that driving left of center can only be done when there is no hazard present from other traffic by adding “unless doing so creates a hazard for approaching vehicles” to subsection 2 of section 39-10-14. This section currently allows a vehicle to be driven on the left side of the roadway when a vehicle is turning left into or from an alley, private road, or driveway. Drivers often pull into the left lane before making a left turn into a private road or driveway when there is traffic behind them, this is usually done out of courtesy so the traffic behind them will not have to slow down. The addition of the text would provide the needed clarification.

SECTION 12: The amendment to section 39-10-19 provides clarification that only emergency and highway maintenance vehicles are allowed to cross the dividing space, barrier, or section of a controlled access roadway (interstate). This language is consistent with laws on controlled access roadways across the country. Many motorists interpret that without a sign prohibiting the crossing on these access spaces, there is no violation. This amendment will clarify the 39-10-19 violation which currently carries a fine of \$20 and no points. Another option for law enforcement is to issue a violation against 39-10-20 for entering a controlled access highway at areas other than entrances or exits. This violation carries a \$20 fine and 2 points. NDHP troopers historically have taken enforcement action for 39-10-19 (378 citations/ 127 warnings from 2017 to present) rather than 39-10-20 (17 citations/ 3 warnings from 2017 to present).

SECTION 13: The amendment to subsection 2 of section 39-10-26 of the North Dakota Century Code will clarify moving over for emergency vehicles is required on the interstate system within city limits. Initially, a comma was used to separate the list of roadways, but the lack of an additional comma has led to a misinterpretation that the violation only applies to the interstate system outside of city limits. This law is meant to protect emergency personnel working on the interstate system regardless if the work is occurring within or outside of city limits. The law does not apply to multilane highways within city limits such as State Street (Hwy 83) in Bismarck or Gateway Drive (Hwy 2) in Grand Forks.

SECTION 14: 39-10-38 requires the use of turn signals when a vehicle is moving right or left upon a roadway and must be done not less than the last 100 feet before making the movement. If a driver is merging onto another roadway or in to or from traffic, the law requires them to move their vehicle either right or left and therefore requires an appropriate signal. The law has been interpreted that a signal isn't needed when a vehicle merges onto a roadway as it is not specifically noted in the law. This addition provides clarification for occasions where motorists must use the turn signal.

SECTION 15: The amendment in section 15 will clarify that lighting displayed underneath a motor vehicle is not authorized while the vehicle is on a public roadway. Additional lighting outside of approved use and standards is distracting to other motorists and creates a safety concern.

SECTION 16: Currently, 39-21-07 may be confusing and be interpreted that the sections listed therein only apply to passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers. The amendment in this section clarifies that the sections apply to all vehicles. It does not require extra lighting but simply requires when supplemental lighting is added by individuals, that lighting must maintain the same standards as that of required lighting equipment. The addition of clearance lamps or marker lamps must meet the requirements within these sections.

SECTION 17: Subsection 2 of section 39-21-15 consistently provides the option for either a red light or reflector to be used on the specified farm equipment as long as it is visible from the distance detailed in law. The last sentence requires a red lamp reflector to be mounted and visible from the same distances to the rear. Adding the word “or” clarifies that either a red lamp or reflector is needed to the rear if the equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle.

SECTION 18: Aftermarket lighting in vehicles can be installed underneath, on all sides, and into various parts of a vehicle and can be steady burning, flashing, or rotating. Federal standard S5.1.3 states that no additional lamp, reflective device or other motor vehicle equipment shall be installed that impairs the effectiveness of lighting equipment required by federal standards. Aftermarket lighting is distracting and can cause confusion for other motorists. Aftermarket lighting impairs the effectiveness of lighting equipment when displayed while the vehicle is being driven on a roadway. The terminology in this amendment is consistent with wording used to describe the color of signal lamps and signal devices required by 39-21-19 which are required by federal standards. Table I and Table II on page 24 of the addendum outline the required lighting on vehicles. We proposed these changes to the bill to maintain safety and eliminate confusion and distractions for all roadway users.

SECTION 19: A sign, poster, or other nontransparent material can obstruct a driver’s clear view of the roadway just as a damaged windshield can. Currently, a law enforcement officer must explain why they believe a sign, poster, or other nontransparent material may obstruct a driver’s clear view of the highway or any intersecting highway when they stop a vehicle for a violation of 39-21-39. Damage can also obstruct a driver’s view and should be added to the list of driver obstructions. This proposal only makes it a violation if the damage obstructs the driver’s clear view of the roadway.

SECTION 20: A common modification to a motor vehicle is replacing factory tires with larger tires. Replacing factory tires with wider tires can cause sand, mud, rocks, liquids, and other road spray to be thrown into the air by the rotating tire when the tires are wider than the fenders of a vehicle. To prevent damage to other vehicles and remove the danger caused by flying debris, we propose an amendment to require fenders on the vehicle that cover the entire tread width that comes in contact with the road surface. This is currently addressed in the Department of Transportation's Administrative Rules, but is more fitting to be placed within this section of Century Code.

SECTION 21: North Dakota law allows snowmobiles to operate within the highway right-of-way if the operation occurs in the bottom of the ditch or along the out-slope. The law further allows snowmobiles to make a direct crossing of a non-interstate, street, or highway. There is no law requiring snowmobiles to have liability insurance if it is being operated legally within the highway right-of-way. The law currently only requires liability insurance for snowmobiles if a person is operating upon any property maintained, leased or owned by the North Dakota Parks and Recreation Department. Snowmobiles are not defined as a motor vehicle in the definitions found in 39-01-01 of the North Dakota Century Code. Since they aren't defined as a motor vehicle, they are not required to have liability insurance under 39-08-20. Troopers do encounter snowmobiles along our roadways and have issued 102 warnings and 3 citations for snowmobile violations that occurred along roadways since 2017. We propose this change in Century Code to require liability insurance for snowmobiles operated on a public highway or right of way.

SECTION 22: North Dakota law requires helmets to be worn by individuals under 18, who are operating, riding, or otherwise propelled on an off-highway vehicle. Under the current law, a citation is only issued to the individual under the age of 18 who is not wearing a helmet. We propose wording similar to the motorcycle law which indicates the driver may not operate the vehicle unless all occupants 17 or younger are wearing a helmet. Currently, if an adult is operating the OHV and a passenger under 18 is not wearing a helmet, the citation has to be issued to the passenger regardless of the age of the passenger. The appropriate enforcement action should be taken on the driver, rather than potentially a 10-year-old child who is not wearing their helmet.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions.

Senate Transportation Committee

Senate Bill 2100 – A BILL for an Act to amend and reenact subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Thursday, January 7, 2021

Fort Totten, 10: 45 AM

Chairman Clemens, members of the Committee, my name is Anton Hillig and I am the Motorized Coordinator for the State of North Dakota Department of Parks and Recreation (NDPRD). The purpose for today's testimony is to provide support to the North Dakota Highway Patrol's (NDHP) request to amend and reenact subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code.

Currently N.D.C.C. §39-24-09.11 only requires snowmobile operators to maintain liability insurance if trafficking property maintain, leased, or owned by the NDPRD. However, it is common practice for snowmobiles to traffic other public right of ways and cross right of ways adjacent to maintained snowmobile trails. As a point of order, many of our trails systems cause snowmobiles to cross highways or other roads to continue their adventure. We, the NDPRD, support the NDHP's amendment to extend liability insurance requirements.

Currently N.D.C.C. §39-29-09.9 states an operator or passenger under the age of eighteen years must wear a safety helmet meeting United States Department of Transportation (DOT) standards. The language being presented by the NDHP does not change the intent of the code, rather it clarifies the misconception that passengers under the age of eighteen in an enclosed Class III Off-Highway Vehicle (OHV) are not required to wear DOT certified helmet. We, the NDPRD, support the NDHP's amendment to provide clarification with requirements for helmets.

North Dakota Department of Transportation
Testimony Subject Matter Expert

Available for questions only.

Name: Jennifer Blumhagen

HB or SB Bill #: SB 2100

Email: jblumhagen@nd.gov

Phone #: (701) 328-2734

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2100
1/8/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new subsection to section 39-21-06.1 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26, subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Committee Discussion. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen.. [9:23]

Discussion Topics:

- Citations
- Wearing of helmets on all terrain vehicles

Additional written testimony:

Sgt. Wade Kadrmas submitted email clarification to the committee regarding the wearing of helmets for operators and riders 17 and younger, submits testimony #485.

Chair Clemens adjourns the discussion at [9:29]

Sheldon Wolf, Committee Clerk

NDLA, S TRN - Wolf, Sheldon

From: NDLA, S TRN - Wolf, Sheldon
Sent: Friday, January 8, 2021 10:11 AM
To: Bakke, JoNell; Clemens, David; Conley, Cole; Dwyer, Mike A.; Fors, Robert; Larsen, Doug
Cc: NDLA, Intern 06 - Wischer, David; NDLA, S FIN - Crane, Joel
Subject: FW: Senate Transportation Committee - SB 2100 - OHV Helmets

Importance: High

Good Morning

Here is a clarification from Sgt Kadrmas regarding SB 2100 discussion this morning.

Sheldon

Sheldon Wolf
Senate Transportation Committee Clerk
Email: strn@nd.gov

From: Kadrmas, Sgt. Wade R.
Sent: Friday, January 8, 2021 10:05 AM
To: NDLA, S TRN - Wolf, Sheldon <strn@nd.gov>
Subject: RE: Senate Transportation Committee - SB 2100 - OHV Helmets
Importance: High

Mr. Wolf,

I have been listening to the Senate Transportation Committee and I heard members of the committee discussing the concern with the current wording of 39-29-09 subsection 9 relating to helmets for operators and riders 17 and younger. There is no requirement for any individual to wear a helmet while they are operating on private property. This is covered in the first sentence of 39-29-09 subsection 1 which states "An individual **may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this CHAPTER.**" Since the word "Chapter" is in this sentence it means that the wearing of a helmet is only required on the areas listed within the sentence. The sentence does not include private property so the helmet law under 39-39-09 (9) does not apply to private property. I hope this information is beneficial to the committee.

Would you be able to pass this along to Chairman Clemens?

Regards,

Sergeant Wade Kadrmas
Safety and Education Officer

701.328.4252 • 844.474.NDHP (free) • wkadrmas@nd.gov • www.nd.gov/ndhp



2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2100
1/14/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new subsection to section 39-21-06.1 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26, subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:21]

Discussion Topics:

- Motorized bicycles
- Penalties for crashes caused by highway workers
- Moving over for emergency vehicles.
- Turn signals
- Aftermarket lighting

The committee discusses SB 2100.

Wade Kadrmas [9:30] offers clarifying oral testimony on SB 2100.

Senator Dwyer motions to adopt the amendments to SB 2100.

Senator Dwyer withdraws the motion and asks that legislative council draft the amended bill.

Chair Clemens adjourns the meeting. [9:58]

Sheldon Wolf, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2100
1/21/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new subsection to section 39-21-06.1 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26, subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [10:51]

Discussion Topics:

- Review of SB 2100
- Crossing the median
- Class D Licenses

The committee [10:51] considers the proposed amendment [LC 21.8092.01001] to SB 2100.

Senator Fors [11:06] motions that we accept the amendments.

Senator Conley [11:06] seconds.

| Senators | Vote |
|-----------------------|------|
| Senator David Clemens | Y |
| Senator Robert Fors | Y |
| Senator Cole Conley | Y |
| Senator Michael Dwyer | Y |
| Senator Doug Larsen | Y |
| Senator JoNell Bakke | Y |

Motion passes 6-0-0. [11:06]

Senator Bakke [11:07] motions DO PASS as amended.

Senator Conley [11:07] seconds.

| Senators | Vote |
|-----------------------|-------------|
| Senator David Clemens | Y |
| Senator Robert Fors | Y |
| Senator Cole Conley | Y |
| Senator Michael Dwyer | Y |
| Senator Doug Larsen | N |
| Senator JoNell Bakke | Y |

Motion passes 5-1-0.
Senator Bakke will carry.

Chair Clemens adjourns the meeting.

[11:10] *Sheldon Wolf, Committee Clerk*

January 14, 2021

CJ
1/21
1041

PROPOSED AMENDMENTS TO SENATE BILL NO. 2100

Page 1, line 2, after the comma insert "a new paragraph to subdivision a of subsection 3 of section 39-06.1-10,"

Page 1, line 3, after "fees" insert ", entries against driving record,"

Page 2, line 10, overstrike "hearing official"

Page 2, line 11, overstrike "before whom the person was to appear" and insert immediately thereafter "office of the prosecutor where the matter is pending"

Page 3, line 21, remove "hearing official to whom the person was"

Page 3, line 22, replace "to appear" with "office of the prosecutor where the matter is pending"

Page 4, after line 20, insert:

"SECTION 10. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Driving in violation of the conditions of a class D instruction permit."

2 points

Renumber accordingly

