

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Flakoll

1 A BILL for an Act to create and enact a new section to chapter 39-21 and 51-07 of the North
2 Dakota Century Code, relating to a traffic control signal preemption device; to amend and
3 reenact section 39-06.1-05 of the North Dakota Century Code, relating to offenses accepted
4 from the administrative traffic procedures; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06.1-05. Offenses excepted.** The procedures authorized under sections
9 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following
10 offenses:

- 11 1. Driving or being in actual physical control of a vehicle in violation of section
12 39-08-01, or an equivalent ordinance.
- 13 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or
14 an equivalent ordinance.
- 15 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 16 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05,
17 39-08-07, or 39-08-08, or equivalent ordinances.
- 18 5. Driving while license or driving privilege is suspended or revoked in violation of
19 section 39-06-42, or an equivalent ordinance.
- 20 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 21 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 22 8. Driving without liability insurance in violation of section 39-08-20.
- 23 9. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

1 10. Causing an accident with an authorized emergency vehicle in violation of
2 subsection 4 of section 39-10-26.

3 11. Possessing a traffic control signal preemption device in violation of section 2 of this
4 Act.

5 **SECTION 2.** A new section to chapter 39-21 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Traffic control signal preemption devices - Penalty.** Unless a traffic control signal
8 preemption device is located on an authorized emergency vehicle, the device may not be installed
9 on a motor vehicle, may not be transported in the passenger compartment of a motor vehicle,
10 and may not be operated by the driver or passenger of a motor vehicle. A "traffic control signal
11 preemption device" means any device, either mechanical or electrical, that emits a pulse of light
12 or other signal that, when received by a detector attached to a traffic control signal, changes
13 that traffic control signal to a green light or if the traffic control signal is already green extends
14 the duration of the green light. A violation of this section is an infraction.

15 **SECTION 3.** A new section to chapter 57-07 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Prohibition of sale of traffic control signal preemption devices - Penalty.** A person
18 may not sell a traffic control signal preemption device to any person unless the device is sold
19 for use in an authorized emergency vehicle. Violation of this section is a class B misdemeanor.