

HOUSE BILL NO. 1484

Introduced by

Representatives Kerzman, Froelich, Weisz

Senator Krauter

1 A BILL for an Act to amend and reenact section 39-03-09 of the North Dakota Century Code,
2 relating to the powers of the highway patrol.

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

4 **SECTION 1. AMENDMENT.** Section 39-03-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-03-09. Powers of highway patrol.**

7 1. The superintendent and each member of the highway patrol shall have the power:

8 ~~4-~~ a. Of a peace officer for the purpose of enforcing the provisions of this title
9 relating to operators' licenses, the provisions of title 24 relating to highways,
10 and of any other law regulating the operation of vehicles or the use of the
11 highways, and in addition the highway patrol shall enforce all laws relating to
12 the use or presence of alcoholic beverages in motor vehicles.

13 ~~2-~~ b. To make arrests upon view and without warrant for any violation committed in
14 the person's presence of any of the provisions of this title relating to operators'
15 licenses, or of title 24 relating to highways or to other laws regulating the
16 operation of vehicles or the use of the highways.

17 ~~3-~~ c. To direct traffic in conformance with law, or, in case of fire or emergency and
18 to expedite traffic, or, to ensure safety by directing traffic as conditions may
19 require notwithstanding the provisions of law.

20 ~~4-~~ d. To facilitate compliance with the provisions of this title, to require the driver of
21 a vehicle to stop and exhibit the driver's operator's license and the registration
22 cards issued for the vehicle, if any are required, and to submit to an inspection
23 and test of the equipment of such vehicle.

- ~~5-~~ e. For the purpose of locating stolen vehicles and to investigate the title and registration ~~thereof~~ of vehicles, to inspect any vehicle of a type required to be registered under the provisions of this title, in any public garage or repair shop, or in any place where ~~such~~ vehicles are held for sale or wrecking.
- ~~6-~~ f. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways.
- ~~7-~~ g. To investigate traffic accidents and secure testimony of witnesses or of persons involved.
- ~~8-~~ h. To investigate reported thefts of motor vehicles, trailers, or semitrailers.
- ~~9-~~ i. To take applications for operators' licenses without making a charge therefor.
- ~~10-~~ j. To enforce all laws, rules, or regulations of the state of North Dakota pertaining to the closing hours of all businesses or establishments selling alcoholic beverages outside the limits of incorporated cities of this state.
- ~~11-~~ k. To exercise general police powers over all violations of law committed on state property.
- ~~12-~~ l. To exercise general police powers over all violations of law committed in their presence upon any highway and within the highway right of way or when in pursuit of any actual or suspected law violator.
- ~~13-~~ m. To require a motor carrier owner, or a motor carrier's agent, affected by rules adopted under chapter 39-21 to produce logs or other documents to determine compliance with rules adopted under chapter 39-21.
- ~~14-~~ n. To provide security and protection for the governor, the governor's immediate family, and other officers next in order of succession to the office of governor to the extent and in a manner the governor and the superintendent deem adequate and appropriate.
- ~~15-~~ o. To provide security and protection for both houses of the legislative assembly while in session as in the opinion of the speaker of the house, the president of the senate, and the superintendent are deemed adequate and appropriate.
- ~~16-~~ p. Of a peace officer when responding to a request for emergency assistance requiring an immediate response regardless of whether the request is being made by another law enforcement agency or officer.

- 1 2. The powers in subdivisions a, b, d, g, and l of subsection 1 are limited to highways
2 in the interstate or state highway system unless authorized by local law
3 enforcement with jurisdiction over a highway or in hot pursuit.