

**HOUSE BILL NO. 1204**

Introduced by

Representative Maragos

1 A BILL for an Act to amend and reenact subsection 9 of section 39-06.1-05, subsection 2 of  
2 section 39-06.1-06, section 39-06.1-09, paragraph 10 of subdivision b of subsection 3 of section  
3 39-06.1-10, and section 39-10-26 of the North Dakota Century Code, relating to yielding to  
4 authorized emergency vehicles; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 9 of section 39-06.1-05 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 9. Causing an accident with an authorized emergency vehicle or a vehicle operated by or  
9 under the control of the director used for maintaining the state highway system in  
10 violation of subsection ~~5~~7 of section 39-10-26.

11 **SECTION 2. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
14 for:

15 a. A violation of section ~~39-10-26, 39-10-26.2,~~ 39-10-41; or 39-10-42, a fee of fifty  
16 dollars.

17 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
18 subsection 1 of section 39-10-28, a fee of fifty dollars.

19 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

20 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one  
21 hundred dollars.

22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
23 hundred dollars.

- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
- 2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 4 dollars.
- 5 h. A violation of section 39-10-59, a fee of one hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of section 39-10-26 or 39-10-26.2, a fee of seventy-five dollars.

10 **SECTION 3. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06.1-09. Moving violation defined.**

13 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
14 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
15 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,  
16 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,  
17 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of  
18 section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10,  
19 39-10.2, or 39-21, or equivalent ordinances, except subsection 5~~7~~ of section 39-10-26, sections  
20 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within  
21 those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

22 **SECTION 4. AMENDMENT.** Paragraph 10 of subdivision b of subsection 3 of section  
23 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- 24 (10) Causing an accident with an authorized emergency 2 points
- 25 vehicle or a vehicle operated by or under the control
- 26 of the director used for maintaining the state highway
- 27 system in violation of subsection 5~~7~~ of section 39-10-26,
- 28 or equivalent ordinance

29 **SECTION 5. AMENDMENT.** Section 39-10-26 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or**  
2 **vehicle used for maintaining the state highway system - Penalty.**

3           1. Upon the immediate approach of an authorized emergency vehicle displaying a visible  
4 flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle  
5 shall yield the right of way ~~and shall~~, immediately drive to a position parallel to, and as  
6 close as possible to, the right-hand edge or curb of the roadway clear of any  
7 intersection, ~~and shall~~ stop and remain in that position until the authorized emergency  
8 vehicle has passed, except ~~when~~as otherwise directed by a police officer.

9           2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency  
10 and is displaying a flashing, revolving, or rotating blue, white, or red light, the driver of  
11 an approaching traffic vehicle shall move to the right-hand edge or curb of the roadway  
12 and shall stop, but once having stopped, traffic may proceed past the scene at its own  
13 risk ~~when~~if the roadway is clear, except ~~when~~as otherwise directed by a police officer.

14           3. If an authorized emergency vehicle is ~~otherwise~~ parked or stopped on the interstate  
15 system or on a multilane highway ~~outside the limits of a city~~, and the authorized  
16 emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or  
17 red light, the driver of an approaching vehicle shall proceed with caution and yield the  
18 right of way by moving to a lane that is not adjacent to the authorized emergency  
19 vehicle if the move may be made with due regard to safety and traffic conditions or if  
20 not, the driver shall proceed with due caution, reduce the speed of the vehicle to at  
21 least twenty miles [32.19 kilometers] an hour below the posted limit, and maintain a  
22 safe speed for the road conditions, except as otherwise directed by a police officer.

23           4. If an authorized emergency vehicle is parked or stopped on a two lane highway and  
24 the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber,  
25 blue, white, or red light, the driver of an approaching vehicle in the same lane shall  
26 reduce the speed of the vehicle to at least twenty miles [32.19 kilometers] an hour  
27 below the posted limit or to one-half of the posted speed limit, whichever results in a  
28 higher speed, and maintain a safe speed for the road conditions, except as otherwise  
29 directed by a police officer.

30           ~~3-5.~~ If a vehicle operated by or under the control of the director used for maintaining the  
31 state highway system is parked or stopped on the interstate system or on a multilane

1 highway ~~outside the limits of a city~~, and the vehicle is displaying a flashing, revolving,  
2 or rotating amber or white light, the driver of an approaching vehicle shall proceed with  
3 caution and yield the right of way by moving to a lane that is not adjacent to the  
4 vehicle if the move may be made with due regard to safety and traffic conditions or if  
5 not, the driver shall proceed with due caution, reduce the speed of the vehicle, and  
6 maintain a safe speed for the road conditions.

7 4.6. This section does not operate to relieve the driver of an authorized emergency vehicle  
8 or a vehicle operated by or under the control of the director used for maintaining the  
9 state highway system from the duty to drive with due regard for the safety of all  
10 persons using the highway.

11 5.7. a. Any individual who violates subsection 2, 3, or 4 and causes an accident with an  
12 authorized emergency vehicle while the authorized emergency vehicle is  
13 displaying a visible flashing, revolving, or rotating amber, blue, white, or red light  
14 is guilty of an infraction.

15 b. An individual who violates subsection 35 and causes an accident with a vehicle  
16 operated by or under the control of the director used for maintaining the state  
17 highway system while the vehicle is displaying a visible flashing, revolving, or  
18 rotating amber or white light is guilty of an infraction.