

MOTOR VEHICLES

CHAPTER 302

HOUSE BILL NO. 1418

(Representative D. Ruby)
(Senator Rust)

AN ACT to create and enact chapter 8-12 and section 39-01-01.2 of the North Dakota Century Code, relating to automated vehicle network companies and autonomous vehicle operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 8-12 of the North Dakota Century Code is created and enacted as follows:

8-12-01. Definitions.

As used in the chapter:

1. "Autonomous vehicle" means a vehicle equipped with an automated driving system.
2. "Client" means a person requesting service from an on-demand autonomous vehicle network. The term includes a passenger, a shipper, as defined by section 41-07-02, a person entitled under the document, as defined by section 41-07-02, or similar individual or commercial enterprise.
3. "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with autonomous vehicles for purposes of transporting persons or goods, including for-hire transportation, transportation for compensation, and public transportation.

8-12-02. General provisions.

1. Notwithstanding any other provision of law, a person may operate an on-demand autonomous vehicle network. An on-demand autonomous vehicle network may provide transportation of persons or goods, including:
 - a. For-hire transportation;
 - b. Public transportation; and
 - c. Transportation for multiple passengers who agree to share the ride.
2. An on-demand autonomous vehicle network may connect passengers to autonomous vehicles without human drivers in compliance with subdivision a of subsection 3 of section 39-01-01.2 exclusively, or subdivision b of

subsection 3 of section 39-01-01.2 as part of a digital network that also connects passengers to human drivers who provide transportation services, consistent with applicable law.

3. Unless otherwise provided in this chapter and notwithstanding any other provision of law, autonomous vehicles and automated driving systems without human drivers are governed by subsection 3 of section 39-01-01.2.
 - a. A state agency or political subdivision may not impose requirements, including performance standards specific to the operation of an autonomous vehicle or automated driving systems without human drivers, in compliance with subsection 3 of section 39-01-01.2.
 - b. A state or local agency or political subdivision may not impose a tax, fee, or other requirement specific to the operation of an autonomous vehicle that is in compliance with subsection 3 of section 39-01-01.2, an automated driving system, or an on-demand vehicle network. This prohibition does not affect vehicle registration and titling fees otherwise required by law.
4. This chapter may not be construed to modify, limit, or restrict any statutory provision affecting liability, including chapter 26.1-40, 26.1-41, 28-01.3, 32-03.2, or 39-16.1.

SECTION 2. Section 39-01-01.2 of the North Dakota Century Code is created and enacted as follows:

39-01-01.2. Autonomous vehicle operations.

1. As used in this section:
 - a. "Automated driving system" means hardware and software collectively capable of performing the entire dynamic driving task for the vehicle on a sustained basis when installed on a motor vehicle and engaged regardless of whether it is limited to a specific operational design domain.
 - b. "Autonomous vehicle" means a vehicle equipped with an automated driving system.
 - c. "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within the vehicle's specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.
 - d. "Human driver" means an individual with a valid license to operate a motor vehicle who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices to operate a vehicle.
 - e. "Minimal risk condition" means a low-risk operating mode in which an autonomous vehicle operating without a human driver achieves a reasonably safe state, such as bringing the vehicle to a complete stop, upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.
 - f. "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly

- operate, including roadway types, speed range, environmental conditions, and other domain constraints.
2. An autonomous vehicle must be capable of operating in compliance with all applicable federal and state law, except to the extent exempted under applicable federal or state law, and may operate on the public highways of this state in full compliance with all vehicle registration, title, insurance, and all other applicable requirements under this title.
 3. An autonomous vehicle with automated driving systems engaged does not require a human driver to operate on the public highway if the autonomous vehicle is capable of achieving a minimal risk condition in case a system failure occurs which renders the automated driving system unable to perform the entire dynamic driving task relevant to the vehicle's intended operational design domain.
 4. An individual using an autonomous vehicle is not driving or in actual physical control of the autonomous vehicle and, therefore, is exempt from licensing requirements if:
 - a. The automated driving system is completing the entire dynamic driving task; and
 - b. The autonomous vehicle is capable of achieving a minimal risk condition if a system failure occurs that renders the automated driving system unable to perform the entire dynamic driving task relevant to the vehicle's intended operational design domain.
 5. This section may not be construed to modify, limit, or restrict any statutory provision affecting liability, including chapter 26.1-40, 26.1-41, 28-01.3, 32-03.2, or 39-16.1.

Approved April 10, 2019

Filed April 11, 2019

CHAPTER 303

SENATE BILL NO. 2119

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 4 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility-impaired individuals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁴ **SECTION 1. AMENDMENT.** Subsection 4 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

4. The director may issue, ~~for a fee of three dollars per year or part of a year,~~ a special identifying certificate to any mobility-impaired applicant upon submission by the applicant of a completed application and a written or electronic statement issued by a qualified physician, physician assistant, chiropractor, or an advanced practice registered nurse to the director that the applicant is a mobility-impaired person within the criteria of subsection 2. The director shall waive the requirement for a written or electronic statement from a qualified physician, physician assistant, chiropractor, or an advanced practice registered nurse if the applicant has previously submitted an application containing a certification from a qualified physician, physician assistant, chiropractor, or an advanced practice registered nurse that the applicant's impairment is not reversible. The application must include the information required by the director. The physician's, physician assistant's, chiropractor's, or advanced practice registered nurse's statement must describe how the impairment limits the applicant's mobility and daily life functions of the applicant. The certificate is valid for a period, not to exceed three years, as determined by the director. A physician, physician assistant, chiropractor, or an advanced practice registered nurse who provides a false statement that an individual is mobility impaired for the purpose of that individual obtaining a certificate under this subsection is guilty of an infraction for which a minimum fine of one hundred dollars must be imposed. A certificate issued under this subsection must be nine and one-half inches [24.13 centimeters] in height and three inches [7.62 centimeters] in width and must bear, in white on blue, the internationally accepted symbol of access for the mobility impaired. The certificate must bear the expiration date and registration number assigned by the director. The director shall adopt rules governing the issuance of the certificate. A temporary certificate, valid for an initial period not to exceed three months, may be issued by the director for a fee of three dollars upon application supported by a physician's, physician assistant's, chiropractor's, or an advanced practice registered nurse's statement. The director may issue a maximum of one additional temporary certificate for a fee of three dollars. The temporary certificate may be extended an additional period, not to exceed three months, upon application supported by a physician's, physician assistant's, chiropractor's, or an advanced practice registered nurse's statement that the extension is warranted. Temporary

¹²⁴ Section 39-01-15 was also amended by section 1 of House Bill No. 1135, chapter 304.

certificates must be the same size as other certificates issued under this section and must be white on red. The director may issue a maximum of one additional certificate, if the applicant does not have number plates issued under section 39-04-10.2 or under subdivision j of subsection 2 of section 39-04-18, ~~for a fee of six dollars per certificate~~, to a mobility-impaired individual to whom a certificate has been issued under this subsection. The additional certificates may only be used by or on behalf of the mobility-impaired individual.

Approved March 8, 2019

Filed March 8, 2019

CHAPTER 304

HOUSE BILL NO. 1135

(Representatives Boschee, Adams, Fegley, Hanson, Hatlestad, M. Johnson, Magrum, Pyle, Strinden)
(Senators Bakke, Clemens, Dwyer)

AN ACT to amend and reenact subsections 9 and 10 of section 39-01-15 and section 39-04-10.2 of the North Dakota Century Code, relating to parking spaces for the mobility impaired; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁵ **SECTION 1. AMENDMENT.** Subsection 9 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

9. a. If a public or private entity designates parking spaces for use by a motor vehicle operated by a mobility-impaired individual, those reserved accessible parking, the spaces must comply with the requirements of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by an official sign approved by the director bearing the internationally accepted symbol of accessinternational symbol of accessibility for the mobility impaired. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.
- b. For particular eventsany event, a public or a private entity temporarily may reserve additional accessible parking spaces for use by motor vehicles operated by a mobility-impaired individual. In that case, each temporarily reserved space must be indicated by a sign or other suitable means. A sign indicating that a space is reserved for the mobility impaired and blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space, unless the space is a temporary mobility-impaired parking space, bearing the international symbol of accessibility for the mobility impaired at least four hours before the event.
- c. A parking space clearly identified as reserved for the mobility impaired is considered designated and reserved for the mobility impaired and is sufficient basis for the enforcement of this section: if the parking space has two of the following requirements:
 - (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space:

¹²⁵ Section 39-01-15 was also amended by section 1 of Senate Bill No. 2119, chapter 303.

- (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
- (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.
- d. Except for a temporarily reserved parking space for the mobility impaired, a sign posted must be immovable.
- e. A law enforcement officer shall enforce this section in any parking lot or parking facility, whether publicly or privately owned.

SECTION 2. AMENDMENT. Subsection 10 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

10. If the designated ~~mobility-impaired~~ parking spaces for mobility-impaired individuals are occupied or ~~unavailable/inaccessible~~, a motor vehicle displaying the distinguishing certificate specified in subsection 4, license plates issued under section 39-04-10.2, or a disabled veteran plate issued under subdivision j of subsection 2 of section 39-04-18 may park at an angle and occupy two standard parking spaces.

SECTION 3. AMENDMENT. Section 39-04-10.2 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.2. Special plates for mobility-impaired ~~persons~~individuals.

The director may issue, without charge, upon application and payment of the regular license fee, plates marked with the ~~internationally accepted symbol of access~~international symbol of accessibility for the mobility impaired, to ~~any~~ motor vehicle owner ~~who possesses~~possessing a parking certificate issued under subsection 4 of section 39-01-15. This section is not applicable to ~~applicants who possess~~an applicant possessing more than one parking certificate issued under subsection 4 of section 39-01-15.

Approved March 21, 2019

Filed March 22, 2019

CHAPTER 305

SENATE BILL NO. 2103

(Government and Veterans Affairs Committee)
(At the request of the Highway Patrol)

AN ACT to amend and reenact section 39-03-03 of the North Dakota Century Code, relating to patrolmen being deemed probationary employees for a period of up to twelve months; and to amend and reenact subsection 3 of section 39-03-13 of the North Dakota Century Code, relating to the power of the superintendent to delegate authority for disciplinary action within the highway patrol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-03-03. Patrolmen - Appointment - Removal - Duties.

The superintendent, the assistant superintendent, and the patrolmen constitute the highway patrol. The highway patrol shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol the highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. All patrolmen and the assistant superintendent must be appointed by the superintendent. Each patrolman so appointed is deemed a ~~temporary appointee~~ probationary employee for an initial period of ~~twelve~~ six months, during which period the patrolman must be placed under probationary training and service and is subject to an extension of an additional period of six months or dismissal at the will of the superintendent or the superintendent's designee. At the end of the ~~twelve-month~~ probationary period, a ~~temporary appointee~~ probationary employee must either be given a permanent appointment by the superintendent taken off probationary status or must be automatically dismissed. ~~The assistant superintendent and patrolmen who have received a permanent appointment are~~ A nonprobationary employee employed in a regular, classified position is subject to removal for cause by the superintendent or the superintendent's designee, but must be permitted ~~to~~ the employee may appeal a dismissal under chapter 54-44.3; provided that the removal of the assistant superintendent from ~~that person's~~ the assistant superintendent position does not entitle that person to appeal the removal unless that person also is also dismissed from the patrol.

SECTION 2. AMENDMENT. Subsection 3 of section 39-03-13 of the North Dakota Century Code is amended and reenacted as follows:

3. The superintendent or the superintendent's designee may take reasonable disciplinary action against members of the patrol for inefficiency, misconduct, insubordination, or violation of an established rule, whenever the superintendent or the superintendent's designee deems the actions necessary, provided that:
 - a. When demotion in rank is ~~summarily~~ summarily ordered summarily against a member of the patrol as a disciplinary measure, to be limited to a one-grade reduction in rank, the order is appealable under chapter 54-44.3.

- b. When a reduction in pay of a member of the patrol is summarily ordered summarily as a disciplinary measure, it must be limited to one year's duration and the order is appealable under chapter 54-44.3.
- c. Suspension of pay for a member of the patrol for a period not exceeding seven days may be summarily ordered summarily as a disciplinary measure, but an order for suspension of pay for a longer period is appealable under chapter 54-44.3.

Approved March 19, 2019

Filed March 20, 2019

CHAPTER 306

HOUSE BILL NO. 1223

(Representatives Heinert, K. Koppelman, Meier, Roers Jones)
(Senators Oban, Unruh)

AN ACT to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol to exercise general police powers; and to amend and reenact subsections 12 and 16 of section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁶ **SECTION 1.** A new subsection to section 39-03-09 of the North Dakota Century Code is created and enacted as follows:

To exercise general police powers over any violation of law committed on public or private property when requested by another law enforcement agency.

¹²⁷ **SECTION 2. AMENDMENT.** Subsections 12 and 16 of section 39-03-09 of the North Dakota Century Code are amended and reenacted as follows:

12. 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.
16. Of a peace officer when responding to a ~~request~~ call for emergency assistance requiring an immediate response ~~regardless of whether the request is being made by another law enforcement agency or officer.~~ Following a call for emergency assistance which occurs outside state-owned or state-leased property, a highway, or the highway right of way, notification must be provided to the local law enforcement agency having primary jurisdiction.

Approved March 26, 2019

Filed March 27, 2019

¹²⁶ Section 39-03-09 was also amended by section 2 of House Bill No. 1223, chapter 306.

¹²⁷ Section 39-03-09 was also amended by section 1 of House Bill No. 1223, chapter 306.

CHAPTER 307

HOUSE BILL NO. 1094

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates for motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.3 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.3. Personalized plates.

At the request of a registrant, the department may provide special license plates marked with not more than seven numerals, letters, ~~or ampersands~~, or combinations of numerals; and letters, ~~and ampersands~~, upon application for a special license plate and payment of an additional fee of twenty-five dollars per registration period, unless the plate is a gold star license plate or a prisoner of war license plate, then there is no additional charge. A personal plate containing a restricted character may not be renewed. The department shall make the special license plates authorized by this section available for motor vehicles registered under section 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for the special license plates issued under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one hundred dollars. The special license plates for motorcycles may contain not more than six numerals, letters, ~~or ampersands~~, or a combination of not more than six numerals; and letters, ~~and ampersands~~. In the event of sale or transfer of the vehicle, the owner ~~must~~shall remove the special license plates in accordance with section 39-04-36. Upon payment of the applicable transfer fee, the special license plates may be transferred to a replacement motor vehicle.

Approved March 6, 2019

Filed March 7, 2019

CHAPTER 308

SENATE BILL NO. 2321

(Senators Klein, Burckhard, Heckaman)
(Representatives Boe, Fegley, Vigesaa)

AN ACT to amend and reenact section 39-04-10.16 of the North Dakota Century Code, relating to special vehicle license plates for volunteer emergency responders and firefighters; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.16 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.16. Special vehicle license plates for volunteer emergency responders and volunteer firefighters.

1. As used in this section:
 - a. "Fire department" means a certified city fire department, certified rural fire department, or certified fire protection district that has filed a certificate of existence under section 18-04-02.
 - b. "Volunteer emergency responder" means an emergency medical services provider certified by the state department of health and the individual's squad leader for a continuous period exceeding two years and who receives an annual compensation of less than ten thousand dollars.
 - c. "Volunteer firefighter" means an active member in good standing with a North Dakota fire department who has had a continuous membership for a period exceeding two years and receives an annual compensation of less than ten thousand dollars from the fire department.
2. Upon application, the director shall issue red personalized plates to volunteer emergency responders and volunteer firefighters at no initial or annual cost to the volunteers. ~~Volunteers shall include fire fighters and emergency medical responders.~~ Qualified applicants are eligible to receive one set of plates. Plates may not be displayed on a vehicle with a registered gross weight exceeding twenty thousand pounds [9071.85 kilograms]. The first three digits of the plate are the last three digits of the zip code where the volunteer's department is located. The remaining space may contain up to three characters of the volunteer's choosing. This plate serves as an entrance pass to all North Dakota state parks. In cooperation with the volunteer organizations, the director shall designate qualifications and verification procedures for the plates issued under this section.
3. On termination of the registrant's eligibility, the registrant shall return the plates to the director, who shall reissue for a fee of not more than five dollars, and upon payment of applicable registration fees, another number plate to which that registrant is entitled under this chapter.

4. If a registrant fails to return the plates to the director, the director, upon notification of the registrant's ineligibility, may revoke the plates and reissue for a fee of not more than five dollars, and upon payment of applicable registration fees, another number plate for which the registrant is entitled under this chapter.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 25, 2019

Filed April 26, 2019

CHAPTER 309

HOUSE BILL NO. 1291

(Representatives Mock, D. Johnson, Kempenich, Owens, D. Ruby, Vigesaa, Weisz)
(Senators Bakke, Clemens, Dwyer, G. Lee, Oehlke)

AN ACT to amend and reenact section 39-04-12, subsection 1 of section 39-04-18, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to semitrailer and farm trailer plates; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-12 of the North Dakota Century Code is amended and reenacted as follows:

39-04-12. Contents of number plates - Size of letters and numerals on plates - Reflectorized - Tabs or stickers -Additional fee.

1. Number plates must be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and must be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all number plates must be legible for a minimum distance of one hundred feet [30.48 meters] to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate must be treated with a reflectorized material according to the specifications prescribed by the department. The department shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. The plate, tab, or sticker must show the registration year for which issued, and is valid only for that year.
2. ~~The department, in its discretion, may provide to an owner of a trailer that is operated, offered for lease, or rented to the public, number plates that are for a period of not more than six consecutive years and which are exempt from the requirements of annual validation evidence. The registration fees for the trailer may be paid for the entire period for which the plates are issued, or the fee may be paid for the first year of the issue and a corporate surety bond may be filed in the sum the department determines reasonable and adequate in the circumstances, conditioned that the owner will pay the annual fee at the beginning of each annual registration period. The department shall transfer to a replacement trailer number plates issued pursuant to this subsection along with any unused registration fees. If the owner has disposed of the trailer and is not replacing the trailer, upon surrender of the number plates the department shall issue a refund of the registration fees paid for any unused registration year.~~
3. The department may provide to an owner of a fleet of one hundred or more vehicles number plates that are valid for as many as six consecutive years and that are exempt from the requirements of evidence of annual validation. The registrant shall file with the department a corporate surety bond in an

amount the department determines to be reasonable and adequate, and conditioned that the owner will pay the annual fee at the beginning of each annual registration period for which the number plates are valid.

SECTION 2. AMENDMENT. Subsection 1 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Except as provided in this section, ~~every~~ a motor vehicle as defined in section 39-01-01, ~~trailer or semitrailer designed to be towed by a truck or truck tractor, and farm trailer or a trailer~~ operated or intended to be operated upon any highway, road, or street in this state must be registered annually with the department. Any
- b. A semitrailer or a farm trailer operated or intended to be operated upon a highway, road, or street in this state must be registered with the department either annually or permanently, at the discretion of the registrant.
- c. A vehicle being operated on highways, roads, or streets of this state must display license plates as furnished by the department upon payment of the fees prescribed in this chapter.
- d. Upon satisfactory proof to the department that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, the motor vehicle may be registered upon payment of the registration fee for the current year.

Any

- e. A resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by the veteran without paying any fee or ~~penalties~~ penalty for the intervening years when the vehicle was not licensed, providing the veteran shows by suitable affidavit that the vehicle was not in use during any year in which it was not licensed. The vehicle must be licensed for the license fee applicable to the month of the year in which application for license is made.

SECTION 3. AMENDMENT. Subsection 4 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

4. Every
 - a. Each trailer, except a semitrailer, and or farm trailer, required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. EveryA trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
 - b. A semitrailer or farm trailer required to be registered under this chapter must be furnished:
 - (1) Permanent registration plates upon the payment of a permanent registration fee of one hundred twenty dollars. The permanent registration is valid until ownership of the semitrailer or farm trailer is

transferred, assigned, or if the semitrailer is destroyed or otherwise completely removed from the service of the owner; or

(2) Annual registration upon the payment of a twenty dollar annual fee.

- c. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

SECTION 4. APPLICATION. An owner of a semitrailer or farm trailer newly registered after August 1, 2019, shall pay the fees provided in section 3 of this Act. The owner of a currently registered semitrailer or farm trailer on August 1, 2019, shall renew registration and pay the fees provided in section 3 of this Act before January 1, 2020. The owner of a semitrailer or farm trailer currently registered under subsection 2 of section 39-04-12 as of August 1, 2019, shall renew registration and pay the fees provided in section 3 of this Act before January 1, 2020. That owner is entitled to receive a reduction in the fee of previously paid unused registration fees, except for fees paid for the 2019 registration year.

Approved March 21, 2019

Filed March 22, 2019

CHAPTER 310

HOUSE BILL NO. 1093

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to create and enact section 39-04-14.4 of the North Dakota Century Code, relating to motorcycle registration renewals; and to amend and reenact section 39-04-14 of the North Dakota Century Code, relating to motorcycle registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-14 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14. Renewal of registration.

Every vehicle registration, except those described in ~~section~~sections 39-04-14.1 and 39-04-14.4, under this chapter expires on December thirty-first each year and must be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year. An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate, or registration card for the ensuing year is entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of the new plates. If a previously registered motor vehicle whose registered gross weight exceeds twenty thousand pounds [9071.84 kilograms] is purchased during the period the vehicle's registration in this state is expired, the registration fee must be prorated on a monthly basis from the date of purchase to January first.

SECTION 2. Section 39-04-14.4 of the North Dakota Century Code is created and enacted as follows:

39-04-14.4. Renewal of motorcycle registration.

Every motorcycle registration under this chapter expires on March thirty-first and must be renewed every year upon application by the owner and by payment of the fees required by law. The renewal takes effect on the first day of April. The department may prorate the initial registration fee.

Approved March 8, 2019

Filed March 8, 2019

CHAPTER 311

SENATE BILL NO. 2061

(Senators Kreun, Schaible, Wardner)
(Representatives Owens, Steiner, Delzer)

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a road use fee for electric and hybrid vehicles; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Electric and plug-in hybrid vehicle road use fee - Definitions.

1. In addition to all other fees required under this chapter for registration of a motor vehicle, the department shall collect at the beginning of each annual registration period:
 - a. An electric vehicle road use fee of one hundred twenty dollars for each electric vehicle registered.
 - b. A plug-in hybrid vehicle road use fee of fifty dollars for each plug-in hybrid vehicle registered.
 - c. An electric motorcycle road use fee of twenty dollars for each electric motorcycle registered.
2. As used in this section:
 - a. "Electric motorcycle" means a motor vehicle that has a seat or saddle for the use of the rider, is designed to travel on not more than three wheels in contact with the ground, and is propelled by an electric motor powered by a battery or other electric device incorporated into the vehicle and not propelled by an engine powered by the combustion of a hydrocarbon fuel, including gasoline, diesel, propane, or liquid natural gas.
 - b. "Electric vehicle" means a vehicle propelled by an electric motor powered by a battery or other electric device incorporated into the vehicle and not propelled by an engine powered by the combustion of a hydrocarbon fuel, including gasoline, diesel, propane, or liquid natural gas.
 - c. "Plug-in hybrid vehicle" means a vehicle drawing propulsion energy from an internal combustion engine, an energy storage device, and a receptacle to accept grid electricity.
3. The department shall deposit any moneys collected under this section into the highway tax distribution fund.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - ELECTRIC VEHICLE INFRASTRUCTURE NETWORK. During the 2019-20 interim, the legislative management shall consider studying current methods, using the electric vehicle infrastructure coalition, led by the department of transportation, to collaborate with the North Dakota utility industry, and North Dakota electric vehicle stakeholder groups, to design a jointly owned public and private network of electric vehicle infrastructure to support both commercial and noncommercial vehicles and make recommendations regarding electric vehicle charging infrastructure. The study must include the evaluation of the relative costs and benefits associated with various options for electric vehicle infrastructure support and estimate the future annual economic impact. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly.

Approved April 11, 2019

Filed April 12, 2019

CHAPTER 312

HOUSE BILL NO. 1055

(Representatives Heinert, Meier)
(Senator Dever)

AN ACT to amend and reenact subsection 3 of section 39-05-17.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 39-05-17.2 of the North Dakota Century Code is amended and reenacted as follows:

3. As used in this section, "motor vehicle body damage" means a change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of ~~eighteen~~ ~~thousand~~ ~~dollars~~ or ~~forty~~ ~~twenty-five~~ percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide. The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair.

Approved March 21, 2019

Filed March 22, 2019

CHAPTER 313

HOUSE BILL NO. 1407

(Representatives Grueneich, Blum, Bosch, Howe, Schobinger)
(Senator Meyer)

AN ACT to amend and reenact sections 39-05-17 and 39-05-20 of the North Dakota Century Code, relating to the delivery and issuance of certificates of vehicle title; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-05-17 of the North Dakota Century Code is amended and reenacted as follows:

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 ~~fifteen~~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 2. AMENDMENT. Section 39-05-20 of the North Dakota Century Code is amended and reenacted as follows:

39-05-20. Transferee may obtain new certificate of title upon inability to obtain old certificate - Proof of ownership - Appeal.

1. When the transferee of a vehicle is unable to obtain a properly assigned certificate of title for a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to the transferee, provided that the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-27. Satisfactory proof of ownership must include compliance by the transferee with the procedures outlined in title 35.
 - a. If the transferee is an insurer that has paid a total loss claim on a vehicle but the payment has not satisfied all liens of record on the vehicle, the transferee is not required to comply with the procedures outlined in title 35 to establish satisfactory proof of ownership and the department may cancel the old certificate of title and issue a new certificate to the insurer free and clear of all liens and claims of ownership.
 - b. If the transferee is a tax exempt organization under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] to which a vehicle has been donated, the transferee shall provide an affidavit providing proof the vehicle was donated.
 - c. If the transferee is a licensed motor vehicle dealer that, at the request of an insurer, took possession of a vehicle that is the subject of an insurance claim but for which a total loss claim is not paid by the insurer and the vehicle has been in the possession of the dealer for more than thirty days, the necessary satisfactory proof of ownership includes only proof the dealer made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to have the vehicle removed from the dealer's facility, upon payment of applicable charges. If satisfactory proof of ownership is established, the department may cancel the old certificate of title and issue a new certificate to the licensed motor vehicle dealer free and clear of all liens and claims of ownership.
 - d. If the transferee is an individual, satisfactory proof of ownership must include that the transferee has paid for the vehicle, and that the transferee made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to obtain the certificate of title. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the individual, subject to any existing lien.
2. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases when the department is unable to determine the legal owner of record. The procedures may include determining the validity of any liens on a certificate of title. Any person aggrieved by a decision of the department as to ownership of a vehicle may appeal that decision to the district court under chapter 28-32.
- 2-3. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the

department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.

Approved May 1, 2019

Filed May 2, 2019

CHAPTER 314

HOUSE BILL NO. 1415

(Representatives Karls, Bosch, Martinson, Meier, Paulson, Satrom)

AN ACT to create and enact section 39-06-01.3 of the North Dakota Century Code, relating to compliance with federal selective service system requirement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-06-01.3 of the North Dakota Century Code is created and enacted as follows:

39-06-01.3. Compliance with federal selective service requirement.

1. Upon submission of an application for an initial, renewal, or duplicate instruction permit, operator's license, or a nondriver identification card by a man at least eighteen years of age and under the age of twenty-six, the department shall provide for the registration of the applicant with the selective service system.
2. The department shall provide language on the application informing the applicant his signature on the application serves as an acknowledgment the applicant already has registered with the selective service system or the applicant consents to registration.
3. An applicant who objects to registration for conscientious, religious, or other grounds may contact the selective service system for alternative options.
4. The department shall forward the applicant's necessary personal information to the selective service system for registration.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 315

SENATE BILL NO. 2157

(Senators Schaible, Wardner)
(Representatives Rohr, Schmidt)

AN ACT to amend and reenact section 39-06-05 of the North Dakota Century Code, relating to the age of students enrolled in a driver's training course.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-05 of the North Dakota Century Code is amended and reenacted as follows:

39-06-05. Restricted instruction permit - When instruction permit not required - Driver's training course.

1. The director upon receiving proper application may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is at least fourteen years of age and enrolled in a commercial driver training course that includes practice driving and which is approved by the director of the highway patrol under chapter 39-25. The restricted instruction permit entitles the permittee when the permittee has the permit in the permittee's immediate possession to operate a motor vehicle with an approved instructor occupying a seat beside the permittee and on a designated highway or within a designated area.
2. Any
 - a. ~~Subject to subdivision b. any student who is at least fourteen years of age and enrolled in behind-the-wheel driver's training through a high school program approved by the superintendent of public instruction may operate a motor vehicle, under the supervision of a driver training instructor certified by the superintendent of public instruction, without a permit or license to operate a motor vehicle, if the school district sponsoring the driver's training program has an insurance policy covering any damage that may be done by a student while operating the vehicle and proof of coverage is filed with the superintendent of public instruction by the school district's insurance carrier. The insurance coverage must be in the amount required under section 39-16-1-02 to establish proof of financial responsibility.~~
 - b. A student may not enroll in a driver's training course through a high school program approved by the superintendent of public instruction unless the student will be at least fourteen years of age by the completion date of the classroom portion of the driver's training course. A student may not participate in the behind-the-wheel driver's training portion of the driver's training course until the student is at least fourteen years of age. A student must complete the driver's training course's required amount of behind-the-wheel driver's training before successfully completing the course.

Approved March 20, 2019

Filed March 21, 2019

CHAPTER 316

SENATE BILL NO. 2194

(Senators Dwyer, Cook)
(Representatives Heinert, Porter)

AN ACT to amend and reenact subdivision c of subsection 2 of section 39-06-14.1 of the North Dakota Century Code, relating to motorcycle operator's licenses and motorized bicycles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 2 of section 39-06-14.1 of the North Dakota Century Code is amended and reenacted as follows:

- c. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age must hold an initial learner's permit for at least two months before applying for a class M operator's license, must have completed an approved motorcycle safety course, and must hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license may not operate a motorcycle powered with an engine in excess of ~~two~~five hundred ~~fifty~~ten cubic centimeters displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

Approved March 20, 2019

Filed March 21, 2019

CHAPTER 317

HOUSE BILL NO. 1327

(Representatives Paur, Hatlestad, Satrom)
(Senators Clemens, Dotzenrod)

AN ACT to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fee for failure to stop at a stop sign; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹²⁸ **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - 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.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.
 - j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
 - l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

¹²⁸ Section 39-06.1-06 was also amended by section 2 of House Bill No. 1405, chapter 327.

m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.

Approved March 12, 2019

Filed March 13, 2019

CHAPTER 318

HOUSE BILL NO. 1058

(Representatives Johnston, Marschall, Becker, Schobinger, B. Koppelman, M. Ruby,
Jones, Vigesaa, Kasper, D. Ruby)
(Senators Hogue, Osland)

AN ACT to amend and reenact section 39-06.1-08 of the North Dakota Century Code, relating to nonmoving violations; and to repeal section 39-10-51 of the North Dakota Century Code, relating to unattended motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

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, ~~39-10-51~~, 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.

SECTION 2. REPEAL. Section 39-10-51 of the North Dakota Century Code is repealed.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 319

HOUSE BILL NO. 1179

(Representatives Roers Jones, Beadle, Boschee, Heinert)
(Senators J. Lee, Oban, Rust)

AN ACT to amend and reenact subsection 4 of section 39-06.1-10 and section 39-06.1-11 of the North Dakota Century Code, relating to the issuance of temporary restricted licenses to operators participating in the twenty-four seven sobriety program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

4. a. If the director is informed by a court that an individual has been convicted of violating section 39-08-01, or equivalent ordinance, the director, subject to the offender's opportunity for hearing under subsection 1, shall suspend that individual's operator's license until the offender furnishes to the director the written statement of the counselor or instructor of an appropriate licensed addiction treatment program that the offender does not require either an education or treatment program or that the offender has physically attended the prescribed program and has complied with the attendance rules. The director shall send notice to the offender informing the offender of the provisions of this subsection.
- b. If within the seven years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has previously violated section 39-08-01, or equivalent ordinance, at least three times, the driving privileges must be suspended and may be restored only after ~~that individual~~the offender has completed addiction treatment through an appropriate licensed addiction treatment program and has had no alcohol-related or drug-related offense for two consecutive years after completion of treatment. The offender must receive a temporary restricted license during the suspension period, in accordance with section 39-06.1-11.

SECTION 2. AMENDMENT. Section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-11. Temporary restricted license - Ignition interlock device.

1. Except as provided under subsection 2 or 3, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.
2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application

of the offender the director may issue a temporary restricted license that takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20, but if the offender is participating in the twenty-four seven sobriety program under chapter 54-12, the director ~~may~~shall issue a temporary restricted license that takes effect after fourteen days of the suspension have been served if the driver is not subject to any unrelated suspension or revocation.

- ~~3. The director may not issue a temporary restricted license to any offender whose operator's license has been revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a~~A temporary restricted license ~~may~~must be issued in accordance with subsection 7 if the offender is participating in and compliant with the twenty-four seven sobriety program under chapter 54-12 or if the offender has not committed an offense for a period of one year before the date of the filing of a written application. The application must be accompanied by:
 - a. Proof of financial responsibility and a report from an appropriate licensed addiction treatment program and, if prescribed, proof of compliance with attendance rules in an appropriate licensed addiction treatment program; or
 - b. If the offender is participating in the drug court program or other court-ordered treatment or sobriety program, a recommendation from the district court.
4. For a temporary restricted license under subsection 3, the director may conduct a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may require ~~that~~ an ignition interlock device be installed in the offender's vehicle and may require the applicant to submit proof of attendance at a driver training course approved by the director. The director may impose additional conditions as reasonably necessary to ensure compliance.
5. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under section 39-06-31. A temporary restricted license may be issued for suspensions ordered under subsection 4 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.
6. a. In addition to any restrictions authorized under section 39-06-17, the director may impose any of the following conditions upon the use of a temporary restricted license issued under this section for the use of a motor vehicle by the offender:
 - (1) To use during the licensee's normal working hours;
 - (2) To use for attendance at an appropriate licensed addiction treatment program or a treatment program ordered by a court; or
 - (3) To use as necessary to prevent the substantial deprivation of the educational, medical, or nutritional needs of the offender or an immediate family member of the offender.

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- b. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.
 - c. This section does not limit the director's authority to cancel a temporary restricted license for good cause.
7. If an offender has been charged with, or convicted of, a second or subsequent violation of section 39-08-01 or equivalent ordinance, or if the offender's license is subject to suspension under chapter 39-20 and the offender's operator's license is not subject to an unrelated suspension or revocation, the director shall issue a temporary restricted license to the offender upon the restriction the offender participate in the twenty-four seven sobriety program under chapter 54-12. The offender shall submit an application to the director for a temporary restricted license along with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program to receive a temporary restricted license.
8. If the director denies a temporary restricted license under this section, or denies a request for a hearing under subsection 4, the applicant may appeal within thirty days after the date of the decision by filing a notice of appeal in the district court in the county where the applicant resides and by serving the notice of appeal on the director. On appeal the district court shall review the application and may authorize presentation of additional evidence.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 320

HOUSE BILL NO. 1098

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's licenses; and to amend and reenact subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code, relating to commercial learner's permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-06.2-06 of the North Dakota Century Code is created and enacted as follows:

In accordance with title 49, Code of Federal Regulations, part 384, section 230, the department may not issue a commercial driver's license to an individual who obtains a commercial learner's permit unless the individual complies with title 49, Code of Federal Regulations, part 380, subpart F.

¹²⁹ **SECTION 2. AMENDMENT.** Subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

- b. The commercial learner's permit may not be issued for a period to exceed one hundred eighty days. ~~The commercial learner's permit may be renewed for an additional one hundred eighty days without requiring the individual to retake the knowledge test year.~~ After this initial period, the director may issue a letter of authority that authorizes the applicant to drive to a driver's license office, complete the road test, and return home, or the individual may retake the knowledge test and be issued another commercial learner's permit valid for one hundred eighty days ~~year~~. The holder of a permit, unless otherwise disqualified, may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. A holder of a permit is not eligible for a license until that individual has had the permit issued for at least fourteen days.

Approved April 8, 2019

Filed April 9, 2019

¹²⁹ Section 39-06.2-07 was also amended by section 1 of Senate Bill No. 2121, chapter 321.

CHAPTER 321

SENATE BILL NO. 2121

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 1 of section 39-06.2-07 and subsections 15 and 16 of section 39-06.2-10 of the North Dakota Century Code, relating to commercial vehicle driver's licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁰ **SECTION 1. AMENDMENT.** Subsection 1 of section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not be issued a commercial driver's license unless that individual is a resident of this state; has passed a knowledge and skills test that may include a skills test or knowledge test administered by another state or skills test or knowledge test results electronically submitted by another state, for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 CFR part 383, subparts G and H; and has satisfied all other requirements of state and federal law, including the Commercial Motor Vehicle Safety Act. The tests must be prescribed and conducted by the director. The applicant shall pay the fee listed in section 39-06.2-19 for each of the tests.

SECTION 2. AMENDMENT. Subsections 15 and 16 of section 39-06.2-10 of the North Dakota Century Code are amended and reenacted as follows:

15. ~~An individual is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of any combination of two serious traffic violations within a three-year period while operating a noncommercial motor vehicle, and either conviction results in the revocation, cancellation, or suspension of an operator's license, including a commercial driver's license. For a second conviction of any combination of two serious traffic violations, in a separate incident within a three-year period while operating a noncommercial vehicle, a learner's permit or commercial driver's license holder must be disqualified from operating a commercial motor vehicle, if the conviction results in the revocation, cancellation, or suspension of the learner's permit or commercial driver's license holder's license or noncommercial driving privileges, for a period of sixty days.~~
16. ~~An individual is disqualified from driving a commercial motor vehicle for a period of not less than one hundred twenty days if convicted of any combination of three or more serious traffic violations within a three-year period while operating a noncommercial motor vehicle, and any of the convictions results in the revocation, cancellation, or suspension of an operator's license, including a commercial driver's license. For a third or subsequent conviction of any combination of serious traffic violations, in a~~

¹³⁰ Section 39-06.2-07 was also amended by section 2 of House Bill No. 1098, chapter 320.

separate incident within a three-year period while operating a noncommercial motor vehicle, a person required to have a learner's permit or commercial driver's license and a learner's permit or commercial driver's license holder must be disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.

Approved April 11, 2019

Filed April 12, 2019

CHAPTER 322

HOUSE BILL NO. 1534

(Representatives K. Koppelman, Hanson, Paur)
(Senators Dwyer, Rust)

AN ACT to amend and reenact subsections 1 and 2 of section 39-08-01, section 39-20-01, and subsection 1 of section 39-20-14 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor or any other drugs or substances, implied consent, and screening tests; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³¹ **SECTION 1. AMENDMENT.** Subsection 1 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.
 - e. That individual refuses to submit to any of the following:
 - (1) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under section 39-06.2-10.2 if the individual is driving or is in actual physical control of a commercial motor vehicle; or
 - (2) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under section 39-20-01.

¹³¹ Section 39-08-01 was also amended by section 5 of House Bill No. 1050, chapter 186.

- f. Subdivision e does not apply to an individual unless the individual has been advised of the consequences of refusing a chemical test consistent with the Constitution of the United States and the Constitution of North Dakota.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless it is an affirmative defense that a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person. If the individual violated subdivisions a, b, c, or d of this subsection and subdivision e of this subsection and the violations arose from the same incident, for purposes of suspension or revocation of an operator's license, the violations are deemed a single violation and the court shall forward to the department of transportation only the conviction for driving under the influence or actual physical control.

SECTION 2. AMENDMENT. Subsection 2 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

2. a. An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests, required under section 39-06.2-10.2; or 39-20-01; or 39-20-14, is guilty of an offense under this section.
- ~~b. An individual is not subject to an offense under this section for refusal to submit to an onsite screening test under section 39-20-14 if the person submits to a chemical test under section 39-20-01 or 39-06.2-10.2 for the same incident. Upon the individual's refusal to submit to an onsite screening test, the police officer shall inform the individual that the individual may remedy the refusal if the individual takes a chemical test under section 39-20-01 or 39-06.2-10.2 for the same incident.~~

SECTION 3. AMENDMENT. Section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

39-20-01. Implied consent to determine alcohol concentration and presence of drugs.

1. Any individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, saliva, or urine. As used in this chapter, the word "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter.
2. The test or tests must be administered at the direction of a law enforcement officer only after placing the individual under arrest ~~and informing that~~

~~individual that the individual is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof for violation of section 39-08-01 or an equivalent offense.~~ For the purposes of this chapter, the taking into custody of a child under section 27-20-13 or an individual under twenty-one years of age satisfies the requirement of an arrest. The law enforcement officer shall determine which of the tests is to be used.

3. a. ~~The law enforcement officer shall inform the individual charged that North Dakota law requires the individual to take a chemical test to determine whether the individual is under the influence of alcohol or drugs and that refusal of the individual to submit to a test directed by the law enforcement officer may result in a revocation of the individual's driving privileges for a minimum of one hundred eighty days and up to three years. In addition, the law enforcement officer shall inform the individual refusal to take a breath or urine test is a crime punishable in the same manner as driving under the influence. If the officer requests the individual to submit to a blood test, the officer may not inform the individual of any criminal penalties until the officer has first secured a search warrant.~~
 - b. ~~A test administered under this section~~If an individual refuses to submit to testing under this section, proof of the refusal is not admissible in any criminal or administrative proceeding to determine a violation of section ~~39-08-01 or under~~ this chapter if the law enforcement officer fails to inform the individual charged as required under subdivision a.
4. When an individual under the age of eighteen years is taken into custody for violating section 39-08-01 or an equivalent ordinance, the law enforcement officer shall attempt to contact the individual's parent or legal guardian to explain the cause for the custody. Neither the law enforcement officer's efforts to contact, nor any consultation with, a parent or legal guardian may be permitted to interfere with the administration of chemical testing requirements under this chapter. The law enforcement officer shall mail a notice to the parent or legal guardian of the minor within ten days after the test results are received or within ten days after the minor is taken into custody if the minor refuses to submit to testing. The notice must contain a statement of the test performed and the results of that test; or if the minor refuses to submit to the testing, a statement notifying of that fact. The attempt to contact or the contacting or notification of a parent or legal guardian is not a precondition to the admissibility of chemical test results or the finding of a consent to, or refusal of, chemical testing by the individual in custody.

SECTION 4. AMENDMENT. Subsection 1 of section 39-20-14 of the North Dakota Century Code is amended and reenacted as follows:

1. Any individual who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer who has reason to believe that the individual committed a moving traffic violation or a violation under section 39-08-01 or an equivalent offense, or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the individual's body contains alcohol.

SECTION 5. EMERGENCY. Sections 1 and 2 of this Act are declared to be an emergency measure.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 323

HOUSE BILL NO. 1334

(Representatives D. Johnson, P. Anderson, Heinert, Pyle, Schreiber-Beck)
(Senators Bakke, Dwyer, Luick, Myrdal, Wanzek)

AN ACT to create and enact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record of a driving under the influence offense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-08-01.6 of the North Dakota Century Code is created and enacted as follows:

39-08-01.6. Criminal record - Seal - Exception.

1. The court shall seal an individual's criminal record under sections 12.1-32-07.1 and 12.1-32-07.2 if the individual:
 - a. Has pled guilty or nolo contendere to, or has been found guilty of a violation under section 39-08-01; and
 - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent violation of section 39-08-01, or any other criminal offense, within seven years of the first violation under section 39-08-01.
2. This section does not apply to an individual licensed as a commercial driver under section 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of enhancement under subsection 3 of section 39-08-01.

Approved April 10, 2019

Filed April 11, 2019

CHAPTER 324

HOUSE BILL NO. 1065

(Representatives Roers Jones, Schreiber-Beck, Dockter, Satrom)
(Senator K. Roers)

AN ACT to amend and reenact subsection 1 of section 39-08-09 of the North Dakota Century Code, relating to the immediate notice of a vehicle accident.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-08-09 of the North Dakota Century Code is amended and reenacted as follows:

1. The driver of a vehicle involved in an accident resulting in injury to or death of any ~~person~~individual, or property damage to an apparent extent of at least ~~one~~four thousand dollars, shall immediately give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. ~~Any person~~A driver who violates this section must be assessed a fine of fifty dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the driver shall supply that information to the driver's license division in the form the division requires.

Approved March 26, 2019

Filed March 27, 2019

CHAPTER 325

HOUSE BILL NO. 1198

(Representatives D. Ruby, Becker, Heinert, Kasper, Louser)
(Senators Burckhard, Oban)

AN ACT to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to class A authorized emergency vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

39-10-03. Class A authorized emergency vehicles.

1. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter.
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - c. Exceed the speed limit so long as the driver does not endanger life or property.
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of aan oscillating, rotating, revolving, or flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A firetruck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display aan oscillating, rotating, revolving, or flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of aan oscillating, rotating, revolving, or flashing red or combination red and white lights which are visible under

normal atmospheric conditions for at least five hundred feet [152.4 meters]. A firetruck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display an oscillating, rotating, revolving, or flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

3. ~~An~~ class A authorized emergency vehicle may ~~not display or permit to be displayed any a steady red or red and blue lamp except that is visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] when operated on official business involved in an incident, emergency, or any other related activity.~~
4. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 2 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, or any other related activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.

Approved March 20, 2019

Filed March 21, 2019

CHAPTER 326

SENATE BILL NO. 2133

(Senators O. Larsen, Bekkedahl)
(Representatives Hoverson, McWilliams, Paulson)

AN ACT to amend and reenact sections 39-10-41 and 39-10-43 of the North Dakota Century Code, relating to railroad grade crossings; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-41 of the North Dakota Century Code is amended and reenacted as follows:

39-10-41. Obedience to signal indicating approach of train or other on-track equipment.

1. ~~Whenever any person driving~~When a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of ~~such~~the vehicle shall stop within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad, and may not proceed until the driver can do so safely. ~~The foregoing~~These requirements apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;
 - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;
 - c. A railroad train or other on-track equipment approaching within approximately one thousand three hundred twenty feet [402.34 meters] of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.
2. ~~No~~A person may not drive ~~any~~a vehicle through, around, or under any crossing gate or barrier at a railroad crossing while ~~such~~the gate or barrier is closed or is being opened or closed. ~~No~~A person may not drive ~~any~~a vehicle past ~~any~~a human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

SECTION 2. AMENDMENT. Section 39-10-43 of the North Dakota Century Code is amended and reenacted as follows:

39-10-43. Certain vehicles must stop at all railroad grade crossings.

1. The driver of a bus carrying passengers, or of ~~any~~ schoolbus, or of ~~any~~ vehicle carrying ~~any~~ chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade ~~any track or tracks~~ of a railroad, shall stop ~~such~~the vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of ~~such~~the railroad and while ~~so~~ stopped shall listen and look in both directions along ~~such~~the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment and may not proceed until the driver can do so safely. After stopping as required ~~herein~~ and upon proceeding when ~~it is~~ safe to do so, the driver of ~~any said~~the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing ~~such~~the crossing and the driver may not ~~manually~~ shift gears manually while crossing the track ~~or tracks~~.
2. ~~No~~ stop need ~~be made~~is not required at ~~any such~~ crossing at which ~~if~~ traffic is controlled by a police officer. For the purposes of this section, a United States marshal ~~must be~~is considered a police officer.
3. ~~No~~ stop need ~~be made~~is not required at a crossing that the director has designated as an out-of-service crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. The designation must be limited to use at ~~crossings~~a crossing where track has been abandoned or its use discontinued.
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
6. All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

Approved March 20, 2019

Filed March 21, 2019

CHAPTER 327

HOUSE BILL NO. 1405

(Representatives Lefor, Steiner)
(Senator Wardner)

AN ACT to create and enact a new section to chapter 39-10 and a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to prohibiting blocking parking spaces for electric vehicles; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-10 of the North Dakota Century Code is created and enacted as follows:

Electric vehicle parking stalls or spaces - Unauthorized parking or obstructing.

1. If a public or private entity designates a parking space for charging an electric vehicle, the reserved space must be indicated by a sign approved by the director. The sign must be consistent with the manual of uniform traffic control devices authorized under section 39-13-06, and indicate:
 - a. Use of the reserved space is for charging electric vehicles only; and
 - b. Unauthorized use of the spaces is a nonmoving violation for which a fee of fifty dollars must be imposed.
2. An individual may not park or leave standing a vehicle in a stall or space designated for charging and parking a vehicle, unless the individual's vehicle is connected for electric charging purposes.
3. An individual may not obstruct, block, or otherwise bar access to a space designated for charging a vehicle.

¹³² **SECTION 2.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 1 of this Act, a fee of fifty dollars.

Approved March 28, 2019

Filed March 29, 2019

¹³² Section 39-06.1-06 was also amended by section 1 of House Bill No. 1327, chapter 317.

CHAPTER 328

HOUSE BILL NO. 1296

(Representatives Mock, Heinert, K. Koppelman, Satrom)
(Senators Dwyer, Kreun, D. Larson)

AN ACT to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-71 of the North Dakota Century Code is amended and reenacted as follows:

39-10-71. Fleeing or attempting to elude a peace officer - Penalty.

1. ~~Any~~A driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop, is guilty of a ~~class~~:
 - a. ~~Class~~ A misdemeanor for a first offense and a class C felony for a subsequent offense within three years. ~~An individual who violates this section while fleeing after or in the commission of a felony is guilty of a class;~~
 - b. Class C felony: if the driver violates this section while willfully fleeing during or after the commission of a felony; or
 - c. Class C felony if, at any time during the flight or pursuit, the driver willfully operates the vehicle in a manner constituting an inherent risk of death or serious bodily injury to a third person.
2. A signal complies with this section if the signal is perceptible to the driver and:
 - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
 - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform or prominently displays the officer's badge of office.

Approved March 28, 2019

Filed March 29, 2019

CHAPTER 329

HOUSE BILL NO. 1199

(Representatives D. Ruby, Becker, Jones, Kasper, Keiser, Lefor, Louser)
(Senators Burckhard, Kreun, Oban)

AN ACT to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to platoons; to amend and reenact section 39-10-18 of the North Dakota Century Code, relating to following a motor vehicle too closely; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-18 of the North Dakota Century Code is amended and reenacted as follows:

39-10-18. Following too closely.

1. The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this does not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles must be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision does not apply to funeral processions.
4. This section does not apply to the operation of a non-lead vehicle in a platoon.
5. As used in this section and section 2 of this Act, "platoon" means a group of motor vehicles using vehicle-to-vehicle communications to travel in a unified manner at close following distances on a multilane, limited-access, divided highway.

SECTION 2. A new section to chapter 39-10 of the North Dakota Century Code is created and enacted as follows:

Motor vehicle platoons.

1. The department, in coordination with the state highway patrol superintendent, shall develop an operational plan that provides guidelines for operating a platoon. The plan must include operational information that must be provided

by a platoon technology provider or commercial motor vehicle operator. The department may restrict platooning operations in accordance with the guidelines or the operational information provided in the plan.

2. A platoon may not operate unless the platoon technology provider or the commercial motor vehicle operator files an operational plan with the department and the plan is approved for general platoon operations. If the department does not approve the plan, the department shall inform the platoon technology provider or commercial motor vehicle operator of the reason for the disapproval and provide guidance on how to resubmit the plan to obtain approval.
3. A person operating a motor vehicle in a platoon without an approved plan must be assessed a fee of one hundred dollars.
4. A person operating a motor vehicle in violation of the guidelines in an operational plan must be assessed a fee of one hundred dollars.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 330

SENATE BILL NO. 2151

(Senator Oehlke)
(Representatives D. Johnson, Vigesaa)

AN ACT to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to annual permits for vehicles of excessive size or weight; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for a permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department. Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for an interstate permit is ten dollars per trip or three hundred dollars per ~~calendar year~~twelve-month period for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per ~~calendar year~~twelve-month period.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or one hundred fifty dollars per ~~calendar year~~twelve-month period unless the vehicle is a

noncommercial fishhouse trailer being moved by the owner, then the fee is twenty dollars per ~~calendar year~~twelve-month period.

- j. The fee for an overlength vehicle or load that is one hundred twenty feet [36.58 meters] or less is twenty dollars per trip or one hundred fifty dollars per ~~calendar year~~twelve-month period.
- k. The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional fee of up to fifteen dollars for every permit issued under this section to be deposited into the motor carrier electronic permit transaction fund.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 20, 2019

Filed March 21, 2019

CHAPTER 331

HOUSE BILL NO. 1280

(Representatives Beadle, Buffalo)
(Senator K. Roers)

AN ACT to amend and reenact subsection 6 of section 39-16.1-11 of the North Dakota Century Code, relating to inception and expiration of motor vehicle insurance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 39-16.1-11 of the North Dakota Century Code is amended and reenacted as follows:

6. Every motor vehicle liability policy is subject to the following provisions, which need not be contained therein the policy:
 - a. The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute ~~whenever~~ if injury or damage covered by ~~said~~ the motor vehicle liability policy occurs; ~~said~~ the policy may not be canceled or annulled as to ~~such~~ the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; ~~and a~~ and a statement made by the insured or on the insured's behalf and ~~no~~ a violation of ~~said~~ the policy ~~may do not~~ may do not defeat or void ~~said~~ the policy. This subdivision does not restrict the ability of an insurance carrier to void a motor vehicle liability policy for which an application was made after injury or damage occurred and does not obligate the insurance carrier to pay a claim on account of injury or damage that occurred before the application was made.
 - b. The satisfaction by the insured of a judgment for ~~such~~ the injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of ~~such~~ the injury or damage.
 - c. The insurance carrier has the right to settle any claim covered by the policy, and if ~~such~~ the settlement is made in good faith, the amount ~~thereof of that settlement~~ thereof is deductible from the limits of liability specified in subdivision b of subsection 2 for the accident out of which ~~such~~ the claim arose.
 - d. The policy, the written application ~~therefor of the policy~~, if any, and any rider or endorsement ~~which that~~ which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

Approved March 28, 2019

Filed March 29, 2019

CHAPTER 332

HOUSE BILL NO. 1143

(Representative Keiser)
(Senator Klein)

AN ACT to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to prohibiting the manufacturing, sale, and installation of a counterfeit supplemental restraint system component and nonfunctional airbag; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-21 of the North Dakota Century Code is created and enacted as follows:

Definitions - Prohibition on counterfeit and nonfunctional airbag - Penalty.

1. As used in this section:

- a. "Airbag" means an inflatable occupant restraint system device in a motor vehicle which is part of a supplemental restraint system.
- b. "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark identical, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.
- c. "Nonfunctional airbag" means a replacement airbag that:
 - (1) Was previously deployed or damaged;
 - (2) Has an electric fault that is detected by the motor vehicle's airbag diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;
 - (3) Includes a part or object, including a supplemental restraint system component, which is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing a functional airbag has been installed; or
 - (4) The airbag is subject to the prohibitions of 49 U.S.C. 30120(j).
- d. "Supplemental restraint system" means a passive inflatable motor vehicle crash protection system designed for use in conjunction with active restraint systems as defined in title 49, Code of Federal Regulations, part 571, section 208, which includes one or more airbags and all components required to ensure an airbag works as designed by the motor vehicle manufacturer including:

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- (1) Operating as designed in the event of a crash; and
 - (2) Is designed in accordance with federal motor vehicle safety standards of the specific make, model, and year of the motor vehicle in which the airbag is or will be installed.
2. A person may not intentionally or knowingly:
 - a. Manufacture, import, install, reinstall, distribute, sell, or offer for sale any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component, nonfunctional airbag, or a device that does not meet the federal motor vehicle safety standards as provided under title 49, Code of Federal Regulations, part 571, section 208.
 - b. Sell, install, or reinstall in a motor vehicle, any device that causes the motor vehicle's diagnostic systems to fail to warn when the motor vehicle is equipped with a counterfeit supplemental restraints system component or nonfunctional airbag, or when an airbag is not installed.
 3. Subsection 2 does not prohibit a motor vehicle dealer, repair facility, manufacturer, or other entity from taking action to collect and dispose of used or recalled supplemental restraint system components in accordance with federal law.
 4. A person that violates subsection 2 is guilty of a class A misdemeanor.

Approved March 26, 2019

Filed March 27, 2019

CHAPTER 333

SENATE BILL NO. 2120

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-22-18 of the North Dakota Century Code, relating to retail motor vehicle sales.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-22-18 of the North Dakota Century Code is amended and reenacted as follows:

39-22-18. Renewal of dealer license - Fees - Minimum sales requirement - Penalty.

A dealer license issued under this chapter expires on December thirty-first of each year. A licensed dealer may apply for renewal of the dealer's license on forms prescribed by the department and payment of the dealer license and dealer plate fees required by this chapter. The department ~~shall~~may not renew the dealer license of any applicant who has made less than ~~four~~eight retail motor vehicle sales during the previous year. The department may adopt administrative rules to limit the number of dealer plates available to an applicant based on the applicant's motor vehicle sales history. Any dealer who fails to submit a renewal application before the expiration of the dealer's current license, in addition to all other fees due, shall pay a one hundred dollar fee at the time the dealer's license is renewed. For purposes of this section, "retail motor vehicle sales" means the sale of a motor vehicle that requires titling and registration in order to operate on the roads.

Approved April 11, 2019

Filed April 12, 2019