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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1246

Introduced by

Representatives Grueneich, Brandenburg, Ostlie, Satrom, Vigesaa

Senator Erbele

A BILL for an Act to amend and reenact section 39-10-04 of the North Dakota Century Code, relating to required traffic-control devices~~; and to declare an emergency~~.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-04 of the North Dakota Century Code is amended and reenacted as follows:

39-10-04. Obedience to and required traffic-control devices.

1. The driver of ~~any~~a vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. ~~No~~A provision of this chapter for which traffic-control devices are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that devices are required, ~~such~~the statute is effective even though no devices are erected or in place.
3. Whenever an official traffic-control ~~devices are~~device is placed in ~~positions~~a position approximately conforming to the requirements of this title, ~~such devices~~the device must be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.
4. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to ~~such devices~~the device must be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence.

5. The department may not remove or inactivate a traffic-control ~~device~~signal placed within the corporate limits of a city and within one thousand feet [304.8 meters] of a public or nonpublic elementary, middle, or high school ~~or licensed day care~~ without ~~the consent of~~consulting with the ~~political subdivision~~city having jurisdiction of the location where the traffic-control ~~device~~signal is placed, except for temporary repair or routine maintenance.

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