Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

HOUSE BILL NO. 1246
(Representatives Grueneich, Brandenburg, Ostlie, Satrom, Vigesaa)
(Senator Erbele)

AN ACT to amend and reenact section 39-10-04 of the North Dakota Century Code, relating to required traffic-control devices.

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 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 without consulting with the city having jurisdiction of the location where the traffic-control signal is placed, except for temporary repair or routine maintenance.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1246.

House Vote:	Yeas 90	Nays 0	Absent 4
Senate Vote:	Yeas 45	Nays 1	Absent 1

Chief Clerk of the House

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

Secretary of State