

Introduced by

Senators Oehlke, Rust

1 A BILL for an Act to amend and reenact section 39-10-47 of the North Dakota Century Code,
2 relating to vehicles obstructing highways; and to amend and reenact section 39-10-48 of the
3 North Dakota Century Code, relating to vehicles illegally parked on highways.

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

5 **SECTION 1. AMENDMENT.** Section 39-10-47 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-10-47. Stopping, standing, or parking outside of business or residence districts.**

- 8 1. ~~Upon any highway outside of a business or residence district no person~~An individual
9 may not stop, park, or leave standing any vehicle, whether attended or unattended,
10 upon the paved or main-traveled part of ~~the~~any highway ~~when~~if it is practicable to
11 stop, park, or so leave ~~such~~the vehicle off ~~such part of said~~the paved or main-traveled
12 part of the highway, ~~but in every event an.~~ There must be an unobstructed width of the
13 highway of not less than twelve feet [3.66 meters] opposite a standing vehicle ~~must be~~
14 left for the free passage of other vehicles and a clear view of ~~such~~any stopped
15 ~~vehicles~~vehicle must be available from a distance of not less than two hundred feet
16 [60.96 meters] in each direction upon ~~such~~the highway.
- 17 2. ~~This~~Unless the vehicle is blocking the highway or is otherwise endangering public
18 safety, this section and sections 39-10-49 and 39-10-50 do not apply to the driver of
19 ~~any~~a vehicle which is disabled while on the paved or main-traveled portion of a
20 highway ~~in such manner and to such extent that it is impossible to avoid~~ , if stopping
21 and temporarily leaving ~~such~~the disabled vehicle ~~in such position~~is unavoidable.
- 22 3. Without the consent of the owner or driver of a vehicle and if a vehicle or any personal
23 property or cargo spilled from the vehicle is blocking the highway or is otherwise
24 endangering public safety, a police officer may:

- 1 a. Remove the vehicle or cause the vehicle to be removed from the highway; and
2 b. Remove or cause to be removed any personal property or cargo that may have
3 been spilled from the vehicle onto the highway.
4 4. Alf reasonable care is used in the removal process, a police officer and the police
5 officer's employing agency, the department of transportation or an employee of the
6 department of transportation, or a political subdivision or employee of a political
7 subdivision authorized by a police officer, and any tow truck operator or towing
8 company authorized by a police officer is not liable in civil damages for loss or damage
9 to any vehicle or to any personal property or cargo that may have spilled from a
10 vehicle that is removed from a highway under this section.

11 **SECTION 2. AMENDMENT.** Section 39-10-48 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-10-48. Officer authorized to remove illegally stopped vehicle.**

- 14 1. ~~Whenever any~~If a police officer finds a vehicle standing upon a highway in violation of
15 ~~any of the provisions of section 39-10-47, such~~the officer is hereby authorized to move
16 ~~such~~may remove the vehicle; or require the driver or other person in charge of the
17 vehicle to move the ~~same~~vehicle to a position off the paved or main-traveled part of
18 ~~such~~the highway to a place where the vehicle does not block the highway or otherwise
19 endanger public safety.
20 2. ~~Whenever any~~If a police officer finds a vehicle unattended upon any highway, bridge,
21 ~~or causeway, or in any tunnel where such~~ and the vehicle constitutes an obstruction
22 ~~to~~may obstruct traffic or otherwise endanger public safety, ~~such~~the officer is hereby
23 authorized to provide for the removal of ~~such~~may have the vehicle moved to the
24 ~~nearest garage or other place of safety~~a location where it may be securely held.
25 3. ~~Any~~A police officer is hereby authorized to remove or cause to be removed to the
26 ~~nearest garage or other place of safety~~may remove or cause to be removed any
27 vehicle found upon a highway ~~when~~and move the vehicle to any location where the
28 vehicle may be securely held if:
29 a. A report has been made ~~that such~~the vehicle has been stolen or taken without
30 the consent of its owner;

- 1 b. The ~~person or persons in charge~~owner or driver of ~~such~~the vehicle ~~are~~is unable
2 to provide for its custody or removal; or
- 3 c. The ~~person~~individual driving or in control of ~~such~~the vehicle is arrested for an
4 alleged offense for which the officer is required by law to take the person arrested
5 before a proper magistrate without unnecessary delay ~~and taken into custody and~~
6 another individual is not available to lawfully operate the vehicle.
- 7 4. ~~Whenever any authorized law enforcement~~If a police officer finds, on state charitable-
8 ~~or penal institution property or on the state capitol grounds,~~ a vehicle standing,
9 stopped, or parked in a dangerous location or in violation of any official traffic-control
10 device prohibiting or restricting the stopping, standing, or parking of any vehicle on
11 state property, the officer shall place a written warning on the vehicle for the first
12 offense and thereafter ~~an authorized traffic citation may be issued~~issue a traffic citation
13 for a subsequent violation. However, ~~ne~~a traffic citation may not be issued for a
14 violation of this subsection occurring on the state capitol grounds during a legislative
15 session.
- 16 5. A police officer and the police officer's employing agency, the department of
17 transportation or an employee of the department of transportation, or a political
18 subdivision or employee of a political subdivision authorized by a police officer, ~~and~~
19 ~~any tow truck operator or towing company authorized by a police officer~~ is not liable in
20 civil damages for loss or damage to any vehicle removed from a highway or state
21 property under this section, ~~so long as reasonable care is used in the removal~~
22 process.