

SENATE BILL NO. 2352

Introduced by

Senators Kringstad, Lips, W. Stenehjem

Representatives Glassheim, R. Kelsch, Martinson

1 A BILL for an Act to amend and reenact sections 39-06.1-08 and 39-12-03 of the North Dakota
2 Century Code, relating to local penalties for nonmoving violations and weight restriction
3 violations for vehicles; and to provide a penalty.

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

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

7 **39-06.1-08. "Nonmoving violation" defined.** For the purposes of section 39-06.1-06,
8 a "nonmoving violation" means:

9 1. A violation of section 39-04-11, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50,
10 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of
11 any municipal ordinance equivalent to the foregoing sections, except that penalties
12 set by ordinance for a nonmoving violation are not limited by this chapter.

13 2. A violation, discovered at a time when the vehicle is not actually being operated, of
14 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or
15 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing
16 sections, except that penalties set by ordinance for a nonmoving violation are not
17 limited by this chapter.

18 **SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-12-03. Commissioner or local authorities may limit use of vehicles on**
21 **highways.** Whenever ~~any~~ a highway will be seriously damaged or destroyed by reason of
22 deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or
23 the weight of the vehicle thereon is limited, the commissioner or employees authorized by ~~him~~
24 the commissioner by an order, and local authorities by ordinance or resolution, may prohibit the

1 operation of vehicles upon ~~such~~ the highway or may impose restrictions as to the weight of
2 vehicles. The commissioner or employees making ~~such~~ the order and local authorities
3 enacting any ~~such~~ ordinance or resolution shall erect or cause to be erected and maintained
4 signs designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be
5 erected and maintained at each end of that portion of ~~any~~ the highway affected thereby, and
6 ~~such~~ the order, ordinance, or resolution is not effective until ~~such~~ the signs are erected and
7 maintained. The operation of trucks or other commercial vehicles or limitations as to the weight
8 thereof on designated highways may be prohibited or limited in the same manner. Penalties
9 set by local ordinance or resolution are not limited by any other provision of this chapter.