

**HOUSE BILL NO. 1430**

Introduced by

Representatives Mock, Dobervich, D. Ruby, Sukut

Senators Laffen, D. Larson

1 A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota  
2 Century Code, relating to distracted driving; to amend and reenact subsection 2 of section  
3 39-06.1-06 and section 39-06.1-09 of the North Dakota Century Code, relating to fees for a  
4 moving violation; to repeal section 39-08-23 of the North Dakota Century Code, relating to use  
5 of a wireless communication device while driving; and to provide a penalty.

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

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

- 9 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
10 for:
- 11 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
12 dollars.
  - 13 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
14 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 15 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 16 d. A violation of subsection 1 of section 39-12-02 or section ~~39-08-233~~ of this Act, a  
17 fee of one hundred dollars.
  - 18 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
19 hundred dollars.
  - 20 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
21 resident of this state, a fee of one hundred dollars.
  - 22 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
23 dollars.
  - 24 h. A violation of section 39-10-59, a fee of one hundred dollars.

- 1 i. A violation of section 39-09-01, a fee of thirty dollars.
- 2 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 3 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 4 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 5 violation and three hundred dollars for a second or subsequent violation in three
- 6 years.

7 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **39-06.1-09. Moving violation defined.**

10 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
11 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
12 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, ~~39-08-23~~section 3 of this Act, 39-08-24, 39-09-01,  
13 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04,  
14 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c  
15 of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of  
16 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section  
17 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections  
18 within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

19 **SECTION 3.** A new section to chapter 39-08 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Distracted driving.**

22 The operator of a motor vehicle that is in motion or part of traffic may not engage in an  
23 activity that requires the use of the operator's sight unless that activity involves operating or  
24 using the whole motor vehicle or a built-in accessory. The operator may use:

- 25 1. An electronic device that transmits data automatically and does not require direct
- 26 initiation by the operator;
- 27 2. A voice-operated device;
- 28 3. A navigational system; or
- 29 4. An electronic device to obtain emergency assistance; report a crime; or report a traffic
- 30 offense, hazard, or accident.

31 **SECTION 4. REPEAL.** Section 39-08-23 of the North Dakota Century Code is repealed.