

Introduced by

Senator Bekkedahl

1 A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota
2 Century Code, relating to requiring mud flaps on certain vehicles; to amend and reenact
3 ~~sections~~section 39-06.1-09 ~~and 39-21-44.1~~ of the North Dakota Century Code, relating to
4 moving violations ~~and preventing sifting or leaking loads~~; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06.1-09. Moving violation defined.**

9 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
10 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,
11 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,
12 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,
13 39-12-06, 39-12-09, ~~39-21-44.1~~, section 32 of this Act, 39-21-45.1, 39-24-02, or 39-24-09,
14 except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
15 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except
16 subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section
17 39-21-46, and those sections within those chapters which are specifically listed in subsection 1
18 of section 39-06.1-08.

19 ~~**SECTION 2. AMENDMENT.** Section 39-21-44.1 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~**39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads - Covers or**~~
22 ~~**tarpaulins required.**~~

23 ~~**1.** No vehicle ~~An individual~~ may be driven or moved ~~not operate a vehicle~~ on any highway~~
24 ~~unless it is ~~the vehicle is so constructed or loaded as to prevent its~~ keep the contents~~

1 from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may
2 be dropped for the purpose of securing traction, or water or other substance may be
3 sprinkled on a roadway in cleaning or maintaining the roadway. No person within or on
4 the vehicle.

5 ~~2. An individual may not operate on any highway any vehicle with any load unless the~~
6 ~~load and any covering thereon on the vehicle is securely fastened so as to prevent~~
7 ~~said the covering or load from becoming loose, detached, or in any manner a hazard to~~
8 ~~other users of the highway.~~

9 ~~3. An individual may not operate a commercial motor vehicle hauling soil, sand, rocks,~~
10 ~~rock chips, gravel, silica, trash, or garbage, on a public road or highway unless the~~
11 ~~load is covered and secured with a close-fitting tarpaulin or other appropriate cover, or~~
12 ~~a device designed to reasonably ensure the cargo will not drop, blow, leak, or~~
13 ~~otherwise escape.~~

14 ~~4. This section does not apply to:~~

15 ~~a. Sand being dropped for the purpose of securing traction, or water or other~~
16 ~~substance being sprinkled on a roadway in cleaning or maintaining the roadway;~~

17 ~~b. Farm vehicles carrying agricultural products locally from a harvest site, or to or~~
18 ~~from a farm;~~

19 ~~c. The operation of highway maintenance vehicles engaged in removing snow or~~
20 ~~ice from the roadway; or~~

21 ~~d. A vehicle owned or operated by the state or a political subdivision.~~

22 **SECTION 2.** A new section to chapter 39-21 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Mud flaps required.**

- 25 1. A commercial motor vehicle ~~registered for over ten thousand pounds [4535.92-~~
26 ~~kilograms]~~ must be equipped with mud flaps for the rear wheels when operated on a
27 public road or highway. The mud flaps must be wide enough to cover the full tread
28 width of the tire being protected, and must be constructed of a rigid material or a
29 flexible material of a sufficiently rigid character to provide adequate protection when
30 the vehicle is in motion.

- 1 | 2. This section does not apply to farm implements ~~or to a vehicle not required to be~~
2 | registered.