

ORDINANCE NO. 433

AN ORDINANCE REGULATING THE TRAFFIC CODES WITHIN THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA AND REPEALING ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

**CHAPTER 39
TRAFFIC CODE**

**ARTICLE 39-01
DEFINITIONS AND GENERAL PROVISIONS**

39-01-01. Definitions.

Words and phrases used in this Chapter shall have the meanings and be defined as provided in the N.D.C.C. in Title 39, and N.D.C.C. § 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In this title, unless the context or subject matter otherwise requires:

1. "Appropriate licensed addiction treatment program" means an addiction treatment program conducted by an addiction facility licensed by the department of human services or conducted by a licensed individual specifically trained in addiction treatment.

2. "Authorized emergency vehicles":
 - a. "Class A" authorized emergency vehicles means:
 - (1) Vehicles of a governmentally owned fire department.
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.
 - (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.
 - (4) Ambulances and other vehicles authorized by licensure granted under N.D.C.C. chapter 23-27.
 - (5) Vehicles operated by or under the control of the director, district

deputy director, or a district deputy game warden of the game and fish department.

- (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
 - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
 - (8) Vehicles operated by or under the control of the director of the parks and recreation department.
 - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
 - (10) Vehicles operated by or under the control of the state forester.
 - (11) Vehicles operated by or under the control of the bureau of criminal investigation and used for law enforcement purposes.
 - (12) Vehicles operated by or under the state department of health in cases of emergencies.
- b. "Class B" authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C" authorized emergency vehicles means:
- (1) Vehicles used by the state division of homeland security or local division of emergency management organizations.
 - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
 - (3) Vehicles, other than ambulances, used by emergency medical services personnel.
2. "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches [50.8 centimeters] in diameter.
3. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. Provided, every motor vehicle designed for carrying not more than fifteen persons and used for a ridesharing arrangement, as defined in N.D.C.C. § 8-02-07, is not a "bus".
4. "Business district" means the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet [91.44 meters] or more is occupied by buildings in use for business.
5. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

6. "Cancellation" means a license is annulled and terminated because of an error or defect or because the licensee is no longer entitled to the operator's license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after the cancellation.
7. "Child restraint system" means a specifically designed device, built-in seating system, or belt-positioning booster that meets the federal motor vehicle safety standards and is permanently affixed to a motor vehicle, is affixed to the vehicle by a safety belt or universal attachment system, or is combined with a federally compliant safety belt system.
8. "Commercial freighting" means the carriage of things other than passengers, for hire, except that such term does not include:
 - a. The carriage of things other than passengers within the limits of the same city;
 - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles [3.22 kilometers] from the corporate or recognized limits of said city; or
 - c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
9. "Commercial passenger transportation" means the carriage of passengers for hire, except that the term does not include:
 - a. The carriage of passengers within the limits of a city.
 - b. The carriage by local bus lines of passengers to or from a railroad station from or to places within any city or within two miles [3.22 kilometers] of the limits of the city.
 - c. The carriage of passengers under a ridesharing arrangement, as defined in N.D.C.C. § 8-02-07.
10. "Commissioner" means the director of the department of transportation of this state, acting directly or through authorized agents as provided by N.D.C.C. § 24-02-01.3.
11. "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
12. "Conviction" means a final order or judgment or conviction by the North Dakota supreme court, any lower court having jurisdiction, a tribal court, or a court in another state if an appeal is not pending and the time for filing a notice of appeal has elapsed. Subject to the filing of an appeal, the term includes:

- a. An imposed and suspended sentence;
 - b. A deferred imposition of sentence under subsection 4 of N.D.C.C. § 12.1-32-02; or
 - c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.
13. "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
14. "Dealer" means every person, partnership, corporation, or limited liability company engaged in the business of buying, selling, or exchanging motor vehicles, or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, limited liability company, or association doing business in several cities or in several locations within a city must be considered a separate dealer in each such location.
15. "Department" means the department of transportation of this state as provided by N.D.C.C. § 24-02-01.1.
16. "Director" means the director of the department of transportation of this state as provided by N.D.C.C. § 24-02-01.3.
17. "Driver" means every person who drives or is in actual physical control of a vehicle.
18. "Electronic communication device" means an electronic device, including a wireless telephone, personal digital assistant, a portable or mobile computer or other device, and video display equipment. The term does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.
19. "Essential parts" means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation and includes all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
20. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such

proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb.

21. "Farm tractor" includes every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.
22. "Farm trailer" includes those trailers and semitrailers towed by a bona fide resident farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds [10886.22 kilograms].
23. "Fifth-wheel travel trailer" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
24. "Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit [21.11 degrees Celsius], or less, as determined by a Tagliabue or equivalent closed-cup test device.
25. "Foreign vehicle" means every motor vehicle which is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.
26. "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon.
27. "Guest" means and includes a person who accepts a ride in any vehicle without giving compensation therefor.
28. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.
29. "House car" or "motor home" means a motor vehicle which has been reconstructed or manufactured primarily for private use as a temporary or recreational dwelling and having at least four of the following permanently installed systems:

- a. Cooking facilities.
 - b. Icebox or mechanical refrigerator.
 - c. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
 - d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
 - e. Heating or air-conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.
 - f. A 110-115 volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.
30. "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.
31. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of each roadway of such divided highway by an intersecting highway must be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of two roadways of such highways must be regarded as a separate intersection.
32. "Intoxicating liquor" means and includes any beverage containing alcohol.
33. "Judgment" means any judgment which has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a claim for relief arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on an agreement of settlement for such damages.
34. "Legal owner" means a person who holds the legal title to a vehicle.
35. "Licensed health care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant who is licensed, certified, or registered in accordance

with laws and regulations in this or another state.

36. "Lienholder" means a person holding a security interest in a vehicle.
37. "Local authorities" includes every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
38. "Mail" means to deposit mail properly addressed and with postage prepaid with the United States postal service.
39. "Manifest injustice" means a specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable person, with due consideration of the totality of circumstances.
40. "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet [2.44 meters] or more in width or forty body feet [12.19 meters] or more in length, or, when erected onsite, is three hundred twenty square feet [29.73 square meters] or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to whether the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under title 42 of the United States Code.
41. "Manufacturer" means any person who manufactures, assembles, or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term does not include a person who assembles or specially builds interior equipment on a completed vehicle supplied by another manufacturer, distributor, or supplier.
42. "Metal tires" includes all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material except that this provision does not apply to pneumatic tires.
43. "Mobile home" means a structure, either single or multi-sectional, which is built on a permanent chassis, ordinarily designed for human living quarters, either on a temporary or permanent basis, owned or used as a residence or place of business of the owner or occupant, which is either attached to utility services or is twenty-seven feet [8.23 meters] or more in length.
44. "Modular unit" includes every factory fabricated transportable building unit

designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

45. "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles. The term does not include a snowmobile as defined in section 39-24-01.
46. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.
47. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles [48.28 kilometers] per hour on a level road surface, and a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two inches [81.28 centimeters].
48. "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in section 39-24-01.
49. "Nonresident" means any person who is not a resident of this state.
50. "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.
51. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
52. "Operator" means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
53. "Operator's license", "driver's license", or "license to operate a motor vehicle" means any operator's or driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- a. Any temporary license or instruction permit;
 - b. The privilege of any person to drive a motor vehicle whether such person holds a valid license; or
 - c. Any nonresident's operating privilege as defined in this section.
54. "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
55. "Park", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
56. "Passenger motor vehicle" means every motor vehicle designed principally for the transportation of persons and includes vehicles which utilize a truck chassis, but have a seating capacity for four or more passengers.
57. "Pedestrian" means any person afoot.
58. "Person" includes every natural person, firm, co-partnership, association, corporation, or limited liability company.
59. "Pneumatic tires" includes all tires inflated with compressed air.
60. "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
61. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
62. "Primary source identity document" means documentary evidence of an individual's name, date of birth, and legal presence required in articles 39-06 and related to the issuance of permits, licenses, and non-driver photo identification cards, and retained in the driver record.
63. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
64. "Proof of financial responsibility" means proof of ability to respond in damages for

liability, on account of accidents occurring after the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

65. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
66. "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
67. "Reconstructed vehicle" means any vehicle, of a type required to be registered, materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.
68. "Recreational vehicle" means any motorcycle not qualified for registration, off-highway vehicle, snowmobile, vessel, or personal watercraft.
69. "Residence district" means territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.
70. "Revocation" means that the operator's license is terminated and may not be renewed or restored, except on application for a new license presented to and acted upon by the director after the expiration of the period of revocation.
71. "Right of way" means the privilege of the immediate use of a roadway.
72. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
73. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.
74. "Saddle mount" means placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.

75. "Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone.
76. "Salvage certificate of title" means a document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicle registration purposes.
77. "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-related events. For the purposes of article 39-21, "school bus" means any motor vehicle that is owned or leased by a public or governmental agency and used to transport primary or secondary school students to or from school or to or from school-related events, or is privately owned and operated for compensation to transport primary or secondary school students to or from school or to or from school-related events. School bus does not include a bus used as a common carrier.
78. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it does not include a "house trailer" or "mobile home".
79. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
80. "Solid tire" includes every tire made of rubber or other resilient material other than a pneumatic tire.
81. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.
82. "Specially constructed vehicle" means any vehicle which was not constructed originally under the distinct name, make, model, or type by a generally recognized manufacturer of vehicles.
83. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
84. "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.

85. "Stop", when required, means complete cessation from movement.
86. "Stop" or "stopping", when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
87. "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
88. "Superintendent" means the superintendent of the North Dakota state highway patrol, acting directly or through authorized employees of the superintendent.
89. "Suspension" means that the operator's license is temporarily withdrawn but only during the period of the suspension.
90. "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.
91. "Trackless trolley coach" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
92. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.
93. "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
94. "Trailer" includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it does not include a "house trailer" or "mobile home", which terms mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.
95. "Travel trailer" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require a special highway movement permit when towed by a motorized vehicle.

96. "Truck" includes every motor vehicle designed, used, or maintained primarily for transportation of property.
97. "Truck camper" means a portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use; consists of a roof, floor, and sides; and is designed to be loaded onto and unloaded from the bed of a pickup truck.
98. "Truck tractor" includes every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
99. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet [30.48 meters] for a distance of a quarter of a mile [402.34 meters] or more.
100. "Used vehicle" means a motor vehicle which has been sold, bargained, exchanged, given away, or the title to which has been transferred to another, by the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer.
101. "Vehicle" includes every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

39-01-15. Parking privileges for mobility impaired – Certificate – Revocation – Continuing appropriation – Penalty.

The provisions of N.D.C.C. § 39-01-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance

1. A mobility-impaired individual who displays prominently upon a motor vehicle parked by that individual or under that individual's direction and for that individual's use, the distinguishing certificate specified in subsection 4, license plates issued under N.D.C.C. § 39-04-10.2, or a disabled veteran plate issued under subdivision j of subsection 2 of N.D.C.C. § 39-04-18 is entitled to courtesy in the parking of the motor vehicle. However, any municipality may prohibit, by ordinance, parking on any highway for the purpose of creating a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours. The privileges extended to a mobility-impaired individual do not apply on a highway if parking is prohibited.
2. A mobility-impaired individual as used in this section includes an individual who uses portable oxygen; requires personal assistance or the use of crutches, a

wheelchair, or a walker to walk two hundred feet [60.96 meters] without rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred feet [60.96 meters] without rest; has a forced expiratory volume of less than one liter for one second or an arterial oxygen tension of less than sixty millimeters of mercury on room air while at rest and is classified III or IV by standards for cardiac disease set by the American heart association; has an orthopedic, neurologic, or other medical condition that makes it impossible for the person to walk two hundred feet [60.96 meters] without assistance or rest; or is a disabled veteran issued a plate under subdivision j of subsection 2 of section 39-04-18.

3. See N.D.C.C. § 39-01-15 subsection 3.
4. See N.D.C.C. § 39-01-15 subsection 4.
5. See N.D.C.C. § 39-01-15 subsection 5.
6. A certificate issued under this section must be hung from the rearview mirror of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility impaired and is being used by a mobility-impaired individual or another individual for the purposes of transporting the mobility-impaired individual. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.
7. An applicant may appeal a decision denying issuance of the certificate to the director. Written notice of the appeal must be received within ten business days following receipt by the applicant of notice of denial. The applicant has sixty days to provide additional supportive material to the director for purposes of deciding the appeal. The director shall affirm or reverse the decision to deny issuance of the certificate within thirty days after receipt of the supportive material. Written notice of the decision must be given to the applicant.
8. If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the director any violation and the director may, in the director's discretion, remove the privilege. An individual who is not mobility impaired and who exercises the privileges granted a mobility-impaired individual under subsection 1 is guilty of an infraction for which a fine of one hundred dollars must be imposed.
9.
 - a. If a public or private entity designates parking spaces for accessible parking, the spaces must comply with the requirements of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by a sign bearing the international symbol of accessibility for the mobility impaired. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.
 - b. For any event, a public or a private entity temporarily may reserve additional accessible parking spaces for use by motor vehicles operated by a mobility-impaired individual. In that case, each temporarily reserved

- space must be indicated by a sign bearing the international symbol of accessibility for the mobility impaired at least four hours before the event.
- c. A parking space clearly identified as reserved for the mobility impaired is considered designated and reserved for the mobility impaired and is sufficient basis for the enforcement of this section if the parking space has two of the following requirements:
 - (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;
 - (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
 - (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.
 - d. Except for a temporarily reserved parking space for the mobility impaired, a sign posted must be immovable.
 - e. A law enforcement officer shall enforce this section in any parking lot or parking facility, whether publicly or privately owned.
10. If the designated parking spaces for mobility-impaired individuals are occupied or inaccessible, a motor vehicle displaying the distinguishing certificate specified in subsection 4, license plates issued under N.D.C.C. § 39-04-10.2, or a disabled veteran plate issued under subdivision j of subsection 2 of N.D.C.C. § 39-04-18 may park at an angle and occupy two standard parking spaces.
 11. An individual may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility-impaired identification certificate issued by the director to a mobility-impaired individual. A mobility-impaired individual may not permit the use of a certificate issued under this section by an individual who is not mobility impaired when that use is not in connection with the transport of the mobility-impaired individual. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from a violation if the owner provides the citing authority with the name and address of the individual operating the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for a mobility-impaired individual without a mobility-impaired certificate for the purpose of loading and unloading a mobility-impaired individual. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed. Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected under this subsection is appropriated on a continuing basis to the state rehabilitation council for the development of competitive and integrated employment opportunities.
 12. A motor vehicle licensed in another state which displays a special authorized vehicle designation issued by the licensing authority of that state for vehicles used in the transportation of a mobility-impaired individual must be accorded the same privilege provided in this section for similar vehicles licensed in this state if the laws of the other state provide the same privileges to North Dakota motor vehicles displaying the special identifying certificate authorized in this section.

13. An entity that violates the requirements of subsection 9 is guilty of an infraction if the entity does not comply with subsection 9 within sixty days after receiving official notification of the violation.
14. The department shall issue a mobility-impaired parking permit for a vehicle owned and operated by care providers licensed by the state, veterans-related organizations, and other entities that regularly transport mobility-impaired individuals for use by those providers and entities to park in designated parking spaces while transporting mobility-impaired individuals.

39-01-20. Application of Chapter

Except where otherwise provided, the owner, operator, driver, or person in charge of any motor vehicle, bicycle, skateboard, or roller-skates operated upon streets, alleys, avenues, park roads, and public places in the City of Beulah, North Dakota, or its extra-territorial zone shall conform to and observe the rules and regulations prescribed in this chapter.

ARTICLE 39-01.1 TRAFFIC ADMINISTRATION

39-01.1-01. Police Administration

There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. The chief of police shall have the authority to authorize deputies and highway patrol officers to charge violations of this chapter into the municipal court of this City.

39-01.1-02. Duty of Traffic Division

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the State vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this City.

39-01.1-03. Records of Traffic Violations

1. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such form.
3. All such records and reports shall be public records.

39-01.1-04. Traffic Division to Investigate Accidents

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

39-01.1-05. Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

39-01.1-06. Traffic Accident Reports

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

39-01.1-07. Traffic Division to Designate Method of Identifying Funeral Processions

The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

ARTICLE 39-01.2 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

39-01.2-01. Authority of Police and Fire Department Officials

1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this City and all of the State vehicle laws.
2. Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

3. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

39-01.2-05. Use of Coasters, Roller Skates, and Similar Devices Restricted

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein.

1. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
2. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
3. Except as otherwise provided for in this chapter, any person upon a roadway shall yield the right of way to all vehicles upon the roadway.

39-01.2-06. Public Employees to Obey Traffic Regulations

The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this ordinance or in the State vehicle code.

ARTICLE 39-04 MOTOR VEHICLE REGISTRATION

39-04-11. Display of number plates and tabs.

The provisions of N.D.C.C. § 39-04-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Unless otherwise provided by law, an individual may not operate a vehicle on a public highway of this state unless the vehicle has a distinctive number assigned to the vehicle by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a house trailer must be attached to the rear of the house trailer. Number plates assigned to a motorcycle or trailer must be attached to the rear of the motorcycle or trailer and may be displayed vertically. When only one number plate is furnished for an apportioned vehicle registered under the international registration plan as authorized in N.D.C.C. section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the

apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a visible manner that clearly displays the distinctive number assigned to the vehicle and the name of the state on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department are the property of the department for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

39-04-17. Certificate of notary showing compliance with registration is prima facie evidence - Penalty.

The provisions of N.D.C.C. § 39-04-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The possession of a certificate made out by a notary public or an authorized agent of a licensed vehicle dealer who took the acknowledgment of the application when the vehicle was first registered or required to be registered under the laws of this state, if such certificate shows the date of application, the make, registered weight, and year model of the motor vehicle, the manufacturer's number of the motor vehicle which such application describes, and further shows that such notary public, or authorized agent of a vehicle dealer, personally mailed the application with the remittance fee, is prima facie evidence of compliance with motor vehicle law with reference to the vehicle therein described, for a period of seventy-five days from the date of such application. Any violation of this section is an infraction punishable by a fine of not less than fifty dollars.

39-04-18. Motor vehicles exempt from registration fees - Reciprocal use of state highways by foreign licensed motor vehicles.

The provisions of N.D.C.C. § 39-04-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. a. Except as provided in this section, a motor vehicle as defined in section 39-01-01 or a trailer operated or intended to be operated upon a highway, road, or street in this state must be registered annually with the department.
- b. A semitrailer or a farm trailer operated or intended to be operated upon a highway, road, or street in this state must be registered with the department either annually or permanently, at the discretion of the registrant.
- c. A vehicle being operated on highways, roads, or streets of this state must display license plates as furnished by the department upon payment of the fees prescribed in this chapter.
- d. Upon satisfactory proof to the department that a motor vehicle owned by a

resident of this state was not used upon any of the highways of this state in any one or more years, the motor vehicle may be registered upon payment of the registration fee for the current year.

- e. A resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense a motor vehicle owned by the veteran without paying a fee or penalty for the intervening years when the vehicle was not licensed, providing the veteran shows by suitable affidavit that the vehicle was not in use during a year in which it was not licensed. The vehicle must be licensed for the license fee applicable to the month of the year in which application for license is made.
2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified; provided, however, that whenever the department determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, the department may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:
- a. Farm tractors as defined in section 39-01-01, special mobile equipment and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.
 - b. Motor vehicles owned by or in possession of Indian mission schools, by this state or any of its agencies, departments, or political subdivisions, including school districts possessing a motor vehicle or vehicles used for driver education instruction, or by any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world; provided, however, that the vehicles must display license plates provided by the department at actual cost. Upon request, qualifying law enforcement motor vehicles must be issued a license plate under N.D.C.C. section 39-04-10.9. Each motor vehicle loaned or furnished by a licensed North Dakota motor vehicle dealer to a school district in North Dakota to be used exclusively for instructing pupils in the driver education and training program conducted by the school district will be assigned an official license plate. The license plates must be used only on the motor vehicles furnished by dealers and used in the driver education program, and for no other purpose except for garaging and safekeeping of the motor vehicle. A person may not use a driver education motor vehicle bearing official license plates for any purpose other than driver education course instruction. A person is not in violation of this subdivision if the person is required by the dealer or a school administrator to house or otherwise protect the vehicle at the person's home or other facility.

- c. Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles [32.19 kilometers]; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state. Nor may such vehicles be required to pay any other tax, and no registration fee or tax may be required when such vehicles do not leave the incorporated limits of any city while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city or contiguous cities and twenty miles [32.19 kilometers] distant therefrom. This section does not prevent trucks from coming into the state such distance as shall be necessary to reach the nearest railway shipping station. For purposes of this subdivision, an individual is a resident of this state if the individual is gainfully employed or engages in any trade, profession, or occupation within this state and owns, leases, or rents a place of residence or otherwise lives within this state for the purposes of employment, or regardless of domicile or any other circumstance, remains in this state for a period of at least ninety consecutive days. For purposes of this subdivision, a resident does not include a student at a university, college, or technical school in this state or a daily commuter from another jurisdiction if that jurisdiction exempts the vehicle of a daily commuter from this state from registration in that jurisdiction under a reciprocity agreement.
- d. Motor vehicles owned and operated by the United States government, or any foreign government, or any of their agencies or departments; provided, however, that such motor vehicles must display identification plates.
- e. Passenger motor vehicles registered in any other state or territory; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state. For purposes of this subdivision, an individual is a resident of this state if the individual is gainfully employed or engages in any trade, profession, or occupation within this state and owns, leases, or rents a place of residence or otherwise lives within this state for the purposes of employment, or regardless of domicile or any other circumstance, remains in this state for a period of at least ninety consecutive days. For purposes of this subdivision, a resident does not include a student at a university, college, or technical school in this state or a daily commuter from another jurisdiction if that jurisdiction exempts the vehicle of a daily commuter from this state from registration in that jurisdiction under a reciprocity agreement.
- f. Motor vehicles owned and operated by a manufacturer of motor vehicles when such motor vehicles are operated or moved such distance as may be authorized by the director from the factory where manufactured or assembled, to a depot or place of shipment or other point of delivery; provided, however, that such vehicles have displayed in plain sight the name

- and address of the manufacturer and a written permit from local police authorities.
- g. Motor vehicles owned and operated by a licensed North Dakota motor vehicle dealer from a railway depot, warehouse, salesroom, or place of shipment; provided, however, that such vehicles have displayed in plain sight the name and address of the dealer and a written permit from the local police authorities.
 - h. Motor vehicles owned and operated by nonresidents engaged in harvest of agricultural products from June first through December thirty-first of any one year; provided, however, that such motor vehicles have displayed thereon a decal or other means of identification issued by the director upon payment of a fee of fifty dollars.
 - i. Vehicles owned by nonresident military personnel stationed in this state and operated by such military personnel or their dependents, provided such vehicle is registered in the state or territory whereof such military person is a resident, and provided further that current license plates from such state or territory are displayed on such vehicle.
 - j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs is entitled to display either a distinctive license plate or a standard plate that does not identify the veteran as a veteran or disabled veteran which is issued by the department. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time. A surviving spouse of a disabled veteran who has not remarried and who is receiving department of veterans' affairs dependency and indemnity compensation retains the exemption of the deceased veteran who qualified under this subdivision for one vehicle.
 - k. Motor vehicles having not over two axles and not being used in combination owned and operated by nonresidents and any motor vehicle or combination of three axles or more operated in this state pursuant to a proportional licensing or other agreement or arrangement with any jurisdiction having motor vehicle registration authority.
 - l. Motor vehicles owned and operated by a resident building mover or by a resident well driller; provided, however, that such vehicles are used only for moving buildings or building-moving equipment, or are used only for drilling water wells or moving water well-drilling equipment; provided, further, that such vehicles display a license plate issued by the director upon the payment of a fee of twenty-five dollars for two axle trucks, fifty dollars for tandem axle trucks and single axle truck-tractor units, and seventy-five

dollars for each tandem axle truck-tractor unit. Any vehicle which has been issued this special motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the special motor vehicle license and the regular registration fee for such vehicle. Any vehicle which has been issued this special motor vehicle license and is found being operated upon the highways of this state without being equipped with special house-moving or well-drilling equipment shall forfeit the fee paid and, in addition, must be required to register under the regular motor vehicle registration law of this state. None of the above limitations may be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

- m. Any trailer, semitrailer, or farm trailer when the gross weight, not including the weight of the towing vehicle, does not exceed one thousand five hundred pounds [680.39 kilograms] and it is not for hire or commercial use, or when used to transport recreational vehicles or boats and it is not for hire or commercial use.
- n. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The crossing must be made at an angle of approximately ninety degrees to the direction of the highway
- o. Passenger motor vehicles, house cars, or pickup trucks not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces is entitled to display a distinctive license plate issued by the department. This exemption also applies to any passenger motor vehicle, house car, or pickup truck not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight subsequently purchased or acquired by such a former prisoner of war. This exemption applies to no more than two motor vehicles owned by a former prisoner of war at any one time. A surviving spouse of a former prisoner of war who has not remarried retains the exemption of the deceased veteran who qualified under this subdivision for one vehicle.
- p. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a veteran who was awarded the purple-heart is entitled to a distinctive license plate issued by the department. This exemption applies to one motor vehicle owned by a veteran who was awarded the purple-heart.

39-04-18.1. Failure to register upon gainful employment.

The provisions of N.D.C.C. § 39-04-18.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in N.D.C.C. section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18.

39-04-22. Motor vehicle exceeding registered gross weight for which licensed not to be operated on highway – Exception.

The provisions of N.D.C.C. § 39-04-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as otherwise provided by law, a motor vehicle, or a combination of motor vehicles, may not be operated upon the highways of this state when the gross weight exceeds the registered gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this section will be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration may not be construed to authorize the movement of loads in violation of chapter 39-12.

39-04-37. Violations of registration provisions.

The provisions of N.D.C.C. § 39-04-37 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled or revoked, or for which the registration fees required in this title have not been paid, or which does not have attached thereto and displayed thereon a number plate, plates, or validation tabs assigned thereto by the director for the current registration period, subject to the exemptions allowed in this title.
2. To display or cause or permit to be displayed, or to have in possession, any registration card, registration number plate, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
3. To lend any registration number plate, registration card, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
4. To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate, or validation tab which has been suspended, canceled, or revoked as is provided in this chapter.
5. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud

in any application.

39-04-41. Penalty for violation of provisions of this chapter.

The provisions of N.D.C.C. § 39-04-41 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person violating any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a class B misdemeanor.

39-04-55. Registration card to be carried in or on vehicle - Inspection of Card-Penalty.

The provisions of N.D.C.C. § 39-04-55 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The registration card issued for a vehicle must be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being operated upon a highway in this state. The card is subject to inspection by any peace officer or highway patrol officer. Any person violating this section must be assessed a fee of twenty dollars. However, a person cited for violation of this section may not be found to have committed the violation if the person, within forty-eight hours after being cited, produces and displays to any peace officer or highway patrol officer, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrol officer, upon citing a person for violating this section, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration card in the manner provided in this section. A peace officer or highway patrol officer receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

**ARTICLE 39-05
TITLE REGISTRATION**

39-05-17. Transfer of title of vehicle - Endorsement required - Certificate of title delivered - New certificate obtained - Penalty.

The provisions of N.D.C.C. § 39-05-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.

2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within thirty days.
3. If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.
4. Within thirty days, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars, and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.
5. A violation of this section by an owner, lienholder, or transferee is a class B misdemeanor.

ARTICLE 39-06 OPERATORS' LICENSES

39-06-01. Operators must be licensed - Additional licensing - Penalty.

The provisions of N.D.C.C. § 39-06-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual, unless exempted in this section, may not drive any motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state unless the individual has a valid license as an operator under this chapter or a temporary operator's permit issued under article 39-20. An individual may not receive an operator's license or a non-driver identification card until that individual surrenders to the director all operator's licenses, permits, and non-driver photo identification cards issued to that individual by any state or country. If a license issued by another state is surrendered, the director shall notify the issuing state of the surrender. An individual may be issued either a valid operator's license or a non-driver identification card at any one time, but not both.
2. An individual licensed as an operator may exercise the privilege granted by the license on any highway in this state and may not be required to obtain any other license to exercise the privilege by any political subdivision having authority to adopt police regulations, except that municipalities may regulate occupations and may regulate the operation of taxicabs under subsection 27 of section 40-05-01 of the N.D.C.C..

39-06-01.1. Special provisions for minor operators.

The provisions of N.D.C.C. § 39-06-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The director shall cancel the operator's license of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense or a drug-related offense while operating a motor vehicle, if:
 - a. The acts or offenses were committed while the individual was a minor; and
 - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license to operate a motor vehicle canceled under subsection 1, the director shall deem that individual to have never have had any license to operate a motor vehicle and may not issue any license to operate a motor vehicle other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other operator's license to that individual until that individual:
 - a. Meets the requirements of section 39-06-17. The driver education requirement may be met through either an internet course or successfully completing a course at an approved commercial driver training school meeting the requirements of N.D.C.C. chapter 39-25; and
 - b. Satisfies all other requirements that apply to that individual for that operator's license.

39-06-02. Individuals who are exempt from having an operator's license – Resident defined.

The provisions of N.D.C.C. § 39-06-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The following individuals are exempt from having an operator's license:
 - a. An employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business.
 - b. A nonresident who is at least sixteen years of age, who has in that individual's immediate possession a valid operator's license issued to that individual in that individual's home state or country.
 - c. A member of the armed forces of the United States while that individual is stationed in North Dakota, if that individual has a valid current operator's license from another state.
 - d. An individual over sixteen years of age who becomes a resident of this state and who has in possession a valid operator's license issued to that individual under the laws of some other state or country or by military authorities of

the United States for a period of not more than sixty days after becoming a resident of this state.

- e. A member of the North Dakota national guard operating any military vehicles as authorized by a national guard operator's license while on duty.
2. For purposes of this chapter, an individual is deemed a resident of this state when the individual has lived in the state for ninety consecutive days, unless the individual is a nonresident student, a tourist, or a member of the armed forces.

39-06-04. Class D instruction permit.

The provisions of N.D.C.C. § 39-06-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any resident of this state who is at least fourteen years of age may apply to the director for a class D instruction permit.
2. The director may issue a class D instruction permit that entitles the applicant while having the permit in the permittee's immediate possession to drive a motor vehicle upon the public highways, if the individual:
 - a. Has successfully passed a standard written rules of the road knowledge test prescribed by the director;
 - b. Has successfully passed a vision examination; and
 - c. Has the written approval of the individual's parent or legal guardian.
3. The permittee must be accompanied by an individual with a class A, B, C, or D license in a vehicle allowed to be operated with a class D license, who is at least eighteen years of age, who has had at least three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permit holder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permit holder.
4. An individual who is not yet eighteen years of age is not eligible for a class D license until that individual has had an instruction permit issued for at least six months or at least twelve months if under the age of sixteen. The director may recognize an instruction permit issued by another jurisdiction in computing the six-month or twelve-month instructional period.
5. The permittee may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

39-06-06. Temporary operator's permit.

The provisions of N.D.C.C. § 39-06-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The director may issue a temporary operator's permit for the operation of a motor vehicle to an applicant for an operator's license pending an investigation and determination of facts relative to the applicant's right to receive an operator's license. The permit must be in the applicant's immediate possession while operating a motor vehicle and is invalid if the applicant's license has been issued or denied.

39-06-16. License to be carried and exhibited on demand.

The provisions of N.D.C.C. § 39-06-16 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual licensed to operate a motor vehicle shall have the operator's license in the individual's immediate possession at all times when operating a motor vehicle and shall physically surrender the operator's license, upon demand of any court, police officer, or a field deputy or inspector of the department. However, an individual charged with violating this section may not be convicted or assessed any court costs if the individual produces in court or in the office of the arresting officer a valid operator's license issued to that individual that is not under suspension, revocation, or cancellation at the time of the individual's arrest.

39-06-17. Restricted licenses - Penalty for violation.

The provisions of N.D.C.C. § 39-06-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon issuing an operator's license or a temporary restricted operator's license under N.D.C.C. § 39-06.1-11, the director may impose restrictions suitable to a licensee's driving ability with respect to the type of motor vehicle, special mechanical control devices required on a motor vehicle that the licensee may operate, or any other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The director may either issue a special restricted class D license or may state the restrictions upon the usual license form. In the same manner, the director shall restrict licenses under N.D.C.C. § 39-16.1-09.
2. The director may issue a restricted class D license to operate the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile to a minor, who is at least fifteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A minor may operate a motor vehicle that is not the parent's or guardian's to take the actual ability test. The parent, guardian, grandparent, sibling, aunt, or uncle at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by a minor. A restricted class D license may not be issued to a minor unless the minor, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The minor is at least fifteen years of age;
 - b. The minor is qualified to operate an automobile safely;

- c. It is necessary for the child to drive the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile without being accompanied by an adult;
 - d. The minor has successfully completed an approved driver's education course that includes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director or has successfully completed a course at an approved commercial driver training school; and
 - e. The minor has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions.
3. The provisions of subsection 2 do not authorize a minor to drive a commercial truck, motorbus, or taxicab except the holder of a restricted class D license may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] while used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.
4. A minor with a restricted class D license issued under subsection 2 may operate the type or class of motor vehicle specified on the restricted license under the following conditions:
- a. A restricted license holder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted class D license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.
 - c. An individual holding a restricted class D license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.
 - d. An individual holding a restricted class D license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity.
5. Upon receiving satisfactory evidence of any violation of the restrictions of a license, the director may suspend or revoke the license but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
6. It is a class B misdemeanor for an individual to operate a motor vehicle in any manner in violation of the restrictions imposed under this section except for the restrictions in subsection 4.
7. If a temporary restricted license is issued under N.D.C.C. § 39-06.1-11 and the underlying suspension was imposed for a violation of N.D.C.C. § 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided

in subsection 2 of N.D.C.C. § 39-06-42. Upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's temporary restricted license and shall extend the underlying suspension for a like period of not more than one year.

8. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the individual to the status held by the individual before the conviction, including restoration of driving privileges if appropriate.

39-06-38. No operation under foreign license during suspension or revocation in this state.

The provisions of N.D.C.C. § 39-06-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any resident or nonresident whose operator's license in this state has been suspended or revoked under this title may not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension or after the revocation until a new operator's license is obtained when and as permitted under this title.

39-06-40. Unlawful use of license - Penalty.

The provisions of N.D.C.C. § 39-06-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. It is a class B misdemeanor for an individual:
 - a. To display or cause or permit to be displayed or have in possession any canceled, revoked, fictitious, or fraudulently altered operator's license or non-driver photo identification card;
 - b. To lend that individual's operator's license or non-driver photo identification card to any other individual or knowingly permit the use of that individual's operator's license or non-driver photo identification card by another individual;
 - c. To display or represent as an individual's own any operator's license or non-driver photo identification card not issued to that individual;
 - d. To fail or refuse to surrender to the director upon demand any operator's license or non-driver photo identification card that has been suspended, revoked, or canceled;
 - e. To permit any unlawful use of an operator's license or non-driver photo identification card issued to that individual; or
 - f. To use a false or fictitious name in any application for an operator's license or non-driver photo identification card or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.
2. Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, the director shall revoke the individual's operator's license or non-driver photo identification card. The director may set the period of

revocation, not to exceed six months.

39-06-40.1. Reproducing operator's license - Penalty.

The provisions of N.D.C.C. § 39-06-40.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. It is unlawful for an individual to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's license, non-driver photo identification card, or facsimile of an operator's license or card, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's license or card or facsimile of an operator's license or card, in a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in possession any print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.
2. It is unlawful for an individual to alter in any manner any operator's license or non-driver photo identification card or to display or have in possession an altered operator's license or non-driver photo identification card.
3. An individual violating this section is guilty of a class B misdemeanor.
4. Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, the director shall revoke the operator's license or cancel the non-driver photo identification card of the individual. The director may set the period of revocation, not to exceed six months.

39-06-42. Penalty for driving while license suspended or revoked - Impoundment of vehicle number plates - Authority of cities.

The provisions of N.D.C.C. § 39-06-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Except as provided in N.D.C.C. § 39-06.1-11, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while an individual's operator's license is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of N.D.C.C. § 39-08-01 or equivalent ordinance or was governed by N.D.C.C. § 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of N.D.C.C. § 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the

offense and the defendant provides to the court satisfactory evidence of the reinstatement.

4. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the sheriff. If a period of suspension has been extended under subsection 6 of N.D.C.C. § 39-06-17, the court may order the number plates to be destroyed under this subsection. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the sheriff and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.
5. The City hereby authorizes its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 4.

39-06-44. Permitting unauthorized minor to drive.

The provisions of N.D.C.C. § 39-06-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual may not cause or knowingly permit the individual's minor child or ward to operate a motor vehicle upon any highway if the minor is not authorized under this chapter or in violation of this chapter.

39-06-45. Permitting unauthorized individual to drive.

The provisions of N.D.C.C. § 39-06-45 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual may not authorize or knowingly permit a motor vehicle owned by the individual or under the individual's control to be operated upon any highway by any individual who is not authorized under this chapter or in violation of this chapter.

ARTICLE 39-06.1 DISPOSITION OF TRAFFIC OFFENSES

39-06.1-01. Definitions.

The provisions of N.D.C.C. § 39-06.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

As used in this title:

1. "Adjudication" and "admission" means an official determination, in the manner

- provided by law, that a traffic violation has been committed by a named driver.
2. "Equivalent ordinance" means an ordinance of a city, state, or other jurisdiction which is comparable to the cited statute and defines essentially the same offense, even if the language of the ordinance differs or procedural points or methods of proof differ.
 3. "Official" means a municipal judge or a magistrate or other qualified individual appointed by the presiding judge of the judicial district to serve for all or part of the judicial district.
 4. "Points" means the number of demerits assigned to particular types of traffic violations.

39-06.1-02. Traffic violations noncriminal - Exceptions - Procedures.

The provisions of N.D.C.C. § 39-06.1-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual cited, in accordance with N.D.C.C. § 39-07-07 and 39-07-08, for a traffic violation under state law or municipal ordinance, other than an offense listed in N.D.C.C. § 39-06.1-05, is deemed to be charged with a noncriminal offense.
 - a. The individual may appear before the designated official and pay the statutory fee for the violation charged at or before the time scheduled for a hearing.
 - b. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.
2. If the individual is cited for a traffic violation under state law and posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the violation admitted. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official in accordance with N.D.C.C. § 39-06.1-03.
3. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive, reduce, or suspend the statutory fee or bond, or both. If the individual cited follows the foregoing procedures, the individual is deemed to have admitted the violation and to have waived the right to a hearing on the issue of commission of the violation.
4. The bond required to secure appearance must be identical to the statutory fee established by N.D.C.C. § 39-06.1-06.
5. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the director:
 - a. Admission of the violation; and
 - b. In speeding violations, whether the speed charged was in excess of the

lawful speed limit by more than nine miles [14.48 kilometers] per hour and the miles [kilometers] per hour by which the speed limit was exceeded.

6. Under this section a citing police officer may not receive the statutory fee or bond.

39-06.1-02.1. Notification of parents or guardians of juvenile traffic offenders.

The provisions of N.D.C.C. § 39-06.1-02.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The clerk of court shall notify the parent or guardian of any juvenile appearing before the court on a traffic offense of the charge as contained in the citation, the penalty attached to the offense, and the time and place of any court hearing on the matter.

39-06.1-03. Administrative hearing - Procedures - Appeals - Stay orders.

The provisions of N.D.C.C. § 39-06.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual cited for a traffic violation, other than an offense listed in N.D.C.C. § 39-06.1-05, who does not follow one of the procedures in section 39-06.1-02, may request a hearing on the issue of commission of the charged violation. The hearing must be held at the time scheduled in the citation, at the time scheduled in response to the individual's request, or at some future time, not to exceed ninety days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the individual charged shall deposit with the official having jurisdiction an appearance bond equal to the statutory fee for the charged violation.
3. If an individual cited for a traffic violation, other than an offense listed in N.D.C.C. § 39-06.1-05, has requested a hearing on the issue of the commission of the charged violation and appears at the time scheduled for the hearing, and the prosecution does not appear or is not ready to prove the commission of a charged violation at the hearing, the official shall dismiss the charge.
4. If the official finds that the individual had committed the traffic violation, the official shall notify the director of that fact, and whether the individual was driving more than nine miles [14.48 kilometers] per hour in excess of the lawful limit, stating specifically the miles [kilometers] per hour in excess of the lawful limit, if charged with a speeding violation, within ten days of the date of the hearing. The fact that an individual has admitted a violation, or has, in any proceeding, been found to have committed a violation, may not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an action or proceeding involving that individual's operator's license.
5. a. An individual may not appeal a finding from a district judge or magistrate that the individual committed the violation. If an individual is aggrieved by a finding in the municipal court that the individual committed the violation, the individual may, without payment of a filing fee, appeal that finding to

the district court for trial anew. If, after trial in the appellate court, the individual is again found to have committed the violation, there is no further appeal. Notice of appeal under this subsection must be given within thirty days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that the official adjudges that a violation has been committed. Otherwise, notice of appeal must be in writing and filed with the official, and a copy of the notice must be served upon the prosecuting attorney. An appeal taken under this subsection may not operate to stay the reporting requirement of subsection 4, nor to stay appropriate action by the director upon receipt of that report.

- b. The appellate court upon application by the appellant may:
- (1) Order a stay of any action by the director during pendency of the appeal, but not to exceed a period of one hundred twenty days;
 - (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the director to be effective for no more than one hundred twenty days; or
 - (3) Deny the application.

An application for a stay or temporary certificate under this subdivision must be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the director may charge a fee of three dollars. Any order granting a stay or a temporary certificate must be immediately forwarded by the clerk of court to the director, who immediately shall issue a temporary certificate in accordance with the order in the manner provided by law. A court may not make a determination on an application under this subdivision without notice to the appropriate prosecuting attorney. An individual who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued under this subdivision is guilty of a traffic violation and must be assessed a fee of twenty dollars.

- c. If the individual charged is found not to have committed the violation by the appellate court, the clerk of court shall report that fact to the director immediately. Unless the appropriate state's attorney consents to prosecute the appeal, if an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.

6. The state or the city, as appropriate, must prove the commission of a charged violation at the hearing or appeal under this section by a preponderance of the evidence. Upon an appeal under subsection 5, the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.

39-06.1-04. Failure to appear, pay statutory fee, post bond - Procedure - Penalty.

The provisions of N.D.C.C. § 39-06.1-04 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

If an individual fails to choose one of the methods of proceeding in N.D.C.C. § 39-06.1-02 or 39-06.1-03, the individual is deemed to have admitted to commission of the charged violation, and the official having jurisdiction shall report the admission to the director within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, if signing is required by law, or failure to appear without paying the statutory fee or posting and forfeiting bond is a class B misdemeanor. Failure to appear without just cause at the hearing is deemed an admission of commission of the charged violation.

39-06.1-05. Offenses excepted.

The provisions of N.D.C.C. § 39-06.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The procedures authorized under N.D.C.C. § 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of N.D.C.C. § 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of N.D.C.C. § 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of N.D.C.C. § 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of N.D.C.C. § 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of N.D.C.C. § 39-24-09.
7. Operating an unsafe vehicle in violation of subsection 2 of N.D.C.C. § 39-21-46.
8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of N.D.C.C. § 39-10-26.

39-06.1-06. Amount of statutory fees.

The provisions of N.D.C.C. § 39-06.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance, except that the City hereby exercises its powers, pursuant to N.D.C.C. § 40-05-06(2), to increase certain fees as set forth below.

The fees required for a noncriminal disposition under 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in 39-06.1-08, a fee of forty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of forty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of one hundred dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or

- subsection 1 of section 39-10-28, a fee of one hundred dollars.
- c. A violation of section 39-21-41.2, a fee of fifty dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of sixty dollars.
 - j. A violation of section 39-09-01.1, a fee of sixty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of two hundred dollars.
 - l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
 - m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
 - n. A violation of section 39-10-50.1, a fee of one hundred dollars.
3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
 4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit Fee

1 - 5	\$10
6 - 10	\$10 plus \$2/each mph over 5 mph over limit
11 - 15	\$20 plus \$2/each mph over 10 mph over limit
16 - 20	\$30 plus \$4/each mph over 15 mph over limit
21 - 25	\$50 plus \$6/each mph over 20 mph over limit
26 - 35	\$80 plus \$6/each mph over 25 mph over limit
36 - 45	\$140 plus \$6/each mph over 35 mph over limit
46 +	\$200 plus \$10/each mph over 45 mph over limit
 5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit Fee

1 - 10	\$4/each mph over limit
11 +	\$40 plus \$10/each mph over 10 mph over limit
 6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:
 - a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
 - c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
 - d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.
- 7.
 - 8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars, plus two dollars for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.
 - 9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section.

The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

39-06.1-08. Nonmoving violation defined.

The provisions of N.D.C.C. § 39-06.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purposes of section 39-06.1-06, a "nonmoving violation" means:

- 1. A violation of N.D.C.C. § 39-04-11, subsection 1 of N.D.C.C. § 39-04-37 by an individual by becoming a resident of this state, subsection 4 of N.D.C.C. § 39-06-17, and N.D.C.C. § 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
- 2. A violation, discovered at a time when the vehicle is not actually being operated, of N.D.C.C. § 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

39-06.1-09. Moving violation defined.

The provisions of N.D.C.C. § 39-06.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purposes of 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of

N.D.C.C. § 39-04-22, subsection 1 of N.D.C.C. § 39-04-37, N.D.C.C. § 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of N.D.C.C. § 39-12-02, N.D.C.C. § 39-12-04, 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 of subsection 5 of N.D.C.C. § 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of N.D.C.C. § 39-10-26, N.D.C.C. § 39-21-44, and subsections 2 and 3 of N.D.C.C. § 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of N.D.C.C. § 39-06.1-08.

ARTICLE 39-07 GENERAL REGULATIONS GOVERNING TRAFFIC

39-07-01. Bicycle or ridden animal to be deemed vehicle.

The provisions of N.D.C.C. § 39-07-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purposes of article 39-08 through 39-13, a bicycle or a ridden animal must be deemed a vehicle.

39-07-02. Owner of property used for vehicular travel may prohibit or require additional conditions to use.

The provisions of N.D.C.C. § 39-07-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The provisions of article 39-08 through 39-13, and article 39-21, may not be construed to prevent the owner of real property used by the public for purposes of vehicular travel, by the permission of such owner and not as a matter of right, from prohibiting such use nor from requiring different or additional conditions other than those specified in such chapters or otherwise regulating such use as may seem best to such owner.

39-07-03. Through highways designated by director and local authorities - Stop and yield intersections.

The provisions of N.D.C.C. § 39-07-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The director with reference to state highways, and local authorities, with reference to highways under their jurisdiction, may, by proclamation, designate as through highways, any highway, street, or part thereof, and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

39-07-05. Persons working on highways - Exceptions.

The provisions of N.D.C.C. § 39-07-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Unless specifically made applicable, the provisions of N.D.C.C. chapters 39-08, 39-09, 39-10, and 39-12, except sections 39-08-01, 39-08-03, and 39-08-19, do not apply to persons, motor vehicles, and other equipment while actually engaged in work upon a highway, but do apply to such persons and vehicles when traveling to or from such work.

39-07-06. General penalty for violation of title.

The provisions of N.D.C.C. § 39-07-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person violating any of the provisions of this title for which another criminal penalty is not provided specifically is guilty of an infraction. As used in this section, the phrase "another criminal penalty" includes provision for payment of a fixed fee for violating another section in this title but does not include any other administrative sanction which may be imposed.

39-07-07. Halting person for violating traffic regulations - Duty of officer halting.

The provisions of N.D.C.C. § 39-07-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any person is halted for the violation of any of the provisions of N.C.C.C. chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting that person, except as otherwise provided in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:

1. Take the name and address of the person;
2. Take the license number of the person's motor vehicle; and
3. If a city ordinance or state criminal traffic violation, issue a summons or otherwise notify that person in writing to appear at a time and place to be specified in the summons or notice or, if a state noncriminal traffic violation, notify the person of the right to request a hearing when posting bond by mail.

A halting officer employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under N.D.C.C. § 39-06.1-02. The officer shall provide the person with an envelope for use in mailing the bond.

39-07-08. Hearing - Time - Promise of defendant to appear - Failure to appear - Penalty.

The provisions of N.D.C.C. § 39-07-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The time to be specified in the summons or notice provided for in 9-07-07 must be within thirty-five days after the issuance of the summons or notice or earlier if so ordered by the magistrate of the city or county having jurisdiction over the offense or if the person halted demands an earlier hearing. If the person halted desires, the person may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four hours. The hearing must be before a magistrate of the city or county in which the offense was committed. If an immediate hearing is demanded, a district judge serving the county, with the consent of the respective prosecuting attorneys, may order the hearing to be held in any of the counties in which the district judge has jurisdiction, rather than in the county where the offense was allegedly committed. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, the officer shall release the person from custody. Any person refusing to give a written promise to appear must be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating the person's written promise to appear is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which the person originally was halted. The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section.

39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.

The provisions of N.D.C.C. § 39-07-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in N.D.C.C. § 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
 - a. Reckless driving.
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - c. Driving while license or driving privilege is suspended or revoked for violation of N.D.C.C. § 39-06-42, or an equivalent ordinance.
 - d. Driving without liability insurance in violation of N.D.C.C. § 39-08-20.
 - e. Failing to display a placard or flag, in violation of any rule implementing N.D.C.C. § 39-21-44, while transporting explosive or hazardous materials.
 - f. Operating an unsafe vehicle in violation of subsection 2 of N.D.C.C. § 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate.

**ARTICLE 39-08
REGULATIONS GOVERNING OPERATORS**

39-08-01. Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty.

The provisions of N.D.C.C. § 39-08-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.
 - e. That individual refuses to submit to any of the following:
 - (1) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under N.D.C.C. § 39-06.2-10.2 if the individual is driving or is in actual physical control of a commercial motor vehicle; or
 - (2) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under N.D.C.C. § 39-20-01.
 - f. Subdivision e does not apply to an individual unless the individual has been advised of the consequences of refusing a chemical test consistent with the Constitution of the United States and the Constitution of North Dakota. The fact any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section. It is an affirmative defense that a drug

was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person. If the individual violated subdivisions a, b, c, or d of this subsection and subdivision e of this subsection and the violations arose from the same incident, for purposes of suspension or revocation of an operator's license, the violations are deemed a single violation and the court shall forward to the department of transportation only the conviction for driving under the influence or actual physical control.

2. An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests, required under N.D.C.C. § 39-06.2-10.2 or 39-20-01, is guilty of an offense under this section.
3. An individual violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a seven-year period, of a class A misdemeanor for a third offense in a seven-year period, and of a class C felony for any fourth or subsequent offense within a fifteen-year period. The minimum penalty for violating this section is as provided in subsection 5. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense finding based on other evidence.
4. Upon conviction of a second or subsequent offense within seven years under this section or equivalent ordinance, the court may order the motor vehicle number plates of all of the motor vehicles owned and operated by the offender at the time of the offense to be destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation. The court may make an exception to this subsection, on an individual basis, to avoid undue hardship to an individual who is completely dependent on the motor vehicle for the necessities of life, including a family member of the convicted individual and a co-owner of the motor vehicle, or if the offender is participating in the twenty-four seven sobriety program.
5. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
 - a.
 - (1) For a first offense, the sentence must include both a fine of at least five hundred dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - (2) In addition, for a first offense when the convicted person has an alcohol concentration of at least sixteen one-hundredths of one percent by weight, the offense is an aggravated first offense and the sentence must include a fine of at least seven hundred fifty dollars and at least two days' imprisonment.
 - b. For a second offense within seven years, the sentence must include at least ten days' imprisonment, of which forty-eight hours must be served

consecutively; a fine of one thousand five hundred dollars; an order for addiction evaluation by an appropriate licensed addiction treatment program; and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

- c. For a third offense within seven years, the sentence must include at least one hundred twenty days' imprisonment; a fine of at least two thousand dollars; an order for addiction evaluation by an appropriate licensed addiction treatment program; at least three hundred sixty days' supervised probation; and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
- d. For a fourth or subsequent offense within fifteen years, the sentence must include at least one year and one day's imprisonment; a fine of at least two thousand dollars; an order for addiction evaluation by an appropriate licensed treatment program; at least two years' supervised probation; and participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
- e. The imposition of sentence under this section may not be deferred under subsection 4 of N.D.C.C. § 12.1-32-02 for an offense subject to this section.
- f. If the offense is subject to subdivision a or b, a municipal court or district court may not suspend a sentence, but may convert each day of a term of imprisonment to ten hours of community service for an offense subject to paragraph 2 of subdivision a. If the offense is subject to subdivision c, the district court may suspend a sentence, except for sixty days' imprisonment, under subsection 3 of N.D.C.C. § 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the offense is subject to subdivision d, the district court may suspend a sentence, except for one year's imprisonment, under subsection 3 of N.D.C.C. § 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the defendant is found to be in need of alcohol and substance abuse treatment and rehabilitation, the district court may order the defendant placed under the supervision and management of the department of corrections and rehabilitation and is subject to the conditions of probation under N.D.C.C. § 12.1-32-07. The district court may require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the drug court program as a condition of probation in accordance with rules adopted by the supreme court. The district court may terminate probation under this section when the defendant completes the drug treatment program. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with this subsection.

- g. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in this section.
 - h. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program under subdivision g of subsection 1 of N.D.C.C. § 12.1-32-02 and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section. A court may not order the department of corrections and rehabilitation to be responsible for the costs of treatment in a private treatment facility.
 - i. If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the individual in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to begin the court-ordered period of probation. If there is not any court-ordered period of probation, the court may order the individual to serve the remainder of the sentence of imprisonment on supervised probation and the terms and conditions must include participation in the twenty-four seven sobriety program and any terms and conditions of probation previously imposed by the court. Probation under this subsection may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. Individuals incarcerated under this section subsequent to a second probation revocation are not eligible for release from imprisonment upon the successful completion of treatment.
 - j. If the individual has participated in the twenty-four seven sobriety program as a condition of pretrial release or for the purpose of receiving a temporary restricted operator's license under N.D.C.C. § 39-06.1-11, the sentencing court may give credit for the time the individual has already served on the twenty-four seven sobriety program when determining the amount of time the individual must serve on the twenty-four seven sobriety program for the purposes of probation, if that individual has not violated the twenty-four seven sobriety program before sentencing.
6. As used in subdivisions b and c of subsection 5, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention and the defendant shall participate in the twenty-four seven sobriety program. The defendant shall defray all costs associated with the electronic home detention. For an offense under subdivision b or c of subsection 5, no more than ninety percent of

the sentence may be house arrest.

7. As used in this title, participation in the twenty-four seven sobriety program under chapter 54-12 means compliance with N.D.C.C. § 54-12-27 through 54-12-31, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees. For purposes of this section, the twenty-four seven sobriety program is a condition of probation and a court may not order participation in the program as part of the sentence. If an individual ordered to participate in the twenty-four seven program is not a resident of this state, that individual shall enroll in a twenty-four seven program or an alcohol compliance program if available in that individual's state of residence and shall file proof of such enrollment.

39-08-01.1. Prior offenses.

The provisions of N.D.C.C. § 39-08-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For purposes of this chapter, N.D.C.C. chapter 39-06.1, and chapter 39-20 a previous conviction does not include any prior violation of N.D.C.C. § 39-08-01 or equivalent ordinance if the offense occurred prior to July 1, 1981.

39-08-01.3. Alcohol-related traffic offenses - Seizure, forfeiture, and sale of motor vehicles.

The provisions of N.D.C.C. § 39-08-01.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A motor vehicle owned and operated by an individual upon a highway or upon public or private areas to which the public has a right of access for vehicular use may be seized, forfeited, and sold or otherwise disposed of pursuant to an order of the court at the time of sentencing if the individual is in violation of N.D.C.C. § 39-08-01, 39-08-01.2, or 39-08-01.4, or an equivalent ordinance and has been convicted of violating N.D.C.C. § 39-08-01 or an equivalent ordinance at least one other time within the seven years preceding the violation.

39-08-01.6. Criminal record - Seal - Exception.

The provisions of N.D.C.C. § 39-08-01.6 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The court shall seal an individual's criminal record under N.D.C.C. § 12.1-32-07.1 and 12.1-32-07.2 if the individual:
 - a. Has pled guilty or nolo contendere to, or has been found guilty of a violation under N.D.C.C. § 39-08-01; and
 - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent violation of N.D.C.C. § 39-08-01, or any other criminal offense,

within seven years of the first violation under N.D.C.C. § 39-08-01.

2. This section does not apply to an individual licensed as a commercial driver under N.D.C.C. § 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of enhancement under subsection 3 of N.D.C.C. § 39-08-01.

39-08-02. Person conveying passengers not to engage drivers addicted to intoxicants - Penalty.

The provisions of N.D.C.C. § 39-08-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person owning or having the direction or control of any vehicle for the conveyance of passengers in this state may employ or continue in the person's employment as a driver of such vehicle any person who is known to the actor to be addicted to a controlled substance or given to the excessive use of controlled substances or intoxicating liquors. Any person violating the provisions of this section is guilty of an infraction and is liable for all damages sustained by reason of such violation.

39-08-03. Reckless driving - Aggravated reckless driving - Penalty.

The provisions of N.D.C.C. § 39-08-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person is guilty of reckless driving if the person drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another. Except as otherwise herein provided, any person violating the provisions of this section is guilty of a class B misdemeanor.

39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.

The provisions of N.D.C.C. § 39-08-03.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of fifty dollars. Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of one hundred dollars.
2. As used in this section:
 - a. "Drag race" means the operation of two or more vehicles from a point side

by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.

- b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.
 - c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long-distance driving route.
3. Nothing in this section shall be construed as prohibiting drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for such purposes by drivers of motor vehicles, including snowmobiles.

39-08-04.1. Emergency care or services rendered - Liability.

The provisions of N.D.C.C. § 39-08-04.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person who is an unpaid volunteer, who in good faith, renders emergency care or services at or near the scene of an accident, disaster, or other emergency, or en route to a treatment facility, is not liable to the recipient of the emergency care or services for any damages resulting from the rendering of that care or services. This section does not relieve a person from liability for damages resulting from the intoxication, willful misconduct, or gross negligence of the person rendering the emergency care or services. Further, liability is not relieved if the emergency care was rendered for remuneration or with the expectation of remuneration.

39-08-05. Accidents involving damage to vehicle - Penalty.

The provisions of N.D.C.C. § 39-08-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until the driver has fulfilled the requirements of N.D.C.C. § 39-08-06. Every such stop must be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances is guilty of a class B misdemeanor.

39-08-06. Duty to give information and render aid.

The provisions of N.D.C.C. § 39-08-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting in injury to or the death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name and address, and the name of the motor vehicle insurance policy carrier of the driver and owner, as well as the registration number, of the vehicle. Upon request, and if available, the driver of any vehicle involved in the accident shall exhibit the driver's operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any other vehicle involved in the accident and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the carrying is requested by the injured person.

39-08-08. Duty upon striking highway fixtures or other property.

The provisions of N.D.C.C. § 39-08-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting only in damage to highway fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's operator's or chauffeur's license and shall make report of such accident when and as required in N.D.C.C. § 39-08-09.

39-08-09. Immediate notice of accident - Penalty.

The provisions of N.D.C.C. § 39-08-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle involved in an accident resulting in injury to or death of any individual, or property damage to an apparent extent of at least four thousand dollars, shall immediately give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. A driver who violates this section must be assessed a fine of fifty dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the driver shall supply that information to the

- driver's license division in the form the division requires.
2. The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in N.D.C.C. § 39-08-06 through 39-08-09 until those duties have been fulfilled, and the director may extend the suspension not to exceed thirty days.
 3. The driver of a vehicle involved in an accident with an undomesticated animal resulting in property damage only to the driver's vehicle is exempt from the notice requirements of this section, regardless of the amount of damage to the driver's vehicle.

39-08-11. When driver unable to report.

The provisions of N.D.C.C. § 39-08-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
3. Whenever the driver is physically incapable of giving notice of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident give such notice and insurance information not given by the driver.

39-08-18. Open container law - Penalty.

The provisions of N.D.C.C. § 39-08-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not drink or consume alcoholic beverages, as defined in N.D.C.C. § 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not

normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.

39-08-19. Penalty for harassment of domestic animals.

The provisions of N.D.C.C. § 39-08-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person operating a motorcycle, snowmobile, or other motor vehicle who willfully harasses or frightens any domestic animal, is, upon conviction, guilty of a class B misdemeanor. If injury or death results to the animal due to such action, such person is liable for the value of the animal and exemplary damages as provided in N.D.C.C. § 36-21-13.

39-08-20. Driving without liability insurance prohibited - Penalty.

The provisions of N.D.C.C. § 39-08-20 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by N.D.C.C. chapter 39-16.1.
2. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, including written or electronic proof of insurance, of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section. If that person produces satisfactory evidence, including

written or electronic proof of insurance, of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the office of the court under which the matter will be heard, that person may not be found in violation of subsection 1.

3. Notwithstanding N.D.C.C. § 26.1-30-18, a person may be in violation of subsection 1 for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle.
4. For a second or subsequent violation of subsection 1 or equivalent ordinance, the court shall order the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation to be impounded until that person provides proof of insurance and a twenty dollar fee to the court. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court. The court shall deliver the number plates to the office of the police officer that made the arrest and notify the department of the order. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.
5. For a violation of subsection 1 or equivalent ordinance, the person shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of one year and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
6. A person who has violated subsection 1 or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars and the fee to remove this notation is fifty dollars.
7. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

39-08-20.1. Uninsured motorist - Insurance deductible.

The provisions of N.D.C.C. § 39-08-20.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person causes damage to another or another's property with a motor vehicle while in violation of N.D.C.C. § 39-08-20, at minimum the court shall order that person to pay to the other person the amount of the deductible on that person's insurance.

39-08-20.2. Special mobile equipment and liability insurance - Report - Penalty.

The provisions of N.D.C.C. § 39-08-20.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Special mobile equipment is not subject to the requirement of a motor vehicle liability policy under N.D.C.C. § 39-08-20. However, special mobile equipment must be covered under a liability policy. Failure to provide satisfactory evidence of liability coverage required under this section within ten days after a police officer has requested evidence of liability coverage is an infraction punishable solely by a fine of one hundred fifty dollars for a first violation and is an infraction punishable solely by a fine of three hundred dollars for a second or subsequent violation in three years. A municipal court or district court shall make a report of a violation of this section to the secretary of state for any special mobile equipment owned or operated by a contractor licensed under N.D.C.C. chapter 43-07.

39-08-21. Medical qualifications exemption for intrastate drivers.

The provisions of N.D.C.C. § 39-08-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Notwithstanding the adoption by the superintendent of the state highway patrol of federal motor carrier safety regulations pursuant to subsection 3 of N.D.C.C. § 39-21-46, the provisions of 49 CFR 391.41(b)(1)-(11) do not apply to a person who is qualified through a state medical waiver program to operate a commercial motor vehicle within the boundaries of this state or a person who:

1. Is otherwise qualified to operate a commercial motor vehicle and who possesses, on March 26, 1991, a class 1 license issued pursuant to N.D.C.C. § 39-06-14, as that section existed on June 30, 1989, or a class A license issued pursuant to N.D.C.C. chapter 39-06.2;
2. Operates a commercial motor vehicle only within the boundaries of this state; and
3. Has a medical or physical condition that:
 - a. Would prevent such person from operating a commercial motor vehicle under federal motor carrier safety regulations contained in 49 CFR, chapter III, subchapter B;
 - b. Existed on March 26, 1991, or at the time of the first required physical examination after that date; and
 - c. An examining physician has determined has not substantially worsened

since March 26, 1991, or the time of the first required physical examination after that date.

39-08-22. Nonpayment for motor fuels - Penalty.

The provisions of N.D.C.C. § 39-08-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. For a theft offense in violation of chapter 12.1-23 which involves a person who leaves the premises of an establishment at which motor fuel is offered for retail sale after motor fuel was dispensed into the fuel tank of a motor vehicle that that person drove away without having made due payment or authorized charge for the motor fuel dispensed, the court may:
 - a. Upon a person's second conviction, order the suspension of the person's driving privileges for up to three months; and
 - b. Upon a person's third or subsequent conviction, order the suspension of the person's driving privileges for up to six months.
2. As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or deferred or probation was granted after the conviction. Forfeiture of bail, bond, or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to conviction.

39-08-23. Use of a wireless communications device prohibited.

The provisions of N.D.C.C. § 39-08-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.
2. Under this section:
 - a. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes electronic mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
 - (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
 - (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
 - (3) Using a device capable of performing multiple functions, such as

- fleet management systems, dispatching devices, phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
 - (4) Voice or other data transmitted as a result of making a telephone or cellular phone call;
 - (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual; or
 - (6) A wireless communications device used in a voice-activated, voice-operated, or any other hands-free manner.
- b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.
3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

39-08-24. Use of an electronic communication device by minor prohibited.

The provisions of N.D.C.C. § 39-08-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

39-08-25. Failure to maintain control.

The provisions of N.D.C.C. § 39-08-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An operator of a motor vehicle may not fail to maintain control of that motor vehicle. An individual is in violation of this section if that individual:
 - a. Commits an offense under this title and, at the time of the offense, the individual was engaged in the operation of a motor vehicle while distracted; or
 - b. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in N.D.C.C. § 39-08-09 which resulted in property damage and, at the time the reportable accident occurred, the individual was engaged in the operation of a motor vehicle while distracted.
2. An individual may be issued a citation or summons for any other traffic offense that

was committed by the individual in relation to the individual's commission of the traffic offense of failure to maintain control of a motor vehicle.

3. As used in this section, "operation of a motor vehicle while distracted" means the operation of a motor vehicle by an individual who, while operating the vehicle, is engaged in an activity that:
 - a. Is not necessary to the operation of the vehicle; and
 - b. Actually impairs, or would reasonably be expected to impair, the ability of the individual to safely operate the vehicle.

ARTICLE 39-09 SPEED RESTRICTIONS

39-09-01. Basic rule - Penalty for violation.

The provisions of N.D.C.C. § 39-09-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Any person who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section has committed careless driving and must be assessed a fee of thirty dollars. Any person who, by reason of careless driving as herein defined, causes and inflicts injury upon the person of an operator of snow removal equipment engaged in snow removal operations or causes damage in excess of one thousand dollars to snow removal equipment engaged in snow removal is guilty of an infraction. As used in this section, "snow removal equipment" means a vehicle that is operated by a person employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.

39-09-01.1. Care required in operating vehicle.

The provisions of N.D.C.C. § 39-09-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

39-09-02. Speed limitations.

The provisions of N.D.C.C. § 39-09-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Subject to the provisions of section 39-09-01 and except in those instances when a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
 - i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted,

- restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. Differing limits may be established for different times of the day within highway construction zones which are effective when posted upon appropriate fixed or variable speed limit signs.
 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense.

39-09-03. When local authorities may or shall alter maximum speed – Limits – Signs posted.

The provisions of N.D.C.C. § 39-09-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever local authorities in their respective jurisdictions, on the basis of an engineering and traffic investigation, determine that the maximum speed permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:
 - a. Decreases the limit at intersections;
 - b. Increases the limit within an urban district but not to more than fifty-five miles [88.51 kilometers] per hour; or
 - c. Decreases the limit outside an urban district.
2. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.
3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities may not be effective until such alteration has been approved by the director.
5. Not more than six such alterations as hereinabove authorized may be made per mile [1.61 kilometers] along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits may not be more than ten miles [16.09 kilometers] per hour.

39-09-04.1. Special speed limitations.

The provisions of N.D.C.C. § 39-09-04.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles [16.09 kilometers] per hour.
2. No person may drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained without hazard to such bridge or structure, when such structure is signposted as provided in this section.
3. The director or other authority having jurisdiction may conduct an investigation of any public bridge, causeway, or viaduct and if the director finds that such structure cannot safely withstand the traveling of vehicles at the speed otherwise permissible under this chapter, such director or other authority shall determine and declare the maximum speed of vehicles such structure can withstand. The director or other authority shall cause or permit signs to be erected and maintained at a distance of one hundred feet [30.48 meters] from each end of such structure. Such signs must state the maximum speed permissible over such structure. The findings and determination of the director or other authority are conclusive evidence of the maximum speed which can be maintained without hazard to any such structure.

39-09-06. Speed limitations inapplicable to whom - Liability of exempt driver for reckless driving.

The provisions of N.D.C.C. § 39-09-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The speed limitations provided for in this chapter do not apply to class A authorized emergency vehicles. The exemptions provided for in this section do not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

39-09-09. Minimum speed limits.

The provisions of N.D.C.C. § 39-09-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual may not drive a motor vehicle at a reduced speed so as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. If the director and the superintendent of the highway patrol, acting jointly, or a local authority within the authority's jurisdiction, determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the safe, normal, and reasonable movement of traffic, the director and superintendent or the local authority may determine and declare a minimum speed limit below which an individual may not drive a vehicle except when necessary for safe operation or in compliance with law, and that limit is effective when posted upon appropriate fixed or variable signs.

39-09-10. Radar evidence in speed violations.

The provisions of N.D.C.C. § 39-03-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays the officer's badge of authority; provided that such officer has observed the record of the speed of such motor vehicle by the radio microwaves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electrical device. Nothing herein shall affect the powers of cities or towns to adopt and use such device to measure speed.

**ARTICLE 39-10
GENERAL RULES OF THE ROAD**

39-10-01. Provisions of title refer to vehicles upon the highways - Exceptions.

The provisions of N.D.C.C. § 39-10-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The provisions of this title relating to the operation of vehicles apply to the operation of vehicles upon highways or other places open to the public for the operation of vehicles except when a different place is specifically referred to in a given section.
2. The provisions of this title, or equivalent ordinances, relating to reporting of accidents, careless driving, exhibition driving, drag racing, reckless or aggravated reckless driving, driving while under the influence of intoxicating liquor or controlled substances, or fleeing or attempting to elude a peace officer apply upon highways and elsewhere.

39-10-01.1. Required obedience to traffic laws.

The provisions of N.D.C.C. § 39-10-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

It is unlawful and, unless otherwise declared in this chapter or in chapter 39-06.1 with respect to particular offenses, it is a class B misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

39-10-02. Obedience to police officer or firefighter.

The provisions of N.D.C.C. § 39-10-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may willfully refuse to comply with any lawful order or direction of any police officer or firefighter invested by law with authority to direct, control, or regulate traffic.

39-10-02.1. Person riding animal or driving animal-drawn vehicle.

The provisions of N.D.C.C. § 39-10-02.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In addition to any special regulations, any person riding an animal or driving any animal-drawn vehicle upon a roadway must be granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application.

39-10-03. Class A authorized emergency vehicles.

The provisions of N.D.C.C. § 39-10-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter.
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - c. Exceed the speed limit so long as the driver does not endanger life or property.
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of an oscillating, rotating, revolving, or flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A firetruck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display an oscillating, rotating, revolving, or flashing bluelight in addition to and under the same conditions as the other colors allowed in this subdivision.

- c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of an oscillating, rotating, revolving, or flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A firetruck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display an oscillating, rotating, revolving, or flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
3. A class A authorized emergency vehicle may display a steady red or red and blue lamp that is visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] when involved in an incident, emergency, or any other related activity.
4. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 2 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, or any other related activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.

39-10-03.1. Class B authorized emergency vehicles.

The provisions of N.D.C.C. § 39-10-03.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a class B authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter.
 - b. Exceed the speed limit so long as the driver does not endanger life or property during the time of a local or national disaster.
 - c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions granted in this section to a class B authorized emergency vehicle apply only when the authorized emergency vehicle is displaying an amber and white light visible under normal atmospheric conditions for a distance of five hundred feet [152.4 meters] in any direction, and:
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of the driver; or
 - c. When traveling at a speed slower than the normal flow of traffic.

39-10-03.2. Class C authorized emergency vehicles.

The provisions of N.D.C.C. § 39-10-03.2 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

All class B specifications apply to class C authorized emergency vehicles except that a blue flashing light must be displayed in place of an amber light as provided in N.D.C.C. § 39-10-03.1.

39-10-04. Obedience to and required traffic-control devices.

The provisions of N.D.C.C. § 39-10-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any 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 provision of this chapter for which traffic-control devices are required may 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 statute is effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices 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 must be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence.

39-10-07. Flashing signals.

The provisions of N.D.C.C. § 39-10-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as follows:
 - a. Flashing red (stop indication). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed is subject to the rules applicable after making a stop at a stop sign.
 - b. Flashing yellow (caution indication). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such indication only with caution.

- c. Flashing red arrow and flashing yellow arrow indications have the same meaning as the corresponding flashing circular indications, except that they apply only to drivers of vehicles intending to make the movement indicated by the arrow.
2. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings is governed by the requirements set forth in N.D.C.C. § 39-10-41.

39-10-07.2. Display of unauthorized signs, signals, or markings.

The provisions of N.D.C.C. § 39-10-07.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.
2. No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
3. This section may not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice when located on highway right of way.
5. No person may place, maintain, or display upon or within the right of way of any highway any sign, post, pole, mailbox, or signal which has a red lamp or red reflector visible to traffic. The provisions of this subsection do not apply to official traffic devices, lamps, or reflectors on motor vehicles or bicycles, or railroad signals or signs.
6. This section does not prohibit the use of portable battery-powered warning devices emitting a flashing red light placed upon a highway to alert oncoming traffic to a disabled or stopped motor vehicle.

39-10-07.3. Interference with official traffic-control device or railroad sign or signal.

The provisions of N.D.C.C. § 39-10-07.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the operation of any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

39-10-08. Drive on right side of roadway - Exceptions.

The provisions of N.D.C.C. § 39-10-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the roadway, except as follows:
 - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision b of subsection 1. However, this subsection may not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

39-10-09. Passing vehicles proceeding in opposite directions.

The provisions of N.D.C.C. § 39-10-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

39-10-11. Overtaking a vehicle on the left.

The provisions of N.D.C.C. § 39-10-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of that driver's vehicle until completely passed by the overtaking vehicle.

39-10-12. When overtaking on the right is permitted.

The provisions of N.D.C.C. § 39-10-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn; or
 - b. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement may not be made by driving off the roadway.

39-10-13. Limitations on overtaking on the left.

The provisions of N.D.C.C. § 39-10-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle may be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet [60.96 meters] of any approaching vehicle.

39-10-14. Further limitations on driving on left of center of roadway.

The provisions of N.D.C.C. § 39-10-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No vehicle may be driven to the left side of the roadway under any of the following

conditions:

- a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 - b. When approaching within one hundred feet [30.48 meters] of or traversing any intersection or railroad grade crossing.
 - c. When the view is obstructed upon approaching within one hundred feet [30.48 meters] of any bridge, viaduct, or tunnel.
2. The foregoing limitations do not apply upon a one-way roadway, nor under the conditions described in N.D.C.C. § 39-10-08, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

39-10-15. No-passing zones.

The provisions of N.D.C.C. § 39-10-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The director and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver may at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This section does not apply under the conditions described in N.D.C.C. § 39-10-08 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

39-10-17. Driving on roadways laned for traffic.

The provisions of N.D.C.C. § 39-10-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith apply:

1. A vehicle must be driven as nearly as practicable entirely within a single lane and may not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle may not be driven in the center lane except when overtaking and passing

another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

3. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

39-10-18. Following too closely.

The provisions of N.D.C.C. § 39-10-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this does not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles must be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision does not apply to funeral processions.
4. This section does not apply to the operation of a non-lead vehicle in a platoon.
5. As used in this section and N.D.C.C. § 39-10-74, "platoon" means a group of motor vehicles using vehicle-to-vehicle communications to travel in a unified manner at close following distances on a multilane, limited-access, divided highway.

39-10-19. Driving on divided highway.

The provisions of N.D.C.C. § 39-10-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede

vehicular traffic, every vehicle must be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

39-10-21.1. Closing road because of hazardous conditions - Posting of official traffic-control devices - Entering closed road prohibited.

The provisions of N.D.C.C. § 39-10-21.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry.

39-10-22. Vehicle approaching or entering intersection.

The provisions of N.D.C.C. § 39-10-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If a vehicle approaches or enters an intersection that does not have an official traffic-control device and another vehicle approaches or enters from a different highway at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. If the intersection is T-shaped and does not have an official traffic-control device, the driver of the vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.
2. If a vehicle approaches an intersection that has traffic-control signals that usually exhibit different colored lights and the signals are not lit, the driver of the vehicle shall stop and yield as required under subsection 2 of section 39-10-24.
3. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

39-10-23. Vehicle turning left.

The provisions of N.D.C.C. § 39-10-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

39-10-24. Stop signs and yield signs.

The provisions of N.D.C.C. § 39-10-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right of way may be indicated by stop signs or yield signs as authorized in N.D.C.C. § 39-07-03.
2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision is deemed prima facie evidence of the driver's failure to yield the right of way.

39-10-25. Vehicle entering roadway.

The provisions of N.D.C.C. § 39-10-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.

The provisions of N.D.C.C. § 39-10-26 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
3. If a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the vehicle is displaying a flashing, revolving, or rotating amber or white light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
4. This section does not operate to relieve the driver of an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system from the duty to drive with due regard for the safety of all persons using the highway.
5.
 - a. Any individual who violates subsection 2 and causes an accident with an authorized emergency vehicle while the authorized emergency vehicle is displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is guilty of an infraction.
 - b. An individual who violates subsection 3 and causes an accident with a vehicle operated by or under the control of the director used for maintaining the state highway system while the vehicle is displaying a visible flashing, revolving, or rotating amber or white light is guilty of an infraction.

39-10-26.1. Highway construction and maintenance.

The provisions of N.D.C.C. § 39-10-26.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.
2. The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights meeting the requirements of N.D.C.C. § 39-21-28.

39-10-26.2. Permitting use of vehicle to violate section 39-10-26 prohibited - Presumption of permission - Defense - Dual prosecution prohibited.

The provisions of N.D.C.C. § 39-10-26.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of N.D.C.C. § 39-10-26. If a motor vehicle is seen violating N.D.C.C. § 39-10-26, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of N.D.C.C. § 39-10-26, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating N.D.C.C. § 39-10-26. Violation of this section is not a lesser included offense of violation of N.D.C.C. § 39-10-26.

39-10-27. Pedestrian obedience to traffic-control devices and traffic regulations.

The provisions of N.D.C.C. § 39-10-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A pedestrian shall obey the instructions of any official traffic-control device specially applicable to the pedestrian, unless otherwise directed by a police officer.
2. Pedestrians are subject to traffic-control and pedestrian-control signals as provided for in N.D.C.C. § 39-10-05 and 39-10-06.

39-10-28. Pedestrian's right of way in crosswalk.

The provisions of N.D.C.C. § 39-10-28 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield,

- to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
2. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
 3. Subsection 1 does not apply under the conditions stated in subsection 2 of N.D.C.C. § 39-10-29.
 4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear may not overtake and pass such stopped vehicle.

39-10-29. Crossing at other than crosswalk.

The provisions of N.D.C.C. § 39-10-29 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
3. Between adjacent intersections at which traffic-control devices are in operation, pedestrians may not cross at any place except in a marked crosswalk.
4. No pedestrian may cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

39-10-30. Driver to exercise due care.

The provisions of N.D.C.C. § 39-10-30 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused, incapacitated, or intoxicated person.

39-10-32. Pedestrians to use right half of crosswalks.

The provisions of N.D.C.C. § 39-10-32 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

39-10-33. Pedestrian on roadway.

The provisions of N.D.C.C. § 39-10-33 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
2. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

39-10-33.1. Pedestrian's right of way on sidewalk.

The provisions of N.D.C.C. § 39-10-33.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

39-10-33.2. Pedestrian to yield to authorized emergency vehicles.

The provisions of N.D.C.C. § 39-10-33.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, every pedestrian shall yield the right of way to the authorized emergency vehicle.
2. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

39-10-33.3. Blind pedestrian right of way.

The provisions of N.D.C.C. § 39-10-33.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle shall yield the right of way to an individual who is blind or visually impaired and carrying a clearly visible white cane or to an individual with a disability who is accompanied

by an assistance dog.

39-10-33.4. Pedestrian under influence of alcohol or drugs.

The provisions of N.D.C.C. § 39-10-33.4 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be upon a roadway.

39-10-33.5. Bridge and railroad signals.

The provisions of N.D.C.C. § 39-10-33.5 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No pedestrian may pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

39-10-34. Pedestrian soliciting ride or business.

The provisions of N.D.C.C. § 39-10-34 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may stand in a roadway for the purpose of soliciting a ride.
2. No person may stand in a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
3. No person may stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

39-10-35. Required position and method of turning.

The provisions of N.D.C.C. § 39-10-35 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle intending to turn shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn must be made as close as practicable to the right-hand curb or edge of the roadway.
2. Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn must be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
3. The director and local authorities in their respective jurisdictions may cause official

traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed, no driver of a vehicle may turn it other than as directed and required by such devices.

39-10-36. Limitations on turning around.

The provisions of N.D.C.C. § 39-10-36 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any vehicle may not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
2. No vehicle may be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet [152.4 meters].

39-10-36.1. U-turns.

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction or make a u-turn with such vehicle, except at intersections, within the city limits of the City of Beulah. Whenever authorized signs have been erected indicating that no u-turn is permitted at a particular intersection, then no u-turn shall be allowed at such intersection. The penalty for a violation of this section shall be a fine of \$40.00.

39-10-37. Starting parked vehicle.

The provisions of N.D.C.C. § 39-10-37 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

39-10-38. Turning movements and required signals.

The provisions of N.D.C.C. § 39-10-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn or move right or left when required must be given continuously during not less than the last one hundred feet [30.48 meters] traveled by the vehicle before turning.
3. No person may stop or suddenly decrease the speed of a vehicle without first giving

an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

4. The signals required on vehicles by subsection 2 of N.D.C.C. § 39-10-39 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

39-10-39. Signals by hand and arm or signal lamps.

The provisions of N.D.C.C. § 39-10-39 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any stop or turn signal when required herein must be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection 2.
2. Any motor vehicle in use on a highway must be equipped with, and required signals must be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches [60.96 centimeters], or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet [4.27 meters]. The latter measurement applies to any single vehicle and to any combination of vehicles.

39-10-40. Method of giving hand-and-arm signals.

The provisions of N.D.C.C. § 39-10-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All signals herein required given by hand and arm must be given from the left side of the vehicle in the following manner and such signals must indicate as follows:

1. Left turn: hand and arm extended horizontally.
2. Right turn: hand and arm extended upward.
3. Stop or decrease speed: hand and arm extended downward.

39-10-41. Obedience to signal indicating approach of train or other on-track equipment.

The provisions of N.D.C.C. § 39-10-41 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. When a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad, and may not proceed until the driver can do so safely. These requirements apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the

- b. immediate approach of a railroad train or other on-track equipment;
 - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;
 - c. A railroad train or other on-track equipment approaching within approximately one thousand three hundred twenty feet [402.34 meters] of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.
2. A person may not drive a vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. A person may not drive a vehicle past a human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

39-10-42. All vehicles must stop at certain railroad grade crossings.

The provisions of N.D.C.C. § 39-10-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The department of transportation and local authorities, with respect to highways under their respective jurisdiction, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and shall proceed only upon exercising due care.

39-10-43. Certain vehicles must stop at all railroad grade crossings.

The provisions of N.D.C.C. § 39-10-43 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a bus carrying passengers, or of a school bus, or of a vehicle carrying chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track of a railroad, shall stop the vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other

on-track equipment and may not proceed until the driver can do so safely. After stopping as required and upon proceeding when safe to do so, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing and the driver may not shift gears manually while crossing the track.

2. A stop is not required at a crossing if traffic is controlled by a police officer. For the purposes of this section, a United States marshal is considered a police officer.
3. A stop is not required at a crossing that the director has designated as an out-of-service crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. The designation must be limited to use at a crossing where track has been abandoned or its use discontinued.
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
6. All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

39-10-44. Stop signs and yield signs.

The provisions of N.D.C.C. § 39-10-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in N.D.C.C. § 39-07-03.
2. Every stop sign and every yield sign must be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
4. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

39-10-45. Emerging from alley, driveway, private road, or building.

The provisions of N.D.C.C. § 39-10-45 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

39-10-46. Overtaking and passing school bus.

The provisions of N.D.C.C. § 39-10-46 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching the school bus when there is in operation on the school bus the flashing red lights or the stop sign on the control arm specified in N.D.C.C. § 39-21-18, and the driver may not proceed until the school bus resumes motion, the driver is signaled by the school bus driver to proceed, or the flashing red lights and the stop sign on the control arm are no longer actuated.
2. Every school bus must bear upon the front and rear thereof plainly visible signs containing the word "SCHOOL BUS" in letters not less than eight inches [20.32 centimeters] in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school-sanctioned activity, all markings thereon indicating "SCHOOL BUS" must be covered or concealed.
3. The operator of a school bus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where schoolchildren are to be received or discharged from the bus.
4. Every school bus must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of N.D.C.C. § 39-21-18, which may only be actuated by the driver of the school bus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren.
5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
6. Every school bus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOL BUS STOPS AT ALL RAILROAD CROSSINGS".

39-10-46.1. Permitting use of vehicle to violate section 39-10-46 prohibited - Presumption of permission - Defense - Dual prosecution prohibited.

The provisions of N.D.C.C. § 39-10-46.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of section 39-10-46. If a motor vehicle is seen violating section 39-10-46, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of section 39-10-46, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating section 39-10-46. Violation of this section is not a lesser included offense of violation of section 39-10-46.

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

The provisions of N.D.C.C. § 39-10-47 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual may not stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of any highway if it is practicable to stop, park, or so leave the vehicle off the paved or main-traveled part of the highway. There must be an unobstructed width of the highway of not less than twelve feet [3.66 meters] opposite a standing vehicle left for the free passage of other vehicles and a clear view of any stopped vehicle must be available from a distance of not less than two hundred feet [60.96 meters] in each direction upon the highway.
2. Unless the vehicle is blocking the highway or is otherwise endangering public safety, this section and sections 39-10-49 and 39-10-50 do not apply to the driver of a vehicle which is disabled while on the paved or main-traveled portion of a highway, if stopping and temporarily leaving the disabled vehicle is unavoidable.
3. Without the consent of the owner or driver of a vehicle and if a vehicle or any personal property or cargo spilled from the vehicle is blocking the highway or is otherwise endangering public safety, a police officer may:
 - a. Remove the vehicle or cause the vehicle to be removed from the highway; and
 - b. Remove or cause to be removed any personal property or cargo that may have been spilled from the vehicle onto the highway.
4. If reasonable care is used in the removal process, a police officer and the police officer's employing agency, the department of transportation or an employee of the department of transportation, or a political subdivision or employee of a political subdivision authorized by a police officer is not liable in civil damages for loss or damage to any vehicle or to any personal property or cargo that may have spilled

from a vehicle that is removed from a highway under this section.

5. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section.

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

The provisions of N.D.C.C. § 39-10-48 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If a police officer finds a vehicle standing upon a highway in violation of section 39-10-47, the officer may remove the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or main-traveled part of the highway to a place where the vehicle does not block the highway or otherwise endanger public safety.
2. If a police officer finds a vehicle unattended upon any highway and the vehicle may obstruct traffic or otherwise endanger public safety, the officer may have the vehicle moved to a location where it may be securely held.
3. A police officer may remove or cause to be removed any vehicle found upon a highway and move the vehicle to any location where the vehicle may be securely held if:
 - a. A report has been made the vehicle has been stolen or taken without the consent of its owner;
 - b. The owner or driver of the vehicle is unable to provide for its custody or removal; or
 - c. The individual driving or in control of the vehicle is arrested for an offense and taken into custody and another individual is not available to lawfully operate the vehicle.
4. If a police officer finds a vehicle standing, stopped, or parked in a dangerous location or in violation of any official traffic-control device prohibiting or restricting the stopping, standing, or parking of any vehicle on state property, the officer shall place a written warning on the vehicle for the first offense and issue a traffic citation for a subsequent violation. However, a traffic citation may not be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session.
5. A police officer and the police officer's employing agency, the department of transportation or an employee of the department of transportation, or a political subdivision or employee of a political subdivision authorized by a police officer is not liable in civil damages for loss or damage to any vehicle removed from a highway or state property under this section, so long as reasonable care is used in the removal process.
6. The decision and method used to remove a vehicle or any personal property, or

cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section.

39-10-49. Stopping, standing, or parking prohibited in specified places.

The provisions of N.D.C.C. § 39-10-49 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within ten feet [3.05 meters] of a fire hydrant.
5. On a crosswalk.
6. Within ten feet [3.05 meters] of a crosswalk at an intersection.
7. Within fifteen feet [4.57 meters] upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within fifteen feet [4.57 meters] of points on the curb immediately opposite the ends of a safety zone, unless the department or local authority indicates a different length by signs or markings.
9. Within fifteen feet [4.57 meters] of the nearest rail of a railroad crossing.
10. Within twenty feet [6.10 meters] of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet [22.86 meters] of said entrance when properly signposted.
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
14. At any place where official signs prohibit stopping.

No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

39-10-50. Additional parking regulations.

The provisions of N.D.C.C. § 39-10-50 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon

- a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches [30.48 centimeters] of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
 3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking is not permitted on any federal-aid or state highway without first obtaining the written authorization of the director.
 - a. The city engineer or other person authorized by the governing body may mark or sign streets upon which angle parking will be permitted. Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signed or markings.
 - b. Angle parking shall also be permitted on the following streets:
 - (1) Block 2, Original Townsite on Central Avenue only;
 - (2) Block 3, Original Townsite on Central Avenue only;
 - (3) North Side and NW Side of Lot 9, Block 23, Original Townsite;
 - (4) Block 10, Original Townsite on First Avenue West and Central Avenue only; and
 - (5) Block 11, Original Townsite on Central Avenue only.Provided, however, that the City Council may change and alter such parking at any time by the posting of appropriate signs.
 4. The department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person may stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

39-10-50.1. *Reserved for future use*

39-10-50.2. Parking prohibited – All Times.

When signs are erected giving notice thereof, it shall be unlawful for any person to park or leave standing any motor vehicle, either attended or unattended.

39-10-50.3. Stopping – parking – certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing, or repairing such vehicle, except repairing such vehicle necessitated by an emergency.

39-10-50.4. Stopping – parking – congested – hazardous places

The city engineer or other person designated by the governing body is hereby authorized to determine and designate by proper signs places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

When official signs are erected at hazardous or congested places, as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

39-10-50.5. Stopping – parking – in alleys

No person shall park a vehicle within an alley, nor shall he stop a commercial vehicle so as to leave available less than twelve feet (12') of the width thereof for free movement of vehicular traffic, nor shall he stop in such a position as to block the driveway entrance to any abutting property.

39-10-50.6. Parking adjacent to schools

1. The city traffic engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

39-10-50.7. Parking prohibited on narrow streets

1. The city traffic engineer or authorized person may erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.
2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

39-10-50.8. Reserved parking areas.

No Person, firm or corporation shall, when signs are erected giving notice thereof, park or leave standing, either attended or unattended any motor vehicle on street areas which are reserved for

the following temporary uses: loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police or fire use.

The city engineer or authorized person shall establish from time to time areas for loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police and fire use on such public streets in such places and in such number as he shall determine or as the governing body may specifically designate to be of greatest benefit and convenience to the public and to promote the best use of the streets for traffic to pedestrians and designate the same by appropriate signs.

39-10-50.9. Parking of vehicles for more than forty-eight hours on public streets, alleys, and highways in the City.

1. That subject to paragraph 23 below, it shall be unlawful for any person to park or leave standing on any public street, alley, highway, or right-of-way for more than forty-eight (48) consecutive hours, any vehicle, boat, snowmobile, trailer, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, or motorhome, whether operable or inoperable. This forty-eight (48) hour parking restriction shall not include or apply to any area where a shorter time is provided for parking, nor shall this section be construed to permit parking for a longer time than is provided in such areas.
2. It shall be unlawful for any person to park or leave standing any boat, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motorhome, or trailer on any public street, alley, highway, or right-of-way in the City of Beulah, from October 1st through April 15th of each year.
3. It shall be unlawful for any person to park or leave standing on any public street, alley, highway, or right-of-way in the City of Beulah any semi or full trailer unless attached to the tractor or tractor chassis used to pull it, except for emergency or temporary stooping, parking, or unloading, and then only for such period of time necessary to accomplish the task at hand. It should be noted that Article 39-12 regulates the parking of heavy vehicles within the City Limits of the City of Beulah and that nothing in this Ordinance shall in any other manner affect said article.
4. Every vehicle, boat, snowmobile, bumper travel trailer, fifth wheel trailer, pull type camper, pickup camper, motorhome or trailer stopped or parked upon any public street, alley, highway, or right-of-way in the City of Beulah must be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement and in a manner so as not to obstruct other vehicles entering or exiting driveways and in such a manner as not present a site obstruction for people backing out of their driveways or for people entering intersections.
5. Vehicle shall be defined to include every devise in, upon, or by which any person or property may be transported or drawn upon a public road, alley, highway, or right-of-way, except devises moved by human power or used exclusively upon stationery rails or tracks.
6. It is the policy of the Beulah City Police Department that the Beulah City Police Department, it's officers and agents shall not actively enforce the above referenced

forty-eight (48) hour parking provision as specified in paragraph 1 above, unless such parking creates a hazard or interferes with any street maintenance or other necessary City project; however, any and all complaints received by the City of Beulah Police Department alleging a forty-eight (48) hour parking violation will be investigated, and if determined after such investigation that a violation in this regard has occurred, a citation will be issued to the person violating this Ordinance.

7. In any prosecution charging a violation of paragraphs 1, 2, 3, or 4 above, proof that the particular vehicle, boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motorhome, or trailer described in the complaint was not moved a distance of at least 200 feet from its original position shall be considered proof that the vehicle was not moved at all for the purposes of this ordinance.
8. It shall be unlawful for any person, other than a police officer, to alter, remove, or in any way interfere with the chalk or other marking placed on a vehicle, boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motorhome, or trailer by police officers in enforcing parking ordinances.
9. Any vehicle which shall remain in violation of subsection 1 or 2 of this section for more than forty-eight (48) hours after a complaint, charging a violation of said ordinance, shall have been placed on such vehicle, may be removed to City Hall or any other place selected for the purpose, and may be impounded and retained until the expense of removal, storage, and impounding is paid, together with the amount of any fine, costs, bail, or other claims of the City against the owner, or any other person lawfully entitled to possession thereof.
10. Penalty for violating paragraphs 1, 2, 3, or 4 above of this Ordinance shall be a fine in the amount of Twenty Dollars (\$20.00). Penalty for violating paragraph 8 of this Ordinance shall be a fine in an amount not to exceed Five Hundred Dollars (\$500.00).

39-10-51.1. Parking violations - Lessor responsibility.

The provisions of N.D.C.C. § 39-10-51.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The registered owner of a motor vehicle stopped, stood, or parked in violation of this chapter or N.D.C.C. § 39-01-15 or an equivalent ordinance is not responsible for the violation if the owner furnishes an affidavit indicating that the vehicle was at the time of the violation in the care, custody, or control of another person pursuant to a lease or rental agreement. The affidavit must contain the name, address, and operator's license number of the person to whom the vehicle was leased or rented at the time of the violation and must be submitted to the appropriate clerk of court within thirty days of notification to the owner of the violation. The owner is responsible for the violation and the payment of any fees or fines if the affidavit is not submitted within the thirty-day period.

39-10-51.2 Failure to Obey Parking Citation.

Any person who fails to answer to a parking citation or to pay the fee specified within thirty days,

as required, is guilty of an infraction. Failure to answer to a parking citation within the time provided on the citation is an admission of the commission of the parking violation charged.

9-10-52. Limitations on backing.

The provisions of N.D.C.C. § 39-10-52 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle may not back the same unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle may not back the same upon any shoulder or roadway of any controlled-access highway.

39-10-52.1. Driving upon sidewalk.

The provisions of N.D.C.C. § 39-10-52.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

39-10-52.2. Riding in house-trailer.

The provisions of N.D.C.C. § 39-10-52.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may be on or inside a house-trailer while it is being moved upon a public highway. Such prohibition does not apply to fifth-wheel vehicles, which are defined as mobile homes, mounted on single or tandem axles, coupled by a fifth-wheel hitch to and pivoting on a mount located immediately above or in front of the rear axle of a motor vehicle other than a passenger car.

39-10-52.3. Unlawful to operate motor vehicle on multi-use path.

That it shall be unlawful for any person to drive or be in actual physical control of a motor vehicle, off-road vehicle, or snowmobile (or to park a motor vehicle, off-road vehicle, or snowmobile) on the areas within the City of Beulah multi-use paths. Multi-use paths are constructed by the City of Beulah as hard-surfaces and located within the city right-of-way and/or easements for such purposes as pedestrians and for persons riding bicycles, skates, and skateboards or similar uses only. A motor vehicle may be driven on the multi-use path when necessary for maintenance, including snow removal.

39-10-54. Obstruction to driver's view or driving mechanism.

The provisions of N.D.C.C. § 39-10-54 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

1. No person may drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
2. No passenger in a vehicle may ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

39-10-54.1. Opening and closing vehicle door.

The provisions of N.D.C.C. § 39-10-54.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor may any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

39-10-56. Coasting prohibited.

The provisions of N.D.C.C. § 39-10-56 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any motor vehicle when traveling upon a downgrade may not coast with the gears or transmission of such vehicle in neutral.
2. The driver of a truck or bus when traveling upon a downgrade may not coast with the clutch disengaged.

39-10-57. Following emergency vehicle too closely prohibited - Stopping by emergency vehicle.

The provisions of N.D.C.C. § 39-10-57 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle other than one on official business may not follow closer than five hundred feet [152.4 meters] behind an emergency vehicle displaying the appropriate light for that vehicle in an emergency. A driver of a vehicle other than one on official business may not stop the vehicle within two hundred feet [60.96 meters] of any emergency vehicle stopped in answer to a 911 emergency.

39-10-58. Crossing firehose.

The provisions of N.D.C.C. § 39-10-58 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle may be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire without the consent of the fire department official in command.

39-10-59. Garbage, glass, rubbish, and injurious materials on highway prohibited.

The provisions of N.D.C.C. § 39-10-59 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual may not deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other litter. In addition, an individual may not deposit upon a highway any other substance likely to injure a person, animal, or vehicle.
2. An individual who deposits, or permits to be deposited, upon a highway a destructive or injurious material shall immediately remove or cause to be removed the material.
3. An individual removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

39-10-64. Driving through safety zone prohibited.

The provisions of N.D.C.C. § 39-10-64 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle shall at any time be driven through or within a safety zone.

39-10-65. Operation of motor vehicle, tractor, or other vehicle prohibited on flood protective works - Exception - Penalty.

The provisions of N.D.C.C. § 39-10-64 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor, or other vehicle upon or across any flood protective works, including any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.
2. Any person violating the provisions of this section shall be liable to any person suffering injury as a result of the violation; and in addition, shall be guilty of a class

B misdemeanor.

39-10-67. Moving heavy equipment at railroad grade crossing.

The provisions of N.D.C.C. § 39-10-67 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles [16.09 or less kilometers] per hour or a vertical body or load clearance of less than one-half inch per foot [12.7 millimeters] of the distance between any two adjacent axles or in any event of less than nine inches [22.86 centimeters], measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
2. Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet [4.57 meters] nor more than fifty feet [15.24 meters] from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and may not proceed until the crossing can be made safely.
3. No such crossing may be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing must be under the flagman's direction.

39-10-68. Stop when traffic obstructed.

The provisions of N.D.C.C. § 39-10-68 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No driver may enter any intersection or a marked crosswalk or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

39-10-72. Funeral processions - Traffic regulations.

The provisions of N.D.C.C. § 39-10-72 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Notwithstanding any traffic-control device, a law enforcement officer leading a funeral procession may proceed through any intersection or make any turns or other movements necessary while leading the procession. The officer, without regard to

- any traffic-control device, may direct other drivers not in the funeral procession to stop, turn, proceed, or make other movements. When leading the funeral procession, the officer must be in a marked patrol vehicle and the vehicle's lighted headlamps, tail-lamps, and top-mounted and grill-mounted signal lamps must be displayed at all times during the procession.
2. Notwithstanding any traffic-control device or provision governing the right of way, whenever a law enforcement officer leading a funeral procession enters an intersection, the remainder of the vehicles in the funeral procession may follow through the intersection. Each vehicle in the procession, however, must exercise reasonable care toward any other vehicle or pedestrian on the roadway.
 3. Notwithstanding any traffic-control device or provision governing rights of way and subject to the following conditions, vehicles in a funeral procession have the right of way.
 - a. All vehicles in a funeral procession must display lighted headlamps, tail-lamps, and flashing emergency lamps.
 - b. All vehicles in a funeral procession must follow the preceding vehicle in the procession as closely as is safe and practicable.
 - c. The driver of a vehicle in a funeral procession shall yield the right of way to an approaching emergency vehicle when directed to do so by a law enforcement officer or when the vehicle is giving an audible or visual signal.
 - d. A vehicle that becomes separated from the funeral procession and the law enforcement escort, so that the procession is no longer continuous, must proceed to its destination in a safe and prudent manner obeying all traffic signals and general rules of the road.
 4. Other vehicles shall conform to the following rules:
 - a. The driver of a vehicle may not drive between the vehicles comprising a funeral procession while those vehicles are in motion, except when authorized to do so by a law enforcement officer or when such vehicle is an emergency vehicle giving an audible or visible signal.
 - b. The driver of a vehicle not part of a funeral procession may not join a funeral procession for the purpose of securing the right of way granted under subsection 3.
 - c. The driver of a vehicle not in a funeral procession may not pass vehicles in such a procession on a two-lane highway or roadway.
 - d. The driver of a vehicle may pass a funeral procession on its left side on any multiple-lane highway whenever such passing can be done safely, unless the procession is in the farthest left lane, in which case passing is permissible on the right.
 - e. When a funeral procession is proceeding through a red signal as permitted by subsection 3, a vehicle that is not in the procession may not enter the intersection unless it can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right of way.

39-10-73. Flashing green lights.

The provisions of N.D.C.C. § 39-10-73 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An authorized emergency vehicle may not display a flashing green light unless the vehicle is used as a command center in an emergency.

39-10-74. Motor vehicle platoons.

The provisions of N.D.C.C. § 39-10-74 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The department, in coordination with the state highway patrol superintendent, shall develop an operational plan that provides guidelines for operating a platoon. The plan must include operational information that must be provided by a platoon technology provider or commercial motor vehicle operator. The department may restrict platooning operations in accordance with the guidelines or the operational information provided in the plan.
2. A platoon may not operate unless the platoon technology provider or the commercial motor vehicle operator files an operational plan with the department and the plan is approved for general platoon operations. If the department does not approve the plan, the department shall inform the platoon technology provider or commercial motor vehicle operator of the reason for the disapproval and provide guidance on how to resubmit the plan to obtain approval.
3. A person operating a motor vehicle in a platoon without an approved plan must be assessed a fee of one hundred dollars.
4. A person operating a motor vehicle in violation of the guidelines in an operational plan must be assessed a fee of one hundred dollars.

**ARTICLE 39-10.1
BICYCLES**

39-10.1-01. Effect of chapter - Penalty for violation.

The provisions of N.D.C.C. § 39-10.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter. Any person who violates any of the provisions of this chapter may be assessed a fee not to exceed five dollars.
2. The parent of any child and the guardian of any ward may not authorize or knowingly permit any such child or ward to violate any of the provisions of this

- chapter.
3. These provisions applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

39-10.1-02. Traffic laws apply to persons riding bicycles.

The provisions of N.D.C.C. § 39-10.1-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this title and except as to those provisions of this title which by their nature can have no application.

39-10.1-03. Riding on bicycle.

The provisions of N.D.C.C. § 39-10.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped.

39-10.1-04. Clinging to vehicle.

The provisions of N.D.C.C. § 39-10.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle may attach the same or the person's self to any vehicle upon a roadway, except a sled being pulled by a snowmobile.

39-10.1-05. Riding on roadway and bicycle path.

The provisions of N.D.C.C. § 39-10.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. A group of individuals riding bicycles upon a roadway may not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

39-10.1-06. Carrying article.

The provisions of N.D.C.C. § 39-10.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person operating a bicycle may carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

39-10.1-07. Lamps and other equipment on bicycles.

The provisions of N.D.C.C. § 39-10.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every bicycle when in use at nighttime must be equipped with a lamp on the front which emits a white light visible from a distance of at least five hundred feet [152.4 meters] to the front and with a red reflector on the rear of a type approved by the department. A lamp emitting a red light visible from a distance of five hundred feet [152.4 meters] to the rear may be used in addition to the red reflector.
2. Every bicycle must be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

39-10.1-08. Point system not applicable.

The provisions of N.D.C.C. § 39-10.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any violation of this chapter, or any moving violation as defined in section 39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle as defined in section 39-01-01, is not cause for the licensing authority to assess points against the driving record of the violator pursuant to section 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation is applicable to bicyclists.

**ARTICLE 39-10.2
MOTORCYCLES**

39-10.2-01. Traffic laws apply to person operating motorcycle or motorized bicycle.

The provisions of N.D.C.C. § 39-10.2-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every person operating a motorcycle or motorized bicycle is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this chapter and except as to those provisions of this title which by their nature can

have no application. For purposes of this chapter, the term "motorcycle" means motorcycles and motorized bicycles.

39-10.2-02. Riding on motorcycle.

The provisions of N.D.C.C. § 39-10.2-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator may not carry any other person nor may any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
2. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
3. No person may operate a motorcycle while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
4. No operator may carry any person, nor may any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

39-10.2-03. Operating motorcycles on roadways laned for traffic.

The provisions of N.D.C.C. § 39-10.2-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. All motorcycles are entitled to full use of a lane and no motor vehicle may be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection does not apply to the operation of motorcycles two abreast in a single lane as authorized in subsection 4.
2. The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.
3. No person may operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
4. Motorcycles may not be operated more than two abreast in a single lane.
5. Subsections 2 and 3 do not apply to police officers in the performance of their official duties.

39-10.2-04. Clinging to other vehicle.

The provisions of N.D.C.C. § 39-10.2-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person riding upon a motorcycle may attach the person's self or the motorcycle to any other

vehicle on a roadway.

39-10.2-05. Footrests.

The provisions of N.D.C.C. § 39-10.2-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, must be equipped with footrests for such passenger.

39-10.2-06. Equipment for motorcycle riders.

The provisions of N.D.C.C. § 39-10.2-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person under the age of eighteen years may operate or ride upon a motorcycle unless a safety helmet meeting United States department of transportation standards is being worn on the head of the operator and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear a safety helmet, any passenger must also wear a safety helmet regardless of the age of the passenger.
2. This section does not apply to persons riding within an enclosed cab or on a golf cart.
3. No person may operate a motorcycle if a person under the age of eighteen years is a passenger upon that motorcycle and is not wearing a safety helmet as provided in subsection 1.

39-10.2-07. Other applicable law.

The provisions of N.D.C.C. § 39-10.2-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All of the provisions of article 39-06.1 pertaining to the disposition of traffic offenses apply to this chapter.

**ARTICLE 39-10.3
EXPERIMENTAL VEHICLES**

39-10.3-01. Definitions.

The provisions of N.D.C.C. § 39-10.3-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

As used in this chapter, unless the context otherwise requires:

1. "Chase vehicle" means a motor vehicle that accompanies an experimental vehicle while operating on a highway.
2. "Experimental vehicle" means a vehicle with an unladen weight of six thousand pounds [2721.55 kilograms] or less which may be equipped with any configuration of axles and wheels and which is primarily powered by some source other than a combustion engine, muscle, or an animal.

39-10.3-02. Applicability.

The provisions of N.D.C.C. § 39-10.3-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An experimental vehicle is a motor vehicle under this title, except:

1. N.D.C.C. chapter 39-22 does not apply to experimental vehicles.
2. Registration of an experimental vehicle is governed by this chapter.
3. The governing body of a political subdivision may regulate, restrict, or prohibit the use of an experimental vehicle operating within the political subdivision's corporate limits in areas under the jurisdiction of the political subdivision.

39-10.3-05. Transfer or termination of experimental vehicle ownership - Change of address of owner.

The provisions of N.D.C.C. § 39-10.3-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Within fifteen days of a transfer of any ownership interest in an experimental vehicle, other than a security interest, the destruction or abandonment of any experimental vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the last registered owner to the director in the form the director requires.

39-10.3-06. Rules of operation.

The provisions of N.D.C.C. § 39-10.3-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person may not operate an experimental vehicle on a highway without being accompanied by a chase vehicle. The chase vehicle must follow the experimental vehicle at a safe-driving distance.

39-10.3-07. Equipment.

The provisions of N.D.C.C. § 39-10.3-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An experimental vehicle must be equipped with a horn, front and rear turn signal lamps, stop lamps, a balanced and co-reactive dual-braking system, a windshield, a safety belt installed at each seating position, an exterior mirror mounted on the operator's side of the vehicle, a roll cage that encompasses the entire driver, fresh air intake vents or wheel openings, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rearview mirror.

39-10.3-08. Penalty.

The provisions of N.D.C.C. § 39-10.3-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A violation of this chapter for which there is no penalty in this title is a class B misdemeanor.

**ARTICLE 39-12
SIZE, WIDTH, AND HEIGHT RESTRICTIONS**

39-12-01. State and local authorities may classify highways as to weight and load capacities.

The provisions of N.D.C.C. § 39-12-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The director, the board of county commissioners, and other appropriate bodies having control of roads, may classify public highways and roads under their respective jurisdictions and limitations as to the weight and load of vehicles thereon for such respective classifications must be enforced as provided in section 39-12-07.

39-12-01.1. Load restrictions upon vehicles using certain roadways.

When signs are erected giving notice thereof, no persons shall operate any vehicle with a gross weight in excess of the maximum indicated weight at any time upon any street or part of a street so designated.

39-12-01.2. Parking of heavy vehicles regulated.

It is unlawful for any person to park or leave standing on any public street, avenue, or alley, within the City Limits of the City of Beulah, except as otherwise provided below, any semi-tractors, semi-trailers, or tandem axle trucks. The foregoing motor vehicles, and semi-trailers may park on a public street or avenue within the City Limits of the City of Beulah for the purposes of delivery and if being actively loaded or unloaded. The City of Beulah may waive the above restrictions of this ordinance for motor vehicles and/or semi-trailers used in construction, street repair, or other appropriate temporary circumstances.

The above-references motor vehicles and/or semi-trailers may be parked or left standing on the following public streets, avenues, alleys, or property:

1. Frontage road paralleling Highway 49 from 9th Street to 19th Street, on the west side of the roadway;
2. Commercial area north of Front Street paralleling the railroad tracks; and
3. City owned property consisting of a 67' x 325' parcel located adjacent to the Dakota Farms Inn Parking Lot.

Any person who violates this ordinance shall pay a fine in the amount of Fifty Dollars (\$50.00) for a first violation. Any person who commits a second violation of this ordinance shall pay a fine in the amount of One Hundred Dollars (\$100.00). Any and all subsequent violations shall be deemed to be a Class B misdemeanor.

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.

The provisions of N.D.C.C. § 39-12-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. a. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. A permit may designate the route to be traversed and may contain other restrictions or conditions deemed necessary by the body granting the permit. The permit must be carried in the vehicle to which it refers in printed or electronic format and must be opened to inspection by a peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for a person to violate the terms or conditions of the permit. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
- b. Each township in a county that participates in a uniform truck permitting system for authorization of oversized or overweight vehicle movements shall participate in the same system.
- c. When fee changes are proposed, a uniform permit system shall provide public notice of the date, hour, and place at which the public may comment on the proposed fee changes.
- d. Notwithstanding any other provision of this chapter, a city, county, or township having control of roads may not impose additional fees for the use of roads beyond the fees established under a uniform permit program. A city, county, or township may issue a penalty to a person that violates a posted road restriction. If a permit is denied, a person may receive an

additional fee or condition from the city, county, or township in exchange for authorization to move an oversized or overweight vehicle on a road under the jurisdiction of the city, county, or township.

2. Upon an application for a permit to move a new manufactured building or modular unit from outside this state to be located anywhere within this state, the manufacturer is deemed to have certified that the new manufactured building or modular unit meets all applicable building codes and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to a person for issuing a permit in violation of this subsection.
3. An appropriate charge must be made for a permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department. Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for an interstate permit is ten dollars per trip or three hundred dollars per twelve-month period for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per twelve-month period.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. The fee for an over-width vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or one hundred fifty dollars per twelve-month period unless the vehicle is a noncommercial fish-house trailer being moved by the owner, then the fee is twenty dollars per twelve-month period.
 - j. The fee for an over-length vehicle or load that is one hundred twenty feet [36.58 meters] or less is twenty dollars per trip or one hundred fifty dollars per twelve-month period.
 - k. The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional fee of up to fifteen dollars for every permit

issued under this section to be deposited into the motor carrier electronic permit transaction fund.

4. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an over-dimensional mobile home.
5. Permits issued for over-dimensional movements of vehicles not exceeding ten feet [3.05 meters] in total width, including load, are valid for travel during the day and night. Permits issued for over-dimensional movements of vehicles not exceeding one hundred twenty feet [36.58 meters] in total length, including load, are valid for travel during the day and night with proper lighting.
6. There is created in the state treasury a fund known as the motor carrier electronic permit transaction fund. All money in the fund is appropriated on a continuing basis to the highway patrol to defray the costs of establishing and maintaining an online electronic permit system for permitting and routing oversize and overweight vehicles in this state. The highway patrol may contract with a private entity to establish, operate, and maintain an online electronic permit system. The online electronic permit system includes the issuance of permits under this section and an automated routing system. The automated routing system must include integration of department of transportation traveler information system information, all other data required for the automated routing system, and integration of the highway patrol computer-aided dispatch system.

39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.

The provisions of N.D.C.C. § 39-12-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever a highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions on vehicles. The director or employees making the order and local authorities enacting the ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. The signs must be erected and maintained at each end of the portion of highway affected, and the order, ordinance, or resolution is not effective until the signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight of vehicles on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:

- a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or similar permit system within one hour after the initial determination of inclement weather; and
- b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction.

39-12-03.1. Commercial vehicles prohibited from using certain streets.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding the maximum indicated gross weight at any time upon any street or part of a street so designated except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

39-12-03.2. Restrictions upon use of street by certain vehicles.

1. The city traffic engineer or authorized person may determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.
2. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

39-12-04. Width, height, and length limitations on vehicles - Exceptions.

The provisions of N.D.C.C. § 39-12-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Vehicles operated on a highway in this state may not exceed a total outside width, including load thereon, of eight feet six inches [2.59 meters]. This limitation does not apply to:
 - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet [3.05 meters] in width when being moved by contractors or resident carriers.
 - b. Implements of husbandry being moved by resident farmers, ranchers, governmental entities, dealers, or manufacturers between sunrise and sunset. Furthermore, the limitation does not apply to implements of husbandry being moved between sunset and sunrise by resident farmers, ranchers, governmental entities, dealers, or manufacturers on public state,

- county, or township highway systems other than interstate highway systems.
- c. Hay in the stack or bale being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover.
 - d. Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, commercial movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, whether operating under their own power or being transported by another vehicle, commercial movement of portable grain cleaners, commercial movement of forage harvesters, and the commercial movement of hay grinders, which may be moved on the highway after obtaining a seasonal permit issued by the highway patrol. The highway patrol shall issue seasonal permits that are valid during daylight hours on any day of the week, or that are valid at all times for the movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, to any commercial entity otherwise qualified under this subdivision. Self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators operating under their own power between sunset and sunrise must display vehicle hazard warning signal lamps as described in subsection 3 of N.D.C.C. § section 39-21-19.1. The seasonal permit is in lieu of registration requirements for the permit period. No seasonal permit may be issued, unless proof of financial responsibility in a minimum of three hundred thousand dollars is filed and the appropriate permit fee is paid. The seasonal permit may also be issued for hauling hay bales with vehicles or vehicle combinations other than those designed specifically for hauling haystacks. This seasonal permit, however, will not be in lieu of registration requirements. All permit fees must be deposited in the state highway distribution fund.
 - e. Safety devices that the highway patrol determines are necessary for the safe and efficient operation of motor vehicles may not be included in the calculation of width.
 - f. Any non-load-carrying safety appurtenance as determined by the highway patrol which extends no more than three inches [7.62 centimeters] from each side of a trailer is excluded from the measurement of trailer width. The width of a trailer is measured across the side-most load-carrying structures, support members, and structural fasteners.
 - g. The highway patrol may adopt reasonable rules for those vehicles exempted from the width limitations as provided for in this subsection.
2. Vehicles operated on a highway in this state may not exceed a height of fourteen feet [4.27 meters], whether loaded or unloaded. This height limitation does not affect any present structure such as bridges and underpasses that are not fourteen feet [4.27 meters] in height. This limitation does not apply to vehicles that are at most fifteen feet six inches [4.72 meters] high when all of the following apply:

- a. The vehicle is an implement of husbandry and is being moved by a resident farmer, rancher, dealer, or manufacturer.
 - b. The trip is at most sixty miles [96.56 kilometers].
 - c. The trip is between sunrise and sunset.
 - d. None of the trip is on an interstate highway.
3. A vehicle operated on a highway in this state may not exceed the following length limitations:
- a. A single unit vehicle with two or more axles including the load thereon may not exceed a length of fifty feet [15.24 meters].
 - b. A combination of two units including the load thereon may not exceed a length of seventy-five feet [22.86 meters].
 - c. A combination of three or four units including the load thereon may not exceed a length of seventy-five feet [22.86 meters], subject to any rules adopted by the director that are consistent with public highway safety. The rules do not apply to a three-unit combination consisting of a truck tractor and semitrailer drawing a trailer or semitrailer.
 - d. A combination of two, three, or four units including the load thereon may be operated on all four-lane divided highways and those highways in the state designated by the director and local authorities as to the highways under their respective jurisdictions and may not exceed a length of one hundred ten feet [33.53 meters], subject to any rules adopted by the director that are consistent with public highway safety.
 - e. The length of a trailer or semitrailer, including the load thereon, may not exceed fifty-three feet [16.5 meters] except that trailers and semitrailers titled and registered in North Dakota before July 1, 1987, and towed vehicles may not exceed a length of sixty feet [18.29 meters].
4. Length limitations do not apply to:
- a. Building moving equipment.
 - b. Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
 - c. Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
 - d. Structural material of telephone, power, and telegraph companies.
 - e. Truck-mounted haystack moving equipment, provided the equipment does not exceed a length of fifty-six feet [17.07 meters].
 - f. A truck tractor and semitrailer or truck tractor, semitrailer, and the trailer when operated on the interstate highway system or parts of the federal aid primary system as designated by the director, only when federal law requires the exemption.
 - g. Safety and energy conservation devices and any additional length exclusive devices as determined by the highway patrol for the safe and efficient operation of commercial motor vehicles. Length exclusive devices are appurtenances at the front or rear of a commercial motor vehicle semitrailer

or trailer, whose function is related to the safe and efficient operation of the semitrailer or trailer.

5. Motor homes, house cars, travel trailers, fifth-wheel travel trailers, camping trailers, and truck campers may exceed eight feet six inches [2.59 meters] in width if the excess is attributable to an appurtenance that extends beyond the body of the vehicle no more than six inches [15.24 centimeters] on either side of the vehicle. For purposes of this subsection, the term appurtenance includes a shade awning and its support hardware, and any appendage that is intended to be an integral part of a motor home, house car, travel trailer, fifth-wheel travel trailer, camping trailer, or truck camper.

39-12-04.1. Size Restrictions Upon Vehicles Using Certain Highways

When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified by such sign or signs at any time upon any street or part of a street so designated.

39-12-05.3. Weight limitations for vehicles on highways other than the interstate system.

The provisions of N.D.C.C. § 39-12-05.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not operate on a highway that is not part of the interstate system any vehicle with a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed nineteen thousand pounds [8618.26 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate on a highway that is not part of the interstate system any vehicle the gross weight of which exceeds that determined by the formula of: $W = 500(LN + 12N + 36)N^{-1}$ where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854 kilograms] unless otherwise posted and on all other

highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. a. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing:
 - (1) A farmer's farm vehicle or a motor carrier hired by a farmer to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the movement of agricultural products:
 - (a) From the field of harvest to the point of initial storage or to the first point of sale and transfer of possession during harvest; or
 - (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or
 - (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh.
- b. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

6. The director may issue a permit for a truck with a gross weight that exceeds one hundred five thousand five hundred pounds [47854 kilograms], not to exceed one hundred twenty nine thousand pounds [58513.41 kilograms]. The monthly permit fee is one hundred dollars per month or seven hundred dollars annually. Vehicle weight under this subsection is determined according to the formula under subsection 2 of N.D.C.C. § 39-12-05.
7. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the weight of a single axle does not exceed twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the weight of a single axle does not exceed twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of N.D.C.C. § 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of N.D.C.C. § 39-12-04.
8. The weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption but the weight limitations in N.D.C.C. § 39-12-05 do apply to that equipment. For every vehicle approved for exemption, the highway patrol shall issue a nontransferable bridge length permit valid for a single trip or a calendar year.
9. The axle weight limitations in subsection 1 do not apply to movements of implements of husbandry or equipment with pneumatic tires used for construction which is used by an agricultural producer while using the equipment for the producer's agricultural, horticultural, or livestock operations if the maximum wheel load does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width and if the gross weight limitation in this section is not exceeded.

39-12-06. Limitations on extending of load beyond side of motor vehicle.

The provisions of N.D.C.C. § 39-12-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicle may be operated on the highways, except as permitted by N.D.C.C. § 39-12-04. The department of transportation or the highway patrol shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

39-12-07. Peace officers may weigh vehicle to determine load - Decreasing gross weight of vehicle.

The provisions of N.D.C.C. § 39-12-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every police officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the officer may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this chapter.

39-12-08. Penalty for violation of chapter.

The provisions of N.D.C.C. § 39-12-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person operating a motor vehicle or the owner of the motor vehicle being operated without a permit as specified in this chapter must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of twenty dollars. Violating the conditions of any permit type automatically voids the permit. For a permit allowed under this chapter, if the violation is of a permit issued by a county under a home rule ordinance or any city, including a home rule city, the statutory fee is for a violation of state law in an amount provided by this section.

39-12-09. Unlawful to violate provisions governing size, weight, or construction of vehicles - Size and weight specified in this chapter lawful through state - Penalty.

The provisions of N.D.C.C. § 39-12-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

It is unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway, any vehicle or vehicles which are not constructed as required in this chapter nor according to the rules and regulations of the director adopted pursuant to the provisions of this chapter. The maximum size and weight of vehicles specified in this chapter are lawful throughout this state, except as they may be limited by virtue of specifications made pursuant to the other provisions of this chapter. Any person who violates any of the provisions of this section must be assessed a fee of twenty dollars.

39-12-11. Impounding overweight vehicle.

The provisions of N.D.C.C. § 39-12-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under section 39-12-03 or as limited by section 39-12-05 may be impounded by any peace officer and taken to a warehouse or garage for storage.

39-12-12. Impounding receipt - Information.

The provisions of N.D.C.C. § 39-12-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

39-12-13. Impounding notice - Perishables.

The provisions of N.D.C.C. § 39-12-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

39-12-21. Penalty.

The provisions of N.D.C.C. § 39-12-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B misdemeanor.

39-12-22. Permissible loads - Exceptions.

The provisions of N.D.C.C. § 39-12-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

When any motor truck, truck tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum prescribed under the provisions of sections 39-12-03 and 39-12-05 or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in section 39-12-05, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

39-12-23. Governor's order authorizing excess limits.

The provisions of N.D.C.C. § 39-12-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The governor of this state is hereby authorized, by order of general application, to permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public. The operation of such vehicles, in accordance with the governor's order, does not constitute a violation of the statutes relative to limitations on sizes and weights.

**ARTICLE 39-13
TRAFFIC SIGNS**

39-13-03. Local parking regulations not enforceable where sign illegible or not in proper position.

The provisions of N.D.C.C. § 39-13-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Local parking and other special regulations are not enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

39-13-05. Injuring signs prohibited.

The provisions of N.D.C.C. § 39-13-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person may deface, injure, knock down, or remove any sign posted as provided in this chapter.

39-13-06. Authority to adopt manual on uniform traffic-control devices.

The provisions of N.D.C.C. § 39-13-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The director shall adopt a manual and specifications for a uniform system of traffic-control devices, consistent with the provisions of law, for use upon all highways and streets in this state. Such uniform system must correlate with and so far as possible conform to the system set forth in the most recent edition of the manual promulgated as a national standard by the federal highway administrator.

39-13-07. Uniform traffic-control devices on all streets and highways.

The provisions of N.D.C.C. § 39-13-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No traffic-control devices, including markings, signs, and signals, may be used on any street or highway which do not conform to the standards of design and location as prescribed in the manual and specifications for a uniform system of traffic-control devices. The director and local authorities, on streets and highways under their respective jurisdiction, shall place such devices as are deemed necessary to regulate, warn, and guide traffic.\

39-13-08. No traffic-control device to be manufactured or sold which does not conform.

The provisions of N.D.C.C. § 39-13-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person, firm, corporation, or limited liability company may sell or offer for sale to street and highway authorities, and no such authorities may purchase or manufacture any traffic-control device which does not conform to the manual unless specifically approved by the director.

39-13-09. Tourist-oriented directional signs.

The provisions of N.D.C.C. § 39-13-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. In this section:
 - a. "Tourist-oriented directional sign" means a sign providing identification of and directional information for tourist-related businesses, services, or activities.
 - b. "Tourist-related business, service, or activity" means rural agricultural business and tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions,

and guide services, but does not include any business operated under a franchise agreement. The term includes a business that derives a major portion of income or visitors from individuals who do not reside in the immediate area of the business. The immediate area of the business is within the city limits in which the business is located, or within one mile [1.61 kilometers] from the business if located outside city limits.

2. Notwithstanding section 24-01-12, the department shall establish by rule standards for the erection and maintenance of tourist-oriented directional signs. The rules must conform to federal standards for tourist-oriented directional signs adopted under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual adopted by the department under section 39-13-06 except that the rules must provide that logos may not be used on tourist-oriented directional signs.
3. Upon the request of any person, a local authority that has adopted an ordinance permitting the erection of tourist-oriented directional signs may authorize their erection within the right of way of any highway under the jurisdiction of the local authority except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.
4. The permit applicant shall engage a qualified contractor for the erection, installation, and maintenance of tourist-oriented directional signs within the right of way of any highway under the jurisdiction of the department except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

ARTICLE 39-20 CHEMICAL TEST FOR INTOXICATION, IMPLIED CONSENT

39-20-01. Implied consent to determine alcohol concentration and presence of drugs.

The provisions of N.D.C.C. § 39-13-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, saliva, or urine. As used in this chapter, the word "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcohol

concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter.

2. The test or tests must be administered at the direction of a law enforcement officer only after placing the individual under arrest for violation of section 39-08-01 or an equivalent offense. For the purposes of this chapter, the taking into custody of a child under N.D.C.C. § 27-20-13 or an individual under twenty-one years of age satisfies the requirement of an arrest. The law enforcement officer shall determine which of the tests is to be used.
3.
 - a. The law enforcement officer shall inform the individual North Dakota law requires the individual to take a chemical test to determine whether the individual is under the influence of alcohol or drugs and refusal of the individual to submit to a test directed by the law enforcement officer may result in a revocation of the individual's driving privileges for a minimum of one hundred eighty days and up to three years.
 - b. If an individual refuses to submit to testing under this section, proof of the refusal is not admissible in any administrative proceeding under this chapter if the law enforcement officer fails to inform the individual as required under subdivision a.
4. When an individual under the age of eighteen years is taken into custody for violating section 39-08-01 or an equivalent ordinance, the law enforcement officer shall attempt to contact the individual's parent or legal guardian to explain the cause for the custody. Neither the law enforcement officer's efforts to contact, nor any consultation with, a parent or legal guardian may be permitted to interfere with the administration of chemical testing requirements under this chapter. The law enforcement officer shall mail a notice to the parent or legal guardian of the minor within ten days after the test results are received or within ten days after the minor is taken into custody if the minor refuses to submit to testing. The notice must contain a statement of the test performed and the results of that test; or if the minor refuses to submit to the testing, a statement notifying of that fact. The attempt to contact or the contacting or notification of a parent or legal guardian is not a precondition to the admissibility of chemical test results or the finding of a consent to, or refusal of, chemical testing by the individual in custody.

39-20-01.1. Chemical test of driver in serious bodily injury or fatal crashes.

The provisions of N.D.C.C. § 39-20-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If the driver of a vehicle is involved in a crash resulting in the death of another individual, and there is probable cause to believe that the driver is in violation of section 39-08-01, a law enforcement officer shall request the driver to submit to a chemical test or tests of the driver's blood, breath, or urine to determine the alcohol concentration or the presence of other drugs or substances, or both.

2. If the driver of a vehicle is involved in a crash resulting in the serious bodily injury, as defined in section 12.1-01-04, of another individual, and there is probable cause to believe that the driver is in violation of section 39-08-01, a law enforcement officer shall request the driver to submit to a test or tests of the driver's blood, breath, or urine to determine the alcohol concentration or the presence of other drugs or substances, or both.
3. If the driver refuses to submit to a chemical test or tests of the driver's blood, breath, or urine and exigent circumstances are not present, the law enforcement officer shall request a search warrant to compel the driver to submit to a chemical test or tests of the driver's blood, breath, or urine to determine the alcohol concentration or the presence of other drugs or substances, or both.
4. The approved methods of the director of the state crime laboratory or the director's designee must be followed in collecting and preserving a sample of the driver's blood, breath, or urine and conducting a chemical test or tests to determine the alcohol concentration or the presence of other drugs or substances, or both.

39-20-02. Individuals qualified to administer test and opportunity for additional test.

The provisions of N.D.C.C. § 39-20-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Only an individual medically qualified to draw blood, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood. The director of the state crime laboratory or the director's designee shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse. This limitation does not apply to the taking of a breath or urine specimen. The director of the state crime laboratory, or the director's designee, shall electronically post a copy of the certified list of approved designations, including medical doctor and registered nurse, with the state crime laboratory division of the attorney general at the attorney general website and shall make the certified records required by this section available for download in a printable format on the attorney general website. The individual tested may have an individual of the individual's choosing, who is medically qualified to draw blood, administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer with all costs of an additional test or tests to be the sole responsibility of the individual charged. The failure or inability to obtain an additional test by an individual does not preclude the admission of the test or tests taken at the direction of a law enforcement officer. Upon the request of the individual who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood or urine sample test taken at the direction of the law enforcement officer must be made available to that individual by the law enforcement agency that administered the test or tests.

39-20-03.1. Action following test result for a resident operator.

The provisions of N.D.C.C. § 39-20-03.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person submits to a test under section 39-20-01 or 39-20-02 and the test shows that person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty-five days, or until earlier terminated by the decision of a hearing officer under 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
2. If a test administered under 39-20-01 was by urine sample or by drawing blood as provided in section 39-20-02 and the individual tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the urine or blood from the director of the state crime laboratory or the director's designee and if the analysis shows that individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that individual's reappearance within the officer's jurisdiction, proceed in accordance with subsection 3, or notify a law enforcement agency having jurisdiction where the individual lives. On that notification, that law enforcement agency shall, within twenty-four hours, forward a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The law enforcement agency shall issue to that individual a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1.
3. If the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the individual who submitted to the blood or urine test, whether or not the individual is a resident of the area in which the law enforcement officer has jurisdiction. The third day after the mailing of the temporary operator's permit is considered the date of issuance. Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the individual to the law enforcement officer. The temporary operator's permit serves as the director's official notification

to the individual of the director's intent to revoke, suspend, or deny driving privileges in this state.

4. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director. If the individual was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the individual was lawfully arrested, that the individual was tested for alcohol concentration under this chapter, and that the results of the test show that the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's license and report, the law enforcement officer shall forward to the director a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood or urine test for all tests administered at the direction of the officer.
5. An individual charged with a violation of section 39-08-01 or equivalent ordinance may elect to participate in the twenty-four seven sobriety program under chapter 54-12 in lieu of the administrative hearing under this chapter if the individual's driver's license is not subject to an unrelated suspension or revocation. Notwithstanding any other provision of law, an individual may not receive a temporary restricted operator's license until after fourteen days after the administrative hearing on the offense under this chapter has been waived or held, or after fourteen days of the final appeal, whichever is longer. The director shall issue a temporary restricted driver's license with the restriction the individual participate in the twenty-four seven sobriety program upon application by the individual with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program under chapter 54-12.

39-20-03.2. Action following test result or on refusing test by nonresident operator.

The provisions of N.D.C.C. § 39-20-03. and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person licensed in another state refuses in this state to submit to a test provided under section 39-20-01 or 39-20-14, or who submits to a test under section 39-20-01 or 39-20-02 and the test results show the person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the following procedures apply:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a

temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05. The temporary permit must be signed and dated by the officer and serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.

2. If the test was administered by urine sample or by drawing blood, the law enforcement officer, on reviewing the alcohol concentration analysis showing the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, shall mail or issue to the individual a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of mailing or issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit must be signed and dated by the officer. The third day after the mailing of the temporary operator's permit is considered the date of issuance.
3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the director a certified written report in the form required by the director and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood or urine test for all tests administered at the direction of the officer. If the individual was issued a temporary operator's permit because of the individual's refusal to submit to a test under sections 39-20-01 and 39-20-14, the report must include information as provided in section 39-20-04. If the individual was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the individual was lawfully arrested, that the individual was tested for alcohol concentration under this chapter, and that the results of the test show that the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight.

39-20-07. Interpretation of chemical tests.

The provisions of N.D.C.C. § 39-20-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

39-20-08. Proof of refusal admissible in any civil or criminal action or proceeding.

The provisions of N.D.C.C. § 39-20-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If the person under arrest refuses to submit to the test or tests, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof.

39-20-09. Effect of evidence of chemical test.

The provisions of N.D.C.C. § 39-20-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

This chapter does not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor, drugs, or a combination thereof, but, if the test results show an alcohol concentration of at least eight one-hundredths of one percent or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the purpose of such evidence must be limited to the issues of probable cause, whether an arrest was made prior to the administering of the test, and the validity of the test results.

39-20-11. Application to prosecutions under municipal ordinances.

The provisions of N.D.C.C. § 39-20-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The provisions of this chapter also apply to prosecutions for the violation of municipal ordinances prohibiting the driving or control of a motor vehicle while under the influence of intoxicating liquor, drugs, or a combination thereof.

39-20-12. Liability.

The provisions of N.D.C.C. § 39-20-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting officer is not liable in any civil action for damages arising out of said act except for gross negligence.

39-20-14. Screening tests.

The provisions of N.D.C.C. § 39-20-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any individual who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer who has reason to believe that the individual committed a moving traffic violation or a violation under section 39-08-01 or an equivalent offense, or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the individual's body contains alcohol.
2. An individual may not be required to submit to a screening test or tests of breath while at a hospital as a patient if the medical practitioner in immediate charge of the individual's case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient.
3. The screening test or tests must be performed by an enforcement officer certified as a chemical test operator by the director of the state crime laboratory or the director's designee and according to methods and with devices approved by the director of the state crime laboratory or the director's designee. The results of such screening test must be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01. The officer shall inform the individual that North Dakota law requires the individual to take the screening test to determine whether the individual is under the influence of alcohol and that refusal of the individual to submit to a screening test may result in a revocation for at least one hundred eighty days and up to three years of that individual's driving privileges. If such individual refuses to submit to such screening test or tests, none may be given, but such refusal is admissible in a court proceeding if the individual was arrested in violation of section 39-08-01 and did not take any additional chemical tests requested by the law enforcement officer. Such refusal is sufficient cause to revoke such individual's license or permit to drive in the same manner as provided in N.D.C.C. § 39-20-04, and a hearing as provided in N.D.C.C. § 39-20-05 and a judicial review as provided in N.D.C.C. § 39-20-06 must be available.
4. The director must not revoke an individual's driving privileges for refusing to submit to a screening test requested under this section if the individual provides a sufficient breath, blood, or urine sample for a chemical test requested under section 39-20-01 for the same incident.
5. No provisions of this section may supersede any provisions of N.D.C.C. chapter 39-20, nor may any provision of chapter 39-20 be construed to supersede this section except as provided herein.

6. For the purposes of this section, "chemical test operator" means an individual certified by the director of the state crime laboratory or the director's designee as qualified to perform analysis for alcohol in an individual's blood, breath, or urine.

ARTICLE 39-21 EQUIPMENT OF VEHICLES

39-21-01. When lighted lamps are required.

The provisions of N.D.C.C. § 39-21-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Subject to the exceptions for parked vehicles, every vehicle upon a highway within this state must display lighted headlamps, tail-lamps, and illuminating devices as required in this chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleet, or hail or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead;
or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead.

Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of these devices.

39-21-02. Visibility distance and mounted height of lamps.

The provisions of N.D.C.C. § 39-21-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever requirement is hereinafter declared as to distance from which certain lamps and devices must render objects visible or within which such lamps or devices must be visible, said provisions apply during the times stated in section 39-21-01 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
2. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it means from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

39-21-03. Headlamps on motor vehicle.

The provisions of N.D.C.C. § 39-21-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every motor vehicle must be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps must comply with the requirements and limitations set forth in this chapter.
2. Every headlamp upon every motor vehicle must be located at a height measured from the center of the headlamp of not more than fifty-four inches [137.16 centimeters] nor less than twenty-four inches [60.96 centimeters] to be measured as set forth in subsection 2 of section 39-21-02.

39-21-04. Tail-lamps.

The provisions of N.D.C.C. § 39-21-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, must be equipped with at least one tail-lamp mounted on the rear, which, when lighted as hereinbefore required, must emit a red light plainly visible from a distance of one thousand feet [304.8 meters] to the rear, provided that in the case of a train of vehicles only the tail-lamp on the rearmost vehicle need actually be seen from the distance specified. Every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1964, must be equipped with at least two tail-lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, comply with the provisions of this section.
2. Every tail-lamp upon every vehicle must be located at a height of not more than seventy-two inches [182.88 centimeters] nor less than fifteen inches [38.1 centimeters].
3. Either a tail-lamp or a separate lamp must be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from Page No. 1 a distance of fifty feet [15.24 meters] to the rear. Any tail-lamp or tail-lamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

39-21-05. New motor vehicle to be equipped with reflectors.

The provisions of N.D.C.C. § 39-21-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor must carry on the rear, either as a part of the tail-lamps or separately, two or more red reflectors, meeting the requirements of this section, except that vehicles of the type mentioned in section 39-21-08 must be equipped with reflectors as required in applicable sections.
2. Every such reflector must be mounted on the vehicle at a height not less than fifteen inches [38.1 centimeters] nor more than sixty inches [152.4 centimeters] measured as set forth in subsection 2 of section 39-21-02, and must be of size and characteristics and so mounted as to be visible as required in section 39-21-11.

39-21-06. Stop lamps and turn signals required on new motor vehicle.

The provisions of N.D.C.C. § 39-21-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not sell, offer for sale, or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1964, unless it is equipped with at least two stop lamps that are in good working order when lighted, are mounted on the rear on the same level and as widely spaced laterally as practicable, and meet the requirements of section 39-21-19 and this section, except that a truck tractor manufactured or assembled after January 1, 1964, must be equipped with at least one stop lamp meeting the requirements of section 39-21-19.
2. A person may not sell, offer for sale, or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1952, unless it is equipped with electrical turn signals in good working order which meet the requirements of section 39-21-19. This subsection does not apply to any trailer or semitrailer of less than three thousand pounds [1360.78 kilograms] gross weight.
3. A stop lamp on a vehicle must be located at a height of not more than seventy-two inches [182.88 centimeters] nor less than fifteen inches [38.10 centimeters] from the ground.

39-21-06.1. Additional lighting equipment.

The provisions of N.D.C.C. § 39-21-06.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any motor vehicle may be equipped with one or more backup lamps either separately or in combination with other lamps, but the backup lamp or lamps may not be lighted when the vehicle is in a forward motion.
2. Any vehicle may be equipped with one or more side marker lamps which may be flashed in conjunction with turn signals or vehicular hazard warning signals. 39-21-07. Application of succeeding sections. Those sections of this chapter which follow immediately, including sections 39-21-08, 39-21-09, 39-21-10, 39-21-11,

and 39-21-12, relating to clearance and marker lamps, reflectors, and stoplights, apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles must be equipped as required and all lamp equipment required must be lighted at the times mentioned in section 39-21-01, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet [152.4 meters].

39-21-08. Additional equipment required on certain vehicles.

The provisions of N.D.C.C. § 39-21-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In addition to other equipment required in this chapter, the following vehicles must be equipped as herein stated under the conditions stated in section 39-21-07:

1. On every bus, truck, trailer, or semitrailer there must be the following:
 - a. On the rear, two reflectors, one at each side, and one stoplight.
 - b. A trailer or semitrailer which is not so loaded or of such dimensions as to obscure the stoplight on the towing vehicle, need not be equipped with a stoplight.
2. On every bus, truck, trailer, or semitrailer eighty inches [203.2 centimeters] or more in overall width there must be the following:
 - a. On the rear, two reflectors, one at each side, two clearance lamps, one at each side, and one stoplight.
 - b. On the front, two clearance lamps, one at each side.
3. On every truck tractor there must be the following:
 - a. On the front, two clearance lamps, one at each side.
 - b. On the rear, one stoplight.
4. On every pole trailer there must be the following:
 - a. On the rear of the pole trailer or load, two reflectors, one at each side.
 - b. In addition, on pole trailers exceeding three thousand pounds [1360.78 kilograms] gross weight, there must be on each side one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.

39-21-09. Color of clearance lamps, side marker lamps, backup lamps, and reflectors.

The provisions of N.D.C.C. § 39-21-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Front clearance lamps and those marker lamps and reflectors mounted on the front

- or on the side near the front of a vehicle must display or reflect an amber color.
2. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle must display or reflect a red color.
 3. All lighting devices and reflectors mounted on the rear of any vehicle must display or reflect a red color, except that the light illuminating the license plate must be white and the light emitted by a backup lamp must be white or amber.
 4. Any person who violates this section must be assessed a fee of ten dollars for each offense.

39-21-10. Mounting of reflectors, clearance lamps, and side marker lamps.

The provisions of N.D.C.C. § 39-21-10 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Reflectors when required by section 39-21-08 must be mounted at a height not less than fifteen inches [38.1 centimeters] and not higher than sixty inches [152.4 centimeters] above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than fifteen inches [38.1 centimeters] the reflector must be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail-lamp but must meet all the other reflector requirements of this chapter.
2. Clearance lamps must be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

39-21-11. Visibility of reflectors, clearance lamps, and marker lamps.

The provisions of N.D.C.C. § 39-21-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every reflector upon any vehicle referred to in section 39-21-08 must be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] from the vehicle when directly in front of lawful lower beams of headlamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, must be measured in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle must reflect the required color of light to the sides, and those mounted on the rear must reflect a red color to the rear.
2. Front and rear clearance lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance

of five hundred feet [152.4 meters] from the front and rear, respectively, of the vehicle.

3. Side marker lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet [152.4 meters] from the side of the vehicle on which mounted.

39-21-12. Obstructed lights not required.

The provisions of N.D.C.C. § 39-21-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination must be lighted.

39-21-13. Lamp or flag on projecting load.

The provisions of N.D.C.C. § 39-21-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

39-21-14. Lamps on parked vehicle.

The provisions of N.D.C.C. § 39-21-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet [304.8 meters] upon such street or highway, no lights need be displayed.
2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any

person or object within a distance of one thousand feet [304.8 meters] upon such highway, the vehicle must be equipped with at least one lamp displaying a white or amber light visible from a distance of one thousand feet [304.8 meters] to the front of the vehicle. The same lamp or at least one other lamp must display a red light visible from a distance of one thousand feet [304.8 meters] to the rear of the vehicle, and the location of the lamp or lamps must always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. Local authorities may provide by ordinance that no lights need be displayed upon any motor vehicle when parked upon a highway where the speed limit in effect does not exceed thirty miles [48.28 kilometers] per hour in accordance with local ordinances or where there is sufficient light to reveal any person within a distance of two hundred feet [60.96 meters] upon such highway.

3. Any lighted headlamps upon a parked vehicle must be depressed or dimmed.

39-21-15. Lamps, reflectors, and reflective materials on farm tractors, farm equipment, and implements of husbandry.

The provisions of N.D.C.C. § 39-21-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, manufactured or assembled after January 1, 1980, must at all times, and every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry must, when operated upon the highways of this state during the times mentioned in section 39-21-01, be equipped as follows:

1. Tractors and self-propelled units of farm equipment must be equipped with two single-beam or multiple-beam headlamps meeting the requirements of section 39-21-20 or 39-21-22; provided, that a tractor or self-propelled unit of farm equipment which is not equipped with an electrical system must be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than one thousand feet [304.8 meters] to the front of the vehicle. Every tractor and self-propelled unit of farm equipment must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear of the vehicle. In addition, every tractor and every self-propelled unit of farm equipment must be equipped with two red reflectors visible from all distances from six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps.
2. Every towed unit of farm equipment or implement of husbandry must be equipped with at least one lamp displaying a red light visible when lighted from a distance of one thousand feet [304.8 meters] to the rear or two red reflectors visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the rear when directly in front of lawful lower beams of headlamps. In addition, if the extreme left projection of a towed unit of farm equipment or

implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, the unit or implement must be equipped with at least one amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] to the front when illuminated by the lower beams of headlamps and at least one red lamp reflector so mounted and visible from the same distances to the rear.

The lamps and reflectors required by this section must be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, the lamps or reflectors must be so positioned that the extreme projections both to the left and to the right of the vehicle must be indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required in subsection 2.

39-21-16. Lamps on other vehicles and equipment.

The provisions of N.D.C.C. § 39-21-16 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection 4 of section 39-21-46, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, must at all times specified in section 39-21-01 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet [304.8 meters] to the front of the vehicle, and must also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet [304.8 meters] to the rear of the vehicle, or two red reflectors visible for distances of one hundred feet [30.48 meters] to six hundred feet [182.88 meters] to the rear when illuminated by the lower beams of headlamps.

39-21-17. Spot lamps and auxiliary lamps.

The provisions of N.D.C.C. § 39-21-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp must be so aimed and used so that no part of the high-intensity portion will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.
2. Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches [30.48 centimeters] nor more than thirty inches [76.2 centimeters] above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-

intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet [7.62 meters] ahead project higher than a level of four inches [10.76 centimeters] below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in subsection 2 of section 39-21-20.

3. Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches [60.96 centimeters] nor more than forty-two inches [106.68 centimeters] above the level surface upon which the vehicle stands. The provisions of section 39-21-20 apply to any combination of headlamps and auxiliary passing lamps.
4. Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps. Any auxiliary driving lamp mounted at a height of less than sixteen inches [40.64 centimeters] or more than forty-two inches [106.68 centimeters] above the level surface upon which the vehicle stands may not be lighted when the vehicle is used upon a highway. The provisions of section 39-21-20 apply to any combination of headlamps and auxiliary driving lamps.

39-21-18. Audible and visual signals on vehicle.

The provisions of N.D.C.C. § 39-21-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of causing a minimum sound intensity level of eighty-five decibels. The siren or signal must be mounted outside of the vehicle or in front of the radiator.
2. Any authorized emergency vehicle may be equipped with safety strobe lights.
3. A police vehicle when used as an authorized emergency vehicle may be equipped with alternately flashing red lights specified herein and a vehicle designated for the use of the adjutant general or the assistant adjutant general may be equipped with a siren, exhaust whistle, or bell specified herein.
4. Every school bus, except vehicles with a seating capacity of less than sixteen students, must be equipped with:
 - a. Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight;
 - b. A stop sign on a control arm that can be activated by the bus driver. The stop sign on the control arm must be located on the left side of the bus, be equipped with a flashing red light, and when activated, extend out from the bus at approximately a ninety-degree angle; and

- c. Safety strobe lights if the school bus was manufactured after July 31, 1998. Older school buses may have safety strobe lights installed.

39-21-18.1. Flashing signals on rural mail vehicle - Standards.

The provisions of N.D.C.C. § 39-21-18.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Notwithstanding any other provision of law, it is lawful for any vehicle regularly used as a rural mail delivery vehicle to display two simultaneously flashing amber lamps mounted on top of such vehicle while it is being used to deliver mail. The light assembly must consist of two lamps mounted on top of the vehicle with one lamp being as near as is practicable to each side of the vehicle, displaying an amber light not less than four inches [10.16 centimeters] in diameter and visible under normal atmospheric conditions for a distance of at least five hundred feet [152.4 meters] to the front and to the rear of such vehicle. The lamp assembly must include a sign at least seven inches [17.78 centimeters] in height containing the words "U.S. MAIL" in black letters not less than four inches [10.16 centimeters] in height and of not less than three-quarters of an inch [1.905 centimeters] in width of stroke, upon a white background. The sign must be constructed so as to permit folding down out of the line of vision when not in use. The lamps must be equipped with a device to cause them to flash on and off, and such lamps must be so wired as to cause both lamps to flash simultaneously. In lieu of the light assembly permitted by this section, a vehicle may display one revolving amber light placed on top of the vehicle and accompanied by a sign placed on the rear of the vehicle and containing the words "U.S. MAIL". The light and sign must comply with the requirements applicable to the amber lights and sign used with a light assembly permitted by this section. Amber lights permitted by Page No. 6 this section may only be operated for the purpose of discharging official duties and must not be in operation except during the actual performance of duty delivering mail.

39-21-19. Signal lamps and signal devices.

The provisions of N.D.C.C. § 39-21-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any motor vehicle may be equipped and when required under this chapter must be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than three hundred feet [91.44 meters] to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may, but need not, be incorporated with one or more other rear lamps.
2. Any motor vehicle may be equipped and when required under this chapter must be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. The lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use display a white or amber light, or any shade of color between white and amber,

visible from a distance of not less than three hundred feet [91.44 meters] to the front in normal sunlight, and the lamps showing to the rear must be located at the same level and as widely spaced laterally as practicable and when in use display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred feet [91.44 meters] to the rear in normal sunlight. Any motor vehicle or combination of vehicles eighty inches [20.32 decimeters] or more in overall width, and manufactured or assembled after January 1964, must be equipped with the lamps required by this subsection mounted and spaced in the same manner but visible from a distance of not less than five hundred feet [152.4 meters] to the front and rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.

3. No stop lamp or signal lamp may project a glaring light.

39-21-19.1. Vehicular hazard warning signals.

The provisions of N.D.C.C. § 39-21-19.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
2. After January 1, 1980, every bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches [20.32 decimeters] or more in overall width or thirty feet [9.14 meters] or more in overall length must be equipped with lamps meeting the requirements of this section.
3. Vehicular hazard warning signal lamps used to display warning to the front must be mounted at the same level and as widely spaced laterally as practicable, and must display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display warning to the rear must be mounted at the same level and as widely spaced laterally as practicable, and must show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights must be visible from a distance of not less than five hundred feet [152.4 meters] in normal sunlight.

39-21-20. Multiple-beam road-lighting equipment.

The provisions of N.D.C.C. § 39-21-20 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles must be so arranged that the driver may select at will between distributions of light projected to different elevations and these lamps may, in

addition, be so arranged that selection can be made automatically, subject to the following limitations:

1. There must be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least four hundred fifty feet [137.16 meters] ahead for all conditions of loading.
2. There must be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred fifty feet [45.72 meters] ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam may be directed to strike the eyes of an approaching driver.
3. Every new motor vehicle, registered in this state, which has multiple-beam road-lighting equipment must be equipped with a beam indicator, which must be lighted whenever the uppermost distribution of light from the headlamps is in use, and may not otherwise be lighted. The indicator must be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

39-21-21. Use of multiple-beam road-lighting equipment.

The provisions of N.D.C.C. § 39-21-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-21-01, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet [152.4 meters], such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of section 39-21-20 must be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within three hundred feet [91.44 meters] to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of section 39-21-20.

39-21-22. Single-beam road-lighting equipment.

The provisions of N.D.C.C. § 39-21-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Headlamps arranged to provide a single distribution of light are permitted on motor vehicles

manufactured and sold prior to one year after July 1, 1963, in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps must be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet [7.62 meters] ahead project higher than a level of five inches [12.7 centimeters] below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches [106.68 centimeters] above the level on which the vehicle stands at a distance of seventy-five feet [22.86 meters] ahead.
2. The intensity must be sufficient to reveal persons and vehicles at a distance of at least two hundred feet [60.96 meters].

39-21-24. Arrest for improperly adjusted headlamps or improper bulbs - Certificate of conformance a defense.

The provisions of N.D.C.C. § 39-21-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any motor vehicle equipped with approved headlamps, auxiliary driving lamps, rear lamps, or signal lamps who is arrested upon the charge that such lamps are adjusted improperly or are equipped with bulbs of a candle power not approved for use therewith, must be allowed forty-eight hours within which to bring such lamps into conformance with the requirements of this chapter. It is a defense to any such charge that the person arrested produces in court or submits to the state's attorney a certificate showing that within forty-eight hours after such arrest such lamps have been made to conform with the requirements of this chapter.

39-21-25. Number of driving lamps required or permitted.

The provisions of N.D.C.C. § 39-21-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. At all times specified in section 39-21-01 at least two lighted lamps must be displayed, one on each side at the front of every motor vehicle, except when a vehicle is parked subject to the regulations governing lights on parked vehicles.
2. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle may be lighted at any one time when upon a highway.

39-21-26. Special restrictions on lamps.

The provisions of N.D.C.C. § 39-21-26 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

1. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower must be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet [22.86 meters] from the vehicle.
2. No person may drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or green light visible from directly in front of the center thereof. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.
3. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

39-21-27. Special lighting and warning equipment on school buses.

The provisions of N.D.C.C. § 39-21-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The superintendent of public instruction, in cooperation with the director, is authorized to adopt standards and specifications applicable to lighting equipment and special warning devices, including the stop sign on a control arm specified in section 39-21-18, to be carried by school buses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. The standards and specifications must correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.
2. It is unlawful to operate any flashing warning signal light or the stop sign on the control arm specified in section 39-21-18 on a school bus except when the school bus is stopped on a highway for the purpose of permitting schoolchildren to board or alight from the school bus.
3. School buses equipped with safety strobe lights pursuant to subsection 4 of section 39-21-18 must have the safety strobe light in operation whenever the school bus is being operated upon a highway for purposes of transporting children either to or from school or for a school-sanctioned activity. It is unlawful to operate a safety strobe light on a school bus when the school bus is used for any other purpose.

39-21-27.1. School bus standards - Equipment and color regulations.

The provisions of N.D.C.C. § 39-21-27.1 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers may be used as school buses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of school buses and shall prepare and publish standards for North Dakota school buses which must set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any school bus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a school bus is purchased for a purpose or purposes other than the public transport of schoolchildren, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights and the stop sign on the control arm.

Highway patrol officers and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

39-21-28. Standards for lights on snow-removal or other hazardous equipment.

The provisions of N.D.C.C. § 39-21-28 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The director shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal or other hazardous equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section must correlate with and, so far as possible, conform with those approved by the American association of state highway officials.
2. It is unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

39-21-29. Selling or using lamps or equipment.

The provisions of N.D.C.C. § 39-21-29 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer, or use upon these vehicles any headlamp, auxiliary, or fog lamp, rear lamp, signal lamp, or required

reflector, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been approved by the department. The provisions of this subsection do not apply to equipment in actual use or replacement parts when this section is adopted.

2. No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, pole trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the department unless the lamp or device bears the trademark or name under which it is approved so as to be legible when installed.
3. No person may use upon any motor vehicle, trailer, pole trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the department.

39-21-32. Brake equipment required.

The provisions of N.D.C.C. § 39-21-32 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means must be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they must be so constructed that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.
2. Every farm tractor, motorcycle, and motor-driven cycle, when operated upon a highway, must be equipped with at least one brake, which may be operated by hand or foot.
3. Every trailer or semitrailer when operated upon a highway at a speed in excess of twenty-five miles [40.23 kilometers] per hour must be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes must be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes are automatically applied.
4. One of the means of brake operation must be parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes must be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power-assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes must be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of

energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes.

39-21-33. Maintenance of brakes.

The provisions of N.D.C.C. § 39-21-33 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All brakes must be maintained in good working order and must be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

39-21-35. Hydraulic brake fluid.

The provisions of N.D.C.C. § 39-21-35 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The term "hydraulic brake fluid", as used in this section, means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
2. Hydraulic brake fluid must be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.
3. No person may distribute, have for sale, offer for sale, sell, or service any vehicle with any hydraulic brake fluid unless it has been approved by the department under the procedures set forth in section 39-21-30.

39-21-36. Horn and warning device.

The provisions of N.D.C.C. § 39-21-36 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. While being operated upon a highway, every motor vehicle must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet [60.96 meters], but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with the vehicle's horn, but may not otherwise use the vehicle's horn while upon a highway.
2. No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.
3. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
4. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell,

capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet [152.4 meters] and of a type approved by the department, but the siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of approaching vehicles.

39-21-37. Muffler - Prevention of noise and smoke.

The provisions of N.D.C.C. § 39-21-37 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every motor vehicle must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.
2. The engine and power mechanism of every motor vehicle must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

39-21-38. Mirror.

The provisions of N.D.C.C. § 39-21-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet [60.96 meters] to the rear of such motor vehicle.

39-21-39. Windshield - Must be unobstructed and equipped with wipers - Tinted windows.

The provisions of N.D.C.C. § 39-21-39 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A motor vehicle must be equipped with a windshield. An individual may not drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the highway or any intersecting highway.
2. The windshield on a motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which must be constructed as to be controlled or operated by the driver of the vehicle.
3. The windshield wiper upon a motor vehicle must be maintained in good working order.
4. An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the

object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of section 39-21-38.

39-21-40. Restrictions as to tire equipment.

The provisions of N.D.C.C. § 39-21-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every solid rubber tire on a vehicle must have rubber on its entire traction surface at least one inch [2.54 centimeters] thick above the edge of the flange of the entire periphery.
2. No person may operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
3. No tire on a vehicle moved on a highway may have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it is permissible to use tire chains of reasonable proportions. It is also permissible to use, from October fifteenth to April fifteenth, pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch [1.59 millimeters] beyond the tread of the traction surface of the tire, except that it is permissible to use such tires on school buses at any time during the year.

39-21-41. Safety glazing material in motor vehicles.

The provisions of N.D.C.C. § 39-21-41 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may sell any new motor vehicle, nor may any new motor vehicle be registered, unless it is equipped with safety glazing material of a type approved by the department wherever glazing material is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartment.
2. The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with

ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

3. The department shall maintain a list of types of glazing material by name approved by it as meeting the requirements of this section and may not register after January 1, 1964, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and it shall thereafter suspend the registration of any motor vehicle subject to this section which it finds is not equipped until it is made to conform to the requirements of this section. The requirements of this section do not apply to antique automobiles licensed under chapter 39-04.

39-21-41.1. Safety belts.

The provisions of N.D.C.C. § 39-21-41.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every passenger car manufactured or assembled after January 1, 1965, must be equipped with lap belt assemblies for use in the driver's and one other front seating position.
2. All motor vehicles manufactured after January 1, 1968, must be equipped with any lap belt or shoulder belt required at the time the vehicle was manufactured by standards of the United States department of transportation. Nothing in this subsection affects the requirement in subsection 1 for a lap belt in the driver's seating position.
3. The department may except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections 1 and 2 when compliance would be impractical.
4. No person may install, distribute, have for sale, offer for sale, or sell any belt for use in motor vehicles unless it meets current minimum standards and specifications of the United States department of transportation.
5. Every owner shall maintain belts and assemblies required by this section in proper condition and in a manner that will enable occupants to use them.

39-21-41.2. Child restraint devices - Evidence.

The provisions of N.D.C.C. § 39-21-41.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If a child, under eight years of age, is present in a motor vehicle, that motor vehicle must be equipped with at least one child restraint system for the child. However, a child under the age of eight who is at least fifty-seven inches [1.45 meters] tall is not required to use a child restraint system, but must be correctly buckled in a safety belt. The child restraint system must meet the standards adopted by the United

States department of transportation for those systems [49 CFR 571.213]. While the motor vehicle is in motion, the child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of eight through seventeen years of age who is in the motor vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a safety belt. Use of child restraint systems and safety belts is not required in motor vehicles that were not equipped with safety belts when manufactured. If a child is being transported in an emergency situation, this section does not apply.

2. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement - Evidence.

The provisions of N.D.C.C. § 39-21-41.4 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Subject to the limitations of this section and section 39-21-41.5, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or safety belt in accordance with section 39-21-41.2; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front seat safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence.

The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

39-21-41.5. Secondary enforcement.

The provisions of N.D.C.C. § 39-21-41.5 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A peace officer may not issue a citation for a violation of section 39-21-41.4 unless the officer lawfully stopped or detained the driver of the motor vehicle for another violation. Drivers' license points may not be assessed against any person for violation of section 39-21-41.4.

39-21-42. Certain vehicles to carry flares or other warning devices.

The provisions of N.D.C.C. § 39-21-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may operate any motor truck, passenger bus, or truck tractor, or any motor vehicle towing a house-trailer, upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there is carried in the vehicle the following equipment except as provided in subsection 2:
 - a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which must be capable of being seen and distinguished at a distance of not less than six hundred feet [182.88 meters] under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with the requirements of this section unless it is of a type which has been submitted to the department and approved by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it meets the requirements of the national highway traffic safety administration motor vehicle safety standard number 125 or unless it is so designed and constructed as to include two reflecting elements one above the other, each of which must be capable of reflecting red light clearly visible from all distances within six hundred feet [182.88 meters] to one hundred feet [30.48 meters] under normal atmospheric conditions at night when directly in front of lawful lower beams of headlamps, and unless it is of a type which has been submitted to the department and approved by it.
 - b. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.
 - c. At least two red-cloth flags, not less than twelve inches [30.48 centimeters] square, with standards to support such flags.
2. No person may operate at the time and under conditions stated in subsection 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there is carried in the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection 1, and there shall not be carried in the vehicle any flare, fusee, or signal produced by flame.

39-21-43. Display of warning devices when vehicle disabled.

The provisions of N.D.C.C. § 39-21-43 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever any truck, bus, truck tractor, trailer, semitrailer, or pole trailer eighty

inches [20.32 decimeters] or more in overall width or thirty feet [91.44 decimeters] or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of this chapter. The lamps need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections 2 through 8 are in place.

2. Whenever any vehicle of a type referred to in subsection 1 is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of the vehicle shall display the following warning devices except as provided in subsection 3:
 - a. A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector must immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
 - b. As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
 - (1) One, approximately one hundred feet [30.48 meters] from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.
 - (2) One, approximately one hundred feet [30.48 meters] in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (3) One at the traffic side of the disabled vehicle not less than ten feet [30.48 decimeters] rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1, it may be used for this purpose.
3. Whenever any vehicle referred to in this section is disabled, or stopped for more than ten minutes, within five hundred feet [152.4 meters] of a curve, hillcrest, or other obstruction to view, the warning device in the direction must be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet [30.48 meters] nor more than five hundred feet [152.4 meters] from the disabled vehicle.
4. Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections 2 and 3 must be placed as follows: one at a distance of approximately two hundred feet [60.96 meters] from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet [30.48 meters] from the vehicle, in

the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet [30.48 decimeters] from the vehicle in the direction of the nearest approaching traffic.

5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten minutes, at any time and place mentioned in subsection 2, 3, or 4, the driver of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified in subsection 2, 3, or 4. Flares, fusees, or signals produced by flame may not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
6. The warning devices described in subsections 2 through 5 need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand feet [304.8 meters].
7. Whenever any vehicle described in this section is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by section 39-21-01 the driver of the vehicle shall display two red flags as follows:
 - a. If traffic on the roadway moves in two directions, one flag shall be placed approximately one hundred feet [30.48 meters] to the rear and one flag approximately one hundred feet [30.48 meters] in advance of the vehicle in the center of the lane occupied by the vehicle.
 - b. Upon a one-way roadway, one flag must be placed approximately one hundred feet [30.48 meters] and one flag approximately two hundred feet [60.96 meters] to the rear of the vehicle in the center of the lane occupied by the vehicle.
8. When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place mentioned in this section, the warning devices must be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
9. The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section must conform with the applicable requirements of section 39-21-42.

39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review.

The provisions of N.D.C.C. § 39-21-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads.

The provisions of N.D.C.C. § 39-21-44.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle may be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person may operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

39-21-44.2. Drawbar or connection between vehicles - Precautions required.

The provisions of N.D.C.C. § 39-21-44.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The drawbar or other coupling device between vehicles, one of which is towing or drawing the other on a highway, must include safety chains connecting the vehicles. The drawbar or other coupling device, and the safety chains, must be of a design, strength, and construction so as to prevent the unintentional uncoupling of the vehicles. The safety chain requirement of this section does not apply to:

1. A fifth-wheel coupling device; or
2. A vehicle towing an implement of husbandry or an implement of husbandry towing a vehicle, when operated at a speed not exceeding twenty-five miles [40.23 kilometers] per hour.

39-21-45. Air-conditioning equipment.

The provisions of N.D.C.C. § 39-21-45 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The term "air-conditioning equipment", as used or referred to in this section, means mechanical vapor compression refrigeration equipment which is used to cool the

- driver's or passenger compartment of any motor vehicle.
2. Air-conditioning equipment must be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public and may not contain any refrigerant which is toxic to persons or which is flammable, unless the refrigerant is included in the list published by the United States environmental protection agency as a safe alternative motor vehicle air-conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671k(c).
 3. The department may adopt and enforce safety requirements, rules, and specifications consistent with the requirements of this section applicable to equipment which must correlate with and, so far as possible, conform to the current recommended practice or standard applicable to air-conditioning equipment approved by the society of automotive engineers.
 4. No person may have for sale, offer for sale, sell, or equip any motor vehicle with any air-conditioning equipment unless it complies with the requirements of this section.
 5. No person may operate on any highway any motor vehicle equipped with any air-conditioning equipment unless the equipment complies with the requirements of this section.

39-21-45.1. Modification of motor vehicle.

The provisions of N.D.C.C. § 39-21-45.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual who operates a registered motor vehicle on a highway may not modify that vehicle unless the modification meets the following requirements:
 - a. Any modifying equipment must meet any other requirement applicable to a vehicle under chapter 39-21.
 - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must be branded with a United States department of transportation tire identification number.
 - c. The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.
2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
3. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this section.

4. The director may adopt rules to implement this section.

39-21-46. Scope and effect of equipment requirements - Penalty.

The provisions of N.D.C.C. § 39-21-46 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter for which a fee or penalty for its violation is not otherwise provided.
2. A person who drives or moves, or any owner who causes or knowingly permits to be driven or moved upon a highway, any vehicle or combination of vehicles which that person knows is in such unsafe condition as to endanger a person is guilty of an infraction.
3. The superintendent of the state highway patrol shall, under chapter 28-32, adopt necessary rules concerning the safe operation of motor vehicles and when and how motor carrier audits or inspections will be conducted. The rules must duplicate or be consistent with current motor carrier safety regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the motor carrier safety regulations by reference, and any adoption must be construed to incorporate amendments as may be made from time to time. A violation of rules adopted under this subsection is a noncriminal violation. A person who fails or refuses to comply with these rules must be assessed a fee in the amount set forth in section 39-06.1-06 for each violation.
4. Nothing contained in this chapter may be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
5. The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.
6. The provisions of this chapter with respect to equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as specifically made applicable.
7. The provisions of this chapter and regulations of the department do not apply to vehicles moved solely by human power, except as specifically made applicable.

39-21-50. Slow-moving vehicles required to display identification emblem - Penalty.

The provisions of N.D.C.C. § 39-21-50 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

All implements of husbandry, as defined in section 39-01-01, and machinery, including all road construction machinery, designed for operation at a speed of twenty-five miles [40.23 kilometers] an hour or less, must display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. The emblem or light must be mounted so as to be visible from a distance of not less than five hundred feet [152.4 meters] to the rear. The director shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. The standards and specifications for slow-moving vehicle emblems referred to in this section must correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, must display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this section must be assessed a fee of twenty dollars for each offense.

39-21-51. Alteration of odometers or other mileage recorders, hour meters on tachometers, or other hour recorders - Penalty.

The provisions of N.D.C.C. § 39-21-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person may not willfully, as defined in section 12.1-02-02, alter a motor vehicle odometer or other mileage recorder, hour meter on tachometer, or other hour recorder, or offer for sale or sell a motor vehicle knowing the odometer or other mileage recorder has been altered, for the purpose of deceiving another. Violation of this section is a class C felony if the person has previously been convicted of violating this section, or if the person has violated this section with respect to more than one vehicle, and a class B misdemeanor in all other cases.

39-21-52. Exemption for certain street rod motor vehicles.

The provisions of N.D.C.C. § 39-21-52 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The provisions of this chapter or chapter 37-12-02 of the North Dakota Administrative Code relating to bumpers, tires, and fenders do not apply to street rod motor vehicles. However, a street rod must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. A street rod is a modernized motor vehicle which was manufactured before 1949 by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle. A street rod may have improved modifications to the body, chassis, engine, brakes, power train, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles. The director may adopt rules to implement this section.

39-21-53. Retractable axle control requirements.

The provisions of N.D.C.C. § 39-21-53 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. For a motor vehicle manufactured after July 31, 2005, variable load suspension or retractable axles, or both, raised or lowered by air, hydraulic, or other pressure must have the lock or pressure regulator valve, or both, positioned outside the cab and inaccessible from the driver's compartment if there is more than one variable load suspension axle or retractable axle, or a combination of each.
2. The control to lift and lower a retractable or variable load suspension axle may be accessible in the driver's compartment, but also may not function as the pressure control device unless allowed by subsection 1.

39-21-54. Requirement for steerable, castering, or pivoting axles.

The provisions of N.D.C.C. § 39-21-54 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A single unit vehicle or any vehicle in combination may not be equipped with more than four axles unless the additional axles are steerable, castering, or pivoting axles.

39-21-56. Definitions - Prohibition on counterfeit and nonfunctional airbag - Penalty.

The provisions of N.D.C.C. § 39-21-56 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. As used in this section:
 - a. "Airbag" means an inflatable occupant restraint system device in a motor vehicle which is part of a supplemental restraint system.
 - b. "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark identical, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.
 - c. "Nonfunctional airbag" means a replacement airbag that:
 - (1) Was previously deployed or damaged;
 - (2) Has an electric fault that is detected by the motor vehicle's airbag diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;
 - (3) Includes a part or object, including a supplemental restraint system component, which is installed in a motor vehicle to mislead the

- owner or operator of the motor vehicle into believing a functional airbag has been installed; or
- (4) Is subject to the prohibitions of 49 U.S.C. 30120(j).
- d. "Supplemental restraint system" means a passive inflatable motor vehicle crash protection system designed for use in conjunction with active restraint systems as defined in title 49, Code of Federal Regulations, part 571, section 208, which includes one or more airbags and all components required to ensure an airbag works as designed by the motor vehicle manufacturer including:
- (1) Operating as designed in the event of a crash; and
 - (2) Is designed in accordance with federal motor vehicle safety standards of the specific make, model, and year of the motor vehicle in which the airbag is or will be installed.

ARTICLE 39-24 REGULATION AND REGISTRATION OF SNOWMOBILES

39-24-01. Definitions.

The provisions of N.D.C.C. § 39-24-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purposes of this chapter:

1. "Collector snowmobile" means a snowmobile that is twenty-five years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely by a collector's item.
2. "Dealer" means a person engaged in the business of buying, selling, or exchanging snowmobiles, who advertises or holds out to the public as being engaged in the buying, selling, or exchanging of snowmobiles, or who engages in the buying of snowmobiles for resale.
3. "Operate" means to ride in or on and control the operation of a snowmobile.
4. "Operator" means every person who operates or is in actual physical control of a snowmobile.
5. "Register" means the act of assigning a registration number to a snowmobile.
6. "Roadway" means the portion of a highway improved, designed, or ordinarily used for vehicular travel.
7. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. The term does not include an off-highway vehicle as defined in N.D.C.C. chapter 39-29 converted to operate on tracks.

39-24-02. Snowmobile registration – Title certificate – General requirements.

The provisions of N.D.C.C. § 39-24-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as hereinafter provided, no person may operate any snowmobile unless the snowmobile has been registered in accordance with the provisions of this chapter.

Any snowmobile purchased after July 1, 1973 must be titled under the provisions of article 39-05 in order to be operated under the provisions of this section. Any snowmobile purchased prior to July 1, 1973 may be titled under the provisions of chapter 39-05.

39-24-04. Exemption from registration – Exemption from fees.

The provisions of N.D.C.C. § 39-24-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A registration number must be issued without the payment of a fee for snowmobiles owned by the state of North Dakota or any of its political subdivisions upon application for the registration.
2. No registration or fees may be required of:
 - a. Snowmobiles owned and used by the United States or another state or its political subdivisions.
 - b. Snowmobiles registered in a country other than the United States and temporarily used within this state.
 - c. Snowmobiles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. Snowmobiles operated upon lands owned or leased by the snowmobile owner.
 - e. Snowmobiles incapable of speeds in excess of ten miles per hour and with an engine displacement of less than one hundred cubic centimeters.
 - f. Collector snowmobiles. The director may issue a special permit to a person to operate in a parade; organized group outings, including races, rallies, or other promotional events; and for up to ten days each year for personal transportation. The director may impose a reasonable restriction of a permittee and may revoke, amend, suspend, or modify a permit for cause.
3. If a snowmobile is exempt from registration under subdivision b or c of subsection 2, the owner is required to purchase an out-of-state public trails and lands access permit received upon payment of a twenty-five dollar per year fee. The permit must be in the operator's possession when that individual is operating the snowmobile within the state. Dealers or other agents authorized by the director of the parks and recreation department who sell out-of-state public trails and lands access permits may retain one dollar of the twenty-five dollar per year fee and the remainder of the fees collected under this subsection must be deposited in the state snowmobile fund.

39-24-06. Transfer or termination of snowmobile ownership or change of address.

The provisions of N.D.C.C. § 39-24-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Within fifteen days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, or a change of address of the owner as listed with the application for registration, written notice thereof must be given by the owner to the director in such form as must be prescribed by the director.

39-24-09. Rules for operation of snowmobiles.

The provisions of N.D.C.C. § 39-24-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this chapter. No snowmobile may be operated at any time within the right of way of any interstate highway within this state except as provided in this section.
2. A snowmobile may make a direct crossing of a non-interstate street or highway provided:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
3. No snowmobile may be operated unless it is equipped with at least one headlamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the director pursuant to the authority vested in the director by this code and this chapter.
4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.
5. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a drug as defined in

- section 39-24.1-01, or a combination thereof.
- d. Without a lighted headlamp and tail lamp when required for safety.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
 - g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs must be readable from the outside of the land and must be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed lands.
6. It is unlawful for any person to operate a snowmobile pursuant to chapter 39-24 without having in possession a valid driver's license, except as provided by section 39-24-09.1.
 7. If a snowmobile is operated within the right of way of any road, street, or highway of this state under this chapter, during times or conditions that warrant the use of lights, the snowmobile operator shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile. An operator of a snowmobile traveling on a snowmobile trail maintained by the parks and recreation department which is within the right of way of any road, street, or highway of this state is exempted from this rule. The operator shall wait for all traffic to clear the roadway before crossing bridges and other similar structures.
 8. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 38 of N.D.C.C. § 24-01-01.1 between April first and November first of any year.
 9. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
 10. No person under the age of eighteen years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.
 11. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property maintained, leased, or owned by the state parks and recreation department to which the public has a right of access for snowmobile or other vehicular use, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-

five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days.

12. A snowmobile may not be operated within the right of way of any interstate highway within this state except:
 - a. For emergency purposes; or
 - b. Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass.

39-24-09.1. Operation by individuals - Minimum age.

The provisions of N.D.C.C. § 39-24-09.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual under the age of ten may not operate a snowmobile unless the individual operates the snowmobile on private land. An individual ten or eleven years of age may not operate a snowmobile unless the individual operates the snowmobile on private land or the individual is in the presence of a parent or guardian pursuant to N.D.C.C. chapter 30.1-27, has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to N.D.C.C. chapter 28-32, and has received the appropriate snowmobile safety certificate issued by the director of the parks and recreation department.
2. An individual twelve years of age and over may not operate a snowmobile unless the individual is in possession of a valid driver's license, operates the snowmobile on private land, or unless the individual has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to N.D.C.C. chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the director of the parks and recreation department.
3. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce this chapter is presumptive evidence that the individual is not the holder of the certificate.
4. Fees collected from each individual receiving certification must be deposited into the snowmobile fund for purposes of establishing snowmobile safety programs.

39-24-10. Enforcement.

The provisions of N.D.C.C. § 39-24-10 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Peace officers of this state and their respective duly authorized representatives are hereby authorized to enforce the provisions of this chapter.

39-24-11. Penalties.

The provisions of N.D.C.C. § 39-24-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person who violates subsection 12 of section 39-24-09 must be assessed a fee of one hundred dollars. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

ARTICLE 39-24.1 SNOWMOBILE OPERATOR REGULATION

39-24.1-01. Implied consent to determine alcohol concentration and presence of drugs.

The provisions of N.D.C.C. § 39-24.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual who operates a snowmobile on any public land or private land with public access is deemed to have given consent, and shall consent, subject to this chapter, to a chemical test, or tests, of the blood, breath, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine. As used in this chapter, the definitions in section 39-24-01 apply, and in addition, "chemical test" means any test or tests to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter; and "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely operating a snowmobile. The chemical test must be administered at the direction of a law enforcement officer only after placing the individual, except individuals mentioned in section 39-24.1-04, under arrest and informing that individual that the individual is or will be charged with the offense of operating a snowmobile while under the influence of intoxicating liquor, drugs, or a combination thereof. For the purposes of this chapter, the taking into custody of a minor under N.D.C.C. § 27-20-13 satisfies

the requirement of an arrest. The law enforcement officer shall also inform the individual charged that refusal of the individual to submit to the chemical test determined appropriate will result in that individual being prohibited from operating a snowmobile for up to three years. The law enforcement officer shall determine the chemical test to be used. When a minor is taken into custody for violating subdivision c of subsection 5 of section 39-24-09, the law enforcement officer shall diligently attempt to contact the minor's parent or legal guardian to explain the cause for the custody and the implied consent chemical testing requirements. Neither the law enforcement officer's efforts to contact, nor any consultation with, a parent or legal guardian may be permitted to interfere with the administration of chemical testing requirements under this chapter.

39-24.1-02. Chemical test of operator in serious bodily injury or fatal accident.

The provisions of N.D.C.C. § 39-24.1-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Notwithstanding section 39-24.1-01 or 39-24.1-06, when the operator of a snowmobile is involved in an accident resulting in the death or serious bodily injury, as defined in N.D.C.C. § 12.1-01-04, of another person, and there is probable cause to believe that the operator is in violation of subdivision c of subsection 5 of section 39-24-09, the operator may be compelled by a law enforcement officer to submit to a chemical test.

39-24.1-03. Individuals qualified to administer chemical test and opportunity for additional test.

The provisions of N.D.C.C. § 39-24.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

39-24.1-04. Consent of person incapable of refusal not withdrawn.

The provisions of N.D.C.C. § 39-24.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person who is dead, unconscious, or otherwise in a condition rendering that person incapable of refusal is deemed not to have withdrawn the consent provided by section 39-24.1-01 and the chemical test may be given.

39-24.1-05. Action following chemical test result for a snowmobile operator.

The provisions of N.D.C.C. § 39-24.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person submits to a chemical test under section 39-24.1-01, 39-24.1-03, or 39-24.1-04 and the test shows that person to have the presence of a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the

performance of the test within two hours after the operating of a snowmobile, the test is evidence of a per se violation of subdivision c of subsection 5 of section 39-24-09.

39-24.1-07. Criminal penalties for operating snowmobile while having alcohol or drug concentrations.

The provisions of N.D.C.C. § 39-24.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court shall impose the following minimum penalties:

1. Notwithstanding subsection 7 of N.D.C.C. § 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has not violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of two hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for sixty days within the snowmobile season that runs from December first through April first.
2. If the person's record indicates that, within the five years preceding the date of the offense, the person has one violation of subdivision c of subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of three hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for one year from the date of the sentence.
3. If the person's record indicates that, within the five years preceding the date of the offense, the person has had at least two violations of subdivision c of subsection 5 of section 39-24-09 or the person has at least twice been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of four hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for two years from the date of the sentence.

39-24.1-09. Proof of refusal admissible in any action or proceeding.

The provisions of N.D.C.C. § 39-24.1-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If the person under arrest refuses to submit to the chemical test, proof of refusal is admissible in any action or proceeding arising out of acts alleged to have been committed while the person was operating a snowmobile while under the influence of intoxicating liquor, drugs, or a combination thereof.

39-24.1-10. Effect of evidence of chemical test.

The provisions of N.D.C.C. § 39-24.1-10 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

This chapter does not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor, drugs, or a combination thereof, but, if the chemical test results show a drug or an alcohol concentration of at least ten one-hundredths of one percent, the purpose of the evidence must be limited to the issues of probable cause, whether an arrest was made prior to the administering of the test, and the validity of the test results.

39-24.1-11. Liability.

The provisions of N.D.C.C. § 39-24.1-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any individual medically qualified to draw blood or any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any arresting officer is not liable in any civil action for damages arising out of the act except for gross negligence.

39-24.1-13. Fleeing or attempting to elude a peace officer.

The provisions of N.D.C.C. § 39-24.1-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the snowmobile to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a subsequent offense. A signal complies with this section if the signal is perceptible to the driver and:
 - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
 - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform or prominently displays the officer's badge of office.
2. Any sentence imposed under this section must include a minimum fine of at least five hundred dollars.

ARTICLE 39-27 MOTORCYCLE EQUIPMENT

39-27-01. Purpose.

The provisions of N.D.C.C. § 39-27-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

It is the purpose of this chapter to establish performance and equipment requirements for the manufacture, sale, and safe operation of a motorcycle upon public highways and to furnish administrators with a guide for registration eligibility and continued conformity as related to motorcycles.

39-27-03. Frame-chassis requirements.

The provisions of N.D.C.C. § 39-27-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The motorcycle frame-chassis, including the suspension components and engine mountings, must be of substantial construction, capable of supporting the combined weight of all vehicle components and riders for which the vehicle is designed, and withstand normal road shocks and operational stresses without constituting a hazard to the riders or other users of the highway.
2. The wheelbase may not be less than forty inches [101.6 centimeters].

39-27-04. Brakes.

The provisions of N.D.C.C. § 39-27-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every motorcycle must have either a split service brake system or two independently actuated service brake systems in accordance with rules adopted by the director pursuant to N.D.C.C. chapter 28-32. Brakes must act on the front and rear wheels.
2. Every motorcycle must meet the requirements for brake system effectiveness, fade, and partial systems as specified in rules adopted by the director pursuant to N.D.C.C. chapter 28-32.
3. All linkage, cables, pivots, and bearings must be free of excess (high) friction, with the front wheel brake cable so located and secured as not to become pinched between fork and frame members when wheel is turned completely to the right or left.
4. Brake actuating devices must be in an accessible location, unencumbered by vehicle components, and so positioned that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements must be in

accordance with rules adopted by the director pursuant to chapter N.D.C.C. 28-32. A suitable mechanism must be provided for the purpose of automatically returning the actuating devices to normal position upon release.

5. Motorcycle brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.
6. Each three-wheel motorcycle must be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement.

39-27-05. Tires, wheels, and rims.

The provisions of N.D.C.C. § 39-27-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Motorcycle tires must be of pneumatic design with a minimum width of two and twenty-five hundredths inches [57.15 millimeters] designed for highway use.
2. Tires on two-wheel motorcycles and the single tire on the front or rear of a three-wheel motorcycle must have a load capacity rating at least equal to their respective gross axle weight ratings. Each tire on the front or rear axle of a three-wheel motorcycle must have a load capacity rating at least equal to one-half the front or rear axle gross axle weight rating.
3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

39-27-06. Steering and suspension systems.

The provisions of N.D.C.C. § 39-27-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Motorcycle steering and suspension systems must be designed and engineered to provide the operator with the means of safely controlling vehicle direction under all maneuvers required for normal and safe operation.
2. The rear wheel of a two-wheel motorcycle must track behind the front wheel within one inch [2.54 centimeters] with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle, the midpoint of the front or rear wheel track distance must be within one inch [2.54 centimeters] of the single front or single rear wheel track when the vehicle is proceeding on a straight course. The vehicle must be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head must be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.

4. All motorcycles, except three-wheel motorcycles, must meet the following specifications in relationship to front wheel geometry:
 - MAXIMUM: Rake: 45 degrees - Trail: 14 inches
[35.56 centimeters] positive
 - MINIMUM: Rake: 20 degrees - Trail: 2 inches
[5.08 centimeters] positiveManufacturer's specifications must include the specific rake and trail for each motorcycle or class of motorcycles and the terms "rake" and "trail" must be defined by the director by rules adopted pursuant to chapter 28-32.
5. Handlebars must be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred pounds [45.36 kilograms] applied to each handgrip in any direction. Handlebar grips may not be located above the shoulder height of the seated operator. The handlebars must provide a minimum of eighteen inches [45.72 centimeters] between grip after final assembly.
6. Handlebars must be equipped with handgrips consisting of a material and surface pattern to ensure firm, nonslip gripping for the driver.
7. Every motorcycle must be equipped with a suspension system and such suspension system must be applicable to at least the front wheel. The suspension system must be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

39-27-07. Fuel system.

The provisions of N.D.C.C. § 39-27-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. All fuel system components, including the tank, pump, tubing, hoses, clamps, and other components, must be securely fastened to the motorcycle so as not to interfere with vehicle operation and be leak-proof when the vehicle is in its normal operating attitude.
2. Fuel lines must be positioned in a manner to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or moving components. The fuel system must be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

39-27-08. Exhaust system - Prevention of noise.

The provisions of N.D.C.C. § 39-27-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Motorcycles must be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system must be leak-proof and all components must be securely

attached to the vehicle and located so as not to interfere with the operation of the motorcycle. Shielding must be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation. In addition, all motorcycles operating on streets and highways must meet the noise decibel limitations as established by the environmental protection agency. No person may sell, offer for sale, or install any noise suppressing system or device which will produce noise in excess of the maximum allowable decibel limitations of this section.

39-27-09. Mirror.

The provisions of N.D.C.C. § 39-27-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every motorcycle must be equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle. Such mirror must consist of a minimum reflective surface of ten square inches [64.52 square centimeters]. All mirrors shall not contain sharp edges or projections capable of producing injury.

39-27-10. Fenders.

The provisions of N.D.C.C. § 39-27-10 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Each wheel of a motorcycle must be equipped with fenders or otherwise covered by the body configuration. Fenders must be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or throwing the road substances unreasonably to the rear of the vehicle. Fender design must be effective in reducing side spray.

39-27-11. Seat or saddle.

The provisions of N.D.C.C. § 39-27-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A seat or saddle securely attached to the vehicle must be provided for the use of the operator. The seat or saddle may not be less than twenty-five inches [63.5 centimeters] above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the operator seated in a driving position. The seat or saddle adjustment locking device must prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

39-27-12. Chain guard.

The provisions of N.D.C.C. § 39-27-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any drive chain on a motorcycle must be equipped with a chain guard or covering device to prevent chain or chain sprocket contact with any rider.

39-27-13. Vehicle stand.

The provisions of N.D.C.C. § 39-27-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All motorcycles designed with two wheels must be equipped with a retracting vehicle stand to permit the vehicle to remain in an upright stored position without outside assistance. The stand may be of a side or center type and must be of substantial construction to hold the vehicle so equipped.

39-27-14. Glazing.

The provisions of N.D.C.C. § 39-27-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

When equipped, all motorcycle windscreens and windshields must meet the following standards:

1. The glazing material must comply with the standards promulgated by rule of the director.
2. The metal support must be of a material which bends rather than fragments under impact.
3. Covering material, other than glazing, must be beaded at the edges to prevent fraying.

39-27-15. Horn.

The provisions of N.D.C.C. § 39-27-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every motorcycle must be equipped with an operative horn in good working order as described by subsection 1 of section 39-21-36. The horn must operate from a control device located on the left handlebar.

39-27-16. Speedometer and odometer.

The provisions of N.D.C.C. § 39-27-16 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every motorcycle must be equipped with a properly operating speedometer and odometer calibrated in miles [kilometers] per hour and miles [kilometers] respectively and must be fully illuminated when the headlamp is activated.

39-27-17. Lighting equipment.

The provisions of N.D.C.C. § 39-27-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A motorcycle must be equipped with lamps, reflective devices, and associated equipment as required by and in compliance with standards adopted by rule of the director.
2. A gearbox indicator light, if provided, must be located within the operator's field of vision.
3. A headlamp beam indicator light must be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated.
4. A motorcycle must be equipped with at least one taillamp in accordance with section 39-21-04.
5. A motorcycle must be equipped with a stop lamp in accordance with subsection 1 of section 39-21-19.

39-27-17.1. Headlamps on motorcycles.

The provisions of N.D.C.C. § 39-27-17.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type.
2. Every headlamp or headlamps on a motor-driven cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet [30.48 meters] when the motor-driven cycle is operated at any speed less than twenty-five miles [40.23 kilometers] per hour and at a distance of not less than two hundred feet [60.96 meters] when the motor-driven cycle is operated at a speed of twenty-five or more miles [40.23 or more kilometers] per hour, and at a distance of not less than three hundred feet [91.44 meters] when the motor-driven cycle is operated at a speed of thirty-five miles [56.33 kilometers] per hour.
3. In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps the upper beam must meet the minimum requirements set forth above and may not exceed the limitations set forth in subsection 1 of section 39-21-20 and the lowermost beam must meet the requirements applicable to a lowermost distribution of light as set forth in subsection 2 of section 39-21-20.
4. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps the lamp or lamps must be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet [7.62 meters] ahead, projects higher than the level of the center of the lamp from which it comes.

39-27-18. Passenger seat.

The provisions of N.D.C.C. § 39-27-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Motorcycles designed to carry more than one person must be equipped with a securely mounted seat for each passenger located to the side or rear of the driver such that the passenger seat does not interfere with the driver's control or operation of the vehicle. In the case of a two-wheel vehicle, the passenger seat must be located on the longitudinal centerline of the motorcycle.

39-27-20. Footrests.

The provisions of N.D.C.C. § 39-27-20 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Footrests must be provided for each designated seating position. Each footrest for a passenger must be so designed and constructed to support a static weight of two hundred fifty pounds [113.40 kilograms] applied at the center of the foot pedal. Footrests must be so located to provide reasonable accessibility for the passenger's feet. Footrests must fold rearward or upward when not in use if the footrest protrudes beyond the width of the handlebars.

39-27-21. Highway bars.

The provisions of N.D.C.C. § 39-27-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a motorcycle is so equipped, highway bars must have a maximum width of twenty-six inches [66.04 centimeters], must be located less than fifteen inches [38.1 centimeters] from the foot controls, and may not interfere with the operation of the foot controls.

**ARTICLE 39-29
OFF-HIGHWAY VEHICLES**

39-29-01. Definitions.

The provisions of N.D.C.C. § 39-29-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

As used in this chapter, unless the context otherwise requires:

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.

2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more non-highway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more non-highway tires.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an off-highway vehicle.

39-29-02. Off-highway vehicle registration.

The provisions of N.D.C.C. § 39-29-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as provided in this chapter, an individual may not operate an off-highway vehicle unless it has been registered under this chapter.

39-29-04. Exemption from registration – Exemption from fees.

The provisions of N.D.C.C. § 39-29-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Registration and payment of fees is not required of:
 - a. Off-highway vehicles owned and used by the United States or any state or its political subdivisions.

- b. Off-highway vehicles registered in a foreign country and temporarily used in this state.
 - c. Off-highway vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. Off-highway vehicles used exclusively on private lands.
 - e. Off-highway vehicles used exclusively in organized track racing events.
2. If an off-highway vehicle is exempt from registration under subdivision b or c of subsection 1, the owner shall purchase an out-of-state public trails and lands access permit received upon payment of a ten dollar per-year fee. Dealers or other agents authorized by the director of the parks and recreation department who sell out-of-state public trails and lands access permits may retain one dollar of the ten dollar per-year fee. The remainder of the fees collected under this subsection must be deposited in the off-highway vehicle fund.

39-29-09. Operation of off-highway vehicles.

The provisions of N.D.C.C. § 39-29-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance, subject to the City of Beulah specific revisions included below.

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. An individual may not operate an off-highway vehicle on a paved highway if the vehicle is unable to attain a speed, on a paved level surface, of at least thirty miles [48.28 kilometers] per hour.
- a. Notwithstanding the above, Class I off-highway vehicles are permitted to be operated within the city limits of the City of Beulah only from the location that said Class I off-highway vehicle is kept or stored to or from the city limits of the City of Beulah, taking the shortest route practicable.
 - b. Notwithstanding the above, Class II off-highway vehicles are permitted to be operated within the city limits of the City of Beulah for commercial purposes and may also be used for snow removal, as described below. Otherwise, Class II off-highway vehicles may only be operated within the city limits of the City of Beulah from the location that said Class II off-highway vehicle is kept or stored to or from the city limits of the City of Beulah, taking the shortest route practicable.

- c. Notwithstanding the above, Class III off-highway vehicles may be operated on city streets in the City of Beulah provided that said Class III off-highway vehicle is operated in full compliance of N.D.C.C. Chapter 39-29 and this Ordinance.
2. The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. Unless an individual is operating a class I off-highway vehicle, an individual may not operate an off-highway vehicle unless it is equipped with at least one headlamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the director, except when under the direct supervision of an off-highway vehicle instructor teaching a certified off-highway vehicle safety training course, the requirement for a headlamp and tail lamp may be waived.
4. The emergency conditions under which an off-highway vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
5. An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted headlamp and tail lamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course.
 - e. In any tree nursery or planting in a manner that damages growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
 - g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land

entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.

6. Except as provided in section 39-29-10, an individual may not operate an off-highway vehicle without having in possession a valid driver's license or permit.
7. When an off-highway vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the off-highway vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the off-highway vehicle.
8. An individual may not operate an off-highway vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.
9. An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.
10. An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.
11. Unless otherwise provided by law, an off-highway vehicle may be operated on an aggregate road surface only when designated as part of an active off-highway vehicle trail by the managing entity.
12. A person who is performing pest control or survey work for a political subdivision may operate an all-terrain vehicle on the bottom, back-slope, inside slope, and shoulder of a highway other than a controlled-access highway.

39-29-09.1. Equipment.

The provisions of N.D.C.C. § 39-29-09.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

To operate an off-highway vehicle on a paved highway or gravel, dirt, or loose surface roadway under subsection 1 of section 39-29-09, the off-highway vehicle must be equipped with a mirror in compliance with section 39-27-09, a horn in compliance with section 39-27-15, a speedometer and odometer in compliance with section 39-27-16, a brake light, a lighted headlamp in compliance with section 39-27-17.1, and a motor of at least three hundred fifty cubic centimeters.

39-29-10. Operation by persons under age sixteen.

The provisions of N.D.C.C. § 39-29-10 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not,

except upon the lands of the individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle. An individual at least twelve years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate off-highway vehicle safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs.

39-29-12. Penalties.

The provisions of N.D.C.C. § 39-29-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 or subsection 2 of section 39-29-04 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed

ARTICLE 39-29.1 LOW-SPEED VEHICLES

39-29.1-01. Definitions.

The provisions of N.D.C.C. § 39-29.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

As used in this chapter, unless the context otherwise requires:

1. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved level surface, of more than twenty miles [32 kilometers] per hour in one mile [1.6 kilometers] and not more than twenty-five miles [40 kilometers] per hour in one mile [1.6 kilometers] and may not exceed three thousand pounds [1361 kilograms] in weight when fully loaded with passengers and any cargo.
2. "Operate" means to ride in or on and control the operation of a low-speed vehicle.
3. "Register" means the act of assigning a registration number to a low-speed vehicle.

39-29.1-02. Applicability.

The provisions of N.D.C.C. § 39-29.1-02 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

A low-speed vehicle is a motor vehicle under this title, except:

1. N.D.C.C. chapter 39-22 does not apply to low-speed vehicles.
2. Registration of a low-speed vehicle is governed by this chapter.
3. A political subdivision may not require licensing or registration of low-speed vehicles.
4. The governing body of a city may regulate, restrict, or prohibit the use of low-speed vehicles operating in the city limits in areas under the jurisdiction of the city.

39-29.1-03. Low-speed vehicle registration - Application - Issuance - Fees - Renewal.

The provisions of N.D.C.C. § 39-29.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An individual may not operate a low-speed vehicle unless the vehicle has been registered in accordance with this chapter.
2. The department shall design and furnish an application that must be used to register a low-speed vehicle. The registration must state the name and address of every owner of the low-speed vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
3. On receipt of an application and the appropriate fee, the department shall register the low-speed vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
4. The fee for registration of a low-speed vehicle is twenty dollars for each registration cycle of two years ending on March thirty-first. The department may prorate the initial registration fee. For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
5. To renew a registration, the owner of a low-speed vehicle shall follow the procedure adopted by the department and pay the registration fee.
6. The department may adopt rules for the registration of low-speed vehicles and the display of registration numbers.

39-29.1-05. Exemption from registration - Exemption from fees.

The provisions of N.D.C.C. § 39-29.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Registration and payment of fees is not required of:
 - a. A low-speed vehicle owned and used by the United States or another state or its political subdivisions.

- b. A low-speed vehicle registered in a foreign country and temporarily used in this state.
 - c. A low-speed vehicle validly licensed in another state and which has not been in this state for more than thirty consecutive days.
 - d. A low-speed vehicle used exclusively for work on private agricultural land or on an industrial jobsite on private land.
2. A low-speed vehicle owned by this state or any of its political subdivisions are exempt from registration fees for low-speed vehicles.

39-29.1-07. Rules of operation.

The provisions of N.D.C.C. § 39-29.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person may not operate a low-speed vehicle on a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour. The operator of a low-speed vehicle may make a direct crossing of a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour if the crossing is made so the operator can continue on a highway on which the speed limit does not exceed thirty-five miles [56.33 kilometers] per hour.

39-29.1-08. Equipment.

The provisions of N.D.C.C. § 39-29.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A low-speed vehicle must be equipped with headlamps, front and rear turn signal lamps, tail lamps, stop lamps, red reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, brakes, a parking brake, a windshield, a vehicle identification number, a safety belt assembly installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rearview mirror.

39-29.1-09. Penalty.

The provisions of N.D.C.C. § 39-29.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A violation of this chapter for which there is no civil or criminal penalty in this title is a class B misdemeanor.

ARTICLE 39-29.2
UNCONVENTIONAL VEHICLES

39-29.2-01. Definitions.

The provisions of N.D.C.C. § 39-29.2-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

As used in this chapter unless the context otherwise requires:

1. "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle or any number placed on a part in accordance with this chapter or rules of the department for the purpose of identifying the vehicle.
2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat that does not require the operator to straddle or sit astride it, has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61 kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

39-29.2-03. Registration of unconventional vehicle.

The provisions of N.D.C.C. § 39-29.2-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Registration of an unconventional vehicle is governed by this chapter.
2. An individual may not operate an unconventional vehicle on public roadways unless the vehicle has been registered under this chapter.
3. The department shall design and furnish an application that must be used to register an unconventional vehicle. The registration must state the name and address of every owner of the unconventional vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
4. On receipt of an application and the appropriate fee, the department shall register an unconventional vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, identifying number, and name and address of the owner.
5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number plate or registration card that is lost,

mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.

6. To renew a registration, the owner of an unconventional vehicle shall follow the procedure adopted by the department and pay the registration fee.
7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle. Whenever the ownership of an unconventional vehicle registered under this chapter is transferred or assigned, the plates must be handled in accordance with subsection 1 of section 39-04-36.
8. Funds collected from registration must be deposited in the motor vehicle registration fund.
9. Every unconventional vehicle is subject to the motor vehicle body damage disclosure requirement of section 39-05-17.2.

39-29.2-04. Operation of unconventional vehicle.

The provisions of N.D.C.C. § 39-29.2-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

To operate an unconventional vehicle on a highway, the operator must be a class D licensed driver. An operator may operate an unconventional vehicle on any highway.

39-29.2-05. Equipment.

The provisions of N.D.C.C. § 39-29.2-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Operators and passengers in an unconventional vehicle shall comply with seatbelt use laws.

ARTICLE 39-29.3 ALL-TERRAIN VEHICLES

39-29.3-01. Definitions.

As used in this article, unless the context otherwise requires:

1. “All-terrain vehicle” means any motorized off-highway vehicle fifty inches (50”) or less in width, having a dry weight of 1,000 pounds or less, traveling on three or more low-pressured tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
2. “Dealer” means any person engaged in the business of buying, selling, or exchanging all-terrain vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of all-terrain vehicles, or who engages in the buying of all-terrain vehicles for resale.

3. “Operate” means to ride in or on and control the operation of an all-terrain vehicle.
4. “Operator” means a person who operates or is in actual physical control of an all-terrain vehicle.
5. “Owner” means a person other than a lien holder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.
6. “Register” means the act of assigning a registration number to an all-terrain vehicle.

39-29.3-02. All-terrain vehicle registration.

Except as provided in this article, a person may not operate an all-terrain vehicle unless it has been registered in accordance with NDCC Chapter 39-29.

39-29.3-03. Exemption from registration.

Registration is not required of:

1. All-terrain vehicles owned and used by the United States or another State or its political subdivisions.
2. All-terrain vehicles registered in a foreign country and temporarily used in this State.
3. All-terrain vehicles validly licensed in another State and which have not been within this State for more than thirty (30) consecutive days.
4. All-terrain vehicles used exclusively for work on private agricultural lands or on industrial job sites on private lands.
5. All-terrain vehicles used exclusively in organized track racing events.

39-29.3-04. Operation of all-terrain vehicles

1. A person may not operate an all-terrain vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this ordinance. Except in emergencies, a person may not operate an all-terrain vehicle within the right-of-way access highway.
2. The operator of an all-terrain vehicle may make a direct crossing of a street or highway only if:
 - a. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. A person may not operate an all-terrain vehicle unless it is equipped with at least one (1) headlamp, one (1) taillamp, and brakes, all in working order, which conform

- to standards prescribed by rule of the Director of the Department of Transportation, except when under the direct supervision of an all-terrain vehicle instructor teaching a certified all-terrain vehicle safety training course, the requirement for a headlamp and taillamp may be waived.
4. The emergency conditions under which an all-terrain vehicle may be operated other than as provided in this ordinance are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
 5. A person may not operate an all-terrain vehicle in the following ways, which are declared to be unsafe and a public nuisance.
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted headlamp and taillamp except when used by an all-terrain vehicle instructor during a certified all-terrain vehicle safety training course.
 - e. In any tree nursery or planting in a manner which damages growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the all-terrain vehicle's exhaust system.
 - g. On any private land except that which is owned by the owner and/or operator of the all-terrain vehicle.
 6. Except as provided in NDCC § 39-29-10 a person may not operate an all-terrain vehicle without having in possession a valid driver's license or permit.
 7. When an all-terrain vehicle is operated within the right-of-way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the all-terrain vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the all-terrain vehicle.
 8. A person may not operate an all-terrain vehicle within the right-of-way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the all-terrain vehicle by a hinged swivel and secure hitch.
 9. Helmet required. No person under the age of eighteen (18) years may operate, ride, or otherwise be propelled on an all-terrain vehicle unless the person wears a safety helmet meeting the United States Department of Transportation standards.
 10. Passenger restrictions. No operator of an all-terrain vehicle may carry a passenger while operating.
 11. No person shall operate an all-terrain vehicle upon any road, street, or highway, in the City of Beulah kept open for vehicular traffic, except:
 - a. For a special all-terrain vehicle event of limited duration when conducted on a pre-arranged schedule under permit from the governing body.
 - b. In traveling from the operator's place of residence to the edge of the City limits, using the shortest route from said operator's residence to the edge of said City limits, within the restrictions provided in this ordinance. All such

traveling must be conducted upon public roads, streets, and alleyways.

39-29.3-05. Penalties

Violations of Subsections b, c, or g of Subsection 5 of 39-29.3-04, above, is a Class B misdemeanor. Violation of any other provision of 39-29.5-04, above, is an infraction for which a fee of Twenty Dollars (\$20.00) must be assessed. Violation of 39-29.3-02, above, is an infraction for which a fee of Fifty Dollars (\$50.00) must be assessed. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this Chapter is an infraction, for which a fee of Ten Dollars (\$10.00) must be assessed.

SAVINGS CLAUSE. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SEVERABILITY. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE. The Ordinance shall be in full force and effect after its final passage and approval and publication of its title and penalty clause.

DATED this 15 day of June, 2020.

TRAVIS FREY
Mayor

ATTEST:

HEATHER FEREBEE
City Auditor

Introduction and First Reading: May 18, 2020
Second Reading: June 15, 2020
Final Passage: June 15, 2020
Publication Date: June 25, 2020
Effective Date: June 25, 2020