

**HOUSE BILL NO. 1409**

Introduced by

Representatives D. Ruby, Brandenburg, Cory, Fegley, Schatz

Senators Clemens, Hogan, Myrdal, K. Roers

1 A BILL for an Act to create and enact section 39-10-03.3 of the North Dakota Century Code,  
2 relating to class D authorized emergency vehicles; to amend and reenact sections 39-10-26  
3 and 39-21-26 of the North Dakota Century Code, relating to yielding the right of way for  
4 authorized emergency vehicles and special restrictions on lamps; and to provide a penalty.

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

6 **SECTION 1.** Section 39-10-03.3 of the North Dakota Century Code is created and enacted  
7 as follows:

8 **39-10-03.3. Class D authorized emergency vehicles.**

9 1. The driver of a class D authorized emergency vehicle may:

10 a. Park or stand, irrespective of the provisions of this chapter.

11 b. Not exceed the speed limit or endanger life or property.

12 2. The exceptions granted in this section to a class D authorized emergency vehicle  
13 apply only if:

14 a. The vehicle is owned or leased by a private security agency, excluding a vehicle  
15 owned or leased by a security guard for personal use;

16 b. The vehicle displays flashing, rotating, revolving, oscillating, or steady green and  
17 amber lights visible under normal atmospheric conditions for a distance of five  
18 hundred feet [152.4 meters], with either color being no greater than fifty percent  
19 of the lights displayed, while the security personnel is engaged in security duties  
20 or patrolling events on assigned private or public property; and

21 c. The vehicle is clearly marked on both sides and on the rear of the vehicle with  
22 the word "PRIVATE SECURITY", "SECURITY PATROL" or with the name of the  
23 security company.

- 1       3. A class D authorized emergency vehicle may not display or activate any of the green  
2           and amber lights while on any public road.

3       **SECTION 2. AMENDMENT.** Section 39-10-26 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5       **39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or**  
6 **vehicle used for maintaining the state highway system - Penalty.**

- 7       1. Upon the immediate approach of an authorized emergency vehicle displaying a visible  
8 flashing, revolving, oscillating, or rotating blue, white, or red light, or a steady red or red  
9 and blue lamp, the driver of every other vehicle shall yield the right of way and shall  
10 immediately drive to a position parallel to, and as close as possible to, the right-hand  
11 edge or curb of the roadway clear of any intersection and shall stop and remain in that  
12 position until the authorized emergency vehicle has passed, except when otherwise  
13 directed by a police officer.
- 14       2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency  
15 and is displaying a flashing, revolving, oscillating, or rotating blue, white, or red light, or  
16 a steady red or red and blue lamp approaching traffic shall move to the right-hand  
17 edge or curb of the roadway and shall stop, but once having stopped, traffic may  
18 proceed past the scene at its own risk when the roadway is clear, except when  
19 otherwise directed by a police officer. If an authorized emergency vehicle is otherwise  
20 parked or stopped on the interstate system or on a multilane highway outside the limits  
21 of a city, and the authorized emergency vehicle is displaying a flashing, revolving,  
22 oscillating, or rotating amber, blue, white, or red light, or a steady red or red and blue  
23 lamp, the driver of an approaching vehicle shall proceed with caution and yield the  
24 right of way by moving to a lane that is not adjacent to the authorized emergency  
25 vehicle if the move may be made with due regard to safety and traffic conditions or if  
26 not, the driver shall proceed with due caution, reduce the speed of the vehicle, and  
27 maintain a safe speed for the road conditions.
- 28       3. If a vehicle operated by or under the control of the director used for maintaining the  
29 state highway system is parked or stopped on the interstate system or on a multilane  
30 highway outside the limits of a city, and the vehicle is displaying a flashing, revolving,  
31 oscillating, or rotating amber or white light, the driver of an approaching vehicle shall

1 proceed with caution and yield the right of way by moving to a lane that is not adjacent  
2 to the vehicle if the move may be made with due regard to safety and traffic conditions  
3 or if not, the driver shall proceed with due caution, reduce the speed of the vehicle,  
4 and maintain a safe speed for the road conditions.

5 4. This section does not operate to relieve the driver of an authorized emergency vehicle  
6 or a vehicle operated by or under the control of the director used for maintaining the  
7 state highway system from the duty to drive with due regard for the safety of all  
8 persons using the highway.

9 5. a. Any individual who violates subsection 2 and causes an accident with an  
10 authorized emergency vehicle while the authorized emergency vehicle is  
11 displaying a visible flashing, revolving, oscillating, or rotating amber, blue, white,  
12 or red light, or a steady red or red and blue lamp, is guilty of an infraction.

13 b. An individual who violates subsection 3 and causes an accident with a vehicle  
14 operated by or under the control of the director used for maintaining the state  
15 highway system while the vehicle is displaying a visible flashing, revolving, or  
16 rotating amber or white light is guilty of an infraction.

17 **SECTION 3. AMENDMENT.** Section 39-21-26 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **39-21-26. Special restrictions on lamps.**

20 1. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps,  
21 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps  
22 and schoolbus warning lamps, which projects a beam of light of an intensity greater  
23 than three hundred candlepower must be so directed that no part of the high-intensity  
24 portion of the beam will strike the level of the roadway on which the vehicle stands at a  
25 distance of more than seventy-five feet [22.86 meters] from the vehicle.

26 2. ~~No~~A person may not drive or move any vehicle or equipment upon any highway with  
27 any lamp or device thereon displaying a flashing, revolving, rotating, oscillating, or  
28 steady red, blue, or green light visible from directly in front of the center thereof. This  
29 section does not apply to any vehicle upon which a red light visible from the front is  
30 expressly authorized or required by this chapter.

- 1           3.   Flashing, revolving, rotating, and oscillating lights are prohibited except on an
- 2                   authorized emergency vehicle, schoolbus, snow-removal equipment or on any vehicle
- 3                   as a means of indicating a right or left turn, or the presence of a vehicular traffic
- 4                   hazard requiring unusual care in approaching, overtaking, or passing.