

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2157

Introduced by

Senators Heckaman, Andrist, Nodland

Representatives Devlin, Guggisberg, Klein

1 A BILL for an Act to create and enact two new subdivisions to subsection 2 of section
2 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
3 North Dakota Century Code, relating to the fee and demerit points for entering a road closed
4 due to hazardous conditions; to amend and reenact section 39-10-21.1 of the North Dakota
5 Century Code, relating to entering a closed road; and to provide a penalty.

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

7 **SECTION 1.** Two new subdivisions to subsection 2 of section 39-06.1-06 of the North
8 Dakota Century Code are created and enacted as follows:

9 A violation of subsection 3 of section 39-10-21.1, a fee of one hundred dollars.

10 A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
11 dollars.

12 **SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
13 North Dakota Century Code is created and enacted as follows:

14 Entering a closed road in violation of subsection 2 of 4 points
15 section 39-10-21.1

16 **SECTION 3. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-10-21.1. Closing road because of hazardous conditions - Posting of official**
19 **traffic-control devices - Entering closed road prohibited.**

20 1. The highway patrol or local law enforcement authorities having jurisdiction over a road
21 may close a road temporarily due to hazardous conditions for the protection and safety
22 of the public. If such a closing is made, the authority ordering the closing shall make

- 1 every reasonable attempt to notify the public and, when practical, may post
2 appropriate official traffic-control devices to advise motorists of the closing. ~~No person~~
3 2. An individual, while operating a motor vehicle, may not knowingly enter a road closed
4 under this section which is posted with an appropriate traffic-control device at the point
5 of entry.
- 6 3. An individual, while operating a motor vehicle, may not knowingly enter a road that is
7 closed through reasonable public notification by law enforcement and which is not
8 posted with an appropriate traffic-control device at the point of entry.
- 9 4. The highway patrol or local law enforcement having jurisdiction over a road may
10 require an individual to pay the expenses of that law enforcement agency in providing
11 assistance to that individual if that individual has been cited for violation of
12 subsection 2 and was assisted by that law enforcement agency. The law enforcement
13 agency may retain and hold a possessory lien in any vehicle used in relation to a
14 violation of subsection 2.