Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2352
(Senators Oehlke, Rust)

AN ACT to amend and reenact sections 39-10-47 and 39-10-48 of the North Dakota Century Code, relating to vehicles obstructing highways and vehicles illegally parked on highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-47 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~Upon any highway outside of a business or residence district no person~~An individual may not stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of ~~the~~any highway ~~when~~if it is practicable to stop, park, or so leave ~~such~~the vehicle off ~~such part of said~~the paved or main-traveled part of the highway~~, but in every event an~~. There must be an unobstructed width of the highway of not less than twelve feet [3.66 meters] opposite a standing vehicle ~~must be~~ left for the free passage of other vehicles and a clear view of ~~such~~any stopped ~~vehicles~~vehicle must be available from a distance of not less than two hundred feet [60.96 meters] in each direction upon ~~such~~the highway.

2. ~~This~~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 ~~any~~a vehicle which is disabled while on the paved or main-traveled portion of a highway ~~in such manner and to such extent that it is impossible to avoid~~, if stopping and temporarily leaving ~~such~~the disabled vehicle ~~in such position~~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.

SECTION 2. AMENDMENT. Section 39-10-48 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~Whenever any~~If a police officer finds a vehicle standing upon a highway in violation of ~~any of the provisions of~~ section 39-10-47, ~~such~~the officer ~~is hereby authorized to move such~~may remove the vehicle~~,~~ or require the driver or other person in charge of the vehicle to move the ~~same,~~vehicle to a position off the paved or main-traveled part of ~~such~~the highway to a place where the vehicle does not block the highway or otherwise endanger public safety.

2. ~~Whenever any~~If a police officer finds a vehicle unattended upon any highway~~, bridge, or causeway, or in any tunnel where such~~ and the vehicle ~~constitutes an obstruction to~~may obstruct traffic or otherwise endanger public safety, ~~such~~the officer ~~is hereby authorized to provide for the removal of such~~may have the vehicle moved to ~~the nearest garage or other place of safety~~a location where it may be securely held.

3. ~~Any~~A police officer ~~is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety~~may remove or cause to be removed any vehicle found upon a highway ~~when~~and move the vehicle to any location where the vehicle may be securely held if:

   a. A report has been made ~~that such~~the vehicle has been stolen or taken without the consent of its owner;

   b. The ~~person or persons in charge~~owner or driver of ~~such~~the vehicle ~~are~~is unable to provide for its custody or removal; or

   c. The ~~person~~individual driving or in control of ~~such~~the vehicle is arrested for an ~~alleged~~ offense ~~for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay~~and taken into custody and another individual is not available to lawfully operate the vehicle.

4. ~~Whenever any authorized law enforcement~~If a police officer finds~~, on state charitable or penal institution property or on the state capitol grounds,~~ 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 ~~thereafter an authorized traffic citation may be issued~~issue a traffic citation for a subsequent violation. However, ~~no~~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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2352.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 85	Nays 1	Absent 8

Secretary of the Senate

Received by the Governor at 4:40 P.M. on April 6, 2015.

Approved at 11:11 A.M. on April 8, 2015.

Governor

Filed in this office this 8th day of April, 2015,

at 3:30 o'clock P M.

Secretary of State