

**HOUSE BILL NO. 1203**

Introduced by

Representatives Kempenich, Brandenburg, Laning, Oliver, Rohr

Senators Cook, Schaible

1 A BILL for an Act to create and enact section 32-03.2-02.2 of the North Dakota Century Code,  
2 relating to the liability exemption of a motor vehicle driver; and to amend and reenact section  
3 39-10-33 of the North Dakota Century Code, relating to pedestrians on roadways.

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

5 **SECTION 1.** Section 32-03.2-02.2 of the North Dakota Century Code is created and  
6 enacted as follows:

7 **32-03.2-02.2. Liability exemption for motor vehicle driver.**

8 Notwithstanding any other provision of law, a driver of a motor vehicle who negligently  
9 causes injury or death to an individual obstructing vehicular traffic on a public road, street, or  
10 highway may not be held liable for any damages.

11 **SECTION 2. AMENDMENT.** Section 39-10-33 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **39-10-33. Pedestrian on roadway.**

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

- 1        5. Notwithstanding any other provision of law, a driver of a motor vehicle who
- 2                    unintentionally causes injury or death to an individual obstructing vehicular traffic on a
- 3                    public road, street, or highway is not guilty of an offense.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 55

01/05/2017 Authored by Lohmer, Fenton, Zerwas, Rarick, Miller and others
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act
1.2 relating to public safety; increasing penalties for obstructing a highway; amending
1.3 Minnesota Statutes 2016, sections 160.2715; 609.74.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 160.2715, is amended to read:

1.6 160.2715 RIGHT-OF-WAY USE; MISDEMEANORS PENALTIES.

1.7 (a) Except for the actions of the road authorities, their agents, employees, contractors,
1.8 and utilities in carrying out their duties imposed by law or contract, and except as herein
1.9 provided in paragraph (b), it shall be unlawful is a misdemeanor to:

1.10 (1) obstruct any highway or deposit snow or ice thereon;

1.11 (2) plow or perform any other detrimental operation within the road right-of-way except
1.12 in the preparation of the land for planting permanent vegetative cover or as authorized under
1.13 section 160.232;

1.14 (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway,
1.15 county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

1.16 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or
1.17 road, except as may be allowed by permit from the road authority imposing reasonable
1.18 regulations as are necessary to prevent interference with the construction, maintenance, and
1.19 safe use of the highway or road and its appurtenances;

1.20 (5) dig any holes in any highway, except to locate markers placed to identify sectional
1.21 corner positions and private boundary corners;

- 2.1 (6) remove any earth, gravel, or rock from any highway;
- 2.2 (7) obstruct any ditch draining any highway or drain any noisome materials into any  
2.3 ditch;
- 2.4 (8) place or maintain any building or structure within the limits of any highway;
- 2.5 (9) place or maintain any advertisement within the limits of any highway, except as  
2.6 provided in section 160.27, subdivision 7;
- 2.7 (10) paint, print, place, or affix any advertisement or any object within the limits of any  
2.8 highway, except as provided in section 160.27, subdivision 7;
- 2.9 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,  
2.10 tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance  
2.11 on or along any highway;
- 2.12 (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness  
2.13 monuments, or markers placed to preserve section or quarter-section corners;
- 2.14 (13) improperly place or fail to place warning signs and detour signs as provided by  
2.15 law;
- 2.16 (14) drive over, through, or around any barricade, fence, or obstruction erected for the  
2.17 purpose of preventing traffic from passing over a portion of a highway closed to public  
2.18 travel or to remove, deface, or damage any such barricade, fence, or obstruction.

2.19 (b) ~~Any violation of this section~~ Except for the actions of the road authorities, their  
2.20 agents, employees, contractors, and utilities in carrying out their duties imposed by law or  
2.21 contract, it is a gross misdemeanor to intentionally obstruct traffic entering, exiting, or on  
2.22 a trunk highway.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes  
2.24 committed on or after that date.

2.25 Sec. 2. Minnesota Statutes 2016, section 609.74, is amended to read:

2.26 **609.74 PUBLIC NUISANCE.**

2.27 (a) Whoever by an act or failure to perform a legal duty intentionally does any of the  
2.28 following is guilty of maintaining a public nuisance, ~~which is a misdemeanor~~ and may be  
2.29 sentenced as provided in paragraph (b):

3.1 (1) maintains or permits a condition which unreasonably annoys, injures or endangers  
3.2 the safety, health, morals, comfort, or repose of any considerable number of members of  
3.3 the public; or

3.4 (2) interferes with, obstructs, or renders dangerous for passage, any public highway or  
3.5 right-of-way, or waters used by the public; or

3.6 (3) is guilty of any other act or omission declared by law to be a public nuisance and for  
3.7 which no sentence is specifically provided.

3.8 (b)(1) A person who violates paragraph (a), clause (1) or (3), is guilty of a misdemeanor.

3.9 (2) A person who violates paragraph (a), clause (2), is guilty of a gross misdemeanor.

3.10 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes  
3.11 committed on or after that date.

**Senate File 111 - Introduced**

SENATE FILE 111

BY CHAPMAN, ZAUN, BEHN, BROWN,  
BREITBACH, BERTRAND,  
CHELGREN, C. JOHNSON, and  
ANDERSON

**A BILL FOR**

1 An Act prohibiting persons from intentionally blocking the  
2 movement of traffic on certain highways, and providing a  
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 318.6A Intentional blocking of  
2 traffic on certain highways prohibited — penalty — exceptions.

3 1. A person shall not loiter, or place or cause to be placed  
4 any obstruction as discussed in section 318.3, on the traveled  
5 portion of the right-of-way of a highway with a speed limit  
6 of fifty-five miles per hour or more with the intention of  
7 blocking the normal and reasonable movement of motor vehicle  
8 traffic.

9 2. a. A person who blocks the movement of traffic in  
10 violation of subsection 1 commits a class "D" felony, which  
11 shall be in lieu of the punishment imposed under section 318.6,  
12 subsection 1. However, section 318.6, subsection 2, to the  
13 extent practicable, shall apply to a punishment imposed under  
14 this section.

15 b. The person is subject to prosecution by the county  
16 attorney in the county where the highway is located. However,  
17 if the county attorney fails to initiate prosecution within  
18 thirty days, the attorney general may initiate and carry out  
19 the prosecution in cooperation, if possible, with the county  
20 attorney.

21 3. This section shall not apply to a person who blocks  
22 the movement of traffic for the purpose of obtaining law  
23 enforcement, medical, or mechanical assistance. This section  
24 shall also not apply to a person who is a peace officer or  
25 emergency responder, who is engaged in highway construction  
26 or maintenance, or who is an employee of a federal, state, or  
27 local government, if the person is acting within the scope of  
28 the person's duties.

29

#### EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 Under current law, a person is prohibited from placing an  
33 obstruction in the highway right-of-way, including the traveled  
34 portion of the roadway. A person who violates this provision  
35 is subject to an injunction and guilty of creating a public

1 nuisance, an aggravated misdemeanor punishable by imprisonment  
2 not to exceed two years and a fine of at least \$625 but not to  
3 exceed \$6,250. Any obstruction is subject to removal.

4 This bill prohibits a person from loitering, or placing or  
5 causing to be placed any obstruction, on the traveled portion  
6 of the right-of-way of a highway with a speed limit of 55 miles  
7 per hour or more with the intention of blocking the normal and  
8 reasonable movement of motor vehicle traffic.

9 A person who blocks the movement of traffic in violation of  
10 the bill commits a class "D" felony, which is punishable by  
11 no more than five years in prison and a fine of at least \$750  
12 but not to exceed \$7,500. This punishment is in lieu of the  
13 punishment imposed for creating a public nuisance under current  
14 law. To the extent practicable, a court may order that the  
15 obstruction be abated or removed at the expense of the person.  
16 The costs for abatement or removal of the obstruction may be  
17 entered as a personal judgment against the person or assessed  
18 against the property where the obstruction occurred, or both.

19 The person is subject to prosecution by the county attorney  
20 in the county where the highway is located. However, if the  
21 county attorney fails to initiate prosecution within 30 days,  
22 the attorney general may initiate and carry out the prosecution  
23 in cooperation, if possible, with the county attorney.

24 The bill does not apply to a person who blocks the movement  
25 of traffic for the purpose of obtaining law enforcement,  
26 medical, or mechanical assistance. In addition, the  
27 bill does not apply to a person who is a peace officer or  
28 emergency responder, who is engaged in highway construction  
29 or maintenance, or who is an employee of a federal, state, or  
30 local government, if the person is acting within the scope of  
31 the person's duties.



# SENATE BILL No. 285

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-24.

**Synopsis:** Traffic obstruction by protestors. Defines "mass traffic obstruction" and "responsible public official". Requires a responsible public official to, not later than 15 minutes after the responsible public official learns of a mass traffic obstruction, dispatch all available law enforcement personnel with instructions to clear the roads of persons unlawfully obstructing vehicular traffic.

**Effective:** July 1, 2017.

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## Tomes

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January 9, 2017, read first time and referred to Committee on Local Government.

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First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## SENATE BILL No. 285

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-24 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]:

4 **Chapter 24. Duty to Clear Roads**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) **"Mass traffic obstruction"** means an incident in which, as  
7 part of (or as the result of) a protest, riot, or other assembly,  
8 at least ten (10) persons obstruct vehicular traffic in violation  
9 of IC 35-44.1-2-13 (obstruction of traffic).

10 (2) **"Responsible public official"** means the:

11 (A) mayor of a city, with respect to an incident that occurs  
12 in a city;

13 (B) town board, with respect to an incident that occurs in  
14 a town; or

15 (C) sheriff, with respect to an incident that occurs in the  
16 unincorporated area of a county.

17 **Sec. 2. A responsible public official shall, not later than fifteen**



1       **(15) minutes after first learning that a mass traffic obstruction**  
2       **exists in the official's jurisdiction, dispatch all available law**  
3       **enforcement officers to the mass traffic obstruction with directions**  
4       **to use any means necessary to clear the roads of the persons**  
5       **unlawfully obstructing vehicular traffic.**

