

## ***“Under the Trooper’s Hat”***

July 2020 Dirt Road Jurisdiction

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In last month’s article I wrote about the jurisdictional authority of North Dakota law enforcement. I have received some inquiries about what “highway” means in regard to the North Dakota Highway Patrol (NDHP) and jurisdictional authority.

North Dakota Century Code (NDCC) 39-01-01 (29) lists the definition of a highway as *“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.”*

A highway in a rural area may be called a “road”, while a highway in an urban area may be called a “street”. Under NDCC 39-03 the NDHP has authority to protect highways and the use of them in this state and the operation of motor and other vehicles upon such highways.

There may be a misconception that NDHP troopers can only patrol the Interstate and state highway system. This is not the case. Since highways, roads, streets, alleys, and gravel / dirt roads are open to the public for vehicular traffic, troopers are responsible for patrolling and enforcing laws as these areas are considered a “highway”. I once stopped a vehicle on a gravel road and ultimately arrested the underage driver for DUI and the two passengers for minor in consumption of alcohol. They thought their cases were going to be dismissed because I cannot patrol and have no authority on gravel roads. They were legally proven wrong. Troopers patrol and respond to incidents on all roadways with the intent to provide the best coverage possible to prevent crashes, ensure safety, and assist the motoring public.

The mission of the North Dakota Highway Patrol is to make a difference every day by providing high-quality law enforcement services to keep North Dakota safe and secure. NDHP invites you to visit the FAQ section of our website: [www.nd.gov/ndhp](http://www.nd.gov/ndhp), like our Facebook page [www.facebook.com/northdakotahighwaypatrol](https://www.facebook.com/northdakotahighwaypatrol) or join us on Twitter [@NDHighwayPatrol](https://twitter.com/NDHighwayPatrol) or Instagram, [www.instagram.com/ndhighwaypatrol](https://www.instagram.com/ndhighwaypatrol), where you can learn more about traffic safety, get tips, and read NDHP news. Download the NDHP mobile app to receive notifications, download a .pdf of items to include in your winter weather travel kit, report a crime tip, thank a trooper, ask a question, or make a suggestion for next month’s *Under the Trooper’s Hat* feature.