

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2160

That the House recede from its amendments as printed on pages 880 through 882 of the Senate Journal and pages 1015 through 1018 of the House Journal and that Engrossed Senate Bill No. 2160 be amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 12-60-16.4," and after "20.1-02-15.1" insert a comma

Page 1, line 3, after "39-24-09" insert "and section 39-24-11"

Page 1, after line 6, insert:

"SECTION 1. A new subsection to section 12-60-16.4 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Infractions and misdemeanor violations of subdivision c of subsection 5 of section 39-24-09 and chapter 39-24.1."

Page 1, after line 13, insert:

"SECTION 4. AMENDMENT. Section 39-24-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision ~~b, c,~~ or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars."

Page 1, line 17, replace "in this state" with "on any public land or private land with public access"

Page 3, line 12, replace "following" with "test is evidence of a per se violation of subdivision c of subsection 5 of section 39-24-09."

Page 3, remove lines 13 through 31

Page 4, remove lines 1 through 15

Page 4, line 20, replace "statement of intent to prohibit the person from operating a snowmobile." with "summons or otherwise notify that person in writing to appear at the time and place specified in the summons or notice. The hearing and any appeal must be conducted as provided in section 39-06.1-03. If the person requests a hearing at a time and date other than as stated in the summons or notice, that person must post an

appearance bond as required by subsection 2 of section 39-06.1-03. Upon establishing at the hearing by a preponderance of the evidence"

Page 4, remove lines 21 through 25

Page 4, line 26, remove "intent, showing"

Page 4, line 31, after the underscored comma insert "the court"

Page 5, line 1, replace "in this state" with "on all public land or private land with public access" and after "section" insert ", and shall impose a noncriminal statutory fee of five hundred dollars. A violation of this section must be reported to the parks and recreation department. The department shall keep a record of all reported violations"

Page 5, line 18, remove "No administrative hearing request is made under section 39-24.1-08;"

Page 5, line 19, remove "b.", replace "mails" with "files", and replace "to the director within ten days after the law" with "with the court before the time set for hearing in the summons or notice, or, with the permission of the court, within five days after the hearing"

Page 5, line 20, remove "enforcement officer issues the statement of intent"

Page 5, line 23, replace "twenty-five" with "thirty" and replace "law" with "date of the offense"

Page 5, line 24, remove "enforcement officer issues the statement of intent"

Page 5, line 26, after "period" insert "defined in section 39-24.1-07"

Page 5, line 27, replace "39-24.1-08" with "39-06.1-03"

Page 5, line 28, replace "39-24.1-09" with "39-06.1-03"

Page 6, line 2, replace "twenty-five" with "thirty" and replace "law enforcement officer issues" with "date of the offense"

Page 6, line 3, remove "the statement of intent"

Page 6, line 4, after the underscored semicolon insert "and"

Page 6, line 5, replace "c" with "b"

Page 6, line 6, replace "twenty-five" with "thirty" and replace "law enforcement officer issues the" with "date of the offense."

Page 6, line 7, remove "statement of intent;"

Page 6, remove lines 8 through 18

Page 6, line 19, replace "29-24.1-07" with "39-24.1-07" and replace "Administrative sanction" with "Criminal penalties"

Page 6, line 20, after "certain" insert "alcohol or" and replace "After the receipt of the certified report of a law enforcement" with "Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court shall impose the following minimum penalties:"

1. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has not violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of two hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for sixty days within the snowmobile season that runs from December first through April first.
2. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has one violation of subdivision c of subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of three hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for one year from the date of the sentence.
3. If the person's record indicates that, within the five years preceding the date of the offense, the person has two violations of subdivision c of subsection 5 of section 39-24-09 or the person has twice been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of four hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for two years from the date of the sentence."

Page 6, remove lines 21 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 4

Page 10, line 5, replace "39-24.1-10" with "39-24.1-08"

Page 11, line 29, replace "39-24.1-11" with "39-24.1-09"

Page 12, line 3, replace "39-24.1-12" with "39-24.1-10"

Page 12, line 10, replace "39-24.1-13" with "39-24.1-11"

Page 12, line 13, replace "39-24.1-14" with "39-24.1-12"

Page 12, line 14, replace "in this state" with "on any public land or private land with public access"

Page 12, after line 15, insert:

"39-24.1-13. Fleeing or attempting to elude a peace officer.

1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the snowmobile to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a subsequent offense. A signal complies with this section if the signal is perceptible to the driver and:

 - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
 - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.
2. Any sentence imposed under this section must include a minimum fine of at least five hundred dollars."

Renumber accordingly