

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1131  
(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact subdivisions b and e of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or drugs; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subdivisions b and e of subsection 4 of section 39-08-01 of the North Dakota Century Code are amended and reenacted as follows:

- b. For a second offense within five years, the sentence must include at least ~~four~~ five days' imprisonment of which forty-eight hours must be served consecutively, or ~~ten~~ thirty days' community service; a fine of at least five hundred dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
- e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 ~~except that a fine or a sentence of imprisonment may be suspended in any of the following instances:~~
  - (1) ~~Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.~~
  - (2) ~~If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service. The execution of the sentence may not be suspended nor the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02.~~

**SECTION 2. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the seizure, forfeiture, and sale of motor vehicles.** A motor vehicle owned and operated by a person upon a highway or upon public or private areas to which the public has a right of access for vehicular use may be seized, forfeited, and sold or otherwise disposed of pursuant to an order of the court at the time of sentencing if the person is in violation of section 39-08-01 or an equivalent ordinance and has been convicted of violating section 39-08-01 or an equivalent ordinance at least ~~three times~~ one other time within the five years preceding the violation. The court may also require that an ignition interlock device be installed in the person's vehicle for a period of time that the court deems appropriate.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1131.

House Vote:      Yeas      89      Nays      6      Absent      3

Senate Vote:      Yeas      48      Nays      0      Absent      1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State