

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, remove "create and enact two new subsections to section 39-06.1-06 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to fees for traffic offenses; to"

Page 1, line 3, after the first comma insert "39-06.1-06,"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, line 5, replace "A new subsection to section" with "**AMENDMENT.** Section"

Page 2, line 6, replace "created" with "amended", replace "enacted" with "reenacted", and after the colon insert:

**"39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.
3. Except as provided in ~~subsection 8~~ subsections 7 and 11 of this section 39-06.1-06, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit

21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. ~~Repealed by S.L. 1985, ch. 430, § 4.~~
7. For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.
- 8- 7. ~~On~~ Except as provided in subsection 11, on a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
<u>16 - 20</u>	<u>\$ 40 plus \$3/each mph over 15 mph over limit</u>
<del>46</del> <u>21 - 25</u>	<del>\$ 40</del> <u>\$ 55 plus \$3/each mph over 45 20 mph over limit</u>
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 + - <u>45</u>	<del>\$100</del> <u>\$120 plus \$5/each mph over 35 mph over limit</u>
<u>46 +</u>	<u>\$170 plus \$5/each mph over 45 mph over limit</u>

- 9- 8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars."

Page 2, line 7, replace "For" with "9. For"

Page 2, remove lines 9 and 10

Page 2, line 11, replace "For" with "10. For"

Page 2, after line 24, insert:

- "11. On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, for a violation of 39-09-02, or equivalent ordinance, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
<u>1 - 5</u>	<u>\$ 20</u>
<u>6 - 10</u>	<u>\$ 40</u>
<u>11 - 15</u>	<u>\$ 60</u>
<u>16 - 20</u>	<u>\$ 80</u>
<u>21 - 25</u>	<u>\$100</u>
<u>26 - 30</u>	<u>\$125</u>
<u>31 - 35</u>	<u>\$150</u>
<u>36 +</u>	<u>\$150 plus \$5/each mph over 35 mph over limit"</u>

Page 8, line 31, overstrike "paragraphs 31 and 34" and insert immediately thereafter "paragraph 33" and remove the overstrike over "~~of this~~"

Page 9, line 1, remove the overstrike over "~~subdivision~~"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, line 27, overstrike "(34)" and insert immediately thereafter "(33)"

Page 9, line 28, overstrike "a speed higher"

Page 9, line 29, overstrike "than fifty-five miles [88.51" and insert immediately thereafter "posted in excess of seventy miles [112.65"

Page 10, after line 5, insert:

"1 - 5" 0"

Page 10, line 7, overstrike "4" and insert immediately thereafter "2"

Page 10, line 8, overstrike "25" and insert immediately thereafter "20" and overstrike "7" and insert immediately thereafter "5"

Page 10, after line 8, insert:

"21 - 25" 7"

Page 10, line 9, overstrike "35" and insert immediately thereafter "30"

Page 10, after line 9, insert:

"31 - 35" 12"

Page 10, line 10, overstrike "12" and insert immediately thereafter "15"

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(34)"

Page 10, line 14, replace "(36)" with "(35)"

Page 10, line 18, replace "(37)" with "(36)"

Page 14, after line 29, insert:

**"SECTION 7. AMENDMENT.** Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

**"SECTION 10. EXPIRATION DATE.** Section 7 of this Act is effective through July 31, 2003, and after that date is ineffective.

**SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly