

Introduced by

1 A BILL for an Act to amend and reenact sections 39-06.1-02 and 39-07-07 of the North Dakota
2 Century Code, relating to a centralized process for state noncriminal traffic offense
3 administration.

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

5 **SECTION 1. AMENDMENT.** Section 39-06.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06.1-02. Traffic violations noncriminal - Exceptions - Procedures.**

8 1. Any person cited, in accordance with sections 39-07-07 and 39-07-08, for a traffic
9 violation under state law or municipal ordinance, other than an offense listed in
10 section 39-06.1-05, is deemed to be charged with a noncriminal offense.

11 2. The person may appear before the designated official and pay the statutory fee for
12 the violation charged at or before the time scheduled for a hearing. If the person
13 has posted bond in person or by mail, the person may forfeit bond by not
14 appearing at the designated time. If the person is cited for a traffic violation under
15 state law and posts bond by mail, the bond must be submitted to the department
16 within fourteen days of the date of the citation. When posting bond by mail, the
17 person cited shall indicate on the envelope or citation whether a hearing is
18 requested. If the person does not request a hearing within fourteen days of the
19 date of the citation, the bond is deemed forfeited and the violation admitted. If the
20 person requests a hearing, the department shall notify the court for the county in
21 which the citation is issued and the court shall issue a summons to the person
22 requesting the hearing notifying the person of the date of the hearing before the
23 designated official in accordance with section 39-06.1-03. Upon appearing at the
24 hearing scheduled in the citation or otherwise scheduled at the person's request,

the person may make a statement in explanation of the person's action. The official may at that time waive, reduce, or suspend the statutory fee or bond, or both.

3. If the person cited follows the ~~foregoing~~ procedures provided in subsection 2, the person is deemed to have admitted the violation and to have waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance must be identical to the statutory fee established by section 39-06.1-06. ~~Within~~ If a hearing is requested, within ten days after forfeiture of bond or payment of the statutory fee, the ~~official~~ court having jurisdiction over the violation shall certify to the licensing authority:

1. ~~Admission~~ admission of the violation; and

2. ~~In~~ in speeding violations, whether the speed charged was in excess of the lawful speed limit by more than nine miles [14.48 kilometers] per hour and the miles [kilometers] per hour by which the speed limit was exceeded.

4. This section does not allow a halting officer to receive the statutory fee or bond, unless ~~the officer is~~ otherwise authorized by law ~~to do so~~.

SECTION 2. AMENDMENT. Section 39-07-07 of the North Dakota Century Code is amended and reenacted as follows:

39-07-07. Halting person for violating traffic regulations - Duty of officer halting.

~~Whenever any~~

1. If a person is halted for the violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting that person, except as otherwise provided in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:

1. ~~Take~~ take the name and address of the person;

2. ~~Take~~ take the license number of the person's motor vehicle; and

3. ~~If~~ if a city ordinance or state criminal traffic violation, issue a summons or otherwise notify that person in writing to appear at a time and place to be specified in the summons or notice or, if a state noncriminal traffic violation, notify the person of the right to request a hearing when posting bond by mail.

1 2. A halting officer employed by any political subdivision of the state may not take a
2 person into custody or require that person to proceed with the officer to any other
3 location for the purpose of posting bond, where the traffic violation was a
4 noncriminal offense under section 39-06.1-02. The officer shall provide the person
5 with an envelope for use in mailing the bond. The department shall provide law
6 enforcement officers that enforce state noncriminal traffic offenses envelopes for
7 the mailing of the bond.