

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1113

Introduced by

Representative Gruchalla

1 A BILL for an Act to amend and reenact sections 39-04-55 and 39-06.1-06, subsection 1 of  
2 section 39-08-03.1, and sections 39-08-18, 39-09-01, 39-10.1-01, 39-12-08, 39-12-09,  
3 39-21-09, and 39-21-50 of the North Dakota Century Code, relating to traffic fees.

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

5 **SECTION 1. AMENDMENT.** Section 39-04-55 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-04-55. Registration card to be carried in or on vehicle - Inspection of card -**

8 **Penalty.** The registration card issued for a vehicle must be carried in the driver's compartment  
9 of the vehicle or, in the case of a housetrailer or mobile home or a trailer or semitrailer,  
10 regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the  
11 vehicle is being operated upon a highway in this state. The card is subject to inspection by any  
12 peace officer or highway patrol officer. Any person violating this section must be assessed a  
13 fee of ~~twenty~~ fifty dollars. However, a person cited for violation of this section may not be found  
14 to have committed the violation if the person, within forty-eight hours after being cited, produces  
15 and displays to any peace officer or highway patrol officer, or to the hearing official before  
16 whom the person was to appear, a registration card valid at the time the person was cited. A  
17 peace officer or highway patrol officer, upon citing a person for violating this section, shall  
18 inform the person that a violation will be considered as not having occurred if the person  
19 produces and displays a valid registration card in the manner provided in this section. A peace  
20 officer or highway patrol officer receiving evidence of the existence of a valid registration card  
21 as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

22 **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
23 amended and reenacted as follows:

**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~~ fifty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~ fifty 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~~ one hundred 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~~ one hundred dollars.
  - c. A violation of section 39-21-41.2, a fee of ~~twenty five~~ fifty dollars.
  - d. A violation of subsection 1 of section 39-12-02, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

3. ~~Except as provided in subsections 7 and 11 of this section, for~~ 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~~

|                  |   |
|------------------|---|
| <del>4—5</del>   | <del>\$5</del>  |
| <del>6—10</del>  | <del>\$5 plus \$1/each mph over 5 mph over limit</del>    |
| <del>11—15</del> | <del>\$10 plus \$1/each mph over 10 mph over limit</del>  |
| <del>16—20</del> | <del>\$15 plus \$2/each mph over 15 mph over limit</del>  |
| <del>21—25</del> | <del>\$25 plus \$3/each mph over 20 mph over limit</del>  |
| <del>26—35</del> | <del>\$40 plus \$3/each mph over 25 mph over limit</del>  |
| <del>36—45</del> | <del>\$70 plus \$3/each mph over 35 mph over limit</del>  |
| <del>46+</del>   | <del>\$100 plus \$5/each mph over 45 mph over limit</del> |

~~of five dollars for each mile per hour over the limit.~~

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of ~~thirty~~ sixty 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~~ twenty dollars nor more than ~~thirty~~ sixty dollars.

6. 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~~ ten dollars.

~~7. 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:~~

~~Miles per hour over~~

~~lawful speed limit~~

~~Fee~~

~~1-10~~

~~\$2/each mph over limit~~

~~11+~~

~~\$20 plus \$5/each mph over 10 mph over limit~~

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

~~9.~~ 8. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

~~10.~~ 9. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- a. Driving more than ten hours since the last eight hours off duty, driving after fifteen hours on duty since the last eight hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~11.~~ On a highway on which the speed limit is posted in excess of sixty five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.

1     ~~42.~~ 10.   For a violation of a school zone speed limit under subdivision b of subsection 1 of  
2                   section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section  
3                   40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed  
4                   limit dependent upon being on or near a school, fees for a noncriminal disposition  
5                   are forty dollars for one through ten miles per hour over the posted speed; and  
6                   forty dollars, plus one dollar for each additional mile per hour over ten miles per  
7                   hour over the limit unless a greater fee would be applicable under this section.

8     ~~43.~~ 11.   For a violation of a highway construction zone speed limit under subsection 2 of  
9                   section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
10                  posted speed; and eighty dollars plus two dollars for each mile per hour over ten  
11                  miles per hour over the limit, unless a greater fee would be applicable under this  
12                  section. The fee in this subsection does not apply to a highway construction zone  
13                  unless individuals engaged in construction are present at the time and place of the  
14                  violation and the posted speed limit sign states "Minimum Fee \$80".

15               **SECTION 3. AMENDMENT.** Subsection 1 of section 39-08-03.1 of the North Dakota  
16 Century Code is amended and reenacted as follows:

- 17               1.   No person may engage in exhibition driving of any vehicle on a highway, street,  
18                  alley, sidewalk, or any public or private parking lot or area, nor may any person  
19                  engage in a race, a speed competition, drag race or acceleration contest, test of  
20                  physical endurance, or exhibition of speed or acceleration. Any person who  
21                  violates this section by engaging in an act defined by subdivision b of subsection 2  
22                  must be assessed a fee of ~~fifty~~ one hundred dollars. Any person who violates this  
23                  section by engaging in an act defined by subdivision a or c of subsection 2 must be  
24                  assessed a fee of ~~one~~ two hundred dollars.

25               **SECTION 4. AMENDMENT.** Section 39-08-18 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27               **39-08-18. Open container law - Penalty.**

- 28               1.   A person may not drink or consume alcoholic beverages, as defined in section  
29                  5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in  
30                  an area used principally for public parking. A person may not have in that person's  
31                  possession on that person's person while in or on a private motor vehicle upon a

1 public highway or in an area used principally for public parking, any bottle or  
2 receptacle containing alcoholic beverages which has been opened, or the seal  
3 broken, or the contents of which have been partially removed. It is unlawful for the  
4 owner of any private motor vehicle or the driver, if the owner be not then present in  
5 or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such  
6 vehicle is upon the public highway or in an area used principally for public parking  
7 any bottle or receptacle containing such alcoholic beverages which has been  
8 opened, or the seal broken, or the contents of which have been partially removed  
9 except when such bottle or receptacle is kept in the trunk of the motor vehicle  
10 when such vehicle is equipped with a trunk, or kept in some other area of the  
11 vehicle not normally occupied by the driver or passengers, if the motor vehicle is  
12 not equipped with a trunk. A utility compartment or glove compartment must be  
13 deemed to be within the area occupied by the driver and passengers. This  
14 subsection does not prohibit the consumption or possession of alcoholic beverages  
15 in a house car if the consumption or possession occurs in the area of the house car  
16 used as sleeping or living quarters and that area is separated from the driving  
17 compartment by a solid partition, door, curtain, or some similar means of  
18 separation; however, consumption is not authorized while the house car is in  
19 motion. Any person violating this subsection must be assessed a fee of ~~fifty~~ one  
20 hundred dollars; however, the licensing authority may not record the violation  
21 against the person's driving record unless the person was the driver of the motor  
22 vehicle at the time that the violation occurred.

- 23 2. Subsection 1 does not apply to a public conveyance that has been commercially  
24 chartered for group use, any passenger for compensation in a for-hire motor  
25 vehicle, or a privately owned motor vehicle operated by a person in the course of  
26 that person's usual employment transporting passengers at the employer's  
27 direction. This subsection does not authorize possession or consumption of an  
28 alcoholic beverage by the operator of any motor vehicle described in this  
29 subsection while upon a public highway or in an area used principally for public  
30 parking.

**SECTION 5. AMENDMENT.** Section 39-09-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-01. Basic rule - Penalty for violation.** No person may drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Any person who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section has committed careless driving and must be assessed a fee of ~~thirty~~ sixty dollars.

Any person who, by reason of careless driving as herein defined, causes and inflicts injury upon the person of an operator of snow removal equipment engaged in snow removal operations or causes damage in excess of one thousand dollars to snow removal equipment engaged in snow removal is guilty of an infraction.

As used in this section, "snow removal equipment" means a vehicle that is operated by a person employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.

**SECTION 6. AMENDMENT.** Section 39-10.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-10.1-01. Effect of chapter - Penalty for violation.**

1. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter. Any person who violates any of the provisions of this chapter may be assessed a fee not to exceed ~~five~~ ten dollars.
2. The parent of any child and the guardian of any ward may not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

3. These provisions applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

**SECTION 7. AMENDMENT.** Section 39-12-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-08. Penalty for violation of chapter.** A person operating a motor vehicle or the owner of the motor vehicle being operated without a permit as specified in this chapter must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of ~~twenty~~ fifty dollars. Violating the conditions of any permit type automatically voids the permit.

**SECTION 8. AMENDMENT.** Section 39-12-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-09. Unlawful to violate provisions governing size, weight, or construction of vehicles - Size and weight specified in this chapter lawful through state - Penalty.** It is unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway, any vehicle or vehicles which are not constructed as required in this chapter nor according to the rules and regulations of the director adopted pursuant to the provisions of this chapter. The maximum size and weight of vehicles specified in this chapter are lawful throughout this state, except as they may be limited by virtue of specifications made pursuant to the other provisions of this chapter. Any person who violates any of the provisions of this section must be assessed a fee of ~~twenty~~ fifty dollars.

**SECTION 9. AMENDMENT.** Section 39-21-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-09. Color of clearance lamps, side marker lamps, backup lamps, and reflectors.**

1. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle must display or reflect an amber color.
2. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle must display or reflect a red color.

1           3. All lighting devices and reflectors mounted on the rear of any vehicle must display  
2           or reflect a red color, except that the light illuminating the license plate must be  
3           white and the light emitted by a backup lamp must be white or amber.

4           4. Any person who violates this section must be assessed a fee of ~~ten~~ fifty dollars for  
5           each offense.

6           **SECTION 10. AMENDMENT.** Section 39-21-50 of the North Dakota Century Code is  
7           amended and reenacted as follows:

8           **39-21-50. Slow-moving vehicles required to display identification emblem -**

9           **Penalty.** All implements of husbandry, as defined in section 39-01-01, and machinery,  
10          including all road construction machinery, designed for operation at a speed of twenty-five miles  
11          [40.23 kilometers] an hour or less, must display either a triangular slow-moving vehicle emblem  
12          or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever  
13          traveling along the roadway on any county, state, federal highway, or city street in the state of  
14          North Dakota. The emblem or light must be mounted so as to be visible from a distance of not  
15          less than five hundred feet [152.4 meters] to the rear. The director shall adopt standards and  
16          specifications for the design and position of mounting the slow-moving vehicle emblem and  
17          light. The standards and specifications for slow-moving vehicle emblems referred to in this  
18          section must correlate with and, so far as possible, conform with those approved by the  
19          American society of agricultural engineers. No vehicle, other than those specified in this  
20          section, must display a slow-moving vehicle emblem, and its use on any type of stationary  
21          object is prohibited. Any person who fails or refuses to comply with the provisions of this  
22          section must be assessed a fee of ~~twenty~~ fifty dollars for each offense.