

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1431

Introduced by

Representatives Gruchalla, Dahl, Karls, Onstad, Ruby

Senator Anderson

1 A BILL for an Act to create and enact a new section to chapter 39-08 and a new paragraph to
2 subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating
3 to a penalty for failure to submit to testing; to amend and reenact sections 39-06.1-06,
4 39-08-03.1, 39-08-09, 39-08-22, and 39-09-01 of the North Dakota Century Code, relating to
5 fees for traffic offenses; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition
10 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

- 11 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount
12 not to exceed twenty dollars.
- 13 2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~ thirty
14 dollars, except for:
 - 15 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
16 39-10-46.1, a fee of ~~fifty~~ seventy-five dollars.
 - 17 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
18 subsection 1 of section 39-10-28, a fee of ~~fifty~~ seventy-five dollars.
 - 19 c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~ forty dollars.
 - 20 d. A violation of subsection 1 of section 39-12-02, a fee of ~~one~~ two hundred
21 dollars.
 - 22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of ~~one~~
23 two hundred dollars.

3. ~~Except as provided in subsections 7 and 11, 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~~ fifty dollars.

- ~~5.~~ 4. 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~~ fifty dollars.

- ~~6.~~ 5. 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.

- ~~7.~~ 6. On a highway on which the speed limit is a speed ~~higher than fifty-five miles [88.51 kilometers]~~ less than sixty-five miles [104.61 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.~~ 7. For a violation of section 39-21-41.4, a fee not to exceed ~~twenty~~ thirty 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.

~~44.~~ 10. On a highway on which the speed limit is posted ~~in excess of~~ sixty-five miles [104.61 kilometers] an hour or higher, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.

~~42.~~ 11. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit dependent upon being on or near a school, fees for a noncriminal disposition are forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus ~~one dollar~~ five dollars for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

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

SECTION 2. A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Refusal to submit 36 points
to a chemical test requested
by a law enforcement
officer

SECTION 3. A new section to chapter 39-08 of the North Dakota Century Code is created and enacted as follows:

Refusal to submit to testing - Penalty. An individual who refuses to submit to a chemical test at the request of a law enforcement officer as allowed to be requested by this title is guilty of a class B misdemeanor.

SECTION 4. AMENDMENT. Section 39-08-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.

1. ~~No person~~ An individual may not engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may ~~any person~~ an individual engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. ~~Any person~~ An individual who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of ~~fifty~~ seventy-five dollars. Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of ~~one~~ two hundred dollars.

2. As used in this section:

- a. "Drag race" means the operation of two or more vehicles from a point side by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.

b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.

c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long-distance driving route.

3. ~~Nothing in this~~ This section shall be construed as prohibiting ~~does not prohibit~~ drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for ~~such~~ these purposes by drivers of motor vehicles, including snowmobiles.

SECTION 5. AMENDMENT. Section 39-08-09 of the North Dakota Century Code is amended and reenacted as follows:

39-08-09. Immediate notice of accident - Penalty.

1. The driver of a vehicle involved in an accident resulting in injury to or death of ~~any person~~ an individual, or property damage to an apparent extent of at least one thousand five hundred dollars, shall immediately give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. ~~Any person~~ A driver who violates this section must be assessed a fine of ~~fifty~~ one hundred dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the

1 driver shall supply that information to the driver's license division in the form the
2 division requires.

3 2. The director may suspend the license or permit to drive and any nonresident
4 operating privileges of any person failing to comply with the duties as provided in
5 sections 39-08-06 through 39-08-09 until those duties have been fulfilled, and the
6 director may extend the suspension not to exceed thirty days.

7 **SECTION 6. AMENDMENT.** Section 39-08-22 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-08-22. Nonpayment for motor fuels - Penalty.**

10 1. For a theft offense in violation of chapter 12.1-23 which involves a person who
11 leaves the premises of an establishment at which motor fuel is offered for retail
12 sale after motor fuel was dispensed into the fuel tank of a motor vehicle that that
13 person drove away without having made due payment or authorized charge for the
14 motor fuel dispensed, the court may:

- 15 a. Upon a person's ~~second~~ first conviction, order the suspension of the person's
16 driving privileges for up to three months; and
17 b. Upon a person's ~~third~~ second or subsequent conviction, order the suspension
18 of the person's driving privileges for up to six months.

19 2. As used in this section, "conviction" means a final conviction without regard to
20 whether sentence was suspended or deferred or probation was granted after the
21 conviction. Forfeiture of bail, bond, or collateral deposited to secure a defendant's
22 appearance in court, which forfeiture has not been vacated, is equivalent to
23 conviction.

24 **SECTION 7. AMENDMENT.** Section 39-09-01 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **39-09-01. Basic rule - Penalty for violation.**

27 1. ~~No person~~ An individual may not drive a vehicle at a speed greater than is
28 reasonable and prudent under the conditions and having regard to the actual and
29 potential hazards then existing. ~~Consistent with the foregoing, every person and~~
30 shall drive at a safe and appropriate speed when approaching and crossing an
31 intersection or railroad grade crossing, when approaching and going around a

1 curve, when approaching a hill crest, when traveling upon any narrow or winding
2 roadway, and when special hazards exist with respect to pedestrians or other
3 traffic or by reason of weather or highway conditions. ~~Any person~~ An individual
4 who drives a vehicle upon a highway or private or public property open to the
5 public for the operation of motor vehicles without heed to the requirements or
6 restrictions of this section has committed careless driving and must be assessed a
7 fee of ~~thirty~~ fifty dollars.

8 2. ~~Any person~~ An individual who, by reason of careless driving as ~~herein~~ defined in in
9 subsection 1, causes and inflicts bodily injury ~~upon the person of~~ to an operator of
10 snow removal equipment engaged in snow removal operations or causes damage
11 in excess of one thousand dollars to snow removal equipment engaged in snow
12 removal is guilty of an infraction.

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