

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1042

Introduced by

Legislative Management

(Public Safety and Transportation Committee)

1 A BILL for an Act to amend and reenact sections 39-12-14.1 and 39-12-20 of the North Dakota
2 Century Code, relating to extraordinary road use fees; and to provide a continuing
3 appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 39-12-14.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-12-14.1. Voluntary settlement of extraordinary road use fee charges.**

8 Before the complaint is issued ~~pursuant to~~under section 39-12-14, the owner, or the owner's
9 driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may
10 provide proof of surety coverage to ensure payment of the extraordinary road use fee, ~~provided~~
11 under section 39-12-17, plus any towing or storage costs. Any settlement, whether made by the
12 owner, or the owner's driver or agent, ~~must be~~is presumed to be of a voluntary nature. A peace
13 officer or a peace officer's designee is authorized to receive the settlement payment on behalf
14 of the authority having jurisdiction ~~of~~over the road ~~whereon~~on which the violation occurred. The
15 extraordinary road use fees for violation on an interstate or on a state highway must be remitted
16 to the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a
17 violation that did not occur on an interstate or state highway must be deposited in the county
18 general fund in the county of the violation.

19 **SECTION 2. AMENDMENT.** Section 39-12-20 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-12-20. Proceeds of sale - Continuing appropriation.**

22 The proceeds of sale must be deposited with the state treasurer. ~~The~~For a violation on an
23 interstate or state highway the state treasurer shall deposit in the state highway fund an amount
24 equal to the amount of the charges assessed ~~pursuant to~~under section 39-12-17 after paying

1 the costs to the county. ~~An~~For any violation, an amount equal to the costs of the proceedings,
2 including attorney's and witness fees and costs, is appropriated on a continuing basis out of the
3 funds collected to the county ~~in which the~~of prosecution ~~took place~~ for the purpose of defraying
4 the costs of prosecution. From the proceeds of sale for a violation that did not occur on an
5 interstate or state highway, the amount of charges assessed under section 39-12-17 is
6 appropriated on a continuing basis and must be deposited in the county general fund in the
7 county of prosecution. The balance of the proceeds of any sale after the payment of costs and
8 charges is appropriated on a continuing basis out of the funds collected to be paid to the person
9 entitled ~~thereto~~to the proceeds as determined by the court or must be deposited with the clerk
10 of court for such payment to that person.