

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1048

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 2 of section
2 40-05-06 of the North Dakota Century Code, relating to fees for speeding.

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

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

6 **39-06.1-06. Amount of statutory fees.**

7 The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or
8 39-06.1-03 must be as follows:

- 9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to
10 exceed twenty dollars.
- 11 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
12 for:
 - 13 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
14 39-10-46.1, a fee of fifty dollars.
 - 15 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
16 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 17 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 18 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
19 hundred dollars.
 - 20 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
21 hundred dollars.
 - 22 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
23 resident of this state, a fee of one hundred dollars.

1 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
2 dollars.

3 h. A violation of section 39-10-59, a fee of one hundred dollars.

4 3. Except as provided in subsections ~~subsection 7~~ and ~~11~~ subsection 10, for a violation of
5 section 39-09-02, or an equivalent ordinance, a fee ~~of twenty dollars in addition to the~~
6 ~~fee established as follows:~~

7 ~~_____ Miles per hour over~~

8 ~~_____ lawful speed limit _____ Fee~~

9 ~~_____ 1 - 5 \$ 5 \$2/each mph over limit~~

10 ~~_____ 6 - 10 \$ 5 plus \$1/each \$3/each mph over 5 mph over limit~~

11 ~~_____ 11 - 15 \$ 10 plus \$1/each \$4/each mph over 10 mph over limit~~

12 ~~_____ 16 - 20 \$ 15 plus \$2/each \$5/each mph over 15 mph over limit~~

13 ~~_____ 21 - 25 \$ 25 plus \$3/each \$6/each mph over 20 mph over limit~~

14 ~~_____ 26 - 35 \$ 40 plus \$3/each \$7/each mph over 25 mph over limit~~

15 ~~_____ 36 - 45 \$ 70 plus \$3/each \$8/each mph over 35 mph over limit~~

16 ~~_____ 46 + \$ 100 plus \$5/each \$10/each mph over 45 mph over limit~~

17 of two dollars for each mile per hour over the limit.

18 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of
19 thirty dollars.

20 5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving,
21 a fee of not less than ten dollars nor more than thirty dollars.

22 6. For a violation of any traffic parking regulations, except a violation of subsection 10 of
23 section 39-01-15, on any state charitable or penal institution property or on the state
24 capitol grounds, a fee in the amount of five dollars.

25 7. ~~On a highway on which the speed limit is a speed higher than fifty-five in excess of~~
26 ~~sixty-five miles [88.51104.61 kilometers] an hour, for a violation of section 39-09-02, or~~
27 ~~an equivalent ordinance, a fee of twenty dollars in addition to the fee established as~~
28 ~~follows:~~

29 ~~_____ Miles per hour over~~

30 ~~_____ lawful speed limit _____ Fee~~

31 ~~_____ 1 - 10 \$ 2/each \$6/each mph over limit~~

1 ~~116 + 10~~ ~~\$20 plus \$5/each~~ ~~\$7/each mph over~~ 10 mph over limit

2 ~~11 - 15~~ ~~\$8/each mph over limit~~

3 ~~16 - 20~~ ~~\$9/each mph over limit~~

4 ~~21 +~~ ~~\$10/each mph over limit~~

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

6 ~~9.8.~~ For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
7 hundred fifty dollars.

8 ~~10.9.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

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

22 ~~11.10.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.61
23 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee
24 of five dollars for each mile per hour over the limit.

25 ~~12.11.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
26 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
27 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit
28 dependent upon being on or near a school, fees for a noncriminal disposition are
29 ~~fortyeighty~~ dollars for one through ten miles per hour over the posted speed; and
30 ~~fortyeighty~~ dollars, plus ~~one dollar~~ two dollars for each additional mile per hour over ten

1 miles per hour over the limit unless a greater fee would be applicable under this
2 section.

3 ~~13.12.~~ For a violation of a highway construction zone speed limit under subsection 2 of
4 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
5 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
6 per hour over the limit, unless a greater fee would be applicable under this section.
7 The fee in this subsection does not apply to a highway construction zone unless
8 individuals engaged in construction are present at the time and place of the violation
9 and the posted speed limit sign states "Minimum Fee \$80".

10 **SECTION 2. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century
11 Code is amended and reenacted as follows:

12 2. a. ~~For~~ Except as otherwise provided under subdivision b, for every violation of a city
13 ordinance ~~regulating~~ that regulates the operation or equipment of a motor
14 ~~vehicles~~ vehicle or ~~regulating~~ which regulates traffic, except those ordinances
15 listed in section 39-06.1-05, a fee may be established, by ordinance, which may
16 not exceed the limits, for equivalent categories of violations, ~~set forth~~ in section
17 39-06.1-06.

18 b. A home rule city may establish, by ordinance, a fee for the violation of a city
19 ordinance that regulates the operation or equipment of a motor vehicle or which
20 regulates traffic, except those ordinances listed in section 39-06.1-05, if the fee is
21 for driving in excess of speed limitations and the fee does not exceed two times
22 the limits in section 39-06.1-06 or if the fee is for a moving violation other than
23 driving in excess of speed limitations and does not exceed three times the limits
24 in section 39-06.1-06.