

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1239**

Introduced by

Representative Owens

Senator Kreun

1 A BILL for an Act to amend and reenact sections 12.1-01-05 and 39-06.1-06, and subsection 2  
2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city  
3 or county ordinances and to statutory fees for noncriminal traffic offenses; and to provide a  
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12.1-01-05. Crimes defined by state law ~~shall~~may not be superseded by city or county**  
9 **ordinance or by home rule city's or county's charter or ordinance.**

10 ~~No~~Except as provided in section 40-05-06, an offense defined in this title or elsewhere by  
11 law ~~shall~~may not be superseded by any city or county ordinance, or city or county home rule  
12 charter, or by an ordinance adopted pursuant to such a charter, and all such offense definitions  
13 ~~shall~~ have full force and effect within the territorial limits and other jurisdiction of home rule cities  
14 or counties. This section ~~shall~~does not preclude any city or county from enacting any ordinance  
15 containing penal language when otherwise authorized to do so by law.

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

18 **39-06.1-06. Amount of statutory fees.**

19 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
20 be as follows:

21 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of ~~twenty~~forty dollars  
22 except for a violation of any traffic parking regulation on any state charitable or penal  
23 institution property or on the state capitol grounds, a fee in the amount of ~~five~~ten  
24 dollars, excluding a violation of subsection 11 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~forty dollars, except for:
- A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of ~~fifty~~one hundred dollars.
  - 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.
  - A violation of section 39-21-41.2, a fee of ~~twenty-five~~fifty dollars.
  - A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of ~~one~~two hundred dollars.
  - A violation of subdivision d of subsection 1 of section 39-12-04, a fee of ~~one~~two hundred dollars.
  - A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of ~~one~~two hundred dollars.
  - A violation of subsection 2 of section 39-10-21.1, a fee of ~~two hundred-fifty~~five hundred dollars.
  - A violation of section 39-10-59, a fee of ~~five hundred~~one thousand dollars.
  - A violation of section 39-09-01, a fee of ~~thirty~~sixty dollars.
  - A violation of section 39-09-01.1, a fee of ~~thirty~~sixty dollars.
  - A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one~~two hundred dollars.
  - A violation of subsection 1 of section 39-08-20, ~~one hundred-fifty~~three hundred dollars for a first violation and ~~three~~six hundred dollars for a second or subsequent violation in three years.
3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of ~~two hundred-fifty~~five hundred dollars.
4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:
- | Miles per hour over<br>lawful speed limit | Fee   |
|---|---|
| 1 - 5                                     | \$ <del>5</del> <u>10</u>   |
| 6 - 10                                    | \$ <del>5</del> <u>10</u> plus \$1/each mph over 5 mph over limit   |
| 11 - 15                                   | \$ <del>10</del> <u>20</u> plus \$1/each mph over 10 mph over limit |

1	16 - 20	\$ <del>15</del> <u>30</u> plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ <del>25</del> <u>50</u> plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ <del>40</del> <u>80</u> plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ <del>70</del> <u>140</u> plus \$3/each mph over 35 mph over limit
5	46 +	<del>\$100</del> <u>\$200</u> plus \$5/each mph over 45 mph over limit

- 6 5. On a highway on which the speed limit is a speed higher than fifty-five miles  
7 [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent  
8 ordinance, a fee established as follows:

9	Miles per hour over	
10	lawful speed limit	Fee
11	1 - 10	<del>\$2</del> <u>\$4</u> /each mph over limit
12	11 +	<del>\$20</del> <u>\$40</u> plus \$5/each mph over 10 mph over limit

- 13 6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

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

- 27 7. On a highway on which the speed limit is posted in excess of sixty-five miles  
28 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent  
29 ordinance, a fee of ~~five~~ten dollars for each mile per hour over the limit.

- 30 8. For a violation of a school zone speed limit under subdivision b of subsection 1 of  
31 section 39-09-02, a fee of ~~forty~~eighty dollars for one through ten miles per hour over

the posted speed; and ~~fortyeight~~ two dollars, plus ~~one dollar~~ two 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.

9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of ~~eightyone hundred sixty~~ one hundred sixty dollars for one through ten miles per hour over the posted speed; and ~~eightyone hundred sixty~~ one hundred sixty dollars plus ~~two~~ four 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~~ \$160".

**SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance ~~regulating~~ that regulates the operation or equipment of ~~a motor vehicles~~ vehicle or ~~regulating~~ which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may not exceed ~~by one hundred percent~~ the limit, ~~limit~~ for an equivalent ~~categories~~ category of ~~violations~~ violation, set forth in section 39-06.1-06.