

HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

- 1 A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 3 of section
2 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees and
3 points for speeding violations; and to provide a penalty.

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

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

7 **39-06.1-06. Amount of statutory fees.**

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

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
11 except for a violation of any traffic parking regulation on any state charitable or penal
12 institution property or on the state capitol grounds, a fee in the amount of five dollars,
13 excluding a violation of subsection 11 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
15 for:
- 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
17 dollars.
- 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
19 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 21 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
22 39-08-25, a fee of one hundred dollars.
- 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
24 hundred dollars.

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- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
10 violation and three hundred dollars for a second or subsequent violation in three
11 years.
- 12 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

14 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
15 hundred fifty dollars.

16 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
17 ~~equivalent ordinance, a fee established as follows:~~

18	Miles per hour over	
19	lawful speed limit	Fee
20	1-5	\$ 5
21	6-10	\$ 5 plus \$1/each mph over 5 mph over limit
22	11-15	\$ 10 plus \$1/each mph over 10 mph over limit
23	16-20	\$ 15 plus \$2/each mph over 15 mph over limit
24	21-25	\$ 25 plus \$3/each mph over 20 mph over limit
25	26-35	\$ 40 plus \$3/each mph over 25 mph over limit
26	36-45	\$ 70 plus \$3/each mph over 35 mph over limit
27	46+	\$100 plus \$5/each mph over 45 mph over limit

28 5. On a highway on which the speed limit is a speed higher than fifty-five miles
29 ~~[88.51 kilometers]~~ lower than sixty miles ~~[96.56 kilometers]~~ an hour, for a violation of
30 section 39-09-02, or an equivalent ordinance, a fee established as follows:

31 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

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

- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten 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.

~~7.5.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.64 kilometers] sixty miles [96.56 kilometers] an hour or higher, ~~for~~ For a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.

~~8.6.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, ~~a fee of the applicable fee under subsection 5. plus forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section~~ plus five dollars for each mile per hour over the limit.

~~9.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, ~~a fee of the applicable fee under subsection 5 or 7. plus 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~~

1 ~~greater fee would be applicable under this section plus five dollars for each mile per~~
2 ~~hour over the limit.~~ The fee in this subsection does not apply to a highway construction
3 zone unless individuals engaged in construction are present at the time and place of
4 the violation and the posted speed limit sign states "Minimum Fee \$80".

5 **SECTION 2. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. Points must be assigned and accumulated on the basis of the following schedule:

8 a. Noncriminal Violations

Noncriminal Adjudication or Admission of:		Points Assigned:
(1)	Overtime and double parking in violation of city	0 points
	ordinances	
(2)	Failure to display license plates	1 point
(3)	Permitting unauthorized minor to drive	2 points
(4)	Permitting unauthorized person to drive	2 points
(5)	Unlawful stopping, standing, or parking on open	2 points
(6)	highway in violation of section 39-10-47	
	Unlawful parking in prohibited place	1 point
(7)	Leaving motor vehicle improperly unattended on	1 point
(8)	an open highway	
	Opening or leaving motor vehicle doors open when	1 point
(9)	unsafe to do so	
	Except as provided in sections 39-21-44 and	2 points
(10)	39-21-45.1, knowingly driving with defective,	
	nonexistent, or unlawful equipment in violation of	
(11)	section 39-21-46, or equivalent ordinances	
	Careless driving in violation of section 39-09-01, or	6 points
(12)	equivalent ordinance	
	Violating or exceeding restrictions contained in	4 points
(13)	a restricted certificate issued pursuant to section	
	39-06.1-03	

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1	(12) Racing or drag racing motor vehicles in violation	10 points
2	of section 39-08-03.1, or equivalent ordinance	
3	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
4	equivalent ordinance	
5	(14) Failing to yield right of way in violation of	2 points
6	section 39-10-20, 39-10-22 through 39-10-26,	
7	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
8	equivalent ordinances	
9	(15) Disobeying an official traffic-control device	2 points
10	in violation of section 39-10-04, 39-10-05, or	
11	39-10-07, or equivalent ordinances	
12	(16) Driving on wrong side of road in violation of	2 points
13	section 39-10-08, 39-10-14, or 39-10-16, or	
14	equivalent ordinances	
15	(17) Failing to dim headlights in violation of section	1 point
16	39-21-21, or equivalent ordinance	
17	(18) Failing to stop at railroad crossing in violation of section	3 points
18	39-10-41 or 39-10-42, or equivalent ordinances	
19	(19) Knowingly driving with defective brakes in violation of	2 points
20	section 39-21-32 or 39-21-33, or equivalent ordinances	
21	(20) Disregarding the lawful commands of a police officer in	2 points
22	violation of section 39-10-02, or equivalent ordinance	
23	(21) Overtaking where prohibited or in an unsafe manner in	2 points
24	violation of section 39-10-11, 39-10-12, 39-10-13, or	
25	39-10-15, or equivalent ordinances	
26	(22) Overtaking and passing a schoolbus in violation of	6 points
27	section 39-10-46, or equivalent ordinance	
28	(23) Operating a motor vehicle without a license in	4 points
29	violation of section 39-06-01, or equivalent ordinance	

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1	(24)	Improperly operating or unlawfully carrying	2 points
2		passengers or packages on a motorcycle in violation	
3		of section 39-10.2-02, or equivalent ordinance	
4	(25)	Improperly operating a motorcycle in laned traffic in	2 points
5		violation of section 39-10.2-03, or equivalent ordinance	
6	(26)	Clinging to other vehicles while riding a motorcycle in	4 points
7		violation of section 39-10.2-04, or equivalent ordinance	
8	(27)	Carrying a passenger on a motorcycle not equipped	2 points
9		with passenger footrests in violation of section	
10		39-10.2-05, or equivalent ordinance	
11	(28)	Operating a motorcycle without protective headgear	2 points
12		in violation of subsection 1 of section 39-10.2-06, or	
13		equivalent ordinance	
14	(29)	Failing to use the care required in section 39-09-01.1,	2 points
15		or equivalent ordinance	
16	(30)	Except as provided in paragraph 33, operating a motor	
17		vehicle in excess of speed limit in violation of section	
18		39-09-02, or equivalent ordinance	
19		6 - 10 mph over limit	0 points
20		11 - 15 mph over limit	1 point
21		16 - 20 mph over limit	3 points
22		21 - 25 mph over limit	5 points
23		26 - 35 mph over limit	9 points
24		36 - 45 mph over limit	12 points
25		46 + mph over limit	15 points
26	(31)	Driving in violation of section 39-08-18	2 points
27	(32)(31)	Driving in violation of section 39-08-09	6 points
28	(33)	On a highway on which the speed limit is posted in	
29		excess of sixty-five <u>sixty</u> miles [104.61 kilometers <u>106.56 kilometers</u>]	

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1	<u>an hour or higher,</u>	
2	operating a motor vehicle on a highway in excess of the speed limit	
3	in violation of section 39-09-02, or equivalent ordinance	
4	Miles per hour over lawful speed limit	Points
5	1 - 5	0
6	6 - 10	1
7	11 - 15	3
8	16 - 20	5
9	21 - 25	7 ¹⁰
10	26 - 30	10 ¹²
11	31 - 35	12 ¹⁵
12	36 +	15 ¹⁸
13	(34)(33) Failing to have a minor in a child restraint system	1 point
14	or seatbelt in violation of section 39-21-41.2	
15	(35)(34) Failure or refusal to comply with rules of the	0 points
16	superintendent of the highway patrol in violation	
17	of subsection 3 of section 39-21-46	
18	(36)(35) Violation of section 39-21-44 or any rule adopted	2 points
19	under that section	
20	(37)(36) Except as provided in paragraph 39, operating a motor	6 points
21	vehicle without liability insurance, in violation of	
22	section 39-08-20	
23	(38)(37) Except as provided in paragraph 39, operating a motor	12 points
24	vehicle without liability insurance, in violation of	
25	section 39-08-20, if the driving record shows that the	
26	licensee has within the eighteen months preceding the	
27	violation previously violated section 39-08-20	
28	(39)(38) Operating a motor vehicle without liability insurance,	14 points
29	in violation of section 39-08-20, if the violation was	
30	discovered as the result of investigation of an accident	
31	in which the driver is the owner	

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1	(40)(39) Driving a modified motor vehicle in violation of section	1 point
2	39-21-45.1, or equivalent ordinance	
3	b. Criminal Violations	
4	Conviction of:	Points Assigned:
5	(1) Reckless driving in violation of section 39-08-03, or	8 points
6	equivalent ordinance	
7	(2) Aggravated reckless driving in violation of section	12 points
8	39-08-03, or equivalent ordinance	
9	(3) Leaving the scene of an accident involving property	14 points
10	damage in violation of section 39-08-05, 39-08-07,	
11	or 39-08-08, or equivalent ordinances	
12	(4) Leaving the scene of an accident involving personal	18 points
13	injury or death in violation of section 39-08-04, or	
14	equivalent ordinance	
15	(5) Violating restrictions in a restricted license issued	3 points
16	under section 39-06-17 and relating to the use of	
17	eyeglasses or contact lenses while driving	
18	(6) Violating any restrictions other than those listed in	4 points
19	paragraph 5, contained in a restricted license issued	
20	under section 39-06-17 or 39-06.1-11	
21	(7) Except as provided in paragraph 9 of subdivision a,	2 points
22	knowingly operating an unsafe vehicle in violation of	
23	section 39-21-46, or equivalent ordinance	
24	(8) Fleeing in a motor vehicle from a peace officer in	24 points
25	violation of section 39-10-71, or equivalent ordinance	
26	(9) Causing an accident with an authorized emergency	2 points
27	vehicle or a vehicle operated by or under the control	
28	of the director used for maintaining the state highway	
29	system in violation of subsection 5 of section 39-10-26,	
30	or equivalent ordinance	

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|---|---|----------|
| 1 | (10) Driving in violation of the conditions of an instruction | 2 points |
| 2 | permit | |

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "39-06.1-10" insert ", and subsection 2 of section 40-05-06"

Page 1, line 2, replace "and" with a comma

Page 1, line 3, after "violations" insert ", and limits on city speeding fines and penalties"

Page 8, after line 28, insert:

"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 that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06. A city ordinance establishing a fee for exceeding the posted speed limit of a motor vehicle on a street or road within a city may not exceed the fee limit for an equivalent violation as set forth under section 39-06.1-06."

Renumber accordingly