

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06.1-06, subsection 3 of section 39-06.1-10, and sections 40-05-06 and 40-11-12 of the North Dakota Century Code, relating to the amount of statutory fees, points for speeding violations, city fines, and the nonpayment of fines; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-06.1-06. Amount of statutory fees.

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

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five 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 dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. 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 dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.

- j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
 - l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
 - m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
 - n. A violation of section 39-10-50.1, a fee of fifty dollars.
3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty 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~~

~~_____ 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~~

~~_____ 5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for For a violation of section 39-09-02 on a highway, 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

~~6-5.~~ 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. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, 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 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.

~~9.7.~~ 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. AMENDMENT. Subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

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

a. Noncriminal Violations

Noncriminal Adjudication or Admission of: Points Assigned:

- | | |
|--|----------|
| (1) Overtime and double parking in violation of city ordinances | 0 points |
| (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 highway in violation of section 39-10-47 | 2 points |
| (6) Unlawful parking in prohibited place | 1 point |

- | | | |
|------|---|-----------|
| (7) | Leaving motor vehicle improperly unattended on an open highway | 1 point |
| (8) | Opening or leaving motor vehicle doors open when unsafe to do so | 1 point |
| (9) | Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances | 2 points |
| (10) | Careless driving in violation of section 39-09-01, or equivalent ordinance | 6 points |
| (11) | Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03 | 4 points |
| (12) | Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance | 10 points |
| (13) | Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance | 3 points |
| (14) | Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or equivalent ordinances | 2 points |
| (15) | Disobeying an official traffic-control device in violation of section 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances | 2 points |
| (16) | Driving on wrong side of road in violation of section 39-10-08, 39-10-14, or 39-10-16, or equivalent ordinances | 2 points |
| (17) | Failing to dim headlights in violation of section 39-21-21, or equivalent ordinance | 1 point |
| (18) | Failing to stop at railroad crossing in violation of section 39-10-41 or 39-10-42, or equivalent ordinances | 3 points |
| (19) | Knowingly driving with defective brakes in violation of section 39-21-32 or 39-21-33, or equivalent ordinances | 2 points |
| (20) | Disregarding the lawful commands of a police officer in violation of section 39-10-02, or equivalent ordinance | 2 points |
| (21) | Overtaking where prohibited or in an unsafe manner in violation of section 39-10-11, 39-10-12, 39-10-13, or 39-10-15, or equivalent ordinances | 2 points |
| (22) | Overtaking and passing a schoolbus in violation of section 39-10-46, or equivalent ordinance | 6 points |
| (23) | Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance | 4 points |

- (24) Improperly operating or unlawfully carrying 2 points
passengers or packages on a motorcycle in violation
of section 39-10.2-02, or equivalent ordinance
- (25) Improperly operating a motorcycle in laned traffic in 2 points
violation of section 39-10.2-03, or equivalent ordinance
- (26) Clinging to other vehicles while riding a motorcycle in 4 points
violation of section 39-10.2-04, or equivalent ordinance
- (27) Carrying a passenger on a motorcycle not equipped 2 points
with passenger footrests in violation of section
39-10.2-05, or equivalent ordinance
- (28) Operating a motorcycle without protective headgear 2 points
in violation of subsection 1 of section 39-10.2-06, or
equivalent ordinance
- (29) Failing to use the care required in section 39-09-01.1, 2 points
or equivalent ordinance
- (30) Except as provided in paragraph 33, operating a motor
vehicle in excess of speed limit in violation of section
39-09-02, or equivalent ordinance
- | | |
|------------------------|-----------|
| 6 - 10 mph over limit | 0 points |
| 11 - 15 mph over limit | 1 point |
| 16 - 20 mph over limit | 3 points |
| 21 - 25 mph over limit | 5 points |
| 26 - 35 mph over limit | 9 points |
| 36 - 45 mph over limit | 12 points |
| 46 + mph over limit | 15 points |
- (31) Driving in violation of section 39-08-18 2 points
- (32) Driving in violation of section 39-08-09 6 points
- (33) On a highway on which the speed limit is posted in
excess of ~~sixty-five~~sixty miles [~~104.64~~96.56 kilometers] an hour,
or higher, operating a motor vehicle in excess of the speed limit
in violation of section 39-09-02, or equivalent ordinance
- | Miles per hour over lawful speed limit | Points |
|--|--------|
| 1 - 5 | 0 |
| 6 - 10 | 1 |
| 11 - 15 | 3 |
| 16 - 20 | 5 |
| 21 - 25 | 7 |
| 26 - 30 | 10 |
| 31 - 35 | 12 |
| 36 + | 15 |
- (34) Failing to have a minor in a child restraint system 1 point
or seatbelt in violation of section 39-21-41.2
- (35) Failure or refusal to comply with rules of the 0 points
superintendent of the highway patrol in violation
of subsection 3 of section 39-21-46

- (36) Violation of section 39-21-44 or any rule adopted under that section 2 points
- (37) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20 6 points
- (38) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the driving record shows that the licensee has within the eighteen months preceding the violation previously violated section 39-08-20 12 points
- (39) Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of investigation of an accident in which the driver is the owner 14 points
- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

b. Criminal Violations

Conviction of: Points Assigned:

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

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

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

40-05-06. City fines and penalties limited.

1. Except as provided in ~~subsections~~ subsection 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
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.~~
3. For every violation of a city ordinance enforcing the requirements of title 40, Code of Federal Regulations, section 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty days, or both such fine and imprisonment.
- 4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02.

SECTION 4. AMENDMENT. Section 40-11-12 of the North Dakota Century Code is amended and reenacted as follows:

40-11-12. Commitment of guilty person for nonpayment of fines or costs.

Any person upon whom any fine or costs, or both, has been imposed for violation of a municipal ordinance may, after hearing, be committed upon order of the court to jail or other place provided by the municipality for the incarceration of offenders until the fine or costs, or both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not commit a person under this section when the sole reason for the person's nonpayment of fines or costs, or both, is the person's indigency. An order of commitment under this section shall not be for a period in excess of thirty days. ~~As used in this section, "fine" does not include a fee established pursuant to subsection 2 of section 40-05-06.~~

Renumber accordingly