

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 sections 39-06.1-06, 40-05-06, and 40-11-12 of the North Dakota Century Code, relating to the amount of statutory fees, 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. 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 3. 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