

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

- 1 A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10 of the North Dakota
2 Century Code, relating to points assigned to driving records.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota
5 Century Code is amended and reenacted as follows:

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

7 a. Noncriminal Violations

8	Noncriminal Adjudication or Admission of:	Points Assigned:
9	(1) Overtime and double parking in violation of city	0 points
10	ordinances	
11	(2) Failure to display license plates	1 point
12	(3) Permitting unauthorized minor to drive	2 points
13	(4) Permitting unauthorized person to drive	2 points
14	(5) Unlawful stopping, standing, or parking on open	2 points
15	highway in violation of section 39-10-47	
16	(6) Unlawful parking in prohibited place	1 point
17	(7) Leaving motor vehicle improperly unattended on	1 point
18	an open highway	
19	(8) Opening or leaving motor vehicle doors open when	1 point
20	unsafe to do so	
21	(9) Except as provided in sections 39-21-44 and	2 points

1	nonexistent, or unlawful equipment in violation of	
2	section 39-21-46, or equivalent ordinances	
3	(10) Careless driving in violation of section 39-09-01, or	6 points
4	equivalent ordinance	
5	(11) Violating or exceeding restrictions contained in	4 points
6	a restricted certificate issued pursuant to section	
7	39-06.1-03	
8	(12) Racing or drag racing motor vehicles in violation	10 points
9	of section 39-08-03.1, or equivalent ordinance	
10	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
11	equivalent ordinance	
12	(14) Failing to yield right of way in violation of	2 points
13	section 39-10-20, 39-10-22 through 39-10-26,	
14	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
15	equivalent ordinances	
16	(15) Disobeying an official traffic-control device	2 3 points
17	in violation of section 39-10-04, 39-10-05, or	
18	39-10-07, or equivalent ordinances	
19	(16) Driving on wrong side of road in violation of	2 points
20	section 39-10-08, 39-10-14, or	
21	subsection 1; or 2, or 3 of section 39-10-16, or	
22	equivalent ordinances	
23	(17) Failing to dim headlights in violation of section	1 point
24	39-21-21, or equivalent ordinance	
25	(18) Failing to stop at railroad crossing in violation of section	3 points
26	39-10-41 or 39-10-42, or equivalent ordinances	
27	(19) Knowingly driving with defective brakes in violation of	2 points
28	section 39-21-32 or 39-21-33, or equivalent ordinances	
29	(20) Disregarding the lawful commands of a police officer in	2 points
30	violation of section 39-10-02, or equivalent ordinance	

1	(21) Overtaking where prohibited or in an unsafe manner in	2 points
2	violation of section 39-10-11; or 39-10-12, 39-10-13, or	
3	39-10-15, or equivalent ordinances	
4	(22) Overtaking and passing a schoolbus in violation of	6 points
5	section 39-10-46, or equivalent ordinance	
6	(23) Operating a motor vehicle without a license in	4 points
7	violation of section 39-06-01, or equivalent ordinance	
8	(24) Improperly operating or unlawfully carrying	2 points
9	passengers or packages on a motorcycle in violation	
10	of section 39-10.2-02, or equivalent ordinance	
11	(25) Improperly operating a motorcycle in laned traffic in	2 points
12	violation of section 39-10.2-03, or equivalent ordinance	
13	(26) Clinging to other vehicles while riding a motorcycle in	4 points
14	violation of section 39-10.2-04, or equivalent ordinance	
15	(27) Carrying a passenger on a motorcycle not equipped	2 points
16	with passenger footrests in violation of section	
17	39-10.2-05, or equivalent ordinance	
18	(28) Operating a motorcycle without protective headgear	2 points
19	in violation of subsection 1 of section 39-10.2-06, or	
20	equivalent ordinance	
21	(29) Failing to use the care required in section 39-09-01.1,	2 3 points
22	or equivalent ordinance	
23	(30) Except as provided in paragraph 33, operating a motor	
24	vehicle in excess of speed limit in violation of section	
25	39-09-02, or equivalent ordinance	
26	6 - 10 mph over limit	0 points
27	11 - 15 mph over limit	1 point
28	16 - 20 mph over limit	3 points
29	21 - 25 mph over limit	5 points
30	26 - 35 mph over limit	9 points

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1	36 - 45 mph over limit	12 points
2	46 + mph over limit	15 points
3	(31) Driving in violation of section 39-08-18	23 points
4	(32) Driving in violation of section 39-08-09	6 points
5	(33) On a highway on which the speed limit is posted in	
6	excess of sixty-five miles [104.61 kilometers] an hour,	
7	operating a motor vehicle in excess of the speed limit	
8	in violation of section 39-09-02, or equivalent ordinance	
9	Miles per hour over lawful speed limit	Points
10	1 - 5	0
11	6 - 10	4 0
12	11 - 15	3
13	16 - 20	5
14	21 - 25	7
15	26 - 30	10
16	31 - 35	12
17	36 +	15
18	(34) Failing to have a minor in a child restraint system	1 point 3 points
19	or seatbelt in violation of section 39-21-41.2	
20	(35) Failure or refusal to comply with rules of the	0 points
21	superintendent of the highway patrol in violation	
22	of subsection 3 of section 39-21-46	
23	(36) Violation of section 39-21-44 or any rule adopted	2 points
24	under that section	
25	(37) Except as provided in paragraph 39, operating a motor	6 points
26	vehicle without liability insurance, in violation of	
27	section 39-08-20	
28	(38) Except as provided in paragraph 39, operating a motor	12 points
29	vehicle without liability insurance, in violation of	
30	section 39-08-20, if the driving record shows that the	

1	licensee has within the eighteen months preceding the	
2	violation previously violated section 39-08-20	
3	(39) Operating a motor vehicle without liability insurance,	14 points
4	in violation of section 39-08-20, if the violation was	
5	discovered as the result of investigation of an accident	
6	in which the driver is the owner	
7	(40) Driving a modified motor vehicle in violation of section	1 point
8	39-21-45.1, or equivalent ordinance	
9	(41) Driving in violation of the conditions of	2 points
10	an instructional permit-	
11	(42) Using a wireless communications device	3 points
12	in violation of section 39-08-23 or	
13	39-08-24, or equivalent ordinance	
14	(43) <u>Failure to maintain control of a motor vehicle while distracted</u>	<u>13 points</u>
15	<u>in violation of section 39-08-25</u>	
16	(44) <u>Overtaking where prohibited or in an unsafe manner in</u>	<u>13 points</u>
17	<u>violation of section 39-10-13 or 39-10-15, or</u>	
18	<u>equivalent ordinances</u>	
19	(45) <u>Driving on the wrong side of the road in violation of</u>	<u>13 points</u>
20	<u>subsection 3 of section 39-10-16, or</u>	
21	<u>equivalent ordinances</u>	
22	(46) <u>Following too close in violation of</u>	<u>13 points</u>
23	<u>subsection 1 of section 39-10-18, or</u>	
24	<u>equivalent ordinance which results in an accident involving</u>	
25	<u>another vehicle.</u>	
26	(47) Driving on a closed road during hazardous conditions,	3 points
27	when closure was announced, in violation	
28	of section 39-10-21.1, or equivalent ordinance	
29	(48) <u>Failing to yield the right of way in violation</u>	<u>3 points</u>
29	<u>of section 39-10-22 through 39-10-26,</u>	
30	<u>39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance</u>	

(49) Disregarding stop sign in violation of section
39-10-44, or equivalent ordinance.

~~13~~points

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 | 23 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 |

4 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06.1-10 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic
7 violation is received by the director, the director shall proceed to enter the proper
8 points on the licensee's driving record, unless the points assigned to the violation are
9 two or less. If the points assigned to the violation are two or less, the violation and
10 points may not be entered on the driving record but must be recorded separately, and
11 the separate record is not available to the public. Points from a violation in which the
12 points are two or less are considered a part of the driving record for the sole purpose
13 of point reduction under section 39-06.1-13 and for purposes of license suspension. If
14 the driving record shows that the licensee has accumulated a total of twelve or more
15 points, assigned on the basis of the schedule contained in subsection 3, the director
16 shall notify the licensee of the director's intention to suspend the operator's license
17 under section 39-06-33. For the purposes of this chapter, the director also may receive
18 and act on reports of traffic offense convictions forwarded by federal, military, and
19 tribal courts in this state.

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

3 **39-06.1-06. Amount of statutory fees.**

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

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

- 1 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
- 2 hundred dollars.
- 3 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 4 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 5 dollars.
- 6 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 7 i. A violation of section 39-09-01, a fee of thirty dollars.
- 8 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 9 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 10 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 11 violation and three hundred dollars for a second or subsequent violation in three
- 12 years.
- 13 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 14 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 15 o. A violation of section 39-19-03, a fee of fifty dollars.
- 16 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
- 17 hundred fifty dollars.
- 18 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
- 19 ~~equivalent ordinance, a fee established as follows:~~

20	Miles per hour over	
21	lawful speed limit	Fee
22	1—5	\$—5
23	6—10	\$—5 plus \$1/each mph over 5 mph over limit
24	11—15	\$—10 plus \$1/each mph over 10 mph over limit
25	16—20	\$—15 plus \$2/each mph over 15 mph over limit
26	21—25	\$—25 plus \$3/each mph over 20 mph over limit
27	26—35	\$—40 plus \$3/each mph over 25 mph over limit
28	36—45	\$—70 plus \$3/each mph over 35 mph over limit
29	46+	\$100 plus \$5/each mph over 45 mph over limit

1 ~~5.~~ On a highway on which the speed limit is a speed higher than fifty-five miles
2 ~~[88.51 kilometers]~~ of sixty-five miles [104.61 kilometers] an hour or lower, for a violation
3 of section 39-09-02, or an equivalent ordinance, a fee established as follows:

4 Miles per hour over	
5 lawful speed limit	Fee
6 1 - 10	\$2/each mph over limit
7 11 +	\$20 plus \$5/each mph over 10 mph over limit

8 ~~6.5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee
9 established as follows:

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

23 ~~7.6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
24 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
25 ordinance, a fee of five dollars for each mile per hour over the limit.

26 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
27 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
28 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
29 ten miles per hour over the limit unless a greater fee would be applicable under this
30 section.

9.8. 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".

9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five miles [120.7 kilometers] per hour, the specified fee is increased by one hundred dollars. If a violation of subsection 6 is for exceeding the speed limit by sixteen miles [25.75 kilometers] per hour or more in a speed zone of seventy-five miles [120.7 kilometers] per hour or greater, the specified fee is increased by one hundred dollars.

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 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.

1 4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine
2 or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,
3 nor does this section limit the use of deferred or suspended sentences under
4 subsections 3 and 4 of section 12.1-32-02.

5 **SECTION 3. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-11-12. Commitment of guilty person for nonpayment of fines or costs.**

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