

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1113

Introduced by

Representative Gruchalla

1 A BILL for an Act to amend and reenact sections 39-06.1-06, 39-09-01, 39-12-08, and 39-12-09
2 of the North Dakota Century Code, relating to traffic fees.

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

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

6 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition
7 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

- 8 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount
9 not to exceed twenty dollars.
- 10 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,
11 except for:
- 12 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
13 39-10-46.1, a fee of ~~fifty~~ one hundred 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~~ one hundred dollars.
- 16 c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~ fifty dollars.
- 17 d. A violation of subsection 1 of section 39-12-02, a fee of one hundred dollars.
- 18 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
19 hundred dollars.
- 20 3. ~~Except as provided in subsections 7 and 11 of this section, for~~ For a violation of
21 section 39-09-02, or an equivalent ordinance, a fee ~~established as follows:~~

22 ~~Miles per hour over~~

23 ~~lawful speed limit~~

Fee

Sixtieth
Legislative Assembly

1	4—5	\$5
2	6—10	\$5 plus \$1/each mph over 5 mph over limit
3	11—15	\$10 plus \$1/each mph over 10 mph over limit
4	16—20	\$15 plus \$2/each mph over 15 mph over limit
5	21—25	\$25 plus \$3/each mph over 20 mph over limit
6	26—35	\$40 plus \$3/each mph over 25 mph over limit
7	36—45	\$70 plus \$3/each mph over 35 mph over limit
8	46+	\$100 plus \$5/each mph over 45 mph over limit

of five dollars for each mile per hour over the limit.

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of ~~thirty~~ sixty dollars.

5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of ~~not less than ten dollars nor more than thirty~~ fifty dollars.

6. For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of ~~five~~ ten dollars.

7. ~~On a highway on which the speed limit is a speed higher than fifty five miles [88.51 kilometers] an hour, 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
4—10	\$2/each mph over limit	
11+	\$20 plus \$5/each mph over 10 mph over limit	

~~8.~~ For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

~~9.~~ 8. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

~~10.~~ 9. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

a. Driving more than ten hours since the last eight hours off duty, driving after fifteen hours on duty since the last eight 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

- 1 duty status or log book, or operating a vehicle with four to six out-of-service
2 defects, one hundred dollars;
- 3 b. False record of duty status or log book or operating a vehicle with seven to
4 nine out-of-service defects, two hundred fifty dollars;
- 5 c. Operating a vehicle after driver placed out of service, operating a vehicle with
6 ten or more out-of-service defects, or operating a vehicle that has been
7 placed out of service prior to its repair, five hundred dollars; and
- 8 d. All other violations of motor carrier safety rules adopted under subsection 3 of
9 section 39-21-46, fifty dollars.
- 10 ~~41. On a highway on which the speed limit is posted in excess of sixty five miles~~
11 ~~[104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent~~
12 ~~ordinance, a fee of five dollars for each mile per hour over the limit.~~
- 13 ~~42.~~ 10. For a violation of a school zone speed limit under subdivision b of subsection 1 of
14 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
15 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed
16 limit dependent upon being on or near a school, fees for a noncriminal disposition
17 are forty dollars for one through ten miles per hour over the posted speed; and
18 forty dollars, plus one dollar for each additional mile per hour over ten miles per
19 hour over the limit unless a greater fee would be applicable under this section.
- 20 ~~43.~~ 11. For a violation of a highway construction zone speed limit under subsection 2 of
21 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over
22 the posted speed; and eighty dollars plus two dollars for each mile per hour over
23 ten miles per hour over the limit, unless a greater fee would be applicable under
24 this section. The fee in this subsection does not apply to a highway construction
25 zone unless individuals engaged in construction are present at the time and place
26 of the violation and the posted speed limit sign states "Minimum Fee \$80".

27 **SECTION 2. AMENDMENT.** Section 39-09-01 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **39-09-01. Basic rule - Penalty for violation.** No person may drive a vehicle at a
30 speed greater than is reasonable and prudent under the conditions and having regard to the
31 actual and potential hazards then existing. Consistent with the foregoing, every person shall

1 drive at a safe and appropriate speed when approaching and crossing an intersection or
2 railroad grade crossing, when approaching and going around a curve, when approaching a hill
3 crest, when traveling upon any narrow or winding roadway, and when special hazards exist
4 with respect to pedestrians or other traffic or by reason of weather or highway conditions. Any
5 person who drives a vehicle upon a highway or private or public property open to the public for
6 the operation of motor vehicles without heed to the requirements or restrictions of this section
7 has committed careless driving and must be assessed a fee of ~~thirty~~ sixty dollars.

8 Any person who, by reason of careless driving as herein defined, causes and inflicts
9 injury upon the person of an operator of snow removal equipment engaged in snow removal
10 operations or causes damage in excess of one thousand dollars to snow removal equipment
11 engaged in snow removal is guilty of an infraction.

12 As used in this section, "snow removal equipment" means a vehicle that is operated by
13 a person employed by or on behalf of an authority in charge of the maintenance of the highway
14 to perform winter maintenance snow and ice removal, including plowing, hauling away, salting,
15 and sanding.

16 **SECTION 3. AMENDMENT.** Section 39-12-08 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-12-08. Penalty for violation of chapter.** A person operating a motor vehicle or the
19 owner of the motor vehicle being operated without a permit as specified in this chapter must be
20 assessed a fee of one hundred dollars. Any person violating any other provision of this
21 chapter, for which a specific penalty is not provided, must be assessed a fee of ~~twenty~~ fifty
22 dollars. Violating the conditions of any permit type automatically voids the permit.

23 **SECTION 4. AMENDMENT.** Section 39-12-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **39-12-09. Unlawful to violate provisions governing size, weight, or construction**
26 **of vehicles - Size and weight specified in this chapter lawful through state - Penalty.** It is
27 unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be
28 driven or moved, on any highway, any vehicle or vehicles which are not constructed as required
29 in this chapter nor according to the rules and regulations of the director adopted pursuant to the
30 provisions of this chapter. The maximum size and weight of vehicles specified in this chapter
31 are lawful throughout this state, except as they may be limited by virtue of specifications made

Sixtieth
Legislative Assembly

- 1 pursuant to the other provisions of this chapter. Any person who violates any of the provisions
- 2 of this section must be assessed a fee of ~~twenty~~ fifty dollars.