

HOUSE BILL NO. 1048

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code,
2 relating to fees for speeding.

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.**

7 The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or
8 39-06.1-03 must be as follows:

- 9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to
10 exceed twenty dollars.
- 11 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
12 for:
 - 13 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
14 39-10-46.1, a fee of fifty dollars.
 - 15 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
16 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 17 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 18 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
19 hundred dollars.
 - 20 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
21 hundred dollars.
 - 22 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
23 resident of this state, a fee of one hundred dollars.

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1 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
2 dollars.

3 h. A violation of section 39-10-59, a fee of one hundred dollars.

4 3. Except as provided in ~~subsections~~subsection 7 and 11, for a violation of section
5 39-09-02, or an equivalent ordinance, a fee of twenty dollars in addition to the fee
6 established as follows:

Miles per hour over	Fee
lawful speed limit	
1 - 5	\$ 5 <u>\$2/each mph over limit</u>
6 - 10	\$ 5 plus \$1/each <u>\$3/each mph over 5 mph over limit</u>
11 - 15	\$ 10 plus \$1/each <u>\$4/each mph over 10 mph over limit</u>
16 - 20	\$ 15 plus \$2/each <u>\$5/each mph over 15 mph over limit</u>
21 - 25	\$ 25 plus \$3/each <u>\$6/each mph over 20 mph over limit</u>
26 - 35	\$ 40 plus \$3/each <u>\$7/each mph over 25 mph over limit</u>
36 - 45	\$ 70 plus \$3/each <u>\$8/each mph over 35 mph over limit</u>
46 +	\$100 plus \$5/each <u>\$10/each mph over 45 mph over limit</u>

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

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

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

24 7. On a highway on which the speed limit is a speed ~~higher than fifty-five~~in excess of
25 sixty-five miles [~~88.54~~104.61 kilometers] an hour, for a violation of section 39-09-02, or
26 an equivalent ordinance, a fee of twenty dollars in addition to the fee established as
27 follows:

Miles per hour over	Fee
lawful speed limit	
1 - 40 <u>5</u>	\$2/each <u>\$6/each mph over limit</u>
16 + <u>10</u>	\$20 plus \$5/each <u>\$7/each mph over 10 mph over limit</u>

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1 11 - 15 \$8/each mph over limit

2 16 - 20 \$9/each mph over limit

3 21 + \$10/each mph over limit

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

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

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

8 a. Driving more than eleven hours since the last ten hours off duty, driving after
9 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
10 on duty in seven days or seventy hours in eight days, no record of duty status or
11 log book in possession, failing to retain previous seven-day record of duty status
12 or log book, or operating a vehicle with four to six out-of-service defects, one
13 hundred dollars;

14 b. False record of duty status or log book or operating a vehicle with seven to nine
15 out-of-service defects, two hundred fifty dollars;

16 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten
17 or more out-of-service defects, or operating a vehicle that has been placed out of
18 service prior to its repair, five hundred dollars; and

19 d. All other violations of motor carrier safety rules adopted under subsection 3 of
20 section 39-21-46, fifty dollars.

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

24 12. For a violation of a school zone speed limit under subdivision b of subsection 1 of
25 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
26 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit
27 dependent upon being on or near a school, fees for a noncriminal disposition are
28 ~~fortyeighty~~ fortyeighty dollars for one through ten miles per hour over the posted speed; and
29 ~~fortyeighty~~ fortyeighty dollars, plus ~~one dollar~~ two dollars for each additional mile per hour over ten
30 miles per hour over the limit unless a greater fee would be applicable under this
31 section.

1 ~~13.12.~~ For a violation of a highway construction zone speed limit under subsection 2 of
2 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
3 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
4 per hour over the limit, unless a greater fee would be applicable under this section.
5 The fee in this subsection does not apply to a highway construction zone unless
6 individuals engaged in construction are present at the time and place of the violation
7 and the posted speed limit sign states "Minimum Fee \$80".