

HOUSE BILL NO. 1242

Introduced by

Representatives Kretschmar, Delmore, Klemin, Maragos, Owens, Ruby

Senators Burckhard, J. Lee, Rust, Sinner

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 under section 39-06.1-02 or 39-06.1-03 must
8 be as follows:

9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
10 except for a violation of any traffic parking regulation on any state charitable or penal
11 institution property or on the state capitol grounds, a fee in the amount of five dollars,
12 excluding a violation of subsection 10 of section 39-01-15.

13 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
14 for:

15 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
16 dollars.

17 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
18 subsection 1 of section 39-10-28, a fee of fifty dollars.

19 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

20 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
21 hundred dollars.

22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
23 hundred dollars.

Sixty-fourth
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- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of one hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
10 hundred fifty dollars.

- 11 4. ~~Except as provided in~~ subsections 7 and 11 ~~subsection 6, for~~ For a violation of section
12 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 |

22 ~~46+ \$100 plus \$5/each mph over 45 mph over limit~~ of two~~three~~ dollars for each mile
23 an hour over the limit.

- 24 5. ~~On a highway on which the speed limit is a speed higher than fifty five miles-~~
25 ~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent~~
26 ~~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 |

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

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

14 ~~7.6. On a highway on which the speed limit is posted in excess of sixty-five fifty-five miles~~
15 ~~[104.6188.51 kilometers] an hour, but lower than seventy miles [112.65 kilometers] an~~
16 ~~hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five~~four~~~~
17 ~~dollars for each mile per an hour over the limit. On a highway on which the speed limit~~
18 ~~is posted at seventy miles [112.65 kilometers] an hour or higher, for a violation of~~
19 ~~section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile an hour~~
20 ~~over the limit.~~

21 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
22 section 39-09-02, a fee of ~~forty~~eighty dollars for one through ten miles ~~per~~an hour over
23 the posted speed; and ~~forty~~eighty dollars, plus ~~one~~two dollar for each additional mile
24 ~~per~~an hour over ten miles per hour over the limit unless a greater fee would be
25 applicable under this section.

26 ~~9.8.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of
27 section 39-09-02, a fee of eighty dollars for one through ten miles ~~per~~an hour over the
28 posted speed; and eighty dollars plus two dollars for each mile ~~per~~an hour over ten
29 miles per hour over the limit, unless a greater fee would be applicable under this
30 section. The fee in this subsection does not apply to a highway construction zone

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- 1 unless individuals engaged in construction are present at the time and place of the
- 2 violation and the posted speed limit sign states "Minimum Fee \$80".