

HOUSE BILL NO. 1239

Introduced by

Representative Owens

Senator Kreun

1 A BILL for an Act to amend and reenact sections 12.1-01-05 and 39-06.1-06, and subsection 2
2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city
3 or county ordinances and to statutory fees for noncriminal traffic offenses; and to provide a
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-01-05. Crimes defined by state law ~~shall~~may not be superseded by city or county**
9 **ordinance or by home rule city's or county's charter or ordinance.**

10 ~~No~~Except as provided in section 40-05-06, an offense defined in this title or elsewhere by
11 law ~~shall~~may not be superseded by any city or county ordinance, or city or county home rule
12 charter, or by an ordinance adopted pursuant to such a charter, and all ~~such~~ offense definitions
13 ~~shall~~ have full force and effect within the territorial limits and other jurisdiction of home rule cities
14 or counties. This section ~~shall~~does not preclude any city or county from enacting any ordinance
15 containing penal language when otherwise authorized to do so by law.

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

18 **39-06.1-06. Amount of statutory fees.**

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

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

Sixty-sixth
Legislative Assembly

1	16 - 20	\$ 15 <u>30</u> plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ 25 <u>50</u> plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ 40 <u>80</u> plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ 70 <u>140</u> plus \$3/each mph over 35 mph over limit
5	46 +	\$100 <u>\$200</u> 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 a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

9	Miles per hour over		Fee
10	lawful speed limit		
11	1 - 10	\$2 <u>\$4</u> /each mph over limit	
12	11 +	\$20 <u>\$40</u> plus \$5/each mph over 10 mph over limit	

6. 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~~two 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~~five hundred 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~~one thousand dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, ~~fifty~~one hundred 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~~ten dollars for each mile per hour over the limit.

8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of ~~forty~~eighty dollars for one through ten miles per hour over

1 the posted speed; and ~~fortyeighty~~ two dollars for each
2 additional mile per hour over ten miles per hour over the limit unless a greater fee
3 would be applicable under this section.

4 9. For a violation of a highway construction zone speed limit under subsection 2 of
5 section 39-09-02, a fee of ~~eightyone hundred sixty~~ sixty dollars for one through ten miles
6 per hour over the posted speed; and ~~eightyone hundred sixty~~ sixty dollars plus ~~two~~ four
7 dollars for each mile per hour over ten miles per hour over the limit, unless a greater
8 fee would be applicable under this section. The fee in this subsection does not apply
9 to a highway construction zone unless individuals engaged in construction are present
10 at the time and place of the violation and the posted speed limit sign states "Minimum
11 Fee ~~\$80~~ \$160".

12 **SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 2. For every violation of a city ordinance ~~regulating~~ that regulates the operation or
15 equipment of ~~a motor vehicles~~ vehicle or ~~regulating~~ which regulates traffic, except those
16 ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which
17 may not exceed ~~by one hundred percent~~ the limit, ~~limit~~ for an equivalent
18 ~~categories~~ category of ~~violations~~ violation, set forth in section 39-06.1-06.