

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2100**

Page 2, line 10 after “the”, remove “hearing official”, replace with “office of the”

Page 2, line 11 remove “before whom the person was to appear”, replace with “prosecutor where the matter is pending,”

Page 3, line 21 remove “hearing official to whom the person was”, replace with “office of the prosecutor where the”

Page 3, line 22 remove “to appear”, replace with “matter is pending,”

Page 9, after line 31, insert:

SECTION 23. AMENDMENT. Create a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century code is created and enacted as follows:

**39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit schedule - Suspension.**

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

2. If the director confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the director shall suspend the licensee's operator's license according to the following schedule:

Accumulated Point Total: Period of Suspension:

- a. Twelve 7 days
- b. Thirteen and above 7 days for each point over eleven

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

a. Noncriminal Violations

Noncriminal Adjudication or Admission of: Points Assigned:

(1) Overtime and double parking in violation of city Ordinances

0 points

(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points
(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47	2 points
(6) Unlawful parking in prohibited place	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point
(9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances	2 points
(10) Careless driving in violation of section 39-09-01, or equivalent ordinance	6 points
(11) Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03	4 points
(12) Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance	10 points
(13) Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance	3 points
(14) Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or equivalent ordinances	2 points
(15) Disobeying an official traffic-control device in violation of section 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances	2 points
(16) Driving on wrong side of road in violation of section 39-10-08, 39-10-14, or 39-10-16, or equivalent ordinances	2 points
(17) Failing to dim headlights in violation of section 39-21-21, or equivalent ordinance	1 point

(18) Failing to stop at railroad crossing in violation of section 39-10-41 or 39-10-42, or equivalent ordinances	3 points
(19) Knowingly driving with defective brakes in violation of section 39-21-32 or 39-21-33, or equivalent ordinances	2 points
(20) Disregarding the lawful commands of a police officer in violation of section 39-10-02, or equivalent ordinance	2 points
(21) Overtaking where prohibited or in an unsafe manner in violation of section 39-10-11, 39-10-12, 39-10-13, or 39-10-15, or equivalent ordinances	2 points
(22) Overtaking and passing a schoolbus in violation of section 39-10-46, or equivalent ordinance	6 points
(23) Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance	4 points
(24) Improperly operating or unlawfully carrying passengers or packages on a motorcycle in violation of section 39-10.2-02, or equivalent ordinance	2 points
(25) Improperly operating a motorcycle in laned traffic in violation of section 39-10.2-03, or equivalent ordinance	2 points
(26) Clinging to other vehicles while riding a motorcycle in violation of section 39-10.2-04, or equivalent ordinance	4 points
(27) Carrying a passenger on a motorcycle not equipped with passenger footrests in violation of section 39-10.2-05, or equivalent ordinance	2 points
(28) Operating a motorcycle without protective headgear in violation of subsection 1 of section 39-10.2-06, or equivalent ordinance	2 points
(29) Failing to use the care required in section 39-09-01.1, or equivalent ordinance	2 points
(30) Except as provided in paragraph 33, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance	
6 - 10 mph over limit	0 points
11 - 15 mph over limit	1 point
16 - 20 mph over limit	3 points
21 - 25 mph over limit	5 points
26 - 35 mph over limit	9 points

36 - 45 mph over limit	12 points
46 + mph over limit	15 points
(31) Driving in violation of section 39-08-18	2 points
(32) Driving in violation of section 39-08-09	6 points
(33) On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance	
Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	1
11 - 15	3
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15
(34) Failing to have a minor in a child restraint system or seatbelt in violation of section 39-21-41.2	1 point
(35) Failure or refusal to comply with rules of the superintendent of the highway patrol in violation of subsection 3 of section 39-21-46	0 points
(36) Violation of section 39-21-44 or any rule adopted under that section	2 points
(37) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20	6 points
(38) Except as provided in paragraph 39, operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the driving record shows that the licensee has within the eighteen months preceding the violation previously violated section 39-08-20	12 points
(39) Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of investigation of an accident in which the driver is the owner	14 points
(40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance	1 point

(41) Driving in violation of the conditions of a Class D instruction permit

2 points