

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1294

Introduced by

Representatives Novak, D. Anderson, Hauck, J. Olson, Pyle, Jonas

Senators Patten, Rummel

1 A BILL for an Act to amend and reenact ~~section 39-06.1-05~~, subsection 2 of section 39-06.1-06,
2 ~~and sections 39-06.1-09, 39-10-46, and 39-10-46.1~~ of the North Dakota Century Code, relating
3 to ~~offenses excepted from the traffic violation procedure,~~ the amount of fees, ~~moving violations,~~
4 ~~and overtaking and passing a schoolbus; and to provide a penalty~~ for a moving violation.

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

6 ~~—SECTION 1. AMENDMENT. Section 39-06.1-05 of the North Dakota Century Code is-~~
7 ~~amended and reenacted as follows:~~

8 ~~—39-06.1-05. Offenses excepted.~~

9 ~~—The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be-~~
10 ~~utilized~~ used by a person charged with one of the following offenses:

11 ~~—1.—Driving or being in actual physical control of a vehicle in violation of section 39-08-01,~~
12 ~~or an equivalent ordinance.~~

13 ~~—2.—Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an~~
14 ~~equivalent ordinance.~~

15 ~~—3.—A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.~~

16 ~~—4.—Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,~~
17 ~~or 39-08-08, or equivalent ordinances.~~

18 ~~—5.—Driving while license or driving privilege is suspended or revoked in violation of section~~
19 ~~39-06-42, or an equivalent ordinance.~~

20 ~~—6.—Violating subdivision b or c of subsection 5 of section 39-24-09.~~

- 1 ~~7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.~~
2 ~~8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or~~
3 ~~under the control of the director used for maintaining the state highway system in~~
4 ~~violation of subsection 5 of section 39-10-26.~~
5 ~~9. A second or subsequent offense within five years of the first violation of overtaking~~
6 ~~a stopped schoolbus when the flashing red lights or the stop sign on the control arm~~
7 ~~on the schoolbus is in operation in violation of section 39-10-46 or a second or~~
8 ~~subsequent violation within five years of the first offense of the registered owner of a~~
9 ~~motor vehicle allowing the overtaking or passing of a schoolbus in violation of section~~
10 ~~39-10-46.1.~~

11 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 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, section 39-08-23, or section
21 39-08-25, a fee of one hundred dollars.
 - 22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
23 hundred dollars.
 - 24 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
 - 25 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
26 dollars.
 - 27 h. A violation of section 39-10-59, a fee of five hundred dollars.
 - 28 i. A violation of section 39-09-01, a fee of thirty dollars.
 - 29 j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - 30 k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one~~five hundred two
31 hundred fifty dollars ~~for a first violation.~~

- 1 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
2 violation and three hundred dollars for a second or subsequent violation in three
3 years.
- 4 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 5 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 6 o. A violation of section 39-19-03, a fee of fifty dollars.

7 ~~SECTION 3. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~39-06.1-09. Moving violation defined.~~

10 ~~For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a~~
11 ~~violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,~~
12 ~~39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24,~~
13 ~~39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,~~
14 ~~section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09,~~
15 ~~except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a~~
16 ~~violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances,~~
17 ~~except subsection 5 of section 39-10-26, a second or subsequent violation of section 39-10-46~~
18 ~~or 39-10-46.1, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those~~
19 ~~sections within those chapters which are specifically listed in subsection 1 of section~~
20 ~~39-06.1-08.~~

21 ~~SECTION 4. AMENDMENT. Section 39-10-46 of the North Dakota Century Code is~~
22 ~~amended and reenacted as follows:~~

23 ~~39-10-46. Overtaking and passing schoolbus.~~

24 ~~1. The driver of a vehicle meeting or overtaking from either direction any schoolbus~~
25 ~~stopped on the highway shall stop the vehicle before reaching the schoolbus when~~
26 ~~there is in operation on the schoolbus the flashing red lights or the stop sign on the~~
27 ~~control arm specified in section 39-21-18, and the driver may not proceed until the~~
28 ~~schoolbus resumes motion, the driver is signaled by the schoolbus driver to proceed,~~
29 ~~or the flashing red lights and the stop sign on the control arm are no longer actuated.~~

30 ~~2. Every schoolbus must bear upon the front and rear thereof plainly visible signs~~
31 ~~containing the word "SCHOOLBUS" in letters not less than eight inches [20.32-~~

1 centimeters] in height. When a schoolbus is being operated upon a highway for
2 purposes other than the actual transportation of children either to or from school or for
3 a school-sanctioned activity, all markings thereon indicating "SCHOOLBUS" must be
4 covered or concealed.

5 ~~3.~~ The operator of a schoolbus equipped with amber caution lights may activate those
6 lights at a distance of not less than three hundred feet [91.44 meters] nor more than
7 five hundred feet [152.4 meters] from the point where schoolchildren are to be
8 received or discharged from the bus.

9 ~~4.~~ Every schoolbus must be equipped with a stop sign on a control arm and red visual
10 signals meeting the requirements of section 39-21-18, which may only be actuated by
11 the driver of the schoolbus whenever the vehicle is stopped on the highway to receive
12 or discharge schoolchildren.

13 ~~5.~~ The driver of a vehicle upon a highway with separate roadways need not stop upon
14 meeting or passing a schoolbus which is on a different roadway or when upon a
15 controlled-access highway and the schoolbus is stopped in a loading zone which is a
16 part of or adjacent to such highway and where pedestrians are not permitted to cross
17 the roadway.

18 ~~6.~~ Every schoolbus must bear on the rear of the bus a plainly visible sign containing the
19 words "THIS SCHOOLBUS STOPS AT ALL RAILROAD CROSSINGS".

20 ~~7.~~ An individual who violates this section must be assessed a fee in the amount
21 provided under section 39-06.1-06 for a first violation. For a second or subsequent
22 violation within five years of the first violation, the individual is guilty of an infraction for
23 which a minimum fine of seven hundred fifty dollars must be imposed.

24 ~~**SECTION 5. AMENDMENT.**~~ Section 39-10-46.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 ~~**39-10-46.1. Permitting**~~**Allowing use of vehicle to violate section 39-10-46 prohibited --**
27 **Presumption of permission -- Defense -- Dual prosecution prohibited -- Penalty.**

28 ~~1.~~ The registered owner of a motor vehicle may not ~~permit~~allow that motor vehicle to be
29 operated in violation of section 39-10-46.

- 1 ~~a.~~ If a motor vehicle is seen violating section 39-10-46, it is a disputable-
- 2 presumption that the registered owner of the motor vehicle ~~permitted~~ allowed that
- 3 violation.
- 4 ~~b.~~ A registered owner of a motor vehicle that violates this section must be assessed
- 5 a fee in the amount provided under section 39-06.1-06 for a first violation. For a
- 6 second or subsequent violation within five years of the first violation, the
- 7 registered owner is guilty of an infraction for which a minimum fine of seven
- 8 hundred fifty dollars must be imposed.
- 9 ~~c.~~ It is a defense to a charge of violating this section that the registered owner of the
- 10 vehicle was not:
- 11 ~~(1)~~ Not operating the vehicle, if that registered owner identifies the person
- 12 authorized by that owner to operate the motor vehicle at the time of the
- 13 violation of section 39-10-46, or if that motor vehicle had been taken without
- 14 the registered owner's permission; or
- 15 ~~(2)~~ A previous registered owner.
- 16 ~~2.~~ A person may not be charged both with violating this section and with violating section
- 17 39-10-46.
- 18 ~~3.~~ Violation of this section is not a lesser included offense of violation of section
- 19 39-10-46.