

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

1 A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10 of the North Dakota
2 Century Code, relating to points assigned to driving records.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota
5 Century Code is amended and reenacted as follows:

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

7 a. Noncriminal Violations

8	Noncriminal Adjudication or Admission of:	Points Assigned:
9	(1) Overtime and double parking in violation of city	0 points
10	ordinances	
11	(2) Failure to display license plates	1 point
12	(3) Permitting unauthorized minor to drive	2 points
13	(4) Permitting unauthorized person to drive	2 points
14	(5) Unlawful stopping, standing, or parking on open	2 points
15	highway in violation of section 39-10-47	
16	(6) Unlawful parking in prohibited place	1 point
17	(7) Leaving motor vehicle improperly unattended on	1 point
18	an open highway	
19	(8) Opening or leaving motor vehicle doors open when	1 point
20	unsafe to do so	
21	(9) Except as provided in sections 39-21-44 and	2 points
22	39-21-45.1, knowingly driving with defective,	

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- 1 nonexistent, or unlawful equipment in violation of
2 section 39-21-46, or equivalent ordinances
- 3 (10) Careless driving in violation of section 39-09-01, or 6 points
4 equivalent ordinance
- 5 (11) Violating or exceeding restrictions contained in 4 points
6 a restricted certificate issued pursuant to section
7 39-06.1-03
- 8 (12) Racing or drag racing motor vehicles in violation 10 points
9 of section 39-08-03.1, or equivalent ordinance
- 10 (13) Exhibition driving in violation of section 39-08-03.1, or 3 points
11 equivalent ordinance
- 12 (14) Failing to yield right of way in violation of 2 points
13 section 39-10-20, ~~39-10-22 through 39-10-26,~~
14 ~~39-10-28, 39-10-33.3, 39-10-44,~~ or 39-10-72, or
15 equivalent ordinances
- 16 (15) Disobeying an official traffic-control device ~~2~~ 3 points
17 in violation of section 39-10-04, 39-10-05, or
18 39-10-07, or equivalent ordinances
- 19 (16) Driving on wrong side of road in violation of 2 points
20 section 39-10-08, 39-10-14, or
21 subsection 1; or 2, ~~or 3~~ of section 39-10-16, or
22 equivalent ordinances
- 23 (17) Failing to dim headlights in violation of section 1 point
24 39-21-21, or equivalent ordinance
- 25 (18) Failing to stop at railroad crossing in violation of section 3 points
26 39-10-41 or 39-10-42, or equivalent ordinances
- 27 (19) Knowingly driving with defective brakes in violation of 2 points
28 section 39-21-32 or 39-21-33, or equivalent ordinances
- 29 (20) Disregarding the lawful commands of a police officer in 2 points
30 violation of section 39-10-02, or equivalent ordinance

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1	(21) Overtaking where prohibited or in an unsafe manner in	2 points
2	violation of section 39-10-11; <u>or</u> 39-10-12, 39-10-13, or	
3	39-10-15 , or equivalent ordinances	
4	(22) Overtaking and passing a schoolbus in violation of	6 points
5	section 39-10-46, or equivalent ordinance	
6	(23) Operating a motor vehicle without a license in	4 points
7	violation of section 39-06-01, or equivalent ordinance	
8	(24) Improperly operating or unlawfully carrying	2 points
9	passengers or packages on a motorcycle in violation	
10	of section 39-10.2-02, or equivalent ordinance	
11	(25) Improperly operating a motorcycle in laned traffic in	2 points
12	violation of section 39-10.2-03, or equivalent ordinance	
13	(26) Clinging to other vehicles while riding a motorcycle in	4 points
14	violation of section 39-10.2-04, or equivalent ordinance	
15	(27) Carrying a passenger on a motorcycle not equipped	2 points
16	with passenger footrests in violation of section	
17	39-10.2-05, or equivalent ordinance	
18	(28) Operating a motorcycle without protective headgear	2 points
19	in violation of subsection 1 of section 39-10.2-06, or	
20	equivalent ordinance	
21	(29) Failing to use the care required in section 39-09-01.1,	<u>23</u> points
22	or equivalent ordinance	
23	(30) Except as provided in paragraph 33, operating a motor	
24	vehicle in excess of speed limit in violation of section	
25	39-09-02, or equivalent ordinance	
26	6 - 10 mph over limit	0 points
27	11 - 15 mph over limit	1 point
28	16 - 20 mph over limit	3 points
29	21 - 25 mph over limit	5 points
30	26 - 35 mph over limit	9 points

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1	36 - 45 mph over limit	12 points
2	46 + mph over limit	15 points
3	(31) Driving in violation of section 39-08-18	2 3 points
4	(32) Driving in violation of section 39-08-09	6 points
5	(33) On a highway on which the speed limit is posted in	
6	excess of sixty-five miles [104.61 kilometers] an hour,	
7	operating a motor vehicle in excess of the speed limit	
8	in violation of section 39-09-02, or equivalent ordinance	
9	Miles per hour over lawful speed limit	Points
10	1 - 5	0
11	6 - 10	1
12	11 - 15	3
13	16 - 20	5
14	21 - 25	7
15	26 - 30	10
16	31 - 35	12
17	36 +	15
18	(34) Failing to have a minor in a child restraint system	1 point 3 points
19	or seatbelt in violation of section 39-21-41.2	
20	(35) Failure or refusal to comply with rules of the	0 points
21	superintendent of the highway patrol in violation	
22	of subsection 3 of section 39-21-46	
23	(36) Violation of section 39-21-44 or any rule adopted	2 points
24	under that section	
25	(37) Except as provided in paragraph 39, operating a motor	6 points
26	vehicle without liability insurance, in violation of	
27	section 39-08-20	
28	(38) Except as provided in paragraph 39, operating a motor	12 points
29	vehicle without liability insurance, in violation of	
30	section 39-08-20, if the driving record shows that the	

- 1 licensee has within the eighteen months preceding the
2 violation previously violated section 39-08-20
- 3 (39) Operating a motor vehicle without liability insurance, 14 points
4 in violation of section 39-08-20, if the violation was
5 discovered as the result of investigation of an accident
6 in which the driver is the owner
- 7 (40) Driving a modified motor vehicle in violation of section 1 point
8 39-21-45.1, or equivalent ordinance
- 9 (41) Driving in violation of the conditions of 2 points
10 an instructional permit-
- 11 (42) Using a wireless communications device 3 points
12 in violation of section 39-08-23 or
13 39-08-24, or equivalent ordinance
- 14 (43) Failure to maintain control of a motor vehicle while distracted 3 points
15 in violation of section 39-08-25
- 16 (44) Overtaking where prohibited or in an unsafe manner in 3 points
17 violation of section 39-10-13 or 39-10-15, or
18 equivalent ordinances
- 19 (45) Driving on the wrong side of the road in violation of 3 points
20 subsection 3 of section 39-10-16, or
21 equivalent ordinances
- 22 (46) Following too close in violation of 3 points
23 subsection 1 of section 39-10-18, or
24 equivalent ordinance
- 25 (47) Driving on a closed road during hazardous conditions, 3 points
26 when closure was announced, in violation
27 of section 39-10-21.1, or equivalent ordinance
- 28 (48) Failing to yield the right of way in violation 3 points
29 of section 39-10-22 through 39-10-26,
30 39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance

1	(49) <u>Disregarding stop sign in violation of section</u>	<u>3 points</u>
2	<u>39-10-44, or equivalent ordinance.</u>	
3	b. Criminal Violations	
4	Conviction of:	Points Assigned:
5	(1) Reckless driving in violation of section 39-08-03, or	8 points
6	equivalent ordinance	
7	(2) Aggravated reckless driving in violation of section	12 points
8	39-08-03, or equivalent ordinance	
9	(3) Leaving the scene of an accident involving property	14 points
10	damage in violation of section 39-08-05, 39-08-07,	
11	or 39-08-08, or equivalent ordinances	
12	(4) Leaving the scene of an accident involving personal	18 points
13	injury or death in violation of section 39-08-04, or	
14	equivalent ordinance	
15	(5) Violating restrictions in a restricted license issued	3 points
16	under section 39-06-17 and relating to the use of	
17	eyeglasses or contact lenses while driving	
18	(6) Violating any restrictions other than those listed in	4 points
19	paragraph 5, contained in a restricted license issued	
20	under section 39-06-17 or 39-06.1-11	
21	(7) Except as provided in paragraph 9 of subdivision a,	<u>23</u> points
22	knowingly operating an unsafe vehicle in violation of	
23	section 39-21-46, or equivalent ordinance	
24	(8) Fleeing in a motor vehicle from a peace officer in	24 points
25	violation of section 39-10-71, or equivalent ordinance	
26	(9) Causing an accident with an authorized emergency	2 points
27	vehicle or a vehicle operated by or under the control	
28	of the director used for maintaining the state highway	
29	system in violation of subsection 5 of section 39-10-26,	
30	or equivalent ordinance	