

HOUSE BILL NO. 1366

Introduced by

Representatives Maki, Osowski, D. Ruby

Senator Bekkedahl

1 A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code,
2 relating to speeding violations; and to provide a penalty.

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 11 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, 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.

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- 1 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
2 dollars.
- 3 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 4 i. A violation of section 39-09-01, a fee of thirty dollars.
- 5 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 6 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 7 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
8 violation and three hundred dollars for a second or subsequent violation in three
9 years.
- 10 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 11 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 12 o. A violation of section 39-19-03, a fee of fifty dollars.
- 13 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
14 hundred fifty dollars.
- 15 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
16 ~~equivalent ordinance, a fee established as follows:~~

Miles per hour over	lawful speed limit	Fee
1-5	1-5	\$ 5
6-10	6-10	\$ 5 plus \$1/each mph over 5 mph over limit
11-15	11-15	\$ 10 plus \$1/each mph over 10 mph over limit
16-20	16-20	\$ 15 plus \$2/each mph over 15 mph over limit
21-25	21-25	\$ 25 plus \$3/each mph over 20 mph over limit
26-35	26-35	\$ 40 plus \$3/each mph over 25 mph over limit
36-45	36-45	\$ 70 plus \$3/each mph over 35 mph over limit
46+	46+	\$100 plus \$5/each mph over 45 mph over limit

- 27 ~~5. On a highway on which the speed limit is a speed higher than fifty-five miles-~~
28 ~~[88.51 kilometers] of sixty-five miles [104.61 kilometers] an hour or lower, for a violation~~
29 ~~of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over	lawful speed limit	Fee
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1 1 - 10 \$2/each mph over limit

2 11 + \$20 plus \$5/each mph over 10 mph over limit

3 6-5. For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee
4 established as follows:

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

18 7-6. On a highway on which the speed limit is posted in excess of sixty-five miles
19 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
20 ordinance, a fee of five dollars for each mile per hour 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 dollars for one through ten miles per hour over the
23 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
24 ten miles per hour over the limit unless a greater fee would be applicable under this
25 section.

26 9-8. 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 hour over the
28 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
29 per hour over the limit, unless a greater fee would be applicable under this section.
30 The fee in this subsection does not apply to a highway construction zone unless

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

3 9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one
4 miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five
5 miles [120.7 kilometers] per hour, the specified fee is increased by one hundred
6 dollars. If a violation of subsection 6 is for exceeding the speed limit by sixteen miles
7 [25.75 kilometers] per hour or more in a speed zone of seventy-five miles
8 [120.7 kilometers] per hour or greater, the specified fee is increased by one hundred
9 dollars.