

Introduced by

1 A BILL for an Act to amend and reenact subsection 6 of section 39-06-32 and sections
2 39-06.1-02, 39-06.1-02.1, 39-06.1-10.1, and 39-07-07 of the North Dakota Century Code,
3 relating to a centralized process for state noncriminal traffic offense administration.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 39-06-32 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 6. Failure, ~~as shown by the certificate of the court,~~ to appear in court or post and
8 forfeit bond after signing a promise to appear, if signing is required by law, in
9 violation of section 39-06.1-04, willful violation of a written promise to appear in
10 court, in violation of section 39-07-08, or violation of equivalent ordinances or laws
11 in another jurisdiction. Upon resolution by the operator of the underlying cause for
12 a suspension under this subsection, as shown by the certificate of the court, the
13 director shall record the suspension separately on the driving record. This
14 separate record is not available to the public.

15 **SECTION 2. AMENDMENT.** Section 39-06.1-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **39-06.1-02. Traffic violations noncriminal - Exceptions - Procedures.**

- 18 1. Any person cited, in accordance with sections 39-07-07 and 39-07-08, for a traffic
19 violation under state law or municipal ordinance, other than an offense listed in
20 section 39-06.1-05, is deemed to be charged with a noncriminal offense.
21 2. The person may appear before the designated official and pay the statutory fee for
22 the violation charged at or before the time scheduled for a hearing. If the person
23 has posted bond in person or by mail, the person may forfeit bond by not
24 appearing at the designated time.

- 1 3. If the person is cited for a traffic violation under state law and posts bond by mail,
2 the bond must be submitted to the department within fourteen days of the date of
3 the citation. When posting bond by mail, the person cited shall indicate on the
4 envelope or citation whether a hearing is requested. If the person does not request
5 a hearing within fourteen days of the date of the citation, the bond is deemed
6 forfeited and the violation admitted. If the person requests a hearing, the
7 department shall notify the court for the county in which the citation is issued and
8 the court shall issue a summons to the person requesting the hearing notifying the
9 person of the date of the hearing before the designated official in accordance with
10 section 39-06.1-03.
- 11 4. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at
12 the person's request, the person may make a statement in explanation of the
13 person's action. The official may at that time waive, reduce, or suspend the
14 statutory fee or bond, or both.
- 15 5. If the person cited follows the ~~foregoing~~ procedures provided in subsection 2 or 4,
16 the person is deemed to have admitted the violation and to have waived the right to
17 a hearing on the issue of commission of the violation. The bond required to secure
18 appearance must be identical to the statutory fee established by section
19 39-06.1-06. ~~Within~~ If a hearing is requested and the procedure under subsection 4
20 is followed, within ten days after forfeiture of bond or payment of the statutory fee,
21 the ~~official~~ court having jurisdiction over the violation shall certify to the licensing
22 authority:
- 23 ~~4. Admission~~ admission of the violation; and
- 24 ~~2. In~~ in speeding violations, whether the speed charged was in excess of the lawful
25 speed limit by more than nine miles [14.48 kilometers] per hour and the miles
26 [kilometers] per hour by which the speed limit was exceeded.
- 27 6. This section does not allow a halting officer to receive the statutory fee or bond,
28 unless ~~the officer is~~ otherwise authorized by law ~~to do so~~.
- 29 7. The department shall deposit any money collected under this section in the state
30 school fund.

SECTION 3. AMENDMENT. Section 39-06.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-02.1. Notification of parents or guardians of juvenile traffic offenders.

The ~~clerk of court~~ department shall notify the parent or guardian of any juvenile ~~appearing before the court on~~ of a traffic offense ~~of the charge~~ committed by that juvenile as contained in the citation, the penalty attached to the offense, and the time and place of any court hearing on the matter.

SECTION 4. AMENDMENT. Section 39-06.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-10.1. Alternative disposition - Driver training course - Exceptions.

1. A person issued a ~~summons or notice to appear~~ citation for a criminal or noncriminal traffic offense under section 39-07-07 may ~~appear before the court and~~ elect to attend a driver training course approved by the director in lieu of entry of points on the licensee's driving record. A person who elects to attend the course must so notify the ~~court~~ authority to which the bond is paid at the time of posting the bond, which is forfeited even though an election is made under this section. The person who makes the election shall pay the driver training course fee to the driver training course sponsor. When a person elects to attend the course, the point penalty of five points or fewer as provided for the violation by section 39-06.1-10 may not be assessed; provided, that proof of completion of the course is presented to the department within thirty days after the person notifies the ~~court~~ proper authority of the election. A person may not make an election under this section if:

- ~~4.~~ a. That person has made an election under this section within the twelve months preceding the date of issuance of the summons or notice to appear;
- ~~2.~~ b. The offense is assigned six or more points; or
- ~~3.~~ c. The offense is an offense listed in section 39-06.1-05.

2. A person making an election under this section forfeits any point reduction option under section 39-06.1-13.

SECTION 5. AMENDMENT. Section 39-07-07 of the North Dakota Century Code is amended and reenacted as follows:

39-07-07. Halting person for violating traffic regulations - Duty of officer halting.

~~Whenever any~~

1. If a person is halted for the violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting that person, except as otherwise provided in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:

~~1.~~ Take ~~take~~ the name and address of the person;

~~2.~~ Take ~~take~~ the license number of the person's motor vehicle; and

~~3.~~ If ~~if~~ a city ordinance or state criminal traffic violation, issue a summons or otherwise notify that person in writing to appear at a time and place to be specified in the summons or notice or, if a state noncriminal traffic violation, notify the person of the right to request a hearing when posting bond by mail.

2. A halting officer employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under section 39-06.1-02. The officer shall provide the person with an envelope for use in mailing the bond. The department shall provide law enforcement officers that enforce state noncriminal traffic offenses envelopes for the mailing of the bond.