

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2088

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact sections 39-06.1-05, 39-06.1-06, 39-06.1-07,
2 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and
3 subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code and subsection 6 of
4 section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as
5 approved by the fifty-seventh legislative assembly, relating to traffic offenses and weight
6 limitations; to provide penalties; to provide an expiration date; and to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.** The procedures authorized under sections
11 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following
12 offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section
14 39-08-01, or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or
16 an equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05,
19 39-08-07, or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of
21 section 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 24 8. Driving without liability insurance in violation of section 39-08-20.

9. ~~Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.~~

~~10.~~ Operating an unsafe vehicle in violation of subdivision b of subsection 1 of section 39-21-46.

SECTION 2. AMENDMENT. Section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.
3. Except as provided in ~~subsection 8~~ subsections 7 and 11 of this section ~~39-06.1-06~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over

lawful speed limit

Fee

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

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.

5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.

~~6. Repealed by S.L. 1985, ch. 430, § 4.~~

~~7.~~ For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.

~~8.~~ 7. ~~On~~ Except as provided in subsection 11, on a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over

lawful speed limit

Fee

1 - 5 \$ 10 plus \$1/each mph over limit

6 - 10 \$ 15 plus \$2/each mph over 5 mph over limit

11 - 15 \$ 25 plus \$3/each mph over 10 mph over limit

16 - 20 \$ 40 plus \$3/each mph over 15 mph over limit

~~16~~ 21 - 25 \$ ~~40~~ 55 plus \$3/each mph over ~~15~~ 20 mph over limit

26 - 35 \$ 70 plus \$3/each mph over 25 mph over limit

36 + - 45 \$~~100~~ 120 plus \$5/each mph over 35 mph over limit

46 + \$170 plus \$5/each mph over 45 mph over limit

~~9.~~ 8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

9. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

10. For a violation of subsection 2 of section 39-21-46, a fee established as follows:

a. Driving more than ten hours since the last eight hours off duty, driving after fifteen hours on duty since the last eight hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 2 of section 39-21-46, fifty dollars.

11. On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, for a violation of 39-09-02, or equivalent ordinance, a fee established as follows:

Miles per hour over

lawful speed limit

Fee

1 - 5 \$ 20

6 - 10 \$ 40

11 - 15 \$ 60

16 - 20 \$ 80

21 - 25 \$100

26 - 30 \$125

31 - 35 \$150

36 + \$150 plus \$5/each mph over 35 mph over limit

SECTION 3. AMENDMENT. Section 39-06.1-07 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-07. Notification to offenders - Duties of licensing authority. The licensing authority shall prepare notification forms and a temporary operator's permit as provided in section 39-20-03.1 or 39-20-03.2 to be delivered to persons charged along with the uniform traffic summons and complaint as provided in section 29-05-31. The notification forms must contain language, approved by the attorney general, informing persons charged with traffic violations, other than offenses listed in section 39-06.1-05, of the procedures available to them under sections 39-06.1-02 and 39-06.1-03 and informing persons who refuse a chemical test or onsite screening test under chapter 39-20 or who, on taking a chemical test, are found to be in violation of subdivision a of subsection 1 of section 39-08-01, of the procedures available under

chapter 39-20. The notification must also contain a schedule of points to be charged against a person's driving record or other operator's license penalties as provided by law and a schedule of statutory fees and bond amounts as determined in accordance with sections 39-06.1-06 and 39-06.1-02. A notification form separate from the uniform traffic summons and complaint may be delivered to a person charged with a violation of subsection 2 of section 39-21-46.

SECTION 4. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined. For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections 39-21-44; and 39-21-45.1; and subdivision b of subsection 1 and subsection 2 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 5. AMENDMENT. Section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06.1-10. Entries against driving record - Licensing authority duties - Hearings - Demerit schedule - Suspension.

1. When a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the licensing authority, the licensing authority shall proceed to enter the proper number of points on the licensee's driving record, unless the number points assigned to the violation are two or less. If the number 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 shall not be available to the public. Points from violations in which the assigned number points are two or less shall be considered a part of the driving record only for purposes of point reduction pursuant to section 39-06.1-13 and for purposes of license suspension. When the driving record shows that the licensee has an accumulated point total of twelve or more points, assigned on the basis of the schedule contained in subsection 3, the authority shall notify the licensee of its

intention to suspend the operator's license according to the provisions of section 39-06-33. For the purposes of this chapter, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

2. If the licensing authority confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the licensing authority 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

Surrender and return of licenses suspended pursuant to this section must be governed by the provisions of section 39-06-37.

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	0 points
-------------------------	----------

parking in violation	
----------------------	--

of city ordinances	
--------------------	--

(2) Failure to display	1 point
------------------------	---------

license plates	
----------------	--

(3) Permitting unauthorized	2 points
-----------------------------	----------

minor to drive	
----------------	--

(4) Permitting unauthorized	2 points
-----------------------------	----------

person to drive	
-----------------	--

(5) Unlawful stopping,	2 points
------------------------	----------

standing, or parking on	
-------------------------	--

open highway in violation	
---------------------------	--

of section 39-10-47	
---------------------	--

Fifty-seventh
Legislative Assembly

1	(6)	Unlawful parking in	1 point
2		prohibited place	
3	(7)	Leaving motor vehicle	1 point
4		improperly unattended on	
5		an open highway	
6	(8)	Opening or leaving motor	1 point
7		vehicle doors open when	
8		unsafe to do so	
9	(9)	Except as provided	2 points
10		in sections 39-21-44	
11		and 39-21-45.1,	
12		knowingly driving with	
13		defective, nonexistent, or	
14		unlawful equipment	
15		in violation of <u>subdivision a of</u>	
16		subsection 1 of	
17		section 39-21-46, or	
18		equivalent ordinances	
19	(10)	Careless driving in	6 points
20		violation of section	
21		39-09-01, or equivalent	
22		ordinance	
23	(11)	Violating or exceeding	4 points
24		restrictions contained in	
25		a restricted certificate	
26		issued pursuant to section	
27		39-06.1-03	
28	(12)	Racing or drag racing	10 points
29		motor vehicles in violation	
30		of section 39-08-03.1, or	
31		equivalent ordinance	

Fifty-seventh
Legislative Assembly

1	(13)	Exhibition driving in	3 points
2		violation of section	
3		39-08-03.1, or equivalent	
4		ordinance	
5	(14)	Failing to yield right of	2 points
6		way in violation of	
7		section 39-10-20, 39-10-22	
8		through 39-10-26, 39-10-28,	
9		39-10-33.3, 39-10-44, or	
10		39-10-72, or equivalent	
11		ordinances	
12	(15)	Disobeying an official	2 points
13		traffic-control device	
14		in violation of section	
15		39-10-04, 39-10-05,	
16		or 39-10-07, or	
17		equivalent ordinances	
18	(16)	Driving on wrong side of	2 points
19		road in violation of	
20		section 39-10-08,	
21		39-10-14, or 39-10-16, or	
22		equivalent ordinances	
23	(17)	Failing to dim headlights	1 point
24		in violation of section	
25		39-21-21, or equivalent	
26		ordinance	
27	(18)	Failing to stop at railroad	3 points
28		crossing in violation of	
29		section 39-10-41 or	
30		39-10-42, or equivalent	
31		ordinances	

- | | | | |
|----|------|-----------------------------|----------|
| 1 | (19) | Knowingly driving with | 2 points |
| 2 | | defective brakes in | |
| 3 | | violation of section | |
| 4 | | 39-21-32 or 39-21-33, or | |
| 5 | | equivalent ordinances | |
| 6 | (20) | Disregarding the lawful | 2 points |
| 7 | | commands of a police | |
| 8 | | officer in violation of | |
| 9 | | section 39-10-02, or | |
| 10 | | equivalent ordinance | |
| 11 | (21) | Overtaking where prohibited | 2 points |
| 12 | | or in an unsafe manner in | |
| 13 | | violation of section | |
| 14 | | 39-10-11, 39-10-12, | |
| 15 | | 39-10-13, or 39-10-15, or | |
| 16 | | equivalent ordinances | |
| 17 | (22) | Overtaking and passing a | 6 points |
| 18 | | schoolbus in violation of | |
| 19 | | section 39-10-46, or | |
| 20 | | equivalent ordinance | |
| 21 | (23) | Operating a motor vehicle | 4 points |
| 22 | | without a license in | |
| 23 | | violation of section | |
| 24 | | 39-06-01, or equivalent | |
| 25 | | ordinance | |
| 26 | (24) | Improperly operating or | 2 points |
| 27 | | unlawfully carrying | |
| 28 | | passengers or packages on | |
| 29 | | a motorcycle in violation | |
| 30 | | of section 39-10.2-02, | |
| 31 | | or equivalent ordinance | |

- | | | | |
|----|------|-----------------------------------|----------|
| 1 | (25) | Improperly operating a | 2 points |
| 2 | | motorcycle in laned traffic | |
| 3 | | in violation of section | |
| 4 | | 39-10.2-03, or equivalent | |
| 5 | | ordinance | |
| 6 | (26) | Clinging to other vehicles | 4 points |
| 7 | | while riding a motorcycle | |
| 8 | | in violation of section | |
| 9 | | 39-10.2-04, or equivalent | |
| 10 | | ordinance | |
| 11 | (27) | Carrying a passenger on a | 2 points |
| 12 | | motorcycle not equipped | |
| 13 | | with passenger footrests | |
| 14 | | in violation of section | |
| 15 | | 39-10.2-05, or equivalent | |
| 16 | | ordinance | |
| 17 | (28) | Operating a motorcycle | 2 points |
| 18 | | without protective headgear | |
| 19 | | in violation of subsection 1 | |
| 20 | | of section 39-10.2-06, or | |
| 21 | | equivalent ordinance | |
| 22 | (29) | Failing to use the care | 2 points |
| 23 | | required in section | |
| 24 | | 39-09-01.1, or equivalent | |
| 25 | | ordinance | |
| 26 | (30) | Except as provided in | |
| 27 | | paragraphs 31 and 34 | |
| 28 | | <u>paragraph 33</u> of this | |
| 29 | | subdivision, operating a motor | |
| 30 | | vehicle in excess of speed limit | |
| 31 | | in violation of section 39-09-02, | |

Fifty-seventh
Legislative Assembly

1		or equivalent ordinance	
2		16 - 20 mph over limit	3 points
3		21 - 25 mph over limit	4 points
4		26 - 35 mph over limit	6 points
5		36 - 45 mph over limit	8 points
6		46 + mph over limit	12 points
7	(31)	Within city limits on a	
8		noncontrolled access highway,	
9		operating a motor vehicle in	
10		excess of the speed limit in	
11		violation of section 39-09-02, or	
12		equivalent ordinance	
13		6 - 10 mph over limit	1 point <u>0 points</u>
14		11 - 15 mph over limit	2 points <u>1 point</u>
15		16 - 20 mph over limit	3 points
16		21 - 25 mph over limit	4 <u>5</u> points
17		26 - 35 mph over limit	6 <u>9</u> points
18		36 - 45 mph over limit	8 <u>12</u> points
19		46 + mph over limit	12 <u>15</u> points
20	(32) (31)	Driving in violation of	2 points
21		section 39-08-18	
22	(33) (32)	Driving in violation of	6 points
23		section 39-08-09	
24	(34) (33)	On a highway on which the	
25		speed limit is a speed higher	
26		than fifty five miles [88.51	
27		posted in excess of seventy miles [112.65]	
28		kilometers] an hour, operating a	
29		motor vehicle in excess of the	
30		speed limit in violation of	
31		section 39-09-02, or equivalent	

Fifty-seventh
Legislative Assembly

1		ordinance	
2		Miles per hour over	
3		lawful speed limit	Points
4		<u>1 - 5</u>	<u>0</u>
5		6 - 10	1
6		11 - 15	4 <u>2</u>
7		16 - 25 <u>20</u>	7 <u>5</u>
8		<u>21 - 25</u>	<u>7</u>
9		26 - 35 <u>30</u>	10
10		<u>31 - 35</u>	<u>12</u>
11		36 +	12 <u>15</u>
12	(35) (34)	Failing to have a minor in a child	1 point
13		restraint system or seatbelt in	
14		violation of section 39-21-41.2	
15	(35)	<u>Failure or refusal to comply</u>	<u>0 points</u>
16		<u>with rules of the superintendent</u>	
17		<u>of the highway patrol in violation</u>	
18		<u>of subsection 2 of section 39-21-46</u>	
19	(36)	<u>Violation of section 39-21-44 or any</u>	<u>2 points</u>
20		<u>rule adopted under that section</u>	
21	b.	Criminal Violations	
22		Conviction of:	Points Assigned:
23	(1)	Reckless driving in	8 points
24		violation of section	
25		39-08-03, or equivalent	
26		ordinance	
27	(2)	Aggravated reckless	12 points
28		driving in violation of	
29		section 39-08-03, or	
30		equivalent ordinance	
31	(3)	Leaving the scene of an	14 points

1		accident involving	
2		property damage in	
3		violation of section	
4		39-08-05, 39-08-07, or	
5		39-08-08, or equivalent	
6		ordinances	
7	(4)	Leaving the scene of an	18 points
8		accident involving personal	
9		injury or death in	
10		violation of section	
11		39-08-04, or equivalent	
12		ordinance	
13	(5)	Violating restrictions in	3 points
14		a restricted license	
15		issued under section	
16		39-06-17 and relating	
17		to the use of eyeglasses	
18		or contact lenses while	
19		driving	
20	(6)	Violating any restrictions	4 points
21		other than those listed in	
22		paragraph 5, contained in	
23		a restricted license issued	
24		under section 39-06-17 or	
25		39-06.1-11	
26	(7)	Except as provided in	6 points
27		paragraph 9, operating	
28		a motor vehicle without	
29		liability insurance,	
30		in violation of section	
31		39-08-20	

- | | | | |
|----|-----------|---|---------------------|
| 1 | (8) | Knowingly driving a | 2 points |
| 2 | | modified motor vehicle in | |
| 3 | | violation of section | |
| 4 | | 39-21-45.1, or equivalent | |
| 5 | | ordinance | |
| 6 | (9) | Operating a motor vehicle | 14 points |
| 7 | | without liability | |
| 8 | | insurance, in violation of | |
| 9 | | section 39-08-20, if the | |
| 10 | | violation was discovered as | |
| 11 | | the result of investigation | |
| 12 | | of an accident in which the | |
| 13 | | driver is the owner | |
| 14 | (10) | Knowingly failing to | 2 points |
| 15 | | display a placard or flag, | |
| 16 | | in violation of any rule | |
| 17 | | implementing section 39-21-44, | |
| 18 | | while transporting explosive | |
| 19 | | or hazardous materials | |
| 20 | (11) | Except as provided in | 2 points |
| 21 | | paragraph 9 of subdivision a, | |
| 22 | | knowingly operating an | |
| 23 | | unsafe vehicle in | |
| 24 | | violation of <u>subdivision b of</u> | |
| 25 | | subsection 1 of | |
| 26 | | section 39-21-46, <u>or equivalent</u> | |
| 27 | | <u>ordinance</u> | |
| 28 | (12) (11) | Fleeing in a motor | 24 points |
| 29 | | vehicle from a peace | |
| 30 | | officer in violation | |
| 31 | | of section 39-10-71, | |

- 1 or equivalent ordinance
- 2 ~~(13)~~ (12) Except as provided in 12 points
- 3 paragraph 9, operating a
- 4 motor vehicle without
- 5 liability insurance, in
- 6 violation of section 39-08-20,
- 7 if the driving record shows
- 8 that the licensee has within
- 9 the eighteen months preceding
- 10 the violation previously
- 11 violated section 39-08-20
- 12 3.1. a. If the director is informed by a court that a person has been convicted of
- 13 violating section 39-08-01, or equivalent ordinance, the director, subject to the
- 14 offender's opportunity for hearing under subsection 1, may not restore the
- 15 operator's license to the offender until the offender furnishes to the director
- 16 the written statement of the counselor or instructor of an appropriate licensed
- 17 addiction treatment program that the offender does not require either an
- 18 education or treatment program or that the offender has physically attended
- 19 the prescribed program and has complied with the attendance rules. The
- 20 director shall send notice to the offender informing the offender of the
- 21 provisions of this subsection.
- 22 b. If within the seven years preceding the most recent violation of section
- 23 39-08-01, or equivalent ordinance, the offender has previously violated
- 24 section 39-08-01, or equivalent ordinance, at least three times, the director
- 25 may restore driving privileges to the offender only after that person has
- 26 completed addiction treatment through an appropriate licensed addiction
- 27 treatment program and has had no alcohol-related or drug-related offense for
- 28 two consecutive years after completion of treatment.
- 29 4. If judicial disposition of a traffic violation includes an order or recommendation of
- 30 suspension or revocation of an operator's license, the suspension or revocation
- 31 runs concurrently with any suspension ordered under this section. After a

conviction of a person for violating section 39-08-01, the director shall, in suspending the person's operator's license, give credit for the time in which license suspension or revocation has been or is being imposed under chapter 39-20 in connection with the same offense.

5. A suspension must be deemed to have commenced twenty days after the order of suspension is delivered to the licensee at the licensee's address of record in the department. Constructive delivery under this section must be considered as occurring seventy-two hours after proper deposit in the mails.

6. Points assigned pursuant to this section must be recorded against an operator's driving record regardless of whether the operator has ever had an operator's license issued in this state, and the licensing authority shall maintain records on all violators regardless of whether they are licensed. Upon the assignment of twelve or more points, any unlicensed operator must be deemed to be driving under suspension if the operator has never had an operator's license or if the operator has failed to renew the operator's license.

7. The period of suspension imposed for a violation of section 39-08-01 or equivalent ordinance is:

a. Ninety-one days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation.

b. Three hundred sixty-five days if the operator's record shows the person has once violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation.

c. Two years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation.

SECTION 6. AMENDMENT. Subdivision g of subsection 2 of section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

g. Operating an unsafe vehicle in violation of subdivision b of subsection 1 of section 39-21-46.

1 **SECTION 7. AMENDMENT.** Subsection 6 of section 39-12-05.3 of the North Dakota
2 Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative
3 assembly, is amended and reenacted as follows:

- 4 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a
5 self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess
6 of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and
7 the gross weight does not exceed eighty thousand pounds [38287.39 kilograms].
8 The gross weight limitations in subsections 1 and 2 do not apply to movement of a
9 self-propelled agricultural chemical applicator if the vehicle does not travel at
10 speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over
11 one-half capacity and the gross weight does not exceed forty-five thousand
12 pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for
13 the commercial movement of vehicles exempted by this subsection. The seasonal
14 permit issued under this subsection or under subdivision d of subsection 1 of
15 section 39-12-04 entitles an individual with the permit to operate a vehicle as
16 allowed by either of these provisions. A seasonal permit issued under this
17 subsection is subject to the requirements of subdivision d of subsection 1 of
18 section 39-12-04, ~~except a vehicle exempted by this subsection which is an~~
19 ~~implement of husbandry is not required to have proof of financial responsibility and~~
20 ~~does not have to be operated by a commercial entity.~~

21 **SECTION 8. AMENDMENT.** Subsection 1 of section 39-21-46 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 1. a. It is unlawful for any person to drive or move, or for the owner to cause or
24 knowingly permit to be driven or moved, on any highway any vehicle or
25 combination of vehicles which the actor knows ~~to be in such unsafe condition~~
26 ~~as to endanger any person, or which the actor knows~~ does not contain those
27 parts or is not at all times equipped with lamps and other equipment in proper
28 condition and adjustment as required in this chapter, or which the actor knows
29 is equipped in any manner in violation of this chapter, or for any person to do
30 any act forbidden or fail to perform any act required under this chapter for
31 which a fee or penalty for its violation is not otherwise provided.

1 ~~b. Unless otherwise specifically provided in this chapter or in section 39-06.1-08~~
2 ~~or 39-06.1-09, any~~ A person who, in violation of this chapter, drives or moves,
3 or any owner who causes or knowingly permits to be driven or moved upon a
4 highway, any vehicle or combination of vehicles which that person knows is in
5 such unsafe or improperly equipped condition as to endanger a person is
6 guilty of an infraction.

7 **SECTION 9. AMENDMENT.** Subsection 2 of section 39-21-46 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. The superintendent of the state highway patrol shall, under chapter 28-32, adopt
10 necessary rules concerning the safe operation of motor vehicles and when and
11 how motor carrier audits or inspections will be conducted. The rules must
12 duplicate or be consistent with current motor carrier safety regulations of the
13 United States department of transportation. The superintendent of the state
14 highway patrol may adopt the motor carrier safety regulations by reference, and
15 any adoption must be construed to incorporate amendments as may be made from
16 time to time. ~~Any proceeding under this section for issuing or modifying rules and~~
17 ~~determining compliance with rules of the superintendent of the state highway patrol~~
18 ~~must be conducted in accordance with chapter 28-32 and appeals may be taken~~
19 ~~as provided in chapter 28-32.~~ A violation of rules adopted under this subsection is
20 a noncriminal violation. A person who fails or refuses to comply with these rules
21 must be assessed a fee in the amount set forth in section 3 of this Act for each
22 violation.

23 **SECTION 10. EXPIRATION DATE.** Section 7 of this Act is effective through July 31,
24 2003, and after that date is ineffective.

25 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.