

HOUSE BILL NO.

Introduced by

Representative Ruby

1 A BILL for an Act to amend and reenact subsection 3 of section 39-08-01 and section
2 39-08-01.3 of the North Dakota Century Code, relating to the impoundment of number plates
3 and motor vehicles for driving while under the influence.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. Upon conviction, the court may order the department to impound the motor vehicle
8 number plates of the motor vehicle owned and operated by the offender at the time
9 of the offense ~~to be impounded~~ for the duration of the period of suspension or
10 revocation of the offender's driving privilege ~~by the licensing authority.~~ If the
11 conviction is the second conviction in five years or the third or fourth conviction in
12 seven years, however, the court shall order the department to impound the motor
13 vehicle number plates of the motor vehicle owned and operated by the offender at
14 the time of the offense for the duration of the period of suspension or revocation of
15 the offender's driving privilege. If the court orders the plates be impounded, the
16 court shall obtain possession of the plates. The impounded number plates must be
17 sent to the director who ~~must~~ shall retain ~~them~~ the plates for the period of
18 suspension or revocation, subject to ~~their disposition by~~ the order of the court.

19 **SECTION 2. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**
22 **seizure, forfeiture, and sale of motor vehicles.**

23 1. A motor vehicle owned and operated by a person upon a highway or upon public or
24 private areas to which the public has a right of access for vehicular use may be

1 seized, forfeited, and sold or otherwise disposed of pursuant to an order of the
2 court at the time of sentencing if the person is in violation of section 39-08-01 or an
3 equivalent ordinance and has been convicted of violating section 39-08-01 or an
4 equivalent ordinance at least one other time within the five years preceding the
5 violation.

6 2. For the fifth conviction for a violation of section 39-08-01 or an equivalent
7 ordinance within seven years, the court shall order a motor vehicle owned and
8 operated by the convicted person to be seized, forfeited, and sold or disposed of
9 by other means.

10 3. The court may also require that an ignition interlock device be installed in the
11 person's vehicle for a period of time that the court deems appropriate.