

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Gruchalla

1 A BILL for an Act to create and enact a new section to chapter 39-08 and a new paragraph to
2 subdivision b of subsection 3, of section 39-06.1-10 of the North Dakota Century Code, relating
3 to a penalty for failure to submit to testing; to amend and reenact sections 39-06.1-06,
4 39-08-03.1, 39-08-09, 39-08-22, and 39-09-01 of the North Dakota Century Code, relating to
5 fees for traffic offenses; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition
10 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

- 11 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount
12 not to exceed twenty dollars.
- 13 2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~ thirty
14 dollars, except for:
 - 15 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
16 39-10-46.1, a fee of ~~fifty~~ seventy-five 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~~ seventy-five dollars.
 - 19 c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~ forty dollars.
 - 20 d. A violation of subsection 1 of section 39-12-02, a fee of ~~one~~ two hundred
21 dollars.
 - 22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of ~~one~~
23 two hundred dollars.

1 3. ~~Except as provided in subsections 7 and 11, for a violation of section 39-09-02, or~~
2 ~~an equivalent ordinance, a fee established as follows:~~

3	Miles per hour over	
4	lawful speed limit	Fee
5	1—5	\$ 5
6	6—10	\$ 5 plus \$1/each mph over 5 mph over limit
7	11—15	\$ 10 plus \$1/each mph over 10 mph over limit
8	16—20	\$ 15 plus \$2/each mph over 15 mph over limit
9	21—25	\$ 25 plus \$3/each mph over 20 mph over limit
10	26—35	\$ 40 plus \$3/each mph over 25 mph over limit
11	36—45	\$ 70 plus \$3/each mph over 35 mph over limit
12	46+	\$100 plus \$5/each mph over 45 mph over limit

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

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

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

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

23	Miles per hour over	
24	lawful speed limit	Fee
25	1 - 10	\$2/each mph over limit
26	11 +	\$20 plus \$5/each mph over 10 mph over limit

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

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

30 10. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 1 a. Driving more than ten hours since the last eight hours off duty, driving after
2 fifteen hours on duty since the last eight hours off duty, driving after sixty
3 hours on duty in seven days or seventy hours in eight days, no record of duty
4 status or log book in possession, failing to retain previous seven-day record of
5 duty status or log book, or operating a vehicle with four to six out-of-service
6 defects, one hundred dollars;
- 7 b. False record of duty status or log book or operating a vehicle with seven to
8 nine out-of-service defects, two hundred fifty dollars;
- 9 c. Operating a vehicle after driver placed out of service, operating a vehicle with
10 ten or more out-of-service defects, or operating a vehicle that has been
11 placed out of service prior to its repair, five hundred dollars; and
- 12 d. All other violations of motor carrier safety rules adopted under subsection 3 of
13 section 39-21-46, fifty dollars.
- 14 11. On a highway on which the speed limit is posted ~~in excess of~~ sixty-five miles
15 [104.61 kilometers] an hour or higher, for a violation of section 39-09-02, or
16 equivalent ordinance, a fee of five dollars for each mile per hour over the limit.
- 17 12. For a violation of a school zone speed limit under subdivision b of subsection 1 of
18 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
19 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed
20 limit dependent upon being on or near a school, fees for a noncriminal disposition
21 are forty dollars for one through ten miles per hour over the posted speed; and
22 forty dollars, plus ~~one dollar~~ five dollars for each additional mile per hour over ten
23 miles per hour over the limit unless a greater fee would be applicable under this
24 section.
- 25 13. For a violation of a highway construction zone speed limit under subsection 2 of
26 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
27 posted speed; and eighty dollars plus two dollars for each mile per hour over ten
28 miles per hour over the limit, unless a greater fee would be applicable under this
29 section. The fee in this subsection does not apply to a highway construction zone
30 unless individuals engaged in construction are present at the time and place of the
31 violation and the posted speed limit sign states "Minimum Fee \$80".

- 1 b. "Exhibition driving" means driving a vehicle in a manner which disturbs the
2 peace by creating or causing unnecessary engine noise, tire squeal, skid, or
3 slide upon acceleration or braking; or driving and executing or attempting one
4 or a series of unnecessarily abrupt turns.
- 5 c. "Race" means the use of one or more vehicles in an attempt to outgain,
6 outdistance, or to arrive at a given distance ahead of another vehicle or
7 vehicles; or the use of one or more vehicles to willfully prevent another vehicle
8 from passing the racing vehicle or vehicles, or to test the physical stamina or
9 endurance of the persons driving the vehicles over a long-distance driving
10 route.
- 11 3. ~~Nothing in this~~ This section shall be construed as prohibiting does not prohibit drag
12 racing, exhibition driving, or similar events when carried out in an organized
13 manner on a track or other privately owned area specifically set aside and used
14 solely for ~~such~~ these purposes by drivers of motor vehicles, including
15 snowmobiles.

16 **SECTION 5. AMENDMENT.** Section 39-08-09 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-08-09. Immediate notice of accident - Penalty.**

- 19 1. The driver of a vehicle involved in an accident resulting in injury to or death of any
20 person, or property damage to an apparent extent of at least one five hundred
21 thousand dollars, shall immediately give notice of the accident to the local police
22 department if the accident occurs within a municipality, otherwise to the office of
23 the county sheriff or the state highway patrol. Any person who violates this section
24 must be assessed a fine of ~~fifty~~ one hundred dollars. The name of the motor
25 vehicle insurance policy carrier and the policy number of the driver, or if the driver
26 is not the owner of the vehicle, then the motor vehicle insurance policy carrier and
27 the policy number of the owner of the vehicle, must be furnished to the law
28 enforcement officer investigating the accident. If the driver does not have the
29 required information concerning insurance to furnish to the investigating law
30 enforcement officer, then within five days of the accident the driver shall supply that
31 information to the driver's license division in the form the division requires.

1 2. The director may suspend the license or permit to drive and any nonresident
2 operating privileges of any person failing to comply with the duties as provided in
3 sections 39-08-06 through 39-08-09 until those duties have been fulfilled, and the
4 director may extend the suspension not to exceed thirty days.

5 **SECTION 6. AMENDMENT.** Section 39-08-22 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-08-22. Nonpayment for motor fuels - Penalty.**

- 8 1. For a theft offense in violation of chapter 12.1-23 which involves a person who
9 leaves the premises of an establishment at which motor fuel is offered for retail
10 sale after motor fuel was dispensed into the fuel tank of a motor vehicle that that
11 person drove away without having made due payment or authorized charge for the
12 motor fuel dispensed, the court may:
- 13 a. Upon a person's ~~second~~ first conviction, order the suspension of the person's
14 driving privileges for up to three months; and
- 15 b. Upon a person's ~~third~~ second or subsequent conviction, order the suspension
16 of the person's driving privileges for up to six months.
- 17 2. As used in this section, "conviction" means a final conviction without regard to
18 whether sentence was suspended or deferred or probation was granted after the
19 conviction. Forfeiture of bail, bond, or collateral deposited to secure a defendant's
20 appearance in court, which forfeiture has not been vacated, is equivalent to
21 conviction.

22 **SECTION 7. AMENDMENT.** Section 39-09-01 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **39-09-01. Basic rule - Penalty for violation.**

- 25 1. ~~No person~~ An individual may not drive a vehicle at a speed greater than is
26 reasonable and prudent under the conditions and having regard to the actual and
27 potential hazards then existing. ~~Consistent with the foregoing, every person and~~
28 shall drive at a safe and appropriate speed when approaching and crossing an
29 intersection or railroad grade crossing, when approaching and going around a
30 curve, when approaching a hill crest, when traveling upon any narrow or winding
31 roadway, and when special hazards exist with respect to pedestrians or other

1 traffic or by reason of weather or highway conditions. ~~Any person~~ An individual
2 who drives a vehicle upon a highway or private or public property open to the
3 public for the operation of motor vehicles without heed to the requirements or
4 restrictions of this section has committed careless driving and must be assessed a
5 fee of ~~thirty~~ fifty dollars.

6 2. ~~Any person~~ An individual who, by reason of careless driving as ~~herein~~ defined in
7 subsection 1, causes and inflicts injury upon the person of an operator of snow
8 removal equipment engaged in snow removal operations or causes damage in
9 excess of one thousand dollars to snow removal equipment engaged in snow
10 removal is guilty of an infraction.

11 As used in this section, "snow removal equipment" means a vehicle that is operated by
12 a person employed by or on behalf of an authority in charge of the maintenance of the highway
13 to perform winter maintenance snow and ice removal, including plowing, hauling away, salting,
14 and sanding.