

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact sections 39-06-35, 39-06.1-01, 39-06.1-02, 39-06.1-03,  
2 39-06.1-04, 39-06.1-06, 39-06.1-07, 39-06.1-09, 39-06.1-10, 39-06.1-10.1, 39-06.1-11,  
3 39-06.1-12, 39-06.1-13, 39-06.1-14, and 39-06.1-15 of the North Dakota Century Code, relating  
4 to traffic offense administration.

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

6 **SECTION 1. AMENDMENT.** Section 39-06-35 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **39-06-35. Period of suspension.**

9 ~~When the~~After a period of suspension imposed under this title ceases, the operator's  
10 license ~~or driving privilege~~ that has been suspended may not be returned or reinstated, and  
11 remains under suspension, until the operator pays to the director a reinstatement fee of fifty  
12 dollars, or twenty-five dollars if the suspension was the result of a suspension under  
13 subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred  
14 dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20,  
15 and, if applicable, until compliance with subsection ~~3-14~~14 of section 39-06.1-10. ~~Upon~~The  
16 director shall return the operator's license upon payment of the reinstatement fee ~~the license-~~  
17 ~~must be returned to the operator.~~ If payment of the reinstatement fee is submitted with a check  
18 or a credit or debit card and the operator stops payment on the transaction, the suspension will  
19 be reimposed until proper payment has been made to the director. A reinstatement fee is not  
20 required for a license to be returned to the operator if the return of the license is due to the  
21 findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06,  
22 39-06.1, or 39-20.

23 **SECTION 2. AMENDMENT.** Section 39-06.1-01 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1       **39-06.1-01. Definitions.**

2       As used in this title:

- 3       1. "Adjudication" and "admission" means an official determination, in the manner  
4             provided by law, that a traffic violation has been committed by a named driver.
- 5       2. "Equivalent ordinance" or "~~equivalent ordinances~~" means an ordinance of a city, state,  
6             or other jurisdiction ~~ordinances~~ which are comparable to the cited statute, and  
7             ~~defined~~defines essentially the same offense, ~~despite the fact that even if~~ the language of  
8             the ordinance ~~may differ,~~differs or differing procedural points or methods of proof ~~may~~  
9             ~~be provided~~differ.
- 10      3. "~~Halting officer~~" means a law enforcement officer ~~charged with and acting under the~~  
11            officer's authority to halt and, if appropriate, ~~arrest persons suspected or known to be~~  
12            violating statutes or ordinances regulating the operation or equipment of vehicles, or  
13            ~~the regulation of traffic.~~
- 14      4. "~~Licensing authority~~" means the state agency authorized to issue operators' licenses.
- 15      5. "~~Point~~" or "~~points~~" refers to "Official" means a municipal judge or a magistrate or other  
16            qualified individual appointed by the presiding judge of the judicial district to serve for  
17            all or part of the judicial district.
- 18      4. "Points" means the number of demerits assigned to particular types of traffic  
19            violations, the accumulation of which will, at a stated level, result in suspension of the  
20            offender's operator's license.

21       **SECTION 3. AMENDMENT.** Section 39-06.1-02 of the North Dakota Century Code is  
22       amended and reenacted as follows:

23       **39-06.1-02. Traffic violations noncriminal - Exceptions - Procedures.**

- 24      1. ~~Any person~~An individual cited, in accordance with sections 39-07-07 and 39-07-08, for  
25            a traffic violation under state law or municipal ordinance, other than an offense listed in  
26            section 39-06.1-05, is deemed to be charged with a noncriminal offense.
- 27            a. The ~~person~~individual may appear before the designated official and pay the  
28            statutory fee for the violation charged at or before the time scheduled for a  
29            hearing.
- 30            b. If the ~~person~~individual has posted bond ~~in person or by mail~~, the ~~person~~individual  
31            may forfeit bond by not appearing at the designated time.

1       2. If the ~~person~~individual is cited for a traffic violation under state law and posts bond by  
2       mail, the bond must be submitted within fourteen days of the date of the citation.  
3       ~~When posting bond by mail, and~~ the ~~person~~individual cited shall indicate on the  
4       envelope or citation whether a hearing is requested. If the ~~person~~individual does not  
5       request a hearing within fourteen days of the date of the citation, the bond is deemed  
6       forfeited and the violation admitted. If the ~~person~~individual requests a hearing, the  
7       court for the county in which the citation is issued shall issue a summons to the  
8       ~~person~~individual requesting the hearing notifying the ~~person~~individual of the date of  
9       the hearing before the designated official in accordance with section 39-06.1-03.

10      3. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the  
11      ~~person's~~individual's request, the ~~person~~individual may make a statement in  
12      explanation of the ~~person's~~individual's action. The official may at that time waive,  
13      reduce, or suspend the statutory fee or bond, or both. If the ~~person~~individual cited  
14      follows the foregoing procedures, the ~~person~~individual is deemed to have admitted the  
15      violation and to have waived the right to a hearing on the issue of commission of the  
16      violation.

17      4. The bond required to secure appearance must be identical to the statutory fee  
18      established by section 39-06.1-06.

19      5. Within ten days after forfeiture of bond or payment of the statutory fee, the official  
20      having jurisdiction over the violation shall certify to the ~~licensing authority~~director:

21      4. a. Admission of the violation; and

22      2. b. In speeding violations, whether the speed charged was in excess of the lawful  
23              speed limit by more than nine miles [14.48 kilometers] per hour and the miles  
24              [kilometers] per hour by which the speed limit was exceeded.

25      This

26      6. ~~Under this section does not allow a halting a citing police officer to~~may not receive the  
27      statutory fee or bond, ~~unless the officer is otherwise authorized by law to do so.~~

28      **SECTION 4. AMENDMENT.** Section 39-06.1-03 of the North Dakota Century Code is  
29      amended and reenacted as follows:

1       **39-06.1-03. Administrative hearing - Procedures - Appeals - Stay orders.**

- 2       1. ~~A person~~An individual cited for a traffic violation, other than an offense listed in section  
3       39-06.1-05, who does not follow one of the procedures ~~set forth~~ in section 39-06.1-02,  
4       may request a hearing on the issue of commission of the charged violation ~~charged~~.  
5       The hearing must be held at the time scheduled in the citation, at the time scheduled  
6       in response to the ~~person's~~individual's request, or at some future time, not to exceed  
7       ninety days later, set at that first appearance.
- 8       2. At the time of a request for a hearing on the issue of commission of the violation, the  
9       ~~person~~individual charged shall deposit with the official having jurisdiction an  
10      appearance bond equal to the statutory fee for the charged violation ~~charged~~.
- 11     3. If ~~a person~~an individual cited for a traffic violation, other than an offense listed in  
12      section 39-06.1-05, has requested a hearing on the issue of the commission of the  
13      charged violation ~~charged~~ and appears at the time scheduled for the hearing, and the  
14      ~~state or city, as the case may be,~~prosecution does not appear or is not ready to prove  
15      the commission of a charged violation at the hearing, the official shall dismiss the  
16      charge.
- 17     4. If the official finds that the ~~person~~individual had committed the traffic violation, the  
18      official shall notify the ~~licensing authority~~director of that fact, and whether the  
19      ~~person~~individual was driving more than nine miles [14.48 kilometers] per hour in  
20      excess of the lawful limit, stating specifically the miles [kilometers] per hour in excess  
21      of the lawful limit, if charged with a speeding violation, within ten days of the date of  
22      the hearing. The fact that ~~a person~~an individual has admitted a violation, or has, in any  
23      proceeding, been found to have committed a violation, may not be referred to in any  
24      way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an  
25      action or proceeding involving that ~~person's driving~~individual's operator's license or  
26      privilege.
- 27     5. a. ~~A person~~An individual may not appeal a finding from a district judge or magistrate  
28      that the ~~person~~individual committed the violation. If ~~a person~~an individual is  
29      aggrieved by a finding in the municipal court that the ~~person~~individual committed  
30      the violation, the ~~person~~individual may, without payment of a filing fee, appeal  
31      that finding to the district court for trial anew. If, after trial in the appellate court,

1           the ~~person~~individual is again found to have committed the violation, there may-  
2           bes no further appeal. Notice of appeal under this subsection must be given  
3           within thirty days after a finding of commission of a violation is entered by the  
4           official. Oral notice of appeal may be given to the official at the time that the  
5           official adjudges that a violation has been committed. Otherwise, notice of appeal  
6           must be in writing and filed with the official, and a copy of the notice must be  
7           served upon the prosecuting attorney. An appeal taken under this subsection may  
8           not operate to stay the reporting requirement of subsection 4, nor to stay  
9           appropriate action by the ~~licensing authority~~director upon receipt of that report.

10          b. The appellate court upon application by the appellant may:

- 11           (1) Order a stay of any action by the ~~licensing authority~~director during pendency  
12           of the appeal, but not to exceed a period of one hundred twenty days;  
13           (2) Order a stay and that the appellant be issued a temporary restricted driving  
14           certificate by the ~~licensing authority~~director to be effective for no more than  
15           one hundred twenty days; or  
16           (3) Deny the application.

17           An application for a stay or temporary certificate under this subdivision must be  
18           accompanied by a certified copy of the appellant's driving record, for the  
19           furnishing of which the ~~licensing authority~~director may charge a fee of three  
20           dollars. Any order granting a stay or a temporary certificate must be immediately  
21           forwarded ~~forthwith~~ by the clerk of court to the ~~licensing authority~~director,  
22           which~~who~~ immediately shall issue a temporary certificate in accordance with the  
23           order in the manner provided by law. A court may not make a determination on an  
24           application under this subdivision without notice to the appropriate prosecuting  
25           attorney. ~~A person~~An individual who violates or exceeds the restrictions contained  
26           in any temporary restricted driving certificate issued ~~pursuant to~~under this  
27           subdivision is guilty of a traffic violation and must be assessed a fee of twenty  
28           dollars.

29          c. If the ~~person~~individual charged is found not to have committed the violation by  
30           the appellate court, the clerk of court shall report that fact to the ~~licensing~~  
31           authoritydirector immediately. Unless the appropriate state's attorney consents to

1 prosecute the appeal, if an appeal under this subsection is from a violation of a  
2 city ordinance, the city attorney for the city wherein the alleged violation occurred  
3 shall prosecute the appeal. In all other cases, the appropriate state's attorney  
4 shall prosecute the appeal.

5 6. The state or the city, as ~~the case may be~~appropriate, must prove the commission of a  
6 charged violation at the hearing or appeal under this section by a fair preponderance  
7 of the evidence. Upon an appeal under subsection 5, the court and parties shall follow,  
8 to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal  
9 from the finding of the official the finding is affirmed, costs may be assessed at the  
10 discretion of the trial judge.

11 7. ~~As used in sections 39-06.1-02, 39-06.1-03, and 39-06.1-04, the word "official" means-~~  
12 ~~a municipal judge, or a magistrate or other qualified person appointed by the presiding~~  
13 ~~judge of the judicial district, to serve as such official for all or a specified part of the~~  
14 ~~judicial district.~~

15 **SECTION 5. AMENDMENT.** Section 39-06.1-04 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **39-06.1-04. Failure to appear, pay statutory fee, post bond - Procedure - Penalty.**

18 If ~~a person~~an individual fails to choose one of the methods of proceeding ~~set forth~~ in section  
19 39-06.1-02 or 39-06.1-03, the ~~person must be~~individual is deemed to have admitted to  
20 commission of the charged violation ~~charged~~, and the official having jurisdiction shall report  
21 ~~such fact~~the admission to the ~~licensing authority~~director within ten days after the date set for the  
22 hearing. Failure to appear at the time designated, after signing a promise to appear, if signing is  
23 required by law, or failure to appear without paying the statutory fee or posting and forfeiting  
24 bond is a class B misdemeanor. Failure to appear without just cause at the hearing ~~must also~~  
25 ~~be~~is deemed an admission of commission of the charged violation ~~charged~~.

26 **SECTION 6. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **39-06.1-06. Amount of statutory fees.**

29 The fees required for a noncriminal disposition ~~pursuant to either~~under section 39-06.1-02  
30 or 39-06.1-03 must be as follows:

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- 1           1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to  
2           exceed twenty dollars except for a violation of any traffic parking regulation on any  
3           state charitable or penal institution property or on the state capitol grounds, a fee in  
4           the amount of five dollars, excluding a violation of subsection 10 of section 39-01-15.
- 5           2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
6           for:
- 7           a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or  
8           39-10-46.1, a fee of fifty dollars.
- 9           b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
10           subsection 1 of section 39-10-28, a fee of fifty dollars.
- 11           c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 12           d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one  
13           hundred dollars.
- 14           e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
15           hundred dollars.
- 16           f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
17           resident of this state, a fee of one hundred dollars.
- 18           g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
19           dollars.
- 20           h. A violation of section 39-10-59, a fee of one hundred dollars.
- 21           i. A violation of section 39-09-01, a fee of thirty dollars.
- 22           j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 23           3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two  
24           hundred fifty dollars.
- 25           4. Except as provided in subsections 7 and 11, for a violation of section 39-09-02, or an  
26           equivalent ordinance, a fee established as follows:

27           Miles per hour over

28           lawful speed limit

Fee

29           1 - 5

\$ 5

30           6 - 10

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

31           11 - 15

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

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1	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
5	46 +	\$100 plus \$5/each mph over 45 mph over limit

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

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

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

13 ~~7.5.~~ On a highway on which the speed limit is a speed higher than fifty-five miles  
14 [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent  
15 ordinance, a fee established as follows:

16	Miles per hour over	
17	lawful speed limit	Fee
18	1 - 10	\$2/each mph over limit
19	11 +	\$20 plus \$5/each mph over 10 mph over limit

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

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

23 ~~10.6.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

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

30 b. False record of duty status or log book or operating a vehicle with seven to nine  
31 out-of-service defects, two hundred fifty dollars;

1 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten  
2 or more out-of-service defects, or operating a vehicle that has been placed out of  
3 service prior to its repair, five hundred dollars; and

4 d. All other violations of motor carrier safety rules adopted under subsection 3 of  
5 section 39-21-46, fifty dollars.

6 ~~11-7.~~ On a highway on which the speed limit is posted in excess of sixty-five miles  
7 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent  
8 ordinance, a fee of five dollars for each mile per hour over the limit.

9 ~~12-8.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of  
10 section 39-09-02, ~~or, notwithstanding subsection 2 of section 40-05-06 or section~~  
11 ~~40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit~~  
12 ~~dependent upon being on or near a school, fees for a noncriminal-disposition area fee~~  
13 ~~of forty dollars for one through ten miles per hour over the posted speed; and forty~~  
14 ~~dollars, plus one dollar for each additional mile per hour over ten miles per hour over~~  
15 ~~the limit unless a greater fee would be applicable under this section.~~

16 ~~13-9.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
17 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
18 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles  
19 per hour over the limit, unless a greater fee would be applicable under this section.  
20 The fee in this subsection does not apply to a highway construction zone unless  
21 individuals engaged in construction are present at the time and place of the violation  
22 and the posted speed limit sign states "Minimum Fee \$80".

23 **SECTION 7. AMENDMENT.** Section 39-06.1-07 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **39-06.1-07. Notification to offenders - Duties of licensing authoritydirector.**

26 The ~~licensing authority~~director shall prepare notification forms and a temporary operator's  
27 permit ~~as provided in~~under section 39-20-03.1 or 39-20-03.2 to be delivered to ~~persons charged~~  
28 ~~along the charged individual~~ with the uniform traffic summons and complaint ~~as provided in~~under  
29 section 29-05-31. The notification forms must contain language, approved by the attorney  
30 general, informing ~~persons~~an individual charged with a traffic violationsviolation, other than  
31 offenses listed in section 39-06.1-05, of the procedures available to ~~them~~that individual under

1 sections 39-06.1-02 and 39-06.1-03 and informing ~~persons~~an individual who ~~refuse~~refuses a  
2 chemical test or onsite screening test under chapter 39-20 or who, on taking a chemical test,  
3 ~~are~~is found to be in violation of subdivision a of subsection 1 of section 39-08-01, of the  
4 procedures available under chapter 39-20. The notification must ~~also~~ contain a schedule of  
5 points to be charged against a ~~person's~~an individual's driving record or other operator's license  
6 penalties as provided by law and a schedule of statutory fees and bond amounts as determined  
7 in accordance with ~~sections 39-06.1-06 and 39-06.1-02~~this chapter. A notification form separate  
8 from the uniform traffic summons and complaint may be delivered to a ~~person~~an individual  
9 charged with a violation of subsection 3 of section 39-21-46.

10 **SECTION 8. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06.1-09. Moving violation defined.**

13 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
14 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
15 39-06-14, 39-06-16, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09,  
16 subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or  
17 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation  
18 of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except  
19 subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of  
20 section 39-21-46, and those sections within those chapters which are specifically listed in  
21 subsection 1 of section 39-06.1-08.

22 **SECTION 9. AMENDMENT.** Section 39-06.1-10 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **39-06.1-10. Entries against driving record - ~~Licensing authority~~Director duties -**  
25 **Hearings - Demerit schedule - Suspension.**

26 1. ~~When~~If a report of a conviction of a traffic offense, or admission or adjudication of a  
27 traffic violation is received by the ~~licensing authority~~director, the ~~licensing-~~  
28 ~~authority~~director shall proceed to enter the proper ~~number of~~ points on the licensee's  
29 driving record, unless the ~~number~~ points assigned to the violation are two or less. If  
30 the ~~number~~ points assigned to the violation are two or less, the violation and points  
31 may not be entered on the driving record but must be recorded separately, and the

1 separate record ~~shall~~ is not be available to the public. Points from ~~violations~~ a violation  
2 in which the ~~assigned number~~ points are two or less ~~shall be~~ are considered a part of  
3 the driving record ~~only for purposes~~ the sole purpose of point reduction ~~pursuant~~  
4 ~~to~~ under section 39-06.1-13 and for purposes of license suspension. ~~When~~ If the driving  
5 record shows that the licensee has an accumulated ~~point~~ points total of twelve or more  
6 points, assigned on the basis of the schedule contained in subsection 3, the  
7 ~~authority~~ director shall notify the licensee of ~~its~~ the director's intention to suspend the  
8 operator's license ~~according to the provisions of~~ under section 39-06-33. For the  
9 purposes of this chapter, the ~~licensing authority~~ may director also may receive and act  
10 on reports of traffic offense convictions forwarded by federal, military, and tribal courts  
11 in this state.

- 12 2. If the ~~licensing authority~~ director confirms, after hearing or opportunity for hearing, that  
13 the licensee's driving record has an accumulated point total of twelve or more points,  
14 the ~~licensing authority~~ director shall suspend the licensee's operator's license  
15 according to the following schedule:

Accumulated Point Total:	Period of Suspension:
16 a. Twelve	7 days
17 b. Thirteen and above	7 days for each point 18 over eleven

19 Surrender and return of ~~licenses~~ a license suspended ~~pursuant to~~ under this section  
20 ~~must be~~ is governed by the provisions of section 39-06-37.

- 21 3. Points must be assigned and accumulated on the basis of the following schedule:

22 a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
24 (1) Overtime and double parking in violation of city 25 ordinances	0 points
26 (2) Failure to display license plates	1 point
27 (3) Permitting unauthorized minor to drive	2 points
28 (4) Permitting unauthorized <del>person</del> <u>individual</u> to drive	2 points
29 (5) Unlawful stopping, standing, or parking on open 30 highway in violation of section 39-10-47	2 points

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1	(6) Unlawful parking in prohibited place	1 point
2	(7) Leaving motor vehicle improperly unattended on	1 point
3	an open highway	
4	(8) Opening or leaving motor vehicle doors open when	1 point
5	unsafe to do so	
6	(9) Except as provided in sections 39-21-44 and	2 points
7	39-21-45.1, knowingly driving with defective,	
8	nonexistent, or unlawful equipment in violation of	
9	section 39-21-46, or equivalent ordinances	
10	(10) Careless driving in violation of section 39-09-01, or	6 points
11	equivalent ordinance	
12	(11) Violating or exceeding restrictions contained in	4 points
13	a restricted certificate issued pursuant to <u>under</u> section	
14	39-06.1-03	
15	(12) Racing or drag racing motor vehicles in violation	10 points
16	of section 39-08-03.1, or equivalent ordinance	
17	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
18	equivalent ordinance	
19	(14) Failing to yield right of way in violation of	2 points
20	section 39-10-20, 39-10-22 through 39-10-26,	
21	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
22	equivalent ordinances	
23	(15) Disobeying an official traffic-control device	2 points
24	in violation of section 39-10-04, 39-10-05, or	
25	39-10-07, or equivalent ordinances	
26	(16) Driving on wrong side of road in violation of	2 points
27	section 39-10-08, 39-10-14, or 39-10-16, or	
28	equivalent ordinances	
29	(17) Failing to dim headlights in violation of section	1 point
30	39-21-21, or equivalent ordinance	

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- |    |   |          |
|----|---|----------|
| 1  | (18) Failing to stop at railroad crossing in violation of section | 3 points |
| 2  | 39-10-41 or 39-10-42, or equivalent ordinances                    |          |
| 3  | (19) Knowingly driving with defective brakes in violation of      | 2 points |
| 4  | section 39-21-32 or 39-21-33, or equivalent ordinances            |          |
| 5  | (20) Disregarding the lawful commands of a police officer in      | 2 points |
| 6  | violation of section 39-10-02, or equivalent ordinance            |          |
| 7  | (21) Overtaking where prohibited or in an unsafe manner in        | 2 points |
| 8  | violation of section 39-10-11, 39-10-12, 39-10-13, or             |          |
| 9  | 39-10-15, or equivalent ordinances                                |          |
| 10 | (22) Overtaking and passing a schoolbus in violation of           | 6 points |
| 11 | section 39-10-46, or equivalent ordinance                         |          |
| 12 | (23) Operating a motor vehicle without a license in               | 4 points |
| 13 | violation of section 39-06-01, or equivalent ordinance            |          |
| 14 | (24) Improperly operating or unlawfully carrying                  | 2 points |
| 15 | passengers or packages on a motorcycle in violation               |          |
| 16 | of section 39-10.2-02, or equivalent ordinance                    |          |
| 17 | (25) Improperly operating a motorcycle in laned traffic in        | 2 points |
| 18 | violation of section 39-10.2-03, or equivalent ordinance          |          |
| 19 | (26) Clinging to other vehicles while riding a motorcycle in      | 4 points |
| 20 | violation of section 39-10.2-04, or equivalent ordinance          |          |
| 21 | (27) Carrying a passenger on a motorcycle not equipped            | 2 points |
| 22 | with passenger footrests in violation of section                  |          |
| 23 | 39-10.2-05, or equivalent ordinance                               |          |
| 24 | (28) Operating a motorcycle without protective headgear           | 2 points |
| 25 | in violation of subsection 1 of section 39-10.2-06, or            |          |
| 26 | equivalent ordinance  |          |
| 27 | (29) Failing to use the care required in section 39-09-01.1,      | 2 points |
| 28 | or equivalent ordinance   |          |
| 29 | (30) Except as provided in paragraph 33, operating a motor        |          |
| 30 | vehicle in excess of speed limit in violation of section          |          |
| 31 | 39-09-02, or equivalent ordinance                                 |          |

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1	6 - 10 mph over limit	0 points
2	11 - 15 mph over limit	1 point
3	16 - 20 mph over limit	3 points
4	21 - 25 mph over limit	5 points
5	26 - 35 mph over limit	9 points
6	36 - 45 mph over limit	12 points
7	46 + mph over limit	15 points
8	(31) Driving in violation of section 39-08-18	2 points
9	(32) Driving in violation of section 39-08-09	6 points
10	(33) On a highway on which the speed limit is posted in	
11	excess of sixty-five miles [104.61 kilometers] an hour,	
12	operating a motor vehicle in excess of the speed limit	
13	in violation of section 39-09-02, or equivalent ordinance	
14	Miles per hour over lawful speed limit	Points
15	1 - 5	0
16	6 - 10	1
17	11 - 15	3
18	16 - 20	5
19	21 - 25	7
20	26 - 30	10
21	31 - 35	12
22	36 +	15
23	(34) Failing to have a minor in a child restraint system	1 point
24	or seatbelt in violation of section 39-21-41.2	
25	(35) Failure or refusal to comply with rules of the	0 points
26	superintendent of the highway patrol in violation	
27	of subsection 3 of section 39-21-46	
28	(36) Violation of section 39-21-44 or any rule adopted	2 points
29	under that section	
30	b. Criminal Violations	
31	Conviction of:	Points Assigned:

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|----|---|-----------|
| 1  | (1) Reckless driving in violation of section 39-08-03, or   | 8 points  |
| 2  | equivalent ordinance  |           |
| 3  | (2) Aggravated reckless driving in violation of section     | 12 points |
| 4  | 39-08-03, or equivalent ordinance                           |           |
| 5  | (3) Leaving the scene of an accident involving property     | 14 points |
| 6  | damage in violation of section 39-08-05, 39-08-07,          |           |
| 7  | or 39-08-08, or equivalent ordinances                       |           |
| 8  | (4) Leaving the scene of an accident involving personal     | 18 points |
| 9  | injury or death in violation of section 39-08-04, or        |           |
| 10 | equivalent ordinance  |           |
| 11 | (5) Violating restrictions in a restricted license issued   | 3 points  |
| 12 | under section 39-06-17 and relating to the use of           |           |
| 13 | eyeglasses or contact lenses while driving                  |           |
| 14 | (6) Violating any restrictions other than those listed in   | 4 points  |
| 15 | paragraph 5, contained in a restricted license issued       |           |
| 16 | under section 39-06-17 or 39-06.1-11                        |           |
| 17 | (7) Except as provided in paragraph 9, operating            | 6 points  |
| 18 | a motor vehicle without liability insurance,                |           |
| 19 | in violation of section 39-08-20                            |           |
| 20 | (8) Knowingly driving a modified motor vehicle in violation | 2 points  |
| 21 | of section 39-21-45.1, or equivalent ordinance              |           |
| 22 | (9) Operating a motor vehicle without liability insurance,  | 14 points |
| 23 | in violation of section 39-08-20, if the violation was      |           |
| 24 | discovered as the result of investigation of an accident    |           |
| 25 | in which the driver is the owner                            |           |
| 26 | (10) Except as provided in paragraph 9 of subdivision a,    | 2 points  |
| 27 | knowingly operating an unsafe vehicle in violation of       |           |
| 28 | section 39-21-46, or equivalent ordinance                   |           |
| 29 | (11) Fleeing in a motor vehicle from a peace officer in     | 24 points |
| 30 | violation of section 39-10-71, or equivalent ordinance      |           |

- 1 (12) Except as provided in paragraph 9, operating a motor 12 points  
2 vehicle without liability insurance, in violation of section  
3 39-08-20, if the driving record shows that the licensee has  
4 within the eighteen months preceding the violation previously  
5 violated section 39-08-20
- 6 (13) Causing an accident with an authorized emergency 2 points  
7 vehicle or a vehicle operated by or under the control  
8 of the director used for maintaining the state highway  
9 system in violation of subsection 5 of section 39-10-26,  
10 or equivalent ordinance
- 11 (14) Driving in violation of the conditions of an instruction 2 points  
12 permit
- 13 3.1.4. a. If the director is informed by a court that a ~~person~~an individual has been  
14 convicted of violating section 39-08-01, or equivalent ordinance, the director,  
15 subject to the offender's opportunity for hearing under subsection 1, shall  
16 suspend that ~~person's driving privileges~~individual's operator's license until the  
17 offender furnishes to the director the written statement of the counselor or  
18 instructor of an appropriate licensed addiction treatment program that the  
19 offender does not require either an education or treatment program or that the  
20 offender has physically attended the prescribed program and has complied with  
21 the attendance rules. The director shall send notice to the offender informing the  
22 offender of the provisions of this subsection.
- 23 b. If within the seven years preceding the most recent violation of section 39-08-01,  
24 or equivalent ordinance, the offender has previously violated section 39-08-01, or  
25 equivalent ordinance, at least three times, the driving privileges ~~shall~~must be  
26 suspended and ~~can~~may be restored only after that ~~person~~individual has  
27 completed addiction treatment through an appropriate licensed addiction  
28 treatment program and has had no alcohol-related or drug-related offense for two  
29 consecutive years after completion of treatment.
- 30 4.5. If judicial disposition of a traffic violation includes an order or recommendation of  
31 suspension or revocation of an operator's license, the suspension or revocation runs

1 concurrently with any suspension ordered under this section. After a conviction of a-  
2 ~~person~~an individual for violating section 39-08-01, the director ~~shall~~, in suspending the  
3 ~~person's~~individual's operator's license, shall give credit for the time in which license  
4 suspension or revocation has been or is being imposed under chapter 39-20 in  
5 connection with the same offense.

6 ~~5-6.~~ A suspension must be deemed to have commenced twenty days after the order of  
7 suspension is delivered to the licensee at the licensee's address of record in the  
8 department. Constructive delivery under this section must be considered as occurring  
9 seventy-two hours after proper deposit in the mails.

10 ~~6-7.~~ Points assigned ~~pursuant to~~under this section must be recorded against an operator's  
11 driving record regardless of whether the operator has ever had an operator's license  
12 issued in this state, and the ~~licensing authority~~director shall maintain records on all  
13 violators regardless of ~~whether they are licensed~~licensure. Upon the assignment of  
14 twelve or more points, any unlicensed operator must be deemed to be driving under  
15 suspension if the operator has never had an operator's license or if the operator has  
16 failed to renew the operator's license.

17 ~~7-8.~~ The period of suspension imposed for a violation of section 39-08-01 or equivalent  
18 ordinance is:

- 19 a. Ninety-one days if the operator's record shows the ~~person~~individual has not  
20 violated section 39-08-01 or equivalent ordinance within the five years preceding  
21 the last violation.
- 22 b. One hundred eighty days if the operator's record shows the ~~person~~individual has  
23 not violated section 39-08-01 or equivalent ordinance within five years preceding  
24 the last violation and the violation was for an alcohol concentration of at least  
25 eighteen one-hundredths of one percent by weight.
- 26 c. Three hundred sixty-five days if the operator's record shows the ~~person~~individual  
27 has once violated section 39-08-01 or equivalent ordinance within the five years  
28 preceding the last violation.
- 29 d. Two years if the operator's record shows the ~~person~~individual has at least once  
30 violated section 39-08-01 or equivalent ordinance within the five years preceding

1 the last violation and the violation was for an alcohol concentration of at least  
2 eighteen one-hundredths of one percent by weight.

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

6 f. Three years if the operator's record shows the ~~person~~individual has at least twice  
7 violated section 39-08-01 or equivalent ordinance within the five years preceding  
8 the last violation and the violation is for an alcohol concentration of at least  
9 eighteen one-hundredths of one percent by weight.

10 **SECTION 10. AMENDMENT.** Section 39-06.1-10.1 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06.1-10.1. Alternative disposition - Driver training course - Exceptions.**

13 ~~A person~~

14 1. An individual issued a summons or notice to appear under section 39-07-07 may  
15 appear before the court and elect to attend a driver training course approved by the  
16 director in lieu of entry of points on the licensee's driving record. ~~A person~~An individual  
17 who elects to attend the course must so notify the court at the time of posting the  
18 bond, which is forfeited even though an election is made under this section. The  
19 ~~person~~individual who makes the election shall pay the driver training course fee to the  
20 driver training course sponsor. ~~When a person~~If an individual elects to attend the  
21 course, the point penalty of five points or fewer ~~as provided~~ for the violation by section  
22 39-06.1-10 may not be assessed; ~~provided, that if~~ proof of completion of the course is  
23 presented to the department within thirty days after the ~~person~~individual notifies the  
24 court of the election. ~~A person~~An individual may not make an election under this  
25 section if:

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

30 ~~A person~~



1     ~~3-5.~~   The director may not issue a temporary restricted license for a period of license  
2            revocation or suspension imposed under subsection 5 of section 39-06-17 or section  
3            39-06-31. A temporary restricted license may be issued for suspensions ordered under  
4            subsection 7 of section 39-06-32 if it could have been issued had the suspension  
5            resulted from in-state conduct.

6     4-6.   A temporary restricted license issued under this section is solely for the use of a motor  
7            vehicle during the licensee's normal working hours and may contain any other  
8            restrictions authorized by section 39-06-17. Violation of a restriction imposed  
9            according to this section is deemed a violation of section 39-06-17.

10    ~~5-7.~~   If an offender has been charged with, or convicted of, a second or subsequent  
11            violation of section 39-08-01 or equivalent ordinance and the offender's  
12            ~~driver's operator's~~ license is not subject to an unrelated suspension or revocation, the  
13            director shall issue a temporary restricted ~~driver's permit~~ license to the offender ~~only~~ for  
14            the sole purpose of participation in the twenty-four seven sobriety program upon  
15            submission of proof of financial responsibility and proof of participation in the program  
16            by the offender. If a court or the parole board finds that an offender has violated a  
17            condition of the twenty-four seven sobriety program, the court or parole board may  
18            order the temporary restricted ~~driver's permit~~ license be revoked and take possession  
19            of the temporary restricted ~~driver's permit~~ license. The court or the parole board shall  
20            send a copy of the order to the director who shall record the revocation of the  
21            temporary restricted ~~driver's permit~~ license. Revocation of a temporary restricted  
22            ~~driver's permit~~ license for violation of a condition of the twenty-four seven sobriety  
23            program does not preclude the offender's eligibility for a temporary restricted ~~driver's~~  
24            license under any other provisions of this section.

25     **SECTION 12. AMENDMENT.** Section 39-06.1-12 of the North Dakota Century Code is  
26     amended and reenacted as follows:

27     **39-06.1-12. Completion of suspension - Reduction of point total.**

28     ~~When~~ If a licensee completes a period of suspension ordered ~~pursuant to~~ under section  
29     39-06.1-10 or as ordered or recommended by a court of competent jurisdiction, the ~~licensing~~  
30     ~~authority~~ director shall reduce the point total shown on the licensee's driving record to eleven

1 points. Thereafter, ~~A~~ suspension must be ordered ~~when~~if that licensee's point total again  
2 reaches twelve or more points.

3 **SECTION 13. AMENDMENT.** Section 39-06.1-13 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-06.1-13. Reduction of point total - Other methods.**

- 6 1. The ~~licensing authority~~director shall reduce the point total shown on any licensee's  
7 driving record by one point for each three-month period during which ~~no~~ points are not  
8 recorded against the licensee's driving record for a moving violation or a violation  
9 listed in paragraphs 12 through 16 of subdivision a of subsection 3 of section  
10 39-06.1-10. The three-month period must be calculated from the date of entry of the  
11 last points against that licensee's driving record.
- 12 2. The point total shown on a licensee's driving record must, during any twelve-month  
13 period, be reduced by three points when the licensee mails or delivers a certificate to  
14 the ~~licensing authority~~director indicating successful completion of instruction in a driver  
15 training course approved by the ~~licensing authority~~director. Successful completion of  
16 instruction must be certified to by the sponsoring agency or organization of the driver  
17 training course. The reduction in points ~~authorized by~~under this subsection must ~~only~~  
18 be solely from a point total accumulated ~~prior to~~before completion of the necessary  
19 hours of driver training instruction, and may not exceed nine points during any  
20 three-year period commencing on the date of entry of the last points against the  
21 ~~person's individual's~~ driving record. If on the date the ~~licensing authority~~director  
22 receives the certificate of completion of the driver training course from the licensee,  
23 that licensee's driving record contains twelve or more points or, as a minor, the  
24 licensee's driving record contains six points or more, the point reduction ~~authorized~~  
25 byunder this subsection must be applied ~~only~~ after serving the period of suspension or  
26 cancellation required by the number of points ~~then~~ on the driver'slicensee's record has  
27 ~~been served~~.

28 **SECTION 14. AMENDMENT.** Section 39-06.1-14 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **39-06.1-14. Failure to surrender license.**

2       The director shall extend the period of revocation in all cases that involve a time period,  
3       within this title, ~~when if the person~~individual whose operator's license ~~or permit~~ has been  
4       revoked fails to surrender ~~such~~the operator's license ~~or permit~~ within forty-eight hours after  
5       delivery of the order of revocation. ~~Such~~The period of revocation must be extended by one day  
6       for each day ~~such person~~the individual fails to surrender ~~such~~the operator's license. Delivery of  
7       the order ~~must be~~is deemed to have occurred seventy-two hours after the order is mailed by  
8       regular mail to the address of record in the department under section 39-06-20.

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

11      **39-06.1-15. Diplomatic immunities and privileges.**

- 12      1. This section applies only to an individual who displays a ~~driver's~~an operator's license  
13      issued by the United States department of state to a ~~law enforcement~~police officer or  
14      who otherwise claims immunities or privileges under chapter 6 of title 22 of the United  
15      States Code with respect to the individual's violation of any law or ordinance that  
16      relates to the operation of a motor vehicle.
- 17      2. If a driver who is subject to this section is stopped by a ~~law enforcement~~police officer  
18      who has probable cause to believe that the driver has committed a violation, the ~~law-~~  
19      ~~enforcement~~police officer shall record all relevant information from any  
20      ~~driver's~~operator's license or identification card, including a ~~driver's~~an operator's license  
21      or identification card issued by the United States department of state; as soon as  
22      practicable contact the United States department of state office in order to verify the  
23      driver's status and immunity, if any; and forward the following to the bureau of  
24      diplomatic security office of foreign missions of the United States department of state:
- 25      a. A vehicle accident report, if the driver was involved in a vehicle accident;
- 26      b. A copy of the citation or other charging document if a citation or other charging  
27      document was issued to the driver; and
- 28      c. A written report of the incident if a citation or other charging document was not  
29      issued to the driver.

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- 1           3.   This section does not prohibit or limit the application of any law to a criminal or motor
- 2                   vehicle violation by an individual who has or claims immunities or privileges under
- 3                   title 22 of the United States Code.