

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2166

Introduced by

Senators Oehlke, Armstrong

1 A BILL for an Act to create and enact paragraph 40 to subdivision a of subsection 3 of section
 2 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to
 3 amend and reenact ~~section~~sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of
 4 section 39-06.1-10, and sections 39-07-09 and 39-21-45.1 of the North Dakota Century Code,
 5 relating to authorized procedures for traffic violations, definitions of moving violations, entries
 6 against driving records, discretion for release upon promise to appear, and modified vehicles.

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.**

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

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,
 14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an
 16 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, 39-08-07,
 19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section
 21 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.~~ Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

1 ~~9.8.~~ Causing an accident with an authorized emergency vehicle or a vehicle operated by or
2 under the control of the director used for maintaining the state highway system in
3 violation of subsection 5 of section 39-10-26.

4 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-06.1-09. Moving violation defined.**

7 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
8 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,
9 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,
10 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,
11 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of
12 subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of
13 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section
14 39-10-26, ~~sections~~section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46,
15 and those sections within those chapters which are specifically listed in subsection 1 of section
16 39-06.1-08.

17 **SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the
18 North Dakota Century Code is created and enacted as follows:

19 (40) Driving a modified motor vehicle in violation of section 1 point
20 39-21-45.1, or equivalent ordinance

21 **SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the
22 North Dakota Century Code is amended and reenacted as follows:

23 b. Criminal Violations

24 Conviction of: Points Assigned:

25 (1) Reckless driving in violation of section 39-08-03, or 8 points
26 equivalent ordinance

27 (2) Aggravated reckless driving in violation of section 12 points
28 39-08-03, or equivalent ordinance

29 (3) Leaving the scene of an accident involving property 14 points
30 damage in violation of section 39-08-05, 39-08-07,
31 or 39-08-08, or equivalent ordinances

1	(4) Leaving the scene of an accident involving personal	18 points
2	injury or death in violation of section 39-08-04, or	
3	equivalent ordinance	
4	(5) Violating restrictions in a restricted license issued	3 points
5	under section 39-06-17 and relating to the use of	
6	eyeglasses or contact lenses while driving	
7	(6) Violating any restrictions other than those listed in	4 points
8	paragraph 5, contained in a restricted license issued	
9	under section 39-06-17 or 39-06.1-11	
10	(7) Knowingly driving a modified motor vehicle in violation	2 points
11	of section 39-21-45.1, or equivalent ordinance	
12	(8) Except as provided in paragraph 9 of subdivision a,	2 points
13	knowingly operating an unsafe vehicle in violation of	
14	section 39-21-46, or equivalent ordinance	
15	(9) (8) Fleeing in a motor vehicle from a peace officer in	24 points
16	violation of section 39-10-71, or equivalent ordinance	
17	(10) (9) Causing an accident with an authorized emergency	2 points
18	vehicle or a vehicle operated by or under the control	
19	of the director used for maintaining the state highway	
20	system in violation of subsection 5 of section 39-10-26,	
21	or equivalent ordinance	
22	(11) (10) Driving in violation of the conditions of an instruction	2 points
23	permit	

24 **SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **39-07-09. Offenses under which person halted may not be entitled to release upon**
27 **promise to appear.**

28 Section 39-07-07 does not apply to a person if:

- 29 1. The halting officer has good reason to believe the person guilty of any felony or if the
30 person is halted and charged with an offense listed in section 39-06.1-05 but not listed
31 in subsection 2; or

2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
 - a. Reckless driving.
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
 - d. ~~Operating a modified vehicle.~~
 - e. ~~Driving without liability insurance in violation of section 39-08-20.~~
 - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
 - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate.

SECTION 6. AMENDMENT. Section 39-21-45.1 of the North Dakota Century Code is amended and reenacted as follows:

39-21-45.1. Modification of motor vehicle.

1. ~~Except as otherwise provided in this section, a person~~an individual may not operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with a weight of ~~seventen thousand pounds~~ [3175.144535.92 kilograms] or less with alterations or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle. The weight must be computed on the basis of the unmodified and unloaded weight of the motor vehicle and without regard to any ballast that may be placed in the vehicle.
2. ~~As to bumpers, motor vehicle height, and permitted modifications, the following requirements also apply:~~
 1. ~~a.~~ The motor vehicle must be equipped with front and rear bumpers.
 2. ~~b.~~ The maximum body height permitted for the motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.

- 1 from a level ground surface to the highest point on the bottom of the bumper. A
2 horizontal drop bumper may be used to comply with this subsection and must be at
3 least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body
4 width; and be horizontal, load bearing, and attached to the vehicle frame to effectively
5 transfer impact when engaged.
- 6 6.3. ~~f.~~ Vehicles owned by law enforcement agencies, the military, firefighting
7 agencies, and ambulances may be modified without regard to this section.
- 8 7.4. ~~g.~~ The director may adopt rules to implement this section.