

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1239

Introduced by

Representative Owens

Senator Kreun

1 A BILL for an Act to amend and reenact sections 12.1-01-05 and 39-06.1-06 of the North
2 Dakota Century Code, relating to the effect of state law on city or county ordinances and to
3 statutory fees for noncriminal traffic offenses; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-01-05. Crimes defined by state law ~~shall~~ may not be superseded by city or county**
8 **ordinance or by home rule city's or county's charter or ordinance.**

9 ~~No~~ Except as provided in section 40-05-06, an offense defined in this title or elsewhere by
10 law ~~shall~~ may not be superseded by any city or county ordinance, or city or county home rule
11 charter, or by an ordinance adopted pursuant to such a charter, and all ~~such~~ offense definitions
12 ~~shall~~ have full force and effect within the territorial limits and other jurisdiction of home rule cities
13 or counties. This section ~~shall~~ does not preclude any city or county from enacting any ordinance
14 containing penal language when otherwise authorized to do so by law.

15 **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **39-06.1-06. Amount of statutory fees.**

18 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must
19 be as follows:

- 20 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of ~~twenty~~ forty dollars
21 except for a violation of any traffic parking regulation on any state charitable or penal
22 institution property or on the state capitol grounds, a fee in the amount of ~~five~~ ten
23 dollars, excluding a violation of subsection 11 of section 39-01-15.

- 1 2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~forty dollars,
2 except for:
- 3 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
4 dollars.
- 5 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
6 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 7 c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~fifty dollars.
- 8 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
9 39-08-25, a fee of one hundred dollars.
- 10 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
11 hundred dollars.
- 12 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
13 resident of this state, a fee of one hundred dollars.
- 14 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
15 dollars.
- 16 h. A violation of section 39-10-59, a fee of ~~five hundred~~two hundred fifty dollars.
- 17 i. A violation of section 39-09-01, a fee of thirty dollars.
- 18 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 19 k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one~~two hundred dollars.
- 20 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
21 violation and three hundred dollars for a second or subsequent violation in three
22 years.
- 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 5 and 7, 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~~10

30 6 - 10

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

31 11 - 15

\$ ~~40~~15 plus \$1/each mph over 10 mph over limit

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1	16 - 20	\$ 15 <u>25</u> plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ 25 <u>35</u> plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ 40 <u>50</u> plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ 70 <u>90</u> plus \$3/each mph over 35 mph over limit
5	46 +	\$100 <u>\$140</u> plus \$5/each mph over 45 mph over limit

5. 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:

9	Miles per hour over	
10	lawful speed limit	Fee
11	1 - 10	\$2 <u>\$4</u> /each mph over limit
12	11 +	\$20 <u>\$40</u> plus \$5/each mph over 10 mph over limit

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

- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten 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 3 of section 39-21-46, fifty dollars.

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

8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of ~~forty~~one hundred dollars for one through ten miles per hour

1 over the posted speed; and ~~forty~~one hundred dollars, plus ~~one dollar~~two dollars for
2 each additional mile per hour over ten miles per hour over the limit unless a greater
3 fee would be applicable under this section.

4 9. For a violation of a highway construction zone speed limit under subsection 2 of
5 section 39-09-02, a fee of ~~eighty~~one hundred dollars for one through ten miles per
6 hour over the posted speed; and ~~eighty~~one hundred dollars plus ~~two~~four dollars for
7 each mile per hour over ten miles per hour over the limit, unless a greater fee would
8 be applicable under this section. The fee in this subsection does not apply to a
9 highway construction zone unless individuals engaged in construction are present at
10 the time and place of the violation and the posted speed limit sign states "Minimum
11 Fee ~~\$80~~\$100".