

HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL ~~for an Act to amend and reenact section 39-06.1-06 and subsection 3 of section~~
2 ~~39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees and~~
3 ~~points for speeding violations; and to provide a penalty.~~ for an Act to amend and reenact
4 sections 39-06.1-06, 40-05-06, and 40-11-12 of the North Dakota Century Code, relating to the
5 amount of statutory fees, city fines, and the nonpayment of fines; 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.**~~

10 ~~— The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must~~
11 ~~be as follows:~~

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

16 ~~— 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except~~
17 ~~for:~~

18 ~~— a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty~~
19 ~~dollars.~~

20 ~~— b. A violation of section 39-10-05 involving failure to yield to a pedestrian or~~
21 ~~subsection 1 of section 39-10-28, a fee of fifty dollars.~~

22 ~~— c. A violation of section 39-21-41.2, a fee of twenty five dollars.~~

23 ~~— d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section~~
24 ~~39-08-25, a fee of one hundred dollars.~~

- 1 ~~e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one-~~
2 ~~hundred dollars.~~
- 3 ~~f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a-~~
4 ~~resident of this state, a fee of one hundred dollars.~~
- 5 ~~g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty-~~
6 ~~dollars.~~
- 7 ~~h. A violation of section 39-10-59, a fee of five hundred dollars.~~
- 8 ~~i. A violation of section 39-09-01, a fee of thirty dollars.~~
- 9 ~~j. A violation of section 39-09-01.1, a fee of thirty dollars.~~
- 10 ~~k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.~~
- 11 ~~l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first-~~
12 ~~violation and three hundred dollars for a second or subsequent violation in three-~~
13 ~~years.~~
- 14 ~~m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.~~
- 15 ~~n. A violation of section 39-10-50.1, a fee of fifty dollars.~~
- 16 ~~3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two-~~
17 ~~hundred fifty dollars.~~
- 18 ~~4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an-~~
19 ~~equivalent ordinance, a fee established as follows:~~
- | Miles per hour over | Fee |
|--------------------------------|---|
| 1 - 5 | \$ 5 |
| 6 - 10 | \$ 5 plus \$1/each mph over 5 mph over limit |
| 11 - 15 | \$ 10 plus \$1/each mph over 10 mph over limit |
| 16 - 20 | \$ 15 plus \$2/each mph over 15 mph over limit |
| 21 - 25 | \$ 25 plus \$3/each mph over 20 mph over limit |
| 26 - 35 | \$ 40 plus \$3/each mph over 25 mph over limit |
| 36 - 45 | \$ 70 plus \$3/each mph over 35 mph over limit |
| 46 + | \$100 plus \$5/each mph over 45 mph over limit |

1 ~~5.~~ On a highway on which the speed limit is a speed higher than fifty-five miles
2 [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent
3 ordinance, a fee established as follows:

4 Miles per hour over	5 Fee
6 1 - 10	6 \$2/each mph over limit
7 11 +	7 \$20 plus \$5/each mph over 10 mph over limit

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

9 ~~a.~~ Driving more than eleven hours since the last ten hours off duty, driving after
10 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
11 on duty in seven days or seventy hours in eight days, no record of duty status or
12 log book in possession, failing to retain previous seven-day record of duty status
13 or log book, or operating a vehicle with four to six out-of-service defects, one
14 hundred dollars;

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

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

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

22 ~~7.5.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
23 [104.61 kilometers] an hour, for ~~For~~ a violation of section 39-09-02, or equivalent
24 ordinance, a fee of five dollars for each mile per hour over the limit.

25 ~~8.6.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
26 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
27 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
28 ten miles per hour over the limit unless a greater fee would be applicable under this
29 section plus five dollars for each mile per hour over the limit.

30 ~~9.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of
31 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the

1 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
2 per hour over the limit, unless a greater fee would be applicable under this section plus
3 five dollars for each mile per hour over the limit. The fee in this subsection does not
4 apply to a highway construction zone unless individuals engaged in construction are
5 present at the time and place of the violation and the posted speed limit sign states
6 "Minimum Fee \$80".

7 ~~SECTION 2. AMENDMENT.~~ Subsection 3 of section 39-06.1-10 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 ~~3.~~ Points must be assigned and accumulated on the basis of the following schedule:

10 ~~a. Noncriminal Violations~~

11 ~~Noncriminal Adjudication or Admission of: Points Assigned:~~

12 ~~(1) Overtime and double parking in violation of city ordinances 0 points~~

13 ~~(2) Failure to display license plates 1 point~~

14 ~~(3) Permitting unauthorized minor to drive 2 points~~

15 ~~(4) Permitting unauthorized person to drive 2 points~~

16 ~~(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47 2 points~~

17 ~~(6) Unlawful parking in prohibited place 1 point~~

18 ~~(7) Leaving motor vehicle improperly unattended on an open highway 1 point~~

19 ~~(8) Opening or leaving motor vehicle doors open when unsafe to do so 1 point~~

20 ~~(9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective,
21 nonexistant, or unlawful equipment in violation of
22 section 39-21-46, or equivalent ordinances 2 points~~

23 ~~(10) Careless driving in violation of section 39-09-01, or equivalent ordinance 6 points~~

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- 1 ~~————— (11) Violating or exceeding restrictions contained in ————— 4 points~~
2 ~~a restricted certificate issued pursuant to section~~
3 ~~39-06-1-03~~
- 4 ~~————— (12) Racing or drag racing motor vehicles in violation ————— 10 points~~
5 ~~of section 39-08-03.1, or equivalent ordinance~~
- 6 ~~————— (13) Exhibition driving in violation of section 39-08-03.1, or ————— 3 points~~
7 ~~equivalent ordinance~~
- 8 ~~————— (14) Failing to yield right of way in violation of ————— 2 points~~
9 ~~section 39-10-20, 39-10-22 through 39-10-26,~~
10 ~~39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or~~
11 ~~equivalent ordinances~~
- 12 ~~————— (15) Disobeying an official traffic control device ————— 2 points~~
13 ~~in violation of section 39-10-04, 39-10-05, or~~
14 ~~39-10-07, or equivalent ordinances~~
- 15 ~~————— (16) Driving on wrong side of road in violation of ————— 2 points~~
16 ~~section 39-10-08, 39-10-14, or 39-10-16, or~~
17 ~~equivalent ordinances~~
- 18 ~~————— (17) Failing to dim headlights in violation of section ————— 1 point~~
19 ~~39-21-21, or equivalent ordinance~~
- 20 ~~————— (18) Failing to stop at railroad crossing in violation of section ————— 3 points~~
21 ~~39-10-41 or 39-10-42, or equivalent ordinances~~
- 22 ~~————— (19) Knowingly driving with defective brakes in violation of ————— 2 points~~
23 ~~section 39-21-32 or 39-21-33, or equivalent ordinances~~
- 24 ~~————— (20) Disregarding the lawful commands of a police officer in ————— 2 points~~
25 ~~violation of section 39-10-02, or equivalent ordinance~~
- 26 ~~————— (21) Overtaking where prohibited or in an unsafe manner in ————— 2 points~~
27 ~~violation of section 39-10-11, 39-10-12, 39-10-13, or~~
28 ~~39-10-15, or equivalent ordinances~~
- 29 ~~————— (22) Overtaking and passing a schoolbus in violation of ————— 6 points~~
30 ~~section 39-10-46, or equivalent ordinance~~

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1	(23) Operating a motor vehicle without a license in	4 points
2	violation of section 39-06-01, or equivalent ordinance	
3	(24) Improperly operating or unlawfully carrying	2 points
4	passengers or packages on a motorcycle in violation	
5	of section 39-10.2-02, or equivalent ordinance	
6	(25) Improperly operating a motorcycle in laned traffic in	2 points
7	violation of section 39-10.2-03, or equivalent ordinance	
8	(26) Clinging to other vehicles while riding a motorcycle in	4 points
9	violation of section 39-10.2-04, or equivalent ordinance	
10	(27) Carrying a passenger on a motorcycle not equipped	2 points
11	with passenger footrests in violation of section	
12	39-10.2-05, or equivalent ordinance	
13	(28) Operating a motorcycle without protective headgear	2 points
14	in violation of subsection 1 of section 39-10.2-06, or	
15	equivalent ordinance	
16	(29) Failing to use the care required in section 39-09-01.1,	2 points
17	or equivalent ordinance	
18	(30) Except as provided in paragraph 33, operating a motor	
19	vehicle in excess of speed limit in violation of section	
20	39-09-02, or equivalent ordinance	
21	6 – 10 mph over limit	0 points
22	11 – 15 mph over limit	1 point
23	16 – 20 mph over limit	3 points
24	21 – 25 mph over limit	5 points
25	26 – 35 mph over limit	9 points
26	36 – 45 mph over limit	12 points
27	46 + mph over limit	15 points
28	(31) Driving in violation of section 39-08-18	2 points
29	(32)(31) Driving in violation of section 39-08-09	6 points

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1	(33) On a highway on which the speed limit is posted in	
2	excess of sixty-five miles [104.61 kilometers] an hour,	
3	operating-	
4	(32) Operating a motor vehicle on a highway in excess of the speed limit	
5	in violation of section 39-09-02, or equivalent ordinance	
6	Miles per hour over lawful speed limit	Points
7	1 - 5	0
8	6 - 10	1
9	11 - 15	3
10	16 - 20	5
11	21 - 25	7 <u>10</u>
12	26 - 30	10 <u>12</u>
13	31 - 35	12 <u>15</u>
14	36 +	15 <u>18</u>
15	(34) (33) Failing to have a minor in a child restraint system	1 point
16	or seatbelt in violation of section 39-21-41.2	
17	(35) (34) Failure or refusal to comply with rules of the	0 points
18	superintendent of the highway patrol in violation	
19	of subsection 3 of section 39-21-46	
20	(36) (35) Violation of section 39-21-44 or any rule adopted	2 points
21	under that section	
22	(37) (36) Except as provided in paragraph 39, operating a motor	6 points
23	vehicle without liability insurance, in violation of	
24	section 39-08-20	
25	(38) (37) Except as provided in paragraph 39, operating a motor	12 points
26	vehicle without liability insurance, in violation of	
27	section 39-08-20, if the driving record shows that the	
28	licensee has within the eighteen months preceding the	
29	violation previously violated section 39-08-20	
30	(39) (38) Operating a motor vehicle without liability insurance,	14 points
31	in violation of section 39-08-20, if the violation was	

1	discovered as the result of investigation of an accident	
2	in which the driver is the owner	
3	(40)(39) Driving a modified motor vehicle in violation of section	1 point
4	39-21-45.1, or equivalent ordinance	
5	b. Criminal Violations	
6	Conviction of:	Points Assigned:
7	(1) Reckless driving in violation of section 39-08-03, or	8 points
8	equivalent ordinance	
9	(2) Aggravated reckless driving in violation of section	12 points
10	39-08-03, or equivalent ordinance	
11	(3) Leaving the scene of an accident involving property	14 points
12	damage in violation of section 39-08-05, 39-08-07,	
13	or 39-08-08, or equivalent ordinances	
14	(4) Leaving the scene of an accident involving personal	18 points
15	injury or death in violation of section 39-08-04, or	
16	equivalent ordinance	
17	(5) Violating restrictions in a restricted license issued	3 points
18	under section 39-06-17 and relating to the use of	
19	eyeglasses or contact lenses while driving	
20	(6) Violating any restrictions other than those listed in	4 points
21	paragraph 5, contained in a restricted license issued	
22	under section 39-06-17 or 39-06.1-11	
23	(7) Except as provided in paragraph 9 of subdivision a,	2 points
24	knowingly operating an unsafe vehicle in violation of	
25	section 39-21-46, or equivalent ordinance	
26	(8) Fleeing in a motor vehicle from a peace officer in	24 points
27	violation of section 39-10-71, or equivalent ordinance	
28	(9) Causing an accident with an authorized emergency	2 points
29	vehicle or a vehicle operated by or under the control	
30	of the director used for maintaining the state highway	

~~system in violation of subsection 5 of section 39-10-26,~~

~~or equivalent ordinance~~

~~—————(10)———Driving in violation of the conditions of an instruction~~

~~—— 2 points~~

~~permit~~

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

39-06.1-06. Amount of statutory fees.

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

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.

- 1 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 2 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 3 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 4 violation and three hundred dollars for a second or subsequent violation in three
- 5 years.
- 6 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 7 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 8 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
- 9 hundred fifty dollars.

10 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
11 ~~equivalent ordinance, a fee established as follows:~~

12 ~~Miles per hour over~~

13 ~~lawful speed limit~~

~~Fee~~

14 ~~1 - 5 \$ 5~~

15 ~~6 - 10 \$ 5 plus \$1/each mph over 5 mph over limit~~

16 ~~11 - 15 \$ 10 plus \$1/each mph over 10 mph over limit~~

17 ~~16 - 20 \$ 15 plus \$2/each mph over 15 mph over limit~~

18 ~~21 - 25 \$ 25 plus \$3/each mph over 20 mph over limit~~

19 ~~26 - 35 \$ 40 plus \$3/each mph over 25 mph over limit~~

20 ~~36 - 45 \$ 70 plus \$3/each mph over 35 mph over limit~~

21 ~~46 + \$100 plus \$5/each mph over 45 mph over limit~~

22 ~~5. On a highway on which the speed limit is a speed higher than fifty-five miles~~
23 ~~[88.51 kilometers] an hour, for~~ For a violation of section 39-09-02 on a highway, or an
24 equivalent ordinance, a fee established as follows:

25 Miles per hour over

26 lawful speed limit

Fee

27 1 - 10 \$2/each mph over limit

28 11 + \$20 plus \$5/each mph over 10 mph over limit

29 ~~6.5.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 30 a. Driving more than eleven hours since the last ten hours off duty, driving after
- 31 fourteen hours on duty since the last ten hours off duty, driving after sixty hours

1 on duty in seven days or seventy hours in eight days, no record of duty status or
2 log book in possession, failing to retain previous seven-day record of duty status
3 or log book, or operating a vehicle with four to six out-of-service defects, one
4 hundred dollars;

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

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

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

12 ~~7. On a highway on which the speed limit is posted in excess of sixty five miles-~~
13 ~~[104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent~~
14 ~~ordinance, a fee of five dollars for each mile per hour over the limit.~~

15 8.6. For a violation of a school zone speed limit under subdivision b of subsection 1 of
16 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
17 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
18 ten miles per hour over the limit unless a greater fee would be applicable under this
19 section.

20 9.7. For a violation of a highway construction zone speed limit under subsection 2 of
21 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
22 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
23 per hour over the limit, unless a greater fee would be applicable under this section.
24 The fee in this subsection does not apply to a highway construction zone unless
25 individuals engaged in construction are present at the time and place of the violation
26 and the posted speed limit sign states "Minimum Fee \$80".

27 **SECTION 2. AMENDMENT.** Section 40-05-06 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **40-05-06. City fines and penalties limited.**

30 1. Except as provided in ~~subsections~~subsection 2-and-3, the fine or penalty for the
31 violation of any ordinance, resolution, or regulation of a city may not exceed one

1 thousand five hundred dollars, and the imprisonment may not exceed thirty days for
2 one offense.

3 2. ~~For every violation of a city ordinance that regulates the operation or equipment of a~~
4 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~
5 ~~39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one~~
6 ~~hundred percent, the limit, for an equivalent category of violation, set forth in section~~
7 ~~39-06.1-06.~~

8 ~~3.~~ For every violation of a city ordinance enforcing the requirements of title 40, Code of
9 Federal Regulations, section 403 relating to publicly owned treatment works, or
10 prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty
11 may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty
12 days, or both such fine and imprisonment.

13 4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine
14 or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,
15 nor does this section limit the use of deferred or suspended sentences under
16 subsections 3 and 4 of section 12.1-32-02.

17 **SECTION 3. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **40-11-12. Commitment of guilty person for nonpayment of fines or costs.**

20 Any person upon whom any fine or costs, or both, has been imposed for violation of a
21 municipal ordinance may, after hearing, be committed upon order of the court to jail or other
22 place provided by the municipality for the incarceration of offenders until the fine or costs, or
23 both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not
24 commit a person under this section when the sole reason for the person's nonpayment of fines
25 or costs, or both, is the person's indigency. An order of commitment under this section shall not
26 be for a period in excess of thirty days. ~~As used in this section, "fine" does not include a fee~~
27 ~~established pursuant to subsection 2 of section 40-05-06.~~