

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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 sections 39-06.1-06, 40-05-06, and 40-11-12 of the
2 North Dakota Century Code, relating to the amount of statutory fees, city fines, and the
3 nonpayment of fines; and to provide a penalty.

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

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

7 **39-06.1-06. Amount of statutory fees.**

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

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
11 except for a violation of any traffic parking regulation on any state charitable or penal
12 institution property or on the state capitol grounds, a fee in the amount of five dollars,
13 excluding a violation of subsection 11 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
15 for:
 - 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
17 dollars.
 - 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
19 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 21 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
22 39-08-25, a fee of one hundred dollars.
 - 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
24 hundred dollars.

- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
10 violation and three hundred dollars for a second or subsequent violation in three
11 years.
- 12 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

14 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
15 hundred fifty dollars.

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

18 Miles per hour over

19 lawful speed limit

Fee

20 1-5

\$ 5

21 6-10

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

22 11-15

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

23 16-20

\$ 15 plus \$2/each mph over 15 mph over limit

24 21-25

\$ 25 plus \$3/each mph over 20 mph over limit

25 26-35

\$ 40 plus \$3/each mph over 25 mph over limit

26 36-45

\$ 70 plus \$3/each mph over 35 mph over limit

27 46+

\$100 plus \$5/each mph over 45 mph over limit

28 5. On a highway on which the speed limit is a speed of sixty-five miles [104.61
29 kilometers] higher than fifty-five miles [88.51 kilometers] an hour or lower, for ~~For~~ a
30 violation of section 39-09-02 ~~on a highway~~, or an equivalent ordinance, a fee
31 established as follows:

1	Miles per hour over	
2	lawful speed limit	Fee
3	1 - 10	\$2/each mph over limit
4	11 +	\$20 plus \$5/each mph over 10 mph over limit

5 ~~6-5.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 6 a. Driving more than eleven hours since the last ten hours off duty, driving after
7 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
8 on duty in seven days or seventy hours in eight days, no record of duty status or
9 log book in possession, failing to retain previous seven-day record of duty status
10 or log book, or operating a vehicle with four to six out-of-service defects, one
11 hundred dollars;
- 12 b. False record of duty status or log book or operating a vehicle with seven to nine
13 out-of-service defects, two hundred fifty dollars;
- 14 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten
15 or more out-of-service defects, or operating a vehicle that has been placed out of
16 service prior to its repair, five hundred dollars; and
- 17 d. All other violations of motor carrier safety rules adopted under subsection 3 of
18 section 39-21-46, fifty dollars.

19 ~~7-6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
20 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
21 ordinance, a fee of five dollars for each mile per hour over the limit.

22 ~~8-6-7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
23 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
24 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
25 ten miles per hour over the limit unless a greater fee would be applicable under this
26 section.

27 ~~9-7-8.~~ For a violation of a highway construction zone speed limit under subsection 2 of
28 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
29 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
30 per hour over the limit, unless a greater fee would be applicable under this section.

31 The fee in this subsection does not apply to a highway construction zone unless

1 individuals engaged in construction are present at the time and place of the violation
2 and the posted speed limit sign states "Minimum Fee \$80".

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

5 **40-05-06. City fines and penalties limited.**

6 1. Except as provided in ~~subsection~~subsection 2 and ~~3~~, the fine or penalty for the
7 violation of any ordinance, resolution, or regulation of a city may not exceed one
8 thousand five hundred dollars, and the imprisonment may not exceed thirty days for
9 one offense.

10 2. ~~For every violation of a city ordinance that regulates the operation or equipment of a~~
11 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~
12 ~~39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one~~
13 ~~hundred percent, the limit, for an equivalent category of violation, set forth in section~~
14 ~~39-06.1-06.~~

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

20 ~~4.3.~~ This section does not prohibit the use of the sentencing alternatives, other than a fine
21 or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,
22 nor does this section limit the use of deferred or suspended sentences under
23 subsections 3 and 4 of section 12.1-32-02.

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

26 **40-11-12. Commitment of guilty person for nonpayment of fines or costs.**

27 Any person upon whom any fine or costs, or both, has been imposed for violation of a
28 municipal ordinance may, after hearing, be committed upon order of the court to jail or other
29 place provided by the municipality for the incarceration of offenders until the fine or costs, or
30 both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not
31 commit a person under this section when the sole reason for the person's nonpayment of fines

- 1 or costs, or both, is the person's indigency. An order of commitment under this section shall not
- 2 be for a period in excess of thirty days. ~~As used in this section, "fine" does not include a fee-~~
- 3 ~~established pursuant to subsection 2 of section 40-05-06.~~

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2 the North Dakota Century Code, relating to the amount of statutory fees, ~~city fines, and the~~
3 ~~nonpayment of fines~~; to provide for a legislative management study; and to provide a penalty.

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

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

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12 institution property or on the state capitol grounds, a fee in the amount of five dollars,
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 - 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
24 hundred dollars.

- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
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10 violation and three hundred dollars for a second or subsequent violation in three
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- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

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

18 Miles per hour over

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25 26-35

\$ 40 plus \$3/each mph over 25 mph over limit

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\$ 70 plus \$3/each mph over 35 mph over limit

27 46+

\$100 plus \$5/each mph over 45 mph over limit

28 5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles~~
29 ~~[88.51 kilometers] an hour, for~~ For a violation of section 39-09-02 on a highway, or an
30 equivalent ordinance, a fee established as follows:

31 Miles per hour over

	lawful speed limit	Fee
	1 - 10	\$2/each mph over limit
	11 +	\$20 plus \$5/each mph over 10 mph over limit
6.5.	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 dollars for each mile per hour over the limit.	
8.6.	For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.	
9.7.	For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section.	
	The fee in this subsection does not apply to a highway construction zone unless	

individuals engaged in construction are present at the time and place of the violation
and the posted speed limit sign states "Minimum Fee \$80".

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

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

~~1. Except as provided in subsection subsection 2 and 3, the fine or penalty for the
violation of any ordinance, resolution, or regulation of a city may not exceed one
thousand five hundred dollars, and the imprisonment may not exceed thirty days for
one offense.~~

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

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

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

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

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

~~Any person upon whom any fine or costs, or both, has been imposed for violation of a
municipal ordinance may, after hearing, be committed upon order of the court to jail or other
place provided by the municipality for the incarceration of offenders until the fine or costs, or
both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not
commit a person under this section when the sole reason for the person's nonpayment of fines~~

~~or costs, or both, is the person's indigency. An order of commitment under this section shall not be for a period in excess of thirty days. As used in this section, "fine" does not include a fee established pursuant to subsection 2 of section 40-05-06.~~

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - LAW ENFORCEMENT

JURISDICTION. During the 2021-22 interim, the legislative management shall consider studying the extent of potential jurisdictional conflicts related to traffic and motor vehicle laws and ordinances between all law enforcement agencies in the state, including state, county, municipal, and any other law enforcement agency that may be subject to a joint powers agreement. The study may include a review of judicial jurisdiction of traffic and motor vehicle laws and ordinances and the enforcement thereof, and a review of a municipality's ability to assess fines and fees for violations of traffic and motor vehicle ordinances. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.