

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

- 1 A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10 of the North Dakota
2 Century Code, relating to points assigned to driving records.

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

- 4 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota
5 Century Code is amended and reenacted as follows:

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

- 7 a. Noncriminal Violations

| 8 | Noncriminal Adjudication or Admission of: | Points Assigned: |
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| 9 | (1) Overtime and double parking in violation of city | 0 points |
| 10 | ordinances | |
| 11 | (2) Failure to display license plates | 1 point |
| 12 | (3) Permitting unauthorized minor to drive | 2 points |
| 13 | (4) Permitting unauthorized person to drive | 2 points |
| 14 | (5) Unlawful stopping, standing, or parking on open | 2 points |
| 15 | highway in violation of section 39-10-47 | |
| 16 | (6) Unlawful parking in prohibited place | 1 point |
| 17 | (7) Leaving motor vehicle improperly unattended on | 1 point |
| 18 | an open highway | |
| 19 | (8) Opening or leaving motor vehicle doors open when | 1 point |
| 20 | unsafe to do so | |
| 21 | (9) Except as provided in sections 39-21-44 and | 2 points |
| 22 | 39-21-45.1, knowingly driving with defective, | |

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| 1 | nonexistent, or unlawful equipment in violation of | |
| 2 | section 39-21-46, or equivalent ordinances | |
| 3 | (10) Careless driving in violation of section 39-09-01, or | 6 points |
| 4 | equivalent ordinance | |
| 5 | (11) Violating or exceeding restrictions contained in | 4 points |
| 6 | a restricted certificate issued pursuant to section | |
| 7 | 39-06.1-03 | |
| 8 | (12) Racing or drag racing motor vehicles in violation | 10 points |
| 9 | of section 39-08-03.1, or equivalent ordinance | |
| 10 | (13) Exhibition driving in violation of section 39-08-03.1, or | 3 points |
| 11 | equivalent ordinance | |
| 12 | (14) Failing to yield right of way in violation of | 2 points |
| 13 | section 39-10-20, 39-10-22 through 39-10-26, | |
| 14 | 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or | |
| 15 | equivalent ordinances | |
| 16 | (15) Disobeying an official traffic-control device | <u>23</u> points |
| 17 | in violation of section 39-10-04, 39-10-05, or | |
| 18 | 39-10-07, or equivalent ordinances | |
| 19 | (16) Driving on wrong side of road in violation of | 2 points |
| 20 | section 39-10-08, 39-10-14, or | |
| 21 | subsection 1; <u>or 2</u> , or 3 of section 39-10-16, or | |
| 22 | equivalent ordinances | |
| 23 | (17) Failing to dim headlights in violation of section | 1 point |
| 24 | 39-21-21, or equivalent ordinance | |
| 25 | (18) Failing to stop at railroad crossing in violation of section | 3 points |
| 26 | 39-10-41 or 39-10-42, or equivalent ordinances | |
| 27 | (19) Knowingly driving with defective brakes in violation of | 2 points |
| 28 | section 39-21-32 or 39-21-33, or equivalent ordinances | |
| 29 | (20) Disregarding the lawful commands of a police officer in | 2 points |
| 30 | violation of section 39-10-02, or equivalent ordinance | |

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

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| 1 | 36 - 45 mph over limit | 12 points |
| 2 | 46 + mph over limit | 15 points |
| 3 | (31) Driving in violation of section 39-08-18 | 23 points |
| 4 | (32) Driving in violation of section 39-08-09 | 6 points |
| 5 | (33) On a highway on which the speed limit is posted in | |
| 6 | excess of sixty-five miles [104.61 kilometers] an hour, | |
| 7 | operating a motor vehicle in excess of the speed limit | |
| 8 | in violation of section 39-09-02, or equivalent ordinance | |
| 9 | Miles per hour over lawful speed limit | Points |
| 10 | 1 - 5 | 0 |
| 11 | 6 - 10 | 1 |
| 12 | 11 - 15 | 3 |
| 13 | 16 - 20 | 5 |
| 14 | 21 - 25 | 7 |
| 15 | 26 - 30 | 10 |
| 16 | 31 - 35 | 12 |
| 17 | 36 + | 15 |
| 18 | (34) Failing to have a minor in a child restraint system | 1 point <u>3 points</u> |
| 19 | or seatbelt in violation of section 39-21-41.2 | |
| 20 | (35) Failure or refusal to comply with rules of the | 0 points |
| 21 | superintendent of the highway patrol in violation | |
| 22 | of subsection 3 of section 39-21-46 | |
| 23 | (36) Violation of section 39-21-44 or any rule adopted | 2 points |
| 24 | under that section | |
| 25 | (37) Except as provided in paragraph 39, operating a motor | 6 points |
| 26 | vehicle without liability insurance, in violation of | |
| 27 | section 39-08-20 | |
| 28 | (38) Except as provided in paragraph 39, operating a motor | 12 points |
| 29 | vehicle without liability insurance, in violation of | |
| 30 | section 39-08-20, if the driving record shows that the | |

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| 1 | licensee has within the eighteen months preceding the | |
| 2 | violation previously violated section 39-08-20 | |
| 3 | (39) Operating a motor vehicle without liability insurance, | 14 points |
| 4 | in violation of section 39-08-20, if the violation was | |
| 5 | discovered as the result of investigation of an accident | |
| 6 | in which the driver is the owner | |
| 7 | (40) Driving a modified motor vehicle in violation of section | 1 point |
| 8 | 39-21-45.1, or equivalent ordinance | |
| 9 | (41) Driving in violation of the conditions of | 2 points |
| 10 | an instructional permit: | |
| 11 | (42) <u>Using a wireless communications device</u> | <u>3 points</u> |
| 12 | <u>in violation of section 39-08-23 or</u> | |
| 13 | <u>39-08-24, or equivalent ordinance</u> | |
| 14 | (43) <u>Failure to maintain control of a motor vehicle while distracted</u> | <u>3 points</u> |
| 15 | <u>in violation of section 39-08-25</u> | |
| 16 | (44) <u>Overtaking where prohibited or in an unsafe manner in</u> | <u>3 points</u> |
| 17 | <u>violation of section 39-10-13 or 39-10-15, or</u> | |
| 18 | <u>equivalent ordinances</u> | |
| 19 | (45) <u>Driving on the wrong side of the road in violation of</u> | <u>3 points</u> |
| 20 | <u>subsection 3 of section 39-10-16, or</u> | |
| 21 | <u>equivalent ordinances</u> | |
| 22 | (46) <u>Following too close in violation of</u> | <u>3 points</u> |
| 23 | <u>subsection 1 of section 39-10-18, or</u> | |
| 24 | <u>equivalent ordinance</u> | |
| 25 | (47) <u>Driving on a closed road during hazardous conditions,</u> | <u>3 points</u> |
| 26 | <u>when closure was announced, in violation</u> | |
| 27 | <u>of section 39-10-21.1, or equivalent ordinance</u> | |
| 28 | (48) <u>Failing to yield the right of way in violation</u> | <u>3 points</u> |
| 29 | <u>of section 39-10-22 through 39-10-26,</u> | |
| 30 | <u>39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance</u> | |

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| 1 | (49) <u>Disregarding stop sign in violation of section</u> | <u>3 points</u> |
| 2 | <u>39-10-44, or equivalent ordinance.</u> | |
| 3 | b. Criminal Violations | |
| 4 | Conviction of: | Points Assigned: |
| 5 | (1) Reckless driving in violation of section 39-08-03, or | 8 points |
| 6 | equivalent ordinance | |
| 7 | (2) Aggravated reckless driving in violation of section | 12 points |
| 8 | 39-08-03, or equivalent ordinance | |
| 9 | (3) Leaving the scene of an accident involving property | 14 points |
| 10 | damage in violation of section 39-08-05, 39-08-07, | |
| 11 | or 39-08-08, or equivalent ordinances | |
| 12 | (4) Leaving the scene of an accident involving personal | 18 points |
| 13 | injury or death in violation of section 39-08-04, or | |
| 14 | equivalent ordinance | |
| 15 | (5) Violating restrictions in a restricted license issued | 3 points |
| 16 | under section 39-06-17 and relating to the use of | |
| 17 | eyeglasses or contact lenses while driving | |
| 18 | (6) Violating any restrictions other than those listed in | 4 points |
| 19 | paragraph 5, contained in a restricted license issued | |
| 20 | under section 39-06-17 or 39-06.1-11 | |
| 21 | (7) Except as provided in paragraph 9 of subdivision a, | <u>23</u> points |
| 22 | knowingly operating an unsafe vehicle in violation of | |
| 23 | section 39-21-46, or equivalent ordinance | |
| 24 | (8) Fleeing in a motor vehicle from a peace officer in | 24 points |
| 25 | violation of section 39-10-71, or equivalent ordinance | |
| 26 | (9) Causing an accident with an authorized emergency | 2 points |
| 27 | vehicle or a vehicle operated by or under the control | |
| 28 | of the director used for maintaining the state highway | |
| 29 | system in violation of subsection 5 of section 39-10-26, | |
| 30 | or equivalent ordinance | |