

March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO 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~~ section 39-06.1-06, subsections 1 and 3 of
2 section 39-06.1-10, and sections 40-05-06, and 40-11-12 of the North Dakota Century Code,
3 relating to the amount of statutory fees, entries against a driving record, points assigned to
4 driving records, limitations on city fines and penalties, and commitment of a guilty person for
5 nonpayment of fines or costs.

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.

- 1 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
2 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 3 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 4 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
5 39-08-25, a fee of one hundred dollars.
- 6 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
7 hundred dollars.
- 8 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 9 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
10 dollars.
- 11 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 12 i. A violation of section 39-09-01, a fee of thirty dollars.
- 13 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 14 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 15 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
16 violation and three hundred dollars for a second or subsequent violation in three
17 years.
- 18 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 19 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 20 o. A violation of section 39-19-03, a fee of fifty dollars.
- 21 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
22 hundred fifty dollars.
- 23 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
24 ~~equivalent ordinance, a fee established as follows:~~
- | Miles per hour over | lawful speed limit | 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 |

1 ~~26 - 35~~ \$ 40 plus \$3/each mph over 25 mph over limit

2 ~~36 - 45~~ \$ 70 plus \$3/each mph over 35 mph over limit

3 ~~46 +~~ \$100 plus \$5/each mph over 45 mph over limit

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

7 Miles per hour over

8 lawful speed limit Fee

9 1 - 10 \$2/each mph over limit

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

11 ~~6.5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee
12 established as follows:

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

26 ~~7.6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
27 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
28 ordinance, a fee of five dollars for each mile per hour over the limit.

29 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
30 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
31 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.

~~9.8.~~ 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".

9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five miles [120.7 kilometers] per hour, the specified fee is increased by one hundred dollars. If a violation of subsection 6 is for exceeding the speed limit by sixteen miles [25.75 kilometers] per hour or more in a speed zone of seventy-five miles [120.7 kilometers] per hour or greater, the specified fee is increased by one hundred dollars.

SECTION 2. AMENDMENT. Subsection 1 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the director, the director shall proceed to enter the proper points on the licensee's driving record, unless the points assigned to the violation are two or less. If the points assigned to the violation are two or less, the violation and points may not be entered on the driving record but must be recorded separately, and the separate record is not available to the public. Points from a violation in which the points are two or less are considered a part of the driving record for the sole purpose of point reduction under section 39-06.1-13 and for purposes of license suspension. If the driving record shows that the licensee has accumulated a total of twelve or more points, assigned on the basis of the schedule contained in subsection 3, the director shall notify the licensee of the director's intention to suspend the operator's license under section 39-06-33. For the purposes of this chapter, the director also may receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

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

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

4 a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
(1) Overtime and double parking in violation of city ordinances	0 points
(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points
(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47	2 points
(6) Unlawful parking in prohibited place	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point
(9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances	2 points
(10) Careless driving in violation of section 39-09-01, or equivalent ordinance	6 points
(11) Violating or exceeding restrictions contained in a restricted certificate issued pursuant to section 39-06.1-03	4 points
(12) Racing or drag racing motor vehicles in violation of section 39-08-03.1, or equivalent ordinance	10 points
(13) Exhibition driving in violation of section 39-08-03.1, or equivalent ordinance	3 points

1	(14) Failing to yield right of way in violation of	2 points
2	section 39-10-20, 39-10-22 through 39-10-26,	
3	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
4	equivalent ordinances	
5	(15) Disobeying an official traffic-control device	23 points
6	in violation of section 39-10-04, 39-10-05, or	
7	39-10-07, or equivalent ordinances	
8	(16) Driving on wrong side of road in violation of	2 points
9	section 39-10-08, 39-10-14, or	
10	subsection 1, or 2, or 3 of section 39-10-16, or	
11	equivalent ordinances	
12	(17) Failing to dim headlights in violation of section	1 point
13	39-21-21, or equivalent ordinance	
14	(18) Failing to stop at railroad crossing in violation of section	3 points
15	39-10-41 or 39-10-42, or equivalent ordinances	
16	(19) Knowingly driving with defective brakes in violation of	2 points
17	section 39-21-32 or 39-21-33, or equivalent ordinances	
18	(20) Disregarding the lawful commands of a police officer in	2 points
19	violation of section 39-10-02, or equivalent ordinance	
20	(21) Overtaking where prohibited or in an unsafe manner in	2 points
21	violation of section 39-10-11, or 39-10-12, 39-10-13, or	
22	39-10-15, or equivalent ordinances	
23	(22) Overtaking and passing a schoolbus in violation of	6 points
24	section 39-10-46, or equivalent ordinance	
25	(23) Operating a motor vehicle without a license in	4 points
26	violation of section 39-06-01, or equivalent ordinance	
27	(24) Improperly operating or unlawfully carrying	2 points
28	passengers or packages on a motorcycle in violation	
29	of section 39-10.2-02, or equivalent ordinance	
30	(25) Improperly operating a motorcycle in laned traffic in	2 points
31	violation of section 39-10.2-03, or equivalent ordinance	

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1	(26)	Clinging to other vehicles while riding a motorcycle in	4 points
2		violation of section 39-10.2-04, or equivalent ordinance	
3	(27)	Carrying a passenger on a motorcycle not equipped	2 points
4		with passenger footrests in violation of section	
5		39-10.2-05, or equivalent ordinance	
6	(28)	Operating a motorcycle without protective headgear	2 points
7		in violation of subsection 1 of section 39-10.2-06, or	
8		equivalent ordinance	
9	(29)	Failing to use the care required in section 39-09-01.1,	23 points
10		or equivalent ordinance	
11	(30)	Except as provided in paragraph 33, operating a motor	
12		vehicle in excess of speed limit in violation of section	
13		39-09-02, or equivalent ordinance	
14		6 - 10 mph over limit	0 points
15		11 - 15 mph over limit	1 point
16		16 - 20 mph over limit	3 points
17		21 - 25 mph over limit	5 points
18		26 - 35 mph over limit	9 points
19		36 - 45 mph over limit	12 points
20		46 + mph over limit	15 points
21	(31)	Driving in violation of section 39-08-18	23 points
22	(32)	Driving in violation of section 39-08-09	6 points
23	(33)(32)	On a highway on which the speed limit is posted in	
24		excess of sixty-five miles [104.61 kilometers] an hour,	
25		operating a motor vehicle in excess of the speed limit	
26		in violation of section 39-09-02, or equivalent ordinance	
27		Miles per hour over lawful speed limit	Points
28		1 - 5	0
29		6 - 10	40
30		11 - 15	3
31		16 - 20	5

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1	21 - 25	7
2	26 - 30	10
3	31 - 35	12
4	36 +	15
5	(34) (33) Failing to have a minor in a child restraint system	1 point 3 points
6	or seatbelt in violation of section 39-21-41.2	
7	(35) (34) Failure or refusal to comply with rules of the	0 points
8	superintendent of the highway patrol in violation	
9	of subsection 3 of section 39-21-46	
10	(36) (35) Violation of section 39-21-44 or any rule adopted	2 points
11	under that section	
12	(37) (36) Except as provided in paragraph 39, operating a motor	6 points
13	vehicle without liability insurance, in violation of	
14	section 39-08-20	
15	(38) (37) Except as provided in paragraph 39, operating a motor	12 points
16	vehicle without liability insurance, in violation of	
17	section 39-08-20, if the driving record shows that the	
18	licensee has within the eighteen months preceding the	
19	violation previously violated section 39-08-20	
20	(39) (38) Operating a motor vehicle without liability insurance,	14 points
21	in violation of section 39-08-20, if the violation was	
22	discovered as the result of investigation of an accident	
23	in which the driver is the owner	
24	(40) (39) Driving a modified motor vehicle in violation of section	1 point
25	39-21-45.1, or equivalent ordinance	
26	(41) (40) Driving in violation of the conditions of	2 points
27	an instructional permit:	
28	(42) Using a wireless communications device	3 points
29	in violation of section 39-08-23 or	
30	39-08-24, or equivalent ordinance	

- 1 ~~(43)~~(41) Failure to maintain control of a motor vehicle while distracted ~~3 points~~ 1 point
2 in violation of section 39-08-25
3 ~~(44) Overtaking where prohibited or in an unsafe manner in 3 points~~
4 ~~violation of section 39-10-13 or 39-10-15, or~~
5 ~~equivalent ordinances~~
6 ~~(45) Driving on the wrong side of the road in violation of 3 points~~
7 ~~subsection 3 of section 39-10-16, or~~
8 ~~equivalent ordinances~~
9 ~~(46)~~(42) Following too close in violation of ~~3 points~~ 1 point
10 subsection 1 of section 39-10-18, or
11 equivalent ordinance
12 ~~(47) Driving on a closed road during hazardous conditions, 3 points~~
13 ~~when closure was announced, in violation~~
14 ~~of section 39-10-21.1, or equivalent ordinance~~
15 ~~(48) Failing to yield the right of way in violation 3 points~~
16 ~~of section 39-10-22 through 39-10-26,~~
17 ~~39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance~~
18 ~~(49) Disregarding stop sign in violation of section 3 points~~
19 ~~39-10-44, or equivalent ordinance., which results in an accident involving~~
20 ~~another vehicle~~

21 b. Criminal Violations

22 Conviction of:

Points Assigned:

- 23 (1) Reckless driving in violation of section 39-08-03, or 8 points
24 equivalent ordinance
25 (2) Aggravated reckless driving in violation of section 12 points
26 39-08-03, or equivalent ordinance
27 (3) Leaving the scene of an accident involving property 14 points
28 damage in violation of section 39-08-05, 39-08-07,
29 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) Except as provided in paragraph 9 of subdivision a, | 23 points |
| 11 | knowingly operating an unsafe vehicle in violation of | |
| 12 | section 39-21-46, or equivalent ordinance | |
| 13 | (8) Fleeing in a motor vehicle from a peace officer in | 24 points |
| 14 | violation of section 39-10-71, or equivalent ordinance | |
| 15 | (9) Causing an accident with an authorized emergency | 2 points |
| 16 | vehicle or a vehicle operated by or under the control | |
| 17 | of the director used for maintaining the state highway | |
| 18 | system in violation of subsection 5 of section 39-10-26, | |
| 19 | or equivalent ordinance | |

SECTION 4. 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 ~~subsections~~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.~~

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

6 4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine
7 or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,
8 nor does this section limit the use of deferred or suspended sentences under
9 subsections 3 and 4 of section 12.1-32-02.

10 **SECTION 5. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is
11 amended and reenacted as follows:

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

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