

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 39-06.1-10 and paragraph 33 of~~  
2 ~~subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating~~  
3 ~~to entries against a driving record~~for an Act to amend and reenact subsection 3 of section  
4 39-06.1-10 of the North Dakota Century Code, relating to points assigned to driving records.

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

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

8 ~~—1.—~~ If a report of a conviction of a traffic offense, or admission or adjudication of a traffic  
9 violation is received by the director, the director shall proceed to enter the proper  
10 points on the licensee's driving record, ~~unless no points are assigned to the violation.~~  
11 ~~If no points are assigned to the violation, the violation may not be entered on the~~  
12 ~~driving record but must be recorded separately, and the separate record is not a public~~  
13 ~~record.~~ If the driving record shows that the licensee has accumulated a total of twelve  
14 or more points, assigned on the basis of the schedule contained in subsection 3, the  
15 director shall notify the licensee of the director's intention to suspend the operator's  
16 license under section 39-06-33. For the purposes of this chapter, the director also may  
17 receive and act on reports of traffic offense convictions forwarded by federal, military,  
18 and tribal courts in this state.

19 ~~—SECTION 2. AMENDMENT.~~ Paragraph 33 of subdivision a of subsection 3 of section  
20 ~~39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:~~

1	<del>(33) On a highway on which the speed limit is posted in</del>
2	<del>excess of sixty-five miles [104.61 kilometers] an hour,</del>
3	<del>operating a motor vehicle in excess of the speed limit</del>
4	<del>in violation of section 39-09-02, or equivalent ordinance</del>
5	<del>_____ Miles per hour over lawful speed limit _____ Points</del>
6	<del>1--5--0</del>
7	<del>61--1010</del>
8	<del>11--153</del>
9	<del>16--205</del>
10	<del>21--257</del>
11	<del>26--3010</del>
12	<del>31--3512</del>
13	<del>36+--15</del>

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

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

a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
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- |  |          |
|--|----------|
| (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  |

- |    |  |           |
|----|--|-----------|
| 1  | (9) Except as provided in sections 39-21-44 and                    | 2 points  |
| 2  | 39-21-45.1, knowingly driving with defective,                      |           |
| 3  | nonexistent, or unlawful equipment in violation of                 |           |
| 4  | section 39-21-46, or equivalent ordinances                         |           |
| 5  | (10) Careless driving in violation of section 39-09-01, or         | 6 points  |
| 6  | equivalent ordinance   |           |
| 7  | (11) Violating or exceeding restrictions contained in              | 4 points  |
| 8  | a restricted certificate issued pursuant to section                |           |
| 9  | 39-06.1-03   |           |
| 10 | (12) Racing or drag racing motor vehicles in violation             | 10 points |
| 11 | of section 39-08-03.1, or equivalent ordinance                     |           |
| 12 | (13) Exhibition driving in violation of section 39-08-03.1, or     | 3 points  |
| 13 | equivalent ordinance   |           |
| 14 | (14) Failing to yield right of way in violation of                 | 2 points  |
| 15 | section 39-10-20, <del>39-10-22 through 39-10-26,</del>            |           |
| 16 | <del>39-10-28, 39-10-33.3, 39-10-44,</del> or 39-10-72, or         |           |
| 17 | equivalent ordinances  |           |
| 18 | (15) Disobeying an official traffic-control device                 | 23 points |
| 19 | in violation of section 39-10-04, 39-10-05, or                     |           |
| 20 | 39-10-07, or equivalent ordinances                                 |           |
| 21 | (16) Driving on wrong side of road in violation of                 | 2 points  |
| 22 | section 39-10-08, 39-10-14, or                                     |           |
| 23 | subsection 1, <u>or 2,</u> <del>or 3</del> of section 39-10-16, or |           |
| 24 | equivalent ordinances  |           |
| 25 | (17) Failing to dim headlights in violation of section             | 1 point   |
| 26 | 39-21-21, or equivalent ordinance                                  |           |
| 27 | (18) Failing to stop at railroad crossing in violation of section  | 3 points  |
| 28 | 39-10-41 or 39-10-42, or equivalent ordinances                     |           |
| 29 | (19) Knowingly driving with defective brakes in violation of       | 2 points  |
| 30 | section 39-21-32 or 39-21-33, or equivalent ordinances             |           |

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1	(20) Disregarding the lawful commands of a police officer in	2 points
2	violation of section 39-10-02, or equivalent ordinance	
3	(21) Overtaking where prohibited or in an unsafe manner in	2 points
4	violation of section 39-10-11, <u>or</u> 39-10-12, <del>39-10-13, or</del>	
5	<del>39-10-15</del> , or equivalent ordinances	
6	(22) Overtaking and passing a schoolbus in violation of	6 points
7	section 39-10-46, or equivalent ordinance	
8	(23) Operating a motor vehicle without a license in	4 points
9	violation of section 39-06-01, or equivalent ordinance	
10	(24) Improperly operating or unlawfully carrying	2 points
11	passengers or packages on a motorcycle in violation	
12	of section 39-10.2-02, or equivalent ordinance	
13	(25) Improperly operating a motorcycle in laned traffic in	2 points
14	violation of section 39-10.2-03, or equivalent ordinance	
15	(26) Clinging to other vehicles while riding a motorcycle in	4 points
16	violation of section 39-10.2-04, or equivalent ordinance	
17	(27) Carrying a passenger on a motorcycle not equipped	2 points
18	with passenger footrests in violation of section	
19	39-10.2-05, or equivalent ordinance	
20	(28) Operating a motorcycle without protective headgear	2 points
21	in violation of subsection 1 of section 39-10.2-06, or	
22	equivalent ordinance	
23	(29) Failing to use the care required in section 39-09-01.1,	<del>2</del> 3 points
24	or equivalent ordinance	
25	(30) Except as provided in paragraph 33, operating a motor	
26	vehicle in excess of speed limit in violation of section	
27	39-09-02, or equivalent ordinance	
28	6 - 10 mph over limit	0 points
29	11 - 15 mph over limit	1 point
30	16 - 20 mph over limit	3 points
31	21 - 25 mph over limit	5 points

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

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>	3 points
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>	3 points
15	<u>in violation of section 39-08-25</u>	
16	(44) <u>Overtaking where prohibited or in an unsafe manner in</u>	3 points
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>	3 points
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>	3 points
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>	3 points
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>	3 points
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>	

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,	<del>23</del> 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	