

**2025 HOUSE TRANSPORTATION**

**HB 1229**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

HB 1229  
2/6/2025

Relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.

4:28 p.m. Chairman D. Ruby opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Hendrix, Kasper, Koppelman, Maki, Morton, Schatz  
Members Absent: Representative Osowski

## **Discussion Topics:**

- Public safety

4:29 p.m. Representative Austen Schauer introduced the bill and submitted testimony #36040, #36047 and #36041.

4:38 p.m. Chief Dave Zibolski, Fargo Police Department, testified in favor and submitted testimony #36043.

4:50 p.m. Chief Dave Draovitch, Bismarck Police Department, testified in favor and submitted testimony #36062.

## **Additional Written Testimony:**

Ashley Lies, North Dakota State's Attorneys' Association, Executive Director, submitted testimony in opposition #35943.

4:51 p.m. Chairman D. Ruby closed the hearing.

*Janae Pinks, Committee Clerk*

## North Dakota State's Attorneys' Association

February 6, 2025

**To:** House Transportation Committee  
Hon. Chairman Ruby  
Hon. Vice-Chair Grueneich  
Members of the Committee

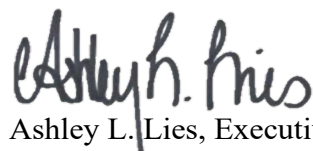
**RE: House Bill No. 1229**

Chairman Ruby, Vice-Chair Grueneich, and Members of the House Transportation Committee:

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter requesting a **DO NOT PASS** to House Bill 1229.

While we appreciate the intent of the Bill is to prevent officers from having to pursue offenders fleeing them, creating a law that makes the owner of the vehicle liable is not the right way of doing this. As written, a person who is gone from their home for a week and returns to find their vehicle is missing, could be liable under this law if the theft wasn't reported within a reasonable time after the violation occurred. This Bill potentially punishes innocent owners for criminal conduct wholly taken outside of their control.

On behalf of the North Dakota State's Attorneys:

A handwritten signature in dark ink, appearing to read "Ashley L. Lies". The signature is stylized with a large, looped initial "A" and a cursive "Lies".

Ashley L. Lies, Executive Director

25.0294.01001  
Title.

Prepared by the Legislative Council  
staff for Representative Schauer  
January 21, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic  
3 offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer;  
4 and to provide a penalty.

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

6 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
7 Century Code is created and enacted as follows:

8 A violation of section 39-10-71.1, a fee of fifty dollars for a first violation, and one  
9 thousand dollars for a second or subsequent violation except as provided under  
10 section 39-10-71.1.

11 **SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted  
12 as follows:

13 **39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace**  
14 **officer - Exceptions.**

- 15 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed  
16 to have violated this section.  
17 2. A peace officer may proceed in accordance with this section instead of pursuing the  
18 driver of a motor vehicle who flees or attempts to elude the peace officer after being  
19 given a visual or audible signal to bring the vehicle to a stop in violation of section  
20 39-10-71.



- 1           a. A peace officer ~~shall~~may investigate the violation and prepare a traffic citation  
2           under this section.
- 3           b. A peace officer ~~shall~~may issue a traffic citation under this section in accordance  
4           with the North Dakota Rules of Civil Procedure to the motor vehicle owner within  
5           ninety-six hours after observing the violation.
- 6        3. A motor vehicle owner may not be found to have violated this section if:
- 7           a. The driver operating the motor vehicle at the time of the violation of section  
8           39-10-71 has been charged with a violation of section 39-10-71.
- 9           b. The motor vehicle was reported stolen before the violation occurred or within a  
10          reasonable time after the violation occurred.
- 11       ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or~~  
12       ~~subsequent violation of this section if the~~
- 13       c. The motor vehicle owner assists or cooperates with a peace officer in the  
14       investigation of the individual who operated the motor vehicle at the time of the  
15       violation of section 39-10-71.
- 16       ~~5.4.~~ A motor vehicle owner may not be found to have violated this section, and the lessee  
17       is presumed to have violated this section, if the motor vehicle owner is a lessor of  
18       vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
19       the possession of a lessee, and the lessor provides a peace officer with the motor  
20       vehicle's registration number and the name, address, and operator's license number of  
21       the individual renting or leasing the motor vehicle.
- 22       ~~6. A motor vehicle dealer may not be found to have violated this section if the motor~~  
23       ~~vehicle was being operated by an individual on a test drive at the time of the violation~~  
24       ~~of section 39-10-71, and the dealer provides a peace officer with the name, address,~~  
25       ~~and operator's license number of the individual operating the motor vehicle.~~
- 26       ~~7.5.~~ An individual may not be charged both with violating this section and section 39-10-71  
27       for acts arising out of the same incident or occurrence.

Schaver

**HB 1229 Amendment:**

*Section 2(6): Nothing in this chapter shall be construed to apply to any automobile rental company that rents automobiles to customers for a period of ninety (90) days or less.*



**THE FARGO POLICE DEPARTMENT**  
CHIEF DAVID B. ZIBOLSKI  
105 25th Street North  
Fargo, ND 58102-4002  
Main Line: 701.235.4493 | Fax: 701.297.7789  
[FargoPolice.com](http://FargoPolice.com)

February 6, 2025

North Dakota House of Representatives  
House Transportation Committee  
Representative Dan Ruby, Chair

RE: Testimony and Support of House Bill 1229

Dear Chair and Members of the North Dakota House of Representatives Transportation Committee,

My name is David Zibolski. I am a 40-year law enforcement professional and Chief of Police for the Fargo Police Department. Prior to taking the position as chief in Fargo, I served in both state and local law enforcement agencies in the state of Wisconsin.

I offer my testimony to you today in strong support for House Bill 1229. This bill addresses a dangerous and growing public safety concern not only in the city of Fargo, but all over North Dakota -- fleeing from an officer. As you are aware, fleeing in a vehicle from a law enforcement officer who is attempting to stop a traffic or other criminal violator is a crime. However, under current law, unless an officer engages in a pursuit and apprehends the offender, they have little prospect of identifying them and making an arrest. The policing profession recognizes that engaging in pursuits, especially high-speed pursuits that may go through populated areas or encounter unwitting motorists, is of great danger to the public and our officers. In deference to that public safety concern, law enforcement agencies, including Fargo PD, do not initiate pursuits for traffic or other minor criminal violations. Unfortunately, this has led to an exponential increase in vehicles that flee during traffic stops. In Fargo, we have seen a steady increase since 2019, which was further exacerbated during the Covid years of 2020 and 2021 and continues to present day.

For context, I have provided the Committee with our 2024 end of year fleeing in a motor vehicle report. Our Intelligence & Analysis Unit, who also gathers data from other law enforcement colleagues, including West Fargo, Cass County and Grand Forks PD, tracks this data. As you can see in the data provided, the number of fleeing vehicles in Fargo alone has drastically increased from 101 in 2019 to a staggering 290 fleeing vehicles in 2024, a tripling of these offenses in 5 years. It is clearly out of control.

Most folks may think that a majority of these vehicles are probably stolen. However, the reverse is actually true. Of the 290 cars that fled from our officers in 2024, 249 (86%) are not stolen. Further, in 173 (60%) of the incidents, as a result of our in-car camera technology, we have the license plate number and know who the registered owner of the vehicle is. In spite of that statistic, an overwhelming 205 (71%) of those fleeing cases go



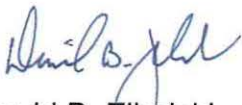
unprosecuted because law enforcement has no tools to assist in identifying the driver of the fleeing vehicle. House Bill 1229 provides that very important tool.

House Bill 1229 is authored similar to an existing law in the state of Wisconsin. It provides the presumption that the registered owner is the driver, but gives law enforcement an important tool that we currently do not have. The ability to hold the owner of the registered vehicle accountable. Under this bill the owner of the registered vehicle would receive a \$50.00 fee for the first violation, unless one of the exceptions as outlined in the bill applies. For any second or subsequent violation the registered owner would be subject to a fee of \$1,000.00. The \$1,000 fee may be negated if the owner assists or cooperates with the officer in the investigation of the individual who operated the motor vehicle. This would then allow officers to complete an investigation and send the case to the prosecutor's office for review. Similar to the Wisconsin law, this bill contemplates certain circumstances such as the vehicle is stolen, leased, or taken from a dealership, and provides sufficient statutory protections so that unwitting owners are not penalized.

There is likely a variety of reasons why the 249 non-stolen vehicles fled from our officers in 2024. Regardless, as these vehicles flee they often create traffic safety concerns, become involved in hit and run accidents, and otherwise unnecessarily endanger the motoring public. It is equally likely that some of the persons who fled were involved in other criminal activity that our officers simply were unaware of at the time of the stop. As evidenced by the data presented, the lack of a viable tool for law enforcement to identify these drivers not only incentivizes additional fleeing, but likely also negates our ability to solve other crimes. Our officers conducted 10,820 traffic stops in 2024. The 290 fleeing vehicles represent a ratio of one fleeing vehicle per every 37 traffic stops. This is an egregiously high number and continues to get worse. House Bill 1229 will provide law enforcement with an important tool to appropriately follow-up, investigate, identify and arrest those persons who choose to flee from traffic stops.

I thank you for the opportunity to testify before you today and strongly encourage you to motion House Bill 1229 as a "do pass."

Respectfully,

A handwritten signature in blue ink, appearing to read "David B. Zibolski".

David B. Zibolski  
Chief of Police

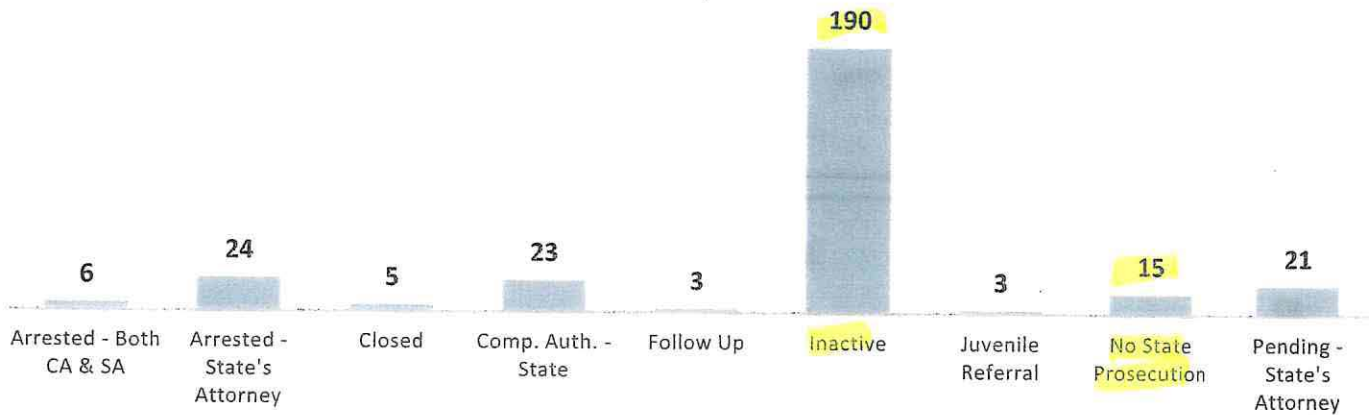
# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024

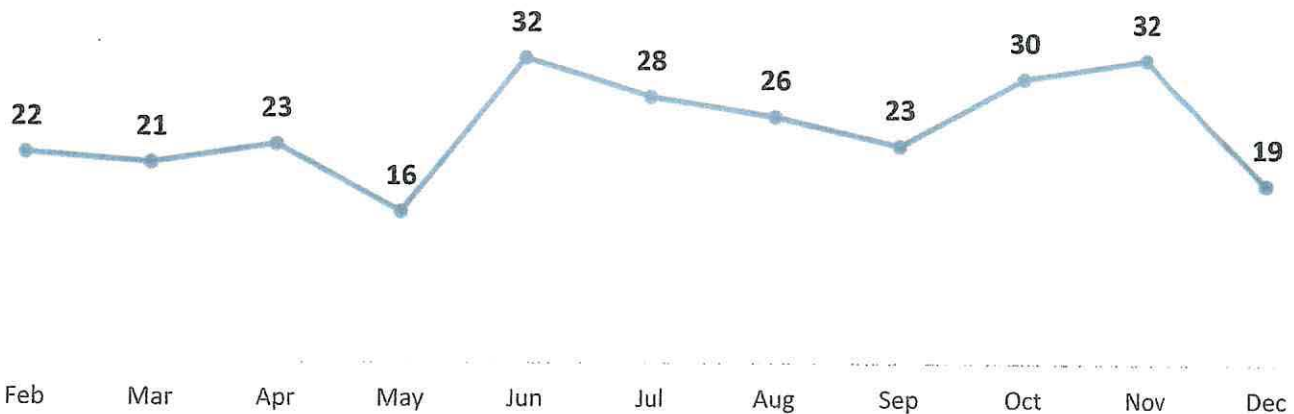


The Fargo Police Department has had a total of **290** fleeing in a motor vehicle cases from 01/01/24 to 12/31/24. Of these cases, 198 have been labeled misdemeanors, and 92 as felonies. 41 cases have been reported as stolen vehicles.

Case Disposition



Monthly





# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024



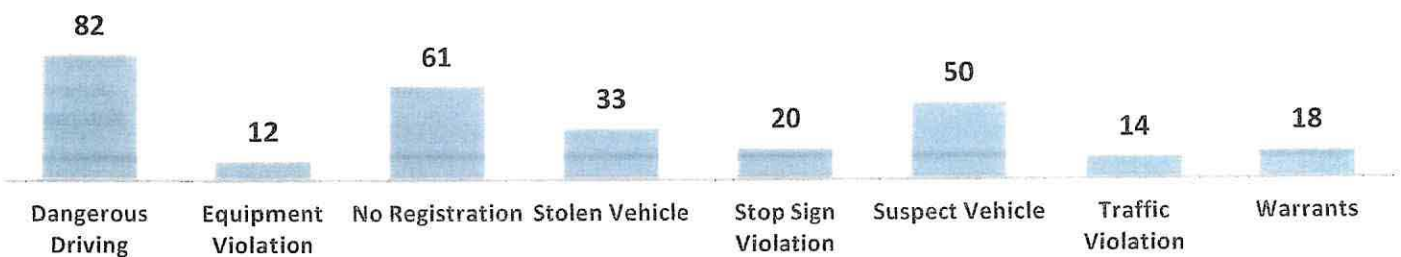
### Stolen Vehicle



### Mis. Vs. Felony



### Reason For Stop



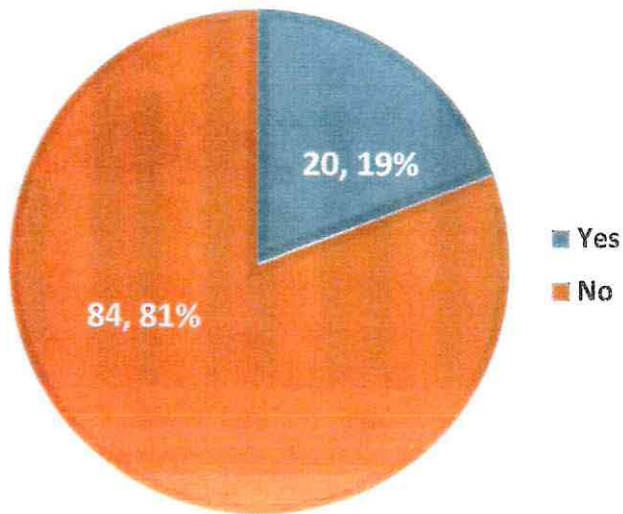
Traffic Stops/Fleeing 2024	TOTAL	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Fleeing Misdemeanor	198	13	13	13	15	8	22	20	19	17	20	25	13
Fleeing Felony	92	5	9	8	8	8	10	8	7	6	10	7	6
Total Fleeing Cases	290	18	22	21	23	16	32	28	26	23	30	32	19
Total Traffic Stops	10820	1000	798	807	913	692	851	1128	588	1061	1145	1034	803
RATIO	1:37	1:56	1:36	1:38	1:40	1:43	1:27	1:40	1:23	1:46	1:38	1:32	1:42

# FLEEING IN A MOTOR VEHICLE REPORT

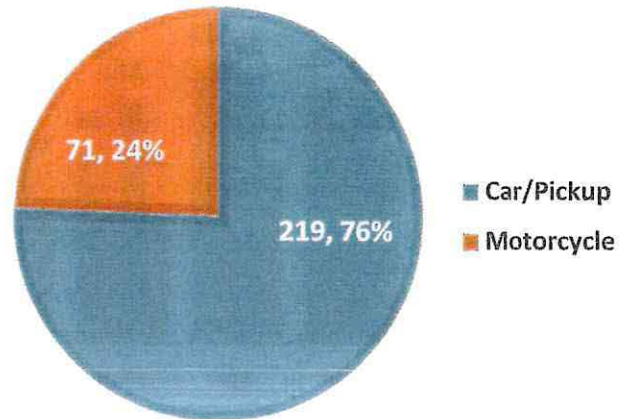
## December 2024



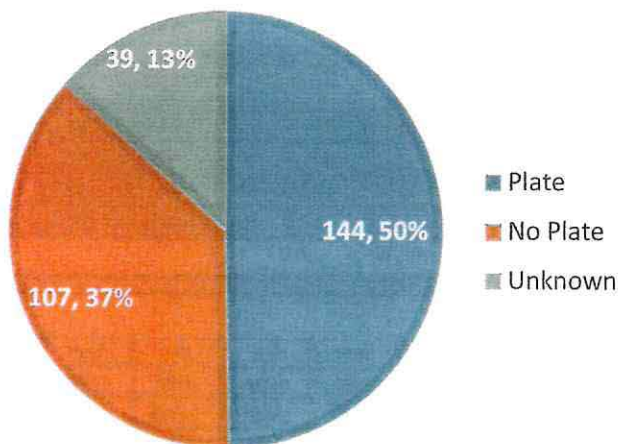
TRAFFIC SAFETY UNIT?



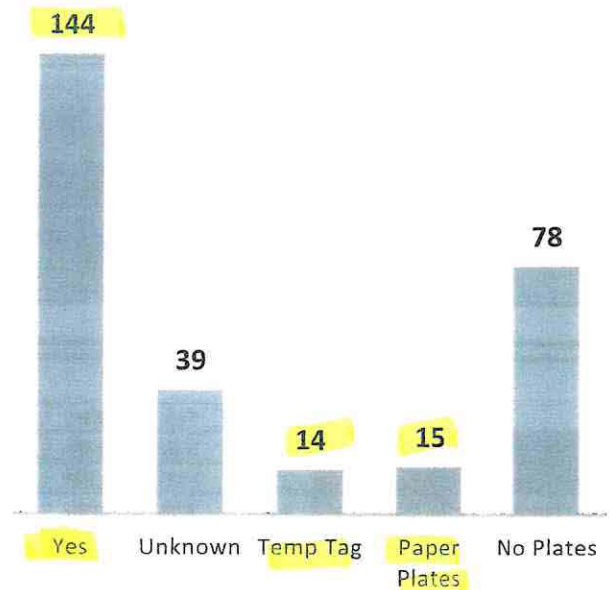
VEHICLE TYPE



VEHICLE PLATE PERCENTAGE



Vehicle Plate Breakdown



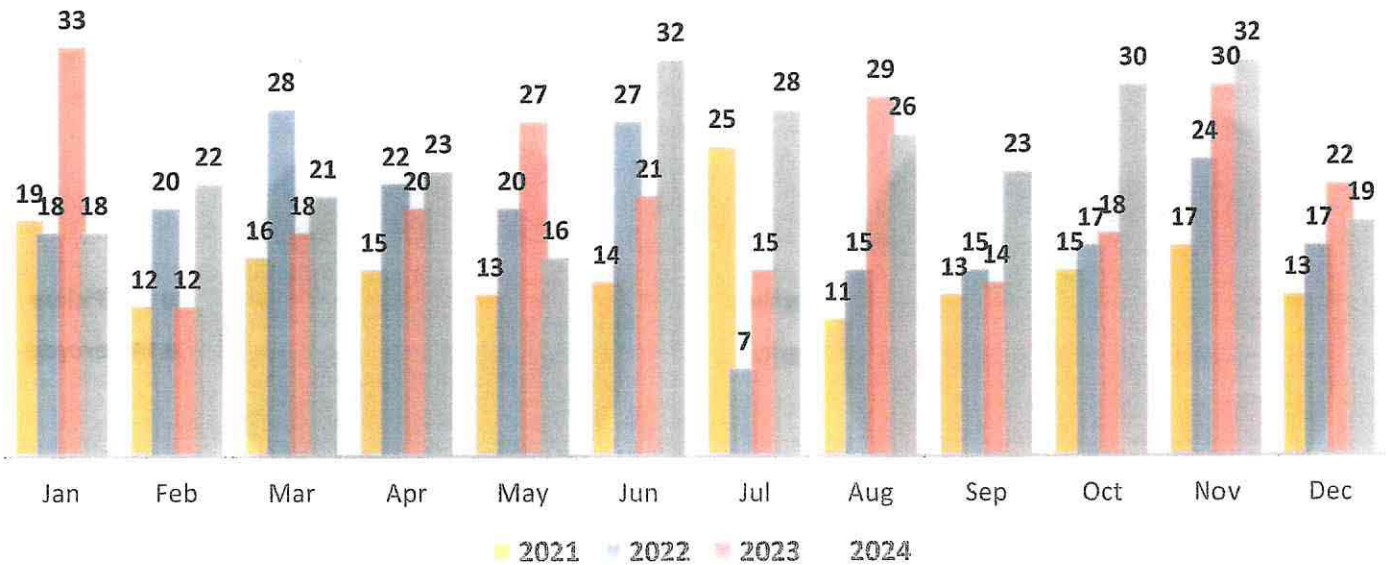


# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024



Yearly Comparison



	2019	2020	2021	2022	2023	2024
Fleeing	101	175	183	230	259	290
Traffic Stop	15962	10152	9997	7190	8820	10820
Ratio	1:158	1:58	1:55	1:31	1:34	1:37

Fleeing Yearly Comparison	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	% Change
2019	8	7	8	6	11	3	7	11	12	8	13	7	101	
2020	18	24	7	8	15	12	6	12	23	12	13	25	175	73.27%
2021	19	12	16	15	13	14	25	11	13	15	17	13	183	4.57%
2022	18	20	28	22	20	27	7	15	15	17	24	17	230	25.68%
2023	33	12	18	20	27	21	15	29	14	18	30	22	259	12.61%
2024	18	22	21	23	16	32	28	26	23	30	32	19	290	11.97%

	YTD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Fargo	1:37	1:56	1:36	1:38	1:40	1:43	1:27	1:40	1:23	1:46	1:38	1:32	1:42
West Fargo	1:102	1:140	1:131	1:283	1:113	1:66	1:87	1:152	1:142	1:75	1:115	1:46	1:126
Cass County	1:335	1:219	N/A	1:188	1:532	1:380	1:106	N/A	1:197	N/A	1:301	N/A	N/A
Grand Forks	1:610	N/A	N/A	1:422	1:432	1:564	1:483	1:295	N/A	1:548	N/A	1:202	N/A



Good afternoon, Chairman Ruby and members of the House Transportation Committee.

My name is Austen Schauer, District 13, West Fargo.

**House Bill 1229** (as amended) address the vehicle owner's responsibility when a driver flees a police officer.

In 1986, the mother of Sen. Bryon Dorgan was killed in a car crash in Bismarck.

Police were chasing a drunk driver at estimated speeds of 80 to 100 miles per hour when the accident happened. She was dead at the scene.

Sen. Dorgan called for a change in police policies concerning high-speed chases in urban areas and better training of officers on when and how to engage in a chase.

The Dorgan tragedy was not in vain as it did lead to changes.

Police in urban areas no longer pursue drivers who flee because of danger to the public. Unfortunately, the **fleeing drivers** know it and away they go.

**House Bill 1229** is an effort to give local police a tool to deal with this problem.

The essence of **HB 1229** is on **page 1, lines 8-10**, which says police can levy a \$50 fine to the **owner** of a vehicle for the first violation of fleeing an officer, and a one thousand dollar fine for subsequent violations.



February 6, 2025

**From:** Dave Draovitch  
Chief of Police

**To:** Representative Dan Ruby, Chairman, and Members of the Transportation Committee

**Subj:** HB 1229

I come before you today to seek your support for HB 1229. The City of Bismarck, as well as many other communities in ND, are experiencing many incidents of people fleeing from the police when we initiate a traffic stop. Sometimes the officers don't even get a chance to initiate a stop, the people flee as soon as they see the police car.

The way people flee from the police is without regard for the public's safety. I am amazed that we have not had more serious accidents in which people are seriously injured or killed. In fact, I am very thankful that two of our officers were not killed when a fleeing suspect hit their police car at 70-80 MPH. The officers had no idea there was a fleeing vehicle in the area as the officer that was initiating the stop had no time to warn anyone about the fleeing vehicle. Our public is at this same risk every time a vehicle flees from the police.

There are so many dangerous fleeing incidents that we have teamed with the North Dakota Highway Patrol (NDHP) and the North Dakota National Guard (ND NG) for air support to run special operations in an effort to catch those responsible for the fleeing incidents. These efforts have been successful, but it is not possible to have these special operations on a consistent basis.

To give some examples of how the fleeing incidents have grown, in 2015 there were 36 fleeing incidents. In 2024 there were 185 fleeing incidents. I worked in the

**Dave Draovitch, Chief of Police**

Phone: 701-223-1212 • Fax: 701-355-1861 • 700 South 9th Street • Bismarck, ND 58504-5899  
www.bismarcknd.gov • TDD 701-221-6820 • An Equal Opportunity-Affirmative Action Employer



patrol section of our department for 24 years. I can count on one hand how many times someone fled in a vehicle from me.

Although I cannot speak to specifics, many of the Chiefs of Police across the State of North Dakota experience similar issues and have similar concerns as we do in Bismarck.

I thank you for the time I have been allowed to provide information about this very important Bill and I thank you for considering supporting it as it is written today.

If you have any questions feel free to contact me at your convenience. I may be reached at [ddraovitch@bismarcknd.gov](mailto:ddraovitch@bismarcknd.gov) or 701-223-1212.

Respectfully,



DAVE DRAOVITCH  
Chief of Police

**Dave Draovitch, Chief of Police**

Phone: 701-223-1212 • Fax: 701-355-1861 • 700 South 9th Street • Bismarck, ND 58504-5899  
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# 2025 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Room JW327E, State Capitol

HB 1229  
2/13/2025

Relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.

4:40 p.m. Chairman D. Ruby called the meeting to order.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Hendrix, Kasper, Koppelman, Maki, Morton, Osowski, Schatz

### Discussion Topics:

- Penalties
- Presumed guilt

4:41 p.m. Chairman D. Ruby introduced Representative Schauer's proposed amendment LC#25.0294.01001.

4:55 p.m. Representative Grueneich moved an amendment LC#25.0294.01001 with changes.

4:51 p.m. Representative Morton seconded the motion.

4:51 p.m. Voice vote - motion passed.

4:58 p.m. Representative Koppelman moved to further amend by adding that the owner, of the vehicle, if able to provide an alibi can have the fee waived.

4:58 p.m. Representative Morton seconded the motion.

4:59 p.m. Voice vote - motion passed.

4:59 p.m. Representative Grueneich moved a Do Pass as Amended.

4:59 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	N
Representative Ty Dressler	N
Representative Lisa Finley-DeVille	N
Representative Kathy Frelich	N
Representative Jared Hendrix	N

Representative Daniel Johnston	Y
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Roger A. Maki	N
Representative Desiree Morton	N
Representative Doug Osowski	Y
Representative Mike Schatz	N

5:05 p.m. Motion failed 4-10-0.

5:05 p.m. Representative Christianson moved a Do Not Pass as Amended.

5:05 p.m. Representative Koppelman seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Dan Ruby	N
Representative Jim Grueneich	N
Representative Nels Christianson	Y
Representative Ty Dressler	Y
Representative Lisa Finley-DeVille	Y
Representative Kathy Frelich	Y
Representative Jared Hendrix	Y
Representative Daniel Johnston	N
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Roger A. Maki	Y
Representative Desiree Morton	Y
Representative Doug Osowski	N
Representative Mike Schatz	Y

5:06 p.m. Motion passed 10-4-0.

5:06 p.m. Representative Koppelman will carry the bill.

5:07 p.m. Chairman D. Ruby closed the meeting.

*Janae Pinks, Committee Clerk*

*Bill reconsidered on 02/20/25.*

February 13, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

*JB* *2-13-25*  
*10/2*

**HOUSE BILL NO. 1229**

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

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- 10      reasonable time after the violation occurred.
- 11      ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or~~
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- 13      c. The motor vehicle owner assists or cooperates with a peace officer in the
- 14      investigation of the individual to demonstrate the owner was not the one who
- 15      operated the motor vehicle at the time and place of the violation of section
- 16      39-10-71.
- 17      ~~5.4.~~ A motor vehicle owner may not be found to have violated this section, and the lessee
- 18      is presumed to have violated this section, if the motor vehicle owner is a lessor of
- 19      vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in
- 20      the possession of a lessee, and the lessor provides a peace officer with the motor
- 21      vehicle's registration number and the name, address, and operator's license number of
- 22      the individual renting or leasing the motor vehicle.
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- 26      ~~and operator's license number of the individual operating the motor vehicle.~~
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2/20/2025

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3:42 p.m. Chairman D. Ruby opened the meeting.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Frelich, Johnston, Hendrix, Koppelman, Maki, Morton, Osowski, Schatz  
Members Absent: Representatives Kasper, Finley-DeVille, Dressler

### Discussion Topics:

- Presumption of guilt

3:42 p.m. Representative Koppelman proposed an amendment to lessen the presumption of guilt by adding that the owner of the vehicle can give information to show they were not driving the vehicle at that time, testimony #38256.

3:51 p.m. Representative Koppelman moved to reconsider the bill.

3:51 p.m. Representative Christianson seconded the motion.

3:51 p.m. Voice vote - Motion Passed.

3:51 p.m. Representative Schauer, District 13, stood for questions.

3:55 p.m. Representative Koppelman moved to adopt proposed amendment LC# 25.0294.01003.

3:55 p.m. Representative Morton seconded the motion.

3:55 p.m. Voice Vote - Motion Passed.

3:55 p.m. Representative Grueneich moved a Do Pass as Amended.

3:55 p.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	Y
Representative Ty Dressler	AB
Representative Lisa Finley-DeVille	AB
Representative Kathy Frelich	Y
Representative Jared Hendrix	N



Representative Daniel Johnston	N
Representative Jim Kasper	AB
Representative Ben Koppelman	Y
Representative Roger A. Maki	Y
Representative Desiree Morton	Y
Representative Doug Osowski	Y
Representative Mike Schatz	N

4:01 p.m. Motion passed 8-3-3.

4:01 p.m. Representative Koppelman will carry the bill.

4:01 p.m. Chairman D. Ruby closed the meeting.

*Janae Pinks, Committee Clerk*

JS 2/20/25  
10f3

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and a new section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for  
3 traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace  
4 officer; to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century  
5 Code, relating to entries against a driving record; and to provide a penalty.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
8 Century Code is created and enacted as follows:

9 A violation of section 39-10-71.1, a fee of ~~fifty~~one hundred dollars for a first  
10 violation, and ~~one thousand~~five hundred dollars for a second or subsequent  
11 violation except as provided under section 39-10-71.1.

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

14 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic  
15 violation is received by the director, the director shall proceed to enter the proper  
16 points on the licensee's driving record, unless the points assigned to the violation are  
17 two or less. If the points assigned to the violation are two or less, the violation and  
18 points may not be entered on the driving record but must be recorded separately, and  
19 the separate record is not available to the public. Points from a violation in which the  
20 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.

**SECTION 3.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer ~~shall~~may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer ~~shall~~may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.
  - b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
- ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or subsequent violation of this section if the~~
  - c. The motor vehicle owner assists or cooperates with a peace officer in the investigation of the individual to demonstrate the owner was not the one who



1                    operated the motor vehicle at the time and place of the violation of section  
2                    39-10-71.

3                    d. The motor vehicle owner provides information that demonstrates the owner was  
4                    not the driver of the motor vehicle at the time of the offense.

5                    5.4. A motor vehicle owner may not be found to have violated this section, and the lessee  
6                    is presumed to have violated this section, if the motor vehicle owner is a lessor of  
7                    vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
8                    the possession of a lessee, and the lessor provides a peace officer with the motor  
9                    vehicle's registration number and the name, address, and operator's license number of  
10                   the individual renting or leasing the motor vehicle.

11                   ~~6. A motor vehicle dealer may not be found to have violated this section if the motor~~  
12                   ~~vehicle was being operated by an individual on a test drive at the time of the violation~~  
13                   ~~of section 39-10-71, and the dealer provides a peace officer with the name, address,~~  
14                   ~~and operator's license number of the individual operating the motor vehicle.~~

15                   7.5. An individual may not be charged both with violating this section and section 39-10-71  
16                   for acts arising out of the same incident or occurrence.

17                   6. This section may not apply to a motor vehicle rental company that rents motor vehicles  
18                   to customers for a period of ninety days or less.

**REPORT OF STANDING COMMITTEE  
HB 1229**

**Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS** ([25.0294.01003](#)) and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

25.0294.01003

Title.

Prepared by the Legislative Council  
staff for Representative Schauer  
February 19, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic  
3 offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer;  
4 to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code,  
5 relating to entries against a driving record; and to provide a penalty.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
8 Century Code is created and enacted as follows:

9 A violation of section 39-10-71.1, a fee of ~~fiftyone~~ hundred dollars for a first  
10 violation, and ~~one thousand~~ five hundred dollars for a second or subsequent  
11 violation except as provided under section 39-10-71.1.

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

14 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic  
15 violation is received by the director, the director shall proceed to enter the proper  
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17 two or less. If the points assigned to the violation are two or less, the violation and  
18 points may not be entered on the driving record but must be recorded separately, and  
19 the separate record is not available to the public. Points from a violation in which the  
20 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.

**SECTION 3.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer ~~shall~~may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer ~~shall~~may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.
  - b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
  - ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or subsequent violation of this section if the~~
  - c. The motor vehicle owner assists or cooperates with a peace officer ~~in the~~ investigation of the individual to demonstrate the owner was not the one who

1                   operated the motor vehicle at the time and place of the violation of section  
2                   39-10-71.

3                   d. The motor vehicle owner provides information that shows the owner was not the  
4                   driver of the motor vehicle at the time of the offense.

5                   5.4. A motor vehicle owner may not be found to have violated this section, and the lessee  
6                   is presumed to have violated this section, if the motor vehicle owner is a lessor of  
7                   vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
8                   the possession of a lessee, and the lessor provides a peace officer with the motor  
9                   vehicle's registration number and the name, address, and operator's license number of  
10                  the individual renting or leasing the motor vehicle.

11                  ~~6. A motor vehicle dealer may not be found to have violated this section if the motor~~  
12                  ~~vehicle was being operated by an individual on a test drive at the time of the violation~~  
13                  ~~of section 39-10-71, and the dealer provides a peace officer with the name, address,~~  
14                  ~~and operator's license number of the individual operating the motor vehicle.~~

15                  7.5. An individual may not be charged both with violating this section and section 39-10-71  
16                  for acts arising out of the same incident or occurrence.

17                  6. This section may not apply to a motor vehicle rental company that rents motor vehicles  
18                  to customers for a period of ninety days or less.



**2025 SENATE TRANSPORTATION**

**HB 1229**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1229  
3/27/2025

Relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer and relating to entries against a driving record; and to provide a penalty.

9:00 a.m. Chairman Clemens called the meeting to order.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

### **Discussion Topics:**

- Constitutionality of issuing fine
- Citation details

9:02 a.m. Representative Schauer, District 13, introduced HB 1229, testified in favor and submitted testimony #44541.

9:11 a.m. Representative Brown, District 27, testified in favor and submitted testimony #44282.

9:16 a.m. Stephanie Engebretsen, Lobbyist, North Dakota Chiefs of Police Association, testified in favor.

9:20 a.m. Dave Zibolski, Chief Executive Officer, Fargo Police Department, testified in favor and submitted testimony #44286.

9:29 a.m. Jonathan Byers, Lobbyist, North Dakota States Attorneys Association, testified in opposition and submitted testimony #44212.

9:34 a.m. John Ward, Attorney, North Dakota Association of Insurers, testified in opposition.

9:36 a.m. Dennis Pathroff, Lobbyist, GA Group, testified in opposition.

9:36 a.m. Robert Vallie, Assistant States Attorney, Cass County, testified in opposition and submitted testimony #44272.

9:52 a.m. Travis Fink, Executive Director, Commission on Legal Counsel for Indigents, testified neutral.

9:56 a.m. Chairman Clemens closed the hearing.

9:58 a.m. Senator Rummel moved to adopt amendment LC#25.0294.03001.

9:59 a.m. Senator Klein seconded the motion.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Claire Cory	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	N
Senator Dean Rummel	Y

Motion passed 5-1-0.

10:03 a.m. Senator Rummel moved a Do Pass as Amended.

10:04 a.m. Senator Hogan seconded the motion.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Claire Cory	N
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-1-0.

Senator Rummel will carry the bill.

10:05 a.m. Chairman Clemens closed the hearing.

*Chance Anderson, Committee Clerk*

March 27, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

CO  
3/27/25  
1043

**ENGROSSED HOUSE BILL NO. 1229**

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod

Senators Cleary, Clemens, Sickler

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic  
3 offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer;  
4 ~~to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code,~~  
5 ~~relating to entries against a driving record; and to provide a penalty; and to declare an~~  
6 emergency.

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

8 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
9 Century Code is created and enacted as follows:

10 A violation of section 39-10-71.1, a fee of one hundred dollars for a first violation,  
11 and five hundred dollars for a second or subsequent violation except as provided  
12 under section 39-10-71.1,

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

15 ~~\_\_\_\_\_ 1. If a report of a conviction of a traffic offense, or admission or adjudication of a~~  
16 ~~traffic violation is received by the director, the director shall proceed to enter the proper~~  
17 ~~points on the licensee's driving record, unless the points assigned to the violation are~~  
18 ~~two or less. If the points assigned to the violation are two or less, the violation and~~  
19 ~~points may not be entered on the driving record but must be recorded separately, and~~  
20 ~~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.~~

**SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.
  - b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
  - c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of section 39-10-71.

1           d. The motor vehicle owner provides information that demonstrates the owner was  
2           not the driver of the motor vehicle at the time of the offense.

3           4. A motor vehicle owner may not be found to have violated this section, and the lessee  
4           is presumed to have violated this section, if the motor vehicle owner is a lessor of  
5           vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
6           the possession of a lessee, and the lessor provides a peace officer with the motor  
7           vehicle's registration number and the name, address, and operator's license number of  
8           the individual renting or leasing the motor vehicle.

9           5. An individual may not be charged both with violating this section and section 39-10-71  
10          for acts arising out of the same incident or occurrence.

11          6. This section may not apply to a motor vehicle rental company that rents motor vehicles  
12          to customers for a period of ninety days or less.

13          **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1229**

**Transportation Committee (Sen. Clemens, Chairman)** recommends **AMENDMENTS** ([25.0294.03001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1229 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

69<sup>th</sup> Legislative Assembly  
ENGROSSED HB 1229  
March 27th, 2025  
Fort Totten Room

Mr. Chairman, Members of the Committee:

My name is Jonathan Byers, and I am the lobbyist for the N.D. States Attorney's Association. The States Attorneys believe that the crime HB 1229 establishes is unconstitutional and ask for a do not pass vote.

There are two important constitutional rights that may be infringed by the passage of Engrossed House Bill 1229. The first is the presumption of innocence. The first sentence of the offense, outline in section 3 of the bill, reads "The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section." What could be a clearer infringement of the right to be presumed innocent?

The second constitutional right that is infringed is the right to remain silent. In order to avoid prosecution for this offense, an owner is required to:

- Report a vehicle as stolen [3(b)]
- Assist or cooperate with a peace officer to demonstrate the owner was not the one who operated the motor vehicle... [3(c)]
- Provide information that demonstrates the owner was not the driver....[3(d)]
- As a lessor, provide a peace officer with the motor vehicle registration number and the name, address, and operator's license number of the renter

The owner's invocation of his right to remain silent subjects the owner to criminal prosecution for this fleeing offense. This simply can't pass constitutional muster. All this bill will do is require the first State's Attorney who prosecutes one to be involved in a legal battle the State's Attorney can't win.

The ND State's Attorney's Association asks for a do not pass on Engrossed House Bill 1229.



**Robert Vallie-Resident District 46****Concerning House Bill 1229****March 27, 2025**

Chairman Clemens and members of the Senate Transportation Committee, My name is Robert Vallie. I am a resident of District 46 in Fargo and in my everyday work, I serve as an Assistant State's Attorney with the Cass County State's Attorney's Office. I have been a licensed attorney in North Dakota since September of 2017 and have spent my entire legal career in criminal prosecution, serving as an ASA in Ward and Cass Counties. While I am testifying today in my individual capacity, it is with those years of experience and my belief in good public policy that I provide this testimony in opposition to House Bill 1229.

**HB 1229 creates greater concerns than it solves**

Under the provisions of this Bill, a law enforcement officer, who chooses not to pursue a fleeing vehicle may prepare a traffic citation with a fine of one hundred or five hundred dollars and serve that citation as required under the Rules of Civil Procedure. The registered owner can escape the penalties of that citation through a number of relief valves. Those include the driver who fled being charged with the offense, reporting the vehicle stolen in a reasonable amount of time, providing proof that the owner was not the driver of the vehicle, or cooperating with law enforcement. While we would all hope a vehicle owner would cooperate with law enforcement right away to ensure the person responsible is held to account, that is not always the case. Unfortunately, we live in an era where portions of the population have a distrust of law enforcement and have grown up being taught that you do not divulge information freely. For others, the answers may be a "I don't know" or only have a part of the information law enforcement needs. Sometimes the vehicle was lent in good faith, only for it to be passed on to multiple individuals in a short time. Other folks may borrow an individual's vehicle as a community rideshare, with no one being aware of who is driving it at the time. For others, they do not wish to become involved because the driver is a family member or friend facing difficulties already. Regardless of the circumstances, HB 1229 presumes the owner to be guilty of the offense and to not face a penalty would be required to waive their right to remain silent, just to be able to show they were not driving. For these individuals, they would either be required to waive that most sacred of constitutional rights or cooperate with law enforcement and then the State in the prosecution of the individual.

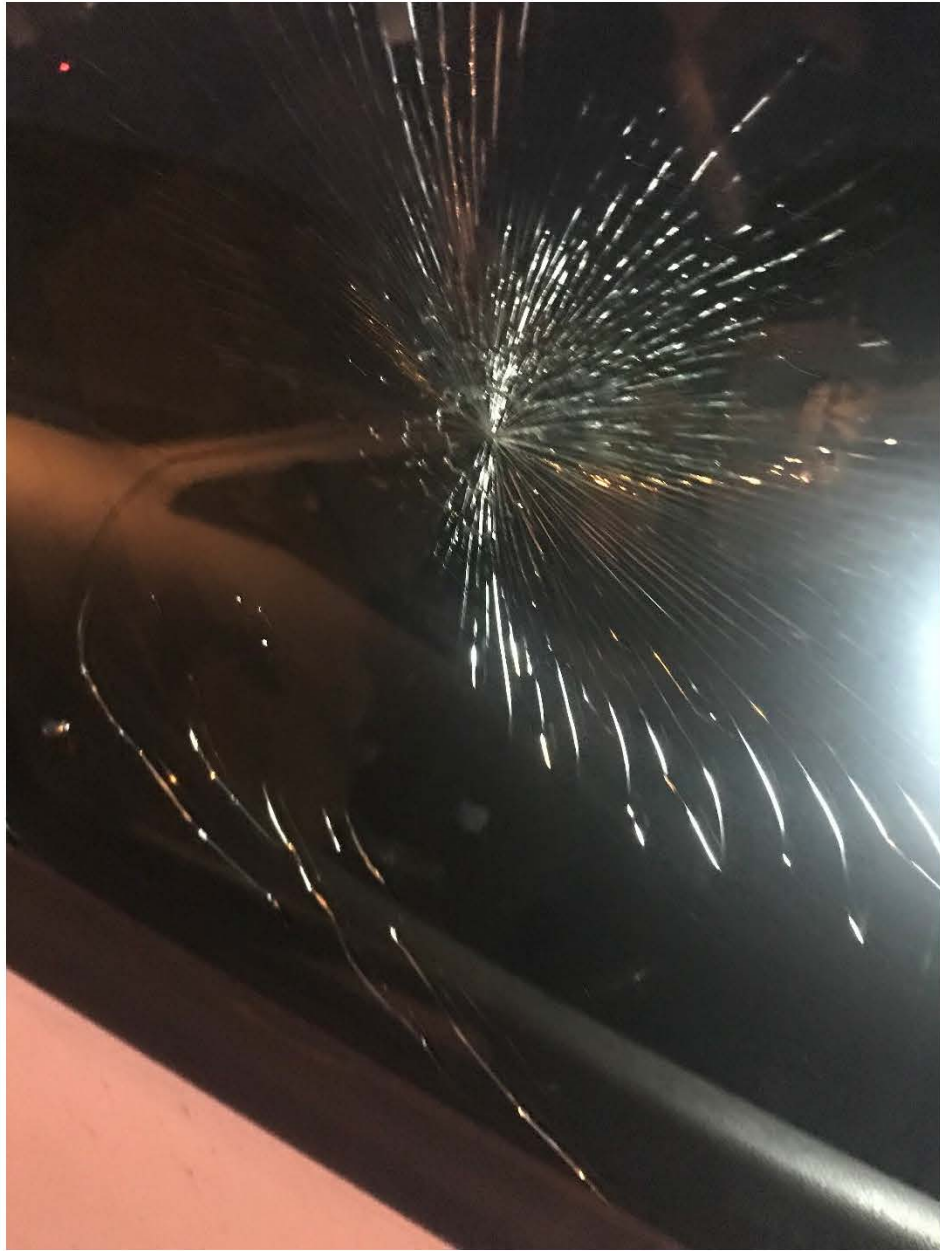
Mr. Chairman and members of the Committee, the decisions here is by no means an easy one. However, in my mind making assumptions of guilt and placing citizens in a position to waive their rights, with the hope we can find the true culprit appears a step too far.

Robert Vallie

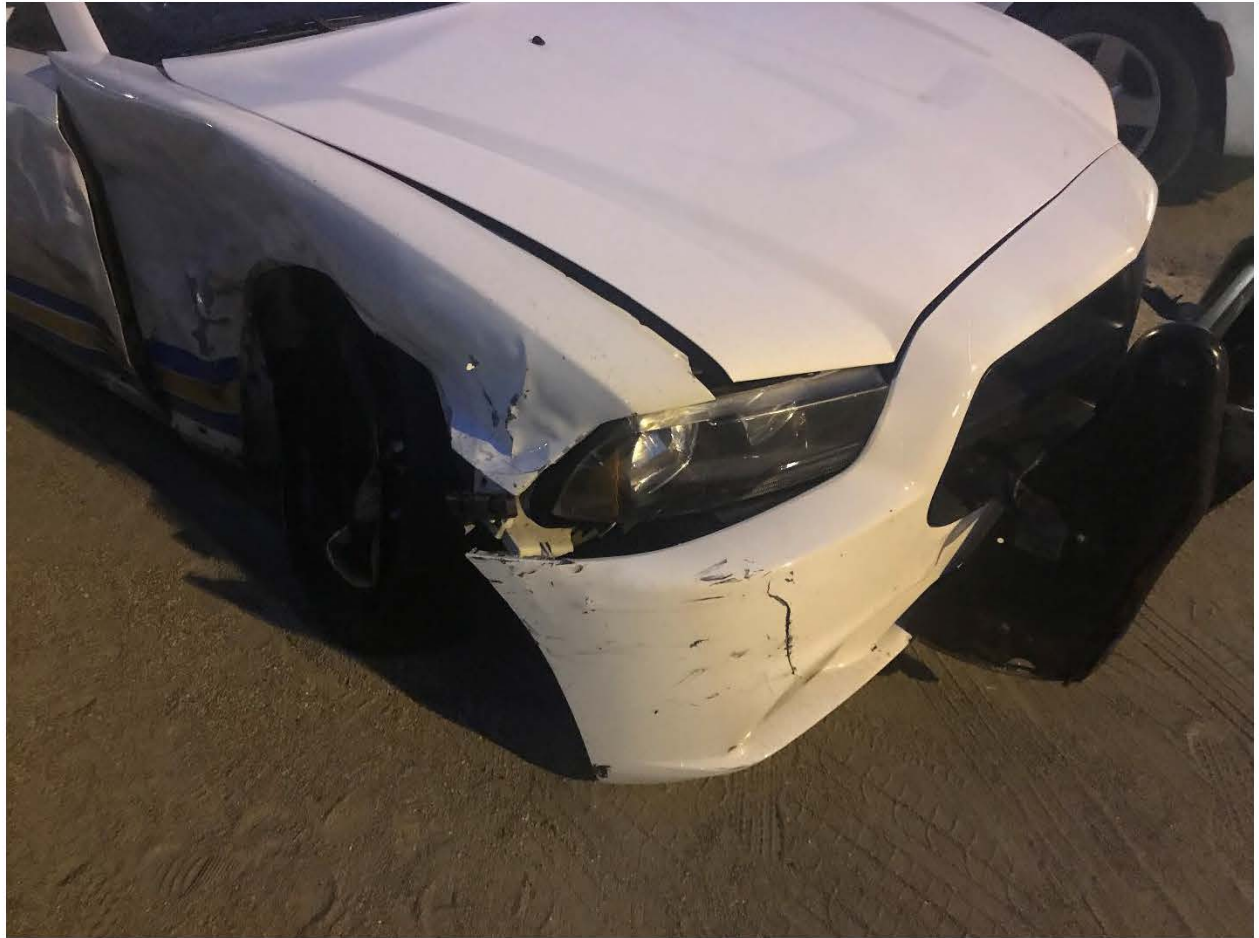
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Fargo, ND 58104





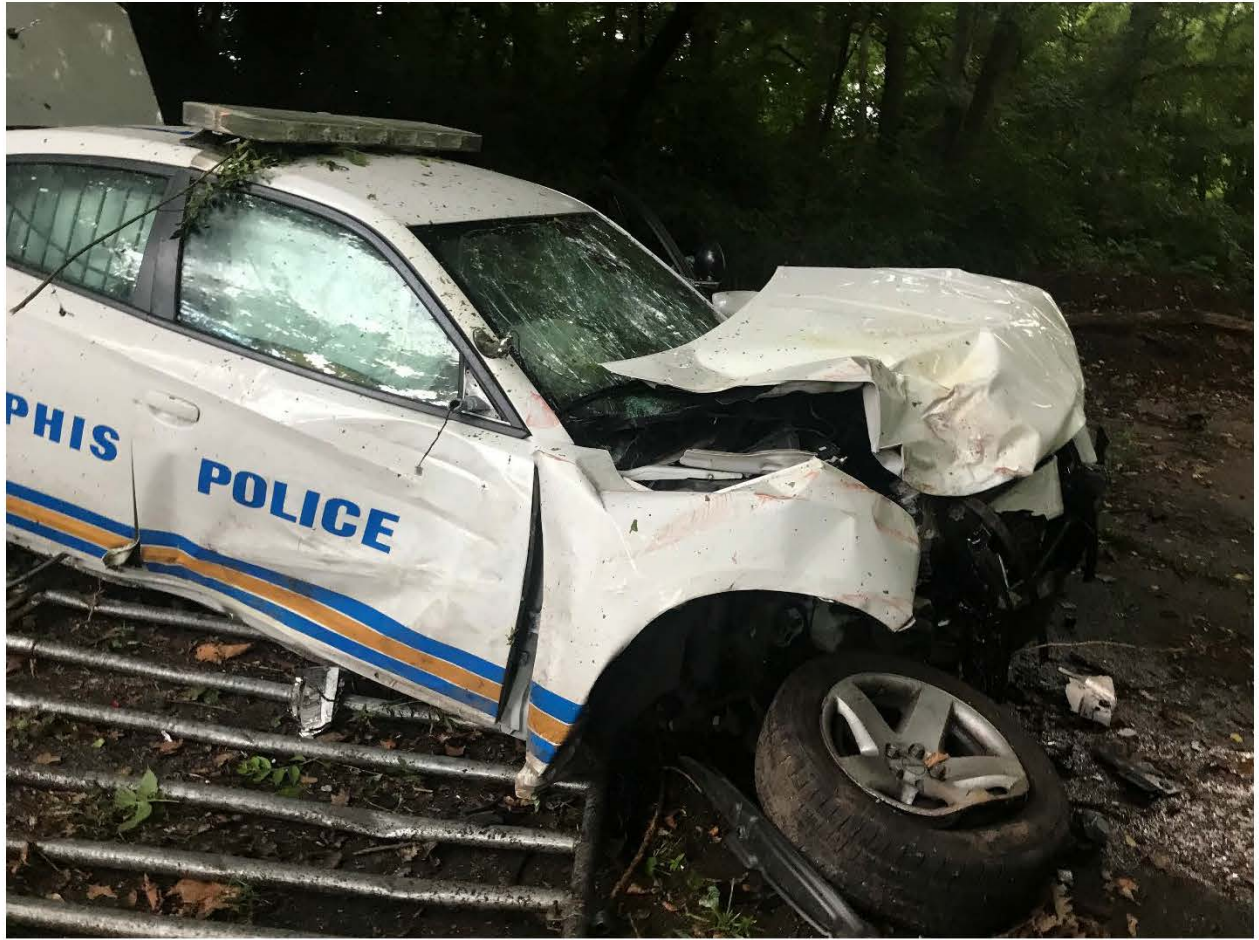










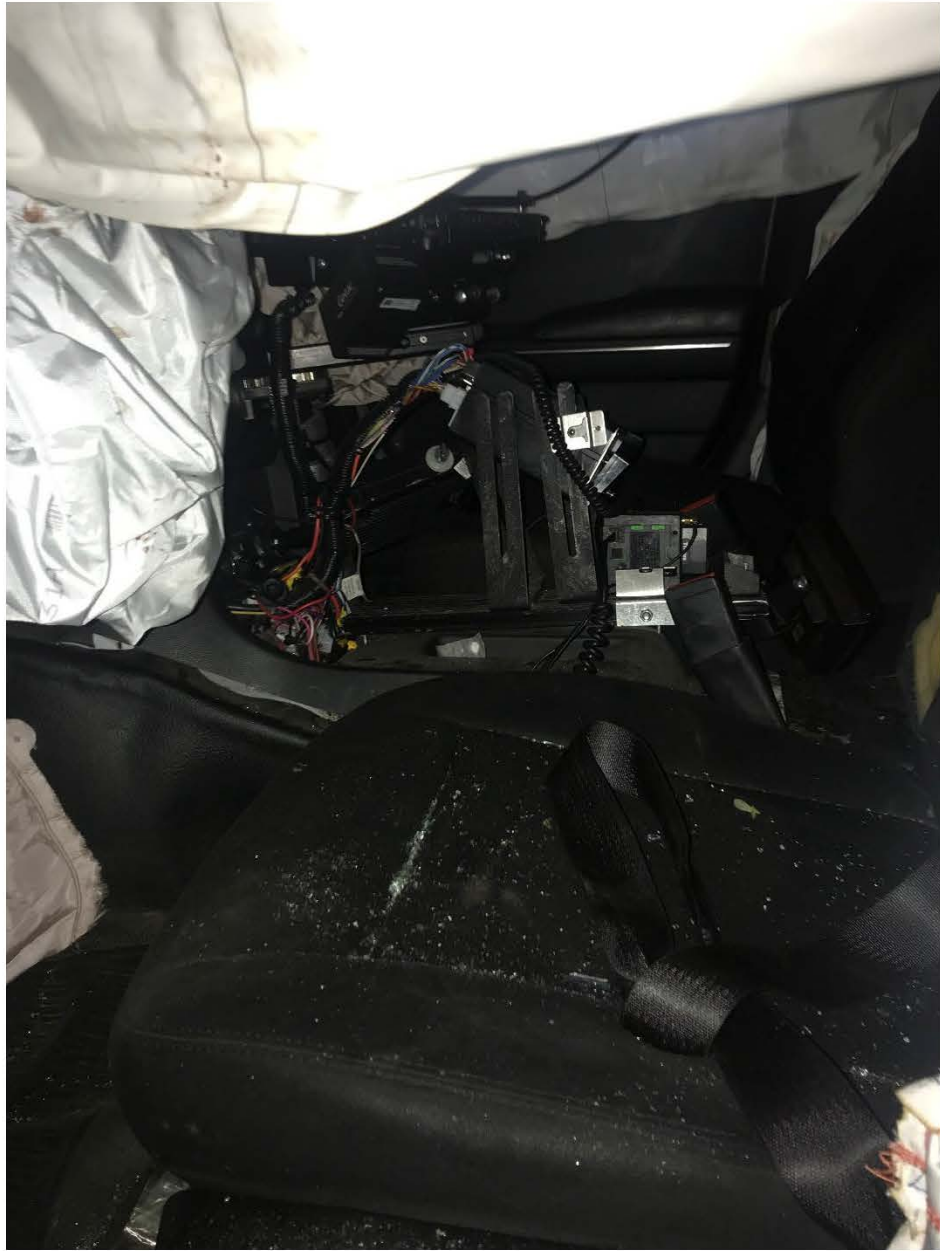


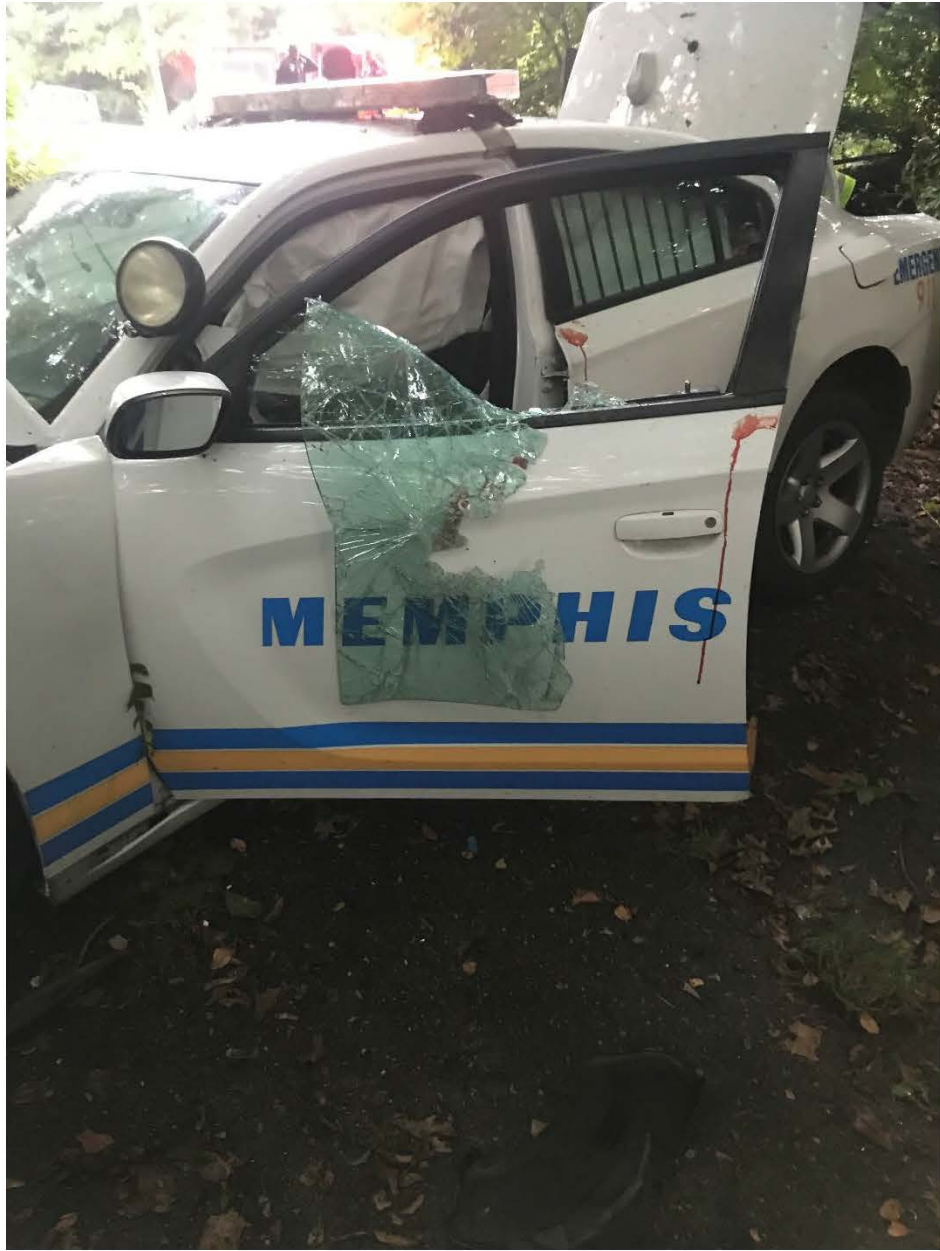






















**THE FARGO POLICE DEPARTMENT**  
**CHIEF DAVID B. ZIBOLSKI**  
105 25th Street North  
Fargo, ND 58102-4002  
Main Line: 701.235.4493 | Fax: 701.297.7789  
[FargoPolice.com](http://FargoPolice.com)

March 27, 2025

North Dakota Senate  
Senate Transportation Committee  
Senator David Clemens, Chairman

RE: Testimony and Support of House Bill 1229

Dear Chair and Members of the North Dakota Senate Transportation Committee,

My name is David Zibolski. I am a 40-year law enforcement professional and Chief of Police for the Fargo Police Department. Prior to taking the position as chief in Fargo, I served in both state and local law enforcement agencies in the state of Wisconsin.

I offer my testimony to you today in strong support for House Bill 1229. This bill addresses a dangerous and growing public safety concern not only in the city of Fargo, but all over North Dakota -- fleeing from an officer. As you are aware, fleeing in a vehicle from a law enforcement officer who is attempting to stop a traffic or other criminal violator is a crime. However, under current law, unless an officer engages in a pursuit and apprehends the offender, they have little prospect of identifying them and making an arrest. The policing profession recognizes that engaging in pursuits, especially high-speed pursuits that may go through populated areas or encounter unwitting motorists, is of great danger to the public and our officers. In deference to that public safety concern, law enforcement agencies, including Fargo PD, do not initiate pursuits for traffic or other minor criminal violations. Unfortunately, this has led to an exponential increase in vehicles that flee during traffic stops. In Fargo, we have seen a steady increase since 2019, which was further exacerbated during the Covid years of 2020 and 2021 and continues to present day.

For context, I have provided the Committee with our 2024 end of year fleeing in a motor vehicle report. Our Intelligence & Analysis Unit, who also gathers data from other law enforcement colleagues, including West Fargo, Cass County and Grand Forks PD, tracks this data. As you can see in the data provided, the number of fleeing vehicles in Fargo alone has drastically increased from 101 in 2019 to a staggering 290 fleeing vehicles in 2024, a tripling of these offenses in 5 years. It is clearly out of control.

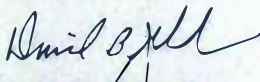
Most folks may think that a majority of these vehicles are probably stolen. However, the reverse is actually true. Of the 290 cars that fled from our officers in 2024, 249 (86%) are not stolen. Further, in 173 (60%) of the incidents, as a result of our in-car camera technology, we have the license plate number and know who the registered owner of the vehicle is. In spite of that statistic, an overwhelming 205 (71%) of those fleeing cases go unprosecuted because law enforcement has no tools to assist in identifying the driver of the fleeing vehicle. House Bill 1229 provides that very important tool.

House Bill 1229 is authored similar to an existing law in the state of Wisconsin. It provides the presumption that the registered owner is the driver, but gives law enforcement an important tool that we currently do not have. The ability to hold the owner of the registered vehicle accountable. Under this bill the owner of the registered vehicle would receive a \$50.00 fee for the first violation, unless one of the exceptions as outlined in the bill applies. For any second or subsequent violation the registered owner would be subject to a fee of \$1,000.00. The \$1,000 fee may be negated if the owner assists or cooperates with the officer in the investigation of the individual who operated the motor vehicle. This would then allow officers to complete an investigation and send the case to the prosecutor's office for review. Similar to the Wisconsin law, this bill contemplates certain circumstances such as the vehicle is stolen, leased, or taken from a dealership, and provides sufficient statutory protections so that unwitting owners are not penalized.

There is likely a variety of reasons why the 249 non-stolen vehicles fled from our officers in 2024. Regardless, as these vehicles flee they often create traffic safety concerns, become involved in hit and run accidents, and otherwise unnecessarily endanger the motoring public. It is equally likely that some of the persons who fled were involved in other criminal activity that our officers simply were unaware of at the time of the stop. As evidenced by the data presented, the lack of a viable tool for law enforcement to identify these drivers not only incentivizes additional fleeing, but likely also negates our ability to solve other crimes. Our officers conducted 10,820 traffic stops in 2024. The 290 fleeing vehicles represent a ratio of one fleeing vehicle per every 37 traffic stops. This is an egregiously high number and continues to get worse. House Bill 1229 will provide law enforcement with an important tool to appropriately follow-up, investigate, identify and arrest those persons who choose to flee from traffic stops.

I thank you for the opportunity to testify before you today and strongly encourage you to motion House Bill 1229 as a "do pass."

Respectfully,

  
David B. Zibolski  
Chief of Police



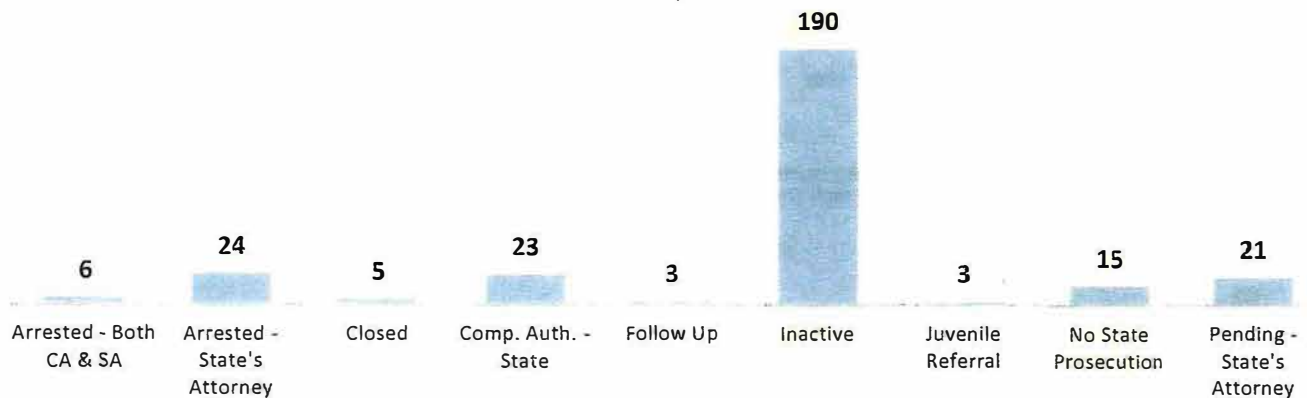
# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024

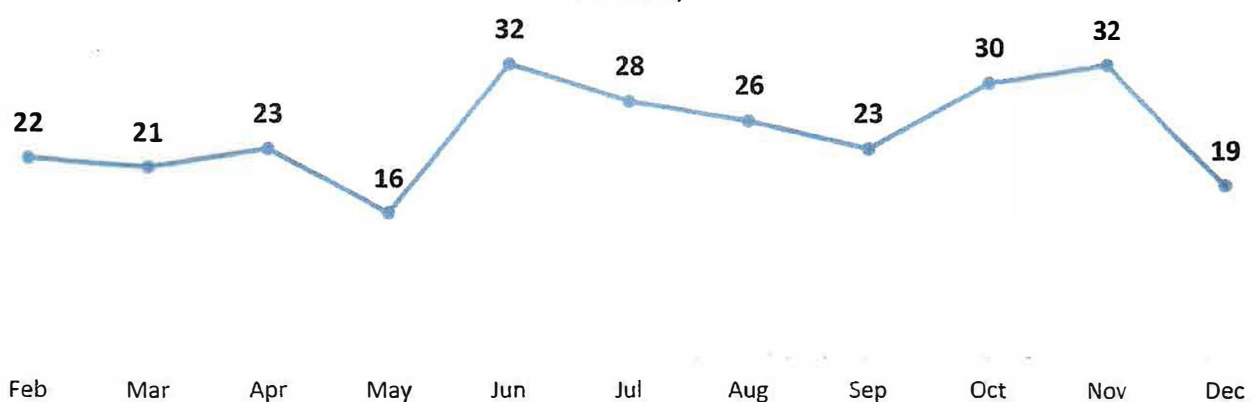


The Fargo Police Department has had a total of **290** fleeing in a motor vehicle cases from 01/01/24 to 12/31/24. Of these cases, 198 have been labeled misdemeanors, and 92 as felonies. 41 cases have been reported as stolen vehicles.

Case Disposition



Monthly



# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024



### Stolen Vehicle



### Mis. Vs. Felony



### Reason For Stop



Traffic Stops/Fleeing 2024	TOTAL	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Fleeing Misdemeanor	198	13	13	13	15	8	22	20	19	17	20	25	13
Fleeing Felony	92	5	9	8	8	8	10	8	7	6	10	7	6
Total Fleeing Cases	290	18	22	21	23	16	32	28	26	23	30	32	19
Total Traffic Stops	10820	1000	798	807	913	692	851	1128	588	1061	1145	1034	803
RATIO	1:37	1:56	1:36	1:38	1:40	1:43	1:27	1:40	1:23	1:46	1:38	1:32	1:42

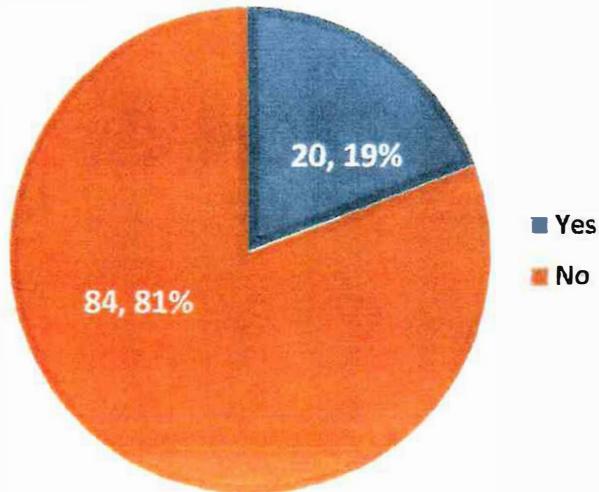


# FLEEING IN A MOTOR VEHICLE REPORT

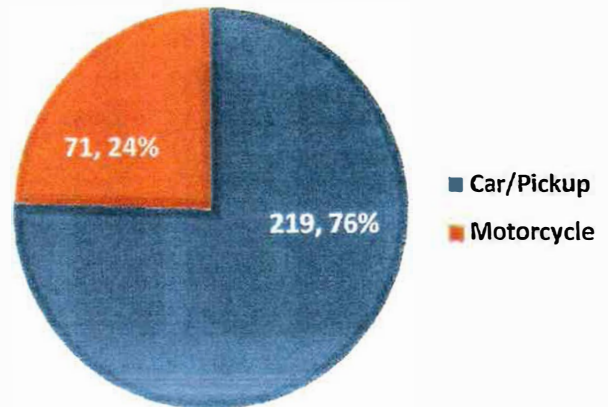
## December 2024



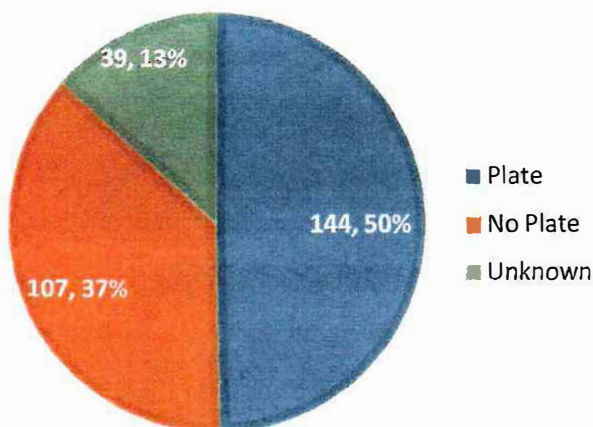
TRAFFIC SAFETY UNIT?



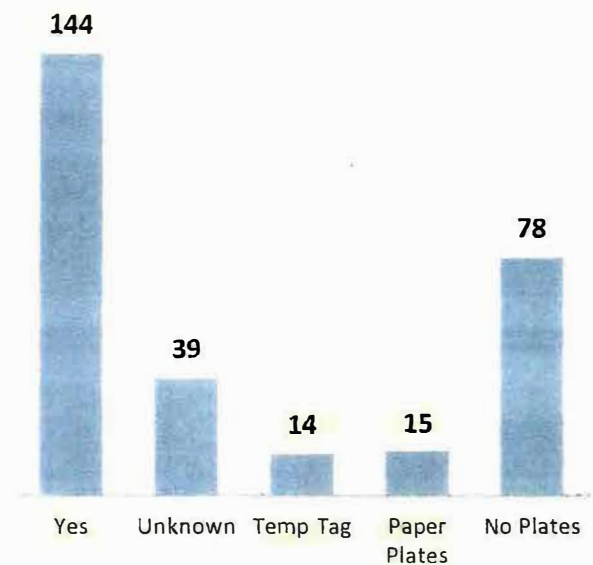
VEHICLE TYPE



VEHICLE PLATE PERCENTAGE



Vehicle Plate Breakdown

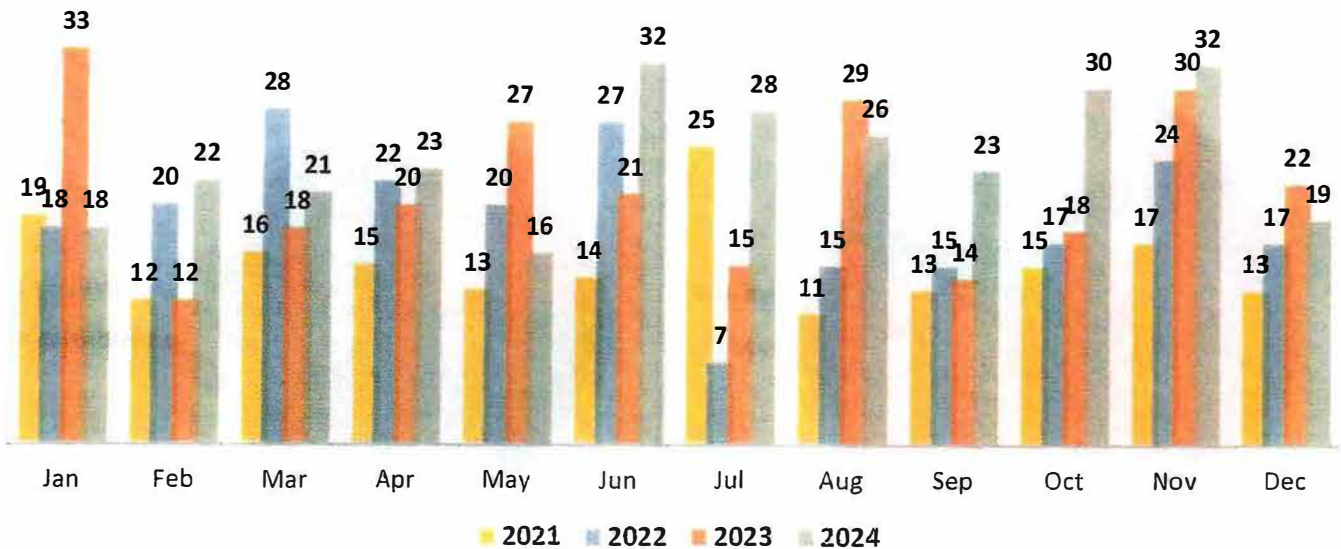


# FLEEING IN A MOTOR VEHICLE REPORT

## December 2024



Yearly Comparison



	2019	2020	2021	2022	2023	2024
Fleeing	101	175	183	230	259	290
Traffic Stop	15962	10152	9997	7190	8820	10820
Ratio	1:158	1:58	1:55	1:31	1:34	1:37

Fleeing Yearly Comparison	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	% Change
2019	8	7	8	6	11	3	7	11	12	8	13	7	101	
2020	18	24	7	8	15	12	6	12	23	12	13	25	175	73.27%
2021	19	12	16	15	13	14	25	11	13	15	17	13	183	4.57%
2022	18	20	28	22	20	27	7	15	15	17	24	17	230	25.68%
2023	33	12	18	20	27	21	15	29	14	18	30	22	259	12.61%
2024	18	22	21	23	16	32	28	26	23	30	32	19	290	11.97%

	YTD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Fargo	1:37	1:56	1:36	1:38	1:40	1:43	1:27	1:40	1:23	1:46	1:38	1:32	1:42
West Fargo	1:102	1:140	1:131	1:283	1:113	1:66	1:87	1:152	1:142	1:75	1:115	1:46	1:126
Cass County	1:335	1:219	N/A	1:188	1:532	1:380	1:106	N/A	1:197	N/A	1:301	N/A	N/A
Grand Forks	1:510	N/A	N/A	1:422	1:432	1:564	1:483	1:295	N/A	1:548	N/A	1:202	N/A

Good morning, Mr. Chairman and members of the Senate Transportation Committee.

My name is Austen Schauer, District 13, West Fargo.

The intent of **House Bill 1229** is to give authorities a law enforcement tool to reduce the crime of **fleeing**.

This crime has risen **200%** in Fargo over the last five years, putting innocent people at risk from dangerous and out-of-control drivers.

Let me give you some background.

In 1986, the mother of Sen. Bryon Dorgan was killed in a car crash in Bismarck.

Police were chasing a drunk driver at speeds of 80 to 100 miles per hour when the accident happened.

After the tragedy, Sen. Dorgan called for a change in police policies concerning high-speed urban chases.

Law enforcement listened and police in urban areas no longer pursue drivers who flee. Unfortunately, the **fleeing drivers** know this and away they go.

**House Bill 1229** addresses the **vehicle owner's responsibility** and is tailored like a **traffic citation** after a driver passes a school bus with its flashing red lights on.

Once police have a vehicle license plate, or give a visual or audible signal to stop, they can then follow up by locating the owner of the vehicle and issuing a \$100 dollar ticket for the first offense and a \$500 ticket on subsequent violations. (Page 1, lines 9-11).

The ticket would not be a criminal infraction, misdemeanor, or a felony and points will not be added to the driving record.



**HB 1229** has police *flexibility* in issuing the citation.

Police "**may**" proceed, (page 2, line 12), "**may**" investigate, (page 2, line 16) and "**may**" issue a citation within four days of the incident, (page 2, line 20).

There are **exceptions** for the vehicle owner:

- **Subdivision 3a prevents the owner from this citation if police charge the driver, who is not the owner, with fleeing.**
- **Subdivision 3b exempts the owner if the vehicle was reported stolen.**
- **Subdivision 3c exempts the vehicle owner if he or she cooperates with the police.**
- **Subdivision 3d exempts the vehicle owner if he or she provides information showing they were not driving at the time of the offense.**
- **Subdivision 4 says the lessee of a vehicle is presumed to be the driver, and the lessor provides police with vehicle information.**
- **Subsection 5 prevents a vehicle owner who flees from being charged with both fleeing and this citation.**
- **Subsection 6 says car rental companies are not held responsible.**



Dangerous driving in the form of fleeing is a threat to public safety and is a problem getting worse.

Let's not act **after** a needless tragedy such as the Dorgan death. Let's act **now** to prevent a needless tragedy.

**House Bill 1229 is built to help police find irresponsible drivers and hold them accountable for their actions.**

Thank you, Mr. Chairman and committee members.

I stand open to questions.

41-

Mr. Chairman, I want to take a moment and address the constitutionality of this bill.

We worked with two lawyers from LC and neither one expressed any concerns about **HB 1229** being unconstitutional. And this has been a two-year journey.

This bill went through a rigorous process to make sure it is similar to the citation's police can give when a driver passes a school bus with its flashing lights on.

I don't believe any State's Attorney in the State has been involved in a legal battle over that bill.

I don't believe the **ACLU** has been involved in questioning the constitutionality of the School Bus bill and I don't believe the ACLU is involved in questioning this bill.

Just prosecutors.

Century Code is quite clear on presumption for an officer which the those in uniform will address behind me and if there was even a hint of this being a problem, I certainly would have worked with the States Attorneys Association like I have with other bills, but they chose to bring this up without my knowledge as a prime sponsor.

Thank you, Mr. Chairman and committee members.

I stand open to questions.

**2025 CONFERENCE COMMITTEE**

**HB 1229**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Room JW327E, State Capitol

HB 1229  
4/16/2025  
Conference Committee

Relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.

3:30 p.m. Chairman Koppelman called the meeting to order.

Members Present: Chairman Koppelman, Representatives Grueneich, Schatz; Chairman Rummel, Senators Cory, Paulson

### **Discussion Topics:**

- Reporting of offences to insurance companies
- Increases in vehicle related expenses
- Distracted driving violations

3:30 p.m. Representative Ben Koppelman, District 16, submitted neutral testimony #45037, #45038.

3:52 p.m. Brad Schaffer, Driver and Vehicle Director at the North Dakota Department of Transportation, answered committee questions.

3:58 p.m. Chairman Koppelman adjourned the meeting.

*Wyatt Armstrong for Janae Pinks, Committee Clerk*



PTS	VIOLATION DESCRIPTION	STATUTE
0	Implied Consent O/S	39-20
0	Implied Consent	39-20
0	Intoxication – DUI	39-08-01
0	Physical Control -APC	39-08-01
0	Criminal Refusal	
0	Driving Under Suspension (715)	39-06-42
0	Driving Under Revocation (660)	39-06-42
0	Negligent Homicide MV (620)	39-06-31
0	Manslaughter with MV (610)	39-06-31
0	Felony Involving a MV (630)	39-06-31
0	Unlawful Use of DL (685)	39-06-40
0	CDL MIP/MIC Alcohol or Points	
0	Altered DL in Possession (650)	39-06-40
0	Reproducing Driver License (640)	39-06-40.1
0	GDL MIP/MIC Drugs	39-06-01.01
0	Commercial Violation Under 39-21-46(3)	39-21-46(3)
0	Misrepresented for CLP or CDL	39-06.2-10(2)
0	Fraud in issuance of CLP or CDL	39-06.2-10(2)
0	Human Trafficking	39-06.2(15)
0	Logbook	49 CFR 391
0	No Medical Card	49 CFR 391.41a
0	Violation of Duty Status	49 CFR 391
0	Driving while Out-of-Service (CDL)(781)	AR 37-10-01-01
0	Driving OOS with Hazmat or Passengers (782)	AR 37-10-01-01
0	Driving while Disqualified in a CMV (727)	39-06.2
0	Texting/Driving in a CMV	39-06.2
0	Using a Hand-held Device while driving a CMV	39-06.2-02(28h)
0	Violation resulting in a Fatal Crash – CDL Holder	39-06.2-10 & 49 CFR 383.51(b)(8)
0	Felony Involving a CMV – Controlled Substance (742)	43 CFR 383.51
0	No CDL/CLP in Possession	39-06.2-02(30)(e)
0	IMP CLASS/ENDORSEMENT – CDL	39-06.2-02(30)(f)
0	1-5 Over 70/75 Speed Limit	39-06.1-10(33)
0	1-10 Over 65 Speed Limit or lower	39-06.1-10(33)
0	Unsafe Speed	39-01-01
0	Electronic Device Prohibited by Minor – Class D License	39-08-24
0	Improper Registration	39-04-37
0	No Child Restraint	39-21-41.2
0	No DL in Possession	39-06-16
0	Safety Belt Required	39-21-41.4
0	Electronic Device Prohibited – ADULT	39-08-23
0	Fail to Stop/Yield for Emergency Vehicle	39-10-26
0	Fail to Yield to Pedestrian	39-10-28
0	Fail to Disclose Name/Address	
0	Fail to Signal	
0	Fail to Use Due Care	39-10-30
0	Obstructed View – Frosted Windows – Too Many People	39-10-54
0	Follow Emergency Vehicle	39-10-26
0	Crossing Fire Hose	39-10-58
0	Deposit Garbage/Littering	39-10-59
0	Drive on Flood Works	39-10-65
0	Overload/Overweight/no authorized permit for overweight	39-12-05
0	Oversize/Over-Width MV	39-12-04
0	Improper Lighting Equipment	39-21-26
0	Light Equipment Not Light – No Headlights On/No License plate light	39-21-01
0	Improper Horn	39-21-36
0	Improper Mirror	39-21-26
0	Improper Tires	39-21-40
0	No Warning Flares	39-21-42
0	Improper Load	39-21-44.1
0	No Slow-Moving Emblem	39-21-50
0	Passing School Bus - (Parent of Driver)	39-10-46.1
0	Cause Serious Bodily Injury (625)	39-06-31(2)(b)
0	Disregard Flashing Lights	39-10-07
0	Improper Lane Usage/Change/Drive on roadways laned for traffic	39-10-17
0	Wrong Way on a One Way	39-10-16
0	Following to Close	39-10-18

Orange fill = shows on abstract due to susp/rev always occurring  
Green text = commercial

0	Drive in Restricted Area of ROW/Cross Median/Private Property/Weather closure/Truck route	39-10-20, 39-10-21
0	Improper Turn/U-Turn	39-10-35
0	Improper Start from Parked Position	39-10-37
0	Improper Signals	39-21-06, 39-10-38
0	Improper Backing	39-10-52
0	Coasting Downgrade Load	39-10-56
0	No Flag - Projected Load	39-21-13
0	Improper Muffler	39-21-37
0	Obstructed/Tinted Windows	39-21-39
0	Improper Wipers	39-21-39
0	Improper Tow Bar/Chains	39-21-44.2
0	Overtime/Double Parking	39-10-50
0	Impeding Traffic	39-09-09
0	Fail to have Vehicle under control – Distracted Driving	39-08-25
0	Fail to yield to stationary motor vehicle with hazard lights	39-10-26.3(1)
0	No visible markings - School Bus	39-10-46(2)
0	No Mirror - Motorcycle	39-27-09
0	Overtaking and Passing a Bicycle	39-10-11.1
0	No fender-Motorcycle	39-27-10
0	No chain guard-Motorcycle	39-27-12
0	No horn-Motorcycle	39-27-15
0	Highway bars not properly located-Motorcycle	39-27-21
0	No muffler or defective exhaust system-Motorcycle	39-27-08
0	No speedometer or defective speedometer-Motorcycle	39-27-16
0	Driving Through Safety Zone Prohibited	39-10-64
1	No Child Restraint	39-06.1-10(34)
1	Improper Modified MV	39-21-45.1 & 39-06.1-10(40)
1	Fail to Display plates/tabs or Unlawful use of plates/tabs	39-04-37
1	Fail to Dim Headlights	39-21-21
1	Parked in a Prohibited Place	39-10-49
1	Unattended Vehicle	39-10-51
1	Unsafe Opening of Doors	39-10-54.1
1	6-10 Over 70/75 Speed Limit	39-06.1-10(33)
1	11-15 Over 65 Speed Limit or lower	39-06.1-10(33)
2	Failure to Display Placard	39-21-44
2	Operate Unsafe Motor Vehicle	39-21-46(2)
2	Violate Instruction Permit – ANY AGE	39-06.1-10
2	Acc W/Emergency Vehicle or NDDOT vehicle	39-06.1-10(b)(9)
2	Fail to Yield/stop	39-10-44
2	Funeral Procession	39-10-72
2	Disregarded Traffic Control- Steady RED light	39-10-04
2	Permit Unauthorized Person to Driver	39-06-45
2	Driving on Left Side of Highway	39-10-08, 39-10-14, 39-10-16
2	Stop/Stand/Park on Highway	39-10-47
2	Improper Brakes	39-21-32, 39-21-33
2	Disregard Police Officer	39-06.1-10(20)
2	Overtaking Prohibited or Improper Passing	39-10-11, 39-10-12, 39-10-13
2	Improper Equipment	39-21-46
2	Operate without required Equipment	39-10-46
2	Open Container	39-08-18
2	Improper MC Operation	39-06.1-10(25)
2	Improper MC Laned for Traffic	39-10.2-03
2	Carry Passenger without Footrest	39-10.2-05
2	Operate MC Without Headgear	39-10.2-06
2	Care Required	39-09-01.1 & 39-06.1-10(29)
3	Violated Eye Restriction	39-06-17
3	RR Crossing – TCD/CMV (772)	36-06.2-10
3	RR Crossing – Slow Down/CMV (773)	36-06.2-10
3	RR Crossing – Stop BEFORE tracks when no clear/CMV (774)	36-06.2-10
3	Failure to STOP at RR Crossing/CMV (775)	36-06.2-10
3	Failure to OBEY RR Crossing/CMV (776)	36-06.2-10
3	Failure to obey RR CLEARANCE/CMV (777)	39-06.5-2-10
3	Exhibition Driving	39-08-03.1
3	RR Crossing – <i>Non CDL/CMV Related</i>	39-10-41
3	11-15 Over 70/75 Speed Limit	39-06.1-10(33)
3	16-20 Over 65 Speed Limit or lower	39-06.1-10(33)
4	Violated Restrictions	39-06-17

[illegible]





## **NORTH DAKOTA CLASSIFICATION OF OFFENSES**

*Making a difference every day  
by providing high quality law enforcement services to  
keep North Dakota safe and secure.*

*August 1, 2025*

Includes Malafa error fix chop shop to 39 11/2024 cbs and Fulwider snowmobile edit 12/2024



## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>ACCIDENT</b>				
18	----	39-08-04	A Misd	Leaving the scene of an accident involving personal injury (serious personal injury - C felony; death - B felony)
14	----	39-08-05	B Misd	Leaving the scene of an accident involving an attended vehicle, property damage
14	----	39-08-07	A Misd	Leaving the scene of an accident involving an unattended vehicle
14	----	39-08-08	Infrac	Leaving the scene of an accident with a fixed object
6	\$50	39-08-09	Non-Crim	Failure to give immediate notice of reportable accident (undomesticated animal/vehicle crash is exempt)
6	----	39-09-01	Infrac	Careless driving – causes and inflicts injury upon operator of snow removal equipment or causes damage in excess of \$1000
<b>ALCOHOL</b>				
0	----	5-01-05.1	Non-Crim	Intoxicated person (de-tox)
0	----	5-01-08	Infrac	Possessing, purchasing, furnishing money to purchase, or consuming an alcoholic beverage by an individual under 21(3 <sup>rd</sup> offense in 1 year B Misd)
0	----	5-01-09	A Misd	Delivering alcoholic beverages to an individual under 21
0	----	5-01-18	B Misd	Illegal to possess or sell alcohol vaporizing device
0	----	5-01-22	B Misd	Illegal to possess, sell, purchase, or consume powdered alcohol
0	----	5-02-05	A Misd	Violation of hours for licensed liquor establishment
----	----	39-08-01	B Misd	Drove or in actual physical control of a vehicle while under the influence of alcohol or drugs and/or with an alcohol concentration of at least .08 and/or refusal (1st & 2nd offense in 7-year period); A Misd – 3rd offense in a 7-year period; C Felony – 4th and subsequent offense in 15 year period
0	----	39-08-01.2	C Felony	Serious bodily injury while violating 39-08-01 or 39-08-03 (death - A Felony)
0	----	39-08-01.4	A Misd	DUI by person 21 or older with minor present; C Felony – 2 <sup>nd</sup> or subsequent offense
2	\$50	39-08-18	Non-Crim	Open receptacle containing an alcoholic beverage in or on vehicle (moving—if operator) (0 points if passenger)
0	\$200	39-10.1-10	Non-Crim	Bicycling or riding an animal while under the influence of alcohol or drugs
<b>BACKING</b>				
0	\$20	39-10-52(1)	Moving	Backing so as to interfere with traffic
0	\$20	39-10-52(2)	Moving	Backing vehicle on controlled access highway
<b>BICYCLE</b>				
0	\$5	39-10.1-04	Moving	Clinging to a vehicle
0	\$5	39-10.1-05	Moving	Failure to ride as near to the right as possible
0	\$5	39-10.1-05.1	Moving	Yielding and stopping while operating a bicycle on a roadway
<b>DRIVER LICENSE</b>				
4	\$20	39-06-01	Moving	Drove without operator's license
4	\$20	39-06.1-03	Non-Crim	Violated or exceeded restrictions contained in temporary restricted driving certificate
2	\$20	39-06-04	Moving	Failure to comply with requirements of Class D instruction permit (age requirement, points, and the prohibition on electronic communication devices)
4	\$20	39-06-14	Moving	Drove vehicle other than permitted by class license
2	\$20	39-06-14.1(1)	Moving	Violated restrictions of class M learner's permit (may not operate when use of headlights are required or carry a passenger)
2	\$20	39-06-14.1(2c)	Moving	Violated restriction of class M license (restricted to 510cc or less if under 16 years old)
0	\$20	39-06-16	Moving	Failure to have driver's license in possession or to physically surrender DL
4	----	39-06-17	B Misd	Violated driver's license or work permit restrictions (Violated eye lens restrictions – 3 points)
4	\$20	39-06-17(4a-d)	Non-Mov	Violated provisions of restricted driver's license (juvenile)

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
0	\$20	39-06-20	Non-Mov	Failure to change address
0	-----	39-06-40	B Misd	Unlawful use of license—lending/use someone else's/refuse to surrender any operator's license, permit, or ID card
0	-----	39-06-40.1	B Misd	Reproducing or altering operator's or driver's license, ID card, or permit – display or have in possession an altered driver's license
0	-----	39-06-42	B Misd	Driving while license suspended or revoked (fourth or subsequent offense within 5 years - A Misd)
2	\$20	39-06-44	Non-Mov	Permitting unauthorized minor to drive
2	\$20	39-06-45	Non-Mov	Permitting unauthorized person to drive
2	\$20	39-06.2-07	Moving	Violation of CDL instructional permit

### EQUIPMENT

0	\$20	39-10-39	Moving	No signal lamps or signals by hand or arm when required
0	\$20	39-21-01	Moving	Drove without headlamps when required
0	\$20	39-21-03	Moving	No headlamps (not operated - \$10 Non-Mov)
0	\$20	39-21-04(1)	Moving	Drove without taillamps when required
0	\$20	39-21-04(3)	Moving	No license plate light when required
0	\$20	39-21-05	Moving	Operated new vehicle upon roadway without required reflectors (not operated - \$10 Non-Mov)
0	\$20	39-21-06	Moving	Operated motor vehicle not equipped with stop lamps or turn signals
0	\$20	39-21-06.1	Moving	Operated motor vehicle while backup lights lighted
0	\$20	39-21-08	Non-Mov	No clearance lamps or reflectors when required
0	\$20	39-21-08	Non-Mov	No stop lamp – bus, truck, trailer, or semitrailer
0	\$10	39-21-09	Non-Crim	Improper color of clearance side marker, backup lamps, or reflectors
0	\$10	39-21-09(3)	Non-Crim	Only red light permitted to rear (see exemptions)
0	\$20	39-21-10	Non-Mov	Improper mounting of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-11	Non-Mov	Visibility of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-12	Moving	Operated vehicle in combination with insufficient/improper lights
0	\$20	39-21-13	Moving	No flag or lamp on projecting load (not operated - \$10 Non-Mov)
0	\$20	39-21-14	Non-Mov	No lamps or headlamps on high beam while parked
0	\$20	39-21-15	Moving	No lamps on farm tractor, equipment, or implements when required
0	\$20	39-21-16	Moving	No lamps on other vehicles and equipment
0	\$20	39-21-17	Moving	Operated vehicle with improperly aimed or mounted spot, fog, passing, or driving lamp
0	\$20	39-21-18(4)	Moving	School bus not equipped with flashing signal lights/stop arm
0	\$20	39-21-18.1	Moving	Improper use of flashing lights by mail carrier
0	\$20	39-21-19	Moving	No signal lamps or stop lamps (not operated - \$10 Non-Mov)
0	\$20	39-21-20(3)	Moving	Vehicle not equipped with high beam indicator
1	\$20	39-21-21(1)	Moving	Failure to dim headlamps for approaching vehicles within 500 ft
1	\$20	39-21-21(2)	Moving	Failure to dim headlamps when following another vehicle within 300 ft
0	\$20	39-21-22	Moving	Vehicle equipped with improperly aimed or adjusted headlamps
0	\$20	39-21-25	Moving	Operated vehicle while equipped with excessive number of lamps
0	\$20	39-21-26(2)	Moving	Unauthorized red or green light visible from the front
0	\$20	39-21-26(3)	Moving	Unauthorized flashing light
0	\$20	39-21-27	Moving	Improperly operated school bus warning equipment or special lighting
0	\$20	39-21-28(2)	Moving	Operated snow removal equipment upon highway without displaying proper lights
0	\$20	39-21-29	Moving	Vehicle equipped with lamp which has not been approved
2	\$20	39-21-32	Moving	Defective brakes on motor vehicle (not operated - \$10 Non-Mov)
2	\$20	39-21-32(3)	Moving	Defective brakes or no safety chains on trailer
2	\$20	39-21-33	Moving	Maintenance of brakes required
0	\$20	39-21-36(1)	Moving	No horn
0	\$20	39-21-36(2)	Moving	Operated vehicle equipped with unauthorized siren, whistle, or bell
0	\$20	39-21-37	Moving	Defective muffler or no muffler (not operated - \$10 Non-Mov)
0	\$20	39-21-38	Moving	No mirror
0	\$20	39-21-39(1)	Moving	Drove vehicle with obstructed windshield or no windshield (not

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
				operated - \$10 Non-Mov)
0	\$20	39-21-39(3)	Moving	Operated vehicle with faulty or no windshield wipers
0	\$20	39-21-39(4)	Moving	Tinted windshield or windows (windows behind the operator are exempt if the vehicle is equipped with outside mirrors on each side)
0	\$20	39-21-39.1	Moving	Shattered or defective windshield that materially impairs driver's clear view
0	\$20	39-21-40(3)	Moving	Drove with studded tires when illegal (legal period - October 15 to April 15)
0	\$20	39-21-40(3)	Moving	Operated vehicle with cleat, spike, or metal flange in contact with road surface (exceptions for farm machinery, school buses, and tire chains)
1	\$25	39-21-41.2	Moving	Operator failed to provide child restraint device
0	\$20	39-21-41.4	Moving	Occupant not properly restrained (mail carriers, implements of husbandry, and certain medical conditions are exempt)
0	\$20	39-21-42	Moving	Certain vehicles to carry flares or other warning devices
0	\$20	39-21-43	Moving	Failure to display flares
0	\$20	39-21-44.1	Moving	Drove vehicle with leaking or sifting load
0	\$20	39-21-44.2	Moving	Improper drawbar or connection between vehicles (not operated - \$10 Non-Mov)
1	\$20	39-21-45.1	Moving	Driving a modified motor vehicle
2	----	39-21-46(2)	Infrac	Operated an unsafe vehicle
0	\$20	39-21-50	Moving	Failure to display slow moving emblem or flashing amber light
0	----	39-21-51	B Misd	Altered odometer or mileage recorders (more than one vehicle or a subsequent offense - C felony)

### FOLLOWING

0	\$20	39-10-18(1)	Moving	Following too close
0	\$20	39-10-18(2)	Moving	Failure to leave sufficient distance between trucks
0	\$100	39-10-18(4)	Moving	CMV driver found to be operating in a platoon without approved plan or operating in violation of plan guidelines. (Ref. 39-10-74)

### HEIGHT, WEIGHT, LENGTH

0	\$100	39-12-08	Non-Crim	Operating without permit
0	\$20	39-12-04	Moving	Overwidth, height, and length limitations
0	\$100	39-12-04(1d)	Moving	Seasonal permit violation
0	\$20	39-12-05	Moving	Overweight limitations on interstate system
0	\$20	39-12-05.3	Moving	Overweight limitation on roads other than the interstate system
0	\$20	39-12-06	Moving	Extended load on side of vehicle
0	\$20	39-12-09	Moving	Operating or owner allowing the operation of a vehicle in violation of size or weight limitations
0	----	39-12-21	B Misd	Driver failed to stop or submit vehicle to weighing when ordered to do so by a police officer

### HIGHWAY

0	----	24-03-05	A Misd	Defacing, removing, or traveling through any barricade on highway
0	----	24-03-11	B Misd	Failure to erect warning signs at culvert, bridge, or on public roadway under repair
0	----	24-06-27	B Misd	Obstructed or caused damage to highway ditch
0	----	24-10-03	Infrac	Failure to close gates authorized on highway
0	----	24-12-01	B Misd	Destruction to highway, rest area, bridge, picnic area, etc.
0	----	24-12-02	B Misd	Obstructed or plowed up highway right of way
0	----	24-12-04	B Misd	Caused damage to highway signs and markings

### MOBILE HOME

0	\$20	39-10-52.2	Moving	Riding in housetrailer when prohibited
0	\$100	39-18-01	Non-Crim	Mobile home dealer license violation
0	----	39-18-03	B Misd	Failure to register mobile home, travel trailer, or housetrailer
0	----	39-18-04	B Misd	Mobile home not equipped with adequate brakes, taillights, or stoplights

### MOTOR VEHICLE DEALERS

0	----	39-04-17	Infrac	Certificate of notary violation
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## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>MOTORCYCLE AND MOPEDS</b>				
2	\$20	39-10.2-02	Moving	Riding more than designed for or interfering with the operator
2	\$20	39-10.2-03	Moving	Overtaking or passing vehicle in same lane or more than two abreast
4	\$20	39-10.2-04	Moving	Clinging to a vehicle
2	\$20	39-10.2-05	Moving	Carrying passengers on motorcycle not equipped with passenger footrests
2	\$20	39-10.2-06	Moving	No helmet worn - driver or passenger under 18 (if the driver is required to wear protective headgear, any passenger must also regardless of age)
<b>MOTORCYCLE EQUIPMENT</b>				
0	\$20	39-27	Moving	39-27-03 through 39-27-21
<b>OFF-HIGHWAY VEHICLES (OHV)</b>				
0	\$50	39-29-02	Infrac	Failure to register off-highway vehicle
0	\$20	39-29-09(1)	Infrac	Operated on roadway, shoulder, or inside bank or slope where prohibited
0	\$20	39-29-09(1)	Infrac	Operated OHV on paved highway with speed limit greater than 55 mph
0	\$20	39-29-09(1)	Infrac	Only class III OHV with a licensed driver age 16 or older may operate on a paved highway posted at a speed not exceeding 65 mph
0	\$20	39-29-09(2a)	Infrac	Crossed roadway other than 90-degree angle
0	\$20	39-29-09(2b)	Infrac	Failure to stop before crossing roadway
0	\$20	39-29-09(2c)	Infrac	Failure to yield right of way to oncoming traffic
0	\$20	39-29-09(2d)	Infrac	Crossing divided highway at other than an intersection
0	\$20	39-29-09(3)	Infrac	No brakes, headlamp, or taillamp (except for class I OHV)
0	----	39-29-09(5b)	B Misd	Careless, reckless, or negligent operation of OHV
0	----	39-29-09(5c)	B Misd	Drove OHV while under the influence of intoxicating liquor or drugs
0	----	39-29-09(5g)	B Misd	Operating on posted land
0	\$20	39-29-09(6)	Infrac	No valid driver's license in possession while operating an OHV
0	\$20	39-29-09(9)	Infrac	No helmet worn - operator or passenger under 18 years
0	\$20	39-29-09(10)	Infrac	Carried passenger on OHV
0	\$10	39-29-09.1	Infrac	Operated OHV on paved roadway w/o mirror, horn, speedometer, odometer, brake light, headlamp or motor of at least 350 cc
0	\$10	39-29-10	Infrac	Age 12 or over operating OHV without safety certificate or license
<b>OVERTAKING</b>				
2	\$20	39-10-11(1)	Moving	Drove to the right before safely clear while passing
2	\$20	39-10-11(2)	Moving	Failure to give way when overtaken
0	\$20	39-10-11.1	Moving	Overtaking and passing a bicycle
2	\$20	39-10-12	Moving	Overtook vehicle on the right when prohibited or unsafe
2	\$20	39-10-13	Moving	Overtook when unsafe
2	\$20	39-10-15	Moving	Overtook where prohibited
6	\$100	39-10-46(1)	Moving	Overtook or passed stopped school bus
0	\$100	39-10-46(2)	Moving	Improper use of school bus (school bus signs)
0	\$100	39-10-46.1	Moving	Registered owner permitted overtaking or passing of school bus
<b>PARKING</b>				
0	\$5	39-01-15(6)	Non-Mov	Mobility impaired certificate or license plate not prominently displayed
0	\$100	39-01-15(8)	Infrac	Mobility impaired certificate improperly used
0	\$100	39-01-15(10)	Non-Mov	Stopping, standing, or parking in mobility impaired designated parking space
2	\$20	39-10-47	Non-Mov	Stopping, standing, or parking outside of business or residential district upon the paved or main-traveled portion of a highway
0	\$5	39-10-48(4)	Non-Mov	Vehicle improperly parked on Capitol Grounds when prohibited
1	\$20	39-10-49	Non-Mov	Stopping, standing, or parking where prohibited
0	\$20	39-10-50	Non-Mov	Additional parking regulations
0	\$50	39-10-50.1	Non-Mov	Unauthorized parking in a designated electric parking space or obstructing the space



## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
1	\$20	39-10-54.1	Non-Mov	Opening door on vehicle when unsafe
<b>PEDESTRIANS</b>				
2	\$50	39-10-05	Moving	Failure to yield to pedestrian at a lighted traffic-controlled intersection
2	\$50	39-10-28	Moving	Failure to yield right of way to pedestrian in crosswalk
0	\$20	39-10-30	Moving	Driver failed to exercise due care upon approaching pedestrian
0	\$20	39-10-33.1	Moving	Driver failed to yield right of way to pedestrian on sidewalk
0	\$20	39-10-33.2	Moving	Pedestrian failure to yield right of way to authorized emergency vehicle
2	\$20	39-10-33.3	Moving	Driver failed to yield right of way to blind or visually impaired person
0	\$20	39-10-33.4	Moving	Pedestrian under influence of alcohol or drugs creating a hazard on roadway
0	\$20	39-10-34	Moving	Pedestrian standing on roadway soliciting ride or business
<b>RAILROAD CROSSINGS</b>				
3	\$50	39-10-41	Moving	Failure to stop for automatic RR crossing signal, flagman, or train; drove around crossing gate or barrier
3	\$50	39-10-42	Moving	Failure to stop for RR crossing marked with stop sign
0	\$20	39-10-43	Moving	Passenger bus, school bus, or vehicle carrying certain hazardous materials failure to stop at RR crossing
0	\$20	39-10-67	Moving	Improper movement of heavy equipment at RR grade crossing
<b>REGISTRATION</b>				
0	\$20	39-04-02.1	Non-Mov	Failure to change address
1	\$20	39-04-11	Moving	Failure to display number plates/tabs
0	\$20	39-04-22	Moving	Exceeded gross weight for which registered
0	\$20	39-04-37(1)	Moving	Failure to register motor vehicle
0	\$100	39-04-37(6)	Non-Mov	Operating motor vehicle without temporary registration (upon gainful employment)
0	----	39-04-37	B Misd	Unlawful use of license plate or tab – Section 2, 3, 4, 5
0	\$20	39-04-55	Moving	Failure to carry registration card in vehicle (electronic version allowed)
0	----	39-05-17	B Misd	Failure to transfer title of vehicle
0	----	39-05-28	C Felony	Fraudulently defacing, destroying, or altering motor vehicle identification numbers
0	\$50	39-19-03	Moving	Reciprocal use of highways (Failure to obtain trip permit when required)
<b>RIGHT OF WAY</b>				
2	\$20	39-10-04	Moving	Disregarded traffic control device
2	\$20	39-10-05	Moving	Drove through red light
2	\$20	39-10-07	Moving	Failure to stop or yield for flashing red light/intersection
2	\$20	39-10-07	Moving	Failure to exercise caution at flashing yellow light/intersection
2	\$20	39-10-22	Moving	Failure to yield at intersection
2	\$20	39-10-22.1	Moving	Failure to yield right of way when entering a freeway
2	\$20	39-10-23	Moving	Turned left in front of approaching traffic
2	\$40	39-10-24(2)	Moving	Failure to yield right-of-way at intersection marked with a stop sign
2	\$40	39-10-24(3)	Moving	Failure to yield right-of-way at intersection marked with a yield sign
2	\$20	39-10-25	Moving	Failure to yield entering roadway from any place other than another roadway
2	\$50	39-10-26	Moving	Failure to yield to emergency vehicle or highway maintenance vehicle
2	\$50	39-10-26(2)	Moving	Failure to change lanes for authorized emergency vehicle
2	----	39-10-26(5)	Infrac	Failure to yield to emergency vehicle and causes an accident
0	\$20	39-10-26.3	Moving	Failure to yield right of way to stationary motor vehicle with hazard lights
0	\$20	39-10-37	Moving	Failure to yield from stopped or parked position
2	\$40	39-10-44(3)	Moving	Disregarded stop sign
0	\$20	39-10-45	Moving	Driver emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway
0	\$20	39-10-68	Moving	Entered intersection or RR grade crossing when roadway was obstructed
2	\$20	39-10-72	Moving	Violated right of way to funeral procession

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>SNOWMOBILE</b>				
0	\$50	39-24-02	Moving	Failure to register snowmobile
0	\$20	39-24-09(1)	Moving	Operated on shoulder of street, highway, or interstate when prohibited
0	\$20	39-24-09(2a)	Moving	Crossed roadway other than 90-degree angle
0	\$20	39-24-09(2b)	Moving	Failure to stop before crossing roadway
0	\$20	39-24-09(2c)	Moving	Failure to yield right of way to oncoming traffic
0	\$20	39-24-09(2d)	Moving	Crossed divided highway at other than an intersection
0	\$20	39-24-09(3)	Moving	No brakes, headlamps, or taillamps
0	----	39-24-09(5b)	B Misd	Careless, reckless, or negligent operation of snowmobile
0	----	39-24-09(5c)	Infrac	Drove snowmobile while under the influence of intoxicating liquor or drugs
0	----	39-24-09(5g)	B Misd	Operating on posted land
0	\$20	39-24-09(6)	Moving	No valid driver's license in possession while operating snowmobile
0	\$20	39-24-09(10)	Infrac	No helmet worn - operator or passenger under 18 years
0	----	39-24-09(11)	B Misd	Operating or owner permitting operation of snowmobile without liability insurance
0	\$100	39-24-09(12)	Moving	Operating within right of way of interstate
0	\$10	39-24-09.1	Non-Crim	Age restriction of operating snowmobile without certificate or license
0	----	39-24.1-06	Non-Crim	Revocation of privilege to operate snowmobile upon refusal to submit to testing (schedule hearing to determine noncriminal statutory fee)
0	----	39-24.1-12	A Misd	Operating snowmobile during period of prohibition
0	----	39-24.1-13	B Misd	Fleeing or attempting to elude a peace officer (third or subsequent offense – A Misd)
<b>TURNING</b>				
0	\$20	39-10-16 (4)	Moving	Neglected signal before exiting rotary traffic island (roundabout)
0	\$20	39-10-35(1)	Moving	Turned right from wrong lane or turned too wide
0	\$20	39-10-35(2)	Moving	Turned left from wrong lane or turned too wide
0	\$20	39-10-36	Moving	Improper turn around (interfered with traffic or on a hill or curve)
0	\$20	39-10-38	Moving	Neglected signal when required
<b>WRONG SIDE OR WRONG WAY</b>				
2	\$20	39-10-08	Moving	Drove on left half of roadway not in overtaking
2	\$20	39-10-14(1a)	Moving	Drove on left half of roadway on hill or curve
2	\$20	39-10-14(1b)	Moving	Drove on left half of roadway at intersection or RR crossing
2	\$20	39-10-16(3)	Moving	Drove wrong way on one-way roadway
0	\$20	39-10-17	Moving	Changed lanes without regard for other traffic
0	\$20	39-10-19	Moving	Crossing the median
2	\$20	39-10-20	Moving	Drove onto controlled-access highway other than entrances or exits
0	\$250	39-10-21.1	Moving	Drove on a closed road during hazardous conditions, when closure has been announced to the public.
0	\$20	39-10-55	Moving	Driver failed to stay to the right while traveling through defiles or canyons or failed to give audible warning
<b>MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS</b>				
2	\$250	39-21-44(1)	Non-Crim	Vehicle transporting explosives or hazardous materials – not equipped with at least one fire extinguisher, filled, ready and in convenient location
<b>MISCELLANEOUS</b>				
0	\$25	12.1-31-03	Non-Crim	Use of tobacco products by an individual under 21 yoa (juvenile referral under 14 years old)
0		23.1-15-02	A Misd	Any person that abandons a MV on any public or private property, without consent of the person in control of the property is in violation.
0	----	39-03-11	A Misd	Impersonating patrolman
0	----	39-07-08	B Misd	Violated written promise to appear
8	----	39-08-03	B Misd	Reckless driving
12	----	39-08-03	A Misd	Aggravated reckless driving
10	\$100	39-08-03.1	Moving	Drag racing (2.a)
3	\$50	39-08-03.1	Moving	Exhibition driving (2.b)

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
10	\$100	39-08-03.1	Moving	Racing (2.c)
0	----	39-08-19	B Misd	Willfully harassing or frightening any domestic animal with a motor vehicle
6	\$150	39-08-20	Moving	Driving without or failure to provide proof of liability insurance (in crash & owner—14 pts); 2 <sup>nd</sup> and subsequent offense w/in 3 years \$300 (12 points if w/in 18 months of first offense)
0	----	39-08-20(4)	B Misd	Failure to turn over plates by court order—result of second offense 3 yrs
0	\$150	39-08-20.2	Infrac	Failure to provide liability insurance for special mobile equipment (\$300 for 2 <sup>nd</sup> and subsequent offense in 3 years)
0	\$100	39-08-23	Moving	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle
0	\$20	39-08-24	Moving	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18
0	\$100	39-08-25	Moving	Failure to maintain control of motor vehicle while distracted
2	\$20	39-10-02	Moving	Failure to comply with a lawful order of police officer
0	\$20	39-10-38	Moving	Neglected signal when required
0	\$20	39-10-52.1	Moving	Driving upon sidewalk
0	\$20	39-10-54	Moving	Obstruction to driver's view or driving mechanism
0	\$20	39-10-56	Moving	Coasting prohibited
0	\$20	39-10-57	Moving	Following emergency vehicle when prohibited
0	\$20	39-10-58	Moving	Drove across fire hose when prohibited
0	\$500	39-10-59	Moving	Depositing rubbish on the highway
0	\$20	39-10-64	Moving	Drove through safety zone when prohibited
0	----	39-10-65	B Misd	Operated motor vehicle on protective flood works when prohibited
24	----	39-10-71	A Misd	Fleeing or attempting to elude a police officer 1st offense
			C Felony	Any subsequent offense within 3 years; or fleeing after or in the commission of a felony; or driver operates vehicle in a manner that creates inherent risk of death or serious injury to 3 <sup>rd</sup> person
0	----	39-21-56	A Misd	Sell, install, or sell a vehicle installed with a counterfeit or knowingly inoperative or previously deployed airbag
0	\$20	62.1-04-04	Non-Mov	Failure to produce concealed carry license upon request

### CRIMINAL (Criminal Offenses Include Infractions, Misdemeanors, Felonies)

0	----	39-30-02	B Felony	Operating a "chop shop"
0	----	12.1-08	A Misd	Harboring a runaway minor
0	----	12.1-08-02	A Misd	Resisting arrest (if offense involves an A, B, or C Felony - C Felony)
0	----	12.1-08-03	A Misd	Hindering law enforcement (C Felony under certain circumstances)
0	----	12.1-08-06	A Misd	Escape (B or C Felony under certain circumstances)
0	----	12.1-08-11	B Misd	Refusing to halt (non-driver; third or subsequent offense - A Misd)
0	----	12.1-11-03	A Misd	False information to a police officer
0	----	12.1-16-03	C Felony	Negligent homicide
0	----	12.1-17-01.2	B Misd	Domestic Violence – Bodily Injury; A Misd for subsequent offense; (Substantial bodily injury; A Misd; B Felony if victim under 12);(Serious bodily injury; C Felony; B Felony if victim under 12)
0	----	12.1-17-02	C Felony	Aggravated assault (B Felony if victim is under the age of 12, permanent loss or impairment of bodily member or organ, law enforcement or correctional institution employee)
0	----	12.1-17-11	A Misd	Contact by body fluids or excrement if the individual is reckless; C Felony if knowingly causes contact
0	----	12.1-17-12	B Felony	If negligently causes serious bodily harm while fleeing a peace officer; A Felony if negligently causes death
0	----	12.1-23-02.1	C Felony	Disarming or attempting to disarm a law enforcement officer
0	----	12.1-23-06	A Misd	Unauthorized use of a vehicle (C Felony if vehicle is an aircraft or recovery/restoration costs exceed \$1,000)
0	----	12.1-31-01	A Misd	Violated restraining order under section 4 or 5
0	----	12.1-31-01	B Misd	Disorderly conduct
0	----	12.1-31-01.1	B Misd	Disorderly conduct within 300 feet of funeral (subsequent offense - A Misd)
0	----	14-10-06	A Misd	Contributing to the delinquency of a minor (sexual conduct under 16 - C

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
				Felony)
0	----	19-03.1-22.1	B Misd	Inhalation of volatile chemical vapors (A Misd for 3 <sup>rd</sup> or subsequent offense within 1 year of 1 <sup>st</sup> offense)
0	----	19-03.1-22.3	B Misd	Unlawful ingestion of marijuana/THC under 21 and not a medical card holder
0	----	19-03.1-22.3	A Misd	Unlawful ingestion of a controlled substance not marijuana
0	----	19-03.1-23	A Misd	Possession of a controlled substance – other than marijuana (C Felony for 2 <sup>nd</sup> or subsequent offense)(B Felony if on school property, or delivery or manufacturing)
0	----	19-03.1-23	Infrac	Possession of a controlled substance – < ½ oz marijuana (C Felony for delivery or manufacturing)
0	----		B Misd	Possession of controlled substance - ½ oz to 500g of marijuana
0	----		A Misd	Possession of controlled substance – > 500g of marijuana
0	----	19-03.1-23(7)	Infrac	Possession of controlled substance – THC < 2 gm (2 to 6 gm B Misd; > 6 gm A Misd)
0	----	19-03.4-03	Infrac	Possession of drug paraphernalia – marijuana/THC (A Misd for manufacturing and growing related(B Misd only after 2 prior convictions)
0	----	19-03.4-03	A Misd	Possession of drug paraphernalia – Sch. 1-3 (C Felony for 2 <sup>nd</sup> and subsequent offense or manufacturing and growing related)
0	----	19-03.4-04	A Misd	Unlawful manufacture or delivery of drug paraphernalia (Class I, II, III-C Felony)
0	----	19-03.4-05	C Felony	Unlawful delivery of drug paraphernalia to a minor (at least 3 years the deliverer's junior)
0	----	20.1-01-06	B Misd	Being afield with gun, firearm, or bow and arrow while under the influence of intoxicating liquor and/or drugs
0	----	20.1-13-07	B Misd	Operating a motorboat or vessel while under the influence of intoxicating liquor and/or drugs
0	----	23.1-08-07	Infrac	Littering (more than one cubic foot, furniture, or appliance - B Misd)
0	----	24-15-05	B Misd	Proceeded or traveled through established roadblock
0	----	62.1-02-10	Infrac	Carrying a loaded firearm in a vehicle (Class 2 non-criminal under 20.1-01-30 if while hunting)
0	----	62.1-02-05	Infrac	Possession of a firearm at public gathering (knowingly violated)
0	----	62.1-03-01	A Misd	Carrying a handgun other than permitted by law
0	----	62.1-04-02	A Misd	Carrying a concealed weapon

Juvenile Court has jurisdiction over all criminal traffic related offenses including felonies, misdemeanors, and infraction law violations. The Juvenile Court does not have jurisdiction over non-criminal traffic related offenses including moving and non-moving violations. Non-moving violations are defined under 39-06.1-08 and moving violations are defined under 39-06.1-09.

### SPEED

6	\$30	39-09-01	Moving	Careless driving in violation of basic rule
2	\$30	39-09-01.1	Moving	Care required in operating vehicle
		39-09-02	Moving	Exceeded speed limit (fee as provided)
	\$40+	39-09-02(1b)	Moving	Exceeded speed limit in school zone (fee as provided)
	\$80+	39-09-02(2)	Moving	Exceeded speed limit in construction zone (with signs & workers present)
0	\$20	39-09-04.1	Moving	Drove in excess of special speed limitations
0	\$20	39-09-09	Moving	Impeding traffic or operating slower than minimum posted speed



# Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION											
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## FEES AND POINTS FOR SPEEDING IN 55 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
56-60	\$5	0	69	\$14	1	78	\$34	5	87	\$61	9	96	\$88	12
61	\$6	0	70	\$15	1	79	\$37	5	88	\$64	9	97	\$91	12
62	\$7	0	71	\$17	3	80	\$40	5	89	\$67	9	98	\$94	12
63	\$8	0	72	\$19	3	81	\$43	9	90	\$70	9	99	\$97	12
64	\$9	0	73	\$21	3	82	\$46	9	91	\$73	12	100	\$100	12
65	\$10	0	74	\$23	3	83	\$49	9	92	\$76	12	101	\$105+	15
66	\$11	1	75	\$25	3	84	\$52	9	93	\$79	12	+ \$5 for each mph over 101 mph		
67	\$12	1	76	\$28	5	85	\$55	9	94	\$82	12			
68	\$13	1	77	\$31	5	86	\$58	9	95	\$85	12			

## FEES AND POINTS FOR SPEEDING IN 65 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
66	\$2	0	76	\$25	1	86	\$75	5	96	\$125	9	106	\$175	12
67	\$4	0	77	\$30	1	87	\$80	5	97	\$130	9	107	\$180	12
68	\$6	0	78	\$35	1	88	\$85	5	98	\$135	9	108	\$185	12
69	\$8	0	79	\$40	1	89	\$90	5	99	\$140	9	109	\$190	12
70	\$10	0	80	\$45	1	90	\$95	5	100	\$145	9	110	\$195	12
71	\$12	0	81	\$50	3	91	\$100	9	101	\$150	12	111	\$200+	15
72	\$14	0	82	\$55	3	92	\$105	9	102	\$155	12	+ \$5 for each mph over 111 mph		
73	\$16	0	83	\$60	3	93	\$110	9	103	\$160	12			
74	\$18	0	84	\$65	3	94	\$115	9	104	\$165	12			
75	\$20	0	85	\$70	3	95	\$120	9	105	\$170	12			

## FEES AND POINTS FOR SPEEDING IN 70 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
71	\$5	0	81	\$55	3	91	\$105	7	101	\$155	12	111	\$205	15
72	\$10	0	82	\$60	3	92	\$110	7	102	\$160	12	112	\$210	15
73	\$15	0	83	\$65	3	93	\$115	7	103	\$165	12	113	\$215	15
74	\$20	0	84	\$70	3	94	\$120	7	104	\$170	12	114	\$220	15
75	\$25	0	85	\$75	3	95	\$125	7	105	\$175	12	115	\$225	15
76	\$30	1	86	\$80	5	96	\$130	10	106	\$180+	15	116	\$230	15
77	\$35	1	87	\$85	5	97	\$135	10	107	\$185	15	+ \$5 for each mph over 106 mph		
78	\$40	1	88	\$90	5	98	\$140	10	108	\$190	15			
79	\$45	1	89	\$95	5	99	\$145	10	109	\$195	15			
80	\$50	1	90	\$100	5	100	\$150	10	110	\$200	15			

## FEES AND POINTS FOR SPEEDING IN 75 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
76	\$5	0	86	\$55	3	96	\$105	7	106	\$155	12	116	\$205	15
77	\$10	0	87	\$60	3	97	\$110	7	107	\$160	12	117	\$210	15
78	\$15	0	88	\$65	3	98	\$115	7	108	\$165	12	118	\$215	15
79	\$20	0	89	\$70	3	99	\$120	7	109	\$170	12	119	\$220	15
80	\$25	0	90	\$75	3	100	\$125	7	110	\$175	12	120	\$225	15
81	\$30	1	91	\$80	5	101	\$130	10	111	\$180+	15	121	\$230	15
82	\$35	1	92	\$85	5	102	\$135	10	112	\$185	15	+ \$5 for each mph over 111 mph		
83	\$40	1	93	\$90	5	103	\$140	10	113	\$190	15			
84	\$45	1	94	\$95	5	104	\$145	10	114	\$195	15			
85	\$50	1	95	\$100	5	105	\$150	10	115	\$200	15			

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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### FEE AND POINT SCHEDULE FOR SPEEDING

	Speed Zones 55 or less	Speed Zones greater than 55 but less than 70 mph	
Speed (mph)	Fee (\$)	Fee (\$)	PT
1–5 mph over limit	\$5	\$2/each mph over limit	0
6–10 mph over limit	\$5+ \$1/each mph over 5 mph over limit	\$2/each mph over limit	0
11–15 mph over limit	\$10+ \$1/each mph over 10 mph over limit	\$20+ \$5/each mph over 10 mph over limit	1
16–20 mph over limit	\$15+ \$2/each mph over 15 mph over limit	\$45+ \$5/each mph over 15 mph over limit	3
21–25 mph over limit	\$25+ \$3/each mph over 20 mph over limit	\$70+ \$5/each mph over 20 mph over limit	5
26–35 mph over limit	\$40+ \$3/each mph over 25 mph over limit	\$95+ \$5/each mph over 25 mph over limit	9
36–45 mph over limit	\$70+ \$3/each mph over 35 mph over limit	\$145+ \$5/each mph over 35 mph over limit	12
46+ mph over limit	\$100+ \$5/each mph over 45 mph over limit	\$195+ \$5/each mph over 45 mph over limit	15

### FEES AND POINTS FOR SPEEDING IN SCHOOL ZONES

20 Zone	Fee	Pts
21-30	\$40	0
31	\$41	1
32	\$42	1
33	\$43	1
34	\$44	1
35	\$45	1
36	\$46	3
37	\$47	3
38	\$48	3

20 Zone	Fee	Pts
39	\$49	3
40	\$50	3
41	\$51	5
42	\$52	5
43	\$53	5
44	\$54	5
45	\$55	5
46	\$56	9
47	\$57	9

20 Zone	Fee	Pts
48	\$58	9
49	\$59	9
50	\$60	9
51	\$61	9
52	\$62	9
53*	\$63	9
*Regular fee becomes greater		

**School Zone Criteria:** During recess; during opening and closing hours of the school

**Fees:** 1-10 mph over - \$40; 11 mph and higher - \$40 plus \$1 for each mph over 10 mph over the limit – unless a greater fee is applicable

### FEES AND POINTS FOR SPEEDING IN CONSTRUCTION ZONES

35 Zone	55 Zone	60 Zone	Fee	Pts
36-45	56-65	61-70	\$80	0
46	66	71	\$82	1
47	67	72	\$84	1
48	68	73	\$86	1
49	69	74	\$88	1
50	70	75	\$90	1
51	71	76	\$92	3
52	72	77	\$94	3
53	73	78	\$96	3
54	74	79	\$98	3
55	75	80	\$100	3
56	76	81	\$102	5
57	77	82	\$104	5

35 Zone	55 Zone	60 Zone	Fee	Pts
58	78	83	\$106	5
59	79	84	\$108	5
60	80	85	\$110	5
61	81	86	\$112	9
62	82	87	\$114	9
63	83	88	\$116	9
64	84	89	\$118	9
65	85	90	\$120	9
66	86	91	\$122	9
67	87	92	\$124	9
68	88	93	\$126	9
69	89	94	\$128	9

**Construction Zone Criteria:** 1) Must be signed “Minimum Fee \$80” 2) Construction workers must be present at the time and place of the violation

**Fees:** 1-10 mph over—\$80; 11 mph and higher—\$80 plus \$2 for each mph over 10 mph over the limit

## Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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Extraordinary Road Use Fee Schedule (39-12-17 NDCC)				
Pounds	Fee		Pounds	Fee
1 to 1,000	\$20		15,001 to 16,000	\$1,920
1,001 to 2,000	\$40		16,001 to 17,000	\$2,550
2,001 to 3,000	\$60		17,001 to 18,000	\$2,700
3,001 to 4,000	\$140		18,001 to 19,000	\$2,850
4,001 to 5,000	\$220		19,001 to 20,000	\$3,000
5,001 to 6,000	\$305		20,001 to 21,000	\$4,200
6,001 to 7,000	\$380		21,001 to 22,000	\$4,400
7,001 to 8,000	\$495		22,001 to 23,000	\$4,600
8,001 to 9,000	\$575		23,001 to 24,000	\$4,800
9,001 to 10,000	\$655		24,001 to 25,000	\$5,000
10,001 to 11,000	\$1,100		25,001 to 26,000	\$5,200
11,001 to 12,000	\$1,200		26,001 to 27,000	\$5,400
12,001 to 13,000	\$1,300		27,001 to 28,000	\$5,600
13,001 to 14,000	\$1,680		28,001 to 29,000	\$5,800
14,001 to 15,000	\$1,800		29,001 to 30,000	\$6,000
An additional charge of \$200 for every 1,000-pound increase over 30,000 pounds consistent with the above formula.				

### MOTOR CARRIER SAFETY REGULATIONS – NDHP ONLY – Reference Policy 9-22 Annex H for CFR Codes

0	\$500	39-21-46(3)	Moving	Operating vehicle: after driver placed out-of-service; with 10 or more out-of-service defects; or prior to repair after vehicle has been placed out of service
0	\$250	39-21-46(3)	Moving	False record of duty status/log book; operating vehicle with 7-9 out-of-service defects
0	\$100	39-21-46(3)	Moving	Driving excess hours; duty status/log book violations; operating vehicle with 4-6 out-of-service defects
0	\$50	39-21-46(3)	Moving	Motor carrier safety regulation violations not listed above
0	\$50	39-21-46(3)	Moving	Carrier out of service orders

### MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS – NDHP ONLY

2	\$250	39-21-44(2)	Non-Crim	Violations involving the transport of haz-mat or explosives
2	\$250	39-21-44(2)	Non-Crim	Exceeding 25 mph while pulling an anhydrous ammonia portable tank



## Our Values

Loyalty  
Integrity  
Commitment  
Respect  
Professionalism  
Accountability

NORTH  
**Dakota** | Highway Patrol  
Be Legendary.™

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

HB 1229  
4/17/2025  
Conference Committee

Relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.
--

10:30 a.m. Chairman Koppelman called the meeting to order.

Members Present: Chairman Koppelman, Representatives Grueneich, Schatz; Chairman Rummel, Senators Paulson, Cory

## **Discussion Topics:**

- Care-required
- Distracted driving
- Point system
- 80 miles per hour bill

10:31 a.m. Chairman Koppelman proposed amendment LC #25.0294.03003, testimony #45061, referenced previous testimony #45037.

10:44 a.m. Representative Schatz moved amendment LC#25.0294.03003 In Place of LC#25.0294.03002.

10:44 a.m. Representative Grueneich seconded the motion.

10:45 a.m. Motion passed 5-1-0

10:46 a.m. Chairman Koppelman will carry the bill.

10:46 a.m. Senator Cory will carry the bill.

10:46 a.m. Chairman Koppelman adjourned the meeting.

*Janae Pinks, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VC 4/17/25  
1 of 3

**ENGROSSED HOUSE BILL NO. 1229**

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

*In place of amendment (25.0294.03002) adopted by the Senate, Engrossed House Bill  
No. 1229 is amended by amendment (25.0294.03003) as follows:*

A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06, a  
new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and section 39-10-71.1 of  
the North Dakota Century Code, relating to statutory fees for traffic offenses ~~and~~ points  
assigned to driving records, and a motor vehicle owner's responsibility regarding a driver who  
flees a peace officer; to amend and reenact subsection 1 of section 39-06.1-10 of the North  
Dakota Century Code, relating to entries against a driving record; and to provide a penalty.

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

**SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
Century Code is created and enacted as follows:

A violation of section 39-10-71.1, a fee of one hundred dollars for a first violation,  
and five hundred dollars for a second or subsequent violation except as provided  
under section 39-10-71.1.

**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 one or less. If the points assigned to the violation are two one 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~~one 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.

**SECTION 3.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Failure to maintain control of a motor vehicle while distracted 2 points  
in violation of section 39-08-25, or equivalent ordinance

**SECTION 4.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.

- 1           b. The motor vehicle was reported stolen before the violation occurred or within a
- 2           reasonable time after the violation occurred.
- 3           c. The motor vehicle owner assists or cooperates with a peace officer to
- 4           demonstrate the owner was not the one who operated the motor vehicle at the
- 5           time and place of the violation of section 39-10-71.
- 6           d. The motor vehicle owner provides information that demonstrates the owner was
- 7           not the driver of the motor vehicle at the time of the offense.
- 8       4. A motor vehicle owner may not be found to have violated this section, and the lessee
- 9       is presumed to have violated this section, if the motor vehicle owner is a lessor of
- 10       vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in
- 11       the possession of a lessee, and the lessor provides a peace officer with the motor
- 12       vehicle's registration number and the name, address, and operator's license number of
- 13       the individual renting or leasing the motor vehicle.
- 14       5. An individual may not be charged both with violating this section and section 39-10-71
- 15       for acts arising out of the same incident or occurrence.
- 16       6. This section ~~may~~does not apply to a motor vehicle rental company ~~that rents~~renting
- 17       motor vehicles to customers for a period of ninety days or less.

# HB 1229 041725 1045 AM Roll Call Vote

## Final Recommendation

**HB 1229**

**Date Submitted:** April 17, 2025, 10:45 a.m.

**Recommendation:** In Place Of

**Amendment LC #:** 25.0294.03003

**Engrossed LC #:** N/A

**Description:**

**Motioned By:** Schatz, Mike

**Seconded By:** Grueneich, Jim

**House Carrier:** Koppelman, Ben

**Senate Carrier:** Cory, Claire

**Emergency Clause:** None

**Vote Results:** 5 - 1 - 0

Rep. Koppelman, Ben	Yea
Rep. Grueneich, Jim	Yea
Rep. Schatz, Mike	Yea
Sen. Rummel, Dean	Nay
Sen. Paulson, Bob	Yea
Sen. Cory, Claire	Yea



**REPORT OF CONFERENCE COMMITTEE  
ENGROSSED HB 1229**

Your conference committee (Sens. Rummel, Paulson, Cory and Reps. Koppelman, Grueneich, Schatz) recommends that in place of amendment [25.0294.03002](#) adopted by the Senate, Engrossed HB 1229 is amended by amendment [25.0294.03003](#).

Engrossed HB 1229 was placed on the Seventh order of business on the calendar.

25.0294.03003  
Title.

Prepared by the Legislative Council  
staff for Representative Koppelman  
April 17, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod

Senators Cleary, Clemens, Sickler

*In place of amendment (25.0294.03002) adopted by the Senate, Engrossed House Bill No. 1229 is amended by amendment (25.0294.03003) as follows:*

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06, a  
2 new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and section 39-10-71.1 of  
3 the North Dakota Century Code, relating to statutory fees for traffic offenses ~~and~~ points  
4 assigned to driving records, and a motor vehicle owner's responsibility regarding a driver who  
5 flees a peace officer; to amend and reenact subsection 1 of section 39-06.1-10 of the North  
6 Dakota Century Code, relating to entries against a driving record; and to provide a penalty.

### 7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
9 Century Code is created and enacted as follows:

10 A violation of section 39-10-71.1, a fee of one hundred dollars for a first violation,  
11 and five hundred dollars for a second or subsequent violation except as provided  
12 under section 39-10-71.1.

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

- 15 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic  
16 violation is received by the director, the director shall proceed to enter the proper  
17 points on the licensee's driving record, unless the points assigned to the violation are  
18 two or less. If the points assigned to the violation are two or less, the violation  
19 and points may not be entered on the driving record but must be recorded separately,  
20 and the separate record is not available to the public. Points from a violation in which

the points are ~~two~~ one 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.

**SECTION 3.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Failure to maintain control of a motor vehicle while distracted 2 points  
in violation of section 39-08-25, or equivalent ordinance

**SECTION 4.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.



- 1           **b.**   The motor vehicle was reported stolen before the violation occurred or within a  
2                   reasonable time after the violation occurred.
- 3           **c.**   The motor vehicle owner assists or cooperates with a peace officer to  
4                   demonstrate the owner was not the one who operated the motor vehicle at the  
5                   time and place of the violation of section 39-10-71.
- 6           **d.**   The motor vehicle owner provides information that demonstrates the owner was  
7                   not the driver of the motor vehicle at the time of the offense.
- 8           **4.**   A motor vehicle owner may not be found to have violated this section, and the lessee  
9                   is presumed to have violated this section, if the motor vehicle owner is a lessor of  
10                  vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
11                  the possession of a lessee, and the lessor provides a peace officer with the motor  
12                  vehicle's registration number and the name, address, and operator's license number of  
13                  the individual renting or leasing the motor vehicle.
- 14           **5.**   An individual may not be charged both with violating this section and section 39-10-71  
15                   for acts arising out of the same incident or occurrence.
- 16           **6.**   This section may not apply to a motor vehicle rental company that rents motor vehicles  
17                   to customers for a period of ninety days or less.



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Room JW327E, State Capitol

HB 1229  
4/25/2025  
Conference Committee

Relating to statutory fees for traffic offenses, points assigned to driving records, and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a driving record; and to provide a penalty.

10:01 a.m. Chairman Koppelman called the meeting to order.

Members Present: Chairman Koppelman, Representative Grueneich; Chairman Rummel, Senators Paulson, Cory

Members Absent: Representative Schatz

### Discussion Topics:

- Fleeing a peace officer
- Traffic offenses
- Point system
- Consider vs shall study
- Moving violations

10:05 a.m. Chairman Rummel proposed amendment LC# 25.0294.03004, testimony #45189.

10:15 a.m. Brad Schaffer, Director, Driver and Vehicle Services, ND DOT, stood for questions.

10:20 a.m. Stephanie Engebretson, ND Chief of Police Association, stood for questions.

10:26 a.m. Chairman Rummel moved that the House accepts the Senate Amendment LC#25.0294.03003.

10:26 a.m. Senator Paulson seconded the motion.

10:27 a.m. Motion passed 4-1-1

10:27 a.m. Chairman Koppelman will carry the bill.

10:27 a.m. Chairman Rummel will carry the bill.

10:28 a.m. Chairman Koppelman adjourned the meeting.

*Janae Pinks, Committee Clerk*

# HB 1229 042525 1026 AM Roll Call Vote

## Final Recommendation

**HB 1229**

**Date Submitted:** April 25, 2025, 10:26 a.m.

**Recommendation:** Accept

**Amendment LC #:** 25.0294.03003

**Engrossed LC #:** N/A

**Description:**

**Motioned By:** Rummel, Dean

**Seconded By:** Paulson, Bob

**House Carrier:** Koppelman, Ben

**Senate Carrier:** Rummel, Dean

**Emergency Clause:** None

**Vote Results:** 4 - 1 - 1

Rep. Koppelman, Ben	Yea
Rep. Grueneich, Jim	Yea
Rep. Schatz, Mike	Absent
Sen. Rummel, Dean	Yea
Sen. Paulson, Bob	Yea
Sen. Cory, Claire	Nay

**REPORT OF CONFERENCE COMMITTEE  
ENGROSSED HB 1229**

Your conference committee (Sens. Rummel, Paulson, Cory and Reps. Koppelman, Grueneich, Schatz) recommends the **HOUSE ACCEPT** the Senate amendments ([25.0294.03002](#)) to Engrossed HB 1229.

Engrossed HB 1229 was placed on the Seventh order of business on the calendar.

25.0294.03004  
Title.

Prepared by the Legislative Council  
staff for Senator Rummel  
April 24, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

*In place of amendment (25.0294.03002) adopted by the Senate, Engrossed House Bill No. 1229 is amended by amendment (25.0294.03004) as follows:*

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic  
3 offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer;  
4 ~~to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code,~~  
5 ~~relating to entries against a driving record;~~ to provide for a legislative management study; and to  
6 provide a penalty.

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

8 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
9 Century Code is created and enacted as follows:

10 A violation of section 39-10-71.1, a fee of one hundred dollars for a first violation,  
11 and five hundred dollars for a second or subsequent violation except as provided  
12 under section 39-10-71.1.

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

15 ~~1. If a report of a conviction of a traffic offense, or admission or adjudication of a~~  
16 ~~traffic violation is received by the director, the director shall proceed to enter the proper~~  
17 ~~points on the licensee's driving record, unless the points assigned to the violation are~~  
18 ~~two or less. If the points assigned to the violation are two or less, the violation and~~  
19 ~~points may not be entered on the driving record but must be recorded separately, and~~  
20 ~~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.~~

**SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.
  - b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
  - c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of section 39-10-71.

- 1           d. The motor vehicle owner provides information that demonstrates the owner was  
2           not the driver of the motor vehicle at the time of the offense.
- 3           4. A motor vehicle owner may not be found to have violated this section, and the lessee  
4           is presumed to have violated this section, if the motor vehicle owner is a lessor of  
5           vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
6           the possession of a lessee, and the lessor provides a peace officer with the motor  
7           vehicle's registration number and the name, address, and operator's license number of  
8           the individual renting or leasing the motor vehicle.
- 9           5. An individual may not be charged both with violating this section and section 39-10-71  
10          for acts arising out of the same incident or occurrence.
- 11          6. This section ~~may~~does not apply to a motor vehicle rental company ~~that rents~~renting  
12          motor vehicles to customers for a period of ninety days or less.

13          **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - DRIVERS LICENSE POINTS**

14          **SYSTEM.** During the 2025-26 interim, the legislative management shall consider studying the  
15          drivers license points system in chapter 39-06.1. The study must include a review of the current  
16          points system and consideration of the severity of violations along with the point values  
17          assigned to violations. The legislative management shall report its findings and  
18          recommendations, together with any legislation necessary to implement the recommendations,  
19          to the seventieth legislative assembly.