

2025 HOUSE TRANSPORTATION

HB 1422

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1422
1/31/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked; and to provide a penalty.
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10:06 a.m. Vice Chairman Grueneich opened the hearing.

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

Discussion Topics:

- License reinstatement
- Penalties

10:08 a.m. Representative D. Ruby introduced the bill.

10:10 a.m. Frank Senn, Chief of Police, Beulah Police Dept., testified in favor.

10:17 a.m. Travis Finck, Executive Director, ND Commission on Legal Counsel for Indigents, testified in opposition and submitted testimony #33064.

10:21 a.m. Representative Anna Novak testified in favor and submitted testimony #33210.

Additional written testimony:

Ashley Lies, Executive Director, ND State's Attorneys' Association, submitted testimony, neutral, #32882.

10:23 a.m. Vice Chairman Grueneich closed the hearing.

Janae Pinks, Committee Clerk

North Dakota State's Attorneys' Association

January 27, 2025

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

RE: House Bill No. 1422

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

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter as **NEUTRAL** to House Bill 1422 to bring up a concern with it as currently presented.

First, in reading the Bill, we interpret the intent of the changes to allow a driver to have their charge reduced to a "disqualified driver" if they are able to get their operator's license reinstated within sixty days of the date of the offense and that they would then be assessed a \$100.00 fine and have three points charged against their driving record. However, the Section 1 and Section 2 amendments, if this is the intent, do not reflect that goal.

Section 1's amendments in subsection 3 seem to state that an "an individual may not operate a motor vehicle . . . in the state while an individual's operator's license has been disqualified as a result of a suspension or revocation." It then states that "[a]n individual in violation of this subsection is subject to a fine of one hundred dollars and three points to be charged against the individual's driving record." This seems to read that all driving under revocation or suspension charges should just receive a \$100.00 fine and three points when N.D.C.C. § 39-06-42 clearly provides different penalties.

If the intent is that a person who is able to get their license reinstated after receiving a driving under revocation or suspension offense have to pay a \$100.00 fine and receive three points against their license, better wording would be helpful to avoid confusion in the courts.

On behalf of the North Dakota State's Attorneys:


Ashley L. Lies, Executive Director

HB 1442
69th Legislative Assembly
House Transportation Committee
Testimony of Travis W. Finck in Opposition
January 31, 2025

Chairman Ruby, members of the House Transportation Committee, my name is Travis Finck, and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of public defense services in the great state of North Dakota. We rise today in opposition HB 1422.

Let me start by thanking Rep. Novak for allowing me to discuss this bill with her and Chief Senn. This bill seeks to provide remedy to the issue of individuals driving on a suspended license, but the Commission feels it is not workable as written and has concerns about conflation of all driving under suspensions.

Section 1 of this bill seeks to add a new subsection with a new penalty to NDCC 39-06-01 for a disqualified driver. This has a few flaws. The term “disqualified driver” is not defined anywhere in code relating to driving. Rather, this new section seems to repeat the same conduct that is verboten in NDCC 39-06-42. A violation of NDCC 39-06-42 is a criminal violation which is a class B misdemeanor. This new section of law would have a penalty that is non-criminal traffic violation resulting in three points and a \$100 fine.

The problem with the 3-point violation and \$100 in section 1 of this bill, is there is already a penalty in the Code for a violation of this chapter. NDCC 39-06.1-10(3)(23) provides a violation of NDCC 39-06-01 is a four-point violation against an individual’s license and NDCC 39-06.1-06 provides for a fine of \$20. Thus, the new section would be incongruent with current sentencing code, which is not addressed in the bill.

The next issue the Commission is with Section 2 at page 2, line 25 of the bill. The bill would seek to amend the ability of a court to dismiss a charge for Driving Under Suspension/Revocation allowing a court only to reduce a charge to the new undefined “disqualified driver”. A Court may reduce a sentence under the North Dakota Rules of Criminal Procedure, but there is no way for a court to reduce a charge on their own absent a bench trial where a court may reduce a charge to a lesser included offense. See State v. Klose, 334 N.W.2d 647 (1983). The Court does not make charging decisions, the prosecuting attorney does.


The final issue the Commission has in regard to this bill is the conflation of reasons a license may be suspended. As currently written, even if there was a clerical mistake at no fault of the individual that led to their license being suspended, the Court could no longer just dismiss a charge of driving under suspension, and the individual would end up with a \$100 fine and three points of their license for not doing anything wrong. After speaking with

the bill sponsor and the constituent this was filed on behalf of, I know this was not the intention, but it is how it is written.

At this time, the Commission would respectfully request a do not pass recommendation.

Mr. Chairman, members of the Committee, I would gladly stand for any questions.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Travis W. Finck', written over a horizontal line.

Travis W. Finck
Executive Director, NDCLCI



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

NOVAK
HB 1422



Representative Anna Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

January 31, 2025

Good morning, Mr. Chairman and members of the committee.

I am introducing HB1422 on behalf of a constituent, Frank Senn. He is the police chief in Beulah, ND, and has been in law enforcement for thirty years. When he approached me about the idea of trying to reduce the number of people driving under suspension, he actually had run into this exact circumstance five times in the previous week. This is clearly a problem.

I am going to let Chief Senn explain how this bill impacts him in his job directly, as I sponsored this bill on his behalf. Now, my original plan was to quickly walk you through the proposed changes in this bill. However, yesterday afternoon and this morning, I was made aware of some valid problems with the bill version in front of you. I was contacted by Travis Finck, Executive Director for the Commission on Legal Council for Indigent and as I mentioned, the concerns were valid. Travis and Chief Senn were able to connect and I believe that they have come up with a potential solution for the problem of driving under suspension; however, there wasn't time for potential changes to be drafted.

If it would be agreeable to the committee, I would request that Chief Senn follow my testimony with an explanation of the original bill and the proposed changes that he and Travis Finck are working on. They share the same goal, and want to come up with a workable version of HB1422.

With that, I'll stand for any questions. Thank you, Mr. Chairman and members of the committee.

VISION ZERO



Zero fatalities. Zero excuses.

MR. CHAIRMAN, MEMBER OF TRANSPORTATION COMMITTEE
THANK YOU FOR OPPORTUNITY TO PRESENT TODAY
NAME

HB1422 WAS INTRODUCED TO HOPEFULLY
CLOSE A LOOPHOLE IN 39-06-1/2 DRIVING WHILE
LICENSE SUSPENDED. CURRENTLY AN DRIVER
WHOM HAS BEEN CHARGED WITH OPERATING
A MOTOR VEHICLE WHILE LICENSE SUSPEND.
CLASS B MISDEAMOR. ^{DRIVER} CAN PETITION THE COURT
TO HAVE THE CHARGE DISMISSED IF THE
DRIVER OBTAINS THEIR LICENSE BACK WITHIN
60 DAYS. THIS HAS TAXED LAW ENFORCEMENT AND COURTS
WITH NO DETERRENCE TO THE OFFENDING DRIVER.

CURRENTLY HB1422 WOULD CREATE A
SUBSECTION THAT WOULD PREVENT DISMISSED
AND ADD REDUCE TO A DISTINCTION OF
DISQUALIFIED DRIVER. DRIVER WOULD BE ASSESSED
\$100 FINE AND 3 PTS.

LAST NIGHT I WAS CONTACTED AND INFORMED
OF ISSUES WITHIN THE BILL. I WAS ABLE TO
MEET WITH OPPOSITION AND I FEEL THERE
WAS A LOT OF COMMON GROUND. I RESPECTFULLY
REQUEST NO ACTION ON BILL SO THAT WE CAN
DRAFT AMENDMENTS TO REFLECT THOSE COMMON
GROUNDING. TWO POSSIBLY INTRODUCE THEM BACK TO
THE COMMITTEE. AS EARLY AS NEXT WEEK.

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1422
2/13/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked; and to provide a penalty.

10:44 a.m. Chairman D. Ruby opened the meeting.

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

Discussion Topics:

- Proposed amendment

10:45 a.m. Chairman D. Ruby proposed amendment to strike subsection 3, testimony #37617.

10:49 a.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

Sixty-ninth
Legislative Assembly

48 1422

Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert

Senators Conley, Rummel

A BILL for an Act to amend and reenact sections ~~39-06-01~~, and 39-06-42 39-06.1-09, 39-06.1-06 and 39-06.1-10(3)(a)(23) of the North Dakota Century Code, relating to operating a motor vehicle while driving privileges are suspended or revoked and without a valid license as an operator; and to provide a penalty.

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

2 **SECTION 1 AMENDMENT. Section 39-06-01 of the North Dakota Century Code is amended and**
3 **reenacted as follows: 39-06-01. Operators must be licensed - Additional licensing - Penalty.**

4 1. An individual, unless exempted in this section, may not drive any motor vehicle on a highway or on
5 public or private areas to which the public has a right of access for vehicular use in this state unless the
6 individual has a valid license as an operator under this chapter or a temporary operator's permit issued
7 under chapter 39-20. An individual may not receive an operator's license or a nondriver identification card
8 until that individual surrenders to the director all operator's licenses, permits, and nondriver photo
9 identification cards issued to that individual by any state or country. If a license issued by another state is
10 surrendered, the director shall notify the issuing state of the surrender. An individual may be issued either
11 a valid operator's license or a nondriver identification card at any one time, but not both.

12 2. An individual licensed as an operator may exercise the privilege granted by the license on any
13 highway in this state and may not be required to obtain any other license to exercise the privilege by any
14 political subdivision having authority to adopt police regulations, except that municipalities may regulate
15 occupations and may regulate the operation of taxicabs under subsection 27 of section 40-05-01.

16 ~~3. An individual may not operate a motor vehicle on a highway or public or private areas to~~
17 ~~which the public has a right of access for vehicular use in the state while an individual's~~
18 ~~operator's license has been disqualified as a result of a suspension or revocation. An offense~~
19 ~~under this subsection may be dismissed only if the operator's license is reinstated within sixty~~

~~20 — days of the date of the offense and the dismissal must be granted by the court upon~~
~~21 — satisfactory evidence of reinstatement of driving privileges. An individual in violation of this~~
~~22 — subsection is subject to a fine of one hundred dollars and three points to be charged against~~
~~23 — the individual's driving record.~~

24 **AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **Section 39-06-42 - Penalty for driving while license suspended or revoked -**
Impoundment of vehicle number plates - Authority of cities

27 1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a
28 highway or on public or private areas to which the public has a right of access for vehicular use in
29 this state while an individual's operator's license is suspended or revoked in any jurisdiction is
30 guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any
31 subsequent offense within the same five-year period is a class A misdemeanor

32 2. If the suspension or revocation was imposed for violation of section 39-08-01 or
33 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence
34 must be at least four consecutive days' imprisonment and a fine as the court deems proper.
35 The execution of sentence may not be suspended or the imposition of sentence deferred
36 under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the
37 defendant's personal appearance in open court for arraignment on a charge under this
38 subsection.

39 3. A court may dismiss ~~reduce~~ a charge under this section ~~to a disqualified driver~~ upon
40 motion by the defendant if The defendant's operator's license is reinstated within sixty days
41 of the date of the offense and the defendant provides to the court satisfactory evidence of
42 the reinstatement. Alternatively, a court may grant a motion to amend a charge under this
43 section to a violation of section 39-06-01.

SECTION 3. AMENDMENT: Section 39-06.1-09 is amended and reenacted as follows:
39-06.1-09. Moving violation defined.

1 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
2 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-
3 04-55, ~~39-06-01~~, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-

4 08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, o 39-09-09, subsection 1
5 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-
6 45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-
7 24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-
8 10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-
9 26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections
10 within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 4. AMENDMENT. Section 39-06.1-10(3)(a) is amended and reenacted as follows:

11 **39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit**
12 **schedule - Suspension.**

13 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic
14 violation is received by the director, the director shall proceed to enter the proper points
15 on the licensee's driving record. If the driving record shows that the licensee has
16 accumulated a total of twelve or more points, assigned on the basis of the schedule
17 contained in subsection 3, the director shall notify the licensee of the director's intention
18 to suspend the operator's license under section 39-06-33. For the purposes of this
19 chapter, the director also may receive and act on reports of traffic offense convictions
20 forwarded by federal, military, and tribal courts in this state.

21 2. If the director confirms, after hearing or opportunity for hearing, that the licensee's
22 driving record has an accumulated point total of twelve or more points, the director shall
23 Accumulated Point Total: Period of Suspension: a. Twelve 7 days b. Thirteen and
24 above 7 days for each point over eleven

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

27 a. Noncriminal Violations Noncriminal Adjudication or Admission of:
28 Points Assigned:

29 (23) Operating a motor vehicle without a license in 4-9 points
30 violation of section 39-06-01, or equivalent ordinance

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1422
2/13/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked; and to provide a penalty.

2:42 p.m. Chairman D. Ruby opened the meeting.

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

Discussion Topics:

- Increased fees
- Changing language

2:42 p.m. Chairman D. Ruby distributed proposed amendment, testimony #37663.

2:42 p.m. Travis Finck, Executive Director, ND Commission on Legal Counsel for Indigents, stood for questions.

2:46 p.m. Representative Grueneich moved to adopt amendment LC#25.0728.01002.

2:46 p.m. Representative Frelich seconded the motion.

2:46 p.m. Voice vote - motion passed.

2:49 p.m. Representative Christianson moved a Do Pass as Amended.

2:49 p.m. Representative Frelich seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
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	N
Representative Ben Koppelman	Y
Representative Roger A. Maki	Y
Representative Desiree Morton	Y
Representative Doug Osowski	Y
Representative Mike Schatz	N

2:52 p.m. Motion passed 11-3-0.

2:52 p.m. Representative Christianson will carry the bill.

2:52 p.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

CV HB
1 of 6

HOUSE BILL NO. 1422

Introduced by

Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert

Senators Conley, Rummel

1 A BILL for an Act to amend and reenact sections ~~39-06-01~~ and 39-06-42, 39-06.1-06, and
2 39-06.1-09 and paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North
3 Dakota Century Code, relating to operating a motor vehicle while driving privileges are
4 suspended or revoked, the amount of statutory fees, the definition of moving violations, and
5 entries against a driving record; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **~~SECTION 1. AMENDMENT.~~** Section ~~39-06-01~~ of the North Dakota Century Code is
8 ~~amended and reenacted as follows:~~

9 ~~— 39-06-01. Operators must be licensed – Additional licensing – Penalty.~~

10 ~~— 1. An individual, unless exempted in this section, may not drive any motor vehicle on a~~
11 ~~highway or on public or private areas to which the public has a right of access for~~
12 ~~vehicular use in this state unless the individual has a valid license as an operator~~
13 ~~under this chapter or a temporary operator's permit issued under chapter 39-20. An~~
14 ~~individual may not receive an operator's license or a nondriver identification card until~~
15 ~~that individual surrenders to the director all operator's licenses, permits, and nondriver~~
16 ~~photo identification cards issued to that individual by any state or country. If a license~~
17 ~~issued by another state is surrendered, the director shall notify the issuing state of the~~
18 ~~surrender. An individual may be issued either a valid operator's license or a nondriver~~
19 ~~identification card at any one time, but not both.~~

1 ~~2. An individual licensed as an operator may exercise the privilege granted by the license~~
2 ~~on any highway in this state and may not be required to obtain any other license to~~
3 ~~exercise the privilege by any political subdivision having authority to adopt police~~
4 ~~regulations, except that municipalities may regulate occupations and may regulate the~~
5 ~~operation of taxicabs under subsection 27 of section 40-05-01.~~

6 ~~3. An individual may not operate a motor vehicle on a highway or public or private areas~~
7 ~~to which the public has a right of access for vehicular use in the state while an~~
8 ~~individual's operators license has been disqualified as a result of a suspension or~~
9 ~~revocation. An offense under this subsection may be dismissed only if the operators~~
10 ~~license is reinstated within sixty days of the date of the offense and the dismissal must~~
11 ~~be granted by the court upon satisfactory evidence of reinstatement of driving~~
12 ~~privileges. An individual in violation of this subsection is subject to a fine of~~
13 ~~one hundred dollars and three points to be charged against the individual's driving~~
14 ~~record.~~

15 **SECTION 1. AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **39-06-42. Penalty for driving while license suspended or revoked - Impoundment of**
18 **vehicle number plates - Authority of cities.**

- 19 1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle
20 on a highway or on public or private areas to which the public has a right of access for
21 vehicular use in this state while an individual's operator's license is suspended or
22 revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or
23 third offense within a five-year period. Any subsequent offense within the same
24 five-year period is a class A misdemeanor.
- 25 2. If the suspension or revocation was imposed for violation of section 39-08-01 or
26 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the
27 sentence must be at least four consecutive days' imprisonment and a fine as the court
28 deems proper. The execution of sentence may not be suspended or the imposition of
29 sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is
30 not permitted in lieu of the defendant's personal appearance in open court for
31 arraignment on a charge under this subsection.

- 1 3. A court may dismiss~~reduce~~ a charge under this section ~~to a disqualified driver~~ upon
2 motion by the defendant if the defendant's operator's license is reinstated within sixty
3 days of the date of the offense and the defendant provides to the court satisfactory
4 evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion
5 to amend a charge under this section to a violation of section 39-06-01.
- 6 4. In addition to any other punishment imposed, the court may order the number plates of
7 the motor vehicle owned and operated by the offender at the time of the offense to be
8 destroyed by the sheriff. If a period of suspension has been extended under
9 subsection 6 of section 39-06-17, the court may order the number plates to be
10 destroyed under this subsection. The offender shall deliver the number plates to the
11 court without delay at a time certain as ordered by the court following the conviction.
12 The court shall deliver the number plates to the sheriff and notify the department of the
13 order. An offender who does not provide the number plates to the court at the
14 appropriate time is subject to revocation of probation.
- 15 5. A city may authorize, by ordinance, its municipal judge to order destruction of motor
16 vehicle number plates by the office of the police officer that made the arrest in the
17 manner provided in subsection 4.

18 **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-06.1-06. Amount of statutory fees.**

21 The fees required for a noncriminal disposition under section 39-06-01, 39-06.1-02 or
22 39-06.1-03 must be as follows:

- 23 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
24 except for a violation of any traffic parking regulation on any state charitable or penal
25 institution property or on the state capitol grounds, a fee in the amount of five dollars,
26 excluding a violation of subsection 11 of section 39-01-15.
- 27 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
28 for:
 - 29 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
30 dollars.

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

25 Miles per hour over

26 lawful speed limit

Fee

27 1 - 5 \$ 5

28 6 - 10 \$ 5 plus \$1/each mph over 5 mph over limit

29 11 - 15 \$ 10 plus \$1/each mph over 10 mph over limit

30 16 - 20 \$ 15 plus \$2/each mph over 15 mph over limit

31 21 - 25 \$ 25 plus \$3/each mph over 20 mph over limit

1	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
2	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
3	46 +	\$100 plus \$5/each mph over 45 mph over limit

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

7	Miles per hour over	
8	lawful speed limit	Fee
9	1 - 10	\$2/each mph over limit
10	11 +	\$20 plus \$5/each mph over 10 mph over limit

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

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

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

29 8. For a violation of a school zone speed limit under subdivision b of subsection 1 of
30 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
31 posted speed; and forty dollars, plus one dollar for each additional mile per hour over

ten miles per hour over the limit unless a greater fee would be applicable under this section.

9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

10. For a violation of operating a motor vehicle while not being licensed under section 39-06-01, a fee of one hundred fifty dollars.

SECTION 3. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, ~~39-06-01~~, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 4. AMENDMENT. Paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

(23) Operating a motor vehicle without a license in 40 points
violation of section 39-06-01, or equivalent ordinance

**REPORT OF STANDING COMMITTEE
HB 1422**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.0728.01002](#)) and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1422 was placed on the Sixth order on the calendar.

25.0728.01000

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1422

Introduced by

Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert

Senators Conley, Rummel

A BILL for an Act to amend and reenact sections ~~39-06-01, and 39-06-42~~ 39-06.1-09, 39-06.1-06
and 39-06.1-10(3)(a)(23) of the North Dakota Century Code, relating to operating a motor vehicle while
driving privileges are suspended or revoked and without a valid license as an operator; and to provide a
penalty.

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

2 ~~SECTION 1 AMENDMENT. Section 39-06-01 of the North Dakota Century Code is amended and~~
3 ~~reenacted as follows: 39-06-01. Operators must be licensed – Additional licensing – Penalty.~~

4 ~~1. An individual, unless exempted in this section, may not drive any motor vehicle on a highway or on~~
5 ~~public or private areas to which the public has a right of access for vehicular use in this state unless the~~
6 ~~individual has a valid license as an operator under this chapter or a temporary operator's permit issued~~
7 ~~under chapter 39-20. An individual may not receive an operator's license or a nondriver identification card~~
8 ~~until that individual surrenders to the director all operator's licenses, permits, and nondriver photo-~~
9 ~~identification cards issued to that individual by any state or country. If a license issued by another state is~~
10 ~~surrendered, the director shall notify the issuing state of the surrender. An individual may be issued either~~
11 ~~a valid operator's license or a nondriver identification card at any one time, but not both.~~

12 ~~2. An individual licensed as an operator may exercise the privilege granted by the license on any~~
13 ~~highway in this state and may not be required to obtain any other license to exercise the privilege by any~~
14 ~~political subdivision having authority to adopt police regulations, except that municipalities may regulate~~
15 ~~occupations and may regulate the operation of taxicabs under subsection 27 of section 40-05-01.~~

16 ~~3. An individual may not operate a motor vehicle on a highway or public or private areas to~~
17 ~~which the public has a right of access for vehicular use in the state while an individual's~~
18 ~~operators license has been disqualified as a result of a suspension or revocation. An offense~~
19 ~~under this subsection may be dismissed only if the operators license is reinstated within sixty~~

~~20 — days of the date of the offense and the dismissal must be granted by the court upon~~
~~21 — satisfactory evidence of reinstatement of driving privileges. An individual in violation of this~~
~~22 — subsection is subject to a fine of one hundred dollars and three points to be charged against~~
~~23 — the individual's driving record.~~

24 **SECTION 1 AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **Section 39-06-42 - Penalty for driving while license suspended or revoked -**
27 **Impoundment of vehicle number plates - Authority of cities**

28 1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a
29 highway or on public or private areas to which the public has a right of access for vehicular use in
30 this state while an individual's operator's license is suspended or revoked in any jurisdiction is
31 guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any
32 subsequent offense within the same five-year period is a class A misdemeanor

33 2. If the suspension or revocation was imposed for violation of section 39-08-01 or
34 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence
35 must be at least four consecutive days' imprisonment and a fine as the court deems proper.
36 The execution of sentence may not be suspended or the imposition of sentence deferred
37 under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the
38 defendant's personal appearance in open court for arraignment on a charge under this
39 subsection.

40 3. A court may ~~dismiss~~ ~~reduce~~ a charge under this section ~~to a disqualified driver~~ upon
41 motion by the defendant if The defendant's operator's license is reinstated within sixty days
42 of the date of the offense and the defendant provides to the court satisfactory evidence of
43 the reinstatement. Alternatively, a court may grant a motion to amend a charge under this
section to a violation of section 39-06-01.

SECTION 3. AMENDMENT: Section 39-06.1-09 is amended and reenacted as follows:
39-06.1-09. Moving violation defined.

1 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
2 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-
3 04-55, ~~39-06-01~~, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-

4 08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, o 39-09-09, subsection 1
5 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-
6 45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-
7 24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-
8 10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-
9 26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections
10 within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 4. AMENDMENT. Section 39-06.1-10(3)(a) is amended and reenacted as follows:

11 **39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit**
12 **schedule - Suspension.**

13 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic
14 violation is received by the director, the director shall proceed to enter the proper points
15 on the licensee's driving record. If the driving record shows that the licensee has
16 accumulated a total of twelve or more points, assigned on the basis of the schedule
17 contained in subsection 3, the director shall notify the licensee of the director's intention
18 to suspend the operator's license under section 39-06-33. For the purposes of this
19 chapter, the director also may receive and act on reports of traffic offense convictions
20 forwarded by federal, military, and tribal courts in this state.

21 2. If the director confirms, after hearing or opportunity for hearing, that the licensee's
22 driving record has an accumulated point total of twelve or more points, the director shall
23 Accumulated Point Total: Period of Suspension: a. Twelve 7 days b. Thirteen and
24 above 7 days for each point over eleven

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

27 a. Noncriminal Violations Noncriminal Adjudication or Admission of:

28 Points Assigned:

29 (23) Operating a motor vehicle without a license in 4 0 points
30 violation of section 39-06-01, or equivalent ordinance

SECTION 5 AMENDMENT. Section 39-06.1-06 is amended with a new sub-section added and reenacted as follows:

The fees required for a noncriminal disposition under section 39-06.1-02, 39-06-01 or 39-06.1-03 must be as follows:

10. For a violation of operating a motor vehicle while not being licensed under section 39-06-01, a fee of one hundred fifty dollars.

2025 SENATE TRANSPORTATION

HB 1422

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1422 9:00AM
3/14/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked, the amount of statutory fees, the definition of moving violations, and 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:

- Moving violation fee structure
- Point violations for driving without a license

9:01 a.m. Representative Novak, District 33, introduced HB 1422, testified in favor and submitted testimony #41507.

9:02 a.m. Frank Senn, Chief of Police, City of Beulah Police Department, testified in favor.

9:19 a.m. Stephanie Engebretson, Chiefs of Police Association of North Dakota, testified in favor.

9:29 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

March 14, 2025

Good morning, Mr. Chairman and members of the committee.

I am introducing HB1422 on behalf of a constituent, Frank Senn. He is the police chief in Beulah, ND, and has been in law enforcement for thirty years. When he approached me about this idea, he actually had run into this exact circumstance five times in the previous week. This is clearly a problem.

Essentially, passage of this bill will penalize anyone caught with driving under a suspended license with a fee of \$150. It also allows a court to grant a motion to amend the charge if the suspended license is reinstated after 60 days.

Chief Senn is here today. I am going to let him explain the bill and how this issue impacts his job. But I'll stand for any questions you may have for me. Thank you, Mr. Chairman and members of the committee.

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1422 10:27AM
3/14/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked, the amount of statutory fees, the definition of moving violations, and entries against a driving record; and to provide a penalty.

10:27 a.m. Chairman Clemens opened the hearing.

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

Discussion Topics:

- Point violations and structure for driving without a license

10:27 a.m. Senator Klein provided discussion regarding point deductions for moving violations.

10:31 a.m. Chairman Clemens adjourned the meeting.

Chance Anderson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1422
3/27/2025

Relating to operating a motor vehicle while driving privileges are suspended or revoked, the amount of statutory fees, the definition of moving violations, and entries against a driving record; and to provide a penalty.

10:17 a.m. Chairman Clemens opened the hearing.

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

Discussion Topics:

- Moving violation penalties

10:18 a.m. Travis Fink, Executive Director, Commission on Legal Counsel for Indigents, answered committee questions.

10:26 a.m. Stephanie Engebretson, Lobbyist, North Dakota Chiefs of Police Association, answered committee questions.

10:28 a.m. Vice Chairwoman Cory moved a Do Pass.

10:28 a.m. Senator Hogan seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Claire Cory	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 6-0-0.

Vice Chairwoman Cory will carry the bill.

10:29 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1422 ([25.0728.02000](#))**

Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1422 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.