

2025 SENATE TRANSPORTATION

SB 2243

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2243
1/31/2025

Relating to entries against a driving record.

11:03 a.m. Vice Chairwoman Cory opened the hearing.

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

Discussion Topics:

- Fine amounts and insurance premium increases
- Current point system for driving records

11:03 a.m. Chairman Clemens, District 16, introduced SB 2243, testified in favor and submitted testimony #33149.

11:12 a.m. Ronald Sorum testified in favor.

11:25 a.m. Jon Ward, Lobbyist, testified in opposition.

11:25 a.m. Rob Hovland, President, Center Mutual Insurance Company, testified in opposition and submitted testimony #33246 and #33252.

11:39 a.m. John Godfread, Insurance Commissioner, testified neutral.

11:49 a.m. Vice Chairwoman Cory closed the hearing.

11:50 a.m. Brad Schafer, Driver's License Director, NDDOT, testified neutral.

11:53 a.m. Chairman Clemens adjourned the meeting.

Chance Anderson, Committee Clerk

January 31, 2025

SENATE TRANSPORTATION COMMITTEE

SB 2243

MADAM CHAIR CORY AND MEMBERS OF THE TRANSPORTATION COMMITTEE. I AM SENATOR DAVID CLEMENS FROM DISTRICT 16 AND I AM HERE TO INTRODUCE SB 2243.

SENATE BILL 2243 IS A BILL THAT RELATES TO THE POINT SYSTEM USED BY THE DEPARTMENT OF TRANSPORTATION TO REPORT TRAFFIC VIOLATIONS TO INSURANCE COMPANIES. IN THE CURRENT SYSTEM, A VIOLATION OF 1-5 MPH OVER THE SPEED LIMIT, NO POINTS ARE ACCESSED. IF VIOLATION IS 6-10 MPH OVER THE SPEED LIMIT, 1 POINT IS ACCESSED.

WHAT THIS BILL WOULD DO IS REMOVE THE 1 POINT ACCESSMENT FOR VIOLATIONS OF 6-10 MPH OVER THE SPEED LIMIT AND FURTHER STATE THAT 0 POINT ACCESSMENTS ARE NOT REPORTED TO THE INSURANCE COMPANY OR MADE PUBLIC. HOWEVER, THE VIOLATION WOULD STILL BE RECORDED SEPARATELY BY THE DOT.

TRAFFIC VIOLATIONS OF 6-10 MPH OVER THE SPEED LIMIT ARE CURRENTLY BEING REPORTED TO INSURANCE COMPANIES AND CREATING SUBSTANTIAL INCREASES IN INSURANCE RATES. SINCE SOME INSURANCE COMPANIES ARE USING THE REPORTED VIOLATIONS FOR A PERIOD OF 3 YEARS, THIS CAN RESULT IN INCREASED PREMIUMS OVER THE 3 YEAR PERIOD OF \$500.

THIS CONCLUDES MY INTRODUCTION OF SB 2243 AND STAND FOR ANY QUESTIONS.

SENATOR DAVID CLEMENS

DISTRICT 16

1/27/25, 2:04 PM

Auto insurance premiums are revving up again | Fox Business

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INFLATION Published August 12, 2024 6:00am EDT

Auto insurance premiums are revving up again, and could surge 22% by year end

Auto insurance premiums are soaring. Here's why



By Megan Henney | FOXBusiness

Auto insurance rates skyrocket

Nevada ranked the second highest auto insurance rates in the country, according to Insurify.

Surging auto insurance premiums are revving up again, keeping the financial pressure on millions of Americans nationwide.

A new report published by Insurify, an insurance comparison shopping site, shows the average U.S. rate for full auto insurance surged to \$2,329 in the first half of 2024. That marks a 15% increase from 2023 and a stunning 48% spike when compared with 2021.

By the end of 2024, the cost of coverage is expected to rise even further, to \$2,469, according to the report.

AUTO INSURANCE RATES CONTINUE TO SKYROCKET WITH NO IMMEDIATE SIGNS OF RELIEF

In 2023, the average U.S. rate for full auto insurance surged to \$2,019.
(REUTERS/Eduardo Munoz/File Photo / Reuters Photos)

Several factors have caused the spike in car insurance rates.

The price of both new and used cars rose sharply after the COVID-19 pandemic, the result of both supply chain disruptions and unseasonably high demand. As a result, vehicles are more expensive and costlier to replace, which has driven up the price of repairs.

On top of that, the country is grappling with a shortage of mechanics, which is driving auto repair costs even higher. One source, the TechForce Foundation, estimates the number of graduates completing post-secondary programs in the automotive sector has plummeted by 20% since 2020. The number of automotive technicians is projected to continue decreasing in the coming years.

HEALTH CARE COSTS FOR RETIREES CONTINUE TO SOAR

Car insurance companies are also trying to make up for steep losses incurred in 2021, which saw a sharp rise in fatal car accidents.

"Insurer losses result from a combination of inflationary pressures – like the rising cost of vehicle repairs and the skyrocketing price of new cars – and unprecedented climate catastrophes that drive weather-related claims in states that haven't historically seen as much of this type of damage," the Insurify report said.

Vehicles for sale on a Volkswagen dealership lot in St. James, New York, on Sept. 21, 2022. (Steve Pfost/Newsday RM via Getty Images / Getty Images)

Auto insurance premiums are most expensive in Maryland, where the average yearly cost is \$3,400, and South Carolina, where it costs \$3,336. Both of those states saw legislative changes over the past year that increased insurers' financial responsibility. These changes, the report said, could contribute to higher premiums.

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Driver License

TRANSPORTATION

INSURANCE TEST
123 ST
BISMARCK ND 58505

Issue Date: 10-Mar-2023

Letter ID: L0496965696

CERTIFIED Insurance request for a Limited Letter record abstract**Licensee Information****Name**

TEST TEST

Date of Birth

01-Jan-1990

Sex**Eye Color****Height****Weight****Credential Information****License Number****NCL Status**

None

CDL Status

None

Active Licenses**Class****Issued****Expiration****Endorsements****Restrictions****RECORD CLEAR**

NORTH
Dakota | Driver License
Be Legendary. TRANSPORTATION

Issue Date: 10-Mar-2023

Letter ID: L0873748544

TEST TEST
123 ST
TEST ND 00000

CERTIFIED Driver Authorized request for a Complete Letter record abstract

Licensee Information

Name	Address
TEST TEST	123 ST TEST ND 00000

Date of Birth	Sex	Eye Color	Height	Weight
01-Jan-1990				

Credential Information

License Number	NCL Status	CDL Status	Total Points
	None	None	10

Active Licenses

Class	Issued	Expiration	Endorsements	Restrictions

Court Convictions

Posted Date	Description	CMV	Hazmat
Mar. 10, 2023	329 - DISREGARDED TRAF CONTROL Conviction Date: 08-Feb-2023 Offense Date: 03-Feb-2023 Court County: 08 - Burleigh City: Bismarck Type: Municipal Court Points: 2	No	No
Mar. 10, 2023	352 - 6-10 OVER 70/75 SPEED Posted Speed: 70 Violation Speed: 80 Conviction Date: 21-Feb-2023 Offense Date: 21-Feb-2023 Court County: 08 - Burleigh City: Bismarck Type: County Court Points: 1	No	No
Mar. 10, 2023	311 - FAIL TO YIELD/STOP Conviction Date: 23-Feb-2023 Offense Date: 18-Feb-2023 Court County: 08 - Burleigh City: Bismarck Type: County Court Points: 2	No	No
Mar. 10, 2023	363 - OPEN CONTA ALCOHOL IN MV Conviction Date: 09-Mar-2023 Offense Date: 08-Mar-2023 Court County: 08 - Burleigh City: Bismarck Type: County Court Points: 2	No	No

Name
TEST TEST



Issue Date: 10-Mar-2023

Letter ID: L0873748544

CERTIFIED	Driver Authorized request for a Complete Letter record abstract
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Court Convictions

Posted Date	Description	CMV	Hazmat
Mar. 10, 2023	308 - NO CHILD RESTRAINT Conviction Date: 10-Mar-2023 Offense Date: 10-Mar-2023 Court County: 08 - Burleigh City: Bismarck Type: Municipal Court Points: 1	No	No
Mar. 10, 2023	363 - OPEN CONTA ALCOHOL IN MV Conviction Date: 10-Mar-2023 Offense Date: 10-Mar-2023 Court County: 08 - Burleigh City: Bismarck Type: Municipal Court Points: 2	No	No

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2243
2/6/2025

Relating to entries against a driving record.

2:30 p.m. Chairman Clemens opened the hearing.

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

Discussion Topics:

- Receiving information regarding point system

2:30 p.m. Senator Rummel discussed SB 2243 with committee.

2:32 p.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2243
2/13/2025

Relating to entries against a driving record.

9:10 a.m. Chairman Clemens opened the hearing.

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

Discussion Topics:

- Citation details for moving violations
- Process of removing points on record
- Moving violation citation fees

9:10 a.m. Chairman Clemens opened discussion for updates on possible amendments and information from the NDDOT.

9:25 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2243
2/20/2025

Relating to entries against a driving record.

9:36 a.m. Chairman Clemens opened the hearing.

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

Discussion Topics:

- Proposed amendment regarding point system structure
- Current point structure for driving record
- Fine schedule for driver violations

9:36 a.m. Senator Rummel updated the committee with information and provided a proposed amendment #38196, #38263.

9:54 a.m. Senator Rummel moved Amendment LC#25.0727.01001.

9:55 a.m. Senator Hogan seconded the motion.

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

Motion passed 4-2-0

10:01 a.m. Senator Rummel moved a Do Pass as Amended.

10:01 a.m. Senator Klein seconded the motion.

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

Motion passed 4-2-0.

Senate Transportation Committee
SB 2243
February 20, 2025
Page 2

Senator Rummel will carry the bill.

10:02 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. 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 no points are assigned to the violation. If no points are assigned to the violation, the violation may not be entered on the driving record but must be recorded separately, and the separate record is not a public record. 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. AMENDMENT.~~ Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

1	(33) On a highway on which the speed limit is posted in
2	excess of sixty-five miles [104.61 kilometers] an hour,
3	operating a motor vehicle in excess of the speed limit
4	in violation of section 39-09-02, or equivalent ordinance
5	Miles per hour over lawful speed limit Points
6	1-5-0
7	61-10-10
8	11-15-3
9	16-20-5
10	21-25-7
11	26-30-10
12	31-35-12
13	36-1-15

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

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

a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
(1) Overtime and double parking in violation of city ordinances	0 points
(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points
(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47	2 points
(6) Unlawful parking in prohibited place	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point

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

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

1	26 - 35 mph over limit	9 points
2	36 - 45 mph over limit	12 points
3	46 + mph over limit	15 points
4	(31) Driving in violation of section 39-08-18	23 points
5	(32) Driving in violation of section 39-08-09	6 points
6	(33) On a highway on which the speed limit is posted in	
7	excess of sixty-five miles [104.61 kilometers] an hour,	
8	operating a motor vehicle in excess of the speed limit	
9	in violation of section 39-09-02, or equivalent ordinance	
10	Miles per hour over lawful speed limit	Points
11	1 - 5	0
12	6 - 10	1
13	11 - 15	3
14	16 - 20	5
15	21 - 25	7
16	26 - 30	10
17	31 - 35	12
18	36 +	15
19	(34) Failing to have a minor in a child restraint system	43 point
20	or seatbelt in violation of section 39-21-41.2	
21	(35) Failure or refusal to comply with rules of the	0 points
22	superintendent of the highway patrol in violation	
23	of subsection 3 of section 39-21-46	
24	(36) Violation of section 39-21-44 or any rule adopted	2 points
25	under that section	
26	(37) Except as provided in paragraph 39, operating a motor	6 points
27	vehicle without liability insurance, in violation of	
28	section 39-08-20	
29	(38) Except as provided in paragraph 39, operating a motor	12 points
30	vehicle without liability insurance, in violation of	
31	section 39-08-20, if the driving record shows that the	

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

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

**REPORT OF STANDING COMMITTEE
SB 2243**

Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS** ([25.0727.01001](#)) and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0727.01001
Title.

Prepared by the Legislative Council
staff for Senator Rummel
February 19, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

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

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

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

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

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

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

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

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

a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
(1) Overtime and double parking in violation of city ordinances	0 points
(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points
(5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47	2 points
(6) Unlawful parking in prohibited place	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point

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

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

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

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

(49) Disregarding stop sign in violation of section 39-10-44, or equivalent ordinance. 3 points

b. Criminal Violations

Conviction of: Points Assigned:

- | | |
|--|-----------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving | 3 points |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 | 4 points |
| (7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance | 23 points |
| (8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance | 24 points |
| (9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance | 2 points |

NDCC	Title	Proposed	Current
39-08-18	Open Container (driver)	3	2
39-08-23	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle	3	0
39-08-24	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18	3	0
39-08-25	Failure to maintain control of motor vehicle while distracted	3	0
39-10-04	Disregarded Traffic Control device	3	2
39-10-05	Drove through red light/Failure to yield to pedestrian at a lighted traffic-controlled intersection	3	2
39-10-07	Failure to stop of yield for flasing red light/intersection	3	2
39-10-07	Failure to exercise caution at flashing yellow light/intersection	3	2
39-10-13	Overtook when unsafe	3	2
39-10-15	Overtaking Where Prohibited	3	2
39-10-16(3)	Wrong way on a one way	3	2
39-10-18(1)	Following too close	3	0
39-10-21.1	Drove on closed road during hazardous conditions, when closure was been announced	3	0
39-10-22	Failure to yield at intersection	3	2
39-10-22.1	Failure to yield right of way when entering a freeway	3	2
39-10-23	Turned left in front of approaching traffic	3	2
39-10-24(2)	Failure to yild right of way at intersection marked with a stop sign	3	2
39-10-24(3)	Failure to yild right of way at intersection marked with a yield sign	3	2
39-10-25	Failure to yield entering roadway from any place other than another roadway	3	2
39-10-26	Failure to yield to emergency vehicle or highway maintenance vehicle	3	2
39-10-26(2)	Failure to change lanes for authorized emergency vehicle	3	2
39-10-26(5)	Failure to yield to emergency vehicle and causes an accident	3	2
39-10-28	Failed to yield right of way to pedestrian in crosswalk	3	2
39-10-33.3	Driver failed to yield right of way to blind or visually impaired person	3	2
39-26.3	Failure to yield right of way to stationary motor vehicle with hazard lights	3	0
39-10-44.3	Disregarded Stop Sign	3	2
39-21-41.2	No Child Restraint	3	1
39-21-46(2)	Operated unsafe motor vehicle	3	2

2025 HOUSE TRANSPORTATION

SB 2243

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2243
3/13/2025

Relating to points assigned to driving records.

10:51 a.m. Chairman D. Ruby opened the hearing.

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

Members Absent: Representative Frelich

Discussion Topics:

- Point increase
- Interpretation of current law
- Distracted driving

10:51 a.m. Senator David Clemens, District 16, introduced the bill and submitted testimony #41192 and #41314.

11:05 a.m. Chairman D. Ruby closed the hearing.

Janae Pinks, Committee Clerk

MARCH 13, 2025

HOUSE TRANSPORTATION COMMITTEE

SB 2243

I AM SENATOR DAVID CLEMENS AND REPRESENT DISTRICT 16 IN WEST FARGO. I AM HERE TO INTRODUCE SB 2243 WHICH RELATES TO POINTS ASSIGNED TO A DRIVING RECORD.

SB 2243 REASSIGNS POINTS TO A DRIVING RECORD IN SUBSECTION 3 OF SECTION 39-06.1-10 OF THE NORTH DAKOTA CENTURY CODE. THE REASSIGNMENT OF POINTS WAS BASED ON RESEARCH BY THE HIGHWAY PATROL WHICH LISTED THE MOST COMMON CAUSES OF CRASHES ON NORTH DAKOTA ROADS. OTHER CONSIDERATIONS WERE GIVEN TO CONCERNS OF SAFETY.

THE FOLLOWING ARE THE VIOLATIONS THAT HAVE BEEN AMENDED BY SB 2243 IN THE NORTH DAKOTA CENTURY CODE TO CARRY 3 POINTS.

EXHIBITION DRIVING

DISOBEYING AN OFFICIAL TRAFFICE CONTROL DEVICE

FAILURE TO STOP AT RAILROAD CROSSING

FAILING TO USE CARE REQUIRED

16-20 MPH OVER THE SPEED LIMIT

DRIVING IN VIOLATION OF 39-08-18 OPEN CONTAINER

11-15 MPH OVER SPEED LIMIT WHEN POSTED 65 MPH OR MORE

FAILURE TO HAVE MINOR IN CHILD RESTRAINT SYSTEM

USING A WIRELESS COMMUNICATION DEVICE IN VIOLATION

FAILURE TO MAINTAIN CONTROL OF VEHICLE WHILE DISTRACTED

OVERTAKING WHERE PROHIBITED OR IN UNSAFE MANNER

DRIVING ON THE WRONG SIDE OF THE ROAD

FOLLOWING TOO CLOSE

DRIVING ON CLOSED ROAD DURING HAZARDOUS CONDITIONS

FAILURE TO YIELD RIGHT OF WAY

DISREGARDING STOP SIGN

VIOLATING RESTRICTED LICENSE RELATING TO EYEGLASSES OR CONTACT LICENSE OPERATING AN
UNSAFE VEHICLE

THIS COMPLETES MY INTRODUCTION AND STAND FOR ANY QUESTIONS.

SINCERELY SUBMITTED,

SEN DAVID CLEMENS

NDCC	Title	Proposed	Current
39-08-18	Open Container (driver)	3	2
39-08-23	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle	3	0
39-08-24	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18	3	0
39-08-25	Failure to maintain control of motor vehicle while distracted	3	0
39-10-04	Disregarded Traffic Control device	3	2
39-10-05	Drove through red light/Failure to yield to pedestrian at a lighted traffic-controlled intersection	3	2
39-10-07	Failure to stop of yield for flashing red light/intersection	3	2
39-10-07	Failure to exercise caution at flashing yellow light/intersection	3	2
39-10-13	Overtook when unsafe	3	2
39-10-15	Overtaking Where Prohibited	3	2
39-10-16(3)	Wrong way on a one way	3	2
39-10-18(1)	Following too close	3	0
39-10-21.1	Drove on closed road during hazardous conditions, when closure was been announced	3	0
39-10-22	Failure to yield at intersection	3	2
39-10-22.1	Failure to yield right of way when entering a freeway	3	2
39-10-23	Turned left in front of approaching traffic	3	2
39-10-24(2)	Failure to yield right of way at intersection marked with a stop sign	3	2
39-10-24(3)	Failure to yield right of way at intersection marked with a yield sign	3	2
39-10-25	Failure to yield entering roadway from any place other than another roadway	3	2
39-10-26	Failure to yield to emergency vehicle or highway maintenance vehicle	3	2
39-10-26(2)	Failure to change lanes for authorized emergency vehicle	3	2
39-10-26(5)	Failure to yield to emergency vehicle and causes an accident	3	2
39-10-28	Failed to yield right of way to pedestrian in crosswalk	3	2
39-10-33.3	Driver failed to yield right of way to blind or visually impaired person	3	2
39-26.3	Failure to yield right of way to stationary motor vehicle with hazard lights	3	0
39-10-44.3	Disregarded Stop Sign	3	2
39-21-41.2	No Child Restraint	3	1
39-21-46(2)	Operated unsafe motor vehicle	3	2

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2243
3/14/2025

Relating to points assigned to driving records.

10:18 a.m. Chairman D. Ruby opened the meeting.

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

Members Absent: Representatives Johnston, Kasper

Discussion Topics:

- Minor child restraints
- Aggravated factor
- Subcommittees

10:18 a.m. Chairman D. Ruby addressed the committee and said committee prefers to wait to act until further information is available.

10:33 a.m. Chairman D. Ruby adjourned the meeting.

Janae Pinks, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2243
3/20/2025

Relating to points assigned to driving records.

9:03 a.m. Chairman D. Ruby opened the meeting.

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

Members Absent: Vice Chairman Grueneich, Representatives Dressler, Kasper

Discussion Topics:

- Inconsistencies
- Texting law
- Open container law
- Technical violations
- Out of State Violations
- Fail to yield violation
- Conference committees

9:04 a.m. Representative Koppelman would like to see the bill reverted to the original, fix inconsistencies related to violations, and two or less points are not reported to insurance companies.

9:16 a.m. Chairman D. Ruby adjourned the meeting.

Janae Pinks, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

SB 2243
3/27/2025

Relating to points assigned to driving records.

2:33 p.m. Chairman D. Ruby opened the hearing.

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

Members Absent: Representative Finley-DeVille

Discussion Topics:

- Insurance reporting
- Speeding fines
- Open container law
- Texting point violations
- Out of State point system

2:35 p.m. Representative Koppelman proposed an amendment to remove overstrikes and revert bill back to two points and remove points related to open containers, testimony #44327.

3:10 p.m. Representative Koppelman moved to adopt Amendment LC#25.0727.02001.

3:10 p.m. Representative Kasper seconded the motion.

3:11 p.m. Voice vote - motion passed.

3:13 p.m. Representative Kasper moved a Do Pass as Amended.

3:13 p.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	Y
Representative Ty Dressler	N
Representative Lisa Finley-DeVille	AB
Representative Kathy Frelich	N
Representative Jared Hendrix	Y
Representative Daniel Johnston	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Roger A. Maki	Y
Representative Desiree Morton	Y

Representative Doug Osowski	Y
Representative Mike Schatz	N

3:24 p.m. Motion passed 10-3-1.

3:24 p.m. Representative Koppelman will carry the bill.

3:27 p.m. Chairman D. Ruby adjourned the meeting.

Janae Pinks, Committee Clerk

March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

CO
3/28/25
1044

A BILL for an Act to amend and reenact ~~subsection~~ section 39-06.1-06, subsections 1 and 3 of
section 39-06.1-10, and sections 40-05-06, and 40-11-12 of the North Dakota Century Code,
relating to the amount of statutory fees, entries against a driving record, points assigned to
driving records, limitations on city fines and penalties, and commitment of a guilty person for
nonpayment of fines or costs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.1-06 of the North Dakota Century Code is
amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

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

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

2011

- 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

3 of 11

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

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

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

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

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

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

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

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

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

4041

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

9-8. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

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

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

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

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

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

4 a. Noncriminal Violations

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

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

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

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

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- 1 ~~(43)~~(41) Failure to maintain control of a motor vehicle while distracted ~~3 points~~1 point
- 2 in violation of section 39-08-25
- 3 ~~(44) Overtaking where prohibited or in an unsafe manner in~~ 3 points
- 4 ~~violation of section 39-10-13 or 39-10-15, or~~
- 5 ~~equivalent ordinances~~
- 6 ~~(45) Driving on the wrong side of the road in violation of~~ 3 points
- 7 ~~subsection 3 of section 39-10-16, or~~
- 8 ~~equivalent ordinances~~
- 9 ~~(46)~~(42) Following too close in violation of 3 points1 point
- 10 subsection 1 of section 39-10-18, or
- 11 equivalent ordinance
- 12 ~~(47) Driving on a closed road during hazardous conditions,~~ 3 points
- 13 ~~when closure was announced, in violation~~
- 14 ~~of section 39-10-21.1, or equivalent ordinance~~
- 15 ~~(48) Failing to yield the right of way in violation~~ 3 points
- 16 ~~of section 39-10-22 through 39-10-26,~~
- 17 ~~39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance~~
- 18 ~~(49) Disregarding stop sign in violation of section~~ 3 points
- 19 ~~39-10-44, or equivalent ordinance,~~ which results in an accident involving
- 20 another vehicle

b. Criminal Violations

Conviction of:

Points Assigned:

- | | |
|---|-----------|
| (1) Reckless driving in violation of section 39-08-03, or | 8 points |
| equivalent ordinance | |
| (2) Aggravated reckless driving in violation of section | 12 points |
| 39-08-03, or equivalent ordinance | |
| (3) Leaving the scene of an accident involving property | 14 points |
| damage in violation of section 39-08-05, 39-08-07, | |
| or 39-08-08, or equivalent ordinances | |

- | | | |
|----|---|-----------|
| 1 | (4) Leaving the scene of an accident involving personal | 18 points |
| 2 | injury or death in violation of section 39-08-04, or | |
| 3 | equivalent ordinance | |
| 4 | (5) Violating restrictions in a restricted license issued | 3 points |
| 5 | under section 39-06-17 and relating to the use of | |
| 6 | eyeglasses or contact lenses while driving | |
| 7 | (6) Violating any restrictions other than those listed in | 4 points |
| 8 | paragraph 5, contained in a restricted license issued | |
| 9 | under section 39-06-17 or 39-06.1-11 | |
| 10 | (7) Except as provided in paragraph 9 of subdivision a, | 23 points |
| 11 | knowingly operating an unsafe vehicle in violation of | |
| 12 | section 39-21-46, or equivalent ordinance | |
| 13 | (8) Fleeing in a motor vehicle from a peace officer in | 24 points |
| 14 | violation of section 39-10-71, or equivalent ordinance | |
| 15 | (9) Causing an accident with an authorized emergency | 2 points |
| 16 | vehicle or a vehicle operated by or under the control | |
| 17 | of the director used for maintaining the state highway | |
| 18 | system in violation of subsection 5 of section 39-10-26, | |
| 19 | or equivalent ordinance | |

SECTION 4. AMENDMENT. Section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

40-05-06. City fines and penalties limited.

1. Except as provided in ~~subsections~~ subsection 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
2. ~~For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06.~~

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

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

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

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

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

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2243**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.0727.02001](#)) and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

25.0727.02000

Koppelman Amendments

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators Clemens, Conley

Representatives Koppelman, Marschall, VanWinkle

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

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

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

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

- 7 a. Noncriminal Violations

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

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

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

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

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

(49) Disregarding stop sign in violation of section
39-10-44, or equivalent ordinance.

~~13~~points

b. Criminal Violations

Conviction of:

Points Assigned:

- | | |
|--|----------------------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving | 3 points |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 | 4 points |
| (7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance | 23 points |
| (8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance | 24 points |
| (9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance | 2 points |

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

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

1 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-06. Amount of statutory fees.**

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

- 6 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
7 except for a violation of any traffic parking regulation on any state charitable or penal
8 institution property or on the state capitol grounds, a fee in the amount of five dollars,
9 excluding a violation of subsection 11 of section 39-01-15.
- 10 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
11 for:
 - 12 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
13 dollars.
 - 14 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
15 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 16 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 17 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
18 39-08-25, a fee of one hundred dollars.

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

20	Miles per hour over	
21	lawful speed limit	Fee
22	1—5	\$—5
23	6—10	\$—5 plus \$1/each mph over 5 mph over limit
24	11—15	\$—10 plus \$1/each mph over 10 mph over limit
25	16—20	\$—15 plus \$2/each mph over 15 mph over limit
26	21—25	\$—25 plus \$3/each mph over 20 mph over limit
27	26—35	\$—40 plus \$3/each mph over 25 mph over limit
28	36—45	\$—70 plus \$3/each mph over 35 mph over limit
29	46+	\$100 plus \$5/each mph over 45 mph over limit

1 ~~5.~~ On a highway on which the speed limit is a speed higher than fifty-five miles
2 ~~[88.51 kilometers]~~ of sixty-five miles [104.61 kilometers] an hour or lower, for a violation
3 of section 39-09-02, or an equivalent ordinance, a fee established as follows:

4 Miles per hour over	
5 lawful speed limit	Fee
6 1 - 10	\$2/each mph over limit
7 11 +	\$20 plus \$5/each mph over 10 mph over limit

8 ~~6.5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee
9 established as follows:

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

23 ~~7.6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
24 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
25 ordinance, a fee of five dollars for each mile per hour over the limit.

26 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
27 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
28 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
29 ten miles per hour over the limit unless a greater fee would be applicable under this
30 section.

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

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

SECTION 2. AMENDMENT. Section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

40-05-06. City fines and penalties limited.

1. Except as provided in subsections 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
2. ~~For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06.~~
3. For every violation of a city ordinance enforcing the requirements of title 40, Code of Federal Regulations, section 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty days, or both such fine and imprisonment.

1 4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine
2 or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,
3 nor does this section limit the use of deferred or suspended sentences under
4 subsections 3 and 4 of section 12.1-32-02.

5 **SECTION 3. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-11-12. Commitment of guilty person for nonpayment of fines or costs.**

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