

HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 3 of section
2 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees and
3 points for speeding violations; and to provide a penalty.

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

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

7 **39-06.1-06. Amount of statutory fees.**

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

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
11 except for a violation of any traffic parking regulation on any state charitable or penal
12 institution property or on the state capitol grounds, a fee in the amount of five dollars,
13 excluding a violation of subsection 11 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
15 for:
 - 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
17 dollars.
 - 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
19 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 21 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
22 39-08-25, a fee of one hundred dollars.
 - 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
24 hundred dollars.

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- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
- 2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 10 violation and three hundred dollars for a second or subsequent violation in three
- 11 years.
- 12 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

- 14 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
- 15 hundred fifty dollars.
- 16 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
- 17 ~~equivalent ordinance, a fee established as follows:~~

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

- 28 5. ~~On a highway on which the speed limit is a speed higher than fifty five miles~~
- 29 ~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent~~
- 30 ~~ordinance, a fee established as follows:~~

31 ~~Miles per hour over~~

	lawful speed limit	Fee
1		
2	1-10	\$2/each mph over limit
3	11+	\$20 plus \$5/each mph over 10 mph over limit

4 6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

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

18 ~~7.5.~~ ~~On a highway on which the speed limit is posted in excess of sixty five miles~~
19 ~~[104.61 kilometers] an hour, for~~ For a violation of section 39-09-02, or equivalent
20 ordinance, a fee of five dollars for each mile per hour over the limit.

21 ~~8.6.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
22 section 39-09-02, a fee of forty dollars ~~for one through ten miles per hour over the~~
23 ~~posted speed; and forty dollars, plus one dollar for each additional mile per hour over~~
24 ~~ten miles per hour over the limit unless a greater fee would be applicable under this~~
25 ~~section~~ plus five dollars for each mile per hour over the limit.

26 ~~9.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of
27 section 39-09-02, a fee of eighty dollars ~~for one through ten miles per hour over the~~
28 ~~posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles~~
29 ~~per hour over the limit, unless a greater fee would be applicable under this section~~ plus
30 five dollars for each mile per hour over the limit. The fee in this subsection does not
31 apply to a highway construction zone unless individuals engaged in construction are

1 present at the time and place of the violation and the posted speed limit sign states
2 "Minimum Fee \$80".

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

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

6 a. Noncriminal Violations

7	Noncriminal Adjudication or Admission of:	Points Assigned:
8	(1) Overtime and double parking in violation of city	0 points
9	ordinances	
10	(2) Failure to display license plates	1 point
11	(3) Permitting unauthorized minor to drive	2 points
12	(4) Permitting unauthorized person to drive	2 points
13	(5) Unlawful stopping, standing, or parking on open	2 points
14	highway in violation of section 39-10-47	
15	(6) Unlawful parking in prohibited place	1 point
16	(7) Leaving motor vehicle improperly unattended on	1 point
17	an open highway	
18	(8) Opening or leaving motor vehicle doors open when	1 point
19	unsafe to do so	
20	(9) Except as provided in sections 39-21-44 and	2 points
21	39-21-45.1, knowingly driving with defective,	
22	nonexistent, or unlawful equipment in violation of	
23	section 39-21-46, or equivalent ordinances	
24	(10) Careless driving in violation of section 39-09-01, or	6 points
25	equivalent ordinance	
26	(11) Violating or exceeding restrictions contained in	4 points
27	a restricted certificate issued pursuant to section	
28	39-06.1-03	
29	(12) Racing or drag racing motor vehicles in violation	10 points
30	of section 39-08-03.1, or equivalent ordinance	

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1	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
2	equivalent ordinance	
3	(14) Failing to yield right of way in violation of	2 points
4	section 39-10-20, 39-10-22 through 39-10-26,	
5	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
6	equivalent ordinances	
7	(15) Disobeying an official traffic-control device	2 points
8	in violation of section 39-10-04, 39-10-05, or	
9	39-10-07, or equivalent ordinances	
10	(16) Driving on wrong side of road in violation of	2 points
11	section 39-10-08, 39-10-14, or 39-10-16, or	
12	equivalent ordinances	
13	(17) Failing to dim headlights in violation of section	1 point
14	39-21-21, or equivalent ordinance	
15	(18) Failing to stop at railroad crossing in violation of section	3 points
16	39-10-41 or 39-10-42, or equivalent ordinances	
17	(19) Knowingly driving with defective brakes in violation of	2 points
18	section 39-21-32 or 39-21-33, or equivalent ordinances	
19	(20) Disregarding the lawful commands of a police officer in	2 points
20	violation of section 39-10-02, or equivalent ordinance	
21	(21) Overtaking where prohibited or in an unsafe manner in	2 points
22	violation of section 39-10-11, 39-10-12, 39-10-13, or	
23	39-10-15, or equivalent ordinances	
24	(22) Overtaking and passing a schoolbus in violation of	6 points
25	section 39-10-46, or equivalent ordinance	
26	(23) Operating a motor vehicle without a license in	4 points
27	violation of section 39-06-01, or equivalent ordinance	
28	(24) Improperly operating or unlawfully carrying	2 points
29	passengers or packages on a motorcycle in violation	
30	of section 39-10.2-02, or equivalent ordinance	

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1	(25) Improperly operating a motorcycle in	2 points
2	violation of section 39-10.2-03, or equivalent ordinance	
3	(26) Clinging to other vehicles while riding a motorcycle in	4 points
4	violation of section 39-10.2-04, or equivalent ordinance	
5	(27) Carrying a passenger on a motorcycle not equipped	2 points
6	with passenger footrests in violation of section	
7	39-10.2-05, or equivalent ordinance	
8	(28) Operating a motorcycle without protective headgear	2 points
9	in violation of subsection 1 of section 39-10.2-06, or	
10	equivalent ordinance	
11	(29) Failing to use the care required in section 39-09-01.1,	2 points
12	or equivalent ordinance	
13	(30) Except as provided in paragraph 33, operating a motor	
14	vehicle in excess of speed limit in violation of section-	
15	39-09-02, or equivalent ordinance	
16	6-10 mph over limit	0 points
17	11-15 mph over limit	1 point
18	16-20 mph over limit	3 points
19	21-25 mph over limit	5 points
20	26-35 mph over limit	9 points
21	36-45 mph over limit	12 points
22	46+ mph over limit	15 points
23	(31) Driving in violation of section 39-08-18	2 points
24	(32) (31) Driving in violation of section 39-08-09	6 points
25	(33) On a highway on which the speed limit is posted in	
26	excess of sixty-five miles [104.61 kilometers] an hour,	
27	operating	
28	(32) <u>Operating a motor vehicle on a highway</u> in excess of the speed limit	
29	in violation of section 39-09-02, or equivalent ordinance	
30	Miles per hour over lawful speed limit	Points
31	1 - 5	0

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

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