

HOUSE BILL NO. 1131

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact subdivision b of subsection 4 of section 39-08-01 and
2 section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a
3 vehicle while under the influence of intoxicating liquor or drugs; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 4 of section 39-08-01 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 b. For a second offense within five years, the sentence must include at least ~~four~~
8 five days' imprisonment of which forty-eight hours must be served
9 consecutively, or ~~ten~~ thirty days' community service; a fine of at least five
10 hundred dollars; and an order for addiction evaluation by an appropriate
11 licensed addiction treatment program.

12 **SECTION 2. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**
15 **seizure, forfeiture, and sale of motor vehicles.** A motor vehicle owned and operated by a
16 person upon a highway or upon public or private areas to which the public has a right of access
17 for vehicular use may be impounded or immobilized for the period of suspension or revocation
18 of the offender's driving privilege, seized, forfeited, and sold or otherwise disposed of pursuant
19 to an order of the court at the time of sentencing if the person is in violation of section 39-08-01
20 or an equivalent ordinance and has been convicted of violating section 39-08-01 or an
21 equivalent ordinance at least ~~three times~~ one other time within the five years preceding the
22 violation. The court may also require that an ignition interlock device be installed in the
23 person's vehicle for a period of time that the court deems appropriate after the conclusion of the
24 suspension or revocation.