

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact sections 39-06.1-05, 39-06.1-06, 39-06.1-07,
2 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and
3 subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code and subsection 6 of
4 section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as
5 approved by the fifty-seventh legislative assembly, relating to traffic offenses and weight
6 limitations; to provide penalties; to provide an expiration date; and to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.** The procedures authorized under sections
11 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following
12 offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section
14 39-08-01, or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or
16 an equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05,
19 39-08-07, or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of
21 section 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 24 8. Driving without liability insurance in violation of section 39-08-20.

- 1 9. ~~Failing to display a placard or flag, in violation of any rule implementing section~~
2 ~~39-21-44, while transporting explosive or hazardous materials.~~
3 40. Operating an unsafe vehicle in violation of subdivision b of subsection 1 of section
4 39-21-46.

5 **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition
8 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

- 9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount
10 not to exceed twenty dollars.
11 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,
12 except for:
13 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
14 39-10-46.1, a fee of fifty dollars.
15 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
16 subsection 1 of section 39-10-28, a fee of fifty dollars.
17 c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city,
18 or a county including a city or county operating under a home rule charter.
19 3. Except as provided in ~~subsection 8~~ subsections 7 and 11 of this section
20 ~~39-06.1-06~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee
21 established as follows:

22	Miles per hour over	
23	lawful speed limit	Fee
24	1 - 5	\$ 5
25	6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
26	11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
27	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
28	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
29	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
30	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
31	46 +	\$100 plus \$5/each mph over 45 mph over limit

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1 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee
2 of thirty dollars.

3 5. For a violation of section 39-09-01.1, or an ordinance defining care required in
4 driving, a fee of not less than ten dollars nor more than thirty dollars.

5 6. ~~Repealed by S.L. 1985, ch. 430, § 4.~~

6 7. For a violation of any traffic parking regulations, except a violation of subsection 10
7 of section 39-01-15, on any state charitable or penal institution property or on the
8 state capitol grounds, a fee in the amount of five dollars.

9 ~~8.~~ 7. ~~On~~ Except as provided in subsection 11, on a highway on which the speed limit is
10 a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of
11 section 39-09-02, or an equivalent ordinance, a fee established as follows:

12 Miles per hour over

13 lawful speed limit

Fee

14 1 - 5 \$ 10 plus \$1/each mph over limit

15 6 - 10 \$ 15 plus \$2/each mph over 5 mph over limit

16 11 - 15 \$ 25 plus \$3/each mph over 10 mph over limit

17 16 - 20 \$ 40 plus \$3/each mph over 15 mph over limit

18 ~~46~~ 21 - 25 \$ ~~40~~ 55 plus \$3/each mph over ~~45~~ 20 mph over limit

19 26 - 35 \$ 70 plus \$3/each mph over 25 mph over limit

20 36 + - 45 \$~~100~~ 120 plus \$5/each mph over 35 mph over limit

21 46 + \$170 plus \$5/each mph over 45 mph over limit

22 ~~9.~~ 8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

23 9. For a violation of section 39-21-44 or a rule adopted under that section, a fee of
24 two hundred fifty dollars.

25 10. For a violation of subsection 2 of section 39-21-46, a fee established as follows:

26 a. Driving more than ten hours since the last eight hours off duty, driving after
27 fifteen hours on duty since the last eight hours off duty, driving after sixty
28 hours on duty in seven days or seventy hours in eight days, no record of duty
29 status or log book in possession, failing to retain previous seven-day record of
30 duty status or log book, or operating a vehicle with four to six out-of-service
31 defects, one hundred dollars;

- 1 b. False record of duty status or log book or operating a vehicle with seven to
2 nine out-of-service defects, two hundred fifty dollars;
3 c. Operating a vehicle after driver placed out of service, operating a vehicle with
4 ten or more out-of-service defects, or operating a vehicle that has been
5 placed out of service prior to its repair, five hundred dollars; and
6 d. All other violations of motor carrier safety rules adopted under subsection 2 of
7 section 39-21-46, fifty dollars.

- 8 11. On a highway on which the speed limit is posted in excess of seventy miles
9 [112.65 kilometers] an hour, for a violation of 39-09-02, or equivalent ordinance, a
10 fee established as follows:

11	<u>Miles per hour over</u>	
12	<u>lawful speed limit</u>	<u>Fee</u>
13	<u>1 - 5</u>	<u>\$ 20</u>
14	<u>6 - 10</u>	<u>\$ 40</u>
15	<u>11 - 15</u>	<u>\$ 60</u>
16	<u>16 - 20</u>	<u>\$ 80</u>
17	<u>21 - 25</u>	<u>\$100</u>
18	<u>26 - 30</u>	<u>\$125</u>
19	<u>31 - 35</u>	<u>\$150</u>
20	<u>36 +</u>	<u>\$150 plus \$5/each mph over 35 mph over limit</u>

21 **SECTION 3. AMENDMENT.** Section 39-06.1-07 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-06.1-07. Notification to offenders - Duties of licensing authority.** The licensing
24 authority shall prepare notification forms and a temporary operator's permit as provided in
25 section 39-20-03.1 or 39-20-03.2 to be delivered to persons charged along with the uniform
26 traffic summons and complaint as provided in section 29-05-31. The notification forms must
27 contain language, approved by the attorney general, informing persons charged with traffic
28 violations, other than offenses listed in section 39-06.1-05, of the procedures available to them
29 under sections 39-06.1-02 and 39-06.1-03 and informing persons who refuse a chemical test or
30 onsite screening test under chapter 39-20 or who, on taking a chemical test, are found to be in
31 violation of subdivision a of subsection 1 of section 39-08-01, of the procedures available under

1 chapter 39-20. The notification must also contain a schedule of points to be charged against a
2 person's driving record or other operator's license penalties as provided by law and a schedule
3 of statutory fees and bond amounts as determined in accordance with sections 39-06.1-06 and
4 39-06.1-02. A notification form separate from the uniform traffic summons and complaint may
5 be delivered to a person charged with a violation of subsection 2 of section 39-21-46.

6 **SECTION 4. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and
9 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section
10 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; 39-12-04;
11 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of
12 subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10,
13 39-10.2, or 39-21, or equivalent ordinances, except sections 39-21-44; and 39-21-45.1; and
14 subdivision b of subsection 1 and subsection 2 of section 39-21-46, and those sections within
15 those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

16 **SECTION 5. AMENDMENT.** Section 39-06.1-10 of the 1999 Supplement to the North
17 Dakota Century Code is amended and reenacted as follows:

18 **39-06.1-10. Entries against driving record - Licensing authority duties - Hearings**
19 **- Demerit schedule - Suspension.**

20 1. When a report of a conviction of a traffic offense, or admission or adjudication of a
21 traffic violation is received by the licensing authority, the licensing authority shall
22 proceed to enter the proper number of points on the licensee's driving record,
23 unless the number points assigned to the violation are two or less. If the number
24 points assigned to the violation are two or less, the violation and points may not be
25 entered on the driving record but must be recorded separately, and the separate
26 record shall not be available to the public. Points from violations in which the
27 assigned number points are two or less shall be considered a part of the driving
28 record only for purposes of point reduction pursuant to section 39-06.1-13 and for
29 purposes of license suspension. When the driving record shows that the licensee
30 has an accumulated point total of twelve or more points, assigned on the basis of
31 the schedule contained in subsection 3, the authority shall notify the licensee of its

1 intention to suspend the operator's license according to the provisions of section
2 39-06-33. For the purposes of this chapter, the licensing authority may also
3 receive and act on reports of traffic offense convictions forwarded by federal,
4 military, and tribal courts in this state.

5 2. If the licensing authority confirms, after hearing or opportunity for hearing, that the
6 licensee's driving record has an accumulated point total of twelve or more points,
7 the licensing authority shall suspend the licensee's operator's license according to
8 the following schedule:

9	Accumulated Point Total:	Period of Suspension:
10	a. Twelve	7 days
11	b. Thirteen and above	7 days for each
12		point over eleven

13 Surrender and return of licenses suspended pursuant to this section must be
14 governed by the provisions of section 39-06-37.

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

16	a. Noncriminal Violations	
17	Noncriminal Adjudication	
18	or Admission of:	Points Assigned:
19	(1) Overtime and double	0 points
20	parking in violation	
21	of city ordinances	
22	(2) Failure to display	1 point
23	license plates	
24	(3) Permitting unauthorized	2 points
25	minor to drive	
26	(4) Permitting unauthorized	2 points
27	person to drive	
28	(5) Unlawful stopping,	2 points
29	standing, or parking on	
30	open highway in violation	
31	of section 39-10-47	

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|----|------|---|-----------|
| 1 | (6) | Unlawful parking in | 1 point |
| 2 | | prohibited place | |
| 3 | (7) | Leaving motor vehicle | 1 point |
| 4 | | improperly unattended on | |
| 5 | | an open highway | |
| 6 | (8) | Opening or leaving motor | 1 point |
| 7 | | vehicle doors open when | |
| 8 | | unsafe to do so | |
| 9 | (9) | Except as provided | 2 points |
| 10 | | in sections 39-21-44 | |
| 11 | | and 39-21-45.1, | |
| 12 | | knowingly driving with | |
| 13 | | defective, nonexistent, or | |
| 14 | | unlawful equipment | |
| 15 | | in violation of <u>subdivision a of</u> | |
| 16 | | subsection 1 of | |
| 17 | | section 39-21-46, or | |
| 18 | | equivalent ordinances | |
| 19 | (10) | Careless driving in | 6 points |
| 20 | | violation of section | |
| 21 | | 39-09-01, or equivalent | |
| 22 | | ordinance | |
| 23 | (11) | Violating or exceeding | 4 points |
| 24 | | restrictions contained in | |
| 25 | | a restricted certificate | |
| 26 | | issued pursuant to section | |
| 27 | | 39-06.1-03 | |
| 28 | (12) | Racing or drag racing | 10 points |
| 29 | | motor vehicles in violation | |
| 30 | | of section 39-08-03.1, or | |
| 31 | | equivalent ordinance | |

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| 1 | (13) | Exhibition driving in | 3 points |
| 2 | | violation of section | |
| 3 | | 39-08-03.1, or equivalent | |
| 4 | | ordinance | |
| 5 | (14) | Failing to yield right of | 2 points |
| 6 | | way in violation of | |
| 7 | | section 39-10-20, 39-10-22 | |
| 8 | | through 39-10-26, 39-10-28, | |
| 9 | | 39-10-33.3, 39-10-44, or | |
| 10 | | 39-10-72, or equivalent | |
| 11 | | ordinances | |
| 12 | (15) | Disobeying an official | 2 points |
| 13 | | traffic-control device | |
| 14 | | in violation of section | |
| 15 | | 39-10-04, 39-10-05, | |
| 16 | | or 39-10-07, or | |
| 17 | | equivalent ordinances | |
| 18 | (16) | Driving on wrong side of | 2 points |
| 19 | | road in violation of | |
| 20 | | section 39-10-08, | |
| 21 | | 39-10-14, or 39-10-16, or | |
| 22 | | equivalent ordinances | |
| 23 | (17) | Failing to dim headlights | 1 point |
| 24 | | in violation of section | |
| 25 | | 39-21-21, or equivalent | |
| 26 | | ordinance | |
| 27 | (18) | Failing to stop at railroad | 3 points |
| 28 | | crossing in violation of | |
| 29 | | section 39-10-41 or | |
| 30 | | 39-10-42, or equivalent | |
| 31 | | ordinances | |

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|----|------|-----------------------------|----------|
| 1 | (19) | Knowingly driving with | 2 points |
| 2 | | defective brakes in | |
| 3 | | violation of section | |
| 4 | | 39-21-32 or 39-21-33, or | |
| 5 | | equivalent ordinances | |
| 6 | (20) | Disregarding the lawful | 2 points |
| 7 | | commands of a police | |
| 8 | | officer in violation of | |
| 9 | | section 39-10-02, or | |
| 10 | | equivalent ordinance | |
| 11 | (21) | Overtaking where prohibited | 2 points |
| 12 | | or in an unsafe manner in | |
| 13 | | violation of section | |
| 14 | | 39-10-11, 39-10-12, | |
| 15 | | 39-10-13, or 39-10-15, or | |
| 16 | | equivalent ordinances | |
| 17 | (22) | Overtaking and passing a | 6 points |
| 18 | | schoolbus in violation of | |
| 19 | | section 39-10-46, or | |
| 20 | | equivalent ordinance | |
| 21 | (23) | Operating a motor vehicle | 4 points |
| 22 | | without a license in | |
| 23 | | violation of section | |
| 24 | | 39-06-01, or equivalent | |
| 25 | | ordinance | |
| 26 | (24) | Improperly operating or | 2 points |
| 27 | | unlawfully carrying | |
| 28 | | passengers or packages on | |
| 29 | | a motorcycle in violation | |
| 30 | | of section 39-10.2-02, | |
| 31 | | or equivalent ordinance | |

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- 1 (25) Improperly operating a 2 points
2 motorcycle in laned traffic
3 in violation of section
4 39-10.2-03, or equivalent
5 ordinance
- 6 (26) Clinging to other vehicles 4 points
7 while riding a motorcycle
8 in violation of section
9 39-10.2-04, or equivalent
10 ordinance
- 11 (27) Carrying a passenger on a 2 points
12 motorcycle not equipped
13 with passenger footrests
14 in violation of section
15 39-10.2-05, or equivalent
16 ordinance
- 17 (28) Operating a motorcycle 2 points
18 without protective headgear
19 in violation of subsection 1
20 of section 39-10.2-06, or
21 equivalent ordinance
- 22 (29) Failing to use the care 2 points
23 required in section
24 39-09-01.1, or equivalent
25 ordinance
- 26 (30) Except as provided in
27 ~~paragraphs 31 and 34~~
28 paragraph 33 of this
29 subdivision, operating a motor
30 vehicle in excess of speed limit
31 in violation of section 39-09-02,

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1		or equivalent ordinance	
2		16 20 mph over limit	3 points
3		21 25 mph over limit	4 points
4		26 35 mph over limit	6 points
5		36 45 mph over limit	8 points
6		46 + mph over limit	12 points
7	(31)	Within city limits on a	
8		noncontrolled access highway,	
9		operating a motor vehicle in	
10		excess of the speed limit in	
11		violation of section 39-09-02 , or	
12		equivalent ordinance	
13		6 - 10 mph over limit	1 point <u>0</u> points
14		11 - 15 mph over limit	2 points <u>1</u> point
15		16 - 20 mph over limit	3 points
16		21 - 25 mph over limit	4 <u>5</u> points
17		26 - 35 mph over limit	6 <u>9</u> points
18		36 - 45 mph over limit	8 <u>12</u> points
19		46 + mph over limit	12 <u>15</u> points
20	(32) (<u>31</u>)	Driving in violation of	2 points
21		section 39-08-18	
22	(33) (<u>32</u>)	Driving in violation of	6 points
23		section 39-08-09	
24	(34) (<u>33</u>)	On a highway on which the	
25		speed limit is a speed higher	
26		than fifty five miles [88.51	
27		posted in excess of seventy miles [112.65]	
28		kilometers] an hour, operating a	
29		motor vehicle in excess of the	
30		speed limit in violation of	
31		section 39-09-02, or equivalent	

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1		ordinance	
2		Miles per hour over	
3		lawful speed limit	Points
4		<u>1 - 5</u>	<u>0</u>
5		6 - 10	1
6		11 - 15	<u>4</u> <u>2</u>
7		16 - 25 <u>20</u>	7 <u>5</u>
8		<u>21 - 25</u>	<u>7</u>
9		26 - 35 <u>30</u>	10
10		<u>31 - 35</u>	<u>12</u>
11		36 +	42 <u>15</u>
12	(35) <u>(34)</u>	Failing to have a minor in a child	1 point
13		restraint system or seatbelt in	
14		violation of section 39-21-41.2	
15	<u>(35)</u>	<u>Failure or refusal to comply</u>	<u>0 points</u>
16		<u>with rules of the superintendent</u>	
17		<u>of the highway patrol in violation</u>	
18		<u>of subsection 2 of section 39-21-46</u>	
19	<u>(36)</u>	<u>Violation of section 39-21-44 or any</u>	<u>2 points</u>
20		<u>rule adopted under that section</u>	
21	b.	Criminal Violations	
22		Conviction of:	Points Assigned:
23	(1)	Reckless driving in	8 points
24		violation of section	
25		39-08-03, or equivalent	
26		ordinance	
27	(2)	Aggravated reckless	12 points
28		driving in violation of	
29		section 39-08-03, or	
30		equivalent ordinance	
31	(3)	Leaving the scene of an	14 points

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- 1 accident involving
2 property damage in
3 violation of section
4 39-08-05, 39-08-07, or
5 39-08-08, or equivalent
6 ordinances
- 7 (4) Leaving the scene of an 18 points
8 accident involving personal
9 injury or death in
10 violation of section
11 39-08-04, or equivalent
12 ordinance
- 13 (5) Violating restrictions in 3 points
14 a restricted license
15 issued under section
16 39-06-17 and relating
17 to the use of eyeglasses
18 or contact lenses while
19 driving
- 20 (6) Violating any restrictions 4 points
21 other than those listed in
22 paragraph 5, contained in
23 a restricted license issued
24 under section 39-06-17 or
25 39-06.1-11
- 26 (7) Except as provided in 6 points
27 paragraph 9, operating
28 a motor vehicle without
29 liability insurance,
30 in violation of section
31 39-08-20

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- 1 (8) Knowingly driving a 2 points
2 modified motor vehicle in
3 violation of section
4 39-21-45.1, or equivalent
5 ordinance
- 6 (9) Operating a motor vehicle 14 points
7 without liability
8 insurance, in violation of
9 section 39-08-20, if the
10 violation was discovered as
11 the result of investigation
12 of an accident in which the
13 driver is the owner
- 14 ~~(10) Knowingly failing to 2 points~~
15 ~~display a placard or flag,~~
16 ~~in violation of any rule~~
17 ~~implementing section 39-21-44,~~
18 ~~while transporting explosive~~
19 ~~or hazardous materials~~
- 20 (11) Except as provided in 2 points
21 paragraph 9 of subdivision a,
22 knowingly operating an
23 unsafe vehicle in
24 violation of subdivision b of
25 subsection 1 of
26 section 39-21-46, or equivalent
27 ordinance
- 28 ~~(12)~~ (11) Fleeing in a motor 24 points
29 vehicle from a peace
30 officer in violation
31 of section 39-10-71,

1 or equivalent ordinance
2 ~~(13)~~ (12) Except as provided in 12 points
3 paragraph 9, operating a
4 motor vehicle without
5 liability insurance, in
6 violation of section 39-08-20,
7 if the driving record shows
8 that the licensee has within
9 the eighteen months preceding
10 the violation previously
11 violated section 39-08-20

12 3.1. a. If the director is informed by a court that a person has been convicted of
13 violating section 39-08-01, or equivalent ordinance, the director, subject to the
14 offender's opportunity for hearing under subsection 1, may not restore the
15 operator's license to the offender until the offender furnishes to the director
16 the written statement of the counselor or instructor of an appropriate licensed
17 addiction treatment program that the offender does not require either an
18 education or treatment program or that the offender has physically attended
19 the prescribed program and has complied with the attendance rules. The
20 director shall send notice to the offender informing the offender of the
21 provisions of this subsection.

22 b. If within the seven years preceding the most recent violation of section
23 39-08-01, or equivalent ordinance, the offender has previously violated
24 section 39-08-01, or equivalent ordinance, at least three times, the director
25 may restore driving privileges to the offender only after that person has
26 completed addiction treatment through an appropriate licensed addiction
27 treatment program and has had no alcohol-related or drug-related offense for
28 two consecutive years after completion of treatment.

29 4. If judicial disposition of a traffic violation includes an order or recommendation of
30 suspension or revocation of an operator's license, the suspension or revocation
31 runs concurrently with any suspension ordered under this section. After a

1 conviction of a person for violating section 39-08-01, the director shall, in
2 suspending the person's operator's license, give credit for the time in which license
3 suspension or revocation has been or is being imposed under chapter 39-20 in
4 connection with the same offense.

5 5. A suspension must be deemed to have commenced twenty days after the order of
6 suspension is delivered to the licensee at the licensee's address of record in the
7 department. Constructive delivery under this section must be considered as
8 occurring seventy-two hours after proper deposit in the mails.

9 6. Points assigned pursuant to this section must be recorded against an operator's
10 driving record regardless of whether the operator has ever had an operator's
11 license issued in this state, and the licensing authority shall maintain records on all
12 violators regardless of whether they are licensed. Upon the assignment of twelve
13 or more points, any unlicensed operator must be deemed to be driving under
14 suspension if the operator has never had an operator's license or if the operator
15 has failed to renew the operator's license.

16 7. The period of suspension imposed for a violation of section 39-08-01 or equivalent
17 ordinance is:

18 a. Ninety-one days if the operator's record shows the person has not violated
19 section 39-08-01 or equivalent ordinance within the five years preceding the
20 last violation.

21 b. Three hundred sixty-five days if the operator's record shows the person has
22 once violated section 39-08-01 or equivalent ordinance within the five years
23 preceding the last violation.

24 c. Two years if the operator's record shows the person has at least twice
25 violated section 39-08-01 or equivalent ordinance within the five years
26 preceding the last violation.

27 **SECTION 6. AMENDMENT.** Subdivision g of subsection 2 of section 39-07-09 of the
28 North Dakota Century Code is amended and reenacted as follows:

29 g. Operating an unsafe vehicle in violation of subdivision b of subsection 1 of
30 section 39-21-46.

1 **SECTION 7. AMENDMENT.** Subsection 6 of section 39-12-05.3 of the North Dakota
2 Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative
3 assembly, is amended and reenacted as follows:

4 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a
5 self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess
6 of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and
7 the gross weight does not exceed eighty thousand pounds [38287.39 kilograms].
8 The gross weight limitations in subsections 1 and 2 do not apply to movement of a
9 self-propelled agricultural chemical applicator if the vehicle does not travel at
10 speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over
11 one-half capacity and the gross weight does not exceed forty-five thousand
12 pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for
13 the commercial movement of vehicles exempted by this subsection. The seasonal
14 permit issued under this subsection or under subdivision d of subsection 1 of
15 section 39-12-04 entitles an individual with the permit to operate a vehicle as
16 allowed by either of these provisions. A seasonal permit issued under this
17 subsection is subject to the requirements of subdivision d of subsection 1 of
18 section 39-12-04, ~~except a vehicle exempted by this subsection which is an~~
19 ~~implement of husbandry is not required to have proof of financial responsibility and~~
20 ~~does not have to be operated by a commercial entity.~~

21 **SECTION 8. AMENDMENT.** Subsection 1 of section 39-21-46 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 1. a. It is unlawful for any person to drive or move, or for the owner to cause or
24 knowingly permit to be driven or moved, on any highway any vehicle or
25 combination of vehicles which the actor knows ~~to be in such unsafe condition~~
26 ~~as to endanger any person, or which the actor knows~~ does not contain those
27 parts or is not at all times equipped with lamps and other equipment in proper
28 condition and adjustment as required in this chapter, or which the actor knows
29 is equipped in any manner in violation of this chapter, or for any person to do
30 any act forbidden or fail to perform any act required under this chapter for
31 which a fee or penalty for its violation is not otherwise provided.

1 ~~b. Unless otherwise specifically provided in this chapter or in section 39-06.1-08~~
2 ~~or 39-06.1-09, any~~ A person who, in violation of this chapter, drives or moves,
3 or any owner who causes or knowingly permits to be driven or moved upon a
4 highway, any vehicle or combination of vehicles which that person knows is in
5 such unsafe or improperly equipped condition as to endanger a person is
6 guilty of an infraction.

7 **SECTION 9. AMENDMENT.** Subsection 2 of section 39-21-46 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. The superintendent of the state highway patrol shall, under chapter 28-32, adopt
10 necessary rules concerning the safe operation of motor vehicles and when and
11 how motor carrier audits or inspections will be conducted. The rules must
12 duplicate or be consistent with current motor carrier safety regulations of the
13 United States department of transportation. The superintendent of the state
14 highway patrol may adopt the motor carrier safety regulations by reference, and
15 any adoption must be construed to incorporate amendments as may be made from
16 time to time. ~~Any proceeding under this section for issuing or modifying rules and~~
17 ~~determining compliance with rules of the superintendent of the state highway patrol~~
18 ~~must be conducted in accordance with chapter 28-32 and appeals may be taken~~
19 ~~as provided in chapter 28-32.~~ A violation of rules adopted under this subsection is
20 a noncriminal violation. A person who fails or refuses to comply with these rules
21 must be assessed a fee in the amount set forth in section 3 of this Act for each
22 violation.

23 **SECTION 10. EXPIRATION DATE.** Section 7 of this Act is effective through July 31,
24 2003, and after that date is ineffective.

25 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.