

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1431

Introduced by

Representatives Gruchalla, Dahl, Karls, Onstad, Ruby

Senator Anderson

1 A BILL for an Act to amend and reenact sections 39-06.1-06, 39-08-03.1, 39-08-09, and
2 39-09-01 of the North Dakota Century Code, relating to fees for traffic offenses; and to provide
3 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.** 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~~ thirty
12 dollars, 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~~ seventy-five 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~~ seventy-five dollars.
- 17 c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~ forty dollars.
- 18 d. A violation of subsection 1 of section 39-12-02, a fee of ~~one~~ two hundred
19 dollars.
- 20 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of ~~one~~
21 two hundred dollars.
- 22 3. ~~Except as provided in subsections 7 and 11, for a violation of section 39-09-02, or~~
23 ~~an equivalent ordinance, a fee established as follows:~~

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1	Miles per hour over	
2	lawful speed limit	Fee
3	1—5	\$—5
4	6—10	\$—5 plus \$1/each mph over 5 mph over limit
5	11—15	\$—10 plus \$1/each mph over 10 mph over limit
6	16—20	\$—15 plus \$2/each mph over 15 mph over limit
7	21—25	\$—25 plus \$3/each mph over 20 mph over limit
8	26—35	\$—40 plus \$3/each mph over 25 mph over limit
9	36—45	\$—70 plus \$3/each mph over 35 mph over limit
10	46+	\$100 plus \$5/each mph over 45 mph over limit

11 ~~4.~~ 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee
12 of ~~thirty~~ fifty dollars.

13 ~~5.~~ ~~4.~~ 4. For a violation of section 39-09-01.1, or an ordinance defining care required in
14 driving, a fee of not less than ten dollars nor more than ~~thirty~~ fifty dollars.

15 ~~6.~~ ~~5.~~ 5. For a violation of any traffic parking regulations, except a violation of subsection 10
16 of section 39-01-15, on any state charitable or penal institution property or on the
17 state capitol grounds, a fee in the amount of five dollars.

18 ~~7.~~ ~~6.~~ 6. On a highway on which the speed limit is a speed ~~higher than fifty-five miles [88.51~~
19 ~~kilometers]~~ less than sixty-five miles [104.61 kilometers] an hour, for a violation of
20 section 39-09-02, or an equivalent ordinance, a fee established as follows:

21	Miles per hour over	
22	lawful speed limit	Fee
23	1 - 10	\$2/each mph over limit
24	11 +	\$20 plus \$5/each mph over 10 mph over limit

25 ~~8.~~ ~~7.~~ 7. For a violation of section 39-21-41.4, a fee not to exceed ~~twenty~~ thirty dollars.

26 ~~9.~~ ~~8.~~ 8. For a violation of section 39-21-44 or a rule adopted under that section, a fee of
27 two hundred fifty dollars.

28 ~~10.~~ ~~9.~~ 9. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

29 a. Driving more than ten hours since the last eight hours off duty, driving after
30 fifteen hours on duty since the last eight hours off duty, driving after sixty
31 hours on duty in seven days or seventy hours in eight days, no record of duty

- 1 status or log book in possession, failing to retain previous seven-day record of
2 duty status or log book, or operating a vehicle with four to six out-of-service
3 defects, one hundred dollars;
- 4 b. False record of duty status or log book or operating a vehicle with seven to
5 nine out-of-service defects, two hundred fifty dollars;
- 6 c. Operating a vehicle after driver placed out of service, operating a vehicle with
7 ten or more out-of-service defects, or operating a vehicle that has been
8 placed out of service prior to its repair, five hundred dollars; and
- 9 d. All other violations of motor carrier safety rules adopted under subsection 3 of
10 section 39-21-46, fifty dollars.
- 11 ~~44.~~ 10. On a highway on which the speed limit is posted ~~in excess of~~ sixty-five miles
12 [104.61 kilometers] an hour or higher, for a violation of section 39-09-02, or
13 equivalent ordinance, a fee of five dollars for each mile per hour over the limit.
- 14 ~~42.~~ 11. For a violation of a school zone speed limit under subdivision b of subsection 1 of
15 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
16 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed
17 limit dependent upon being on or near a school, fees for a noncriminal disposition
18 are forty dollars for one through ten miles per hour over the posted speed; and
19 forty dollars, plus ~~one dollar~~ five dollars for each additional mile per hour over ten
20 miles per hour over the limit unless a greater fee would be applicable under this
21 section.
- 22 ~~43.~~ 12. For a violation of a highway construction zone speed limit under subsection 2 of
23 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over
24 the posted speed; and eighty dollars plus two dollars for each mile per hour over
25 ten miles per hour over the limit, unless a greater fee would be applicable under
26 this section. The fee in this subsection does not apply to a highway construction
27 zone unless individuals engaged in construction are present at the time and place
28 of the violation and the posted speed limit sign states "Minimum Fee \$80".

29 **SECTION 2. AMENDMENT.** Section 39-08-03.1 of the North Dakota Century Code is
30 amended and reenacted as follows:

31 **39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.**

- 1 1. ~~No person~~ An individual may not engage in exhibition driving of any vehicle on a
2 highway, street, alley, sidewalk, or any public or private parking lot or area, nor
3 may ~~any person~~ an individual engage in a race, a speed competition, drag race or
4 acceleration contest, test of physical endurance, or exhibition of speed or
5 acceleration. ~~Any person~~ An individual who violates this section by engaging in an
6 act defined by subdivision b of subsection 2 must be assessed a fee of ~~fifty~~
7 seventy-five dollars. Any person who violates this section by engaging in an act
8 defined by subdivision a or c of subsection 2 must be assessed a fee of ~~one~~ two
9 hundred dollars.
- 10 2. As used in this section:
- 11 a. "Drag race" means the operation of two or more vehicles from a point side by
12 side by accelerating rapidly in a competitive attempt to cause one vehicle to
13 outdistance the other; or the operation of one or more vehicles over a
14 common selected course from the same point to the same point for the
15 purpose of comparing the relative speed or powers of acceleration of such
16 vehicle or vehicles within a certain distance or time limit.
- 17 b. "Exhibition driving" means driving a vehicle in a manner which disturbs the
18 peace by creating or causing unnecessary engine noise, tire squeal, skid, or
19 slide upon acceleration or braking; or driving and executing or attempting one
20 or a series of unnecessarily abrupt turns.
- 21 c. "Race" means the use of one or more vehicles in an attempt to outgain,
22 outdistance, or to arrive at a given distance ahead of another vehicle or
23 vehicles; or the use of one or more vehicles to willfully prevent another
24 vehicle from passing the racing vehicle or vehicles, or to test the physical
25 stamina or endurance of the persons driving the vehicles over a long-distance
26 driving route.
- 27 3. ~~Nothing in this~~ This section shall be construed as prohibiting does not prohibit drag
28 racing, exhibition driving, or similar events when carried out in an organized
29 manner on a track or other privately owned area specifically set aside and used
30 solely for ~~such~~ these purposes by drivers of motor vehicles, including
31 snowmobiles.

1 **SECTION 3. AMENDMENT.** Section 39-08-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-08-09. Immediate notice of accident - Penalty.**

- 4 1. The driver of a vehicle involved in an accident resulting in injury to or death of ~~any~~
5 ~~person~~ an individual, or property damage to an apparent extent of at least one
6 thousand dollars, shall immediately give notice of the accident to the local police
7 department if the accident occurs within a municipality, otherwise to the office of
8 the county sheriff or the state highway patrol. ~~Any person~~ A driver who violates
9 this section must be assessed a fine of ~~fifty~~ one hundred dollars. The name of the
10 motor vehicle insurance policy carrier and the policy number of the driver, or if the
11 driver is not the owner of the vehicle, then the motor vehicle insurance policy
12 carrier and the policy number of the owner of the vehicle, must be furnished to the
13 law enforcement officer investigating the accident. If the driver does not have the
14 required information concerning insurance to furnish to the investigating law
15 enforcement officer, then within five days of the accident the driver shall supply
16 that information to the driver's license division in the form the division requires.
- 17 2. The director may suspend the license or permit to drive and any nonresident
18 operating privileges of any person failing to comply with the duties as provided in
19 sections 39-08-06 through 39-08-09 until those duties have been fulfilled, and the
20 director may extend the suspension not to exceed thirty days.

21 **SECTION 3. AMENDMENT.** Section 39-09-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-09-01. Basic rule - Penalty for violation.**

- 24 1. ~~No person~~ An individual may not drive a vehicle at a speed greater than is
25 reasonable and prudent under the conditions and having regard to the actual and
26 potential hazards then existing. ~~Consistent with the foregoing, every person and~~
27 and shall drive at a safe and appropriate speed when approaching and crossing an
28 intersection or railroad grade crossing, when approaching and going around a
29 curve, when approaching a hill crest, when traveling upon any narrow or winding
30 roadway, and when special hazards exist with respect to pedestrians or other
31 traffic or by reason of weather or highway conditions. ~~Any person~~ An individual

1 who drives a vehicle upon a highway or private or public property open to the
2 public for the operation of motor vehicles without heed to the requirements or
3 restrictions of this section has committed careless driving and must be assessed a
4 fee of ~~thirty~~ fifty dollars.

5 2. ~~Any person~~ An individual who, by reason of careless driving as ~~herein~~ defined in
6 subsection 1, causes and inflicts bodily injury ~~upon the person of~~ to an operator of
7 snow removal equipment engaged in snow removal operations or causes damage
8 in excess of one thousand dollars to snow removal equipment engaged in snow
9 removal is guilty of an infraction.

10 3. As used in this section, "snow removal equipment" means a vehicle that is
11 operated by ~~a person~~ an individual employed by or on behalf of an authority in
12 charge of the maintenance of the highway to perform winter maintenance snow
13 and ice removal, including plowing, hauling away, salting, and sanding.