

April 14, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

That the House recede from its amendments as printed on page(s) 940-944 of the Senate Journal and pages 1090-1094 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

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

39-06.1-05. Offenses excepted.

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9-8. 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.

SECTION 2. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, ~~39-21-45.1~~, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, ~~section section~~ 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 3. Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

SECTION 4. AMENDMENT. Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations

Conviction of:

Points Assigned:

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| (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) Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance | 2 points |
| (8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance | 2 points |

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| (9)(8) | Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance | 24 points |
| (10)(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 |
| (11)(10) | Driving in violation of the conditions of an instruction permit | 2 points |

SECTION 5. AMENDMENT. Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
 - a. Reckless driving.
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
 - d. ~~Operating a modified vehicle.~~
 - e. Driving without liability insurance in violation of section 39-08-20.
 - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
 - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 7, overstrike "Except as otherwise provided in this section,"

Page 1, line 7, remove "an individual"

Page 1, line 7, overstrike "may not operate"

Page 1, overstrike line 8

Page 1, line 9, overstrike "laws of this state with a weight of"

Page 1, line 9, remove "ten"

Page 1, line 9, overstrike "thousand pounds ["

Page 1, line 9, remove "4535.92"

Page 1, overstrike lines 10 through 15

Page 1, line 16, remove "a."

Page 1, line 16, overstrike "The motor vehicle must be equipped with front and rear bumpers."

Page 1, line 17, remove "b."

Page 1, line 17, overstrike "The maximum body height permitted for the motor vehicle is forty-two inches"

Page 1, overstrike lines 18 and 19

Page 1, line 20, remove "c."

Page 1, line 20, overstrike "The maximum bumper height permitted is twenty-seven inches [68.58"

Page 1, overstrike lines 21 and 22

Page 1, line 23, remove "d."

Page 1, line 23, overstrike "The" and insert immediately thereafter "An individual who operates a registered motor vehicle on a highway may not modify that"

Page 1, line 23, overstrike "may be modified in accordance with the following" and insert immediately thereafter "unless the modification meets the following requirements"

Page 2, line 1, remove the overstrike over "a:"

Page 2, line 1, remove "(1)"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 3, remove the overstrike over "b:"

Page 2, line 3, remove "(2)"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "the director's"

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, remove the overstrike over "c:"

Page 2, line 6, remove "(3)"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7 and insert immediately thereafter "The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area."

Page 2, line 8, remove "(4)"

Page 2, line 8, overstrike "A horizontal drop bumper may be used to comply with the bumper height"

Page 2, line 9, overstrike "requirement of subsection 3. The horizontal bumper must"

Page 2, line 10, remove "be"

Page 2, line 10, overstrike "at least three inches [7.62 centimeters] in vertical width;"

Page 2, line 11, remove "extend"

Page 2, line 11, overstrike "the entire horizontal body width; and"

Page 2, line 12, remove "be"

Page 2, line 12, overstrike "horizontal, load bearing, and attached to the vehicle frame to"

Page 2, overstrike line 13

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18 and insert immediately thereafter:

"2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged."

Page 2, line 19, after "6-" insert "3."

Page 2, line 19, remove "f."

Page 2, line 21, after the "7-" insert "4."

Page 2, line 21, remove "g."

Renumber accordingly