

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2097

Introduced by

Government and Veterans Affairs Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota
2 Century Code, relating to the powers of the highway patrol to promote public trust; to amend
3 and reenact section 39-03-05, subsection 3 of section 39-12-02, and subsection 2 of section
4 62.1-02-05 of the North Dakota Century Code, relating to the contents of badges issued to
5 patrolmen, interstate permits, and public security personnel possessing dangerous weapons;
6 and to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 39-03-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-03-05. Badge issued to patrolmen - Contents of badge.**

11 The superintendent shall issue to each patrolman a badge of authority with the seal of this
12 state in the center thereof. The term "North Dakota highway patrol" must encircle such seal and
13 ~~below~~above the same must appear the designation of the position held by the person to whom
14 such badge is issued. Each such badge must contain a ~~serial~~unit number; ~~or each patrolman~~
15 ~~shall display otherwise a distinctive serial number or symbol of rank.~~ No badge may be issued
16 to any person who is not a duly appointed and acting member of the highway patrol.

17 **SECTION 2.** A new subsection to section 39-03-09 of the North Dakota Century Code is
18 created and enacted as follows:

19 To promote public trust and an understanding of law enforcement through education,
20 community outreach, and job shadowing programs.

21 **SECTION 3. AMENDMENT.** Subsection 3 of section 39-12-02 of the North Dakota Century
22 Code is amended and reenacted as follows:

23 3. An appropriate charge must be made for each permit and all funds collected
24 hereunder by the highway patrol must be deposited in the state highway fund for use

1 in the construction and maintenance of highways and operating expenses of the
2 department. Permit fees generated by a political subdivision must be deposited in the
3 local authority's general fund for support of the local road system. Publicly owned
4 vehicles that provide service beyond the agency's jurisdiction, official, publicly owned,
5 emergency, or military vehicles are not subject to charges for permits. The minimum
6 fee for selected charges is as follows:

- 7 a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty
8 dollars per month for fees paid on a monthly basis or two hundred fifty dollars per
9 year for fees paid on a yearly basis. Unused fees paid on a monthly basis are
10 refundable. Unused fees paid on a yearly basis are not refundable.
- 11 b. The fee for a ~~non-self-issuing~~ interstate permit is ten dollars per trip or three
12 hundred dollars per calendar year for unlimited trips.
- 13 c. The fee for special mobile equipment is twenty-five dollars per trip.
- 14 d. The fee for engineering is twenty-five dollars per trip.
- 15 e. The fee for faxing a permit is five dollars.
- 16 f. The fee for a single trip permit is twenty dollars per trip.
- 17 g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty
18 dollars per calendar year.
- 19 h. The fee for a longer combination vehicle permit is one hundred dollars per month
20 for fees paid on a monthly basis.
- 21 i. The fee for an overwidth vehicle or load that is fourteen feet six inches
22 [4.42 meters] or less is twenty dollars per trip or one hundred dollars per calendar
23 year unless the vehicle is a noncommercial fishhouse trailer being moved by the
24 owner, then the fee is twenty dollars per calendar year.
- 25 j. The highway patrol may establish an online electronic permit system. If the
26 highway patrol establishes an online electronic permit system, the highway patrol
27 shall assess an additional fifteen dollar fee for every permit issued under this
28 section to be deposited into the motor carrier electronic permit transaction fund.

29 **SECTION 4. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota
30 Century Code is amended and reenacted as follows:

- 31 2. This section does not apply to:

Sixty-fifth
Legislative Assembly

- 1 a. A law enforcement officer;
- 2 b. A member of the armed forces of the United States or national guard, organized
- 3 reserves, state defense forces, or state guard organizations, when on duty;
- 4 c. A competitor participating in an organized sport shooting event;
- 5 d. A gun or antique show;
- 6 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 7 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 8 vehicle;
- 9 g. A student and an instructor at a hunter safety class;
- 10 h. Private and public security personnel while on duty;
- 11 i. A state or federal park;
- 12 j. An instructor, a test administrator, an official, or a participant in educational,
- 13 training, cultural, or competitive events involving the authorized use of a
- 14 dangerous weapon if the event occurs with permission of the person or entity
- 15 with authority over the function or premises in question;
- 16 k. An individual in a publicly owned or operated rest area or restroom;
- 17 l. An individual possessing a valid concealed weapons license from this state or
- 18 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
- 19 a dangerous weapon concealed if the individual is in a church building or other
- 20 place of worship and has the approval to carry in the church building or other
- 21 place of worship by a primary religious leader of the church or other place of
- 22 worship or the governing body of the church or other place of worship. If a church
- 23 or other place of worship authorizes an individual to carry a concealed weapon,
- 24 local law enforcement must be informed of the name of the authorized individual;
- 25 and
- 26 m. A municipal court judge, a district court judge, a staff member of the office of
- 27 attorney general, and a retired North Dakota law enforcement officer, if the
- 28 individual maintains the same level of firearms proficiency as is required by the
- 29 peace officer standards and training board for law enforcement officers. A local
- 30 law enforcement agency shall issue a certificate of compliance under this section
- 31 to an individual who is proficient.

1 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.