

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-02, and sections
2 39-06.1-07 and 39-07-07 of the North Dakota Century Code, relating to citations; and to repeal
3 section 39-07-07.1 of the North Dakota Century Code, relating to citations.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. If the individual is cited for a traffic violation under state law and posts bond by mail,
8 the bond must be submitted within fourteen days of the date of the citation and the
9 individual cited shall indicate on the ~~envelope of~~ citation whether a hearing is
10 requested. If the individual does not request a hearing within fourteen days of the date
11 of the citation, the bond is deemed forfeited and the violation admitted. If the individual
12 requests a hearing, the court for the county in which the citation is issued shall issue a
13 summons to the individual requesting the hearing notifying the individual of the date of
14 the hearing before the designated official in accordance with section 39-06.1-03.

15 **SECTION 2. AMENDMENT.** Section 39-06.1-07 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **39-06.1-07. Notification to offenders - Duties of director.**

18 The director shall prepare notification forms and a temporary operator's permit under
19 section 39-20-03.1 or 39-20-03.2 to be delivered to the charged individual with the uniform
20 traffic summons and complaint under section 29-05-31. The notification form may be delivered
21 to the individual in writing, by providing a website address, or providing a quick response code.

22 The notification forms must contain language, approved by the attorney general, informing an
23 individual charged with a traffic violation, other than offenses listed in section 39-06.1-05, of the
24 procedures available to that individual under sections 39-06.1-02 and 39-06.1-03 and informing

1 an individual who refuses a chemical test or onsite screening test under chapter 39-20 or who,
2 on taking a chemical test, is found to be in violation of subdivision a of subsection 1 of section
3 39-08-01, of the procedures available under chapter 39-20. The notification must contain a
4 schedule of points to be charged against an individual's driving record or other operator's
5 license penalties as provided by law and a schedule of statutory fees and bond amounts as
6 determined in accordance with this chapter. A notification form separate from the uniform traffic
7 summons and complaint may be delivered to an individual charged with a violation of
8 subsection 3 of section 39-21-46.

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

11 **39-07-07. Halting ~~person~~an individual for violating traffic regulations - Duty of officer**
12 **halting.**

13 1. Whenever ~~any person~~an individual is halted for the violation of any of the provisions of
14 chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city
15 ordinances, the officer halting ~~that person~~the individual, except as otherwise provided
16 in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:

17 1. a. Take the name and address of the ~~person~~individual;
18 2. b. Take the license number of the ~~person's~~individual's motor vehicle; and
19 3. c. If a city ordinance or state criminal traffic violation, issue a summons or otherwise
20 notify ~~that person~~the individual in writing to appear at a time and place to be
21 specified in the summons or notice or, if a state noncriminal traffic violation, notify
22 the ~~person~~individual of the right to request a hearing when posting bond by mail.

23 2. A halting officer employed by ~~any~~a political subdivision of the state may not take a
24 ~~person~~an individual into custody or require ~~that person~~the individual to proceed with
25 the officer to any other location for the purpose of posting bond, ~~whereif~~the traffic
26 violation was a noncriminal offense under section 39-06.1-02. The officer ~~shall~~may
27 provide the person with an envelope for use in mailing the bond.

28 **SECTION 4. REPEAL.** Section 39-07-07.1 of the North Dakota Century Code is repealed.