

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2099

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 or 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 1. 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
20 uniform traffic summons and complaint under section 29-05-31. The notification form
21 may be delivered to the individual in writing, by providing a website address, or
22 providing a quick response code. The notification forms must contain language,
23 approved by the attorney general, informing an individual charged with a traffic
24 violation, other than offenses listed in section 39-06.1-05, of the procedures available

1 to that individual under sections 39-06.1-02 and 39-06.1-03 and informing an
2 individual who refuses a chemical test or onsite screening test under chapter 39-20 or
3 who, on taking a chemical test, is found to be in violation of subdivision a of
4 subsection 1 of section 39-08-01, of the procedures available under chapter 39-20.

5 The notification must contain a schedule of points to be charged against an
6 individual's driving record or other operator's license penalties as provided by law and
7 a schedule of statutory fees and bond amounts as determined in accordance with this
8 chapter. A notification form separate from the uniform traffic summons and complaint
9 may be delivered to an individual charged with a violation of subsection 3 of section
10 39-21-46.

- 11 2. The director shall prepare a temporary operator's permit under sections 39-20-03.1,
12 39-20-03.2, and 39-20-04. The temporary operator's permit must inform the driver of
13 the procedures available under chapter 39-20 and must be issued in accordance with
14 that chapter. The temporary operator's permit may not be delivered by mail or
15 electronic means unless specifically authorized under chapter 39-20.

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

18 **39-07-07. Halting personan individual for violating traffic regulations - Duty of officer**
19 **halting.**

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

- 24 1. a. Take the name and address of the personindividual;
25 2. b. Take the license number of the person'sindividual's motor vehicle; and
26 3. c. If a city ordinance or state criminal traffic violation, issue a summons or otherwise
27 notify that personthe individual in writing to appear at a time and place to be
28 specified in the summons or notice or, if a state noncriminal traffic violation, notify
29 the personindividual of the right to request a hearing when posting bond by mail.

- 30 2. A halting officer employed by anya political subdivision of the state may not take a
31 personan individual into custody or require that personthe individual to proceed with

1 the officer to any other location for the purpose of posting bond, ~~where~~if the traffic
2 violation was a noncriminal offense under section 39-06.1-02. The officer shall provide
3 the ~~person with~~individual, upon request, an envelope for use in mailing the bond.

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