

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2169

Introduced by

Senators Rummel, Kessel, Sickler

Representatives Klemin, Lefor, Steiner

1 A BILL ~~for an Act to create and enact a new subsection to section 39-06.1-06 of the North-~~
2 ~~Dakota Century Code, relating to the amount of fees for certain traffic offenses; to amend and~~
3 ~~reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city~~
4 ~~finest and penalties; and to provide a penalty.~~ for an Act to create and enact a new section to
5 chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the
6 maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North
7 Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended
8 by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the
9 special punishment for causing injury or death while operating a vehicle while under the
10 influence of alcohol or any other drugs or substances, driving while under the influence of
11 alcohol or any other drugs or substances while being accompanied by a minor, and entering a
12 closed road; to provide for a legislative management study; to provide for a legislative
13 management report; and to provide a penalty.

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

15 ~~SECTION 1. A new subsection to section 39-06.1-06 of the North Dakota Century Code is~~
16 ~~created and enacted as follows:~~

17 ~~The specified fee is increased by one hundred dollars for any of the listed offenses if a~~
18 ~~driver has had three previous convictions of any combination of the following offenses~~
19 ~~within a five-year period:~~

20 ~~a. A violation of section 39-08-03.1, 39-08-23, 39-08-24, or 39-08-25.~~
21 ~~b. A violation of chapter 39-09.~~
22 ~~c. A violation of section 39-10-04, 39-10-05, 39-10-08, 39-10-12, 39-10-13,~~
23 ~~39-10-14, 39-10-15, 39-10-16, 39-10-17, 39-10-18, 39-10-22, 39-10-23,~~
24 ~~39-10-24, 39-10-26, 39-10-35, 39-10-38, 39-10-44, or 39-10-46.~~

1 ~~SECTION 2. AMENDMENT. Subsection 2 of section 40-05-06 of the North Dakota Century~~
2 ~~Code is amended and reenacted as follows:~~

3 ~~2. For every violation of a city ordinance that regulates the operation or equipment of a~~
4 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~
5 ~~39-06.1-05 or the additional increased fee amount assessed under section 1 of this~~
6 ~~Act, a fee may be established, by ordinance, which may exceed, by up to one hundred~~
7 ~~percent, the limit, for an equivalent category of violation, set forth in section~~
8 ~~39-06.1-06.~~

9 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**
12 **while under the influence of alcohol or any other drugs or substances.**

- 13 1. An individual is guilty of criminal vehicular homicide if the individual commits an
14 offense under section 39-08-01 or equivalent ordinance and as a result the individual
15 causes a death of another individual to occur, including the death of an unborn child,
16 unless the individual who causes the death of the unborn child is the mother. A
17 violation of this subsection is a class A felony. If an individual commits a violation
18 under this subsection, the court shall impose at least three years' imprisonment. If the
19 individual violates this section after having been previously convicted of a violation of
20 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least
21 ten years' imprisonment. An individual may not be prosecuted and found guilty of this
22 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
- 23 2. An individual is guilty of criminal vehicular injury if the individual violates section
24 39-08-01 or equivalent ordinance and as a result that individual causes substantial
25 bodily or serious bodily injury to another individual. Violation of this subsection is a
26 class C felony. If an individual violates this subsection, the court shall impose at least
27 one year's imprisonment. If the individual violates this section after having been
28 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent
29 ordinance, the court shall impose at least two years' imprisonment.
- 30 3. The sentence under this section may not be suspended unless the court finds that
31 manifest injustice would result from the imposition of the sentence. Before a sentence

1 under this section applies, a defendant must be notified of the minimum mandatory
2 sentence. The elements of an offense under this section are the elements of an
3 offense for a violation of section 39-08-01 and the additional elements that create an
4 offense in each subsection of this section. Whether an individual caused death or
5 substantial or serious bodily injury must be determined in accordance with section
6 12.1-02-05.

7 **SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**
10 **substances while being accompanied by a minor - Penalty.**

11 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to
12 violate section 39-08-01 if the violation occurred while a minor was accompanying the
13 individual in a motor vehicle. If an individual has a previous conviction for a violation of
14 section 39-08-01.4, a violation of this section is a class C felony. ~~An individual~~
15 ~~convicted under this section must be sentenced in accordance with subsection 5 of~~
16 ~~section 39-08-01.~~

17 2. The minimum sentence for an individual convicted of violating this section must
18 include:

19 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'
20 imprisonment, an order for a substance abuse evaluation by an appropriate
21 licensed addiction treatment program, at least three hundred sixty days of
22 unsupervised probation, and at least three hundred sixty days' participation in the
23 twenty-four seven sobriety program under chapter 54-12 as a mandatory
24 condition of probation.

25 b. For a second or subsequent offense within fifteen years, at least one year and
26 one day's imprisonment, a fine of two thousand dollars, an order for a substance
27 abuse evaluation by an appropriate licensed addiction treatment program, at
28 least two years' supervised probation, and at least three hundred sixty days'
29 participation in the twenty-four seven sobriety program under chapter 54-12 as a
30 mandatory condition of probation.

1 **SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Temporary alteration of maximum speed limit on state highway due to hazardous**
4 **road conditions.**

5 The maximum speed limit as provided under section 39-09-02 may be altered temporarily
6 on all or any part of the state highway system by the director and the superintendent of the
7 highway patrol when jointly determined that road conditions are too hazardous for the posted
8 speed limit. The duration of any maximum speed limit altered under this section may not exceed
9 five days. A maximum speed limit altered under this section is effective when posted on an
10 appropriately fixed or variable sign.

11 **SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as
12 amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is
13 amended and reenacted as follows:

14 **39-10-21.1. Closing road because of hazardous road conditions - Road closure notice**
15 **- Entering closed road prohibited.**

- 16 1. The highway patrol or local law enforcement authorities having jurisdiction over a road
17 may close a road temporarily due to hazardous conditions for the protection and safety
18 of the public. If a closing is made, the authority ordering the closing shall make every
19 reasonable attempt to notify the public and, when practical, may post appropriate
20 official traffic-control devices to advise motorists of the closing.
- 21 2. If a road closure under subsection 1 has been announced to the public and the road
22 has been closed at the point of entry with an appropriate traffic control device in use at
23 major points of entry, an individual may not drive on the road.
- 24 3. If an individual is operating a vehicle on a road before the road has been closed under
25 subsection 1, the individual is allowed to drive to the nearest safe location to leave the
26 closed road to seek shelter.
- 27 4. The highway patrol or local law enforcement authorities having jurisdiction over a road
28 may close a road temporarily from use by commercial motor vehicles due to
29 hazardous conditions for the protection and safety of the public.

30 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the
31 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by

1 state and local governments and conduct an analysis of the fee structure provided under
2 title 39. The study must include a comprehensive assessment and review of North Dakota's
3 traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other
4 states. The legislative management shall report its findings and recommendations, together with
5 any legislation required to implement the recommendations, to the sixty-ninth legislative
6 assembly.

7 **SECTION 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION -**

8 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department
9 of transportation shall study seat belt usage in the state. The study must include an evaluation
10 of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a
11 statistical examination of the effects of seat belt usage in various speed zones and while on
12 different highways. The department shall report its findings to the legislative management by
13 June 1, 2024.

14 **SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION -**

15 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department
16 of transportation, in consultation with the highway patrol, shall study highway safety. The study
17 must include an assessment of crash data, speed differentials on the interstate, the use of
18 variable speed limits, and the ability to close roads to commercial vehicle traffic. The
19 department shall report its findings to the legislative management by June 1, 2024.