

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1325

Introduced by

Representatives Mock, Dakane, Grueneich, Murphy, Timmons, Weisz

Senators Conley, Rummel

1 A BILL for an Act to amend and reenact ~~section 12.1-01-05~~, subsection 2 of section 39-06.1-06,
2 ~~and subsection 2 of section 40-05-06~~ of the North Dakota Century Code, relating to the ~~effect of~~
3 ~~state law on city or county ordinances~~, fee for failure to adhere to right of way offenses, ~~and~~
4 ~~limits on city fines and penalties~~; and to provide a penalty.

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

6 ~~— **SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~— **12.1-01-05. Crimes defined by state law shall not be superseded by city or county**~~
9 ~~**ordinance or by home rule city's or county's charter or ordinance.**~~

10 ~~— Except as provided in section 40-05-06, an offense defined in this title or elsewhere by~~
11 ~~law may not be superseded by any city or county ordinance, or city or county home rule charter,~~
12 ~~or by an ordinance adopted pursuant to such a charter, and all such offense definitions shall~~
13 ~~have full force and effect within the territorial limits and other jurisdiction of home rule cities or~~
14 ~~counties. This section does not preclude any city or county from enacting any ordinance~~
15 ~~containing penal language when otherwise authorized to do so by law.~~

16 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
19 for:
- 20 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
21 dollars.
- 22 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
23 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 24 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

- 1 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
- 2 39-08-25, a fee of one hundred dollars.
- 3 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
- 4 hundred dollars.
- 5 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 6 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 7 dollars.
- 8 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 9 i. A violation of section 39-09-01, a fee of thirty dollars.
- 10 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 11 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 12 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 13 violation and three hundred dollars for a second or subsequent violation in three
- 14 years.
- 15 m. A violation of section 39-10-04, 39-10-05 not involving failure to yield to a
- 16 pedestrian, 39-10-07, 39-10-22, 39-10-22.1, 39-10-23, 39-10-24 or, 39-10-25,
- 17 39-10-37, 39-10-44, 39-10-45, 39-10-68, or 39-10-72, a fee of forty dollars.
- 18 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 19 o. A violation of section 39-19-03, a fee of fifty dollars.

20 ~~SECTION 3. AMENDMENT. Subsection 2 of section 40-05-06 of the North Dakota Century~~
21 ~~Code is amended and reenacted as follows:————~~

22 ~~———— 2. For every violation of a city ordinance that regulates the operation or equipment of~~
23 ~~a motor vehicle or which regulates traffic, except those ordinances listed in section-~~
24 ~~39-06.1-05, a fee may be established, by ordinance, which may not exceed, by up to~~
25 ~~one hundred percent, the limit, for an equivalent category of violation, set forth in~~
26 ~~section 39-06.1-06.~~