

Introduced by

1 A BILL for an Act to amend and reenact sections 39-12-14.1 and 39-12-20 of the North Dakota
2 Century Code, relating to extraordinary road use fees; and to provide a continuing
3 appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 39-12-14.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-12-14.1. Voluntary settlement of extraordinary road use fee charges.** Before
8 the complaint is issued ~~pursuant to~~ under section 39-12-14, the owner, or the owner's driver or
9 agent, may ~~voluntarily~~ pay the amount of the extraordinary road use fee, or may provide proof
10 of surety coverage to ensure payment of the extraordinary road use fee, ~~provided~~ under section
11 39-12-17, plus any towing or storage costs. Any settlement, whether made by the owner, or the
12 owner's driver or agent, ~~must be~~ is presumed to be ~~of a voluntary nature~~. A peace officer or a
13 peace officer's designee is authorized to receive the settlement payment on behalf of the
14 authority having jurisdiction ~~of~~ over the road ~~whereon~~ on which the violation occurred. The
15 extraordinary road use fees for violation on an interstate or on a state highway must be remitted
16 to the state treasurer to be credited to the state highway fund. Extraordinary road use fees for
17 a violation that did not occur on an interstate or state highway must be deposited in the county
18 general fund in the county of the violation.

19 **SECTION 2. AMENDMENT.** Section 39-12-20 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-12-20. Proceeds of sale - Continuing appropriation.** The proceeds of sale must
22 be deposited with the state treasurer. ~~The~~ For a violation on an interstate or state highway the
23 state treasurer shall deposit in the state highway fund an amount equal to the amount of the
24 charges assessed ~~pursuant to~~ under section 39-12-17 after paying the costs to the county. ~~An~~

Sixty-second
Legislative Assembly

1 For any violation, an amount equal to the costs of the proceedings, including attorney's and
2 witness fees and costs, is appropriated on a continuing basis out of the funds collected to the
3 county ~~in which the~~ of prosecution ~~took place~~ for the purpose of defraying the costs of
4 prosecution. From the proceeds of sale for a violation that did not occur on an interstate or
5 state highway, the amount of changes assessed under section 39-12-17 is appropriated on a
6 continuing basis and must be deposited in the county general fund in the county of prosecution.
7 The balance of the proceeds of any sale after the payment of costs and charges is appropriated
8 on a continuing basis out of the funds collected to be paid to the person entitled ~~thereto~~ to the
9 proceeds as determined by the court or must be deposited with the clerk of court for ~~such~~
10 payment to that person.