

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1048

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact section 39-06.1-06 ~~and subsection 2 of section~~
2 ~~40-05-06~~ of the North Dakota Century Code, relating to fees for speeding.

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

4 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-06.1-06. Amount of statutory fees.**

7 The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or
8 39-06.1-03 must be as follows:

- 9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to
10 exceed twenty dollars.
- 11 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
12 for:
 - 13 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
14 39-10-46.1, a fee of fifty dollars.
 - 15 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
16 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 17 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 18 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
19 hundred dollars.
 - 20 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
21 hundred dollars.
 - 22 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
23 resident of this state, a fee of one hundred dollars.
 - 24 g. A violation of subsection 2 of section 39-1021.1, a fee of two hundred fifty dollars.

1 h. A violation of section 39-10-59, a fee of one hundred dollars.

2 i. A violation for the failure to obey a red traffic-control signal, stop sign, or yield
3 sign under section 39-10-05 or 39-10-24, a fee of forty dollars.

4 3. Except as provided in ~~subsections 7 and 11~~ subsection 10, for a violation of section
5 39-09-02, or an equivalent ordinance, a fee established as follows:

6 Miles per hour over		7 Fee
8 1-5	\$ 5	
9 6-10	\$ 5 plus \$1/each mph over 5 mph over limit	
10 11-15	\$ 10 plus \$1/each mph over 10 mph over limit	
11 16-20	\$ 15 plus \$2/each mph over 15 mph over limit	
12 21-25	\$ 25 plus \$3/each mph over 20 mph over limit	
13 26-35	\$ 40 plus \$3/each mph over 25 mph over limit	
14 36-45	\$ 70 plus \$3/each mph over 35 mph over limit	
15 46+	\$100 plus \$5/each mph over 45 mph over limit	

16 of two dollars for each mile ~~per~~an hour over the limit.

17 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of
18 thirty dollars.

19 5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving,
20 a fee of not less than ten dollars nor more than thirty dollars.

21 6. For a violation of any traffic parking regulations, except a violation of subsection 10 of
22 section 39-01-15, on any state charitable or penal institution property or on the state
23 capitol grounds, a fee in the amount of five dollars.

24 7. ~~On a highway on which the speed limit is a speed higher than fifty-five miles [88.51-~~
25 ~~kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a~~
26 ~~fee established as follows:~~

27 Miles per hour over		28 Fee
29 1-10	\$2/each mph over limit	
30 11+	\$20 plus \$5/each mph over 10 mph over limit	

31 8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

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1 ~~9.8.~~ For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
2 hundred fifty dollars.

3 ~~10.9.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

4 a. Driving more than eleven hours since the last ten hours off duty, driving after
5 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
6 on duty in seven days or seventy hours in eight days, no record of duty status or
7 log book in possession, failing to retain previous seven-day record of duty status
8 or log book, or operating a vehicle with four to six out-of-service defects, one
9 hundred dollars;

10 b. False record of duty status or log book or operating a vehicle with seven to nine
11 out-of-service defects, two hundred fifty dollars;

12 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten
13 or more out-of-service defects, or operating a vehicle that has been placed out of
14 service prior to its repair, five hundred dollars; and

15 d. All other violations of motor carrier safety rules adopted under subsection 3 of
16 section 39-21-46, fifty dollars.

17 ~~11.10.~~ On a highway on which the speed limit is posted in excess of ~~sixty-five~~fifty-five miles
18 ~~[104.61~~88.51 kilometers] an hour ~~but lower than than seventy miles~~
19 [112.65 kilometers] an hour, for a violation of section 39-09-02, or equivalent
20 ordinance, a fee of ~~five~~four dollars for each mile ~~per~~an hour over the limit. On a
21 highway on which the speed limit is posted at seventy miles [112.65 kilometers] an
22 hour or higher, for a violation of section 39-09-02, or equivalent ordinance, a fee of five
23 dollars for each mile an hour over the limit.

24 ~~12.11.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
25 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
26 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit
27 dependent upon being on or near a school, fees for a noncriminal disposition are
28 ~~fortyeighty~~ dollars for one through ten miles per hour over the posted speed; and
29 ~~fortyeighty~~ dollars, plus ~~one dollar~~two dollars for each additional mile per hour over ten
30 miles per hour over the limit unless a greater fee would be applicable under this
31 section.

1 ~~13.12.~~ For a violation of a highway construction zone speed limit under subsection 2 of
2 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
3 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
4 per hour over the limit, unless a greater fee would be applicable under this section.
5 The fee in this subsection does not apply to a highway construction zone unless
6 individuals engaged in construction are present at the time and place of the violation
7 and the posted speed limit sign states "Minimum Fee \$80".

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

10 ~~2. a. For~~~~Except as otherwise provided under subdivision b, for every violation of a city~~
11 ~~ordinance regulating~~~~that regulates~~ the operation or equipment of a motor
12 ~~vehicles~~~~vehicle~~ or ~~regulating~~~~which regulates~~ traffic, except those ordinances
13 listed in section 39-06.1-05, a fee may be established, by ordinance, which may
14 not exceed the limits, for equivalent categories of violations, set forth in section
15 39-06.1-06.

16 ~~b. A home rule city may establish, by ordinance, a fee for the violation of a~~
17 ~~city ordinance that regulates the operation or equipment of a motor vehicle or~~
18 ~~which regulates traffic, except those ordinances listed in section 39-06.1-05, if the~~
19 ~~fee is for driving in excess of speed limitations and the fee does not exceed two~~
20 ~~times the limits in section 39-06.1-06 or if the fee is for a moving violation other~~
21 ~~than driving in excess of speed limitations and does not exceed three times the~~
22 ~~limits in section 39-06.1-06.~~