

**SENATE BILL NO. 2045
with House Amendments
SENATE BILL NO. 2045**

Sixty-fifth
Legislative Assembly
of North Dakota

Introduced by

Legislative Management

(Transportation Committee)

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 voluntary settlement of extraordinary road use fee charges and
3 proceeds of sale deposited with the state treasurer; to provide an effective date; to provide an
4 expiration date; and to declare an emergency.

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

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

8 **39-12-14.1. (Effective through June 30, ~~2017~~2019) Voluntary settlement of**
9 **extraordinary road use fee charges.**

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

22 **(Effective after June 30, ~~2017~~2019) Voluntary settlement of extraordinary road use fee**
23 **charges.** Before the complaint is issued pursuant to section 39-12-14, the owner, or the owner's
24 driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may

1 provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided
2 under section 39-12-17, plus any towing or storage costs. Any settlement, whether made by the
3 owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace
4 officer or a peace officer's designee is authorized to receive the settlement payment on behalf
5 of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary
6 road use fees must be deposited with the state treasurer to be credited to the highway fund.

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

9 **39-12-20. (Effective through June 30, ~~2017~~2019) Proceeds of sale - Continuing**
10 **appropriation.**

11 The proceeds of sale must be deposited with the state treasurer. For a violation on an
12 interstate or a state highway, the state treasurer shall deposit in the state highway fund an
13 amount equal to the amount of the charges assessed under section 39-12-17 after paying the
14 costs to the county. For any violation, an amount equal to the costs of the proceedings,
15 including attorney's and witness fees and costs, is appropriated on a continuing basis out of the
16 funds collected to the county of prosecution for the purpose of defraying the costs of
17 prosecution. From the proceeds of sale for a violation that did not occur on an interstate or a
18 state highway, the amount of charges assessed under section 39-12-17 is appropriated on a
19 continuing basis and must be deposited in the general fund in the jurisdiction in which the
20 violation occurred and must be used for the support of the road system of that jurisdiction. The
21 balance of the proceeds of any sale after the payment of costs and charges is appropriated on
22 a continuing basis out of the funds collected to be paid to the person entitled to the proceeds as
23 determined by the court or must be deposited with the clerk of court for payment to that person.

24 **(Effective after June 30, ~~2017~~2019) Proceeds of sale - Continuing appropriation.** The
25 proceeds of sale must be deposited with the state treasurer. The state treasurer shall deposit in
26 the highway fund an amount equal to the amount of the charges assessed pursuant to section
27 39-12-17 after paying the costs to the county. An amount equal to the costs of the proceedings,
28 including attorney's and witness fees and costs, is appropriated on a continuing basis out of the
29 funds collected to the county in which the prosecution took place for the purpose of defraying
30 the costs of prosecution. The balance of the proceeds of any sale after the payment of costs
31 and charges is appropriated on a continuing basis out of the funds collected to be paid to the

1 person entitled thereto as determined by the court or must be deposited with the clerk of court
2 for such payment.

3 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2017.

4 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.