

**SENATE BILL NO. 2304  
with House Amendments  
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Sixty-sixth  
Legislative Assembly  
of North Dakota

Introduced by

Senators Oban, Burckhard, Piepkorn

Representatives Bosch, Lefor, D. Ruby

1 A BILL for an Act to amend and reenact section 12.1-01-05 and subsection 2 of section  
2 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city or county  
3 ordinances and limits on city fines and penalties.

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

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

7 **12.1-01-05. Crimes defined by state law shall not be superseded by city or county**  
8 **ordinance or by home rule city's or county's charter or ordinance.**

9 ~~No~~Except as provided in section 40-05-06, an offense defined in this title or elsewhere by  
10 law ~~shall~~may not be superseded by any city or county ordinance, or city or county home rule  
11 charter, or by an ordinance adopted pursuant to such a charter, and all such offense definitions  
12 shall have full force and effect within the territorial limits and other jurisdiction of home rule cities  
13 or counties. This section ~~shall~~does not preclude any city or county from enacting any ordinance  
14 containing penal language when otherwise authorized to do so by law.

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

17 2. For every violation of a city ordinance ~~regulating~~that regulates the operation or  
18 equipment of ~~a motor vehicles~~vehicle or ~~regulating~~which regulates traffic, except those  
19 ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which  
20 may ~~not~~ exceed, by up to one hundred percent, the ~~limits~~limit, for an equivalent  
21 ~~categories~~category of ~~violations~~violation, set forth in section 39-06.1-06.