

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL for an Act to amend and reenact ~~sections~~section 39-06.1-06, ~~40-05-06, and 40-11-12~~ of  
2 the North Dakota Century Code, relating to the amount of statutory fees, ~~city fines, and the~~  
3 ~~nonpayment of fines~~; to provide for a legislative management study; and to provide a penalty.

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

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

7 **39-06.1-06. Amount of statutory fees.**

8 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
9 be as follows:

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
11 except for a violation of any traffic parking regulation on any state charitable or penal  
12 institution property or on the state capitol grounds, a fee in the amount of five dollars,  
13 excluding a violation of subsection 11 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
15 for:
- 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
17 dollars.
- 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
19 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 21 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
22 39-08-25, a fee of one hundred dollars.
- 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
24 hundred dollars.

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- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
- 2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 10 violation and three hundred dollars for a second or subsequent violation in three
- 11 years.
- 12 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

14 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two  
15 hundred fifty dollars.

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

<del>Miles per hour over</del>	<del>lawful speed limit</del>	<del>Fee</del>
<del>1-5</del>	<del>1-5</del>	<del>\$ 5</del>
<del>6-10</del>	<del>6-10</del>	<del>\$ 5 plus \$1/each mph over 5 mph over limit</del>
<del>11-15</del>	<del>11-15</del>	<del>\$ 10 plus \$1/each mph over 10 mph over limit</del>
<del>16-20</del>	<del>16-20</del>	<del>\$ 15 plus \$2/each mph over 15 mph over limit</del>
<del>21-25</del>	<del>21-25</del>	<del>\$ 25 plus \$3/each mph over 20 mph over limit</del>
<del>26-35</del>	<del>26-35</del>	<del>\$ 40 plus \$3/each mph over 25 mph over limit</del>
<del>36-45</del>	<del>36-45</del>	<del>\$ 70 plus \$3/each mph over 35 mph over limit</del>
<del>46+</del>	<del>46+</del>	<del>\$100 plus \$5/each mph over 45 mph over limit</del>

28 5. On a highway on which the speed limit is a speed higher than fifty-five miles-  
29 [88.51 kilometers] of sixty-five miles [104.61 kilometers] an hour or lower, for ~~For~~ a  
30 violation of section 39-09-02 ~~on a highway~~, or an equivalent ordinance, a fee  
31 established as follows:

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	Miles per hour over	Fee
1		
2	lawful speed limit	
3	1 - 10	\$2/each mph over limit
4	11 +	\$20 plus \$5/each mph over 10 mph over limit

5 ~~6-5.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 6 a. Driving more than eleven hours since the last ten hours off duty, driving after  
7 fourteen hours on duty since the last ten hours off duty, driving after sixty hours  
8 on duty in seven days or seventy hours in eight days, no record of duty status or  
9 log book in possession, failing to retain previous seven-day record of duty status  
10 or log book, or operating a vehicle with four to six out-of-service defects, one  
11 hundred dollars;
- 12 b. False record of duty status or log book or operating a vehicle with seven to nine  
13 out-of-service defects, two hundred fifty dollars;
- 14 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten  
15 or more out-of-service defects, or operating a vehicle that has been placed out of  
16 service prior to its repair, five hundred dollars; and
- 17 d. All other violations of motor carrier safety rules adopted under subsection 3 of  
18 section 39-21-46, fifty dollars.

19 ~~7-6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles  
20 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent  
21 ordinance, a fee of five dollars for each mile per hour over the limit.

22 ~~8-6-7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of  
23 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the  
24 posted speed; and forty dollars, plus one dollar for each additional mile per hour over  
25 ten miles per hour over the limit unless a greater fee would be applicable under this  
26 section.

27 ~~9-7-8.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
28 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
29 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles  
30 per hour over the limit, unless a greater fee would be applicable under this section.

31 The fee in this subsection does not apply to a highway construction zone unless

1 individuals engaged in construction are present at the time and place of the violation  
2 and the posted speed limit sign states "Minimum Fee \$80".

3 ~~SECTION 2. AMENDMENT. Section 40-05-06 of the North Dakota Century Code is~~  
4 ~~amended and reenacted as follows:~~

5 ~~40-05-06. City fines and penalties limited.~~

6 ~~1. Except as provided in subsections subsection 2 and 3, the fine or penalty for the~~  
7 ~~violation of any ordinance, resolution, or regulation of a city may not exceed one~~  
8 ~~thousand five hundred dollars, and the imprisonment may not exceed thirty days for~~  
9 ~~one offense.~~

10 ~~2. For every violation of a city ordinance that regulates the operation or equipment of a~~  
11 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~  
12 ~~39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one~~  
13 ~~hundred percent, the limit, for an equivalent category of violation, set forth in section~~  
14 ~~39-06.1-06.~~

15 ~~3. For every violation of a city ordinance enforcing the requirements of title 40, Code of~~  
16 ~~Federal Regulations, section 403 relating to publicly owned treatment works, or~~  
17 ~~prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty~~  
18 ~~may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty~~  
19 ~~days, or both such fine and imprisonment.~~

20 ~~4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine~~  
21 ~~or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,~~  
22 ~~nor does this section limit the use of deferred or suspended sentences under~~  
23 ~~subsections 3 and 4 of section 12.1-32-02.~~

24 ~~SECTION 3. AMENDMENT. Section 40-11-12 of the North Dakota Century Code is~~  
25 ~~amended and reenacted as follows:~~

26 ~~40-11-12. Commitment of guilty person for nonpayment of fines or costs.~~

27 ~~Any person upon whom any fine or costs, or both, has been imposed for violation of a~~  
28 ~~municipal ordinance may, after hearing, be committed upon order of the court to jail or other~~  
29 ~~place provided by the municipality for the incarceration of offenders until the fine or costs, or~~  
30 ~~both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not~~  
31 ~~commit a person under this section when the sole reason for the person's nonpayment of fines~~

1 ~~or costs, or both, is the person's indigency. An order of commitment under this section shall not~~  
2 ~~be for a period in excess of thirty days. As used in this section, "fine" does not include a fee~~  
3 ~~established pursuant to subsection 2 of section 40-05-06.~~

4 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - LAW ENFORCEMENT**

5 **JURISDICTION.** During the 2021-22 interim, the legislative management shall consider  
6 studying the extent of potential jurisdictional conflicts related to traffic and motor vehicle laws  
7 and ordinances between all law enforcement agencies in the state, including state, county,  
8 municipal, and any other law enforcement agency that may be subject to a joint powers  
9 agreement. The study may include a review of judicial jurisdiction of traffic and motor vehicle  
10 laws and ordinances and the enforcement thereof, and a review of a municipality's ability to  
11 assess fines and fees for violations of traffic and motor vehicle ordinances. The legislative  
12 management shall report its findings and recommendations, together with any legislation  
13 required to implement the recommendations, to the sixty-eighth legislative assembly.