

**SENATE BILL NO. 2168**

Introduced by

Senators Rummel, Kessel, Sickler

Representatives Klemin, Lefor, Steiner

1 A BILL ~~for an Act to create and enact a new subsection to section 39-06.1-06 of the North~~  
2 ~~Dakota Century Code, relating to the amount of fees for speeding violations; to amend and~~  
3 ~~reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city~~  
4 ~~finest and penalties; and to provide a penalty.~~ for an Act to amend and reenact section  
5 39-06.1-06, subdivision i of subsection 1 of section 39-09-02, section 39-21-41.4, and  
6 subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to speeding  
7 violations, use of safety belts, and city fines and penalties; and to provide a penalty.

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

9 ~~— **SECTION 1.** A new subsection to section 39-06.1-06 of the North Dakota Century Code is~~  
10 ~~created and enacted as follows:~~

11 ~~If a violation of subsection 4, 5, 7, 8, or 9 is for exceeding the speed limit by~~  
12 ~~twenty-one miles [33.8 kilometers] per hour or more, the specified fee is increased by~~  
13 ~~one hundred percent.~~

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

16 ~~— 2. — For every violation of a city ordinance that regulates the operation or equipment of a~~  
17 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~  
18 ~~39-06.1-05 or the additional increased fee amount assessed under section 1 of this~~  
19 ~~Act, a fee may be established, by ordinance, which may exceed, by up to one hundred~~  
20 ~~percent, the limit, for an equivalent category of violation, set forth in section~~  
21 ~~39-06.1-06.~~

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

1       **39-06.1-06. Amount of statutory fees.**

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

- 4       1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
5       except for a violation of any traffic parking regulation on any state charitable or penal  
6       institution property or on the state capitol grounds, a fee in the amount of five dollars,  
7       excluding a violation of subsection 11 of section 39-01-15.
- 8       2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
9       for:
  - 10      a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
11      dollars.
  - 12      b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
13      subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 14      c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 15      d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
16      39-08-25, a fee of one hundred dollars.
  - 17      e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
18      hundred dollars.
  - 19      f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
  - 20      g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
21      dollars.
  - 22      h. A violation of section 39-10-59, a fee of five hundred dollars.
  - 23      i. A violation of section 39-09-01, a fee of thirty dollars.
  - 24      j. A violation of section 39-09-01.1, a fee of thirty dollars.
  - 25      k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
  - 26      l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first  
27      violation and three hundred dollars for a second or subsequent violation in three  
28      years.
  - 29      m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
  - 30      n. A violation of section 39-10-50.1, a fee of fifty dollars.
  - 31      o. A violation of section 39-19-03, a fee of fifty dollars.

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

4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an 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>\$ 5</del>
<del>6 - 10</del>		<del>\$ 5 plus \$1/each mph over 5 mph over limit</del>
<del>11 - 15</del>		<del>\$ 10 plus \$1/each mph over 10 mph over limit</del>
<del>16 - 20</del>		<del>\$ 15 plus \$2/each mph over 15 mph over limit</del>
<del>21 - 25</del>		<del>\$ 25 plus \$3/each mph over 20 mph over limit</del>
<del>26 - 35</del>		<del>\$ 40 plus \$3/each mph over 25 mph over limit</del>
<del>36 - 45</del>		<del>\$ 70 plus \$3/each mph over 35 mph over limit</del>
<del>46 +</del>		<del>\$100 plus \$5/each mph over 45 mph over limit</del>

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

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

~~6.5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:

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

- 1 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten  
2 or more out-of-service defects, or operating a vehicle that has been placed out of  
3 service prior to its repair, five hundred dollars; and  
4 d. All other violations of motor carrier safety rules adopted under subsection 3 of  
5 section 39-21-46, fifty dollars.

6 ~~7.6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles  
7 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent  
8 ordinance, a fee of five dollars for each mile per hour over the limit.

9 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of  
10 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the  
11 posted speed; and forty dollars, plus one dollar for each additional mile per hour over  
12 ten miles per hour over the limit unless a greater fee would be applicable under this  
13 section.

14 ~~9.8.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
15 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
16 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles  
17 per hour over the limit, unless a greater fee would be applicable under this section.  
18 The fee in this subsection does not apply to a highway construction zone unless  
19 individuals engaged in construction are present at the time and place of the violation  
20 and the posted speed limit sign states "Minimum Fee \$80".

21 9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one  
22 miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five  
23 miles [120.7 kilometers] per hour, the specified fee is increased by one hundred  
24 dollars. If a violation of subsection 6 is for exceeding the speed limit by sixteen miles  
25 [25.75 kilometers] per hour or more in a speed zone of seventy-five miles  
26 [120.7 kilometers] per hour or greater, the specified fee is increased by one hundred  
27 dollars.

28 **SECTION 2. AMENDMENT.** Subdivision i of subsection 1 of section 39-09-02 of the North  
29 Dakota Century Code is amended and reenacted as follows:

- 1 i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on  
2 access-controlled, paved and divided, multilane interstate highways, unless  
3 otherwise permitted, restricted, or required by conditions.

4 **SECTION 3. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**  
7 **Evidence.**

8 ~~Subject to the limitations of this section and section 39-21-41.5, a-~~

9 1. A driver may not operate upon a highway a motor vehicle designed for carrying fewer  
10 than eleven passengers, which was originally manufactured with safety belts unless  
11 each front seat occupant is wearing a properly adjusted and fastened safety belt.

12 2. This section does not apply to a child in a child restraint or safety belt in accordance  
13 with section 39-21-41.2; to the operators of construction equipment; to drivers of  
14 implements of husbandry; to operators of farm vehicles as defined in subsection 5 of  
15 section 39-04-19; to rural mail carriers while on duty delivering mail; to an authorized  
16 emergency vehicle when the circumstances are necessary for the proper performance  
17 of official duties; to an occupant with a medical or physically disabling condition that  
18 prevents appropriate restraint in a safety belt, if a qualified physician, physician  
19 assistant, or advanced practice registered nurse states in a signed writing the nature  
20 of the condition and the reason restraint is inappropriate; or when all front seat safety  
21 belts are in use by other occupants. A physician, physician assistant, or advanced  
22 practice registered nurse who, in good faith, provides a statement that restraint would  
23 be inappropriate is not subject to civil liability. A violation for notNot wearing a safety  
24 belt under this section is not, in itself, evidence of negligence. The fact of a violation of  
25 this section is not admissible in any proceeding other than one charging the violation.

26 3. The fee imposed for a violation of this section must be issued to:

27 a. The driver if the violation is by the driver or a passenger who is a minor; or

28 b. The adult passenger if the violation was by an adult passenger.

29 **SECTION 4. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century  
30 Code is amended and reenacted as follows:

- 1        2. For every violation of a city ordinance that regulates the operation or equipment of a
- 2            motor vehicle or which regulates traffic, except those ordinances listed in section
- 3            39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one
- 4            hundred percent, the limit, for an equivalent category of violation, set forth in section
- 5            39-06.1-06 except for a violation of a speed limitation.