

SENATE BILL NO. 2168
with Conference Committee Amendments
SENATE BILL NO. 2168

Introduced by

Senators Rummel, Kessel, Sickler

Representatives Klemin, Lefor, Steiner

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

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

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

8 **39-06.1-06. Amount of statutory fees.**

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

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

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- 1 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
2 hundred dollars.
- 3 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 4 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
5 dollars.
- 6 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 7 i. A violation of section 39-09-01, a fee of thirty dollars.
- 8 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 9 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 10 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
11 violation and three hundred dollars for a second or subsequent violation in three
12 years.
- 13 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 14 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 15 o. A violation of section 39-19-03, a fee of fifty dollars.
- 16 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
17 hundred fifty dollars.
- 18 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
19 ~~equivalent ordinance, a fee established as follows:~~

20	Miles per hour over	Fee
21	lawful speed limit	
22	1-5	\$ 5
23	6-10	\$ 5 plus \$1/each mph over 5 mph over limit
24	11-15	\$ 10 plus \$1/each mph over 10 mph over limit
25	16-20	\$ 15 plus \$2/each mph over 15 mph over limit
26	21-25	\$ 25 plus \$3/each mph over 20 mph over limit
27	26-35	\$ 40 plus \$3/each mph over 25 mph over limit
28	36-45	\$ 70 plus \$3/each mph over 35 mph over limit
29	46+	\$100 plus \$5/each mph over 45 mph over limit

1 5. On a highway on which the speed limit is a speed higher than fifty-five miles-
2 ~~[88.51 kilometers]~~ of sixty-five miles [104.61 kilometers] an hour or lower, for a violation
3 of section 39-09-02, or an equivalent ordinance, a fee established as follows:

4 Miles per hour over	
5 lawful speed limit	6 Fee
6 1 - 10	\$2/each mph over limit
7 11 +	\$20 plus \$5/each mph over 10 mph over limit

8 ~~6.5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee
9 established as follows:

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

23 ~~7.6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles
24 [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent
25 ordinance, a fee of five dollars for each mile per hour over the limit.

26 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
27 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
28 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
29 ten miles per hour over the limit unless a greater fee would be applicable under this
30 section.

1 ~~9-8.~~ 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 9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one
9 miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five
10 miles [120.7 kilometers] an hour, the specified fee is increased by one hundred dollars.
11 If a violation of subsection 6 is for exceeding the speed limit by sixteen miles [25.75
12 kilometers] an hour or more in a speed zone of seventy-five miles [120.7 kilometers]
13 an hour or greater, the specified fee is increased by one hundred dollars.

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

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

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

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

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

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

27 2. This section does not apply to a child in a child restraint or safety belt in accordance
28 with section 39-21-41.2; to the operators of construction equipment; to drivers of
29 implements of husbandry; to operators of farm vehicles as defined in subsection 5 of
30 section 39-04-19; to rural mail carriers while on duty delivering mail; to an authorized
31 emergency vehicle when the circumstances are necessary for the proper performance

1 of official duties; to an occupant with a medical or physically disabling condition that
2 prevents appropriate restraint in a safety belt, if a qualified physician, physician
3 assistant, or advanced practice registered nurse states in a signed writing the nature
4 of the condition and the reason restraint is inappropriate; or when all ~~front-seat~~ safety
5 belts are in use by other occupants. A physician, physician assistant, or advanced
6 practice registered nurse who, in good faith, provides a statement that restraint would
7 be inappropriate is not subject to civil liability. ~~A violation for not~~Not wearing a safety
8 belt under this section is not, in itself, evidence of negligence. The fact of a violation of
9 this section is not admissible in any proceeding other than one charging the violation.

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

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

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

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

15 2. For every violation of a city ordinance that regulates the operation or equipment of a
16 motor vehicle or which regulates traffic, except those ordinances listed in section
17 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one
18 hundred percent, the limit, for an equivalent category of violation, set forth in section
19 39-06.1-06 except for a violation of a speed limitation.