

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2304
(Senators Oban, Burckhard, Piepkorn)
(Representatives Bosch, Lefor, D. Ruby)

AN ACT to amend and reenact section 12.1-01-05 and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city or county ordinances and limits on city fines and penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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 Crimes defined by state law shall not be superseded by city or county ordinance or by home rule city's or county's charter or ordinance.

~~No~~Except as provided in section 40-05-06, an offense defined in this title or elsewhere by law ~~shall~~may not be superseded by any city or county ordinance, or city or county home rule charter, or by an ordinance adopted pursuant to such a charter, and all such offense definitions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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2304.

Senate Vote: Yeas 34 Nays 13 Absent 0

House Vote: Yeas 58 Nays 33 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State