

Sixty-third  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1048

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 2 of section  
2 40-05-06 of the North Dakota Century Code, relating to fees for speeding.

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

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

6 **39-06.1-06. Amount of statutory fees.**

7 The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or  
8 39-06.1-03 must be as follows:

- 9 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to  
10 exceed twenty dollars.
- 11 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
12 for:
  - 13 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or  
14 39-10-46.1, a fee of fifty dollars.
  - 15 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
16 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 17 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 18 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one  
19 hundred dollars.
  - 20 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
21 hundred dollars.
  - 22 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
23 resident of this state, a fee of one hundred dollars.

Sixty-third  
Legislative Assembly

1 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
2 dollars.

3 h. A violation of section 39-10-59, a fee of one hundred dollars.

4 3. Except as provided in ~~subsections 7 and 11~~ subsection 10, for a violation of section  
5 39-09-02, or an equivalent ordinance, a fee established as follows:

6 Miles per hour over	7 lawful speed limit	8 Fee
9 1-5	10 \$ 5	11
12 6-10	13 \$ 5 plus \$1/each mph over 5 mph over limit	14
15 11-15	16 \$ 10 plus \$1/each mph over 10 mph over limit	17
18 16-20	19 \$ 15 plus \$2/each mph over 15 mph over limit	20
21 21-25	22 \$ 25 plus \$3/each mph over 20 mph over limit	23
24 26-35	25 \$ 40 plus \$3/each mph over 25 mph over limit	26
27 36-45	28 \$ 70 plus \$3/each mph over 35 mph over limit	29
30 46+	31 \$ 100 plus \$5/each mph over 45 mph over limit	

of two dollars for each mile per hour over the limit.

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of  
thirty dollars.

5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving,  
a fee of not less than ten dollars nor more than thirty dollars.

6. For a violation of any traffic parking regulations, except a violation of subsection 10 of  
section 39-01-15, on any state charitable or penal institution property or on the state  
capitol grounds, a fee in the amount of five dollars.

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

27 Miles per hour over	28 lawful speed limit	29 Fee
30 1-10	31 \$2/each mph over limit	
	11+\$20 plus \$5/each mph over 10 mph over limit	

8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

Sixty-third  
Legislative Assembly

- 1     ~~9-8.~~ For a violation of section 39-21-44 or a rule adopted under that section, a fee of two  
2           hundred fifty dollars.
- 3     ~~10-9.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:
- 4           a. Driving more than eleven hours since the last ten hours off duty, driving after  
5           fourteen hours on duty since the last ten hours off duty, driving after sixty hours  
6           on duty in seven days or seventy hours in eight days, no record of duty status or  
7           log book in possession, failing to retain previous seven-day record of duty status  
8           or log book, or operating a vehicle with four to six out-of-service defects, one  
9           hundred dollars;
- 10          b. False record of duty status or log book or operating a vehicle with seven to nine  
11          out-of-service defects, two hundred fifty dollars;
- 12          c. Operating a vehicle after driver placed out of service, operating a vehicle with ten  
13          or more out-of-service defects, or operating a vehicle that has been placed out of  
14          service prior to its repair, five hundred dollars; and
- 15          d. All other violations of motor carrier safety rules adopted under subsection 3 of  
16          section 39-21-46, fifty dollars.
- 17     ~~11-10.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.61  
18           kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee  
19           of five dollars for each mile per hour over the limit.
- 20     ~~12-11.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of  
21           section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section  
22           40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit  
23           dependent upon being on or near a school, fees for a noncriminal disposition are  
24           ~~fortyeighty~~ dollars for one through ten miles per hour over the posted speed; and  
25           ~~fortyeighty~~ dollars, plus ~~one dollar~~ two dollars for each additional mile per hour over ten  
26           miles per hour over the limit unless a greater fee would be applicable under this  
27           section.
- 28     ~~13-12.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
29           section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
30           posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles  
31           per hour over the limit, unless a greater fee would be applicable under this section.

1           The fee in this subsection does not apply to a highway construction zone unless  
2           individuals engaged in construction are present at the time and place of the violation  
3           and the posted speed limit sign states "Minimum Fee \$80".

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

- 6           2.    a.   ~~For~~Except as otherwise provided under subdivision b, for every violation of a city  
7           ordinance ~~regulating~~that regulates the operation or equipment of a motor  
8           ~~vehicles~~vehicle or ~~regulating~~which regulates traffic, except those ordinances  
9           listed in section 39-06.1-05, a fee may be established, by ordinance, which may  
10          not exceed the limits, for equivalent categories of violations, ~~set forth~~ in section  
11          39-06.1-06.
- 12          b.   A home rule city may establish, by ordinance, a fee for the violation of a city  
13          ordinance that regulates the operation or equipment of a motor vehicle or which  
14          regulates traffic, except those ordinances listed in section 39-06.1-05, if the fee is  
15          for driving in excess of speed limitations and the fee does not exceed two times  
16          the limits in section 39-06.1-06 or if the fee is for a moving violation other than  
17          driving in excess of speed limitations and does not exceed three times the limits  
18          in section 39-06.1-06.