

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2166**

Introduced by

Senators Oehlke, Armstrong

1 A BILL for an Act to create and enact paragraph 40 to subdivision a of subsection 3 of section
2 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to
3 amend and reenact sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of
4 section 39-06.1-10, and sections 39-07-09 and 39-21-45.1 of the North Dakota Century Code,
5 relating to authorized procedures for traffic violations, definitions of moving violations, entries
6 against driving records, discretion for release upon promise to appear, and modified vehicles.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.**

11 The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized
12 by a person charged with one of the following offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,
14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an
16 equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,
19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section
21 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1.~~
- 24 8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

1 ~~9-8.~~ Causing an accident with an authorized emergency vehicle or a vehicle operated by or
2 under the control of the director used for maintaining the state highway system in
3 violation of subsection 5 of section 39-10-26.

4 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-06.1-09. Moving violation defined.**

7 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
8 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,
9 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,
10 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,
11 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of
12 subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of
13 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section
14 39-10-26, ~~sections~~section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46,
15 and those sections within those chapters which are specifically listed in subsection 1 of section
16 39-06.1-08.

17 **SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the
18 North Dakota Century Code is created and enacted as follows:

19 (40) Driving a modified motor vehicle in violation of section 1 point
20 39-21-45.1, or equivalent ordinance

21 **SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the
22 North Dakota Century Code is amended and reenacted as follows:

23 b. Criminal Violations	
24 Conviction of:	Points Assigned:
25 (1) Reckless driving in violation of section 39-08-03, or	8 points
26 equivalent ordinance	
27 (2) Aggravated reckless driving in violation of section	12 points
28 39-08-03, or equivalent ordinance	
29 (3) Leaving the scene of an accident involving property	14 points
30 damage in violation of section 39-08-05, 39-08-07,	
31 or 39-08-08, or equivalent ordinances	

- 1 (4) Leaving the scene of an accident involving personal 18 points
2 injury or death in violation of section 39-08-04, or
3 equivalent ordinance
4 (5) Violating restrictions in a restricted license issued 3 points
5 under section 39-06-17 and relating to the use of
6 eyeglasses or contact lenses while driving
7 (6) Violating any restrictions other than those listed in 4 points
8 paragraph 5, contained in a restricted license issued
9 under section 39-06-17 or 39-06.1-11
10 (7) ~~Knowingly driving a modified motor vehicle in violation~~ 2 points
11 ~~of section 39-21-45.1, or equivalent ordinance~~
12 (8) Except as provided in paragraph 9 of subdivision a, 2 points
13 knowingly operating an unsafe vehicle in violation of
14 section 39-21-46, or equivalent ordinance
15 (9)(8) Fleeing in a motor vehicle from a peace officer in 24 points
16 violation of section 39-10-71, or equivalent ordinance
17 (10)(9) Causing an accident with an authorized emergency 2 points
18 vehicle or a vehicle operated by or under the control
19 of the director used for maintaining the state highway
20 system in violation of subsection 5 of section 39-10-26,
21 or equivalent ordinance
22 (11)(10) Driving in violation of the conditions of an instruction 2 points
23 permit

24 **SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **39-07-09. Offenses under which person halted may not be entitled to release upon**
27 **promise to appear.**

28 Section 39-07-07 does not apply to a person if:

- 29 1. The halting officer has good reason to believe the person guilty of any felony or if the
30 person is halted and charged with an offense listed in section 39-06.1-05 but not listed
31 in subsection 2; or

- 1 2. The halting officer, acting within the officer's discretion, determines that it is
2 inadvisable to release the person upon a promise to appear and if the person has
3 been halted and charged with any of the following offenses:
- 4 a. Reckless driving.
- 5 b. Driving in excess of speed limitations established by the state or by local
6 authorities in their respective jurisdictions.
- 7 c. Driving while license or driving privilege is suspended or revoked for violation of
8 section 39-06-42, or an equivalent ordinance.
- 9 d. ~~Operating a modified vehicle.~~
- 10 e. Driving without liability insurance in violation of section 39-08-20.
- 11 f.e. Failing to display a placard or flag, in violation of any rule implementing section
12 39-21-44, while transporting explosive or hazardous materials.
- 13 g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

14 The halting officer forthwith shall take any person not released upon a promise to appear before
15 the nearest or most accessible magistrate.

16 **SECTION 6. AMENDMENT.** Section 39-21-45.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-21-45.1. Modification of motor vehicle.**

- 19 1. Except as otherwise provided in this section, ~~a person~~an individual may not operate
20 upon a public highway a motor vehicle of a type required to be registered under the
21 laws of this state with a weight of seven thousand pounds [3175.14 kilograms] or less
22 with alterations or changes from the manufacturer's original design of the suspension,
23 steering, or braking system of the motor vehicle. The weight must be computed on the
24 basis of the unmodified and unloaded weight of the motor vehicle and without regard
25 to any ballast that may be placed in the vehicle.
- 26 2. As to bumpers, motor vehicle height, and permitted modifications, the following
27 requirements also apply:
- 28 1. a. The motor vehicle must be equipped with front and rear bumpers.
- 29 2. b. The maximum body height permitted for the motor vehicle is forty-two inches
30 [106.68 centimeters]. Measurement of body height is made from a level ground
31 surface to the floor of the cargo area.

