

**2023 SENATE TRANSPORTATION**

**SB 2169**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
1/19/2023

Relating to the amount of fees for certain traffic offenses; and relating to city fines and penalties; and to provide a penalty.
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**11:13 AM Chairman Clemens** opened hearing.  
Senators Present: **Paulson, Rummel, Larsen, Conley, Clemens**

**Discussion Topics:**

- Driver license points
- Other penalty options
- Conviction definition
- Driver violation penalties

**11:14 AM Senator Rummel** introduced bill. #13526

**11:19 AM Wade Kadrmas, Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team**, testified in favor. #14325, #14326, #14327

**11:47 AM Jake Jones, State Highway Patrol Trooper**, testified in favor. #14395

**11:50 AM Karin Mongeon, Highway Safety Director NDOT**, testified in favor. #14448

**11:51 AM Chairman Clemens** adjourned hearing.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
1/20/2023

Relating to the amount of fees for certain traffic offenses; and relating to city fines and penalties; and to provide a penalty.
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**11:00 AM Chairman Clemens** opened hearing.

Senators Present: **Paulson, Rummel, Larsen, Conley, Clemens.**

**Discussion Topics:**

- Fines and points
- Multiple offenses
- Citations and violations

**11:09 AM Chairman Clemens** adjourns meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
1/26/2023

Relating to the amount of fees for certain traffic offenses; relating to city fines and penalties; and to provide a penalty.
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**10:22 AM Chairman Clemens** opens meeting.

Senator Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

**Discussion Topics:**

- Offense numbers
- Amendment
- Violation codes
- Testimony sheet

**10:25 AM Wade Kadrmas – Chairman for Vision Zero Speeding Aggressive Driving Team**, in favor. #26999

**10:56 AM Chairman Clemens** adjourns hearing.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Finance and Taxation Committee**  
Fort Totten Room, State Capitol

SB 2169  
1/27/2023

Relating to city fines and penalties; and to provide a penalty.
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**10:05 AM Chairman Clemens** opens meeting.

Senators Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

**Discussion Topics:**

- Fine price
- Hands free

**10:14 AM Chairman Clemens** adjourned meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2169  
1/27/2023

Relating to city fines and penalties; and to provide a penalty.
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**10:30 AM Chairman Clemens** opens meeting.

Senators Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

### Discussion Topics:

- Fines
- Hands Free Driving
- Committee Action

**10:54 AM Senator Larsen** moved to adopt an amendment. (LC 23.0675.01002)

**10:56 AM Senator Rummel** seconded.

Roll call vote.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

**10:57 AM Senator Larson** moved a Do Pass as Amended for SB 2169.

**10:57 AM Senator Rummel** Seconded.

Roll call vote.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

**10:58 AM Senator Rummel** will carry.

**11:00 AM Chariman Clemens** adjourns meeting.

**11:16 AM Senator Larsen** moved to reconsider SB 2169.

**11:16 AM Senator Rummel** seconded.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

**11:17 AM Senator Larsen** moved to adopt amendment. (LC 23.0675.01002)

**11:17 AM Senator Paulson** seconded.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motioned passed 5-0-0

**11:18 AM Senator Larsen** moved a Do Pass as amended.

**11:18 AM Senator Rummel** seconded.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motioned passed 5-0-0

**11:19 AM Senator Rummel** will carry.

**11:21 AM Chairman Clemens** adjourns meeting.

*Nathan Liesen, Committee Clerk*

January 27, 2023

*DR*  
*12/1*  
*1-27-2023*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2169

Page 1, line 8, remove "if a violation is a third or"

Page 1, line 9, replace "subsequent violation of" with "for any of the listed offenses if a driver has had three previous convictions of"

Page 1, line 13, remove "39-10-07."

Page 1, line 13, remove "39-10-11."

Page 1, line 15, remove "39-10-21.1."

Page 1, line 15, remove "39-10-22.1."

Page 1, line 15, remove "39-10-25."

Page 1, line 16, remove "39-10-28, 39-10-30, 39-10-33.1, 39-10-33.3."

Page 1, line 16, remove "39-10-36, 39-10-37."

Page 1, line 17, remove "39-10-41, 39-10-42, 39-10-43."

Page 1, line 17, replace "39-10-45." with "or"

Page 1, line 17, remove the seventh the comma

Page 1, line 18, remove "39-10-52.1, 39-10-55, 39-10-64, or 39-10-68"

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**SB 2169: Transportation Committee (Sen. Clemens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, remove "if a violation is a third or"

Page 1, line 9, replace "subsequent violation of" with "for any of the listed offenses if a driver has had three previous convictions of"

Page 1, line 13, remove "39-10-07."

Page 1, line 13, remove "39-10-11."

Page 1, line 15, remove "39-10-21.1."

Page 1, line 15, remove "39-10-22.1."

Page 1, line 15, remove "39-10-25."

Page 1, line 16, remove "39-10-28, 39-10-30, 39-10-33.1, 39-10-33.3."

Page 1, line 16, remove "39-10-36, 39-10-37."

Page 1, line 17, remove "39-10-41, 39-10-42, 39-10-43."

Page 1, line 17, replace "39-10-45." with "or"

Page 1, line 17, remove the seventh the comma

Page 1, line 18, remove "39-10-52.1, 39-10-55, 39-10-64, or 39-10-68"

Renumber accordingly

**2023 HOUSE TRANSPORTATION**

**SB 2169**

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

SB 2169  
3/9/2023

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman D. Ruby** opened the hearing at 9:02AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

**Discussion Topics:**

- Aggressive driving
- Vision Zero
- Driving violations
- Repeat offenses
- Driver behaviors

**Senator Rummel** introduced the bill in support (#23224).

**Wade Kadrmas, Chair of Vision Zero Speeding/Aggressive Driving Team and Safety and Education Officer with the North Dakota Highway Patrol**, testified in support (#23126).

**Jacob Jones, Crash Reconstruction Trooper with the North Dakota Highway Patrol**, testified in support (#23130).

**Karin Mongeon, Highway Safety Division Director with the North Dakota Department of Transportation**, testified in support (#23133).

**Chairman D. Ruby** closed the hearing at 9:58AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/9/2023

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
--

**Chairman D. Ruby** opened the meeting at 11:32AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Dakane, Dobervich. **Members absent:** Representative Weisz.

**Discussion Topics:**

- Speeding violations
- Subcommittee formation

Committee discussion.

**Chairman D. Ruby** appointed Representatives Koppelman (chair), Christensen and Timmons to a subcommittee to discuss further options for the bill.

**Chairman D. Ruby** adjourned at 11:39AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/17/2023  
Subcommittee

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
--

**Representative Koppelman** opened the meeting at 10:35AM.

**Present:** Representative Koppelman, Representative Christensen, and Representative Timmons. No members absent.

**Discussion Topics:**

- Fees on offenses
- Categories of offenses

**Chairman Koppelman** discussed what the bill does and asked the committee for suggestions. #25704

**Representative Christensen** discussed grouping different offenses.

**Representative Timmons** agreed with grouping the offenses.

**Chairman Koppelman** discussed the possibility of combining SB 2168 into this bill. He will discuss further with Senator Rummel.

**Chairman Koppelman** adjourned at 10:47AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/23/2023  
Subcommittee Meeting

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman Koppelman** opened the meeting at 8:00 AM.

**Members present:** Chairman Koppelman, Representative Christensen, and Representative Timmons.

**Discussion Topics:**

- Impact of loads
- Study Title 39
- Study of fines and penalties
- Zones and penalties

**Senator Rummel** shared information with the subcommittee. Informed the committee their intent on this bill has changed. Recommended hog housing the bill and including “shall study.” Distributed information on a study (#26446).

**Chairman Koppelman** adjourned at 8:08 AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/24/2023  
Subcommittee

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman Koppelman** opened the meeting at 8:07 AM.

**Members present:** Chairman Koppelman, Representative Christensen, and Representative Timmons.

**Discussion Topics:**

- Driving under the influence
- Change of titles
- Restructure of penalties
- Three strike rule

**Representative Louser** distributed proposed amendments 23.0675.02001 (#26546).

**Aaron Birst, Executive Director with the North Dakota Association of Counties,** explained the proposed amendments.

Subcommittee discussion.

**Chairman Koppelman** adjourned at 8:59 AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/30/2023  
Subcommittee Meeting

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman Koppelman** opened the meeting at 9:28 AM.

**Members present:** Chairman Koppelman, Representative Christensen, Representative Timmons.

**Discussion Topics:**

- Speeding fines
- Seatbelt use
- 80 mph speed limit
- Proposed amendment 23.0675.02001

**Chairman Koppelman** was approached by the sponsor of the bill to put on a study. Discussed testimony from Senator Rummel (#26446). Discussed Representative Louser's amendment 23.0675.02001 (#26546).

**Chairman Koppelman** adjourned at 9:35 AM.

*Mary Brucker, Committee Clerk*



# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
3/31/2023  
Subcommittee Meeting

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman Koppelman** opened the meeting at 9:16 AM.

**Members present:** Chairman Koppelman, Representative Christensen, Representative Timmons.

**Discussion Topics:**

- Proposed amendments
- Study of interstate safety, seat belts and fee structure

**Casey Orvedal, Legislative Intern**, reviewed with the committee possible amendments to be added in this bill; Representative Louser's suggested DUI amendments, as well as studies to include interstate safety, seat belt data, and title 39 fee structure.

**Chairman Koppelman** adjourned at 9:23 AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2169  
4/6/2023  
Subcommittee Meeting

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
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**Chairman Koppelman** opened the meeting at 9:29 AM.

**Members present:** Chairman Koppelman, Representative Christensen, and Representative Timmons.

**Discussion Topics:**

- Proposed amendment 23.0675.02002
- Variable speed limits
- Speed limit signs
- Road closures
- Commercial motor vehicles
- Study of traffic fines and fee structure

**Chairman Koppelman** distributed proposed amendments 23.0675.02002 (#27332) and add in section 4, line 22, after “device” add “in use at major points of entry” and on line 26, add “to seek shelter.”

**Representative Christensen** moved to adopt the amendments as stated above and refer to the full committee.

**Representative Timmons** seconded the motion.

**Roll call vote:**

Chairman Koppelman	Y
Representative Christensen	Y
Representative Timmons	Y

**Motion carried 3-0-0**

**Chairman Koppelman** adjourned at 9:47 AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

SB 2169  
4/6/2023

A bill relating to the amount of fees for certain traffic offenses and relating to city fines and penalties.
--

**Chairman D. Ruby** opened the meeting at 10:37 AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

**Discussion Topics:**

- Proposed amendment 23.0675.02002
- Alcohol or drug influenced traffic violations
- Hazardous condition road closures
- Large commercial motor vehicles on hazardous road conditions
- Study of traffic fees, seat belt use, and highway safety

**Representative Koppelman** distributed and explained a proposed amendment 23.0675.02002 (#27332).

**Representative Louser** answered questions from the committee.

**Representative Koppelman** continued with his explanation of the proposed amendments. He suggested an addition to the amendments in section 4, line 22, add “in use at major points of entry.” Another suggestion was in section 4, line 26, add “to seek shelter” at the end of the sentence.

**Aaron Birst, Executive Director with the North Dakota Association of Counties,** answered questions from the committee and explained the proposed amendments.

**Representative Koppelman** continued with his explanation of the proposed amendments. He recommended adding language in section 7, line 17, add “speed limits”.

**Representative Koppelman** moved amendment 23.0675.02002 with additional language as stated above.

**Representative Christensen** seconded the motion.

**Roll call vote:**

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y

Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	AB

**Motion carried 13-0-1**

**Representative Koppelman moved a Do Pass as Amended.**

**Representative Christensen seconded the motion.**

**Roll call vote:**

<b>Representatives</b>	<b>Vote</b>
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	N
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	AB

**Motion carried 12-1-1**

**Representative Christensen is the bill carrier.**

**Chairman D. Ruby** adjourned at 11:46 AM.

*Mary Brucker, Committee Clerk*

April 6, 2023

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123  
4-6-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, and entering a closed road; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an

offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

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223  
4-6-23

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent of the highway patrol when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

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4-6-23

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed at the point of entry with an appropriate traffic control device in use at major points of entry, an individual may not drive on the road.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2169, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2169 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, and entering a closed road; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:



**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent of the highway patrol when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed at the point of entry with an appropriate

traffic control device in use at major points of entry, an individual may not drive on the road.

3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.

#### **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.**

During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**SB 2169**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
4/20/2023  
Conference Committee

Relating to city fines and penalties; and to provide a penalty.
---

**4:00 PM Chairman Rummel** opens meeting.

Present: **Senator Conley, Senator Rummel, Senator Paulson, Representative Christensen, Representative Dakane, Representative Koppelman**

**Discussion Topics:**

- Bill review
- DUI
- Amendments

**4:02 PM Representative Koppelman** explained the House discussions on SB 2169.

**4:20 PM Brandon Solberg, Superintendent of the ND Highway patrol,** provided verbal information.

**4:30 PM Chairman Rummel** adjourned meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
4/21/2023  
Conference Committee

Relating to city fines and penalties; and to provide a penalty.
---

**11:03 AM Chairman Rummel** opens meeting.

Present: **Senator Conley, Senator Rummel, Senator Paulson, Representative Christensen, Representative Dakane, Representative Koppelman**

**Discussion Topics:**

- Prison sentences
- Stranded vehicle
- Fine amount

**11:13 AM Eric Grove, President for ND Motor Carriers Association**, provided verbal information.

**11:19 AM Brandon Solberg, superintendent for ND Highway Patrol**, answered questions verbally.

**11:26 AM Matt Linneman, Deputy Director for Engineering for NDDOT**, answered questions verbally.

**11:29 AM Chairman Rummel** adjourns meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2169  
4/21/2023  
Committee Conference

Relating to city fines and penalties; and to provide a penalty.

**3:00 PM Chairman Rummel** opened meeting.

Present: **Senator Conley, Senator Rummel, Senator Paulson, Representative Christensen, Representative Dakane, Representative Koppelman**

**Discussion Topics:**

- Reckless behavior
- Committee action

**3:09 PM Matt Linneman, Deputy Director of Engineering for NDDOT**, answered questions verbally.

**3:15 PM Representative Koppelman** moved House recedes house amendments and further amend LC 23.0675.02006 #27788, #27798

**3:15 PM Representative Christensen** seconded.

**3:16 PM motion passed 5-1-0**

**3:16 PM Senator Rummel is the Senate carrier.**  
**Representative Christensen is the House carrier.**

**3:16 PM Chairman Rummel** adjourned meeting.

*Nathan Liesen, Committee Clerk*

OK  
174  
4-21-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

That the House recede from its amendments as printed on pages 1580-1583 of the Senate Journal and pages 1745-1747 of the House Journal and that Engrossed Senate Bill No. 2169 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting load; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances - Penalty.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a

violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.

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4-21-23

3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least thirty days' imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section



may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

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**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed with an appropriate traffic control device in use at two points of entry, an individual may not drive on the road between the two closed points of entry.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.
5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of this section who becomes stranded and requires assistance from law enforcement or whose vehicle obstructs the road may be assessed a fee of:
  - a. Five hundred dollars for a driver of a noncommercial motor vehicle; or
  - b. One thousand dollars for a driver of a commercial motor vehicle.

**SECTION 5. AMENDMENT.** Section 39-21-13 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-13. Lamp or flag on projecting load.**

Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red or bright orange flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

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4-21-23

**SECTION 7. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 8. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits, and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

Date: 04/21/2023

Roll Call Vote: #1

**2023 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. "Enter Bill/Resolution No." as (re) engrossed

Senate "Enter committee name" Committee

- Action Taken
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Koppelman Seconded by: Christensen

Senators	4/20	4/21	4/21	Yes	No	Representatives	4/20	4/21	4/21	Yes	No
Rummel, Dean (R) (Chair)	X	x	X	x		Christensen, Cole (R)	X	x	X	x	
Paulson, Bob (R)	X	X	X	X		Koppelman, Ben (R)	X	X	X	X	
Conley, Cole (R)	x	X	x	X		Dakane, Hamida (D)	x	X	x		X
Total Senate Vote						Total Rep. Vote					

Vote Count      Yes: 5                      No: 1                      Absent: 0

Senate Carrier Rummel                      House Carrier Christensen

LC Number 23.0675 . 02006 of amendment

LC Number 23.0675 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 23.0675.02006  
Senate Carrier: Rummel  
House Carrier: Christensen

**REPORT OF CONFERENCE COMMITTEE**

**SB 2169, as engrossed:** Your conference committee (Sens. Rummel, Paulson, Conley and Reps. Christensen, Koppelman, Dakane) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1580-1583, adopt amendments as follows, and place SB 2169 on the Seventh order:

That the House recede from its amendments as printed on pages 1580-1583 of the Senate Journal and pages 1745-1747 of the House Journal and that Engrossed Senate Bill No. 2169 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting load; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances - Penalty.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a

Insert LC: 23.0675.02006  
Senate Carrier: Rummel  
House Carrier: Christensen

violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least thirty days' imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

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Insert LC: 23.0675.02006  
Senate Carrier: Rummel  
House Carrier: Christensen

conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.

2. If a road closure under subsection 1 has been announced to the public and the road has been closed with an appropriate traffic control device in use at two points of entry, an individual may not drive on the road between the two closed points of entry.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.
5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of this section who becomes stranded and requires assistance from law enforcement or whose vehicle obstructs the road may be assessed a fee of:
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or
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**SECTION 7. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects

Insert LC: 23.0675.02006  
Senate Carrier: Rummel  
House Carrier: Christensen

of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 8. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits, and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

Engrossed SB 2169 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**SB 2169**



## Testimony on SB 2169

Thank you Mr. Chairman and members of the Senate Transportation Committee.

For the record, my name is Senator Dean Rummel from District 37.

I am here in support of SB 2169.

This bill supports the VISION ZERO aggressive driving team with the goal of reducing serious and fatal crashes on our roadways by increasing the specified fee by \$100 if a violation is a third or subsequent citation of any combination of 42 serious offenses within a five-year period. Some examples of those serious offenses include drag racing, using a wireless device, driving through a red light, overtaking on a hill or curve, failure to yield an emergency vehicle, overtook a school bus, or going around railroad crossing arms.

There are currently 561,246 licensed North Dakota drivers. This increased fine will affect approximately 1,450 drivers that have at least three convictions for violations listed in this proposed bill.

The behaviors of these aggressive drivers need to change. This bill can encourage a change in behavior by penalizing them financially.

Please support and embrace the ND Strategic Highway Safety Plan's VISION ZERO, zero fatalities, zero excuses by passing this bill.

With us is Sgt. Wade Kadrmas, the Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team with the ND Highway Patrol. He can provide you with answers to any questions that you might have.

**SENATE BILL 2033**  
**43<sup>RD</sup> LEGISLATIVE ASSEMBLY**  
**1973**

## CHAPTER 301

SENATE BILL NO. 2033  
 (Holand, Barth, Nething)  
 (From Legislative Council Study)

## DISPOSITION OF TRAFFIC OFFENSES

AN ACT to provide for alternate methods of disposing of certain traffic offenses; to define moving and nonmoving offenses; to provide for mandatory suspension of motor vehicle operators' licenses when certain numbers of demerits have accumulated on licensees' driving records; to create and enact section 29-27-02.1 of the North Dakota Century Code, relating to disposition of fines and forfeitures; and to amend and reenact subsection 3 of section 29-01-14, sections 29-05-31, 39-05-12, subsections 2 and 9 of section 39-06-03, subsection 1 of section 39-06-17, sections 39-06-31, 39-06-32, 39-07-09, 39-07-11, 39-08-18, 39-09-01, 39-10-31, 39-12-08, 39-12-09, subsection 2 of section 39-16.1-07, subsection 1 of section 39-21-46, sections 39-21-50, 39-24-11, and 40-05-06 of the North Dakota Century Code, relating to restricted licenses and mandatory revocation of licenses, to discretionary authority to suspend licenses, to the form of the uniform traffic summons and complaint, to the powers of halting officers, to the definition of magistrates, to the duties of magistrates, to the penalties to be assessed for certain traffic offenses, and to the maximum penalties for violation of city traffic ordinances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
 STATE OF NORTH DAKOTA:

SECTION 1.) As used in this title:

1. "Halting officer" means a law enforcement officer charged with and acting under his authority to halt and, if appropriate, arrest persons suspected or known to be violating statutes or ordinances regulating the operation or equipment of vehicles, or the regulation of traffic.
2. "Licensing authority" means the state agency authorized to issue operators' licenses.
3. "Point" or "points" refers to the number of demerits assigned to particular types of traffic violations, the accumulation of which will, at a stated level,

result in suspension of the offender's operator's license.

4. "Adjudication" and "admission" as used in this Act shall mean an official determination, in the manner provided by law, that a traffic violation has been committed by a named driver.

SECTION 2.) Any person cited for a traffic violation under state law or municipal ordinance, other than an offense listed in section 5 of this Act, shall be deemed to be charged with a non-criminal offense and may appear before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of his action, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 6 of this Act. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation;
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than fifteen miles per hour; and
3. Whether the person contributed materially to a traffic accident.

This section shall not be construed as allowing a halting officer to receive the statutory fee or bond, unless he is otherwise authorized by law to do so.

SECTION 3.)

1. If a person cited for a traffic violation, other than an offense listed in section 5 of this Act, does not choose to follow one of the procedures set forth in section 2 of this Act, he may request a hearing on the issue of his commission of the violation charged, such hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction the sum

of fifteen dollars as a prepayment of all the costs of the hearing. The requirement of prepayment of costs need not be met if the official determines that the person is unable to make such prepayment without undue hardship. If, upon the hearing, the person charged is found not to have committed the violation, the fifteen-dollar deposit shall be returned. If the person is found to have committed the violation, or fails to appear at the hearing without just cause, the deposit shall be retained and deposited with the treasurer of the county or city, as the case may be. The sum deposited pursuant to this section shall be in addition to any bond given by the person charged, and shall also be in addition to any statutory fee paid by that person upon a finding that he committed the violation.

3. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, whether the person was driving more than fifteen miles per hour in excess of the lawful limit if charged with a speeding violation, and whether the person contributed materially to a traffic accident, within ten days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except an action or proceeding involving that person's driving license or privilege.
4.
  - a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of a filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a jury, if requested. If, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 3 of this section, nor to stay appropriate action by the licensing authority upon receipt of that report.
  - b. The district court, upon application by the appellant, may:
    - (1) Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty days;
    - (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one

hundred twenty days; or

- (3) Deny the application.

An application for a stay or temporary certificate under this paragraph shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of fifty cents. Any order granting a stay or a temporary certificate shall be forwarded forthwith by the clerk of court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this paragraph without notice to the appropriate prosecuting attorney.

- c. If the person charged is found not to have committed the violation by the district court or the jury, the clerk of court shall report that fact to the licensing authority immediately. If an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.
5. The state or the city, as the case may be, must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderance of the evidence. Upon an appeal under subsection 4, the court and parties shall follow, to the extent applicable, the North Dakota rules of civil procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
6. As used in sections 2, 3, and 4 of this Act, the word "official" means a district judge, a judge of a county court with increased jurisdiction, a county justice, a municipal judge, or, when provided by statute, a person appointed by a district judge to serve as such official for all or a specified part of a judicial district.

SECTION 4.) If a person fails to choose one of the methods of proceeding set forth in sections 2 or 3, he shall be deemed to have admitted to commission of the violation charged, and the official having jurisdiction shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond shall be a misdemeanor.

SECTION 5.) The procedures authorized under sections 2 and 3 of this Act may not be utilized by a person charged with one of the following offenses:

1. Driving while under the influence of a narcotic drug or intoxicating liquor in violation of section 39-08-01, or an equivalent ordinance.
2. Operating while an habitual user of narcotic drugs in violation of section 39-08-01, or an equivalent ordinance.
3. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
4. Negligent homicide in violation of section 12-27-35.
5. Manslaughter resulting from the operation of a motor vehicle.
6. Leaving the scene of an accident in violation of sections 39-08-04 or 39-08-05, or equivalent ordinances.
7. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
8. Violating subdivisions b or c of subsection 5 of section 39-24-09.

SECTION 6.) The fees required for a noncriminal disposition pursuant to either section 2 or section 3 of this Act shall be as follows:

1. For a nonmoving violation as defined in section 8, a fee in the amount of ten dollars.
2. For a moving violation as defined in section 9, a fee in the amount of twenty dollars.
3. For a violation of section 39-09-02, or an equivalent ordinance, involving a speed of more than fifteen miles per hour in excess of the lawful speed limit, a fee in the amount of forty dollars.
4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee in the amount of thirty dollars.

SECTION 7.) The licensing authority shall prepare a notification form to be appended to the form of the uniform traffic summons and complaint as provided in section 29-05-31. The



notification form shall contain language, approved by the attorney general, informing persons charged with traffic violations, other than offenses listed in section 5, of the procedures available to them under sections 2 and 3, and such notification shall contain a schedule of points to be charged, including additional points assigned for contributing materially to an accident, against a person's driving record as provided by law.

SECTION 8.) For the purposes of section 6 of this Act, a "nonmoving violation" shall mean:

1. A violation of sections 39-04-11, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of sections 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

SECTION 9.) For the purposes of section 6 of this Act, a "moving violation" shall mean a violation of section 39-09-02, or an equivalent ordinance, involving speeds of fifteen miles per hour or less in excess of the lawful speed limit; or a violation of section 39-04-22; subsection 1 of section 39-04-37; sections 39-05-12; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; 39-09-05; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10 ("general rules of the road") or 39-21 ("equipment of vehicles"), or equivalent ordinances, except those sections within those chapters which are specifically listed in subsection 1 of section 8 of this Act.

SECTION 10.)

1. When a report of a conviction of a traffic offense, or admission or adjudication of a traffic violation is received by the licensing authority, the licensing authority shall proceed to enter the proper number of points on the licensee's driving record. When the driving record shows that the licensee has an accumulated point total of twelve or more points, assigned on the basis of the schedule contained in subsection 3 of this section, the authority shall notify the licensee of its intention to suspend his operator's license, and shall notify him that he may have an administrative hearing. If the licensee makes a written request for a hearing within ten days after mailing of the notice herein provided for, the hearing shall be held in accordance with the applicable provisions of chapter 28-32. For the purposes

of this Act, the licensing authority may also receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

2. If the licensing authority confirms, after hearing or opportunity for hearing, that the licensee's driving record has an accumulated point total of twelve or more points, the licensing authority shall suspend his operator's license according to the following schedule:

ACCUMULATED POINT TOTAL:    PERIOD OF SUSPENSION:

- |                       |                                   |
|-----------------------|-----------------------------------|
| a. Twelve             | 7 days                            |
| b. Thirteen and above | 7 days for each point over twelve |

Surrender and return of licenses suspended pursuant to this section shall be governed by the provisions of section 39-06-37. If a licensee's accumulated point total is caused to exceed eleven points due to a violation involving the height, width, or weight of a vehicle, the license of that operator shall not be suspended unless the violation shall have contributed to a vehicular accident. The points assigned due to a violation of the type mentioned in the last sentence shall be stricken from the licensee's driving record after three additional months without record of a violation.

3. Points shall be assigned and accumulated on the basis of the following schedule:

a. NONCRIMINAL VIOLATIONS

NONCRIMINAL ADJUDICATION  
OR ADMISSION OF:

POINTS ASSIGNED:

- |  |          |
|--|----------|
| (1) Overtime and double parking in violation of city ordinances                              | 0 points |
| (2) Failure to display license plates  | 1 point  |
| (3) Permitting unauthorized minor to drive   | 2 points |
| (4) Permitting unauthorized person to drive  | 2 points |
| (5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47 | 2 points |

NONCRIMINAL ADJUDICATION OR ADMISSION OF:	POINTS ASSIGNED:
(6) Unlawful parking in specified prohibited places	1 point
(7) Leaving motor vehicle improperly unattended on an open highway	1 point
(8) Opening or leaving motor vehicle doors open when unsafe to do so	1 point
(9) Knowingly operating without required reflectors or clearance lamps	2 points
(10) Knowingly operating with improperly mounted reflectors or clearance lamps	1 point
(11) Knowingly operating with improper reflectors, clearance lamps, or marker lamps	1 point
(12) Knowingly having improper lighting on a vehicle parked on an open highway at night	2 points
(13) A violation of section 39-09-02, or equivalent ordinance, where the charge is speeding from ten to fifteen miles per hour in excess of the lawful speed limit	3 points
(14) Careless driving in violation of section 39-09-01, or equivalent ordinance	6 points
(15) A violation of section 39-09-02, or equivalent ordinance, where charge is speeding more than fifteen miles per hour above the lawful limit	6 points
(16) Violating or exceeding restrictions contained in a restricted license issued pursuant to section 3 of this Act, or section 39-06-17	12 points

<u>NONCRIMINAL ADJUDICATION OR ADMISSION OF:</u>	<u>POINTS ASSIGNED:</u>
--	-------------------------

- |   |           |
|---|-----------|
| (17) Fleeing in motor vehicle from law enforcement officers in motor vehicle when such action constitutes a specific offense under statute or ordinance | 10 points |
| (18) Racing motor vehicles when such action constitutes a specific offense under statute or ordinance   | 10 points |

b. CRIMINAL VIOLATIONS

<u>CONVICTION OF:</u>	<u>POINTS ASSIGNED:</u>
-----------------------	-------------------------

- |   |           |
|---|-----------|
| (1) Reckless driving, in violation of section 39-08-03, or equivalent ordinance   | 8 points  |
| (2) Aggravated reckless driving, in violation of section 39-08-03, or equivalent ordinance  | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, or equivalent ordinance          | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Driving while under the influence in violation of section 39-08-01, or equivalent ordinance                                   | 15 points |
| (6) Driving while an habitual user of narcotic drugs in violation of section 39-08-01, or equivalent ordinance                    | 15 points |

4. If judicial disposition of a traffic violation includes an order or recommendation of suspension or revocation of an operator's license, such suspension or revocation shall run concurrently with any suspension ordered pursuant to this section.
5. A suspension period shall not be deemed to have commenced until the operator's license suspended is delivered to the licensing authority. Proper deposit in the mails shall be constructive delivery under this subsection.

SECTION 11.) When the licensing authority has suspended a license, pursuant to section 10 of this Act, for a period in excess of seven days, the authority may, for good cause, upon receiving written application from the licensee affected, issue a temporary restricted operator's license valid, after seven days of the suspension period have passed, for the remainder of the suspension period. The restricted license may authorize the use of a motor vehicle only during the licensee's normal working hours, or may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section shall be deemed a violation of section 39-06-17.

SECTION 12.) When a licensee completes a period of suspension ordered pursuant to section 10 or as ordered or recommended by a court of competent jurisdiction, the licensing authority shall reduce the point total shown on his driving record to eleven points. Thereafter, suspension shall be ordered when that licensee's point total again reaches twelve or more points.

SECTION 13.)

1. The licensing authority shall reduce the point total shown on any licensee's driving record by one point for each three-month period during which no points are recorded against his driving record for a moving violation or a violation listed in paragraphs 13 through 18 of subdivision a of subsection 3 of section 10 of this Act. The three-month period shall be calculated from the date of entry of the last points against that licensee's driving record.
2. The point total shown on a licensee's driving record shall be reduced by one point when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of each eight hours of instruction in a driver training course approved by the licensing authority. Successful completion of eight or more hours of instruction shall be certified to by the instructor or instructors of the driver training course. The reduction in points authorized by this subsection shall only be from a point total accumulated prior to completion of the



\_\_\_\_\_ and did then and there commit the following

City \_\_\_\_\_

offense: \_\_\_\_\_

MPH in \_\_\_\_\_

MPH Zone \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All in violation of Sec. \_\_\_\_\_ of the N.D. Century Code  
as amended and against the peace and dignity of the state of N.D.

Officer \_\_\_\_\_ LET A WARRANT ISSUE HEREIN Sworn  
to and subscribed before me this \_\_\_\_\_ day of

\_\_\_\_\_ 19 \_\_\_\_.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
State's Attorney

DESCRIPTION OF DEFENDANT AND VEHICLE

Mo. \_\_\_\_ Day \_\_\_\_ Yr. \_\_\_\_ Race \_\_\_\_ Sex \_\_\_\_ Wt. \_\_\_\_ Ht. \_\_\_\_

Birth date \_\_\_\_\_

Hair \_\_\_\_ Dr. Lic: State \_\_\_\_\_ No. \_\_\_\_\_ Motor Vehicle:

PSC

Make \_\_\_\_ Reg. No. \_\_\_\_ State \_\_\_\_ Year \_\_\_\_ ICC No. \_\_\_\_\_

CLAIMED CONDITIONS OF THE VIOLATION

SLIPPERY SURFACE -

\_\_\_\_\_ Rain \_\_\_\_\_ Snow \_\_\_\_\_ Ice

DARKNESS -

\_\_\_\_\_ Night \_\_\_\_\_ Fog \_\_\_\_\_ Snow

OTHER TRAFFIC PRESENT -

\_\_\_\_\_ Cross \_\_\_\_\_ Oncoming \_\_\_\_\_ Pedestrian

\_\_\_\_\_ Same direction

IN ACCIDENT -

Ped.  Vehicle  Intersection  
 Right angle  Head on  Rear end  
 Ran off road  Other

Area:  School  Rural  Business  
 Industrial  Residential

Highway:  2 Lane  4 Lane  4 Lane Divided  
 Type  Gravel  Dirt

OFFENSE CONTRIBUTED MATERIALLY TO ACCIDENT -

Yes  No

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT

You are hereby summoned to appear at the time and place designated below to answer to the charge above indicated to be made against you \_\_\_\_\_

Appearance

Before: Municipal Judge - County Justice - County Ct. A.M.

\_\_\_\_\_ P.M.  
 Location Month Day Year Time

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

PROMISE TO APPEAR Officer \_\_\_\_\_

I hereby consent and promise to appear at the time and place specified in the above summons, the receipt of a copy of which is hereby acknowledged, and I expressly waive earlier hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Defendant \_\_\_\_\_

SECTION 16.) Section 29-27-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:



29-27-02.1. DISPOSITION OF STATUTORY FEES, FINES, FORFEITURES, PECUNIARY PENALTIES, AND BOND FORFEITURES.) All statutory fees, fines, forfeitures, and pecuniary penalties prescribed for a violation of state laws, when collected, shall be paid into the treasury of the proper county to be added to the state school fund. When any bail bond or other property or money deposited as bail is forfeited to the state, the proceeds collected therefrom shall be paid over to the treasurer of the county whose officers originally instituted the action and credited to the general fund of the county. In the event that the attorney general of the state of North Dakota originally instituted the action, the bail bond, money, or other property forfeited shall be paid over to the proper state official and credited to the state school fund.

SECTION 17. AMENDMENT.) Section 39-05-12 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 39-05-12. REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE - INSPECTION OF CARD - PENALTY.) The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on such vehicle, at all times while the vehicle is being operated upon a highway in this state. Such card shall be subject to inspection by any peace officer or highway patrolman. Any person violating any of the provisions of this section shall be assessed a fee of twenty dollars, provided that a person cited for violation of this section shall not be found to have committed a violation if he shall, within forty-eight hours after being cited, produce and display to a peace officer or highway patrolman, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrolman receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

SECTION 18. AMENDMENT.) Subsections 2 and 9 of section 39-06-03 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. To any person whose license has been suspended in this state or in any other state during such suspension, except as provided in section 3 or section 11 of this Act, nor to any person whose license has been revoked, except as provided in sections 39-06-35 and 39-06-36;
9. To any person who has been convicted four times of a misdemeanor on the highways, roads, or streets involving the movements of a vehicle within the preceding two-year period. No conviction for speeding shall be considered when the offense was less than ten miles per hour over the limit.

\*NOTE: Section 39-05-12 was repealed by section 2 of Senate Bill No. 2128, chapter 295.

SECTION 19. AMENDMENT.) Subsection 1 of section 39-06-17 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 11 of this Act, shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

SECTION 20. AMENDMENT.) Section 39-06-31 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-31. MANDATORY REVOCATION OF LICENSES.) The commissioner shall revoke forthwith the license of any operator upon receiving a record of such operator's conviction of any of the following offenses:

1. Manslaughter or negligent homicide resulting from operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used; or
3. The making of a false affidavit or statement under oath to the commissioner under this chapter or under any other law relating to the ownership or operation of motor vehicles.

SECTION 21. AMENDMENT.) Section 39-06-32 of the 1971 Supplement to the North Dakota Century is hereby amended and reenacted to read as follows:

39-06-32. AUTHORITY TO SUSPEND LICENSES.) The commissioner may suspend the license of an operator, after hearing, upon proof by a fair preponderance of the evidence, that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Is incompetent to drive a motor vehicle;
3. Has permitted an unlawful or fraudulent use of his license; or
4. Has committed an offense in another state which if committed in this state would be grounds for revocation.

SECTION 22. AMENDMENT.) Section 39-07-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-09. OFFENSES UNDER WHICH PERSON HALTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR.) The provisions of section 39-07-07 shall not apply to a person if:

1. The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in section 5 of this Act, except reckless driving; or
2. The halting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when halted and charged with either of the following offenses:
  - a. Reckless driving; or
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

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

SECTION 23. AMENDMENT.) Section 39-07-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. MAGISTRATES TO KEEP RECORD OF CONVICTIONS OF TRAFFIC VIOLATIONS - RECORDS OF CONVICTION TO BE FORWARDED TO LICENSING AUTHORITY.) Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before him in which a person is charged with a violation of section 12-27-35 or of any provision of chapters 39-05 through 39-13, and chapters 39-21 and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a determination, in any manner provided by law, that a person charged has committed one of the foregoing offenses or violations, the magistrate shall forward a certification of that fact to the licensing authority.

SECTION 24. AMENDMENT.) Section 39-08-18 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-18. OPEN BOTTLE LAW - PENALTY.) No person shall drink or consume alcoholic beverages, as defined in the North Dakota Century Code, in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public

highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. Any person violating the provisions of this section shall be assessed a fee of twenty dollars; however, the licensing authority shall not record the violation against the driving record of such person unless he was the driver of the automobile at the time that the violation occurred.

SECTION 25. AMENDMENT.) Section 39-09-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-09-01. CARE REQUIRED IN OPERATING VEHICLE.) Any person driving a vehicle upon a highway shall drive the same in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person shall drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person. Any person who shall drive a vehicle upon a highway without heed to the requirements or restrictions of this section shall have committed careless driving, and shall be assessed a fee of thirty dollars.

SECTION 26. AMENDMENT.) Section 39-10-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-10-31. PROTECTION OF BLIND OR INCAPACITATED PEDESTRIANS.) No person on any public street or highway, unless such person is totally or partially blind, or is otherwise incapacitated, shall carry in a raised or extended position, any cane or walking stick which is white in color, or white tipped with red.

Whenever any pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is white in color, or white tipped with red, the driver of every vehicle approaching the intersection, or other place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be

necessary to avoid injuring such pedestrian.

Nothing contained in this chapter shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick, or not being guided by a dog, of any of the rights or privileges conferred by law upon pedestrians, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this state, be held to constitute or be evidence of contributory negligence.

Any person violating any of the provisions of this section shall be assessed a fee of twenty dollars.

SECTION 27. AMENDMENT.) Section 39-12-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-08. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of sections 39-12-04, 39-12-05, 39-12-06, or 39-12-09 shall be assessed a fee of twenty dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, shall be assessed a fee of ten dollars.

SECTION 28. AMENDMENT.) Section 39-12-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-12-09. UNLAWFUL TO VIOLATE PROVISIONS GOVERNING SIZE, WEIGHT, OR CONSTRUCTION OF VEHICLES - SIZE AND WEIGHT SPECIFIED IN THIS CHAPTER LAWFUL THROUGH STATE - PENALTY.) It shall be unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway, any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, or any vehicle or vehicles which are not constructed as required in this chapter nor according to the rules and regulations of the registrar adopted pursuant to the provisions of this chapter. The maximum size and weight of vehicles specified in this chapter shall be lawful throughout this state, except as they may be limited by virtue of specifications made pursuant to the other provisions of this chapter. Any person who violates any of the provisions of this section shall be assessed a fee of twenty dollars.

SECTION 29. AMENDMENT.) Subsection 2 of section 39-16.1-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for: any offense requiring the revocation of license, driving while under the influence in violation of section 39-08-01 or equivalent

ordinance, or operating a motor vehicle upon the highway while his license or privilege to drive is under suspension, revocation, or cancellation, such license or driving privilege shall remain suspended, revoked, or canceled and shall not at any time thereafter be renewed, nor shall any license be thereafter issued or returned to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.

SECTION 30. AMENDMENT.) Subsection 1 of section 39-21-46 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-46. SCOPE AND EFFECT OF REGULATIONS - PENALTY.)

1. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which he knows to be in such unsafe condition as to endanger any person, or which he knows does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which he knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Any person who violates any of the provisions of sections 39-21-08, 39-21-09, 39-21-10, or 39-21-14 shall be assessed a fee of ten dollars. Any person who, in violation of the provisions of this chapter, drives, or any owner who causes or knowingly permits to be driven upon a highway, any vehicle or combination of vehicles which he knows is unsafe or improperly equipped shall be assessed a fee of twenty dollars.

SECTION 31. AMENDMENT.) Section 39-21-50 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-50. SLOW-MOVING VEHICLES REQUIRED TO DISPLAY IDENTIFICATION EMBLEM - PENALTY.) All implements of husbandry, as defined in section 39-01-01, and machinery, including all road construction machinery, which is designed for operation at a speed of twenty-five miles an hour or less, shall display a triangular slow-moving vehicle emblem whenever it is traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. Such emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The highway commissioner shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. The standards and specifications for slow-moving vehicle emblems referred to in this section shall correlate with and, so far

as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, shall display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this section shall be assessed a fee of twenty dollars for each offense.

SECTION 32. AMENDMENT.) Section 39-24-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-11. PENALTIES.) Any person who shall violate subdivision b or subdivision c of subsection 5 of section 39-24-09 shall be guilty of a misdemeanor and be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Any person who violates any other provision of section 39-24-09 shall be assessed a fee of twenty dollars. Any person who violates any other provision of this chapter for which a specific penalty is not provided shall be assessed a fee of ten dollars.

SECTION 33. AMENDMENT.) Section 40-05-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-05-06. CITY FINES AND PENALTIES LIMITED.)

1. Except as provided for in subsection 2, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city shall not exceed five hundred dollars, and the imprisonment shall not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 5 of this Act, a fee may be established, by ordinance, which shall not exceed the limits, for equivalent categories of violations, set forth in section 6 of this Act.

Approved March 27, 1973

**SENATE BILL 2169  
HANDOUT**



## North Dakota Driver's License Information Points and Fees

### North Dakota Licensed Drivers (NDDOT)

- 561,246 licensed ND drivers
- Approximately 1,450 drivers have 3 violations in 5 years.
- Approximately 4,245 drivers have 2 violations in 3 years.
- Approximately 7,453 drivers have 2 violations in 5 years.

### Driver's License Record Retention

- Non-criminal violations on a non-commercial driver's license record stay for 3 years.
- Speeding, reckless driving, texting, using a handheld device, and railroad crossing violations stay on a commercial driver's license record stay for 4 years.

Commercial		Non-Commercial	
Major	Permanent	Crashes	7 years
Out of Service	15 years	DUI	7 years
Crashes	10 years	DUS/DUR	5 years
Serious	4 years	Non-Criminal	3 years
Railroad	4 years		
All Others	3 years		
Major Convictions	55 years from the conviction date		
Serious Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer		
RRGC Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer		
Out of Service Convictions	15 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer		
All other convictions	3 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer		
Withdrawal actions	Length of time the record of any underlying conviction is retained (specified above) and for a minimum of 3 years from the effective date, eligibility date or reinstatement date, whichever is later. MCSIA requires that jurisdictions be able to tie their withdrawals to the underlying conviction(s), so the same mechanism may be used for determining retention periods of the withdrawal and will ensure that a new SOR will not impose a second withdrawal on an underlying conviction. For withdrawals that do not require underlying convictions, the withdrawal must be retained for 3 years (as specified above) or for as long as any underlying convictions are retained, whichever period is longer. A W00 withdrawal has no corresponding underlying convictions mapping to a conviction ACD; the W00 must be retained while the withdrawal is in effect.		

### North Dakota Point System

- Driving privileges are suspended upon an accumulation of 12 points.
- For each point over 11 it is suspended for a period of 7 days.
- Drivers under the age of 18 will have their license canceled upon an accumulation of 6 points.
- One point is removed every 90 days of violation free driving.
- Three points can be reduced if a driver takes an approved defensive driving course, which can only be done once every 12 months.
- Drivers issued a citation with a penalty of five points or less may elect to attend an approved driving course in lieu of entry of points on their driving record. The driver must notify the court at the time they post their bond and provide proof of course complete to DOT within 30 days.
- Insurance companies only see violations assigned 3 points or more unless the driver signs a waiver for the insurance company to view their entire driving record.
- Below is a list of points for various violations. If the violation isn't listed, then there is no point assigned to that violation.
- An example of this is for driving distracted or texting and driving. There are no points assigned to these dangerous driving behaviors. These fall under [NDCC 39-08-23, 39-08-24, and 39-08-25](#).

For Violations not listed, no Points are assigned.

<b>Speed Zones Less Than 70 mph</b>	
<b>Speed (mph)</b>	<b>Points</b>
1 - 5 mph over limit	0
6 - 10 mph over limit	0
11 - 15 mph over limit	1
16 - 20 mph over limit	3
21 - 25 mph over limit	5
26 - 35 mph over limit	9
36 - 45 mph over limit	12
46 mph plus over limit	15

<b>Speed Zones 70 mph or Greater</b>	
<b>Speed (mph)</b>	<b>Points</b>
1 - 5 mph over limit	0
6 - 10 mph over limit	1
11 - 15 mph over limit	3
16 - 20 mph over limit	5
21 - 25 mph over limit	7
26 - 30 mph over limit	10
31 - 35 mph over limit	12
36 mph plus over limit	15

<b>Traffic Violations</b>	
<b>Violation</b>	<b>Points</b>
Overtaking where prohibited or unlawful.	2
Driving on wrong side of road	2
Failing to yield right-of-way	2
Failing to use care required	2
Disobeying traffic control signals	2
Failing to yield-right-of-way to funeral procession	2
Knowingly driving illegally modified vehicle	2
Open container (Driver)	2
Exhibition driving	3
Violating corrective lens restriction	3
Failing to stop at RR crossing	3
Violating or exceeding restriction contained in a restricted certificate or license or Instructional Permit	4
Clinging to other vehicle while riding a motorcycle	4
Operating a motor vehicle without a license	4
Overtaking a school bus	6
Failing to give immediate notice of accident	6
Careless driving (Basic Rule)	6
No liability insurance	6, 12, or 14
Reckless driving	8
Racing in a motor vehicle	10
Aggravated reckless driving	12
Leaving the scene of accident involving property damage	14
Leaving the scene of accident involving injury or death	18
Fleeing from law enforcement officer in a motor vehicle	24

Traffic Violations	
Violation	Points
Operator/Responsible party failing to provide child restraint device.	1
Failing to display license plates	1
Unlawful parking in specified prohibited places	1
Leaving motor vehicle improperly unattended on an open highway	1
Opening or leaving motor vehicle doors open when unsafe to do so	1
Nonmoving violation of parking in a space assigned for the mobility impaired	0
Failing to dim head lamps	1
Violating hazardous material regulations	2
Knowingly operating an unsafe vehicle	2
Improperly operating or unlawfully carrying passengers or packages on a motorcycle	2
Improperly operating a motorcycle in laned traffic	2
Carrying a passenger on a motorcycle not equipped with passenger footrests	2
Operating a motorcycle without protective headgear	2
Permitting unauthorized minor or person to drive	2
Driving in Violation of the Conditions of an Instruction Permit(Effective January 1, 2012)	2
Unlawful stopping, standing, or parking on an open highway	2
Causing accident w/emergency vehicle	2
Knowingly driving with defective, non-existent or unlawful equipment	2
Knowingly driving with defective brakes	2
Disregarding lawful command of police officer	2

### Speed/Aggressive Driving Crashes (NDDOT)

- Speeding or traveling too fast for conditions is a factor in about 30-40 percent of all fatal crashes in North Dakota each year.
- There were 160 fatal crashes on North Dakota roadways from 201-2021. Of these, 33.8 percent (160 or 473) were related to speed/too fast for conditions.
- 178 people have died in speed/aggressive driving-involved crashes in North Dakota over the past five years (2017-2021).
- Speeding and/or aggressive driving has been a factor in 34% of fatal crashes in North Dakota.

### Lane Departure Crashes (NDDOT)

Number of North Dakota Motor Vehicle Crashes, Fatalities and Injuries Involving Lane Departure, 2017-2021			
Year	Crashes	Fatalities	Injuries
2016	5,604	62	1,497
2017	5,725	69	1,555
2018	5,656	60	1,386
2019	5,198	63	1,460
2020	3,510	56	1,278
2021	3,642	57	1,393

## Intersection Crashes (UGPTI)

Intersection crashes from 2017 - 2021	
CRSSEV	Crash Severity
1 =	Fatal
2 =	Non-Incapacitating Injury
3 =	PDO
4 =	Incapacitating Injury
5 =	Possible Injury

Outside city limits		
CRSSEV	Frequency	Cumulative Frequency
1	68	68
2	509	577
3	1630	2207
4	211	2418
5	229	2647

Inside and Outside city limits		
CRSSEV	Frequency	Cumulative Frequency
1	107	107
2	3130	3237
3	18394	21631
4	550	22181
5	3146	25327

Inside and Outside city limits		
CRSSEV	Frequency	Cumulative Frequency
1	107	107
2	3130	3237
3	18394	21631
4	550	22181
5	3146	25327

Ser. No	City Name	Crash Frequency
1	FARGO	5972
2	GRAND FORKS	2818
3	BISMARCK	5339
4	MINOT	1618
5	JAMESTOWN	690
6	DICKINSON	932
7	WILLISTON	1172
8	MANDAN	745
9	VALLEY CITY	180
10	DEVILS LAKE	300
11	WAHPETON	191
12	GRAFTON	136
13	WEST FARGO	1255
14	BOTTINEAU	39
15	CARRINGTON	36
16	WATFORD CITY	176
17	NEW TOWN	39
18	HAZEN	36
	<b>Total</b>	<b>21674</b>

Violations Affecting Enhanced Penalty					District Court Citations - Past 5 years					
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total	
<a href="#">39-08-03.1</a>	Drag Racing/Exhibition Driving	\$ 100	10	215	204	150	207	151	927	
<a href="#">39-08-23</a>	Used Wireless Device - compose, read, or send electronic message	\$ 100	0	680	553	484	459	412	2588	
<a href="#">39-08-24</a>	Used an electronic device while operating mv - at least 16 and under 18	\$ 20	0	32	54	34	30	34	184	
<a href="#">39-08-25</a>	Failure to maintain control of mv while distracted	\$ 100	0	117	425	363	345	382	1632	
<a href="#">39-09</a>	Speed related violations - careless driving, care required, exceeded speed limit.	See Below		52600	53125	48170	57509	60456	271860	
<a href="#">39-10-04</a>	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711	
<a href="#">39-10-05</a>	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961	
<a href="#">39-10-07</a>	Failure to exercise caution at flashing yellow/red light/intersections	\$ 20	2	7	12	10	8	5	42	
<a href="#">39-10-08</a>	Drove on left half of roadway not in overtaking	\$ 20	2	59	70	55	44	39	267	
<a href="#">39-10-11</a>	Drove to the right before safely clear while passing and failure to give way when overtaking	\$ 20	2	4	8	11	7	11	41	
<a href="#">39-10-12</a>	Overtaking vehicle on the right when prohibited or unsafe	\$ 20	2	24	26	22	21	25	118	
<a href="#">39-10-13</a>	Overlook when unsafe	\$ 20	2	69	68	69	42	45	293	
<a href="#">39-10-14</a>	Drove on left half of roadway on hill or curve or at intersection or RR crossing	\$ 20	2	15	19	25	22	32	113	
<a href="#">39-10-15</a>	Overtook where prohibited	\$ 20	2	181	163	145	100	124	713	
<a href="#">39-10-16</a>	Drove wrong way on one-way road	\$ 20	2	122	131	118	121	179	671	
<a href="#">39-10-17</a>	Changing lanes without regard to other traffic	\$ 20	0	214	244	223	231	278	1190	
<a href="#">39-10-18</a>	Following to close - failure to leave sufficient distance between trucks	\$ 20	0	409	393	400	296	335	1833	
<a href="#">39-10-21.1</a>	Entered road closed due to hazardous conditions	\$ 250	0	77	17	264	94	51	503	
<a href="#">39-10-22</a>	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621	
<a href="#">39-10-22.1</a>	Failure to yield right of way when entering a freeway	\$ 20	2	14	19	26	21	18	98	
<a href="#">39-10-23</a>	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470	
<a href="#">39-10-24</a>	Failure to yield right of way stop/yield sign	\$ 40	2	156	184	182	134	133	789	
<a href="#">39-10-25</a>	Failure to yield entering roadway from any place other than another roadway	\$ 20	2	22	23	23	18	20	106	
<a href="#">39-10-26</a>	Failure to yield to emergency vehicle, change lanes, or causes crash	\$ 50	2	352	419	382	411	373	1924	
<a href="#">39-10-28</a>	Failure to yield right of way to pedestrian in crosswalk	\$ 50	2	5	11	8	4	10	38	
<a href="#">39-10-30</a>	Driver failed to exercise due care upon approaching pedestrian	\$ 20	0	1	3	1	0	0	5	
<a href="#">39-10-33.1</a>	Driver failed to yield right of way to pedestrian on sidewalk	\$ 20	0	0	0	0	1	0	1	
<a href="#">39-10-35</a>	Turned right or left from wrong lane	\$ 20	0	77	92	82	91	92	434	
<a href="#">39-10-36</a>	Improper turn around - interfered with traffic or on a hill or curve	\$ 20	0	29	22	22	23	14	110	
<a href="#">39-10-37</a>	Failure to yield from stopped or parked position	\$ 20	0	10	13	12	7	6	48	
<a href="#">39-10-38</a>	Neglected signal when required	\$ 20	0	137	141	115	92	75	560	
<a href="#">39-10-41</a>	Failure to stop for automatic RR crossing signal, flagman, or train, drove around crossing gate or barrier	\$ 50	3	8	8	9	8	6	39	
<a href="#">39-10-42</a>	Failure to stop for RR crossing marked with stop sign	\$ 50	3	5		17	8	3	33	
<a href="#">39-10-43</a>	Passenger bus, school bus, or HM vehicle failure to stop at RR crossing	\$ 20	0	12	6	6	3		27	
<a href="#">39-10-44</a>	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480	
<a href="#">39-10-45</a>	Emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway	\$ 20	0	7	8	2	3	2	22	
<a href="#">39-10-46</a>	Overtook school bus	\$ 100	6	31	25	39	15	20	130	
<a href="#">39-10-52.1</a>	Driving upon sidewalk	\$ 20	0	4	6	4	7	1	22	
<a href="#">39-10-64</a>	Drove through safety zone when prohibited	\$ 20	0	0	0	0	1	0	1	
<a href="#">39-10-68</a>	Entered intersection or RR grade crossing when roadway was obstructed	\$ 20	0	4	1	6	2	1	14	

## North Dakota Speeding Penalties

MPH Over	55 mph and less		60-65 mph		70 mph and greater	
	Fine	Points	Fine	Points	Fine	Points
1 mph	\$ 5	0	\$ 2	0	\$ 5	0
2 mph	\$ 5	0	\$ 4	0	\$ 10	0
3 mph	\$ 5	0	\$ 6	0	\$ 15	0
4 mph	\$ 5	0	\$ 8	0	\$ 20	0
5 mph	\$ 5	0	\$ 10	0	\$ 25	0
6 mph	\$ 6	0	\$ 12	0	\$ 30	1
7 mph	\$ 7	0	\$ 14	0	\$ 35	1
8 mph	\$ 8	0	\$ 16	0	\$ 40	1
9 mph	\$ 9	0	\$ 18	0	\$ 45	1
10 mph	\$ 10	0	\$ 20	0	\$ 50	1
11 mph	\$ 11	1	\$ 25	1	\$ 55	3
12 mph	\$ 12	1	\$ 30	1	\$ 60	3
13 mph	\$ 13	1	\$ 35	1	\$ 65	3
14 mph	\$ 14	1	\$ 40	1	\$ 70	3
15 mph	\$ 15	1	\$ 45	1	\$ 75	3
16 mph	\$ 17	3	\$ 50	3	\$ 80	5
17 mph	\$ 19	3	\$ 55	3	\$ 85	5
18 mph	\$ 21	3	\$ 60	3	\$ 90	5
19 mph	\$ 23	3	\$ 65	3	\$ 95	5
20 mph	\$ 25	3	\$ 70	3	\$ 100	5
21 mph	\$ 28	5	\$ 75	5	\$ 105	7
22 mph	\$ 31	5	\$ 80	5	\$ 110	7
23 mph	\$ 34	5	\$ 85	5	\$ 115	7
24 mph	\$ 37	5	\$ 90	5	\$ 120	7
25 mph	\$ 40	5	\$ 95	5	\$ 125	7
26 mph	\$ 43	9	\$ 100	9	\$ 130	10
27 mph	\$ 46	9	\$ 105	9	\$ 135	10
28 mph	\$ 49	9	\$ 110	9	\$ 140	10
29 mph	\$ 52	9	\$ 115	9	\$ 145	10
30 mph	\$ 55	9	\$ 120	9	\$ 150	10
31 mph	\$ 58	9	\$ 125	9	\$ 155	12
32 mph	\$ 61	9	\$ 130	9	\$ 160	12
33 mph	\$ 64	9	\$ 135	9	\$ 165	12
34 mph	\$ 67	9	\$ 140	9	\$ 170	12
35 mph	\$ 70	9	\$ 145	9	\$ 175	12
36 mph	\$ 73	12	\$ 150	12	\$ 180	12

<b>Construction Zone Fines</b>				<b>Construction Zone Penalties</b>			
55 mph and less zones				60-65mph zones			
MPH Over	Fine	Workers Present	Points	MPH Over	Fine	Workers Present	Points
1 mph	\$ 5	\$ 80	0	1 mph	\$ 2	\$ 80	0
2 mph	\$ 5	\$ 80	0	2 mph	\$ 4	\$ 80	0
3 mph	\$ 5	\$ 80	0	3 mph	\$ 6	\$ 80	0
4 mph	\$ 5	\$ 80	0	4 mph	\$ 8	\$ 80	0
5 mph	\$ 5	\$ 80	0	5 mph	\$ 10	\$ 80	0
6 mph	\$ 6	\$ 80	0	6 mph	\$ 12	\$ 80	0
7 mph	\$ 7	\$ 80	0	7 mph	\$ 14	\$ 80	0
8 mph	\$ 8	\$ 80	0	8 mph	\$ 16	\$ 80	0
9 mph	\$ 9	\$ 80	0	9 mph	\$ 18	\$ 80	0
10 mph	\$ 10	\$ 80	0	10 mph	\$ 20	\$ 80	0
11 mph	\$ 11	\$ 82	1	11 mph	\$ 25	\$ 82	1
12 mph	\$ 12	\$ 84	1	12 mph	\$ 30	\$ 84	1
13 mph	\$ 13	\$ 86	1	13 mph	\$ 35	\$ 86	1
14 mph	\$ 14	\$ 88	1	14 mph	\$ 40	\$ 88	1
15 mph	\$ 15	\$ 90	1	15 mph	\$ 45	\$ 90	1
16 mph	\$ 17	\$ 92	3	16 mph	\$ 50	\$ 92	3
17 mph	\$ 19	\$ 94	3	17 mph	\$ 55	\$ 94	3
18 mph	\$ 21	\$ 96	3	18 mph	\$ 60	\$ 96	3
19 mph	\$ 23	\$ 98	3	19 mph	\$ 65	\$ 98	3
20 mph	\$ 25	\$ 100	3	20 mph	\$ 70	\$ 100	3
21 mph	\$ 28	\$ 102	5	21 mph	\$ 75	\$ 102	5
22 mph	\$ 31	\$ 104	5	22 mph	\$ 80	\$ 104	5
23 mph	\$ 34	\$ 106	5	23 mph	\$ 85	\$ 106	5
24 mph	\$ 37	\$ 108	5	24 mph	\$ 90	\$ 108	5
25 mph	\$ 40	\$ 110	5	25 mph	\$ 95	\$ 110	5
26 mph	\$ 43	\$ 112	9	26 mph	\$100	\$ 112	9
27 mph	\$ 46	\$ 114	9	27 mph	\$105	\$ 114	9
28 mph	\$ 49	\$ 116	9	28 mph	\$110	\$ 116	9
29 mph	\$ 52	\$ 118	9	29 mph	\$115	\$ 118	9
30 mph	\$ 55	\$ 120	9	30 mph	\$120	\$ 120	9
<b>When workers present a minimum of \$80 unless greater fee applicable</b>				<b>When workers present a minimum of \$80 unless greater fee applicable</b>			

<b>School Zone Penalties</b>			
<b>All Zones</b>			
<b>MPH Over</b>	<b>Fine</b>	<b>Children Present</b>	<b>Points</b>
1 mph	\$ 5	\$ 40	0
2 mph	\$ 5	\$ 40	0
3 mph	\$ 5	\$ 40	0
4 mph	\$ 5	\$ 40	0
5 mph	\$ 5	\$ 40	0
6 mph	\$ 6	\$ 40	0
7 mph	\$ 7	\$ 40	0
8 mph	\$ 8	\$ 40	0
9 mph	\$ 9	\$ 40	0
10 mph	\$ 10	\$ 40	0
11 mph	\$ 11	\$ 41	1
12 mph	\$ 12	\$ 42	1
13 mph	\$ 13	\$ 43	1
14 mph	\$ 14	\$ 44	1
15 mph	\$ 15	\$ 45	1
16 mph	\$ 17	\$ 46	3
17 mph	\$ 19	\$ 47	3
18 mph	\$ 21	\$ 48	3
19 mph	\$ 23	\$ 49	3
20 mph	\$ 25	\$ 50	3
21 mph	\$ 28	\$ 51	5
22 mph	\$ 31	\$ 52	5
23 mph	\$ 34	\$ 53	5
24 mph	\$ 37	\$ 54	5
25 mph	\$ 40	\$ 55	5
26 mph	\$ 43	\$ 56	9
27 mph	\$ 46	\$ 57	9
28 mph	\$ 49	\$ 58	9
29 mph	\$ 52	\$ 59	9
30 mph	\$ 55	\$ 60	9
<b>When children present a minimum of \$40 unless greater fee applicable</b>			





Good morning, Chairman Clemens and members of the Senate Transportation Committee. My name is Wade Kadmas, and I serve as the Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team. I am here today on behalf of the Speeding/Aggressive Driving Team, in support of Senate Bill 2169. I have been in law enforcement for over 25 years. I served three years as a correctional officer in Dickinson, three years as a police officer for the City of Dickinson, and the past 18 years as a trooper for the North Dakota Highway Patrol, with the last five serving as the agencies Safety and Education Officer, focusing on traffic safety.

For members of the committee who aren't familiar with Vision Zero, it is [North Dakota's Strategic Highway Safety Plan](#) that has been in place since 2018. The state is required to submit a highway safety plan every five years to Federal Highway Administration. The [Strategic Highway Safety Plan](#) is a major component and requirement of the Highway Safety Improvement Program. The plan provides a comprehensive framework for reducing highway fatalities and serious injuries on public roads.

The Speeding/Aggressive Driving Team originated from an analysis of North Dakota's serious crash data that pointed to the most common types of crashes and contributing factors that cause those crashes. This team is one of six that reflect the priority safety emphasis areas of the Vision Zero Plan. The other five focus areas are lane departure; intersections; alcohol and/or drug related driving; unbelted vehicle occupants; and young drivers.

The mission of the Speeding/Aggressive Driving Priority Emphasis Area Team is to address the behaviors of motorists who choose to drive aggressively and/or ignore North Dakota's speed limit laws. Aggressive driving is a combination of moving violations to include speeding; running stop signs and red lights; turning/passing violations; improper lane changes; following too close; and distracted driving. Drivers who frequently engage in these driving behaviors choose to ignore the safety of other roadway users, putting themselves and other motorists at risk of being involved in a serious crash.

The current Speeding/Aggressive Driving Team is comprised of traffic engineers; driver's education instructors; and work force safety, law enforcement, and private corporation representatives. As elected officials, I encourage you to participate in one or more of the Vision Zero Priority Area Emphasis teams, your role as an elected officials is vital in helping create safer roadways in our great state.

Prior to detailing how this bill will affect motorists who chose to drive at dangerously excessive speeds, I will provide information where fees collected for these violations are deposited. Under section two of article nine in the [North Dakota Constitution](#), relating to trust lands, it states "net proceeds of all fines for violation of state laws and all other sums which may be added by law, must be faithfully used and applied each year for the

benefit of the common schools of the state”. [Click here to view the 2019-2021 North Dakota Trust Lands Biennial Report.](#)

North Dakota Century Code (NDCC) determines where fines for city ordinances are to be deposited. [NDCC 40-11-13](#), relating to fines and forfeitures for violation of ordinances paid into treasury, states, “All fines, penalties, and forfeitures collected for offenses against the ordinances of a city, including those fines, penalties, and forfeitures collected as a result of a judgment of a district court rendered pursuant to section 40-18-19, must be paid into the city’s treasury at such time and in such manner as may be prescribed by ordinance.”

Senate Bill 2169 is designed to add an additional fine of one-hundred dollars if a driver is stopped for one of the listed violations and has three convictions for any combination of the violations listed within a five-year period. These violations relate to three of the six priority safety emphasis areas identified by Vision Zero. These areas include lane departure, intersections, and speeding/aggressive driving.

The violations listed in section one of this bill are focused on driver behaviors that can lead to serious injury or death of other roadway users. North Dakota needs to start moving forward in creating safer roads by addressing dangerous driving behaviors, especially when these behaviors are consistently being exhibited by the same driver. Allowing drivers to continually abuse traffic laws without facing an enhanced penalty only encourages their continued risky driving behaviors, putting other roadway users at risk.

An argument in the past against raising fees for traffic violations is that North Dakota’s point system serves as a deterrent. If it is a deterrent, it isn’t an effective one in today’s society. Drivers can face license suspension if they accumulate 12 points (6 points for minors), but it takes numerous citations or a significant violation for this to occur. There are even instances where drivers may never face a suspension because there are no points assigned to a violation. The handout I provided with my testimony is a spreadsheet of the violations listed in this bill along with the current fee and points assigned to each violation. Also provided are crash statistics from the North Dakota Department of Transportation (NDDOT) and North Dakota State University Upper Great Plains Traffic Institute (UGPTI) relating to speeding/aggressive driving, intersection crashes, and lane departure crashes.

The bill before you today would require officers to check an individual’s driving history to see if the driver has had any prior convictions for the risky driving offenses listed in the bill. Officers have a few ways to search for previous offenses. The first is to do a driving record history on the driver. This can be done by officers in their car if they have a mobile data computer or by local dispatch centers. A driving record history retains convictions, of the listed violations in the bill for three years. Officers can also search, if they have internet access, the [North Dakota Courts System](#) to see if an individual has had a previous conviction.

# VISION ZERO

Zero fatalities. Zero excuses.

Speeding/Aggressive Driving, Lane Departures, and Intersections continue to be a factor in serious injury and fatal crashes across the state. This bill doesn't affect the average driver. It affects drivers who have consistently been caught committing traffic violations that are known to endanger other motorists. In 2021, thirty-four percent of fatal crashes involved a form of speeding/aggressive driving. During the past five years (2017-2021), there have been 367 fatalities and 8,569 injuries related to lane departure crashes. Also, during the last five years there have been 107 fatalities and 3,680 injuries attributed to intersection crashes.

Reducing injury and fatality crashes won't be easy because there isn't one single driving behavior that leads to every crash. A broad approach needs to be taken by the state to address the issue. A majority of the fees associated with the list of violations in this bill have been around for over 40 years and several of them for as many as 50 years. In 1973, during the 43<sup>rd</sup> Legislative Assembly, the legislature passed Senate Bill 2033. Section 6 of SB 2033 set the following fees: moving violations \$20, careless driving \$30, and exceeding the speed limit by more than 15 miles per hour at \$40. Many moving violations and careless driving still have that same fee today. In order to reach a fee of \$40 for speeding on roads with a speed limit of 55 mph and less, a driver is allowed to go 25 mph over the limit before reaching a \$40 fee.

On behalf of the Vision Zero Speeding/Aggressive Driving Team, I respectfully ask for your support on SB 2169 to enhance penalties for drivers who have 3 or more convictions for any combination of the violations listed in the bill.

Statutory Links:

[N.D.C.C. 39-06.1-06 Amount of statutory fees.](#)

[N.D.C.C. 40-05-06 Cities fines and penalties limited.](#)



68<sup>th</sup> Legislative Assembly

Testimony in Support of

**Senate Bill No. 2169**

**Senate Transportation Committee**

January 19, 2023

TESTIMONY OF

**Trooper Jake Jones, NDHP Crash Reconstructionist**

Good morning Chairman Clemens and members of the committee. My name is Jake Jones and I serve as a trooper and crash reconstructionist for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2169.

This bill amends NDCC 39-06.1-06 by adding a \$100 fine for repeat offenders. The sections of law identified in this bill, such as drag racing, texting while driving, speeding, and disregarding stop signs are all serious in nature and can have devastating consequences.

According to Insurify, a car insurance comparison website, North Dakota has the highest amount of repeat driving offenses in the United States, with an over eight percent higher re-offending rate than the next leading state. Insurify noted that 16 percent of North Dakota drivers with a crash they caused, and 29 percent with a speeding ticket will go on to commit a second offense of the same type.

This bill addresses those repeat offenders in an effort to encourage safe driving with the ultimate goal of reducing serious injury and fatal crashes on our roadways.

This concludes my testimony. I am happy to answer any questions you may have.

**Senate Bill No. 2169****Senate Transportation Committee**

Room 327E | January 19, 2023, 10:45 a.m.

Karin Mongeon, Highway Safety

Good morning, Chairman Clemens and members of the committee. My name is Karin Mongeon, and I am the Highway Safety Division Director for the North Dakota Department of Transportation (NDDOT). I am here this morning to speak in favor of SB 2169.

Speeding endangers everyone on the road. It greatly reduces the driver's ability to slow a vehicle when necessary or to steer safely around an unexpected curve, or another vehicle or hazardous object in the road. Most motorists rarely drive aggressively, and some never do. For others, episodes of speeding/aggressive driving are frequent, and for a small proportion of motorists it is their typical driving behavior.

There is a direct correlation between collision speed and the *severity* of a crash. The higher the collision speed, the more serious the consequences in terms of injury and material damage.

In 2021, a speed/aggressive driving-involved crash occurred in North Dakota, on average, every 2.5 hours.

*Vision Zero*

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. Both agencies take this responsibility very seriously and are partners in the North Dakota the Vision Zero strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero.

Vision Zero was launched five years ago in January 2018 along with the North Dakota Governor's Office and other state, public and private sector partners. Vision Zero has been successful through the application of a combination of strategies that include education/outreach, high visibility enforcement, infrastructure safety solutions and other strategies.

Reducing speed/aggressive driving crashes presents a significant opportunity to reduce total fatality and serious injury crashes through Vision Zero.

This concludes my testimony. I am happy to respond to any questions you may have.



Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Wade Kadrmas, and I serve as the Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team. I am here today on behalf of the Speeding/Aggressive Driving Team, in support of Senate Bill 2169. I have been in law enforcement for over 25 years. I served three years as a correctional officer in Dickinson, three years as a police officer for the City of Dickinson, and the past 18 years as a trooper for the North Dakota Highway Patrol, with the last five serving as the agency's Safety and Education Officer, focusing on traffic safety and outreach.

The mission of the Speeding/Aggressive Driving Team is to explore ways to address the driving behavior of motorists that lead to serious injury/fatality crashes. Drivers are taught and encouraged to drive defensively, not aggressively. Aggressive driving can include exceeding the speed limit; running stop signs and red lights; turning/passing violations; improper lane changes; following too close; and distracted driving. Drivers who frequently engage in these driving behaviors choose to ignore the safety of other roadway users.

Senate Bill 2169 is designed to add an additional fine of one-hundred dollars if a driver is stopped for one of the listed violations and has three convictions for any combination of the violations listed within a five-year period. These violations relate to three of the six priority emphasis areas identified by Vision Zero. These areas include lane departure, intersections, and speeding/aggressive driving. This bill was written so cities wouldn't be able to double the enhanced penalty.

The bill initially started out with a list of over forty violations. The Senate Transportation Committee reviewed those violations and narrowed down the list to the most common crash causing violations. On page three of my testimony, under North Dakota Licensed Drivers, NDDOT provided the approximate number of drivers the bill would potentially affect if passed. Also, the handout at the end of my testimony lists the violations covered in this bill as passed by the Senate. You can click on the century code notation to review the current law.

In order for all motorists to be protected by safer roadways in North Dakota, we need to address the dangerous driving behaviors of those who consistently put others at risk. Allowing drivers to continually break traffic laws without facing an enhanced penalty discourages safe driving and adds unnecessary risk on our roadways.

Past arguments against increasing fines includes the argument that North Dakota's point system serves as a deterrent, especially for frequent offenders. Drivers can face license suspension if they accumulate 12 points or 6 points for minors. It takes numerous citations or a significant violation for a suspension to occur. There are instances when drivers never face a suspension because some violations are not assigned points. I have included a list of violations which includes the assessed fee and points assigned to each violation. The speeding penalties are broken down in the spreadsheets on pages five, six, and seven.



Zero fatalities. Zero excuses.

Page four of my testimony denotes crash statistics from the North Dakota Department of Transportation (NDDOT) and North Dakota State University Upper Great Plains Traffic Institute (UGPTI) relating to speeding/aggressive driving; intersection crashes; and lane departure crashes. Page three includes statistics from North Dakota Driver's License Department regarding licensed drivers and drivers' record retention as well as information on North Dakota's point system.

The bill before you would require officers to check an individual's driving history to see if the driver has had any prior convictions for the risky driving offenses listed in the bill. Officers can search for previous offenses in a few ways, the first is to do a driving record history on the driver. This can be done by an officer in their car if they have a mobile data computer or by contacting a local dispatch center. A driving record history retains convictions of the listed violations in the bill for three years. Officers can also search via internet access using the [North Dakota Courts System](#) site to see if an individual has previous convictions.

Speeding/Aggressive Driving, Lane Departures, and Intersections continue to be a factor in serious injury and fatal crashes across the state. This bill doesn't affect the average driver. It affects drivers who have consistently been stopped for committing traffic violations that are known to endanger other motorists. In 2021, thirty-four percent of fatal crashes involved a form of speeding/aggressive driving. During the past five years (2017-2021), there have been 367 fatalities and 8,569 injuries related to lane departure crashes. During the same time frame, there have been 107 fatalities and 3,680 injuries attributed to intersection crashes.

Reducing injury and fatality crashes won't be easy because there isn't one single driving behavior that leads to every crash. A broad approach needs to be taken by the state to address the issue. Many of the fees associated with the list of violations in this bill have been in place for over 40 years and several of them for as many as 50 years. Can you think of any other product, service, or fee that hasn't changed in 5 decades? Adjusted for inflation, \$20.00 in 1973 is equal to \$139.67 today.

On behalf of the Vision Zero Speeding/Aggressive Driving Team, I respectfully ask for your support on SB 2169 to enhance penalties for drivers who have 3 or more convictions for any combination of the violations listed in the bill.



Zero fatalities. Zero excuses.

## North Dakota Driver's License Information

### North Dakota Licensed Drivers (NDDOT)

- 561,246 licensed ND drivers
- Approximately 1,400 (*Initial Version – 1,450*) drivers have 3 convictions in 5 years.
- Approximately (4,245 – *Initial Version*) drivers have 2 convictions in 3 years.
- Approximately (7,453 – *Initial Version*) drivers have 2 convictions in 5 years.

### Driver's License Record Retention

- Non-criminal violations stay on a non-commercial driver's license record for 3 years.
- Speeding, reckless driving, texting, using a handheld device, and railroad crossing violations stay on a commercial driver's license record for 4 years.

Commercial		Non-Commercial	
Major	Permanent	Crashes	7 years
Out of Service	15 years	DUI	7 years
Crashes	10 years	DUS/DUR	5 years
Serious	4 years	Non-Criminal	3 years
Railroad	4 years		
All Others	3 years		

  

Major Convictions	55 years from the conviction date
Serious Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
RRGC Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
Out of Service Convictions	15 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
All other convictions	3 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
Withdrawal actions	Length of time the record of any underlying conviction is retained (specified above) and for a minimum of 3 years from the effective date, eligibility date or reinstatement date, whichever is later. MCSIA requires that jurisdictions be able to tie their withdrawals to the underlying conviction(s), so the same mechanism may be used for determining retention periods of the withdrawal and will ensure that a new SOR will not impose a second withdrawal on an underlying conviction. For withdrawals that do not require underlying convictions, the withdrawal must be retained for 3 years (as specified above) or for as long as any underlying convictions are retained, whichever period is longer. A W00 withdrawal has no corresponding underlying convictions mapping to a conviction ACD; the W00 must be retained while the withdrawal is in effect.

### North Dakota Point System

- Driving privileges are suspended upon an accumulation of 12 points.
- For each point over 11, the license is suspended for a period of 7 days.
- Drivers under the age of 18 will have their license canceled upon an accumulation of 6 points.
- One point is removed every 90 days of violation-free driving.
- Three points can be reduced if a driver takes an approved defensive driving course, which can only be done once every 12 months.
- Drivers issued a citation with a penalty of five points or less may elect to attend an approved driving course in lieu of entry of points on their driving record. The driver must notify the court at the time bond is posted and provide proof of course completion to NDDOT within 30 days.
- Insurance companies only see violations assigned 3 points or more unless the driver signs a waiver for the insurance company to view their entire driving record.





Zero fatalities. Zero excuses.

### North Dakota Crash Statistics

#### Speed/Aggressive Driving Crashes (NDDOT)

- Speeding or traveling too fast for conditions is a factor in about 30-40 percent of all fatal crashes in North Dakota each year.
- There were 160 fatal crashes on North Dakota roadways from 201-2021. Of these, 33.8 percent (160 or 473) were related to speed/too fast for conditions.
- 178 people have died in speed/aggressive driving-involved crashes in North Dakota over the past five years (2017-2021).
- Speeding and/or aggressive driving has been a factor in 34% of fatal crashes in North Dakota.

#### Lane Departure Crashes (NDDOT)

Year	Crashes	Fatalities	Injuries
2016	5,604	62	1,497
2017	5,725	69	1,555
2018	5,656	60	1,386
2019	5,198	63	1,460
2020	3,510	56	1,278
2021	3,642	57	1,393

#### Intersection Crashes (UGPTI)

Intersection crashes from 2017 - 2021		Inside and Outside city limits		
		CRSSEV	Frequency	Cumulative Frequency
CRSSEV	Crash Severity	1	107	107
1 =	Fatal	2	3130	3237
2 =	Non-Incapacitating Injury	3	18394	21631
3 =	PDO	4	550	22181
4 =	Incapacitating Injury	5	3146	25327
5 =	Possible Injury			

Ser. No	City Name	Crash Frequency
1	FARGO	5972
2	GRAND FORKS	2818
3	BISMARCK	5339
4	MINOT	1618
5	JAMESTOWN	690
6	DICKINSON	932
7	WILLISTON	1172
8	MANDAN	745
9	VALLEY CITY	180
10	DEVILS LAKE	300
11	WAHPETON	191
12	GRAFTON	136
13	WEST FARGO	1255
14	BOTTINEAU	39
15	CARRINGTON	36
16	WATFORD CITY	176
17	NEW TOWN	39
18	HAZEN	36
	<b>Total</b>	<b>21674</b>



Zero fatalities. Zero excuses.

North Dakota Speeding Penalties								
	55 mph and less			60-65 mph			70 mph and greater	
MPH Over	Fine	Points		Fine	Points		Fine	Points
1 mph	\$ 5	0		\$ 2	0		\$ 5	0
2 mph	\$ 5	0		\$ 4	0		\$ 10	0
3 mph	\$ 5	0		\$ 6	0		\$ 15	0
4 mph	\$ 5	0		\$ 8	0		\$ 20	0
5 mph	\$ 5	0		\$ 10	0		\$ 25	0
6 mph	\$ 6	0		\$ 12	0		\$ 30	1
7 mph	\$ 7	0		\$ 14	0		\$ 35	1
8 mph	\$ 8	0		\$ 16	0		\$ 40	1
9 mph	\$ 9	0		\$ 18	0		\$ 45	1
10 mph	\$ 10	0		\$ 20	0		\$ 50	1
11 mph	\$ 11	1		\$ 25	1		\$ 55	3
12 mph	\$ 12	1		\$ 30	1		\$ 60	3
13 mph	\$ 13	1		\$ 35	1		\$ 65	3
14 mph	\$ 14	1		\$ 40	1		\$ 70	3
15 mph	\$ 15	1		\$ 45	1		\$ 75	3
16 mph	\$ 17	3		\$ 50	3		\$ 80	5
17 mph	\$ 19	3		\$ 55	3		\$ 85	5
18 mph	\$ 21	3		\$ 60	3		\$ 90	5
19 mph	\$ 23	3		\$ 65	3		\$ 95	5
20 mph	\$ 25	3		\$ 70	3		\$ 100	5
21 mph	\$ 28	5		\$ 75	5		\$ 105	7
22 mph	\$ 31	5		\$ 80	5		\$ 110	7
23 mph	\$ 34	5		\$ 85	5		\$ 115	7
24 mph	\$ 37	5		\$ 90	5		\$ 120	7
25 mph	\$ 40	5		\$ 95	5		\$ 125	7
26 mph	\$ 43	9		\$ 100	9		\$ 130	10
27 mph	\$ 46	9		\$ 105	9		\$ 135	10
28 mph	\$ 49	9		\$ 110	9		\$ 140	10
29 mph	\$ 52	9		\$ 115	9		\$ 145	10
30 mph	\$ 55	9		\$ 120	9		\$ 150	10
31 mph	\$ 58	9		\$ 125	9		\$ 155	12
32 mph	\$ 61	9		\$ 130	9		\$ 160	12
33 mph	\$ 64	9		\$ 135	9		\$ 165	12
34 mph	\$ 67	9		\$ 140	9		\$ 170	12
35 mph	\$ 70	9		\$ 145	9		\$ 175	12
36 mph	\$ 73	12		\$ 150	12		\$ 180	12



Zero fatalities. Zero excuses.

Construction Zone Fines				Construction Zone Penalties			
55 mph and less zones				60-65mph zones			
MPH Over	Fine	Workers Present	Points	MPH Over	Fine	Workers Present	Points
1 mph	\$ 5	\$ 80	0	1 mph	\$ 2	\$ 80	0
2 mph	\$ 5	\$ 80	0	2 mph	\$ 4	\$ 80	0
3 mph	\$ 5	\$ 80	0	3 mph	\$ 6	\$ 80	0
4 mph	\$ 5	\$ 80	0	4 mph	\$ 8	\$ 80	0
5 mph	\$ 5	\$ 80	0	5 mph	\$ 10	\$ 80	0
6 mph	\$ 6	\$ 80	0	6 mph	\$ 12	\$ 80	0
7 mph	\$ 7	\$ 80	0	7 mph	\$ 14	\$ 80	0
8 mph	\$ 8	\$ 80	0	8 mph	\$ 16	\$ 80	0
9 mph	\$ 9	\$ 80	0	9 mph	\$ 18	\$ 80	0
10 mph	\$ 10	\$ 80	0	10 mph	\$ 20	\$ 80	0
11 mph	\$ 11	\$ 82	1	11 mph	\$ 25	\$ 82	1
12 mph	\$ 12	\$ 84	1	12 mph	\$ 30	\$ 84	1
13 mph	\$ 13	\$ 86	1	13 mph	\$ 35	\$ 86	1
14 mph	\$ 14	\$ 88	1	14 mph	\$ 40	\$ 88	1
15 mph	\$ 15	\$ 90	1	15 mph	\$ 45	\$ 90	1
16 mph	\$ 17	\$ 92	3	16 mph	\$ 50	\$ 92	3
17 mph	\$ 19	\$ 94	3	17 mph	\$ 55	\$ 94	3
18 mph	\$ 21	\$ 96	3	18 mph	\$ 60	\$ 96	3
19 mph	\$ 23	\$ 98	3	19 mph	\$ 65	\$ 98	3
20 mph	\$ 25	\$ 100	3	20 mph	\$ 70	\$ 100	3
21 mph	\$ 28	\$ 102	5	21 mph	\$ 75	\$ 102	5
22 mph	\$ 31	\$ 104	5	22 mph	\$ 80	\$ 104	5
23 mph	\$ 34	\$ 106	5	23 mph	\$ 85	\$ 106	5
24 mph	\$ 37	\$ 108	5	24 mph	\$ 90	\$ 108	5
25 mph	\$ 40	\$ 110	5	25 mph	\$ 95	\$ 110	5
26 mph	\$ 43	\$ 112	9	26 mph	\$100	\$ 112	9
27 mph	\$ 46	\$ 114	9	27 mph	\$105	\$ 114	9
28 mph	\$ 49	\$ 116	9	28 mph	\$110	\$ 116	9
29 mph	\$ 52	\$ 118	9	29 mph	\$115	\$ 118	9
30 mph	\$ 55	\$ 120	9	30 mph	\$120	\$ 120	9
When workers present a minimum of \$80 unless greater fee applicable				When workers present a minimum of \$80 unless greater fee applicable			



Zero fatalities. Zero excuses.

<b>School Zone Penalties</b>			
<b>All Zones</b>			
<b>MPH Over</b>	<b>Fine</b>	<b>Children Present</b>	<b>Points</b>
1 mph	\$ 5	\$ 40	0
2 mph	\$ 5	\$ 40	0
3 mph	\$ 5	\$ 40	0
4 mph	\$ 5	\$ 40	0
5 mph	\$ 5	\$ 40	0
6 mph	\$ 6	\$ 40	0
7 mph	\$ 7	\$ 40	0
8 mph	\$ 8	\$ 40	0
9 mph	\$ 9	\$ 40	0
10 mph	\$ 10	\$ 40	0
11 mph	\$ 11	\$ 41	1
12 mph	\$ 12	\$ 42	1
13 mph	\$ 13	\$ 43	1
14 mph	\$ 14	\$ 44	1
15 mph	\$ 15	\$ 45	1
16 mph	\$ 17	\$ 46	3
17 mph	\$ 19	\$ 47	3
18 mph	\$ 21	\$ 48	3
19 mph	\$ 23	\$ 49	3
20 mph	\$ 25	\$ 50	3
21 mph	\$ 28	\$ 51	5
22 mph	\$ 31	\$ 52	5
23 mph	\$ 34	\$ 53	5
24 mph	\$ 37	\$ 54	5
25 mph	\$ 40	\$ 55	5
26 mph	\$ 43	\$ 56	9
27 mph	\$ 46	\$ 57	9
28 mph	\$ 49	\$ 58	9
29 mph	\$ 52	\$ 59	9
30 mph	\$ 55	\$ 60	9

**When children present a minimum of \$40 unless greater fee applicable**

Violations Affecting Enhanced Penalty				District Court Citations - Past 5 years					
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total
<u>39-08-03.1</u>	Drag Racing/Exhibition Driving	\$ 100	10	215	204	150	207	151	927
<u>39-08-23</u>	Used Wireless Device - compose, read, or send electronic message	\$ 100	0	680	553	484	459	412	2588
<u>39-08-24</u>	Used an electronic device while operating mv - at least 16 and under 18	\$ 20	0	32	54	34	30	34	184
<u>39-08-25</u>	Failure to maintain control of mv while distracted	\$ 100	0	117	425	363	345	382	1632
<u>39-09</u>	Speed related violations	See below spreadsheets		52600	53125	48170	57509	60456	271860
<u>39-10-04</u>	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711
<u>39-10-05</u>	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961
<u>39-10-08</u>	Drove on left half of roadway not in overtaking	\$ 20	2	59	70	55	44	39	267
<u>39-10-12</u>	Overtaking vehicle on the right when prohibited or unsafe	\$ 20	2	24	26	22	21	25	118
<u>39-10-13</u>	Overtook when unsafe	\$ 20	2	69	68	69	42	45	293
<u>39-10-14</u>	Drove on left half of roadway on hill or curve or at intersection or RR crossing	\$ 20	2	15	19	25	22	32	113
<u>39-10-15</u>	Overtook where prohibited	\$ 20	2	181	163	145	100	124	713
<u>39-10-16</u>	Drove wrong way on one-way road	\$ 20	2	122	131	118	121	179	671
<u>39-10-17</u>	Changing lanes without regard to other traffic	\$ 20	0	214	244	223	231	278	1190
<u>39-10-18</u>	Following to close - failure to leave sufficient distance between trucks	\$ 20	0	409	393	400	296	335	1833
<u>39-10-22</u>	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621
<u>39-10-23</u>	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470
<u>39-10-24</u>	Failure to yield right of way stop/yield sign	\$ 40	2	156	184	182	134	133	789
<u>39-10-26</u>	Failure to yield to emergency vehicle, change lanes, or causes crash	\$ 50	2	352	419	382	411	373	1924
<u>39-10-35</u>	Turned right or left from wrong lane	\$ 20	0	77	92	82	91	92	434
<u>39-10-38</u>	Neglected signal when required	\$ 20	0	137	141	115	92	75	560
<u>39-10-44</u>	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480
<u>39-10-46</u>	Overtook school bus	\$ 100	6	31	25	39	15	20	130



68th Legislative Assembly  
Written Testimony in Support of  
**Senate Bill 2169**  
House Transportation Committee  
March 9, 2023

WRITTEN TESTIMONY OF:

**Trooper Jacob Jones, North Dakota Highway Patrol**

Good morning, Chairman Ruby and members of the House Transportation committee. My name is Jacob Jones and I serve as a trooper and crash reconstructionist for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2169.

This bill amends NDCC 39-06.1-06 by adding a \$100 fine for repeat offenders. The sections of law identified in this bill, such as drag racing, texting while driving, speeding, and disregarding stop signs are all serious in nature and can have devastating consequences.

According to Insurify, a car insurance comparison website, North Dakota has the highest amount of repeat driving offenses in the United States, with an over eight percent higher re-offending rate than the next leading state. Insurify noted that 16 percent of North Dakota drivers who caused a crash and 29 percent with a speeding ticket will go on to commit a second offense of the same type.

This bill addresses the choices of those repeat offenders to encourage safe driving with the ultimate goal of reducing serious injury and fatal crashes on our roadways.

I researched recent cases from the past few years that demonstrate repetitive risk-taking behavior that ultimately led to a serious crash or the same behavior that continued after a serious crash occurred. I did not include names in these examples, but they are real people who committed these violations. This is not a comprehensive list, just a very small sample taken from many of the cases I have worked on. I am sure there are many more examples from across the state and from other agencies.

In June 2021, a 48-year-old male was found to be traveling 78 mph to 96 mph in a 55-mph zone, he lost control, crashed, and fatally injured the passenger in his vehicle. While previous violations were outside a 5-year window, this individual had prior violations such as reckless endangerment; fleeing law enforcement; driving while suspended; driving without a license; driving without insurance etc.

In July 2021, a 27-year-old female struck and killed a pedestrian. She had a prior conviction for speeding in March 2020 and disregarding a stop sign in February 2021.

In March 2022, a 30-year-old female struck another vehicle and killed the driver. Just prior to the crash, this female had been traveling 20 mph over the posted speed limit. This driver had a prior conviction in August 2020 for a red-light violation and seat belt violation. This driver also had a prior conviction in January 2022, approximately 2 months before the fatal crash, for a stop/yield sign violation.

Also in March 2022, a 23-year-old female was charged with DUI, fleeing, reckless endangerment and obstructing a government function after fleeing a traffic stop and crashing a vehicle into a house. In May 2019, this same driver was convicted of DUI. In November 2019, this same driver was convicted of being an unqualified driver and in September 2021, this same driver was convicted of texting and driving. Luckily, she was the only person injured in this incident.

In July 2022, a 26-year-old male driver struck another vehicle causing it to overturn; killing one of the occupants and injuring two others. This driver then fled the scene. This driver did not have traffic violations that are on the list within this bill, but had prior convictions for window tint, no front plate, and seatbelt violations. This driver also had a criminal history prior to this crash.

In September 2022, a 50-year-old male motorcycle driver lost control and crashed his motorcycle, fatally injuring his passenger. This driver was cited with failure to maintain control and operating without a license. Since that fatal crash, this driver has been convicted of 2 speeding citations, 6-10 mph over and 16-20 mph over the posted speed limit.

Finally, some examples to demonstrate how dangerous and prevalent distracted driving is and how quickly it can go from a \$100 dollar ticket to the death of a loved one. We all drive around and see others next to us scrolling on their phones, it is certainly not a rare occurrence. This increase in technology is matched with increased investigative technology. In many cases, investigators can forensically collect digital evidence from vehicles, phones, and cellphone company records.

In July 2020, a 24-year-old male was driving a commercial motor vehicle while watching pornography on his cellphone. In fact, he had been on and off his phone nearly continuously for about 136 miles while driving on the interstate. There had been an unrelated crash and motorists were being cautious and slowing down while passing the initial crash scene. This driver, distracted on his phone for nearly 8 minutes, crashed into the rear of a slower moving vehicle near the crash scene. He didn't even hit the brakes, killing the 52-year-old female passenger in the first vehicle. She was on her way to Yellowstone National Park for a summer vacation with her husband.

In April 2021, an 18-year-old female was on her way to school with about a month to graduation. Evidence indicates she was scrolling through Facebook when she rear-ended an off-highway vehicle killing the driver and injuring the passenger.

In September 2021, a 43-year-old male rear-ended a mother and her two children on a two-lane highway. The mother's vehicle was pushed head-on into an SUV occupied by two adults who were killed in the crash. The 43-year-old male who initiated the crash had been on social media apps on his phone prior to the crash.

Senate Bill 2169 would increase penalties for those who have shown a pattern of violating North Dakota's traffic laws which are in place to keep everyone safe. People do make mistakes but mistakes in vehicles can be deadly. If drivers continuously violate the traffic statutes outlined in the bill, the added level of deterrence will be enough to make them choose more responsible, safer decisions when driving.

This concludes my testimony. I am happy to answer any questions you may have.



**Senate Bill No. 2169**  
**House Transportation Committee**  
Room 327E | March 9, 2023, 9 a.m.  
Karin Mongeon, Highway Safety

Good morning, Chairman Ruby and members of the committee. My name is Karin Mongeon and I am the Highway Safety Division Director for the North Dakota Department of Transportation (NDDOT). I am here this morning to speak in favor of SB 2169.

Speeding endangers everyone on the road. It greatly reduces the driver's ability to slow a vehicle when necessary or to steer safely around an unexpected curve, or another vehicle or hazardous object in the road. Most motorists rarely drive aggressively, and some never do. For others, episodes of speeding/aggressive driving are frequent, and for a small proportion of motorists it is their typical driving behavior.

There is a direct correlation between collision speed and the *severity* of a crash. The higher the collision speed, the more serious the consequences in terms of injury and material damage.

In 2021, a speed/aggressive driving-involved crash occurred in North Dakota, on average, every 2.5 hours.

#### *Vision Zero*

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. Both agencies take this responsibility very seriously and are partners in the North Dakota the Vision Zero strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero.

Reducing speed/aggressive driving crashes presents a significant opportunity to reduce total fatality and serious injury crashes through Vision Zero.

This concludes my testimony. I am happy to respond to any questions you may have.



Thank you Chairman Ruby and members of the House Transportation Committee.

My name is Dean Rummel, Senator from District 37 in Dickinson.

SB 2169 supports the VISION ZERO aggressive driving team with the goal of reducing serious and fatal crashes on our roadways by increasing the specified fee by \$100 if a violation is a third or subsequent conviction of any combination of 23 serious offenses within a five-year period. Some examples of those serious offenses include drag racing, texting while driving, disregarding stop signs, driving through a red light, overtaking on a hill or curve, failure to yield an emergency vehicle, or going around railroad crossing arms. All these offences are serious in nature and can have devastating consequences.

There are currently 580,961 licensed North Dakota drivers. This increased fine will affect approximately 1,400 drivers that have at least three convictions for violations listed in this bill.

North Dakota has the highest amount of repeat driving offenses in the United States according to Insurify, a car insurance comparison website. The behaviors of these aggressive drivers need to change. This bill addresses

those repeat offenders in an effort to encourage safe driving with the ultimate goal of reducing serious injury and fatal crashes on our ND roads.

Please support and embrace the ND Strategic Highway Safety Plan's VISION ZERO, zero fatalities, zero excuses by passing this bill.

With us is Sgt. Wade Kadrmas, the Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team with the ND Highway Patrol. I can attempt to answer questions but Sgt Kadrmas is the expert. Thanks.

Violations Affecting Enhanced Penalty				District Court Citations - Past 5 years					
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total
<u>39-08-03.1</u>	Drag Racing/Exhibition Driving	\$ 100	10	215	204	150	207	151	927
<u>39-08-23</u>	Used Wireless Device - compose, read, or send electronic message	\$ 100	0	680	553	484	459	412	2588
<u>39-08-24</u>	Used an electronic device while operating mv - at least 16 and under 18	\$ 20	0	32	54	34	30	34	184
<u>39-08-25</u>	Failure to maintain control of mv while distracted	\$ 100	0	117	425	363	345	382	1632
<u>39-09</u>	Speed related violations - careless driving, care required, exceeded speed limit.	See Below		52600	53125	48170	57509	60456	271860
<u>39-10-04</u>	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711
<u>39-10-05</u>	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961
<u>39-10-08</u>	Drove on left half of roadway not in overtaking	\$ 20	2	59	70	55	44	39	267
<u>39-10-12</u>	Overtaking vehicle on the right when prohibited or unsafe	\$ 20	2	24	26	22	21	25	118
<u>39-10-13</u>	Overlook when unsafe	\$ 20	2	69	68	69	42	45	293
<u>39-10-14</u>	Drove on left half of roadway on hill or curve or at intersection or RR crossing	\$ 20	2	15	19	25	22	32	113
<u>39-10-15</u>	Overtook where prohibited	\$ 20	2	181	163	145	100	124	713
<u>39-10-16</u>	Drove wrong way on one-way road	\$ 20	2	122	131	118	121	179	671
<u>39-10-17</u>	Changing lanes without regard to other traffic	\$ 20	0	214	244	223	231	278	1190
<u>39-10-18</u>	Following to close - failure to leave sufficient distance between trucks	\$ 20	0	409	393	400	296	335	1833
<u>39-10-22</u>	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621
<u>39-10-23</u>	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470
<u>39-10-24</u>	Failure to yield right of way stop/yield	\$ 40	2	156	184	182	134	133	789
<u>39-10-26</u>	Failure to yield to emergency vehicle, change lanes, or causes crash	\$ 50	2	352	419	382	411	373	1924
<u>39-10-35</u>	Turned right or left from wrong lane	\$ 20	0	77	92	82	91	92	434
<u>39-10-38</u>	Neglected signal when required	\$ 20	0	137	141	115	92	75	560
<u>39-10-44</u>	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480
<u>39-10-46</u>	Overtook school bus	\$ 100	6	31	25	39	15	20	130
<u>39-10-52.1</u>	Driving upon sidewalk	\$ 20	0	4	6	4	7	1	22
<u>39-10-28</u>	Failure to yield right of way to pedestrian in crosswalk	\$ 50	2	5	11	8	4	10	38
<u>39-10-30</u>	Driver failed to exercise due care upon approaching pedestrian	\$ 20	0	1	3	1	0	0	5
<u>39-10-33.1</u>	Driver failed to yield right of way to pedestrian on sidewalk	\$ 20	0	0	0	0	1	0	1
<u>39-10-36</u>	Improper turn around - interfered with traffic or on a hill or curve	\$ 20	0	29	22	22	23	14	110
<u>39-10-41</u>	Failure to stop for automatic RR crossing signal, flagman, or train, drove around crossing gate or barrier	\$ 50	3	8	8	9	8	6	39
<u>39-10-42</u>	Failure to stop for RR crossing marked with stop sign	\$ 50	3	5		17	8	3	33
<u>39-10-43</u>	Passenger bus, school bus, or HM vehicle failure to stop at RR crossing	\$ 20	0	12	6	6	3		27
<u>39-10-68</u>	Entered intersection or RR grade crossing when roadway was obstructed	\$ 20	0	4	1	6	2	1	14

## SB 2169

North Dakota Department of Transportation and the North Dakota Highway Patrol will evaluate the eighty mile per hour speed limit and implement safety measure if the increase in the speed limit increases crashes. The NDDOT and NDHP will implement safety measures under 39-09-09 of the North Dakota Century Code and will take into consideration the continued need for slow moving vehicles to use the interstate system.

A study could also be included to see if there is a significant increase in claims to drivers because passengers weren't wearing a seatbelt. The current law is a primary seat belt law for front seat passengers and for those under 18 years of age. Have we had any issues?

23.0675.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Louser  
March 23, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

Page 1, line 3, after "reenact" insert "sections 39-08-01.2 and 39-08-01.4, and"

Page 1, line 3, after "to" insert "the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, and"

Page 1, after line 15, insert:

**"SECTION 2. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 3. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation."

Renumber accordingly

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2169

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 certain traffic offenses; to amend and  
 3 reenact sections 39-08-01.2 and 39-08-01.4, and subsection 2 of section 40-05-06 of the North  
 4 Dakota Century Code, relating to the special punishment for causing injury or death while  
 5 operating a vehicle while under the influence of alcohol or any other drugs or substances,  
 6 driving while under the influence of alcohol or any other drugs or substances while being  
 7 accompanied by a minor, 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 The specified fee is increased by one hundred dollars for any of the listed offenses if a  
 12 driver has had three previous convictions of any combination of the following offenses  
 13 within a five-year period:

- 14 a. A violation of section 39-08-03.1, 39-08-23, 39-08-24, or 39-08-25.
- 15 b. A violation of chapter 39-09.
- 16 c. A violation of section 39-10-04, 39-10-05, 39-10-08, 39-10-12, 39-10-13,  
 17 39-10-14, 39-10-15, 39-10-16, 39-10-17, 39-10-18, 39-10-22, 39-10-23,  
 18 39-10-24, 39-10-26, 39-10-35, 39-10-38, 39-10-44, or 39-10-46.

19 **SECTION 2. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is  
 20 amended and reenacted as follows:

21 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**  
 22 **while under the influence of alcohol or any other drugs or substances.**

- 23 1. An individual is guilty of criminal vehicular homicide if the individual commits an  
 24 offense under section 39-08-01 or equivalent ordinance and as a result the individual

1 causes a death of another individual to occur, including the death of an unborn child,  
2 unless the individual who causes the death of the unborn child is the mother. A  
3 violation of this subsection is a class A felony. If an individual commits a violation  
4 under this subsection, the court shall impose at least three years' imprisonment. If the  
5 individual violates this section after having been previously convicted of a violation of  
6 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least  
7 ten years' imprisonment. An individual may not be prosecuted and found guilty of this  
8 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.

9 2. An individual is guilty of criminal vehicular injury if the individual violates section  
10 39-08-01 or equivalent ordinance and as a result that individual causes substantial  
11 bodily or serious bodily injury to another individual. Violation of this subsection is a  
12 class C felony. If an individual violates this subsection, the court shall impose at least  
13 one year's imprisonment. If the individual violates this section after having been  
14 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent  
15 ordinance, the court shall impose at least two years' imprisonment.

16 3. The sentence under this section may not be suspended unless the court finds that  
17 manifest injustice would result from the imposition of the sentence. Before a sentence  
18 under this section applies, a defendant must be notified of the minimum mandatory  
19 sentence. The elements of an offense under this section are the elements of an  
20 offense for a violation of section 39-08-01 and the additional elements that create an  
21 offense in each subsection of this section. Whether an individual caused death or  
22 substantial or serious bodily injury must be determined in accordance with section  
23 12.1-02-05.

24 **SECTION 3. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**  
27 **substances while being accompanied by a minor - Penalty.**

28 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to  
29 violate section 39-08-01 if the violation occurred while a minor was accompanying the  
30 individual in a motor vehicle. If an individual has a previous conviction for a violation of  
31 section 39-08-01.4, a violation of this section is a class C felony. An individual



1 convicted under this section must be sentenced in accordance with subsection 5 of  
2 section 39-08-01.

3 2. The minimum sentence for an individual convicted of violating this section must  
4 include:

5 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'  
6 imprisonment, an order for a substance abuse evaluation by an appropriate  
7 licensed addiction treatment program, at least three hundred sixty days of  
8 unsupervised probation, and at least three hundred sixty days' participation in the  
9 twenty-four seven sobriety program under chapter 54-12 as a mandatory  
10 condition of probation.

11 b. For a second or subsequent offense within fifteen years, at least one year and  
12 one day's imprisonment, a fine of two thousand dollars, an order for a substance  
13 abuse evaluation by an appropriate licensed addiction treatment program, at  
14 least two years' supervised probation, and at least three hundred sixty days'  
15 participation in the twenty-four seven sobriety program under chapter 54-12 as a  
16 mandatory condition of probation.

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

19 2. For every violation of a city ordinance that regulates the operation or equipment of a  
20 motor vehicle or which regulates traffic, except those ordinances listed in section  
21 39-06.1-05 or the additional increased fee amount assessed under section 1 of this  
22 Act, a fee may be established, by ordinance, which may exceed, by up to one hundred  
23 percent, the limit, for an equivalent category of violation, set forth in section  
24 39-06.1-06.

Violations Affecting Enhanced Penalty				District Court Citations - Past 5 years					
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total
39-08-03.1	Drag Racing/Exhibition Driving	\$ 100	10	215	204	150	207	151	927
39-08-23	Used Wireless Device - compose, read, or send electronic message	\$ 100	0	680	553	484	459	412	2588
39-08-24	Used an electronic device while operating mv - at least 16 and under 18	\$ 20	0	32	54	34	30	34	184
39-08-25	Failure to maintain control of mv while distracted	\$ 100	0	117	425	363	345	382	1632
39-09	Speed related violations - careless driving, care required, exceeded speed limit.	See Below		52600	53125	48170	57509	60456	271860
39-10-04	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711
39-10-05	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961
39-10-07	Failure to exercise caution at flashing yellow/red light/intersections	\$ 20	2	7	12	10	8	5	42
39-10-08	Drove on left half of roadway not in overtaking	\$ 20	2	59	70	55	44	39	267
39-10-11	Drove to the right before safely clear while passing and failure to give way when overtaking	\$ 20	2	4	8	11	7	11	41
39-10-12	Overtaking vehicle on the right when prohibited or unsafe	\$ 20	2	24	26	22	21	25	118
39-10-13	Overlook when unsafe	\$ 20	2	69	68	69	42	45	293
39-10-14	Drove on left half of roadway on hill or curve or at intersection or RR crossing	\$ 20	2	15	19	25	22	32	113
39-10-15	Overtook where prohibited	\$ 20	2	181	163	145	100	124	713
39-10-16	Drove wrong way on one-way road	\$ 20	2	122	131	118	121	179	671
39-10-17	Changing lanes without regard to other traffic	\$ 20	0	214	244	223	231	278	1190
39-10-18	Following too close - failure to leave sufficient distance between trucks	\$ 20	0	409	393	400	296	335	1833
39-10-21.1	Entered road closed due to hazardous conditions	\$ 250	0	77	17	264	94	51	503
39-10-22	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621
39-10-22.1	Failure to yield right of way when entering a freeway	\$ 20	2	14	19	26	21	18	98
39-10-23	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470
39-10-24	Failure to yield right of way stop/yield sign	\$ 40	2	156	184	182	134	133	789
39-10-25	Failure to yield entering roadway from any place other than another roadway	\$ 20	2	22	23	23	18	20	106
39-10-26	Failure to yield to emergency vehicle, change lanes, or causes crash	\$ 50	2	352	419	382	411	373	1924
39-10-28	Failure to yield right of way to pedestrian in crosswalk	\$ 50	2	5	11	8	4	10	38
39-10-30	Driver failed to exercise due care upon approaching pedestrian	\$ 20	0	1	3	1	0	0	5
39-10-33.1	Driver failed to yield right of way to pedestrian on sidewalk	\$ 20	0	0	0	0	1	0	1
39-10-35	Turned right or left from wrong lane	\$ 20	0	77	92	82	91	92	434
39-10-36	Improper turn around - interfered with traffic or on a hill or curve	\$ 20	0	29	22	22	23	14	110
39-10-37	Failure to yield from stopped or parked position	\$ 20	0	10	13	12	7	6	48
39-10-38	Neglected signal when required	\$ 20	0	137	141	115	92	75	560
39-10-41	Failure to stop for automatic RR crossing signal, flagman, or train, drove around crossing gate or barrier	\$ 50	3	8	8	9	8	6	39
39-10-42	Failure to stop for RR crossing marked with stop sign	\$ 50	3	5		17	8	3	33
39-10-43	Passenger bus, school bus, or HM vehicle failure to stop at RR crossing	\$ 20	0	12	6	6	3		27
39-10-44	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480
39-10-45	Emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway	\$ 20	0	7	8	2	3	2	22
39-10-46	Overtook school bus	\$ 100	6	31	25	39	15	20	130
39-10-52.1	Driving upon sidewalk	\$ 20	0	4	6	4	7	1	22
39-10-64	Drove through safety zone when prohibited	\$ 20	0	0	0	0	1	0	1
39-10-68	Entered intersection or RR grade crossing when roadway was obstructed	\$ 20	0	4	1	6	2	1	14

Here is what SB 2168 would do to our current fine structure. Also listed is what Minnesota, South Dakota, and Montana speeding fine structures are. It would make our fines higher on interstate at those speeds compared to SD and MT, HB 1475 is an effort to raise the speed limit to 80 mph on the interstate. SB 2168 is a good bill to counter that effort as well. How fast is too fast? Going 96 mph and greater on the interstate warrants that kind of fine. At 21 over the points start at 7 points, yes that is a deterrent but not so much for out of state

23.0675.02002

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2169

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 certain traffic offenses; to amend and~~  
3 ~~reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city~~  
4 ~~finer and penalties; and to provide a penalty for an Act to create and enact a new section to~~  
5 chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the  
6 maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North  
7 Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended  
8 by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the  
9 special punishment for causing injury or death while operating a vehicle while under the  
10 influence of alcohol or any other drugs or substances, driving while under the influence of  
11 alcohol or any other drugs or substances while being accompanied by a minor, and entering a  
12 closed road; to provide for a legislative management study; to provide for a legislative  
13 management report; and to provide a penalty.

14 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

17 ~~The specified fee is increased by one hundred dollars for any of the listed offenses if a~~  
18 ~~driver has had three previous convictions of any combination of the following offenses~~  
19 ~~within a five-year period:~~

- 20 ~~a. A violation of section 39-08-03.1, 39-08-23, 39-08-24, or 39-08-25.~~
- 21 ~~b. A violation of chapter 39-09.~~
- 22 ~~c. A violation of section 39-10-04, 39-10-05, 39-10-08, 39-10-12, 39-10-13,~~  
23 ~~39-10-14, 39-10-15, 39-10-16, 39-10-17, 39-10-18, 39-10-22, 39-10-23,~~  
24 ~~39-10-24, 39-10-26, 39-10-35, 39-10-38, 39-10-44, or 39-10-46.~~

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

3 ~~2. For every violation of a city ordinance that regulates the operation or equipment of a~~  
4 ~~motor vehicle or which regulates traffic, except those ordinances listed in section~~  
5 ~~39-06.1-05 or the additional increased fee amount assessed under section 1 of this~~  
6 ~~Act, a fee may be established, by ordinance, which may exceed, by up to one hundred~~  
7 ~~percent, the limit, for an equivalent category of violation, set forth in section~~  
8 ~~39-06.1-06.~~

9 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**  
12 **while under the influence of alcohol or any other drugs or substances.**

- 13 1. An individual is guilty of criminal vehicular homicide if the individual commits an  
14 offense under section 39-08-01 or equivalent ordinance and as a result the individual  
15 causes a death of another individual to occur, including the death of an unborn child,  
16 unless the individual who causes the death of the unborn child is the mother. A  
17 violation of this subsection is a class A felony. If an individual commits a violation  
18 under this subsection, the court shall impose at least three years' imprisonment. If the  
19 individual violates this section after having been previously convicted of a violation of  
20 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least  
21 ten years' imprisonment. An individual may not be prosecuted and found guilty of this  
22 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
- 23 2. An individual is guilty of criminal vehicular injury if the individual violates section  
24 39-08-01 or equivalent ordinance and as a result that individual causes substantial  
25 bodily or serious bodily injury to another individual. Violation of this subsection is a  
26 class C felony. If an individual violates this subsection, the court shall impose at least  
27 one year's imprisonment. If the individual violates this section after having been  
28 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent  
29 ordinance, the court shall impose at least two years' imprisonment.
- 30 3. The sentence under this section may not be suspended unless the court finds that  
31 manifest injustice would result from the imposition of the sentence. Before a sentence

1 under this section applies, a defendant must be notified of the minimum mandatory  
2 sentence. The elements of an offense under this section are the elements of an  
3 offense for a violation of section 39-08-01 and the additional elements that create an  
4 offense in each subsection of this section. Whether an individual caused death or  
5 substantial or serious bodily injury must be determined in accordance with section  
6 12.1-02-05.

7 **SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**  
10 **substances while being accompanied by a minor - Penalty.**

11 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to  
12 violate section 39-08-01 if the violation occurred while a minor was accompanying the  
13 individual in a motor vehicle. If an individual has a previous conviction for a violation of  
14 section 39-08-01.4, a violation of this section is a class C felony. An individual  
15 convicted under this section must be sentenced in accordance with subsection 5 of  
16 section 39-08-01.

17 2. The minimum sentence for an individual convicted of violating this section must  
18 include:

19 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'  
20 imprisonment, an order for a substance abuse evaluation by an appropriate  
21 licensed addiction treatment program, at least three hundred sixty days of  
22 unsupervised probation, and at least three hundred sixty days' participation in the  
23 twenty-four seven sobriety program under chapter 54-12 as a mandatory  
24 condition of probation.

25 b. For a second or subsequent offense within fifteen years, at least one year and  
26 one day's imprisonment, a fine of two thousand dollars, an order for a substance  
27 abuse evaluation by an appropriate licensed addiction treatment program, at  
28 least two years' supervised probation, and at least three hundred sixty days'  
29 participation in the twenty-four seven sobriety program under chapter 54-12 as a  
30 mandatory condition of probation.

1       **SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Temporary alteration of maximum speed limit on state highway due to hazardous**  
4 **road conditions.**

5       The maximum speed limit as provided under section 39-09-02 may be altered temporarily  
6 on all or any part of the state highway system by the director and the superintendent of the  
7 highway patrol when jointly determined that road conditions are too hazardous for the posted  
8 speed limit. The duration of any maximum speed limit altered under this section may not exceed  
9 five days. A maximum speed limit altered under this section is effective when posted on an  
10 appropriately fixed or variable sign.

11       **SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as  
12 amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is  
13 amended and reenacted as follows:

14       **39-10-21.1. Closing road because of hazardous road conditions - Road closure notice**  
15 **- Entering closed road prohibited.**

- 16       1. The highway patrol or local law enforcement authorities having jurisdiction over a road  
17       may close a road temporarily due to hazardous conditions for the protection and safety  
18       of the public. If a closing is made, the authority ordering the closing shall make every  
19       reasonable attempt to notify the public and, when practical, may post appropriate  
20       official traffic-control devices to advise motorists of the closing.
- 21       2. If a road closure under subsection 1 has been announced to the public and the road  
22       has been closed at the point of entry with an appropriate traffic control device, an  
23       individual may not drive on the road.
- 24       3. If an individual is operating a vehicle on a road before the road has been closed under  
25       subsection 1, the individual is allowed to drive to the nearest safe location to leave the  
26       closed road.
- 27       4. The highway patrol or local law enforcement authorities having jurisdiction over a road  
28       may close a road temporarily from use by commercial motor vehicles due to  
29       hazardous conditions for the protection and safety of the public.

30       **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the  
31 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by

1 state and local governments and conduct an analysis of the fee structure provided under  
2 title 39. The study must include a comprehensive assessment and review of North Dakota's  
3 traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other  
4 states. The legislative management shall report its findings and recommendations, together with  
5 any legislation required to implement the recommendations, to the sixty-ninth legislative  
6 assembly.

7 **SECTION 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION -**  
8 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department  
9 of transportation shall study seat belt usage in the state. The study must include an evaluation  
10 of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a  
11 statistical examination of the effects of seat belt usage in various speed zones and while on  
12 different highways. The department shall report its findings to the legislative management by  
13 June 1, 2024.

14 **SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION -**  
15 **REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department  
16 of transportation, in consultation with the highway patrol, shall study highway safety. The study  
17 must include an assessment of crash data, speed differentials on the interstate, and the ability  
18 to close roads to commercial vehicle traffic. The department shall report its findings to the  
19 legislative management by June 1, 2024.

23.0675.02005  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
April 20, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

That the House recede from its amendments as printed on pages 1580-1583 of the Senate Journal and pages 1745-1747 of the House Journal and that Engrossed Senate Bill No. 2169 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, and entering a closed road; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.



3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least thirty days' imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent of the highway patrol when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed with an appropriate traffic control device in use at two points of entry, an individual may not drive on the road between the two closed points of entry.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.
5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of this section who becomes stranded and requires assistance from law enforcement may be assessed a fee of:
  - a. Five hundred dollars for a driver of a noncommercial motor vehicle; or
  - b. One thousand five hundred dollars for a driver of a commercial motor vehicle.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits, and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

23.0675.02006  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
April 21, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

That the House recede from its amendments as printed on pages 1580-1583 of the Senate Journal and pages 1745-1747 of the House Journal and that Engrossed Senate Bill No. 2169 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting load; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.

3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least thirty days' imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent of the highway patrol when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed with an appropriate traffic control device in use at two points of entry, an individual may not drive on the road between the two closed points of entry.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.
5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of this section who becomes stranded and requires assistance from law enforcement or whose vehicle obstructs the road may be assessed a fee of:
  - a. Five hundred dollars for a driver of a noncommercial motor vehicle; or
  - b. One thousand dollars for a driver of a commercial motor vehicle.

**SECTION 5. AMENDMENT.** Section 39-21-13 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-13. Lamp or flag on projecting load.**

Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red or bright orange flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.** During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure

provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 8. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits, and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly