

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1325

Introduced by

Representatives Mock, Dakane, Grueneich, Murphy, Timmons, Weisz

Senators Conley, Rummel

1 A BILL for an Act to amend and reenact section 12.1-01-05, subsection 2 of section 39-06.1-06,
2 and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of
3 state law on city or county ordinances, fee for failure to adhere to right of way offenses, and
4 limits on city fines and penalties; and to provide a penalty.

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

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

8 **12.1-01-05. Crimes defined by state law shall not be superseded by city or county**
9 **ordinance or by home rule city's or county's charter or ordinance.**

10 ~~Except as provided in section 40-05-06, an~~An offense defined in this title or elsewhere by
11 law may not be superseded by any city or county ordinance, or city or county home rule charter,
12 or by an ordinance adopted pursuant to such a charter, and all such offense definitions shall
13 have full force and effect within the territorial limits and other jurisdiction of home rule cities or
14 counties. This section does not preclude any city or county from enacting any ordinance
15 containing penal language when otherwise authorized to do so by law.

16 **SECTION 2. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
- 19 for:
 - 20 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
 - 21 dollars.
 - 22 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
 - 23 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 24 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

- 1 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
2 39-08-25, a fee of one hundred dollars.
- 3 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
4 hundred dollars.
- 5 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 6 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
7 dollars.
- 8 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 9 i. A violation of section 39-09-01, a fee of thirty dollars.
- 10 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 11 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 12 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
13 violation and three hundred dollars for a second or subsequent violation in three
14 years.
- 15 m. A violation of section 39-10-04, 39-10-05 not involving failure to yield to a
16 pedestrian, 39-10-07, 39-10-22, 39-10-22.1, 39-10-23, 39-10-24 or, 39-10-25,
17 39-10-37, 39-10-44, 39-10-45, 39-10-68, or 39-10-72, a fee of forty dollars.
- 18 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 19 o. A violation of section 39-19-03, a fee of fifty dollars.

20 **SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century
21 Code is amended and reenacted as follows:

- 22 2. For every violation of a city ordinance that regulates the operation or equipment of a
23 motor vehicle or which regulates traffic, except those ordinances listed in section
24 39-06.1-05, a fee may be established, by ordinance, which may not exceed, ~~by up to~~
25 ~~one hundred percent,~~ the limit, for an equivalent category of violation, set forth in
26 section 39-06.1-06.