10180.0100

Sixty-second Legislative Assembly of North Dakota

Introduced by

FIRST DRAFT:

Prepared by the Legislative Council staff for the Public Safety and Transportation Committee
September 2010

- 1 A BILL for an Act to amend and reenact sections 39-12-14.1 and 39-12-20 of the North Dakota
- 2 Century Code, relating to extraordinary road use fees; and to provide a continuing
- 3 appropriation.

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BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Section 39-12-14.1 of the North Dakota Century Code is 6 amended and reenacted as follows:

the complaint is issued pursuant to under section 39-12-14, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 39-12-17, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner's driver or agent, must be is presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the authority having jurisdiction of over the road whereon on which the violation occurred. The extraordinary road use fees for violation on an interstate or on a state highway must be remitted to the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a violation that did not occur on an interstate or state highway must be deposited in the county general fund in the county of the violation.

SECTION 2. AMENDMENT. Section 39-12-20 of the North Dakota Century Code is amended and reenacted as follows:

39-12-20. Proceeds of sale - Continuing appropriation. The proceeds of sale must be deposited with the state treasurer. The For a violation on an interstate or state highway the state treasurer shall deposit in the <u>state</u> highway fund an amount equal to the amount of the charges assessed pursuant to under section 39-12-17 after paying the costs to the county. An

Sixty-second Legislative Assembly

- 1 For any violation, an amount equal to the costs of the proceedings, including attorney's and
- 2 witness fees and costs, is appropriated on a continuing basis out of the funds collected to the
- 3 county in which the of prosecution took place for the purpose of defraying the costs of
- 4 prosecution. From the proceeds of sale for a violation that did not occur on an interstate or
- 5 state highway, the amount of changes assessed under section 39-12-17 is appropriated on a
- 6 continuing basis and must be deposited in the county general fund in the county of prosecution.
- 7 The balance of the proceeds of any sale after the payment of costs and charges is appropriated
- 8 on a continuing basis out of the funds collected to be paid to the person entitled thereto to the
- 9 proceeds as determined by the court or must be deposited with the clerk of court for such
- 10 payment to that person.