

HOUSE BILL NO. 1266

Introduced by

Representatives K. Koppelman, Fegley, Heinert, Magrum, Mock, M. Ruby, Schauer,
Schneider

Senators Oban, J. Roers, Vedaa

1 A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-02 and section
2 39-07-07 of the North Dakota Century Code, relating to noncriminal traffic violations and halting
3 an individual for violating traffic regulations; and to repeal section 39-07-07.1 of the North
4 Dakota Century Code, relating to providing envelopes for traffic and parking violations on state
5 charitable or penal institution property or state capitol grounds.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. If the individual is cited for a traffic violation under state law and posts bond by mail,
10 the bond must be submitted within fourteen days of the date of the citation and the
11 individual cited shall indicate on the envelope or citation whether a hearing is
12 requested. If the individual does not request a hearing within fourteen days of the date
13 of the citation, the bond is deemed forfeited and the violation admitted. If the individual
14 requests a hearing, the court for the county in which the citation is issued shall issue a
15 summons to the individual requesting the hearing notifying the individual of the date of
16 the hearing before the designated official in accordance with section 39-06.1-03.

17 **SECTION 2. AMENDMENT.** Section 39-07-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-07-07. Halting personan individual for violating traffic regulations - Duty of officer**
20 **halting.**

21 1. Whenever any personan individual is halted for the violation of any of the provisions of
22 chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city

- 1 ordinances, the officer halting ~~that person~~the individual, except as otherwise provided
2 in section 39-07-09 and section 39-20-03.1 or 39-20-03.2, may:
- 3 ~~1.~~ a. Take the name and address of the ~~person~~individual;
 - 4 ~~2.~~ b. Take the license number of the ~~person's~~individual's motor vehicle; and
 - 5 ~~3.~~ c. If a city ordinance or state criminal traffic violation, issue a summons or otherwise
6 notify ~~that person~~the individual in writing to appear at a time and place to be
7 specified in the summons or notice or, if a state noncriminal traffic violation, notify
8 the ~~person~~individual of the right to request a hearing when posting bond ~~by mail~~.
- 9 2. A halting officer employed by ~~any~~a political subdivision of the state may not take a
10 ~~person~~an individual into custody or require ~~that person~~the individual to proceed with
11 the officer to any other location for the purpose of posting bond, ~~whereif~~if the traffic
12 violation was a noncriminal offense under section 39-06.1-02. ~~The officer shall provide~~
13 ~~the person with an envelope for use in mailing the bond.~~
- 14 3. A citation or a complaint and summons issued by an officer must include, in writing on
15 the citation or complaint and summons, the accepted payment options for posting
16 bond or payment of the statutory fee.

17 **SECTION 3. REPEAL.** Section 39-07-07.1 of the North Dakota Century Code is repealed.