



## **NORTH DAKOTA CLASSIFICATION OF OFFENSES**

*Making a difference every day  
by providing high quality law enforcement  
services to keep North Dakota safe and secure.*

August 1, 2019

**Classification of Offenses – Effective August 1, 2019**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>ACCIDENT</b>				
18	----	39-08-04	A Misd	Leaving the scene of an accident involving personal injury (serious personal injury - C felony; death - B felony)
14	----	39-08-05	B Misd	Leaving the scene of an accident involving an attended vehicle, property damage
14	----	39-08-07	A Misd	Leaving the scene of an accident involving an unattended vehicle
14	----	39-08-08	Infrac	Leaving the scene of an accident with a fixed object
6	\$50	39-08-09	Non-Crim	Failure to give immediate notice of reportable accident (undomesticated animal/vehicle crash is exempt)
6	----	39-09-01	Infrac	Careless driving – causes and inflicts injury upon operator of snow removal equipment or causes damage in excess of \$1000
<b>ALCOHOL</b>				
0	----	5-01-05.1	Non-Crim	Intoxicated person (de-tox)
0	----	5-01-08	B Misd	Possessing, purchasing, furnishing money to purchase, or consuming an alcoholic beverage by an individual under 21
0	----	5-01-09	A Misd	Delivering alcoholic beverages to an individual under 21
0	----	5-01-18	B Misd	Illegal to possess or sell alcohol vaporizing device
0	----	5-01-22	B Misd	Illegal to possess, sell, purchase, or consume powdered alcohol
0	----	5-02-05	A Misd	Violation of hours for licensed liquor establishment
----	----	39-08-01	B Misd	Drove or in actual physical control of a vehicle while under the influence of alcohol or drugs and/or with an alcohol concentration of at least .08 and/or refusal (1st & 2nd offense in 7-year period); A Misd – 3rd offense in a 7-year period; C Felony – 4th and subsequent offense in 15 year period
0	----	39-08-01.2	C Felony	Serious bodily injury while violating 39-08-01 or 39-08-03 (death - A Felony)
0	----	39-08-01.4	A Misd	DUI by person 21 or older with minor present; C Felony – 2 <sup>nd</sup> or subsequent offense
2	\$50	39-08-18	Non-Crim	Open receptacle containing an alcoholic beverage in or on vehicle (moving—if operator) (0 points if passenger)
<b>BACKING</b>				
0	\$20	39-10-52(1)	Moving	Backing so as to interfere with traffic
0	\$20	39-10-52(2)	Moving	Backing vehicle on controlled access highway
<b>BICYCLE</b>				
0	\$5	39-10.1-04	Moving	Clinging to a vehicle
0	\$5	39-10.1-05	Moving	Failed to ride as near to the right as possible
<b>DRIVER LICENSE</b>				
4	\$20	39-06-01	Moving	Drove without operator's license
4	\$20	39-06.1-03	Non-Crim	Violated or exceeded restrictions contained in temporary restricted driving certificate
2	----	39-06-04	Infrac	Failed to comply with requirements of Class D instruction permit (age requirement, points, and the prohibition on electronic communication devices)
4	\$20	39-06-14	Moving	Drove vehicle other than permitted by class license
4	\$20	39-06-14.1(1)	Moving	Violated restrictions of class M learner's permit (may not operate when use of headlights are required or carry a passenger)
4	\$20	39-06-14.1(2c)	Moving	Violated restriction of class M license (restricted to 250cc or less if under 16 years old)
0	\$20	39-06-16	Moving	Failed to have driver's license in possession or to physically surrender DL
4	----	39-06-17	B Misd	Violated driver's license or work permit restrictions (Violated eye lens restrictions – 3 points)
4	\$20	39-06-17(4a-d)	Non-Mov	Violated provisions of restricted driver's license (juvenile)
0	----	39-06-40	B Misd	Unlawful use of license—lending/use someone else's/refuse to surrender any operator's license, permit, or ID card

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0	----	39-06-40.1	B Misd	Reproducing or altering operator's or driver's license, ID card, or permit – display or have in possession an altered driver's license
0	----	39-06-42	B Misd	Driving while license suspended or revoked (fourth or subsequent offense within 5 years - A Misd)
2	\$20	39-06-44	Non-Mov	Permitting unauthorized minor to drive
2	\$20	39-06-45	Non-Mov	Permitting unauthorized person to drive

**EQUIPMENT**

0	\$20	39-10-39	Moving	No signal lamps or signals by hand or arm when required
0	\$20	39-21-01	Moving	Drove without headlamps when required
0	\$20	39-21-03	Moving	No headlamps (not operated - \$10 Non-Mov)
0	\$20	39-21-04(1)	Moving	Drove without taillamps when required
0	\$20	39-21-04(3)	Moving	No license plate light when required
0	\$20	39-21-05	Moving	Operated new vehicle upon roadway without required reflectors (not operated - \$10 Non-Mov)
0	\$20	39-21-06	Moving	Operated motor vehicle not equipped with stop lamps or turn signals
0	\$20	39-21-06.1	Moving	Operated motor vehicle while backup lights lighted
0	\$20	39-21-08	Non-Mov	No clearance lamps or reflectors when required
0	\$20	39-21-08	Non-Mov	No stop lamp – bus, truck, trailer, or semitrailer
0	\$10	39-21-09	Non-Crim	Improper color of clearance side marker, backup lamps, or reflectors
0	\$10	39-21-09(3)	Non-Crim	Only red light permitted to rear (see exemptions)
0	\$20	39-21-10	Non-Mov	Improper mounting of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-11	Non-Mov	Visibility of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-12	Moving	Operated vehicle in combination with insufficient/improper lights
0	\$20	39-21-13	Moving	No flag or lamp on projecting load (not operated - \$10 Non-Mov)
0	\$20	39-21-14	Non-Mov	No lamps or headlamps on high beam while parked
0	\$20	39-21-15	Moving	No lamps on farm tractor, equipment, or implements when required
0	\$20	39-21-16	Moving	No lamps on other vehicles and equipment
0	\$20	39-21-17	Moving	Operated vehicle with improperly aimed or mounted spot, fog, passing, or driving lamp
0	\$20	39-21-18(4)	Moving	School bus not equipped with flashing signal lights/stop arm
0	\$20	39-21-18.1	Moving	Improper use of flashing lights by mail carrier
0	\$20	39-21-19	Moving	No signal lamps or stop lamps (not operated - \$10 Non-Mov)
0	\$20	39-21-20(3)	Moving	Vehicle not equipped with high beam indicator
1	\$20	39-21-21(1)	Moving	Failed to dim headlamps for approaching vehicles within 500 ft
1	\$20	39-21-21(2)	Moving	Failed to dim headlamps when following another vehicle within 300 ft
0	\$20	39-21-22	Moving	Vehicle equipped with improperly aimed or adjusted headlamps
0	\$20	39-21-25	Moving	Operated vehicle while equipped with excessive number of lamps
0	\$20	39-21-26(2)	Moving	Unauthorized red or green light visible from the front
0	\$20	39-21-26(3)	Moving	Unauthorized flashing light
0	\$20	39-21-27	Moving	Improperly operated school bus warning equipment or special lighting
0	\$20	39-21-28(2)	Moving	Operated snow removal equipment upon highway without displaying proper lights
0	\$20	39-21-29	Moving	Vehicle equipped with lamp which has not been approved
2	\$20	39-21-32	Moving	Defective brakes on motor vehicle (not operated - \$10 Non-Mov)
2	\$20	39-21-32(3)	Moving	Defective brakes or no safety chains on trailer
2	\$20	39-21-33	Moving	Maintenance of brakes required
0	\$20	39-21-36(1)	Moving	No horn
0	\$20	39-21-36(2)	Moving	Operated vehicle equipped with unauthorized siren, whistle, or bell
0	\$20	39-21-37	Moving	Defective muffler or no muffler (not operated - \$10 Non-Mov)
0	\$20	39-21-38	Moving	No mirror
0	\$20	39-21-39(1)	Moving	Drove vehicle with obstructed windshield or no windshield (not operated - \$10 Non-Mov)
0	\$20	39-21-39(3)	Moving	Operated vehicle with faulty or no windshield wipers
0	\$20	39-21-39(4)	Moving	Tinted windshield or windows (windows behind the operator are exempt if the vehicle is equipped with outside mirrors on each side)
0	\$20	39-21-40(3)	Moving	Drove with studded tires when illegal (legal period - October 15 to April 15)

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0	\$20	39-21-40(3)	Moving	Operated vehicle with cleat, spike, or metal flange in contact with road surface (exceptions for farm machinery, school buses, and tire chains)
1	\$25	39-21-41.2	Moving	Operator failed to provide child restraint device
0	\$20	39-21-41.4	Moving	Front seat occupant not properly restrained (secondary offense only – mail carriers, implements of husbandry, and certain medical conditions are exempt)
0	\$20	39-21-42	Moving	Certain vehicles to carry flares or other warning devices
0	\$20	39-21-43	Moving	Failed to display flares
0	\$20	39-21-44.1	Moving	Drove vehicle with leaking or sifting load
0	\$20	39-21-44.2	Moving	Improper drawbar or connection between vehicles (not operated - \$10 Non-Mov)
1	\$20	39-21-45.1	Moving	Driving a modified motor vehicle
2	----	39-21-46(2)	Infrac	Operated an unsafe vehicle
0	\$20	39-21-50	Moving	Failed to display slow moving emblem or flashing amber light
0	----	39-21-51	B Misd	Altered odometer or mileage recorders (more than one vehicle or a subsequent offense - C felony)

### FOLLOWING

0	\$20	39-10-18(1)	Moving	Following too close
0	\$20	39-10-18(2)	Moving	Failed to leave sufficient distance between trucks
0	\$100	39-10-18(4)	Moving	CMV driver found to be operating in a platoon without approved plan or operating in violation of plan guidelines. (Ref. 39-10-74)

### HEIGHT, WEIGHT, LENGTH

0	\$100	39-12-08	Non-Crim	Operating without permit
0	\$20	39-12-04	Moving	Overwidth, height, and length limitations
0	\$100	39-12-04(1d)	Moving	Seasonal permit violation
0	\$20	39-12-05	Moving	Overweight limitations on interstate system
0	\$20	39-12-05.3	Moving	Overweight limitation on roads other than the interstate system
0	\$20	39-12-06	Moving	Extended load on side of vehicle
0	\$20	39-12-09	Moving	Operating or owner allowing the operation of a vehicle in violation of size or weight limitations
0	----	39-12-21	B Misd	Driver failed to stop or submit vehicle to weighing when ordered to do so by a police officer

### HIGHWAY

0	----	24-03-05	A Misd	Defacing, removing, or traveling through any barricade on highway
0	----	24-03-11	B Misd	Failed to erect warning signs at culvert, bridge, or on public roadway under repair
0	----	24-06-27	B Misd	Obstructed or caused damage to highway ditch
0	----	24-10-03	Infrac	Failed to close gates authorized on highway
0	----	24-12-01	B Misd	Destruction to highway, rest area, bridge, picnic area, etc.
0	----	24-12-02	B Misd	Obstructed or plowed up highway right of way
0	----	24-12-04	B Misd	Caused damage to highway signs and markings

### MOBILE HOME

0	\$20	39-10-52.2	Moving	Riding in housetrailer when prohibited
0	\$100	39-18-01	Non-Crim	Mobile home dealer license violation
0	----	39-18-03	B Misd	Failure to register mobile home, travel trailer, or housetrailer
0	----	39-18-04	B Misd	Mobile home not equipped with adequate brakes, taillights, or stoplights

### MOTOR VEHICLE DEALERS

0	----	39-04-17	Infrac	Certificate of notary violation
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### MOTORCYCLE AND MOPEDS (For motorcycle equipment see sections 39-21 and 39-27)

2	\$20	39-10.2-02	Moving	Riding more than designed for or interfering with the operator
2	\$20	39-10.2-03	Moving	Overtaking or passing vehicle in same lane or more than two abreast
4	\$20	39-10.2-04	Moving	Clinging to a vehicle
2	\$20	39-10.2-05	Moving	Carrying passengers on motorcycle not equipped with passenger

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				footrests
2	\$20	39-10.2-06	Moving	No helmet worn - driver or passenger under 18 (if the driver is required to wear protective headgear, any passenger must also regardless of age)
<b>OFF-HIGHWAY VEHICLES (OHV)</b>				
0	\$50	39-29-02	Infrac	Failed to register off-highway vehicle
0	\$20	39-29-09(1)	Infrac	Operated on roadway, shoulder, or inside bank or slope where prohibited
0	\$20	39-29-09(1)	Infrac	Operated OHV on paved highway with speed limit greater than 55 mph
0	\$20	39-29-09(1)	Infrac	Only class III OHV with a licensed driver age 16 or older may operate on a paved highway posted at a speed not exceeding 65 mph
0	\$20	39-29-09(2a)	Infrac	Crossed roadway other than 90-degree angle
0	\$20	39-29-09(2b)	Infrac	Failed to stop before crossing roadway
0	\$20	39-29-09(2c)	Infrac	Failed to yield right of way to oncoming traffic
0	\$20	39-29-09(2d)	Infrac	Crossing divided highway at other than an intersection
0	\$20	39-29-09(3)	Infrac	No brakes, headlamp, or taillamp (except for class I OHV)
0	----	39-29-09(5b)	B Misd	Careless, reckless, or negligent operation of OHV
0	----	39-29-09(5c)	B Misd	Drove OHV while under the influence of intoxicating liquor or drugs
0	----	39-29-09(5g)	B Misd	Operating on posted land
0	\$20	39-29-09(6)	Infrac	No valid driver's license in possession while operating an OHV
0	\$20	39-29-09(9)	Infrac	No helmet worn - operator or passenger under 18 years
0	\$20	39-29-09(10)	Infrac	Carried passenger on OHV
0	\$10	39-29-09.1	Infrac	Operated OHV on paved roadway w/o mirror, horn, speedometer, odometer, brake light, headlamp or motor of at least 350 cc
0	\$10	39-29-10	Infrac	Age 12 or over operating OHV without safety certificate or license
<b>OVERTAKING</b>				
2	\$20	39-10-11(1)	Moving	Drove to the right before safely clear while passing
2	\$20	39-10-11(2)	Moving	Failed to give way when overtaken
2	\$20	39-10-12	Moving	Overtook vehicle on the right when prohibited or unsafe
2	\$20	39-10-13	Moving	Overtook when unsafe
2	\$20	39-10-15	Moving	Overtook where prohibited
6	\$100	39-10-46(1)	Moving	Overtook or passed stopped school bus
6	\$50	39-10-46(2)	Moving	Improper use of school bus (school bus signs)
0	\$100	39-10-46.1	Moving	Registered owner permitted overtaking or passing of school bus
<b>PARKING</b>				
0	\$5	39-01-15(6)	Non-Mov	Mobility impaired certificate or license plate not prominently displayed
0	\$100	39-01-15(8)	Infrac	Mobility impaired certificate improperly used
0	\$100	39-01-15(10)	Non-Mov	Stopping, standing, or parking in mobility impaired designated parking space
2	\$20	39-10-47	Non-Mov	Stopping, standing, or parking outside of business or residential district upon the paved or main-traveled portion of a highway
0	\$5	39-10-48(4)	Non-Mov	Vehicle improperly parked on Capitol Grounds when prohibited
1	\$20	39-10-49	Non-Mov	Stopping, standing, or parking where prohibited
0	\$20	39-10-50	Non-Mov	Additional parking regulations
0	\$50	39-10-50.1	Non-Mov	Unauthorized parking in a designated electric parking space or obstructing the space
1	\$20	39-10-54.1	Non-Mov	Opening door on vehicle when unsafe
<b>PEDESTRIANS</b>				
2	\$50	39-10-05	Moving	Failed to yield to pedestrian at a lighted traffic-controlled intersection
2	\$50	39-10-28	Moving	Failed to yield right of way to pedestrian in crosswalk
0	\$20	39-10-30	Moving	Driver failed to exercise due care upon approaching pedestrian
0	\$20	39-10-33.1	Moving	Driver failed to yield right of way to pedestrian on sidewalk
0	\$20	39-10-33.2	Moving	Pedestrian failed to yield right of way to authorized emergency vehicle
2	\$20	39-10-33.3	Moving	Driver failed to yield right of way to blind or visually impaired person
0	\$20	39-10-33.4	Moving	Pedestrian under influence of alcohol or drugs creating a hazard on

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0	\$20	39-10-34	Moving	roadway Pedestrian standing on roadway soliciting ride or business
<b>RAILROAD CROSSINGS</b>				
3	\$50	39-10-41	Moving	Failed to stop for automatic RR crossing signal, flagman, or train; drove around crossing gate or barrier
3	\$50	39-10-42	Moving	Failed to stop for RR crossing marked with stop sign
0	\$20	39-10-43	Moving	Passenger bus, school bus, or vehicle carrying certain hazardous materials failed to stop at RR crossing
0	\$20	39-10-67	Moving	Improper movement of heavy equipment at RR grade crossing
<b>REGISTRATION</b>				
1	\$20	39-04-11	Non-Mov	Failed to display number plates/tabs
0	\$20	39-04-22	Moving	Exceeded gross weight for which registered
0	\$20	39-04-37(1)	Moving	Failed to register motor vehicle (\$100 non-moving upon gainful employment)
0	----	39-04-37	B Misd	Unlawful use of license plate or tab – Section 2, 3, 4, 5
0	\$20	39-04-55	Moving	Failed to carry registration card in vehicle
0	----	39-05-17	B Misd	Failure to transfer title of vehicle
0	----	39-05-28	C Felony	Fraudulently defacing, destroying, or altering motor vehicle identification numbers
0	----	39-19-03	Infrac	Failed to pay mile tax when required
<b>RIGHT OF WAY</b>				
2	\$20	39-10-04	Moving	Disregarded traffic control device
2	\$20	39-10-05	Moving	Drove through red light
2	\$20	39-10-07	Moving	Failed to stop or yield for flashing red light/intersection
2	\$20	39-10-07	Moving	Failed to exercise caution at flashing yellow light/intersection
2	\$20	39-10-22	Moving	Failed to yield at intersection
2	\$20	39-10-22.1	Moving	Failed to yield right of way when entering a freeway
2	\$20	39-10-23	Moving	Turned left in front of approaching traffic
2	\$40	39-10-24(2)	Moving	Failed to yield right-of-way at intersection marked with a stop sign
2	\$40	39-10-24(3)	Moving	Failed to yield right-of-way at intersection marked with a yield sign
2	\$20	39-10-25	Moving	Failed to yield entering roadway from any place other than another roadway
2	\$50	39-10-26	Moving	Failed to yield to emergency vehicle or highway maintenance vehicle
2	\$50	39-10-26(2)	Moving	Failed to change lanes for authorized emergency vehicle
2	----	39-10-26(5)	Infrac	Failure to yield to emergency vehicle and causes an accident
0	\$20	39-10-37	Moving	Failed to yield from stopped or parked position
2	\$40	39-10-44(3)	Moving	Disregarded stop sign
0	\$20	39-10-45	Moving	Driver emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway
0	\$20	39-10-68	Moving	Entered intersection or RR grade crossing when roadway was obstructed
2	\$20	39-10-72	Moving	Violated right of way to funeral procession
<b>SNOWMOBILE</b>				
0	\$50	39-24-02	Moving	Failed to register snowmobile
0	\$20	39-24-09(1)	Moving	Operated on shoulder of street, highway, or interstate when prohibited
0	\$20	39-24-09(2a)	Moving	Crossed roadway other than 90-degree angle
0	\$20	39-24-09(2b)	Moving	Failed to stop before crossing roadway
0	\$20	39-24-09(2c)	Moving	Failed to yield right of way to oncoming traffic
0	\$20	39-24-09(2d)	Moving	Crossed divided highway at other than an intersection
0	\$20	39-24-09(3)	Moving	No brakes, headlamps, or taillamps
0	----	39-24-09(5b)	B Misd	Careless, reckless, or negligent operation of snowmobile
0	----	39-24-09(5c)	B Misd	Drove snowmobile while under the influence of intoxicating liquor or drugs
0	----	39-24-09(5g)	B Misd	Operating on posted land
0	\$20	39-24-09(6)	Moving	No valid driver's license in possession while operating snowmobile
0	\$20	39-24-09(10)	Infrac	No helmet worn—operator or passenger under 18 years

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0	----	39-24-09(11)	B Misd	Operating or owner permitting operation of snowmobile without liability insurance
0	\$100	39-24-09(12)	Moving	Operating within right of way of interstate
0	\$10	39-24-09.1	Non-Crim	Age restriction of operating snowmobile without certificate or license
0	----	39-24.1-06	Non-Crim	Revocation of privilege to operate snowmobile upon refusal to submit to testing (schedule hearing to determine noncriminal statutory fee)
0	----	39-24.1-12	A Misd	Operating snowmobile during period of prohibition
0	----	39-24.1-13	B Misd	Fleeing or attempting to elude a peace officer (third or subsequent offense – A Misd)

### TURNING

0	\$20	39-10-35(1)	Moving	Turned right from wrong lane or turned too wide
0	\$20	39-10-35(2)	Moving	Turned left from wrong lane or turned too wide
0	\$20	39-10-36	Moving	Improper turn around (interfered with traffic or on a hill or curve)
0	\$20	39-10-38	Moving	Neglected signal when required

### WRONG SIDE OR WRONG WAY

2	\$20	39-10-08	Moving	Drove on left half of roadway not in overtaking
2	\$20	39-10-14(1a)	Moving	Drove on left half of roadway on hill or curve
2	\$20	39-10-14(1b)	Moving	Drove on left half of roadway at intersection or RR crossing
2	\$20	39-10-16	Moving	Drove wrong way on one-way roadway
0	\$20	39-10-17	Moving	Changed lanes without regard for other traffic
0	\$20	39-10-19	Moving	Crossing the median
2	\$20	39-10-20	Moving	Drove onto controlled-access highway other than entrances or exits
0	\$250	39-10-21.1	Moving	Knowingly entered road closed due to hazardous conditions which is posted with a traffic-control device at the point of entry
0	\$20	39-10-55	Moving	Driver failed to stay to the right while traveling through defiles or canyons or failed to give audible warning

### MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS

2	\$250	39-21-44(1)	Non-Crim	Vehicle transporting explosives or hazardous materials – not equipped with at least one fire extinguisher, filled, ready and in convenient location
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### MISCELLANEOUS

0	\$25	12.1-31-03	NonCrim	Use of tobacco products by a minor (juvenile referral under 14 years old)
0		23.1-15-02	A Misd	Any person that abandons a MV on any public or private property, without consent of the person in control of the property is in violation.
0	----	39-03-11	A Misd	Impersonating patrolman
0	----	39-07-08	B Misd	Violated written promise to appear
8	----	39-08-03	B Misd	Reckless driving
12	----	39-08-03	A Misd	Aggravated reckless driving
10	\$100	39-08-03.1	Moving	Drag racing (2.a)
3	\$50	39-08-03.1	Moving	Exhibition driving (2.b)
10	\$100	39-08-03.1	Moving	Racing (2.c)
0	----	39-08-19	B Misd	Willfully harassing or frightening any domestic animal with a motor vehicle
6	\$150	39-08-20	Moving	Driving without or failure to provide proof of liability insurance (in crash & owner—14 pts); 2 <sup>nd</sup> and subsequent offense w/in 3 years \$300 (12 points if w/in 18 months of first offense)
0	----	39-08-20(4)	B Misd	Failure to turn over plates by court order—result of second offense 3 yrs
0	\$150	39-08-20.2	Infrac	Failure to provide liability insurance for special mobile equipment (\$300 for 2 <sup>nd</sup> and subsequent offense in 3 years)
0	\$100	39-08-23	Moving	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle
0	\$20	39-08-24	Moving	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18
0	\$100	39-08-25	Moving	Failure to maintain control of motor vehicle while distracted
2	\$20	39-10-02	Moving	Failure to comply with a lawful order of police officer
0	\$20	39-10-38	Moving	Neglected signal when required

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0	\$20	39-10-52.1	Moving	Driving upon sidewalk
0	\$20	39-10-54	Moving	Obstruction to driver's view or driving mechanism
0	\$20	39-10-56	Moving	Coasting prohibited
0	\$20	39-10-57	Moving	Following emergency vehicle when prohibited
0	\$20	39-10-58	Moving	Drove across fire hose when prohibited
0	\$500	39-10-59	Moving	Depositing rubbish on the roadway
0	\$20	39-10-64	Moving	Drove through safety zone when prohibited
0	----	39-10-65	B Misd	Operated motor vehicle on protective flood works when prohibited
24	----	39-10-71	A Misd C Felony	Fleeing or attempting to elude a police officer 1st offense Any subsequent offense within 3 years; or fleeing after or in the commission of a felony; or driver operates vehicle in a manner that creates inherent risk of death or serious injury to 3 <sup>rd</sup> person
0	----	39-21-56	A Misd	To sell, install, or sell a vehicle installed with a counterfeit or knowingly inoperative or previously deployed airbag
0	\$20	62.1-04-04	Non-Mov	Producing concealed carry license upon request

**CRIMINAL (Criminal Offenses Include Infractions, Misdemeanors, Felonies)**

0	----	12.1-02-02	B Felony	Operating a "chop shop"
0	----	12.1-08	A Misd	Harboring a runaway minor
0	----	12.1-08-02	A Misd	Resisting arrest (if offense involves an A, B, or C Felony - C Felony)
0	----	12.1-08-03	A Misd	Hindering law enforcement (C Felony under certain circumstances)
0	----	12.1-08-06	A Misd	Escape (B or C Felony under certain circumstances)
0	----	12.1-08-11	B Misd	Refusing to halt (non-driver; third or subsequent offense - A Misd)
0	----	12.1-11-03	A Misd	False information to a police officer
0	----	12.1-16-03	C Felony	Negligent homicide
0	----	12.1-17-01.2	B Misd	Domestic Violence – Bodily Injury; A Misd for subsequent offense; (Substantial bodily injury; A Misd; B Felony if victim under 12);(Serious bodily injury; C Felony; B Felony if victim under 12)
0	----	12.1-17-02	C Felony	Aggravated assault (B Felony if victim is under the age of 12, permanent loss or impairment of bodily member or organ, law enforcement or correctional institution employee)
0	----	12.1-17-11	A Misd	Contact by body fluids or excrement if the individual is reckless; C Felony if knowingly causes contact
0	----	12.1-17-12	B Felony	If negligently causes serious bodily harm while fleeing a peace officer; A Felony if negligently causes death
0	----	12.1-23-02.1	C Felony	Disarming or attempting to disarm a law enforcement officer
0	----	12.1-23-06	A Misd	Unauthorized use of a vehicle (C Felony if vehicle is an aircraft or recovery/restoration costs exceed \$1,000)
0	----	12.1-31-01	A Misd	Violated restraining order under section 4 or 5
0	----	12.1-31-01	B Misd	Disorderly conduct
0	----	12.1-31-01.1	B Misd	Disorderly conduct within 300 feet of funeral (subsequent offense - A Misd)
0	----	14-10-06	A Misd	Contributing to the delinquency of a minor (sexual conduct under 16 - C Felony)
0	----	19-03.1-22.1	B Misd	Inhalation of volatile chemical vapors
0	----	19-03.1-22.3	B Misd	Unlawful ingestion of marijuana under 21 and not a medical card holder
0	----	19-03.1-22.3	A Misd	Unlawful ingestion of a controlled substance not marijuana
0	----	19-03.1-23	A Misd	Possession of a controlled substance – other than marijuana (C Felony for 2 <sup>nd</sup> or subsequent offense)(B Felony if on school property, or delivery or manufacturing)
0	----	19-03.1-23	Infrac	Possession of a controlled substance – < ½ oz marijuana (B Felony for delivery or manufacturing)
0	----		B Misd	Possession of controlled substance - ½ oz to 500g of marijuana
0	----		A Misd	Possession of controlled substance – > 500g of marijuana
0	----	19-03.4-03	Infrac	Possession of drug paraphernalia – marijuana (A Misd for manufacturing and growing related)(B Misd only after 2 prior convictions)
0	----	19-03.4-03	A Misd	Possession of drug paraphernalia – Sch. 1-3 (C Felony for 2 <sup>nd</sup> and



## Classification of Offenses – Effective August 1, 2019

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
0	----	19-03.4-04	A Misd	subsequent offense or manufacturing and growing related Unlawful manufacture or delivery of drug paraphernalia (Class I, II, III-C Felony)
0	----	19-03.4-05	C Felony	Unlawful delivery of drug paraphernalia to a minor (at least 3 years the deliverer's junior)
0	----	20.1-01-06	B Misd	Being afield with gun, firearm, or bow and arrow while under the influence of intoxicating liquor and/or drugs
0	----	20.1-13-07	B Misd	Operating a motorboat or vessel while under the influence of intoxicating liquor and/or drugs
0	----	23.1-08-07	Infrac	Littering (more than one cubic foot, furniture, or appliance - B Misd)
0	----	24-15-05	B Misd	Proceeded or traveled through established roadblock
0	----	62.1-02-10	Infrac	Carrying a loaded firearm in a vehicle (Class 2 non-criminal under 20.1-01-30 if while hunting)
0	----	62.1-03-01	A Misd	Carrying a handgun other than permitted by law
0	----	62.1-04-02	A Misd	Carrying a concealed weapon

Juvenile Court has jurisdiction over all criminal traffic related offenses including felonies, misdemeanors, and infraction law violations. The Juvenile Court does not have jurisdiction over non-criminal traffic related offenses including moving and non-moving violations. Non-moving violations are defined under 39-06.1-08 and moving violations are defined under 39-06.1-09.

### SPEED

6	\$30	39-09-01	Moving	Careless driving in violation of basic rule
2	\$30	39-09-01.1	Moving	Care required in operating vehicle
		39-09-02	Moving	Exceeded speed limit (fee as provided)
	\$40+	39-09-02(1b)	Moving	Exceeded speed limit in school zone (fee as provided)
	\$80+	39-09-02(2)	Moving	Exceeded speed limit in construction zone (with signs & workers present)
0	\$20	39-09-04.1	Moving	Drove in excess of special speed limitations
0	\$20	39-09-09	Moving	Impeding traffic or operating slower than minimum posted speed

### FEES AND POINTS FOR SPEEDING IN 55 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
56-60	\$5	0	69	\$14	1	78	\$34	5	87	\$61	9	96	\$88	12
61	\$6	0	70	\$15	1	79	\$37	5	88	\$64	9	97	\$91	12
62	\$7	0	71	\$17	3	80	\$40	5	89	\$67	9	98	\$94	12
63	\$8	0	72	\$19	3	81	\$43	9	90	\$70	9	99	\$97	12
64	\$9	0	73	\$21	3	82	\$46	9	91	\$73	12	100	\$100	12
65	\$10	0	74	\$23	3	83	\$49	9	92	\$76	12	101	\$105+	15
66	\$11	1	75	\$25	3	84	\$52	9	93	\$79	12	+ \$5 for each mph over 101 mph		
67	\$12	1	76	\$28	5	85	\$55	9	94	\$82	12			
68	\$13	1	77	\$31	5	86	\$58	9	95	\$85	12			

### FEES AND POINTS FOR SPEEDING IN 65 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
66	\$2	0	76	\$25	1	86	\$75	5	96	\$125	9	106	\$175	12
67	\$4	0	77	\$30	1	87	\$80	5	97	\$130	9	107	\$180	12
68	\$6	0	78	\$35	1	88	\$85	5	98	\$135	9	108	\$185	12
69	\$8	0	79	\$40	1	89	\$90	5	99	\$140	9	109	\$190	12
70	\$10	0	80	\$45	1	90	\$95	5	100	\$145	9	110	\$195	12
71	\$12	0	81	\$50	3	91	\$100	9	101	\$150	12	111	\$200+	15
72	\$14	0	82	\$55	3	92	\$105	9	102	\$155	12	+ \$5 for each mph over 111 mph		
73	\$16	0	83	\$60	3	93	\$110	9	103	\$160	12			
74	\$18	0	84	\$65	3	94	\$115	9	104	\$165	12			
75	\$20	0	85	\$70	3	95	\$120	9	105	\$170	12			

**Classification of Offenses – Effective August 1, 2019**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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**FEES AND POINTS FOR SPEEDING IN 70 ZONES**

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
71	\$5	0	81	\$55	3	91	\$105	7	101	\$155	12	111	\$205	15
72	\$10	0	82	\$60	3	92	\$110	7	102	\$160	12	112	\$210	15
73	\$15	0	83	\$65	3	93	\$115	7	103	\$165	12	113	\$215	15
74	\$20	0	84	\$70	3	94	\$120	7	104	\$170	12	114	\$220	15
75	\$25	0	85	\$75	3	95	\$125	7	105	\$175	12	115	\$225	15
76	\$30	1	86	\$80	5	96	\$130	10	106	\$180+	15	116	\$230	15
77	\$35	1	87	\$85	5	97	\$135	10	107	\$185	15	+ \$5 for each mph over 106 mph		
78	\$40	1	88	\$90	5	98	\$140	10	108	\$190	15			
79	\$45	1	89	\$95	5	99	\$145	10	109	\$195	15			
80	\$50	1	90	\$100	5	100	\$150	10	110	\$200	15			

**FEES AND POINTS FOR SPEEDING IN 75 ZONES**

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
76	\$5	0	86	\$55	3	96	\$105	7	106	\$155	12	116	\$205	15
77	\$10	0	87	\$60	3	97	\$110	7	107	\$160	12	117	\$210	15
78	\$15	0	88	\$65	3	98	\$115	7	108	\$165	12	118	\$215	15
79	\$20	0	89	\$70	3	99	\$120	7	109	\$170	12	119	\$220	15
80	\$25	0	90	\$75	3	100	\$125	7	110	\$175	12	120	\$225	15
81	\$30	1	91	\$80	5	101	\$130	10	111	\$180+	15	121	\$230	15
82	\$35	1	92	\$85	5	102	\$135	10	112	\$185	15	+ \$5 for each mph over 111 mph		
83	\$40	1	93	\$90	5	103	\$140	10	113	\$190	15			
84	\$45	1	94	\$95	5	104	\$145	10	114	\$195	15			
85	\$50	1	95	\$100	5	105	\$150	10	115	\$200	15			

**FEE AND POINT SCHEDULE FOR SPEEDING**

	Speed Zones 55 or less	Speed Zones greater than 55 but less than 70 mph	
Speed (mph)	Fee (\$)	Fee (\$)	PT
1–5 mph over limit	\$5	\$2/each mph over limit	0
6–10 mph over limit	\$5+ \$1/each mph over 5 mph over limit	\$2/each mph over limit	0
11–15 mph over limit	\$10+ \$1/each mph over 10 mph over limit	\$20+ \$5/each mph over 10 mph over limit	1
16–20 mph over limit	\$15+ \$2/each mph over 15 mph over limit	\$45+ \$5/each mph over 15 mph over limit	3
21–25 mph over limit	\$25+ \$3/each mph over 20 mph over limit	\$70+ \$5/each mph over 20 mph over limit	5
26–35 mph over limit	\$40+ \$3/each mph over 25 mph over limit	\$95+ \$5/each mph over 25 mph over limit	9
36–45 mph over limit	\$70+ \$3/each mph over 35 mph over limit	\$145+ \$5/each mph over 35 mph over limit	12
46+ mph over limit	\$100+ \$5/each mph over 45 mph over limit	\$195+ \$5/each mph over 45 mph over limit	15

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PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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**FEES AND POINTS FOR SPEEDING IN SCHOOL ZONES**

20 Zone	Fee	Pts
21-30	\$40	0
31	\$41	1
32	\$42	1
33	\$43	1
34	\$44	1
35	\$45	1
36	\$46	3
37	\$47	3
38	\$48	3

20 Zone	Fee	Pts
39	\$49	3
40	\$50	3
41	\$51	5
42	\$52	5
43	\$53	5
44	\$54	5
45	\$55	5
46	\$56	9
47	\$57	9

20 Zone	Fee	Pts
48	\$58	9
49	\$59	9
50	\$60	9
51	\$61	9
52	\$62	9
53*	\$63	9

\*Regular fee becomes greater

**School Zone Criteria:** During recess; during opening and closing hours of the school

**Fees:** 1-10 mph over - \$40; 11 mph and higher - \$40 plus \$1 for each mph over 10 mph over the limit – unless a greater fee is applicable

**FEES AND POINTS FOR SPEEDING IN CONSTRUCTION ZONES**

35 Zone	55 Zone	60 Zone	Fee	Pts
36-45	56-65	61-70	\$80	0
46	66	71	\$82	1
47	67	72	\$84	1
48	68	73	\$86	1
49	69	74	\$88	1
50	70	75	\$90	1
51	71	76	\$92	3
52	72	77	\$94	3
53	73	78	\$96	3
54	74	79	\$98	3
55	75	80	\$100	3
56	76	81	\$102	5
57	77	82	\$104	5

35 Zone	55 Zone	60 Zone	Fee	Pts
58	78	83	\$106	5
59	79	84	\$108	5
60	80	85	\$110	5
61	81	86	\$112	9
62	82	87	\$114	9
63	83	88	\$116	9
64	84	79	\$118	9
65	85	90	\$120	9
66	86	91	\$122	9
67	87	92	\$124	9
68	88	93	\$126	9
69	89	94	\$128	9

**Construction Zone Criteria:** 1) Must be signed “Minimum Fee \$80” 2) Construction workers must be present at the time and place of the violation

**Fees:** 1-10 mph over—\$80; 11 mph and higher—\$80 plus \$2 for each mph over 10 mph over the limit

<b>Extraordinary Road Use Fee Schedule (39-12-17 NDCC)</b>			
<b>Pounds</b>	<b>Fee</b>	<b>Pounds</b>	<b>Fee</b>
1 to 1,000	\$20	15,001 to 16,000	\$1,920
1,001 to 2,000	\$40	16,001 to 17,000	\$2,550
2,001 to 3,000	\$60	17,001 to 18,000	\$2,700
3,001 to 4,000	\$140	18,001 to 19,000	\$2,850
4,001 to 5,000	\$220	19,001 to 20,000	\$3,000
5,001 to 6,000	\$305	20,001 to 21,000	\$4,200
6,001 to 7,000	\$380	21,001 to 22,000	\$4,400
7,001 to 8,000	\$495	22,001 to 23,000	\$4,600
8,001 to 9,000	\$575	23,001 to 24,000	\$4,800
9,001 to 10,000	\$655	24,001 to 25,000	\$5,000
10,001 to 11,000	\$1,100	25,001 to 26,000	\$5,200
11,001 to 12,000	\$1,200	26,001 to 27,000	\$5,400
12,001 to 13,000	\$1,300	27,001 to 28,000	\$5,600
13,001 to 14,000	\$1,680	28,001 to 29,000	\$5,800
14,001 to 15,000	\$1,800	29,001 to 30,000	\$6,000

An additional charge of \$200 for every 1,000-pound increase over 30,000 pounds consistent with the above formula.

Classification of Offenses – Effective August 1, 2019

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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**MOTOR CARRIER SAFETY REGULATIONS – NDHP ONLY**

0	\$500	39-21-46(3)	Non-Crim	Operating vehicle: after driver placed out-of-service; with 10 or more out-of-service defects; or prior to repair after vehicle has been placed out of service
0	\$250	39-21-46(3)	Non-Crim	False record of duty status/log book; operating vehicle with 7-9 out-of-service defects
0	\$100	39-21-46(3)	Non-Crim	Driving excess hours; duty status/log book violations; operating vehicle with 4-6 out-of-service defects
0	\$50	39-21-46(3)	Non-Crim	Motor carrier safety regulation violations not listed above

**MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS – NDHP ONLY**

2	\$250	39-21-44(2)	Non-Crim	Violations involving the transport of haz-mat or explosives
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*Integrity*  
*Commitment*  
*Diversity/Respect*  
*Professionalism*  
*Accountability*



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