



Requesting A Hearing For A **Non-Criminal** Traffic Violation

An Informational Guide to a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in North Dakota State District Courts. The information provided in this informational guide **isn't** intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you need to do additional research to prepare.

If you're unsure how to proceed, don't know if this informational guide suits your needs, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. For information about how to find a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

As a self-represented individual, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules are available at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help/glossary.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This information isn't a complete statement of the law. This covers basic information about requesting a hearing for a non-criminal traffic violation in a North Dakota state district court or a North Dakota state municipal court. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of a lawyer licensed in the state of North Dakota. Use at your own risk.

Don't Delay! You have limited time to request a hearing!

Steps to Request a Hearing for a Non-Criminal Traffic Violations

Step One: **Figure out if a District Court or Municipal Court is handling the non-criminal traffic violation.**

Step Two: **Within 14 days** of the date of the non-criminal traffic citation, post (pay) bond, and notify the Clerk of Court that you're requesting a hearing.

The Clerk of Court schedules a hearing date when you pay the bond.

Step Three: **Appear at the hearing at the scheduled place, date and time.**

The Plaintiff presents their evidence.

You present your evidence.

The court makes a finding of not guilty or guilty and impose fines accordingly.

Go to Page 6 for instructions to complete each step.

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Section One: Information About Requesting a Hearing for A Non-Criminal Traffic Violation

What Are The Definitions Of Some Of The Commonly Used Terms When Requesting A Hearing For A Non-Criminal Traffic Violation?

The following definitions are intended to be helpful, but they're not legal advice and they don't address every possible meaning of the terms.

Criminal Traffic Violations – In general, traffic violations in state law ([N.D.C.C. Chapter 39-07](#)) and municipal ordinances are non-criminal. However, the following are criminal traffic violations ([N.D.C.C. Section 39-06.1-05](#)):

- Driving or being in actual physical control of a vehicle in violation of [Section 39-08-01](#), or an equivalent municipal ordinance.
- Reckless driving or aggravated reckless driving in violation of [Section 39-08-03](#), or an equivalent municipal ordinance.
- A violation of [Chapter 12.1-16](#) resulting from the operation of a motor vehicle.
- Leaving the scene of an accident in violation of [Section 39-08-04](#), [39-08-05](#), [39-08-07](#), or [39-08-08](#), or equivalent municipal ordinances.
- Driving while license or driving privilege is suspended or revoked in violation of [Section 39-06-42](#), or an equivalent municipal ordinance.
- Violating subdivision b or c of subsection 5 of [Section 39-24-09](#), relating to unsafe operation of snowmobiles
- Operating an unsafe vehicle in violation of subsection 2 of [Section 39-21-46](#).
- Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of [Section 39-10-26](#).

Individuals who are guilty of criminal traffic violations must pay a fine or fines, and will have a misdemeanor or felony on their criminal record.

District Court – The state trial court of general jurisdiction with service in each of North Dakota’s 53 counties. Decisions about criminal and non-criminal traffic violations may be handled by a district court. District courts are also the appeal courts for municipal court decisions involving criminal and non-criminal traffic violations.

Municipal Court – The trial court for a city or municipality. Municipal courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Decisions about criminal and non-criminal traffic violations may be handled by a municipal court. Municipal court decisions about criminal and non-criminal traffic violations may be appealed to district court.

Municipal Ordinances – An ordinance is a law passed by a municipal government, such as a city or county.

Non-Criminal (Administrative) Traffic Violations – In general, traffic violations in state law ([N.D.C.C. Chapter 39-07](#)) and municipal ordinances are non-criminal. Individuals who are guilty of **non-criminal** traffic violations must pay a fine or fines, but **won’t** have a misdemeanor or felony on their criminal record.

North Dakota Century Code – The laws of North Dakota, also called statutes, which are enacted by the North Dakota State Legislative Assembly and signed by the North Dakota Governor. The North Dakota Century Code is often referred to as the “Century Code,” or the “N.D.C.C.”

North Dakota Department of Transportation (NDDOT) – A state agency to which criminal and non-criminal traffic convictions are reported by municipal and district courts. (dot.nd.gov; (701) 328-2600)

Points – Many traffic violations are assigned a certain number of points based on the seriousness of the offense. When a driver accumulates 12 or more points on their record, or a driver under age 18 accumulates 6 or more points, the North Dakota Department of Transportation (NDDOT) suspends the driver’s license.

Prosecuting Attorney – The lawyer who represents either the city or municipality for ordinance violations, or the lawyer who represents the State of North Dakota for state law violations.

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What Are North Dakota Laws And Rules Related To Requesting A Hearing For A Non-Criminal Traffic Violation?

[North Dakota Century Code Chapter 39-06](#): Operator's Licenses.

[North Dakota Century Code Chapter 39-06.1](#): Disposition of Traffic Offenses.

- See [Section 39-06.1-02](#) for the requirements for requesting a hearing on a traffic offense.
- See [Section 39-06.1-05](#) for the list of criminal traffic violations.

[North Dakota Century Code Chapter 39-07](#): General Regulations Governing Traffic.

[The North Dakota Rules of Civil Procedure](#) apply to civil matters in North Dakota state district courts.

[The North Dakota Rules of Criminal Procedure](#) apply to criminal matters in North Dakota state district courts and municipal courts.

[The North Dakota Rules of Evidence](#) apply to civil and criminal matters in North Dakota state district courts and municipal courts.

[The North Dakota Rules of Court](#) apply to civil and criminal matters in North Dakota state district courts and municipal courts.

Laws constantly change through legislation, court rules, administrative rules and rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

Where Can I Find Municipal Ordinances?

An ordinance is a law passed by a municipal government, such as a city or county.

Some municipal governments make their ordinances available on their government websites.

If you're unable to locate the ordinance online, contact the municipal government directly.

Who Are The Parties In A Non-Criminal Traffic Violation?

Plaintiff:

If the non-criminal traffic violation is a **state law offense**, the Plaintiff is the State of North Dakota.

If the non-criminal traffic violation is a **violation of a municipal ordinance**, the Plaintiff is the city or municipality.

Defendant:

The individual charged with the non-criminal traffic violation.

Section Two: The Process For Requesting a Hearing for a Non-Criminal Traffic Violation

To challenge that you committed a non-criminal traffic violation, you must request a hearing **within 14 days** of the date of the non-criminal traffic violation.

Step One: Figure out if a District Court or Municipal Court is handling the non-criminal traffic violation.

The non-criminal traffic violation may be handled by a municipal court or a district court, depending on if the offense is a violation of a municipal ordinance or state law.

Look at the citation you received when the non-criminal traffic violation occurred.

- If you received an envelope with the citation, the envelope has the address of the court.
- If you don't have the envelope, the citation indicates if the violation is of an ordinance or state law.
 - For violation of an ordinance, the municipal court is handling the violation.
 - For violation of a state law, the district court is handling the violation.

Contact information for North Dakota municipal courts and North Dakota district courts is available at ndcourts.gov/court-locations.

- Click on the County name for contact information for Clerks of District Court.
- Scroll to the bottom of the webpage for contact information for Municipal Court.

Step Two: Within 14 days of the date of the non-criminal traffic citation, post (pay) bond, notify the Clerk of Court that you're requesting a hearing.

Within 14 days of the date of the non-criminal traffic violation, you must:

- Post (pay) the bond, which is the amount of the ticket; and
- Request a hearing.

You post (pay) the bond in one of two ways:

1. Pay by mail using the citation and envelope you received at the time of the violation.
 - If an envelope **wasn't** included, see the contact information for North Dakota municipal courts and North Dakota state district courts in Step One above.
 - **Indicate on the citation that you're requesting a hearing and posting the bond.**
2. Pay in person at the Clerk of Court's office.
 - **Inform the clerk that you're requesting a hearing.**

A hearing date is scheduled when you pay the bond.

Step Three: Appear at the hearing at the scheduled place, date and time.

At the hearing, the Plaintiff presents their evidence.

- You may cross-examine witnesses and object to the Plaintiff's evidence.

You have a chance to present your evidence.

- The Plaintiff may cross-examine your witnesses and object to your evidence.

Following the hearing, the court makes a finding of not guilty or guilty and impose fines accordingly.

If you're found guilty, the bond you posted is used to pay the ticket.

If you're found not guilty, the office of the clerk refunds the bond.

NOTE: **Failure to appear at the hearing without just cause is considered an admission of the charged traffic violation.**

Lawyer Resources And Limited Legal Representation

You aren't required to hire a lawyer to bring a civil case in North Dakota state court. If you decide to represent yourself, you must follow all of the rules, laws and procedures a lawyer is required to follow.

Go to ndcourts.gov/legal-self-help/finding-a-lawyer for more information about finding a lawyer.

Lawyer Resources

If you decide to find a lawyer to represent you, you may find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is lsnd.org.
- The **State Bar Association of North Dakota** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers. You can narrow your search by name or location.

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Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil cases. Limited Legal Representation (sometimes called “unbundling”) is a way a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make court appearances for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal questions to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can’t represent you.

Go to nd.freelegalanswers.org or information about the program, the online application, and, if you qualify, ask your civil legal question.

This program **doesn’t** provide any assistance with criminal legal questions.