



## How To Take A Driver Training Course Instead Of Accumulating Points From 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](https://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](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help/glossary](https://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 choosing to attend a driver training course instead of having points added to the your driving record 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 competent legal counsel licensed in the state of North Dakota.*

***Use at your own risk.***

**Don't Delay! You have limited time to complete this process!**

## Steps To Choose To Take A Driver Training Course Instead Of Accumulating Points From A Non-Criminal Traffic Violation

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

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**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 elect (choose) to take a driver training course in lieu (instead) of entry of points.

The Clerk of Court notifies the North Dakota Department of Transportation (NDDOT).

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**Step Three:** Immediately sign up for an approved driver training course.

The North Dakota Department of Transportation (NDDOT) approves all driver training courses.

You must pay for the course in full.

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**Step Four:** Attend the driver training course.

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**Step Five:** **Within 30 days** of notifying the Clerk of Court, submit your certificate of completion to the North Dakota Department of Transportation (NDDOT).

You have 30 days to complete the course and submit your certificate to the North Dakota Department of Transportation (NDDOT).

The Clerk of Court and instructor of the course **aren't** responsible for submitting your certificate.

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**Go to Page 7 for instructions to complete each step.**

## Section One: Information About Choosing To Take A Driver Training Course Instead Of Accumulating Points From A Non-Criminal Traffic Violation

### What Is Electing To Take A Driver Training Course In Lieu Of Entry Of Points On A Licensee's Driving Record?

A person who receives a citation for a non-criminal traffic violation may elect (choose) to take an approved driver training course in lieu (instead) of having points entered on their driving record. [This is referred to as an alternative disposition of the non-criminal traffic violation.](#)

By choosing this alternative disposition, the person admits they committed the non-criminal traffic violation. However, up to 5 [points](#) aren't added to the person's driving record if all of the following requirements are met:

- The person who received the citation for the non-criminal traffic violation hasn't used this alternative disposition within the last 12 months;
- The non-criminal traffic violation isn't assigned 6 or more [points](#);
- The bond amount must be paid [within 14 days](#) of the date on the citation;
- At the time the bond amount is paid, the Clerk of Court must be notified the person is choosing this alternative disposition;
- [Within 30 days](#) of notifying the Clerk of Court, the approved driver training course must be completed and a certificate of completion submitted to the North Dakota Department of Transportation (NDDOT).

### What If I Don't Choose This Alternative Disposition?

When you receive a citation for a non-criminal traffic violation in North Dakota, you may either:

- Admit you committed the non-criminal traffic violation by paying the fine; or
- Pay the bond to request a hearing to contest the non-criminal traffic violation.

To pay your citation, go to [ndcourts.gov/public-access](https://ndcourts.gov/public-access). If you're unable to pay online, contact the [Clerk of Court](#) directly.

To pay the bond (the amount of the fine) and request a hearing, review [Requesting a Hearing for a Non-Criminal Traffic Violation Informational Guide](#).

Go to the North Dakota Department of Transportation (NDDOT) webpage, [dot.nd.gov](https://dot.nd.gov), for information about reducing points on your driving record.

## What Are The Definitions Of Some Of The Commonly Used Terms?

\*\*\*The following definitions are intended to be helpful, but they're not intended to constitute legal advice or address every possible meaning of the terms.\*\*\*

**Alternative Disposition** – When certain requirements are met, state law ([N.D.C.C. Section 39-06.1-10.1](#)) allows a person who received a citation for a non-criminal traffic violation to admit to the violation and take an approved driver training course to avoid having points added to their driving record. The certificate of completion of the course must be submitted to the North Dakota Department of Transportation within 30 days of notifying the Clerk of Court.

**Criminal Traffic Violations** – In general, traffic violations 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 criminal and non-criminal traffic violation decisions 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](http://dot.nd.gov); (701) 328-2500)

**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.

## North Dakota Laws And Rules

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

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

- See [Section 39-06.1-10.1](#) regarding the alternative disposition of taking a driving training course in lieu of entry of points on the licensee’s driving record.

[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 To Choose To Take A Driver Training Course Instead Of Accumulating Points From A Non-Criminal Traffic Violation

#### **Step One: Figure out if the 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 (and envelope, if you receive one) you received when the non-criminal traffic violation occurred.

- If you received an envelope, 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 state district courts is available at [ndcourts.gov/court-locations](https://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 Clerks of Municipal Court.

#### **Step Two: Within 14 days of the date of the non-criminal traffic citation, post (pay) the bond, and notify the Clerk of Court that you elect (choose) to take a driver training course in lieu (instead) of entry of points.**

**Within 14 days** of the date on your non-criminal traffic citation, you must post (pay) the bond. The bond is the amount of the citation.

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.
2. Pay in person at the Clerk of Court's office.

**NOTE:** When you post (pay) your bond, you **admit** the violation as stated on the citation. Your bond is used to pay the amount of the citation.

**At the same time you post (pay) the bond, notify the Clerk of Court that you're electing (choosing) to take a driver training course in lieu (instead) of entry of points.**

You notify the Clerk of Court in one of two ways:

1. If you pay by mail, mail your written notice to the Clerk of Court in the same envelope as the citation.
2. If you pay in person, hand your written notice to the Clerk of Court at the time you pay.

**NOTE:** A notice form is included at the end of this guide. You may choose to use the form, or create your own written notice.

**If both your payment and notice are accepted by the Clerk of Court, the Clerk informs the North Dakota Department of Transportation (NDDOT) of your election.**

You have no further obligation to the court once the Clerk of Court informs the NDDOT.

**You have 30 days from the date you notified the Clerk to Court to complete the course and submit your certificate of completion to the NDDOT.**

- The Clerk of Court and the instructor of the course **aren't** responsible for submitting your certificate to the NDDOT. **This Is Your Responsibility!**

**Step Three: Immediately sign up for an approved driver training course.**

Go to the [North Dakota Department of Transportation \(NDDOT\) website](#) to find all approved driver training courses for point reduction.

Contact the NDDOT directly if you have questions about the information on their website.

Use the link for the course to find out about the course and how to sign up. **You must pay for the course in full.**

**CAUTION:** **You have 30 days from the date you notified the Clerk of Court in Step Two to complete the course and submit your certificate of completion to the NDDOT.**



## Step Four: Attend the driver training course.

The instructor for the course provides you a certificate of completion. Keep a copy of the certificate for your records.

### Failure to attend and complete the driver training course results in the following:

- You forfeit your payment to take the course; and
- The points from your non-criminal traffic violation are added to your driving record.

## Step Five: Within 30 days of notifying the Clerk of Court in Step Two, submit your certificate of completion to the North Dakota Department of Transportation (NDDOT).

Once you complete the course, **you're responsible for submitting your certificate of completion to the North Dakota Department of Transportation (NDDOT).**

- The Clerk of Court and the instructor of the course **aren't** responsible for submitting your certificate to the NDDOT. **This Is Your Responsibility!**

You **Must** submit your certificate **within 30 days** from the date you notified the Clerk to Court in Step Two.

If the instructor of the course doesn't give you the email or mailing address of where to send your certificate, contact the NDDOT directly and ask.

## Points To Remember!!

1. You may only use this alternative disposition **once every 365 days** (12 months);
2. This alternative disposition is only for non-criminal traffic violations;
  - This **can't be used for criminal traffic violations** (see Definitions on Page 4).
3. Up to **5 points aren't added** to the person's driving record if all of the requirements for this alternative disposition are met; and
  - Points **can't be "banked"** for a later non-criminal traffic violation.
4. If you choose this alternative disposition, you lose any point reduction option under [N.D.C.C. Section 39-06.1-13](#).

## Lawyer Resources And Limited Legal Representation

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

Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://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 [legalassist.org](https://legalassist.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](https://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](https://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](https://ndcourts.gov/Lawyers). You can narrow your search by name or location.

### 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 that 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 question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer attorneys answer your question, but can't represent you.

Go to [nd.freelegalanswers.org](https://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.

In Municipal Court, City Of \_\_\_\_\_, North Dakota

City of \_\_\_\_\_, )  
Plaintiff, )  
)  
vs. )  
)  
\_\_\_\_\_, )  
Defendant. )

Case No.: \_\_\_\_\_

**Notice Of Alternative  
Disposition Election Under  
N.D.C.C. § 39-06.1-10.1.**

1. I, \_\_\_\_\_, notify the court that I elect the alternative disposition under N.D.C.C. § 39-06.1-10.1.

2. I affirm and state as follows (checkmark all that apply):

- I have not made an election under N.D.C.C. § 39-06.1-10.1 within the twelve months before the date of issuance of the Summons or notice of appearance.
- This non-criminal traffic violation is **not** assigned six or more points.
- This is **not** a criminal traffic violation listed under N.D.C.C. § 39-06.1-05.
- I understand that making an election under this section forfeits any point reduction option under N.D.C.C. § 39-06.1-13.

3. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Notice of Alternative Disposition Election is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

In District Court, \_\_\_\_\_ County, North Dakota

State of North Dakota,	)	
	)	Case No.: _____
Plaintiff,	)	
	)	
vs.	)	<b>Notice Of Alternative</b>
	)	<b>Disposition Election Under</b>
_____	)	<b>N.D.C.C. § 39-06.1-10.1.</b>
Defendant.	)	

1. I, \_\_\_\_\_, notify the court that I elect the alternative disposition under N.D.C.C. § 39-06.1-10.1.

2. I affirm and state as follows (checkmark all that apply):

- I have not made an election under N.D.C.C. § 39-06.1-10.1 within the twelve months before the date of issuance of the summons or notice of appearance.
- This non-criminal traffic violation is **not** assigned six or more points.
- This is **not** a criminal traffic violation listed under N.D.C.C. § 39-06.1-05.
- I understand that making an election under this section forfeits any point reduction option under N.D.C.C. § 39-06.1-13.

3. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Notice of Alternative Disposition Election is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address City, State, Zip Code

\_\_\_\_\_  
Telephone Number Email Address