

N.D.A.G. Letter to Koppy (Sep. 20, 1991)

September 20, 1991

Mr. Allen Koppy
Morton County State's Attorney
210 2nd Avenue NW
Mandan, ND 58554

Dear Mr. Koppy:

Thank you for your September 13, 1991, letter in which you have asked for my opinion as to whether the uniform summons and complaint authorized by N.D.C.C. § 20.1-02-14.1 may be used to cite persons who may violate the proposed North Dakota Game and Fish Department administrative rules pertaining to the operation of motorboats in the Missouri River. You have provided me with a copy of two proposed boating regulations which impose noncriminal penalties for violation of the rules. It is my understanding that the rulemaking procedures on these rules have not, as of this date, been completed by the North Dakota Game and Fish Department.

You correctly state that N.D.C.C. § 20.1-02-14.1 authorizes the use of a uniform summons and complaint to cite offenders for violations of N.D.C.C. tit. 20.1.

N.D.C.C. § 20.1-13-14 authorizes the adoption of boating regulations pursuant to N.D.C.C. ch. 20.1-13. These regulations are to be adopted in accordance with N.D.C.C. ch. 28-32. In addition, N.D.C.C. § 20.1-02-05(24) grants the director of the North Dakota Game and Fish Department the power to establish noncriminal penalties for violation of rules adopted by the director.

Upon proper adoption of rules to carry out the provisions of N.D.C.C. § 20.1-13, those rules, including the noncriminal penalties, may be enforced as other noncriminal violations of N.D.C.C. tit. 20.1. Violations of the title, including violations of rules promulgated thereunder, may be cited by use of the uniform complaint and summons authorized by N.D.C.C. § 20.1-02-14.1.

I trust that I have adequately responded to your inquiry.

Sincerely,

Nicholas J. Spaeth

jfl
cc: Lloyd Jones