

Fifty-fifth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1074**

Introduced by

Representatives Wald, Belter, Byerly, Grosz

Senators Kelsh, Solberg

1 A BILL for an Act to create and enact three new subdivisions to subsection 1 of section  
2 39-09-02 of the North Dakota Century Code, relating to speed limits greater than fifty-five miles  
3 an hour; and to amend and reenact subsection 8 of section 39-06.1-06, paragraph 34 of  
4 subdivision a of subsection 3 of section 39-06.1-10, and subdivisions f and g of subsection 1 of  
5 section 39-09-02 of the North Dakota Century Code, relating to the speed limits and fees and  
6 demerits for violations of the speed limit.

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

8 **SECTION 1. AMENDMENT.** Subsection 8 of section 39-06.1-06 of the 1995  
9 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10 8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51  
11 kilometers] an hour ~~as posted and designated by the commissioner pursuant to~~  
12 ~~subdivision g of subsection 1 of section 39-09-02~~, for a violation of section  
13 39-09-02, or an equivalent ordinance, a fee established as follows:

14 Miles per hour over	
15 lawful speed limit	Fee
16 1 - 5	\$ 10 plus \$1/each mph over limit
17 6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
18 11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
19 16 - 25	\$ 40 plus \$3/each mph over 15 mph over limit
20 26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
21 36 +	\$100 plus \$5/each mph over 35 mph over limit

22 **SECTION 2. AMENDMENT.** Paragraph 34 of subdivision a of subsection 3 of section  
23 39-06.1-10 of the 1995 Supplement to the North Dakota Century Code is amended and  
24 reenacted as follows:

(34) On a highway on which the  
speed limit is a speed higher  
than fifty-five miles [88.51  
kilometers] an hour ~~as posted~~  
~~and designated by the commissioner pursuant to~~  
~~subdivision g of subsection 1 of~~  
~~section 39-09-02~~, operating a  
motor vehicle in excess of the  
speed limit in violation of  
section 39-09-02, or equivalent  
ordinance

Miles per hour over lawful speed limit	Points
6 - 10	1
11 - 15	4
16 - 25	7
26 - 35	10
36 +	12

**SECTION 3. AMENDMENT.** Subdivisions f and g of subsection 1 of section 39-09-02  
of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as  
follows:

- f. Fifty-five miles [88.51 kilometers] an hour ~~under other circumstances on~~  
gravel, dirt, or loose surface highways, unless otherwise permitted, restricted,  
or required by conditions, ~~and except as provided in subdivision g.~~
- g. ~~If a speed higher than fifty-five~~ Sixty miles [88.51 96.57 kilometers] an hour is  
~~permitted under federal law without loss of federal funds to this state, and on~~  
paved two-lane highways and paved and divided, multilane highways if within  
the time period of one-half hour after sunset to one-half hour before sunrise,  
unless otherwise permitted, restricted, or required by conditions, ~~any higher~~  
~~speed so permitted and so designated and posted by the commissioner.~~

1           **SECTION 4.** Three new subdivisions to subsection 1 of section 39-09-02 of the 1995  
2 Supplement to the North Dakota Century Code are created and enacted as follows:

3                   Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if  
4                   within the time period of one-half hour before sunrise to one-half hour after  
5                   sunset, unless otherwise permitted, restricted, or required by conditions.

6                   Seventy miles [112.65 kilometers] an hour on paved and divided, multilane  
7                   highways if within the time period of one-half hour before sunrise to one-half  
8                   hour after sunset, unless otherwise permitted, restricted, or required by  
9                   conditions.

10                  Seventy miles [112.65] an hour on access controlled, paved and divided,  
11                  multilane interstate highways, unless otherwise permitted, restricted, or  
12                  required by conditions.