

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1074  
(Representatives Wald, Belter, Byerly, Grosz)  
(Senators Kelsh, Solberg)

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

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

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

8. 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~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

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

**SECTION 2. AMENDMENT.** Paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10 of the 1995 Supplement to the North Dakota Century Code is amended and 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  
36 +

10  
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, and on paved two-lane highways if there is no speed limit posted or 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, and except as provided in subdivision g.~~
- g. ~~If a speed higher than fifty five~~ Sixty-five miles [88.51 104.61 kilometers] an hour is permitted under federal law without loss of federal funds to this state, and on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset and if posted for that speed, and on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions, ~~any higher speed so permitted and so designated and posted by the commissioner.~~

**SECTION 4.** A new subdivision to subsection 1 of section 39-09-02 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1074.

House Vote:      Yeas    70      Nays    22      Absent    5

Senate Vote:    Yeas    42      Nays    5      Absent    2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State