

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1239

Introduced by

Representatives Carlisle, Kempenich, B. Thoreson, Weiler

Senators Klein, Stenehjem

1 A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-09-02 of the North Dakota
2 Century Code, relating to the fees for violating school zone speed limits.

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

4 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition
7 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

- 8 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount
9 not to exceed twenty dollars.
- 10 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,
11 except for:
 - 12 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
13 39-10-46.1, a fee of fifty dollars.
 - 14 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
15 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 16 c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city,
17 or a county including a city or county operating under a home rule charter.
- 18 3. Except as provided in subsection 8 or 10 of section 39-06.1-06, for a violation of
19 section 39-09-02, or an equivalent ordinance, a fee established as follows:

20 Miles per hour over	
21 lawful speed limit	Fee
22 1 - 5	\$ 5
23 6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
24 11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit

1	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
5	46 +	\$100 plus \$5/each mph over 45 mph over limit

6 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee
7 of thirty dollars.

8 5. For a violation of section 39-09-01.1, or an ordinance defining care required in
9 driving, a fee of not less than ten dollars nor more than thirty dollars.

10 6. Repealed by S.L. 1985, ch. 430, § 4.

11 7. For a violation of any traffic parking regulations, except a violation of subsection 10
12 of section 39-01-15, on any state charitable or penal institution property or on the
13 state capitol grounds, a fee in the amount of five dollars.

14 8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51
15 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance,
16 a fee established as follows:

17 Miles per hour over

18 lawful speed limit

Fee

19	1 - 5	\$ 10 plus \$1/each mph over limit
20	6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
21	11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
22	16 - 25	\$ 40 plus \$3/each mph over 15 mph over limit
23	26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
24	36 +	\$100 plus \$5/each mph over 35 mph over limit

25 9. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

26 10. For a violation of a school zone speed limit under subdivision b of subsection 1 of
27 section 39-09-02, of a highway construction zone speed limit under subsection 2 of
28 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
29 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed
30 limit dependent upon being on or near a school, fees for a noncriminal disposition
31 are forty dollars for one through ten miles per hour over the posted speed; and

1 forty dollars, plus one dollar for each additional mile per hour over ten miles per
2 hour over the limit unless a greater fee would be applicable under this section.
3 The fees in this subsection do not apply to a highway construction zone unless
4 individuals engaged in construction are present at the time of the violation and the
5 posted speed limit sign states "Minimum Fee \$40".

6 **SECTION 2. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-09-02. Speed limitations.**

- 9 1. Subject to the provisions of section 39-09-01 and except in those instances where
10 a lower speed is specified in this chapter, it presumably is lawful for the driver of a
11 vehicle to drive the same at a speed not exceeding:
- 12 a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
13 [15.24 meters] of a grade crossing of any steam, electric, or street railway
14 when the driver's view is obstructed. A driver's view is deemed to be
15 obstructed when at any time during the last two hundred feet [60.96 meters]
16 of the driver's approach to such crossing, the driver does not have a clear and
17 uninterrupted view of such railway crossing and of any traffic on such railway
18 for a distance of four hundred feet [121.92 meters] in each direction from such
19 crossing.
- 20 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
21 recess or while children are going to or leaving school during opening or
22 closing hours, unless a lower speed is designated or posted by local
23 authorities.
- 24 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
25 [15.24 meters] and in traversing an intersection of highways when the driver's
26 view is obstructed. A driver's view is deemed to be obstructed when at any
27 time during the last fifty feet [15.24 meters] of the driver's approach to such
28 intersection, the driver does not have a clear and uninterrupted view of such
29 intersection and of the traffic upon all of the highways entering such
30 intersection for a distance of two hundred feet [60.96 meters] from such
31 intersection.

- d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour 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.
 - g. Sixty-five miles [104.61 kilometers] an hour 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.
 - h. Seventy miles [112.65 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
 2. The director may designate and post special areas of state highways where lower speed limits apply. ~~If there is a violation of a highway construction zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then the fees required for a noncriminal disposition are forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit. However, if a greater fee would be applicable under section 39-06.1-06, then that fee is required for the noncriminal disposition. The highway construction zone speed limit posted sign must state "Minimum Fee \$40".~~
 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which

- 1 this section prescribes is prima facie lawful at the time and place of the alleged
2 offense.
3 5. ~~Repealed by S.L. 1975, ch. 346, § 3.~~