

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 Repealed by S.L. 1985, ch. 430, § 4.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 Notwithstanding section 40-05.1-06 or 40-11-13, any fees collected by a city for a
4 violation of a speed limit dependent upon passing a school shall be deposited in
5 the state school fund. The fees in this subsection do not apply to a highway
6 construction zone unless individuals engaged in construction are present at the
7 time of the violation and the posted speed limit sign states "Minimum Fee \$40".

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

10 **39-09-02. Speed limitations.**

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

- 1 intersection for a distance of two hundred feet [60.96 meters] from such
2 intersection.
- 3 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
4 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 5 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business
6 district or in a residence district or in a public park, unless a different speed is
7 designated and posted by local authorities.
- 8 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
9 highways, and on paved two-lane highways if there is no speed limit posted or
10 if within the time period of one-half hour after sunset to one-half hour before
11 sunrise, unless otherwise permitted, restricted, or required by conditions.
- 12 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if
13 within the time period of one-half hour before sunrise to one-half hour after
14 sunset and if posted for that speed, and on paved and divided multilane
15 highways, unless otherwise permitted, restricted, or required by conditions.
- 16 h. Seventy miles [112.65 kilometers] an hour on access-controlled, paved and
17 divided, multilane interstate highways, unless otherwise permitted, restricted,
18 or required by conditions.
- 19 2. The director may designate and post special areas of state highways where lower
20 speed limits apply. ~~If there is a violation of a highway construction zone speed~~
21 ~~limit, where within that zone individuals engaged in construction were present at~~
22 ~~the time of the violation, then the fees required for a noncriminal disposition are~~
23 ~~forty dollars for one through ten miles per hour over the posted speed; and forty~~
24 ~~dollars, plus one dollar for each additional mile per hour over ten miles per hour~~
25 ~~over the limit. However, if a greater fee would be applicable under section~~
26 ~~39-06.1-06, then that fee is required for the noncriminal disposition. The highway~~
27 ~~construction zone speed limit posted sign must state "Minimum Fee \$40".~~
- 28 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a
29 highway at a speed that is unsafe or at a speed exceeding the speed limit
30 prescribed by law or established pursuant to law.

1 4. In charging a violation of the provisions of this section, the complaint must specify
2 the speed at which the defendant is alleged to have driven and the speed which
3 this section prescribes is prima facie lawful at the time and place of the alleged
4 offense.

5 ~~5. Repealed by S.L. 1975, ch. 346, § 3.~~