

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1381**

Introduced by

Representatives Gruchalla, Dahl, Heilman, Guggisberg

Senators Olafson, Sorvaag

1 A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of  
2 section 39-06.1-10 of the North Dakota Century Code, relating to demerit points for driving on a  
3 closed road; to amend and reenact section 39-06.1-05, subsections 12 and 13 of section  
4 39-06.1-06, and sections 39-06.1-09, 39-09-02, and 39-10-21.1 of the North Dakota Century  
5 Code, relating to the penalty for driving on a closed road, in a construction zone, and in a school  
6 zone; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.**

11 The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized  
12 by a person charged with one of the following offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,  
14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an  
16 equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,  
19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section  
21 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 24 8. Driving without liability insurance in violation of section 39-08-20.

- 1       9.    Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 2       10.   Causing an accident with an authorized emergency vehicle or a vehicle operated by or
- 3           under the control of the director used for maintaining the state highway system in
- 4           violation of subsection 5 of section 39-10-26.
- 5       11.    Knowinglly entering a closed road under section 39-10-21.1.
- 6       12.    Driving in excess of twenty miles per hour over a speed limit in a school zone or
- 7           construction zone in violation of subdivision b of subsection 1 or subsection 2 of
- 8           section 39-09-02.

9       **SECTION 2. AMENDMENT.** Subsections 12 and 13 of section 39-06.1-06 of the North  
10   Dakota Century Code are amended and reenacted as follows:

- 11       12.   For a violation of a school zone speed limit under subdivision b of subsection 1 of
- 12           section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section
- 13           40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit
- 14           dependent upon being on or near a school, fees for a noncriminal disposition are forty
- 15           dollars for one through ten miles per hour over the posted speed; and forty dollars,
- 16           plus one dollar for each additional mile per hour over ten miles per hour over the limit
- 17           ~~unless a greater fee would be applicable under this section to~~ twenty miles per hour
- 18           over the limit.
- 19       13.   For a violation of a highway construction zone speed limit under subsection 2 of
- 20           section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
- 21           posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
- 22           per hour over the limit, ~~unless a greater fee would be applicable under this section to~~ twenty miles per hour over the limit. The fee in this subsection does not apply to a
- 23           highway construction zone unless individuals engaged in construction are present at
- 24           the time and place of the violation and the posted speed limit sign states "Minimum
- 25           Fee \$80".
- 26           Fee \$80".

27       **SECTION 3. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
28   amended and reenacted as follows:

29       **39-06.1-09. Moving violation defined.**

30       For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
31   violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,

39-06-14, 39-06-16, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except section 39-10-21.1, subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 4.** A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Knowingly entering a closed road in violation 3 points  
of section 39-10-21.1

**SECTION 5. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Subject to the provisions of section 39-09-01 and except in those instances when a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
  - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
  - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities. Driving in excess of twenty miles [32.19 kilometers] per hour over the limit in violation of this subdivision is an infraction.
  - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is

- 1 obstructed. A driver's view is deemed to be obstructed when at any time during  
2 the last fifty feet [15.24 meters] of the driver's approach to such intersection, the  
3 driver does not have a clear and uninterrupted view of such intersection and of  
4 the traffic upon all of the highways entering such intersection for a distance of two  
5 hundred feet [60.96 meters] from such intersection.
- 6 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway  
7 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 8 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district  
9 or in a residence district or in a public park, unless a different speed is designated  
10 and posted by local authorities.
- 11 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface  
12 highways, and on paved two-lane county and township highways if there is no  
13 speed limit posted, unless otherwise permitted, restricted, or required by  
14 conditions.
- 15 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted  
16 for that speed, unless otherwise permitted, restricted, or required by conditions.
- 17 h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane  
18 highways, unless otherwise permitted, restricted, or required by conditions.
- 19 i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and  
20 divided, multilane interstate highways, unless otherwise permitted, restricted, or  
21 required by conditions.
- 22 2. The director may designate and post special areas of state highways where lower  
23 speed limits apply. Differing limits may be established for different times of the day  
24 within highway construction zones which are effective when posted upon appropriate  
25 fixed or variable speed limit signs. Driving in excess of twenty miles [32.19 kilometers]  
26 per hour over the posted speed limit in this section is an infraction if individuals are  
27 engaged in construction and are present at the time and place of the violation and the  
28 speed limit sign states "Minimum Fee \$80".
- 29 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a  
30 highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed  
31 by law or established pursuant to law.

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

4           **SECTION 6. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **39-10-21.1. Closing road because of hazardous conditions - Posting of official**  
7 **traffic-control devices - Entering closed road prohibited - Penalty.**

- 8           1. The highway patrol or local law enforcement authorities having jurisdiction over a road  
9           may close a road temporarily due to hazardous conditions for the protection and safety  
10          of the public. If such a closing is made, the authority ordering the closing shall make  
11          every reasonable attempt to notify the public and, when practical, may post  
12          appropriate official traffic-control devices to advise motorists of the closing. ~~No person,~~  
13          ~~while operating~~  
14          2. An operator of a motor vehicle; may not knowingly enter a road closed under this  
15          section.  
16          3. An operator who violates this section is guilty of an infraction.