

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1298

Introduced by

Representatives Koppelman, Louser, Murphy, Pyle, Schneider, Vetter, Grueneich

Senators Cory, Meyer, Paulson, Roers

1 A BILL ~~for an Act to amend and reenact subdivision i of subsection 1 of section 39-09-02 of the~~
2 ~~North Dakota Century Code, relating to speed limitations on multilane highways; and to provide~~
3 ~~a penalty for an Act to amend and reenact sections 39-06.1-06, 39-09-02, 39-09-04, and~~
4 ~~39-09-07.1, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to~~
5 ~~the amount of statutory fees, speed limitations on multilane highways, variable speed limits,~~
6 ~~alteration of maximum speed limits on state highways, speed zone reduction limitations, and~~
7 ~~city fines and penalties; and to provide a penalty.~~

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

9 ~~SECTION 1. AMENDMENT. Subdivision i of subsection 1 of section 39-09-02 of the North~~
10 ~~Dakota Century Code is amended and reenacted as follows:~~

11 ~~i. Seventy-fiveEighty miles [120.70128.75 kilometers] an hour on~~
12 ~~access-controlled, paved and divided, multilane interstate highways, unless~~
13 ~~otherwise permitted, restricted, or required by conditions.~~

14 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-06.1-06. Amount of statutory fees.**

17 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must
18 be as follows:

- 19 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
20 except for a violation of any traffic parking regulation on any state charitable or penal

institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:

a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.

b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.

c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.

e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.

g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.

h. A violation of section 39-10-59, a fee of five hundred dollars.

i. A violation of section 39-09-01, a fee of thirty dollars.

j. A violation of section 39-09-01.1, a fee of thirty dollars.

k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.

n. A violation of section 39-10-50.1, a fee of fifty dollars.

o. A violation of section 39-19-03, a fee of fifty dollars.

3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

4. ~~Except as provided in subsections 5 and 7, for~~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	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit
5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:	
Miles per hour over	Fee
1 - 10	\$2/each mph over limit
11 +	\$20 plus \$5/each mph over 10 mph over limit <u>of five dollars for each mile per hour over the limit.</u>
6.5. For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:	
a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;	
b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;	
c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and	

d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.~~

8.6. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of 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 unless a greater fee would be applicable under this section.

9.7. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

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

39-09-02. Speed limitations.

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.

- 1 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
2 recess or while children are going to or leaving school during opening or closing
3 hours, unless a lower speed is designated or posted by local authorities.
- 4 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24
5 meters] and in traversing an intersection of highways when the driver's view is
6 obstructed. A driver's view is deemed to be obstructed when at any time during
7 the last fifty feet [15.24 meters] of the driver's approach to such intersection, the
8 driver does not have a clear and uninterrupted view of such intersection and of
9 the traffic upon all of the highways entering such intersection for a distance of two
10 hundred feet [60.96 meters] from such intersection.
- 11 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
12 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 13 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district
14 or in a residence district or in a public park, unless a different speed is designated
15 and posted by local authorities.
- 16 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
17 highways, and on paved two-lane county and township highways if there is no
18 speed limit posted, unless otherwise permitted, restricted, or required by
19 conditions.
- 20 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted
21 for that speed, unless otherwise permitted, restricted, or required by conditions.
- 22 h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane
23 highways, unless otherwise permitted, restricted, or required by conditions.
- 24 i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on
25 access-controlled, paved and divided, multilane interstate highways, unless
26 otherwise permitted, restricted, or required by conditions.
- 27 2. The director may designate and post special areas of state highways where lower
28 speed limits apply. Differing limits may be established for different times of the day
29 within highway construction zones which are effective when posted upon appropriate
30 fixed or variable speed limit signs.

3. The director may designate variable speed limit adjustment zones along the state highway system. The department may install variable speed limit signs in a variable speed limit adjustment zone. In each variable speed limit adjustment zone the director, in coordination with the superintendent of the highway patrol, may use real time intelligent transportation systems to adjust the speed limit when a speed limit adjustment would provide for the safe and efficient movement of motor vehicles.

4. Except as provided by law, ~~it is unlawful for any~~a person ~~to~~may not drive a vehicle ~~upon~~on a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.

4.5. 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 this section prescribes is prima facie lawful at the time and place of the alleged offense.

SECTION 3. AMENDMENT. Section 39-09-04 of the North Dakota Century Code is amended and reenacted as follows:

39-09-04. Alteration of maximum speed limits on state highways.

The maximum speed limits specified in section 39-09-02 may be altered on all or any part of the state highway system by an administrative order by the director after holding a public hearing ~~has been held~~. ~~Such~~The determination must be based on engineering and traffic investigations with primary consideration given to the establishment of reasonable and safe speeds, highway conditions, enforcement, and the general welfare. Speed limits established ~~pursuant to~~under this section ~~shall be~~are effective only when appropriate signs giving notice ~~thereof~~ are erected and ~~such~~the maximum speed limits may be declared ~~to be~~ effective at all times or at ~~such~~the times ~~as are~~ indicated ~~upon said~~on the signs. Differing limits may be established by the director for different times of the day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, ~~which shall be~~. Differing limits are effective when posted ~~upon~~on appropriate fixed or variable signs. An administrative order is not required to lower maximum speed limits temporarily due to unsafe conditions.

SECTION 4. AMENDMENT. Section 39-09-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-09-07.1. Speed zones - Reduction limitation.

1. Except ~~for highway construction zones~~ under subsections 2 and 3 of this section, ~~no~~ a street, road, or highway in the state highway system or any other township, county, or state road or highway may not be posted in a manner which reduces the maximum speed limit on the street, road, or highway by more than twenty miles [32.19 kilometers] per hour between ~~any~~ two signs ~~so~~ posted in a speed zone.

2. The maximum speed limit reductions between two fixed or variable signs in a variable speed limit adjustment zone may exceed twenty miles [32.18 kilometers] per hour when speed limits are lowered temporarily by the director due to unsafe conditions.

3. The maximum speed limit reduction between ~~any~~ two signs posted in a highway construction zone may not exceed thirty miles [48.28 kilometers] per hour.

SECTION 5. AMENDMENT. Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06 except for a violation of a speed limitation.