

**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