

HOUSE BILL NO. 1046

Introduced by

Legislative Council

(Judiciary B Committee)

1 A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code,
2 relating to speed limitations.

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

4 **SECTION 1. AMENDMENT.** Section 39-09-02 of the 2001 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **39-09-02. Speed limitations.**

7 1. Subject to the provisions of section 39-09-01 and except in those instances where
8 a lower speed is specified in this chapter, it presumably is lawful for the driver of a
9 vehicle to drive the same at a speed not exceeding:

10 a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
11 [15.24 meters] of a grade crossing of any steam, electric, or street railway
12 when the driver's view is obstructed. A driver's view is deemed to be
13 obstructed when at any time during the last two hundred feet [60.96 meters] of
14 the driver's approach to such crossing, the driver does not have a clear and
15 uninterrupted view of such railway crossing and of any traffic on such railway
16 for a distance of four hundred feet [121.92 meters] in each direction from such
17 crossing.

18 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
19 recess or while children are going to or leaving school during opening or
20 closing hours, unless a lower speed is designated or posted by local
21 authorities.

22 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
23 [15.24 meters] and in traversing an intersection of highways when the driver's
24 view is obstructed. A driver's view is deemed to be obstructed when at any

- 1 time during the last fifty feet [15.24 meters] of the driver's approach to such
2 intersection, the driver does not have a clear and uninterrupted view of such
3 intersection and of the traffic upon all of the highways entering such
4 intersection for a distance of two hundred feet [60.96 meters] from such
5 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
9 district or in a residence district or in a public park, unless a different speed is
10 designated 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 highways if there is no speed limit posted or~~
13 ~~if within the time period of one half hour after sunset to one half hour before~~
14 ~~sunrise~~, unless otherwise permitted, restricted, or required by conditions.
- 15 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~if~~
16 ~~within the time period of one half hour before sunrise to one half hour after~~
17 ~~sunset and if posted for that speed~~, and on paved and divided multilane
18 highways, unless otherwise permitted, restricted, or required by conditions.
- 19 h. Seventy miles [112.65 kilometers] an hour on access-controlled, paved and
20 divided, multilane interstate highways, unless otherwise permitted, restricted,
21 or required by conditions.
- 22 2. The director may designate and post special areas of state highways where lower
23 speed limits apply.
- 24 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a
25 highway at a speed that is unsafe or at a speed exceeding the speed limit
26 prescribed by law or established pursuant to law.
- 27 4. In charging a violation of the provisions of this section, the complaint must specify
28 the speed at which the defendant is alleged to have driven and the speed which
29 this section prescribes is prima facie lawful at the time and place of the alleged
30 offense.