

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1047

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and page 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

Page 1, line 3, after "limit" insert "; and to declare an emergency"

Page 2, line 15, remove the overstrike over "~~subsections~~", after the first overstruck comma insert "10 and", remove the overstrike over "~~44~~", and remove "subsection 10"

Page 2, line 29, replace "5/each" with "30 plus \$5/each" and after "over" insert "10 mph over"

Page 4, line 6, after "~~44.~~" insert "10.", remove the overstrike over "~~On a highway on which the speed limit is posted in excess of~~", after "~~seventy~~" insert "sixty-five", and remove the overstrike over "~~miles~~"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "~~44.65~~" insert "104.61", and remove the overstrike over "~~kilometers] an hour, for a violation of section 39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

**"SECTION 3. AMENDMENT.** Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles [~~44.65~~ 104.61 kilometers] an hour, 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
1 - 5	0
6 - 10	1
11 - 15	<del>2</del> 3
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

**"SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, 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 where 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.
  - 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 obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
  - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
  - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
  - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township

highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.

- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways~~ if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
  - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled,~~ paved and divided, multilane ~~interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.
  - i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
- 2. The director may designate and post special areas of state highways where lower speed limits apply.
  - 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon 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. 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."

Page 7, after line 30, insert:

**"SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly