

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 section 39-06.1-06, subsection 3 of section~~
4 ~~39-06.1-10, sections 39-09-02, 39-09-04, and 39-09-07.1, and subsection 2 of section 40-05-06~~
5 ~~of the North Dakota Century Code, relating to the amount of statutory fees, points assigned to~~
6 ~~driving records, speed limitations on multilane highways, variable speed limits, alteration of~~
7 ~~maximum speed limits on state highways, speed zone reduction limitations, and city fines and~~
8 ~~penalties; and to provide a penalty.~~

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

10 ~~— **SECTION 1. AMENDMENT.** Subdivision i of subsection 1 of section 39-09-02 of the North~~
11 ~~Dakota Century Code is amended and reenacted as follows:~~
12 ~~——— i. — ~~Seventy-five~~ ~~Eighty~~ miles [120.70128.75 kilometers] an hour on~~
13 ~~access-controlled, paved and divided, multilane interstate highways, unless~~
14 ~~otherwise permitted, restricted, or required by conditions.~~

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

17 **39-06.1-06. Amount of statutory fees.**

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

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars 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~~

~~lawful speed limit~~ Fee

~~1 - 10 \$2/each mph over limit~~

~~11 + \$20 plus \$5/each mph over 10 mph over limit~~of five dollars for each mile per hour over the limit.

~~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. Subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

3. Points must be assigned and accumulated on the basis of the following schedule:

a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
(1) Overtime and double parking in violation of city ordinances	0 points
(2) Failure to display license plates	1 point
(3) Permitting unauthorized minor to drive	2 points
(4) Permitting unauthorized person to drive	2 points

1	(5) Unlawful stopping, standing, or parking on open	2 points
2	highway in violation of section 39-10-47	
3	(6) Unlawful parking in prohibited place	1 point
4	(7) Leaving motor vehicle improperly unattended on	1 point
5	an open highway	
6	(8) Opening or leaving motor vehicle doors open when	1 point
7	unsafe to do so	
8	(9) Except as provided in sections 39-21-44 and	2 points
9	39-21-45.1, knowingly driving with defective,	
10	nonexistent, or unlawful equipment in violation of	
11	section 39-21-46, or equivalent ordinances	
12	(10) Careless driving in violation of section 39-09-01, or	6 points
13	equivalent ordinance	
14	(11) Violating or exceeding restrictions contained in	4 points
15	a restricted certificate issued pursuant to section	
16	39-06.1-03	
17	(12) Racing or drag racing motor vehicles in violation	10 points
18	of section 39-08-03.1, or equivalent ordinance	
19	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
20	equivalent ordinance	
21	(14) Failing to yield right of way in violation of	2 points
22	section 39-10-20, 39-10-22 through 39-10-26,	
23	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
24	equivalent ordinances	
25	(15) Disobeying an official traffic-control device	2 3 points
26	in violation of section 39-10-04, 39-10-05, or	
27	39-10-07, or equivalent ordinances	
28	(16) Driving on wrong side of road in violation of	2 points
29	section 39-10-08, 39-10-14, or	
30	subsection 1, or 2, or 3 of section 39-10-16, or	
31	equivalent ordinances	

1	(17) Failing to dim headlights in violation of section	1 point
2	39-21-21, or equivalent ordinance	
3	(18) Failing to stop at railroad crossing in violation of section	3 points
4	39-10-41 or 39-10-42, or equivalent ordinances	
5	(19) Knowingly driving with defective brakes in violation of	2 points
6	section 39-21-32 or 39-21-33, or equivalent ordinances	
7	(20) Disregarding the lawful commands of a police officer in	2 points
8	violation of section 39-10-02, or equivalent ordinance	
9	(21) Overtaking where prohibited or in an unsafe manner in	2 points
10	violation of section 39-10-11, <u>or</u> 39-10-12, 39-10-13, or	
11	39-10-15, or equivalent ordinances	
12	(22) Overtaking and passing a schoolbus in violation of	6 points
13	section 39-10-46, or equivalent ordinance	
14	(23) Operating a motor vehicle without a license in	4 points
15	violation of section 39-06-01, or equivalent ordinance	
16	(24) Improperly operating or unlawfully carrying	2 points
17	passengers or packages on a motorcycle in violation	
18	of section 39-10.2-02, or equivalent ordinance	
19	(25) Improperly operating a motorcycle in laned traffic in	2 points
20	violation of section 39-10.2-03, or equivalent ordinance	
21	(26) Clinging to other vehicles while riding a motorcycle in	4 points
22	violation of section 39-10.2-04, or equivalent ordinance	
23	(27) Carrying a passenger on a motorcycle not equipped	2 points
24	with passenger footrests in violation of section	
25	39-10.2-05, or equivalent ordinance	
26	(28) Operating a motorcycle without protective headgear	2 points
27	in violation of subsection 1 of section 39-10.2-06, or	
28	equivalent ordinance	
29	(29) Failing to use the care required in section 39-09-01.1,	2 points
30	or equivalent ordinance	

1	(30)	Except as provided in paragraph 33, operating a motor	
2		vehicle in excess of speed limit in violation of section	
3		39-09-02, or equivalent ordinance	
4		6 - 10 mph over limit	0 points
5		11 - 15 mph over limit	1 point
6		16 - 20 mph over limit	3 points
7		21 - 25 mph over limit	5 points
8		26 - 35 mph over limit	9 points
9		36 - 45 mph over limit	12 points
10		46 + mph over limit	15 points
11	(31)	Driving in violation of section 39-08-18	23 points
12	(32)	Driving in violation of section 39-08-09	6 points
13	(33)	On a highway on which the speed limit is posted in	
14		excess of sixty-five miles [104.61 kilometers] an hour,	
15		operating a motor vehicle in excess of the speed limit	
16		in violation of section 39-09-02, or equivalent ordinance	
17		Miles per hour over lawful speed limit	Points
18		1 - 5	0
19		6 - 10	1
20		11 - 15	3
21		16 - 20	5
22		21 - 25	7
23		26 - 30	10
24		31 - 35	12
25		36 +	15
26	(34)	Failing to have a minor in a child restraint system	4-point <u>3 points</u>
27		or seatbelt in violation of section 39-21-41.2	
28	(35)	Failure or refusal to comply with rules of the	0 points
29		superintendent of the highway patrol in violation	
30		of subsection 3 of section 39-21-46	

1	(36) Violation of section 39-21-44 or any rule adopted	2 points
2	under that section	
3	(37) Except as provided in paragraph 39, operating a motor	6 points
4	vehicle without liability insurance, in violation of	
5	section 39-08-20	
6	(38) Except as provided in paragraph 39, operating a motor	12 points
7	vehicle without liability insurance, in violation of	
8	section 39-08-20, if the driving record shows that the	
9	licensee has within the eighteen months preceding the	
10	violation previously violated section 39-08-20	
11	(39) Operating a motor vehicle without liability insurance,	14 points
12	in violation of section 39-08-20, if the violation was	
13	discovered as the result of investigation of an accident	
14	in which the driver is the owner	
15	(40) Driving a modified motor vehicle in violation of section	1 point
16	39-21-45.1, or equivalent ordinance	
17	(41) Driving in violation of the conditions of	2 points
18	an instructional permit	
19	(42) <u>Using a wireless communications device</u>	3 points
20	<u>in violation of section 39-08-23 or</u>	
21	<u>39-08-24, or equivalent ordinance</u>	
22	(43) <u>Failure to maintain control of a motor vehicle while distracted</u>	3 points
23	<u>in violation of section 39-08-25</u>	
24	(44) <u>Overtaking where prohibited or in an unsafe manner in</u>	3 points
25	<u>violation of section 39-10-13 or 39-10-15, or</u>	
26	<u>equivalent ordinances</u>	
27	(45) <u>Driving on the wrong side of the road in violation of</u>	3 points
28	<u>subsection 3 of section 39-10-16, or</u>	
29	<u>equivalent ordinances</u>	

1	(46) Following too close in violation of	3 points
2	subsection 1 of section 39-10-18, or	
3	equivalent ordinance	
4	(47) Driving on a closed road during hazardous conditions,	3 points
5	when closure was announced, in violation	
6	of section 39-10-21.1, or equivalent ordinance	
7	(48) Failing to yield the right of way in violation	3 points
8	of section 39-10-22 through 39-10-26,	
9	39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance	
10	(49) Disregarding stop sign in violation of section	3 points
11	39-10-44, or equivalent ordinance.	
12	b. Criminal Violations	
13	Conviction of:	Points Assigned:
14	(1) Reckless driving in violation of section 39-08-03, or	8 points
15	equivalent ordinance	
16	(2) Aggravated reckless driving in violation of section	12 points
17	39-08-03, or equivalent ordinance	
18	(3) Leaving the scene of an accident involving property	14 points
19	damage in violation of section 39-08-05, 39-08-07,	
20	or 39-08-08, or equivalent ordinances	
21	(4) Leaving the scene of an accident involving personal	18 points
22	injury or death in violation of section 39-08-04, or	
23	equivalent ordinance	
24	(5) Violating restrictions in a restricted license issued	3 points
25	under section 39-06-17 and relating to the use of	
26	eyeglasses or contact lenses while driving	
27	(6) Violating any restrictions other than those listed in	4 points
28	paragraph 5, contained in a restricted license issued	
29	under section 39-06-17 or 39-06.1-11	

- (7) Except as provided in paragraph 9 of subdivision a, 23 points
knowingly operating an unsafe vehicle in violation of
section 39-21-46, or equivalent ordinance
- (8) Fleeing in a motor vehicle from a peace officer in 24 points
violation of section 39-10-71, or equivalent ordinance
- (9) Causing an accident with an authorized emergency 2 points
vehicle or a vehicle operated by or under the control
of the director used for maintaining the state highway
system in violation of subsection 5 of section 39-10-26,
or equivalent ordinance.

SECTION 3. 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.
 - 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 if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
- h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
- i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 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. Differing limits may be established for different times of the day within highway construction zones which are effective when posted upon appropriate 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 4. 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 appropriate fixed or variable signs. An administrative order is not required to lower maximum speed limits temporarily due to unsafe conditions.

SECTION 5. 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, ~~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.

1 **SECTION 6. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century
2 Code is amended and reenacted as follows:
3 2. For every violation of a city ordinance that regulates the operation or equipment of a
4 motor vehicle or which regulates traffic, except those ordinances listed in section
5 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one
6 hundred percent, the limit, for an equivalent category of violation, set forth in section
7 39-06.1-06 except for a violation of a speed limitation.