

**HOUSE BILL NO. 1421**

Introduced by

Representatives Murphy, Grueneich

1 A BILL for an Act to create and enact a new subsection to section 39-04-19 and two new  
2 subdivisions to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating  
3 to farm tractor registration and the amount of statutory fees; to amend and reenact subdivision a  
4 of subsection 2 of section 39-04-18 and sections 39-06.1-09, 39-09-02, and 39-09-09 of the  
5 North Dakota Century Code, relating to farm tractors, speed limitations, and minimum speed  
6 limits; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 39-04-18 of the North  
9 Dakota Century Code is amended and reenacted as follows:

- 10 a. Farm tractors as defined in section 39-01-01, special mobile equipment and road  
11 rollers and other road construction or maintenance machinery that cannot be  
12 operated on the highways and streets of this state in a normal operating manner.
- 13 (1) The owner or lessee of a farm tractor shall pay the fee under section  
14 39-04-19 to operate the farm tractor on an access-controlled, paved and  
15 divided, multilane interstate highway.
- 16 (2) While operating on an access-controlled, paved and divided, multilane  
17 interstate highway a farm tractor must be:
- 18 (a) Clear of debris and may not leave debris on the interstate highway.  
19 (b) Followed by a motor vehicle operating flashing hazard warning  
20 signals.

21 **SECTION 2.** A new subsection to section 39-04-19 of the North Dakota Century Code is  
22 created and enacted as follows:

1           A farm tractor may be registered to operate on an access-controlled, paved and  
2           divided, multilane interstate highway upon the payment of an annual fee of  
3           one hundred dollars.

4           **SECTION 3.** A new subdivision to subsection 2 of section 39-06.1-06 of the North  
5 Dakota Century Code is created and enacted as follows:

6           A violation of subparagraph a of paragraph 2 of subdivision a of subsection 2 of  
7           39-04-18, a fee of one hundred dollars.

8           **SECTION 4.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
9 Century Code is created and enacted as follows:

10           Except as provided in section 3 of this Act, a violation of subdivision a of  
11           subsection 2 of section 39-04-18, a fee of two hundred dollars.

12           **SECTION 5. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **39-06.1-09. Moving violation defined.**

15           For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
16 violation of section 39-04-11, paragraph 2 of subdivision a of subsection 2 of section 39-04-18,  
17 section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-04,  
18 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01,  
19 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04,  
20 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09, except  
21 subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a  
22 violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances,  
23 except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section  
24 39-21-46, and those sections within those chapters which are specifically listed in subsection 1  
25 of section 39-06.1-08.

26           **SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **39-09-02. Speed limitations.**

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

- 1           a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24  
2 meters] of a grade crossing of any steam, electric, or street railway when the  
3 driver's view is obstructed. A driver's view is deemed to be obstructed when at  
4 any time during the last two hundred feet [60.96 meters] of the driver's approach  
5 to such crossing, the driver does not have a clear and uninterrupted view of such  
6 railway crossing and of any traffic on such railway for a distance of four hundred  
7 feet [121.92 meters] in each direction from such crossing.
- 8           b. Twenty miles [32.19 kilometers] an hour when passing a school during school  
9 recess or while children are going to or leaving school during opening or closing  
10 hours, unless a lower speed is designated or posted by local authorities.
- 11          c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24  
12 meters] and in traversing an intersection of highways when the driver's view is  
13 obstructed. A driver's view is deemed to be obstructed when at any time during  
14 the last fifty feet [15.24 meters] of the driver's approach to such intersection, the  
15 driver does not have a clear and uninterrupted view of such intersection and of  
16 the traffic upon all of the highways entering such intersection for a distance of two  
17 hundred feet [60.96 meters] from such intersection.
- 18          d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway  
19 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 20          e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district  
21 or in a residence district or in a public park, unless a different speed is designated  
22 and posted by local authorities.
- 23          f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface  
24 highways, and on paved two-lane county and township highways if there is no  
25 speed limit posted, unless otherwise permitted, restricted, or required by  
26 conditions.
- 27          g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted  
28 for that speed, unless otherwise permitted, restricted, or required by conditions.
- 29          h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane  
30 highways, unless otherwise permitted, restricted, or required by conditions.

- 1           i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on  
2           access-controlled, paved and divided, multilane interstate highways, unless  
3           otherwise permitted, restricted, or required by conditions.
- 4       2. The director may designate and post special areas of state highways where lower  
5       speed limits apply. Differing limits may be established for different times of the day  
6       within highway construction zones which are effective when posted upon appropriate  
7       fixed or variable speed limit signs.
- 8       3. The director may designate a zone of the access-controlled, paved and divided,  
9       multilane interstate highways as a high accident zone. In a high accident zone the  
10       director may reduce the speed limit of the zone to sixty miles [96.56 kilometers] an  
11       hour. The speed limit reduction is effective when posted upon appropriate fixed or  
12       variable speed limit signs.
- 13       4. The director may reduce the speed limit on access-controlled, paved and divided,  
14       multilane interstate highways, when the director determines weather is causing limited  
15       sight lines and the impacting safety. The speed limit reduction is effective when posted  
16       upon appropriate fixed or variable speed limit signs.
- 17       5. Except as provided by law, it is unlawful for any person to drive a vehicle upon a  
18       highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed  
19       by law or established pursuant to law.
- 20       4.6. In charging a violation of ~~the provisions of~~ this section, the complaint must specify the  
21       speed at which the defendant is alleged to have driven and the speed ~~which~~that this  
22       section prescribes is prima facie lawful at the time and place of the alleged offense.

23       **SECTION 7. AMENDMENT.** Section 39-09-09 of the North Dakota Century Code is  
24       amended and reenacted as follows:

25       **39-09-09. Minimum speed limits.**

- 26       1. An individual may not drive a motor vehicle at a reduced speed so as to impede the  
27       normal and reasonable movement of traffic except when reduced speed is necessary  
28       for safe operation or in compliance with law.
- 29       2. ~~If~~Subject to subsection 3, the director and the superintendent of the highway patrol,  
30       acting jointly, or a local authority within the authority's jurisdiction, determines on the  
31       basis of an engineering and traffic investigation that slow speeds on any highway or

1 part of a highway impede the safe, normal, and reasonable movement of traffic, the  
2 director and superintendent or the local authority may determine and declare a  
3 minimum speed limit below which an individual may not drive a vehicle except when  
4 necessary for safe operation or in compliance with law, and that limit is effective when  
5 posted upon appropriate fixed or variable signs.

6 3. An individual may not drive a motor vehicle at a speed less than forty miles [64.37  
7 kilometers] an hour while on an access-controlled, paved and divided, multilane  
8 interstate highway unless the motor vehicle is a farm tractor followed by a motor  
9 vehicle operating flashing hazard warning signals.