

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 sections 39-09-02, 39-09-04, and 39-09-07.1 of the~~
 4 North Dakota Century Code, relating to speed limitations on multilane highways, variable speed
 5 limits, alteration of maximum speed limits on state highways, and speed zone reduction
 6 limitations; and to provide a penalty.

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

8 ~~— **SECTION 1. AMENDMENT.** Subdivision i of subsection 1 of section 39-09-02 of the North~~
 9 ~~Dakota Century Code is amended and reenacted as follows:~~
 10 ~~— i. Seventy five~~Eighty~~ miles [120.70~~128.75~~ kilometers] an hour on
 11 ~~access-controlled, paved and divided, multilane interstate highways, unless~~
 12 ~~otherwise permitted, restricted, or required by conditions.~~~~

13 **SECTION 1. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is
 14 amended and reenacted as follows:

15 **39-09-02. Speed limitations.**

- 16 1. Subject to the provisions of section 39-09-01 and except in those instances when a
 17 lower speed is specified in this chapter, it presumably is lawful for the driver of a
 18 vehicle to drive the same at a speed not exceeding:
 19 a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24
 20 meters] of a grade crossing of any steam, electric, or street railway when the

1 driver's view is obstructed. A driver's view is deemed to be obstructed when at
2 any time during the last two hundred feet [60.96 meters] of the driver's approach
3 to such crossing, the driver does not have a clear and uninterrupted view of such
4 railway crossing and of any traffic on such railway for a distance of four hundred
5 feet [121.92 meters] in each direction from such crossing.

- 6 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
7 recess or while children are going to or leaving school during opening or closing
8 hours, unless a lower speed is designated or posted by local authorities.
- 9 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24
10 meters] and in traversing an intersection of highways when the driver's view is
11 obstructed. A driver's view is deemed to be obstructed when at any time during
12 the last fifty feet [15.24 meters] of the driver's approach to such intersection, the
13 driver does not have a clear and uninterrupted view of such intersection and of
14 the traffic upon all of the highways entering such intersection for a distance of two
15 hundred feet [60.96 meters] from such intersection.
- 16 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
17 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 18 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district
19 or in a residence district or in a public park, unless a different speed is designated
20 and posted by local authorities.
- 21 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
22 highways, and on paved two-lane county and township highways if there is no
23 speed limit posted, unless otherwise permitted, restricted, or required by
24 conditions.
- 25 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted
26 for that speed, unless otherwise permitted, restricted, or required by conditions.
- 27 h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane
28 highways, unless otherwise permitted, restricted, or required by conditions.
- 29 i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on
30 access-controlled, paved and divided, multilane interstate highways, unless
31 otherwise permitted, restricted, or required by conditions.

1 2. The director may designate and post special areas of state highways where lower
2 speed limits apply. Differing limits may be established for different times of the day
3 within highway construction zones which are effective when posted upon appropriate
4 fixed or variable speed limit signs.

5 3. The director may designate variable speed limit adjustment zones along the state
6 highway system. The department may install variable speed limit signs in a variable
7 speed limit adjustment zone. In each variable speed limit adjustment zone, the
8 director, in coordination with the superintendent of the highway patrol, may use real
9 time intelligent transportation systems to adjust the speed limit when a speed limit
10 adjustment would provide for the safe and efficient movement of motor vehicles.

11 4. Except as provided by law, ~~it is unlawful for any~~a person ~~to~~may not drive a vehicle
12 upon a highway at a speed that is unsafe or at a speed exceeding the speed limit
13 prescribed by law or established pursuant to law.

14 4.5. In charging a violation of the provisions of this section, the complaint must specify the
15 speed at which the defendant is alleged to have driven and the speed which this
16 section prescribes is prima facie lawful at the time and place of the alleged offense.

17 **SECTION 2. AMENDMENT.** Section 39-09-04 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-09-04. Alteration of maximum speed limits on state highways.**

20 The maximum speed limits specified in section 39-09-02 may be altered on all or any part of
21 the state highway system by an administrative order by the director after holding a public
22 hearing ~~has been held. Such~~The determination must be based on engineering and traffic
23 investigations with primary consideration given to the establishment of reasonable and safe
24 speeds, highway conditions, enforcement, and the general welfare. Speed limits established
25 pursuant tounder this section ~~shall be~~are effective only when appropriate signs giving notice
26 thereof are erected and ~~such~~the maximum speed limits may be declared ~~to be~~ effective at all
27 times or at ~~such~~the times ~~as are~~ indicated upon ~~said~~on the signs. Differing limits may be
28 established by the director for different times of the day, different types of vehicles, varying
29 weather conditions, and other factors bearing on safe speeds, ~~which shall be~~. Differing limits are
30 effective when posted upon appropriate fixed or variable signs. An administrative order is not
31 required to lower maximum speed limits temporarily due to unsafe conditions.

1 **SECTION 3. AMENDMENT.** Section 39-09-07.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-09-07.1. Speed zones - Reduction limitation.**

4 1. Except ~~for highway construction zones~~ under subsections 2 and 3 of this section, ~~no a~~
5 street, road, or highway in the state highway system or any other township, county, or
6 state road or highway may not be posted in a manner which reduces the maximum
7 speed limit on the street, road, or highway by more than twenty miles [32.19
8 kilometers] per hour between ~~any~~ two signs ~~so~~ posted in a speed zone.

9 2. The maximum speed limit reductions between two fixed or variable signs in a variable
10 speed limit adjustment zone may exceed twenty miles [32.19 kilometers] per hour
11 when speed limits are lowered temporarily by the director due to unsafe conditions.

12 3. The maximum speed limit reduction between ~~any~~ two signs posted in a highway
13 construction zone may not exceed thirty miles [48.28 kilometers] per hour.