CHAPTER 39-09
SPEED RESTRICTIONS

39-09-01. Basic rule - Penalty for violation.

1. An individual may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and shall drive with regard to existing actual and potential hazards. An individual shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians, other traffic, weather, or highway conditions. An individual who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles in violation of the requirements or restrictions of this section is guilty of careless driving and must be assessed a fee of one hundred dollars.
2. An individual is guilty of an infraction if the individual violates subsection 1 of this section and:
   a. Causes and inflicts injury on the person of an operator of snow removal equipment engaged in snow removal operations;
   b. Causes and inflicts injury on the person of:
      (1) A first responder acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway;
      (2) The operator or occupant of an authorized emergency vehicle acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway; or
      (3) An individual assisting another individual displaying a visible hazard warning light while stationary on the side of a roadway;
   c. Causes damage in excess of four thousand dollars to snow removal equipment engaged in snow removal; or
   d. Causes damage in excess of four thousand dollars to an authorized emergency vehicle.
3. As used in this section, "snow removal equipment" means a vehicle that is operated by an individual employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.

39-09-01.1. Care required in operating vehicle.

Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

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. Eighty miles [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, a person may not drive a vehicle 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.
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.

39-09-03. When local authorities may or shall alter maximum speed - Limits - Signs posted.

1. Whenever local authorities in their respective jurisdictions, on the basis of an engineering and traffic investigation, determine that the maximum speed permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:
   a. Decreases the limit at intersections;
   b. Increases the limit within an urban district but not to more than fifty-five miles [88.51 kilometers] per hour; or
   c. Decreases the limit outside an urban district.
2. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a

reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities may not be effective until such alteration has been approved by the director.
5. Not more than six such alterations as hereinabove authorized may be made per mile [1.61 kilometers] along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits may not be more than ten miles [16.09 kilometers] per hour.

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. 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 under this section are effective only when appropriate signs giving notice are erected and the maximum speed limits may be declared effective at all times or at the times indicated 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. Differing limits are effective when posted on appropriate fixed or variable signs. An administrative order is not required to lower maximum speed limits temporarily due to unsafe conditions.

39-09-04.1. Special speed limitations.

1. No person may drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles [16.09 kilometers] per hour.
2. No person may drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained without hazard to such bridge or structure, when such structure is signposted as provided in this section.
3. The director or other authority having jurisdiction may conduct an investigation of any public bridge, causeway, or viaduct and if the director finds that such structure cannot safely withstand the traveling of vehicles at the speed otherwise permissible under this chapter, such director or other authority shall determine and declare the maximum speed of vehicles such structure can withstand. The director or other authority shall cause or permit signs to be erected and maintained at a distance of one hundred feet [30.48 meters] from each end of such structure. Such signs must state the maximum speed permissible over such structure. The findings and determination of the director or other authority are conclusive evidence of the maximum speed which can be maintained without hazard to any such structure.

39-09-05. Driving vehicle upon bridge, causeway, or viaduct at greater than maximum speed prohibited.

Repealed by S.L. 1975, ch. 348, § 17.

39-09-06. Speed limitations inapplicable to whom - Liability of exempt driver for reckless driving.

The speed limitations provided for in this chapter do not apply to class A authorized emergency vehicles. The exemptions provided for in this section do not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

39-09-07. Speed zones on state highways.

Whenever the director with respect to highways and the superintendent of the North Dakota state highway patrol shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state highway is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of such highway to include streets within the corporate limits of any city, when such streets have been designated as part of any state highway, said officials acting jointly may determine and declare a reasonable and safe speed limit thereat not in excess of the maximum prescribed by law, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersections or other place or part of the highway.

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

1. Except under subsections 2 and 3, 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 two signs 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 [32.19 kilometers] per hour when speed limits are lowered temporarily by the director due to unsafe conditions.
3. The maximum speed limit reduction between two signs posted in a highway construction zone may not exceed thirty miles [48.28 kilometers] per hour.

39-09-08. Regulation of speed control signs.

Repealed by S.L. 1975, ch. 349, § 41.

39-09-09. Minimum speed limits.

1. An individual may not drive a motor vehicle at a reduced speed so as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. If the director and the superintendent of the highway patrol, acting jointly, or a local authority within the authority's jurisdiction, determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the safe, normal, and reasonable movement of traffic, the director and superintendent or the local authority may determine and declare a minimum speed limit below which an individual may not drive a vehicle except when necessary for safe operation or in compliance with law, and that limit is effective when posted upon appropriate fixed or variable signs.