

HOUSE BILL NO. 1443

Introduced by

Representatives Porter, DeKrey, Jensen, Weisz

1 A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North
2 Dakota Century Code, relating to speed limit fees; and to amend and reenact subsections 3 and
3 8 of section 39-06.1-06, paragraph 30 of subdivision a of subsection 3 of section 39-06.1-10,
4 and subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed
5 limits.

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

7 **SECTION 1. AMENDMENT.** Subsections 3 and 8 of section 39-06.1-06 of the 1999
8 Supplement to the North Dakota Century Code are amended and reenacted as follows:

9 3. Except as provided in subsection 8 of section 39-06.1-06 and section 2 of this Act,
10 for a violation of section 39-09-02, or an equivalent ordinance, a fee established as
11 follows:

12	Miles per hour over	Fee
13	lawful speed limit	
14	1 - 5	\$ 5
15	6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
16	11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
17	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
18	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
19	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
20	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
21	46 +	\$100 plus \$5/each mph over 45 mph over limit

22 8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51
23 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance,
24 a fee established as follows:

1	Miles per hour over	
2	lawful speed limit	Fee
3	1 - 5	\$ 10 plus \$1/each mph over limit
4	6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
5	11 - 15	\$ 25 <u>50</u> plus \$3/each mph over 10 mph over limit
6	16 - 25	\$ 40 <u>80</u> plus \$3/each mph over 15 mph over limit
7	26 - 35	\$ 70 <u>140</u> plus \$3/each mph over 25 mph over limit
8	36 +	\$ 100 <u>200</u> plus \$5/each mph over 35 mph over limit

9 **SECTION 2.** A new subsection to section 39-06.1-06 of the 1999 Supplement to the
10 North Dakota Century Code is created and enacted as follows:

11 On a highway on which the speed limit is fifty-five miles [88.51 kilometers] an hour,
12 for a violation of section 39-09-02, or an equivalent ordinance, a fee established as
13 follows:

14	<u>Miles per hour over</u>	
15	<u>lawful speed limit</u>	<u>Fee</u>
16	<u>1 - 5</u>	<u>\$ 5</u>
17	<u>6 - 10</u>	<u>\$ 5 plus \$1/each mph over 5 mph over limit</u>
18	<u>11 - 15</u>	<u>\$20 plus \$1/each mph over 10 mph over limit</u>
19	<u>16 - 20</u>	<u>\$30 plus \$2/each mph over 15 mph over limit</u>
20	<u>21 - 25</u>	<u>\$50 plus \$3/each mph over 20 mph over limit</u>
21	<u>26 - 35</u>	<u>\$80 plus \$3/each mph over 25 mph over limit</u>
22	<u>36 - 45</u>	<u>\$140 plus \$3/each mph over 35 mph over limit</u>
23	<u>46 +</u>	<u>\$200 plus \$5/each mph over 45 mph over limit</u>

24 **SECTION 3. AMENDMENT.** Paragraph 30 of subdivision a of subsection 3 of section
25 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and
26 reenacted as follows:

27 (30) Except as provided in
28 ~~paragraphs paragraph 31 and 34~~ of this
29 subdivision, operating a motor
30 vehicle in excess of speed limit
31 in violation of section 39-09-02,

1	or equivalent ordinance	
2	<u>11 - 15 mph over limit</u>	<u>3 points</u>
3	16 - 20 mph over limit	3 points
4	21 - 25 mph over limit	4 7 points
5	26 - 35 mph over limit	6 <u>10 points</u>
6	36 - 45 mph over limit	8 points
7	46 + <u>36 or more mph over limit</u>	12 points

8 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-09-02 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. Subject to the provisions of section 39-09-01 and except in those instances where
11 a lower speed is specified in this chapter, it presumably is lawful for the driver of a
12 vehicle to drive the same at a speed not exceeding:
- 13 a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
14 [15.24 meters] of a grade crossing of any steam, electric, or street railway
15 when the driver's view is obstructed. A driver's view is deemed to be
16 obstructed when at any time during the last two hundred feet [60.96 meters] of
17 the driver's approach to such crossing, the driver does not have a clear and
18 uninterrupted view of such railway crossing and of any traffic on such railway
19 for a distance of four hundred feet [121.92 meters] in each direction from such
20 crossing.
- 21 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
22 recess or while children are going to or leaving school during opening or
23 closing hours.
- 24 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
25 [15.24 meters] and in traversing an intersection of highways when the driver's
26 view is obstructed. A driver's view is deemed to be obstructed when at any
27 time during the last fifty feet [15.24 meters] of the driver's approach to such
28 intersection, the driver does not have a clear and uninterrupted view of such
29 intersection and of the traffic upon all of the highways entering such
30 intersection for a distance of two hundred feet [60.96 meters] from such
31 intersection.

Fifty-seventh
Legislative Assembly

- 1 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
2 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 3 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business
4 district or in a residence district or in a public park, unless a different speed is
5 designated and posted by local authorities.
- 6 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
7 highways, ~~and on paved two-lane highways if there is no speed limit posted or~~
8 ~~if within the time period of one-half hour after sunset to one-half hour before~~
9 ~~sunrise~~, unless otherwise permitted, restricted, or required by conditions.
- 10 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if
11 ~~within the time period of one-half hour before sunrise to one-half hour after~~
12 ~~sunset and if posted for that speed~~, and on paved and divided multilane
13 highways, unless otherwise permitted, restricted, or required by conditions.
- 14 h. ~~Seventy~~ Seventy-five miles [112.65 kilometers] an hour on access-controlled,
15 paved and divided, multilane interstate highways, unless otherwise permitted,
16 restricted, or required by conditions.