

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1443

Introduced by

Representatives Porter, DeKrey, Jensen, Weisz

1 A BILL for an Act to amend and reenact subsection 8 of section 39-06.1-06, paragraph 34 of
2 subdivision a of subsection 3 of section 39-06.1-10, and subsection 1 of section 39-09-02 of the
3 North Dakota Century Code, relating to speed limit fees and demerit points.

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

5 **SECTION 1. AMENDMENT.** Subsection 8 of section 39-06.1-06 of the 1999
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

10 Miles per hour over	
11 lawful speed limit	Fee
12 1 - 5	\$ 10 plus \$1/each mph over limit
13 6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
14 11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
15 16 - 25	\$ 40 <u>80</u> plus \$3/each mph over 15 mph over limit
16 26 - 35	\$ 70 <u>140</u> plus \$3/each mph over 25 mph over limit
17 36 +	\$ 100 <u>200</u> plus \$5/each mph over 35 mph over limit

18 **SECTION 2. AMENDMENT.** Paragraph 34 of subdivision a of subsection 3 of section
19 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and
20 reenacted as follows:

21 (34) On a highway on which the
22 speed limit is a speed higher
23 than fifty-five miles [88.51
24 kilometers] an hour, operating a

1	motor vehicle in excess of the	
2	speed limit in violation of	
3	section 39-09-02, or equivalent	
4	ordinance	
5	Miles per hour over	
6	lawful speed limit	Points
7	6—10	1
8	11 - 15	4 <u>2</u>
9	16 - 25 <u>20</u>	7 <u>4</u>
10	<u>21</u> - 25	<u>6</u>
11	26 - 35	10 <u>9</u>
12	36 + - <u>45</u>	12
13	<u>46</u> +	<u>15</u>

14 **SECTION 3. AMENDMENT.** Subsection 1 of section 39-09-02 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 1. Subject to the provisions of section 39-09-01 and except in those instances where
17 a 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
20 [15.24 meters] of a grade crossing of any steam, electric, or street railway
21 when the driver's view is obstructed. A driver's view is deemed to be
22 obstructed when at any time during the last two hundred feet [60.96 meters]
23 of the driver's approach to such crossing, the driver does not have a clear and
24 uninterrupted view of such railway crossing and of any traffic on such railway
25 for a distance of four hundred feet [121.92 meters] in each direction from such
26 crossing.
 - 27 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
28 recess or while children are going to or leaving school during opening or
29 closing hours.
 - 30 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
31 [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 highways if there is no speed limit posted or if within the time period of one-half hour after sunset to one-half hour before sunrise, unless otherwise permitted, restricted, or required by conditions.
- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset and if posted for that speed, and on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
- h. ~~Seventy~~ Seventy-five miles [112.65 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.