

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1298  
with Senate Amendments**

**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 section 39-06.1-06, subsection 3 of section 39-06.1-10,  
2 sections 39-09-02, 39-09-04, and 39-09-07.1, and subsection 2 of section 40-05-06 of the North  
3 Dakota Century Code, relating to the amount of statutory fees, points assigned to driving  
4 records, speed limitations on multilane highways, variable speed limits, alteration of maximum  
5 speed limits on state highways, speed zone reduction limitations, and city fines and penalties;  
6 and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06.1-06. Amount of statutory fees.**

11 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
12 be as follows:

- 13 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
14 except for a violation of any traffic parking regulation on any state charitable or penal  
15 institution property or on the state capitol grounds, a fee in the amount of five dollars,  
16 excluding a violation of subsection 11 of section 39-01-15.
- 17 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
18 for:
  - 19 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
20 dollars.
  - 21 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
22 subsection 1 of section 39-10-28, a fee of fifty dollars.

- 1 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 2 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
- 3 39-08-25, a fee of one hundred dollars.
- 4 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
- 5 hundred dollars.
- 6 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 7 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 8 dollars.
- 9 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 10 i. A violation of section 39-09-01, a fee of thirty dollars.
- 11 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 12 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 13 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 14 violation and three hundred dollars for a second or subsequent violation in three
- 15 years.
- 16 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 17 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 18 o. A violation of section 39-19-03, a fee of fifty dollars.
- 19 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
- 20 hundred fifty dollars.
- 21 4. ~~Except as provided in subsections 5 and 7, for~~For a violation of section 39-09-02, or
- 22 an equivalent ordinance, a fee ~~established as follows:~~

23 Miles per hour over

24 ~~lawful speed limit~~ Fee

25	<del>1-5</del>	<del>\$ 5</del>
26	<del>6-10</del>	<del>\$ 5 plus \$1/each mph over 5 mph over limit</del>
27	<del>11-15</del>	<del>\$ 10 plus \$1/each mph over 10 mph over limit</del>
28	<del>16-20</del>	<del>\$ 15 plus \$2/each mph over 15 mph over limit</del>
29	<del>21-25</del>	<del>\$ 25 plus \$3/each mph over 20 mph over limit</del>
30	<del>26-35</del>	<del>\$ 40 plus \$3/each mph over 25 mph over limit</del>
31	<del>36-45</del>	<del>\$ 70 plus \$3/each mph over 35 mph over limit</del>



1 ten miles per hour over the limit unless a greater fee would be applicable under this  
2 section.

3 ~~9.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
4 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the  
5 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles  
6 per hour over the limit, unless a greater fee would be applicable under this section.  
7 The fee in this subsection does not apply to a highway construction zone unless  
8 individuals engaged in construction are present at the time and place of the violation  
9 and the posted speed limit sign states "Minimum Fee \$80".

10 **SECTION 2. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12 3. Points must be assigned and accumulated on the basis of the following schedule:

13 a. Noncriminal Violations

Noncriminal Adjudication or Admission of:	Points Assigned:
---	------------------

- |   |          |
|---|----------|
| (1) Overtime and double parking in violation of city ordinances   | 0 points |
| (2) Failure to display license plates   | 1 point  |
| (3) Permitting unauthorized minor to drive  | 2 points |
| (4) Permitting unauthorized person to drive   | 2 points |
| (5) Unlawful stopping, standing, or parking on open highway in violation of section 39-10-47  | 2 points |
| (6) Unlawful parking in prohibited place  | 1 point  |
| (7) Leaving motor vehicle improperly unattended on an open highway  | 1 point  |
| (8) Opening or leaving motor vehicle doors open when unsafe to do so  | 1 point  |
| (9) Except as provided in sections 39-21-44 and 39-21-45.1, knowingly driving with defective, nonexistent, or unlawful equipment in violation of section 39-21-46, or equivalent ordinances | 2 points |

Sixty-ninth  
Legislative Assembly

- |    |  |                  |
|----|--|------------------|
| 1  | (10) Careless driving in violation of section 39-09-01, or                 | 6 points         |
| 2  | equivalent ordinance   |                  |
| 3  | (11) Violating or exceeding restrictions contained in                      | 4 points         |
| 4  | a restricted certificate issued pursuant to section                        |                  |
| 5  | 39-06.1-03   |                  |
| 6  | (12) Racing or drag racing motor vehicles in violation                     | 10 points        |
| 7  | of section 39-08-03.1, or equivalent ordinance                             |                  |
| 8  | (13) Exhibition driving in violation of section 39-08-03.1, or             | 3 points         |
| 9  | equivalent ordinance   |                  |
| 10 | (14) Failing to yield right of way in violation of                         | 2 points         |
| 11 | section 39-10-20, <del>39-10-22 through 39-10-26,</del>                    |                  |
| 12 | <del>39-10-28, 39-10-33.3, 39-10-44,</del> or 39-10-72, or                 |                  |
| 13 | equivalent ordinances  |                  |
| 14 | (15) Disobeying an official traffic-control device                         | <u>23</u> points |
| 15 | in violation of section 39-10-04, 39-10-05, or                             |                  |
| 16 | 39-10-07, or equivalent ordinances   |                  |
| 17 | (16) Driving on wrong side of road in violation of                         | 2 points         |
| 18 | section 39-10-08, 39-10-14, or   |                  |
| 19 | subsection 1; <u>or 2</u> , <del>or 3</del> of section 39-10-16, or        |                  |
| 20 | equivalent ordinances  |                  |
| 21 | (17) Failing to dim headlights in violation of section                     | 1 point          |
| 22 | 39-21-21, or equivalent ordinance  |                  |
| 23 | (18) Failing to stop at railroad crossing in violation of section          | 3 points         |
| 24 | 39-10-41 or 39-10-42, or equivalent ordinances                             |                  |
| 25 | (19) Knowingly driving with defective brakes in violation of               | 2 points         |
| 26 | section 39-21-32 or 39-21-33, or equivalent ordinances                     |                  |
| 27 | (20) Disregarding the lawful commands of a police officer in               | 2 points         |
| 28 | violation of section 39-10-02, or equivalent ordinance                     |                  |
| 29 | (21) Overtaking where prohibited or in an unsafe manner in                 | 2 points         |
| 30 | violation of section 39-10-11; <u>or 39-10-12,</u> <del>39-10-13, or</del> |                  |
| 31 | <del>39-10-15,</del> or equivalent ordinances                              |                  |

Sixty-ninth  
Legislative Assembly

1	(22) Overtaking and passing a schoolbus in violation of	6 points
2	section 39-10-46, or equivalent ordinance	
3	(23) Operating a motor vehicle without a license in	4 points
4	violation of section 39-06-01, or equivalent ordinance	
5	(24) Improperly operating or unlawfully carrying	2 points
6	passengers or packages on a motorcycle in violation	
7	of section 39-10.2-02, or equivalent ordinance	
8	(25) Improperly operating a motorcycle in laned traffic in	2 points
9	violation of section 39-10.2-03, or equivalent ordinance	
10	(26) Clinging to other vehicles while riding a motorcycle in	4 points
11	violation of section 39-10.2-04, or equivalent ordinance	
12	(27) Carrying a passenger on a motorcycle not equipped	2 points
13	with passenger footrests in violation of section	
14	39-10.2-05, or equivalent ordinance	
15	(28) Operating a motorcycle without protective headgear	2 points
16	in violation of subsection 1 of section 39-10.2-06, or	
17	equivalent ordinance	
18	(29) Failing to use the care required in section 39-09-01.1,	2 points
19	or equivalent ordinance	
20	(30) Except as provided in paragraph 33, operating a motor	
21	vehicle in excess of speed limit in violation of section	
22	39-09-02, or equivalent ordinance	
23	6 - 10 mph over limit	0 points
24	11 - 15 mph over limit	1 point
25	16 - 20 mph over limit	3 points
26	21 - 25 mph over limit	5 points
27	26 - 35 mph over limit	9 points
28	36 - 45 mph over limit	12 points
29	46 + mph over limit	15 points
30	(31) Driving in violation of section 39-08-18	<u>23</u> points
31	(32) Driving in violation of section 39-08-09	6 points

Sixty-ninth  
Legislative Assembly

1	(33)	On a highway on which the speed limit is posted in	
2		excess of sixty-five miles [104.61 kilometers] an hour,	
3		operating a motor vehicle in excess of the speed limit	
4		in violation of section 39-09-02, or equivalent ordinance	
5		Miles per hour over lawful speed limit	Points
6		1 - 5	0
7		6 - 10	1
8		11 - 15	3
9		16 - 20	5
10		21 - 25	7
11		26 - 30	10
12		31 - 35	12
13		36 +	15
14	(34)	Failing to have a minor in a child restraint system	<del>1 point</del> <u>3 points</u>
15		or seatbelt in violation of section 39-21-41.2	
16	(35)	Failure or refusal to comply with rules of the	0 points
17		superintendent of the highway patrol in violation	
18		of subsection 3 of section 39-21-46	
19	(36)	Violation of section 39-21-44 or any rule adopted	2 points
20		under that section	
21	(37)	Except as provided in paragraph 39, operating a motor	6 points
22		vehicle without liability insurance, in violation of	
23		section 39-08-20	
24	(38)	Except as provided in paragraph 39, operating a motor	12 points
25		vehicle without liability insurance, in violation of	
26		section 39-08-20, if the driving record shows that the	
27		licensee has within the eighteen months preceding the	
28		violation previously violated section 39-08-20	
29	(39)	Operating a motor vehicle without liability insurance,	14 points
30		in violation of section 39-08-20, if the violation was	

Sixty-ninth  
Legislative Assembly

1	discovered as the result of investigation of an accident	
2	in which the driver is the owner	
3	(40) Driving a modified motor vehicle in violation of section	1 point
4	39-21-45.1, or equivalent ordinance	
5	(41) Driving in violation of the conditions of	2 points
6	an instructional permit	
7	(42) <u>Using a wireless communications device</u>	<u>3 points</u>
8	<u>in violation of section 39-08-23 or</u>	
9	<u>39-08-24, or equivalent ordinance</u>	
10	(43) <u>Failure to maintain control of a motor vehicle while distracted</u>	<u>3 points</u>
11	<u>in violation of section 39-08-25</u>	
12	(44) <u>Overtaking where prohibited or in an unsafe manner in</u>	<u>3 points</u>
13	<u>violation of section 39-10-13 or 39-10-15, or</u>	
14	<u>equivalent ordinances</u>	
15	(45) <u>Driving on the wrong side of the road in violation of</u>	<u>3 points</u>
16	<u>subsection 3 of section 39-10-16, or</u>	
17	<u>equivalent ordinances</u>	
18	(46) <u>Following too close in violation of</u>	<u>3 points</u>
19	<u>subsection 1 of section 39-10-18, or</u>	
20	<u>equivalent ordinance</u>	
21	(47) <u>Driving on a closed road during hazardous conditions,</u>	<u>3 points</u>
22	<u>when closure was announced, in violation</u>	
23	<u>of section 39-10-21.1, or equivalent ordinance</u>	
24	(48) <u>Failing to yield the right of way in violation</u>	<u>3 points</u>
25	<u>of section 39-10-22 through 39-10-26,</u>	
26	<u>39-10-26.3, 39-10-28, or 39-10-33.3, or equivalent ordinance</u>	
27	(49) <u>Disregarding stop sign in violation of section</u>	<u>3 points</u>
28	<u>39-10-44, or equivalent ordinance.</u>	
29	b. Criminal Violations	
30	Conviction of:	Points Assigned:

- |    |   |           |
|----|---|-----------|
| 1  | (1) Reckless driving in violation of section 39-08-03, or | 8 points  |
| 2  | equivalent ordinance                                      |           |
| 3  | (2) Aggravated reckless driving in violation of section   | 12 points |
| 4  | 39-08-03, or equivalent ordinance                         |           |
| 5  | (3) Leaving the scene of an accident involving property   | 14 points |
| 6  | damage in violation of section 39-08-05, 39-08-07,        |           |
| 7  | or 39-08-08, or equivalent ordinances                     |           |
| 8  | (4) Leaving the scene of an accident involving personal   | 18 points |
| 9  | injury or death in violation of section 39-08-04, or      |           |
| 10 | equivalent ordinance                                      |           |
| 11 | (5) Violating restrictions in a restricted license issued | 3 points  |
| 12 | under section 39-06-17 and relating to the use of         |           |
| 13 | eyeglasses or contact lenses while driving                |           |
| 14 | (6) Violating any restrictions other than those listed in | 4 points  |
| 15 | paragraph 5, contained in a restricted license issued     |           |
| 16 | under section 39-06-17 or 39-06.1-11                      |           |
| 17 | (7) Except as provided in paragraph 9 of subdivision a,   | 23 points |
| 18 | knowingly operating an unsafe vehicle in violation of     |           |
| 19 | section 39-21-46, or equivalent ordinance                 |           |
| 20 | (8) Fleeing in a motor vehicle from a peace officer in    | 24 points |
| 21 | violation of section 39-10-71, or equivalent ordinance    |           |
| 22 | (9) Causing an accident with an authorized emergency      | 2 points  |
| 23 | vehicle or a vehicle operated by or under the control     |           |
| 24 | of the director used for maintaining the state highway    |           |
| 25 | system in violation of subsection 5 of section 39-10-26,  |           |
| 26 | or equivalent ordinance.                                  |           |

27 **SECTION 3. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1       **39-09-02. Speed limitations.**

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

5       a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24  
6       meters] of a grade crossing of any steam, electric, or street railway when the  
7       driver's view is obstructed. A driver's view is deemed to be obstructed when at  
8       any time during the last two hundred feet [60.96 meters] of the driver's approach  
9       to such crossing, the driver does not have a clear and uninterrupted view of such  
10      railway crossing and of any traffic on such railway for a distance of four hundred  
11      feet [121.92 meters] in each direction from such crossing.

12      b. Twenty miles [32.19 kilometers] an hour when passing a school during school  
13      recess or while children are going to or leaving school during opening or closing  
14      hours, unless a lower speed is designated or posted by local authorities.

15      c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24  
16      meters] and in traversing an intersection of highways when the driver's view is  
17      obstructed. A driver's view is deemed to be obstructed when at any time during  
18      the last fifty feet [15.24 meters] of the driver's approach to such intersection, the  
19      driver does not have a clear and uninterrupted view of such intersection and of  
20      the traffic upon all of the highways entering such intersection for a distance of two  
21      hundred feet [60.96 meters] from such intersection.

22      d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway  
23      ahead is obstructed within a distance of one hundred feet [30.48 meters].

24      e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district  
25      or in a residence district or in a public park, unless a different speed is designated  
26      and posted by local authorities.

27      f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface  
28      highways, and on paved two-lane county and township highways if there is no  
29      speed limit posted, unless otherwise permitted, restricted, or required by  
30      conditions.

- 1           g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted  
2           for that speed, unless otherwise permitted, restricted, or required by conditions.
- 3           h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane  
4           highways, unless otherwise permitted, restricted, or required by conditions.
- 5           i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on  
6           access-controlled, paved and divided, multilane interstate highways, unless  
7           otherwise permitted, restricted, or required by conditions.
- 8           2. The director may designate and post special areas of state highways where lower  
9           speed limits apply. Differing limits may be established for different times of the day  
10          within highway construction zones which are effective when posted upon appropriate  
11          fixed or variable speed limit signs.
- 12          3. The director may designate variable speed limit adjustment zones along the state  
13          highway system. The department may install variable speed limit signs in a variable  
14          speed limit adjustment zone. In each variable speed limit adjustment zone the director,  
15          in coordination with the superintendent of the highway patrol, may use real time  
16          intelligent transportation systems to adjust the speed limit when a speed limit  
17          adjustment would provide for the safe and efficient movement of motor vehicles.
- 18          4. Except as provided by law, ~~it is unlawful for any~~ a person to may not drive a vehicle  
19          upon a highway at a speed that is unsafe or at a speed exceeding the speed limit  
20          prescribed by law or established pursuant to law.
- 21          4.5. In charging a violation of the provisions of this section, the complaint must specify the  
22          speed at which the defendant is alleged to have driven and the speed which this  
23          section prescribes is prima facie lawful at the time and place of the alleged offense.

24           **SECTION 4. AMENDMENT.** Section 39-09-04 of the North Dakota Century Code is  
25    amended and reenacted as follows:

26           **39-09-04. Alteration of maximum speed limits on state highways.**

27           The maximum speed limits specified in section 39-09-02 may be altered on all or any part of  
28    the state highway system by an administrative order by the director after holding a public  
29    hearing ~~has been held~~. ~~Such~~The determination must be based on engineering and traffic  
30    investigations with primary consideration given to the establishment of reasonable and safe  
31    speeds, highway conditions, enforcement, and the general welfare. Speed limits established

1 ~~pursuant to~~under this section ~~shall be~~effective only when appropriate signs giving notice  
2 thereof are erected and ~~such~~the maximum speed limits may be declared ~~to be~~ effective at all  
3 times or at ~~such~~the times ~~as are indicated upon said~~on the signs. Differing limits may be  
4 established by the director for different times of the day, different types of vehicles, varying  
5 weather conditions, and other factors bearing on safe speeds, ~~which shall be~~. Differing limits are  
6 effective when posted ~~upon~~on appropriate fixed or variable signs. An administrative order is not  
7 required to lower maximum speed limits temporarily due to unsafe conditions.

8 **SECTION 5. AMENDMENT.** Section 39-09-07.1 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-09-07.1. Speed zones - Reduction limitation.**

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

16 2. The maximum speed limit reductions between two fixed or variable signs in a variable  
17 speed limit adjustment zone may exceed twenty miles [32.18 kilometers] per hour  
18 when speed limits are lowered temporarily by the director due to unsafe conditions.

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

21 **SECTION 6. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century  
22 Code is amended and reenacted as follows:

23 2. For every violation of a city ordinance that regulates the operation or equipment of a  
24 motor vehicle or which regulates traffic, except those ordinances listed in section  
25 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one  
26 hundred percent, the limit, for an equivalent category of violation, set forth in section  
27 39-06.1-06 except for a violation of a speed limitation.