

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1239

Introduced by

Representatives Carlisle, Kempenich, B. Thoreson, Weiler

Senators Klein, Stenehjem

1 A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-09-02 of the North Dakota  
2 Century Code, relating to the fees for violating school zone speed limits.

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

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

6 **39-06.1-06. Amount of statutory fees.** The fees required for a noncriminal disposition  
7 pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

8 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount  
9 not to exceed twenty dollars.

10 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,  
11 except for:

12 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or  
13 39-10-46.1, a fee of fifty dollars.

14 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
15 subsection 1 of section 39-10-28, a fee of fifty dollars.

16 c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city,  
17 or a county including a city or county operating under a home rule charter.

18 3. Except as provided in subsection 8 or 10 of section 39-06.1-06, for a violation of  
19 section 39-09-02, or an equivalent ordinance, a fee established as follows:

20 Miles per hour over

21 lawful speed limit Fee

22 1 - 5 \$ 5

23 6 - 10 \$ 5 plus \$1/each mph over 5 mph over limit

24 11 - 15 \$ 10 plus \$1/each mph over 10 mph over limit

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1	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
2	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
3	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
4	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
5	46 +	\$100 plus \$5/each mph over 45 mph over limit

6 4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee  
7 of thirty dollars.

8 5. For a violation of section 39-09-01.1, or an ordinance defining care required in  
9 driving, a fee of not less than ten dollars nor more than thirty dollars.

10 6. Repealed by S.L. 1985, ch. 430, § 4.

11 7. For a violation of any traffic parking regulations, except a violation of subsection 10  
12 of section 39-01-15, on any state charitable or penal institution property or on the  
13 state capitol grounds, a fee in the amount of five dollars.

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

17 Miles per hour over	18 lawful speed limit	Fee
19 1 - 5		\$ 10 plus \$1/each mph over limit
20 6 - 10		\$ 15 plus \$2/each mph over 5 mph over limit
21 11 - 15		\$ 25 plus \$3/each mph over 10 mph over limit
22 16 - 25		\$ 40 plus \$3/each mph over 15 mph over limit
23 26 - 35		\$ 70 plus \$3/each mph over 25 mph over limit
24 36 +		\$100 plus \$5/each mph over 35 mph over limit

25 9. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

26 10. For a violation of a school zone speed limit under subdivision b of subsection 1 of  
27 section 39-09-02, of a highway construction zone speed limit under subsection 2 of  
28 section 39-09-02, or, notwithstanding subsection 2 of section 40-05-06 or section  
29 40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed  
30 limit dependent upon being on or near a school, fees for a noncriminal disposition  
31 are forty dollars for one through ten miles per hour over the posted speed; and

1           forty dollars, plus one dollar for each additional mile per hour over ten miles per  
2           hour over the limit unless a greater fee would be applicable under this section.  
3           The fees in this subsection do not apply to a highway construction zone unless  
4           individuals engaged in construction are present at the time of the violation and the  
5           posted speed limit sign states "Minimum Fee \$40".

6           **SECTION 2. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **39-09-02. Speed limitations.**

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

- 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  
8           or if within the time period of one-half hour after sunset to one-half hour  
9           before sunrise, unless otherwise permitted, restricted, or required by  
10          conditions.
- 11          g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if  
12          within the time period of one-half hour before sunrise to one-half hour after  
13          sunset and if posted for that speed, and on paved and divided multilane  
14          highways, unless otherwise permitted, restricted, or required by conditions.
- 15          h. Seventy miles [112.65 kilometers] an hour on access-controlled, paved and  
16          divided, multilane interstate highways, unless otherwise permitted, restricted,  
17          or required by conditions.
- 18          2. The director may designate and post special areas of state highways where lower  
19          speed limits apply. ~~If there is a violation of a highway construction zone speed  
20          limit, where within that zone individuals engaged in construction were present at  
21          the time of the violation, then the fees required for a noncriminal disposition are  
22          forty dollars for one through ten miles per hour over the posted speed; and forty  
23          dollars, plus one dollar for each additional mile per hour over ten miles per hour  
24          over the limit. However, if a greater fee would be applicable under section  
25          39-06-1-06, then that fee is required for the noncriminal disposition. The highway  
26          construction zone speed limit posted sign must state "Minimum Fee \$40".~~
- 27          3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a  
28          highway at a speed that is unsafe or at a speed exceeding the speed limit  
29          prescribed by law or established pursuant to law.
- 30          4. In charging a violation of the provisions of this section, the complaint must specify  
31          the speed at which the defendant is alleged to have driven and the speed which

- 1                    this section prescribes is prima facie lawful at the time and place of the alleged
- 2                    offense.
- 3                    5. ~~Repealed by S.L. 1975, ch. 346, § 3.~~