

HOUSE BILL NO. 1299

Introduced by

Representatives Kretschmar, Brandenburg

Senator Erbele

1 A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code,
2 relating to speed limitations.

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

4 **SECTION 1. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-09-02. Speed limitations.**

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

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

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

22 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
23 [15.24 meters] and in traversing an intersection of highways when the driver's
24 view is obstructed. A driver's view is deemed to be obstructed when at any

- 1 time during the last fifty feet [15.24 meters] of the driver's approach to such
2 intersection, the driver does not have a clear and uninterrupted view of such
3 intersection and of the traffic upon all of the highways entering such
4 intersection for a distance of two hundred feet [60.96 meters] from such
5 intersection.
- 6 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
7 ahead is obstructed within a distance of one hundred feet [30.48 meters].
- 8 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business
9 district or in a residence district or in a public park, unless a different speed is
10 designated and posted by local authorities.
- 11 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
12 highways, ~~and on paved two-lane county and township highways if there is no~~
13 ~~speed limit posted~~, unless otherwise permitted, restricted, or required by
14 conditions.
- 15 g. Sixty miles [96.56 kilometers] an hour on paved two-lane highways if there is
16 no speed limit posted, unless otherwise permitted, restricted, or required by
17 conditions.
- 18 h. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if
19 posted for that speed, unless otherwise permitted, restricted, or required by
20 conditions.
- 21 ~~h.~~ i. Seventy miles [112.65 kilometers] an hour on paved and divided multilane
22 highways, unless otherwise permitted, restricted, or required by conditions.
- 23 ~~i.~~ j. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved
24 and divided, multilane interstate highways, unless otherwise permitted,
25 restricted, or required by conditions.
- 26 2. The director may designate and post special areas of state highways where lower
27 speed limits apply.
- 28 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a
29 highway at a speed that is unsafe or at a speed exceeding the speed limit
30 prescribed by law or established pursuant to law.

- 1 4. In charging a violation of ~~the provisions of~~ this section, the complaint must specify
2 the speed at which the defendant is alleged to have driven and the speed which
3 this section prescribes is prima facie lawful at the time and place of the alleged
4 offense.