

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2057

Introduced by

Senator Laffen

1 A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 1 of section
2 39-09-02 of the North Dakota Century Code, relating to statutory fees and speed limitations on
3 multilane interstate highways.

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

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

7 **39-06.1-06. Amount of statutory fees.**

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

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars
- 11 except for a violation of any traffic parking regulation on any state charitable or penal
- 12 institution property or on the state capitol grounds, a fee in the amount of five dollars,
- 13 excluding a violation of subsection 10 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
- 15 for:
 - 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
 - 17 dollars.
 - 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
 - 19 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - 21 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
 - 22 hundred dollars.
 - 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
 - 24 hundred dollars.

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- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of one hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
10 violation and three hundred dollars for a second or subsequent violation in three
11 years.

12 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
13 hundred fifty dollars.

14 4. Except as provided in ~~subsections 5 and 7~~ subsection 6, for a violation of section
15 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
18 1 - 5	\$ 5
19 6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
20 11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
21 16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
22 21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
23 26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
24 36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
25 46 +	\$100 plus \$5/each mph over 45 mph over limit

26 5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles-~~
27 ~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent-~~
28 ~~ordinance, a fee established as follows:~~

Miles per hour over lawful speed limit	Fee
30 1-10	\$2/each mph over limit

1 11+ \$20 plus \$5/each mph over 10 mph over limit

2 6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 3 a. Driving more than eleven hours since the last ten hours off duty, driving after
4 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
5 on duty in seven days or seventy hours in eight days, no record of duty status or
6 log book in possession, failing to retain previous seven-day record of duty status
7 or log book, or operating a vehicle with four to six out-of-service defects, one
8 hundred dollars;
- 9 b. False record of duty status or log book or operating a vehicle with seven to nine
10 out-of-service defects, two hundred fifty dollars;
- 11 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten
12 or more out-of-service defects, or operating a vehicle that has been placed out of
13 service prior to its repair, five hundred dollars; and
- 14 d. All other violations of motor carrier safety rules adopted under subsection 3 of
15 section 39-21-46, fifty dollars.

16 ~~7.6.~~ On a highway on which the speed limit is posted in excess of ~~sixty-five~~fifty-five miles
17 [~~104.61 kilometers~~][88.51 kilometers] an hour, for a violation of section 39-09-02, or
18 equivalent ordinance, a fee of ~~five~~fifty dollars plus ten dollars for each mile per hour
19 over the limit.

20 ~~8.7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
21 section 39-09-02, a fee of forty dollars for one through ten miles per hour over the
22 posted speed; and forty dollars, plus one dollar for each additional mile per hour over
23 ten miles per hour over the limit unless a greater fee would be applicable under this
24 section.

25 ~~9.8.~~ For a violation of a highway construction zone speed limit under subsection 2 of
26 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
27 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
28 per hour over the limit, unless a greater fee would be applicable under this section.
29 The fee in this subsection does not apply to a highway construction zone unless
30 individuals engaged in construction are present at the time and place of the violation
31 and the posted speed limit sign states "Minimum Fee \$80".

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-09-02 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 1. Subject to the provisions of section 39-09-01 and except in those instances when a
4 lower speed is specified in this chapter, it presumably is lawful for the driver of a
5 vehicle to drive the same at a speed not exceeding:
- 6 a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
7 [15.24 meters] of a grade crossing of any steam, electric, or street railway when
8 the driver's view is obstructed. A driver's view is deemed to be obstructed when
9 at any time during the last two hundred feet [60.96 meters] of the driver's
10 approach to such crossing, the driver does not have a clear and uninterrupted
11 view of such railway crossing and of any traffic on such railway for a distance of
12 four hundred feet [121.92 meters] in each direction from such crossing.
 - 13 b. Twenty miles [32.19 kilometers] an hour when passing a school during school
14 recess or while children are going to or leaving school during opening or closing
15 hours, unless a lower speed is designated or posted by local authorities.
 - 16 c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet
17 [15.24 meters] and in traversing an intersection of highways when the driver's
18 view is obstructed. A driver's view is deemed to be obstructed when at any time
19 during the last fifty feet [15.24 meters] of the driver's approach to such
20 intersection, the driver does not have a clear and uninterrupted view of such
21 intersection and of the traffic upon all of the highways entering such intersection
22 for a distance of two hundred feet [60.96 meters] from such intersection.
 - 23 d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway
24 ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - 25 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district
26 or in a residence district or in a public park, unless a different speed is designated
27 and posted by local authorities.
 - 28 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface
29 highways, and on paved two-lane county and township highways if there is no
30 speed limit posted, unless otherwise permitted, restricted, or required by
31 conditions.

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- 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.