

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:

16 Miles per hour over	
17 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:~~

29 Miles per hour over	
30 lawful speed limit	Fee
31 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.