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SUMMARY OF STATE SPEED LAWS

**CURRENT AS OF
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National Highway Traffic Safety Administration

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CONTENTS

INTRODUCTION	v
SUMMARY TABLE ON SPEED LAW SANCTIONS	vii
SUMMARY TABLE - SPEEDING IN CONSTRUCTION & SCHOOL ZONES ..	xiii
SUMMARY TABLE ON AGGRESSIVE DRIVING LAWS	xvii
STATE BY STATE ANALYSIS	
Alabama	1
Alaska	5
Arizona	9
Arkansas	15
California	21
Colorado	29
Connecticut	35
Delaware	39
District of Columbia	45
Florida	49
Georgia	55
Hawaii	61
Idaho	65
Illinois	71
Indiana	77

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CONTENTS
(continued)

Iowa	83
Kansas	89
Kentucky	93
Louisiana	97
Maine	103
Maryland	107
Massachusetts	113
Michigan	117
Minnesota	123
Mississippi	129
Missouri	133
Montana	137
Nebraska	143
Nevada	151
New Hampshire	157
New Jersey	161
New Mexico	167
New York	173
North Carolina	179

CONTENTS
(continued)

North Dakota	185
Ohio	191
Oklahoma	197
Oregon	203
Pennsylvania	209
Puerto Rico	215
Rhode Island	219
South Carolina	225
South Dakota	231
Tennessee	237
Texas	243
Utah	249
Vermont	253
Virginia	259
Virgin Islands	265
Washington	269
West Virginia	275
Wisconsin	281
Wyoming	287
APPENDIX - UNIFORM VEHICLE CODE	291



INTRODUCTION

PURPOSE

This Summary reports **ONLY** the status of State statutes (or regulations) that are concerned with either speed limit or speed related violations. Local laws are not reported. Unless otherwise indicated, the status of the State laws (or regulations) reported is January 1, 1999.

ORGANIZATION

The Summary is divided into three areas: (1) Introduction; (2) Summary Tables; and, (3) a State by State Analysis. The State by State Analysis is organized by State and then by specific legal topics. The State by State Analysis includes code and, where needed, case law citations; these should help individuals conducting additional research in this area of the law. The State by State Analysis can be used to facilitate the comparison of State laws in the subject areas.

The Appendix, using the State by State Analysis' format, gives the Uniform Vehicle Code's provisions on speed limit and speed related offenses.

EXPLANATIONS

Basic Speed Rule. The Basic Speed Rule requires vehicle operators to drive at a speed that is reasonable and prudent. As a corollary to this rule, State laws usually provide that "every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching an going around

and curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions." See Uniform Vehicle Code §11-801.

Minimum Speed Rule. The Minimum Speed Rule prohibits a person from operating a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. However, in order to avoid a possible conflict with the basic speed rule, the law normally provides that a slow speed is permissible when "reduced speed is necessary for safe operation or in compliance with law." See Uniform Vehicle Code §11-805(a).

Racing on the Highway. "Racing on the highway" is usually defined as driving "any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record." See Uniform Vehicle Code §11-809(a).

Drag Racing. Either as part of the offense of highway racing or as a separate statutory crime, the offense of "drag racing" is normally defined as "the operation of two or more vehicles from a point side by side at accelerating speed in competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of

INTRODUCTION (continued)

such vehicles or vehicles within a certain distance or time limit." See Uniform Vehicle Code §11-809(b).

Reckless Driving. "Reckless driving" is normally defined as driving "any vehicle in willful or wanton disregard for the safety of persons or property." See Uniform Vehicle Code §11-901(a). Note: Speed is not necessarily a factor in this offense.

Statutory Speed Limit. A "statutory speed limit" is one specifically provided for under a State's traffic code (rules of the road). Such limits may vary by highway type (e.g., interstate) or by location (e.g., urban district). State laws may or may not require that these limits be posted.

Posted (Maximum) Speed Limit. Even though specific speed limits may have been established via legislation, State laws usually allow either State or local authorities to set highway speed limits above or below the statutory ones. Prior to taking such action on any portion of a highway, the law normally requires that governmental authorities conduct a study to determine the safe speed limit for that part of the highway. State laws may also allow such authorities to specify different speed limits on all or selected highways (or portions thereof) either for various times of the day or for various types of vehicles (e.g., trucks).

Speed limits established under these laws are not effective until appropriate speed limit

signs are posted on the highway. **Caution:** This Summary does not report the speed limits that have been established via such laws.

Speed Law Sanctions. Except as noted, the criminal and administrative (licensing) sanctions given are the same for any offense listed under the heading "Basis for a Speed Law Violation." **Important:** The fine sanctions listed in this Summary do not include court costs or bail schedule forfeitures.

Highway & Street. In order to insure that the terms "highway" and "street" are synonymous and interchangeable, many State laws defined both as "[t]he entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel." See Uniform Vehicle Code §§1-127 & 1-183.

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SUMMARY TABLE OF STATE SPEED LAWS

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
AL	NMT 10 D	NMT 100	S-NMT 1 Y ¹	NMT 90 D	25-500	S-NMT 6 M	5-90 D	25-500	S-6 M
AK		NMT 300	S-NMT 1 M ¹	NMT 1 Y	NMT 1,000	R-NLT 30 D		NMT 300	S-1 M ¹
AZ		NMT 250	S-NMT 1 Y ¹	NMT 4 M	NMT 750	S-NMT 90 D	NMT 4 M	NMT 750	S-NMT 90 D
AR	NMT 10 D	NMT 100	S-NMT 1 Y ²	5-90 D	25-500	S-NMT 1 Y ²	NMT 1 Y	NMT 1,000	S-NMT 1 Y ²
CA		NMT 100	S-NMT 30 D	5-90 D	145-1,000	S-NMT 30 D	90 D ¹	355-1,000	S-6 M ¹
CO		15-100	S-NMT 1 Y ¹	10-90 D	10-300	S-NMT 1 Y ¹		10-300	S-NMT 1 Y ¹
CT		NMT 50 ⁴	S-NMT 30 D ¹	NMT 30 D	100-300	S-30 to 90 D	NMT 1 Y	75-600	S-NMT 30 D ¹
DE		20	S-2 to 12 M ¹	10-30 D	100-300	S-2 to 12 M ¹	10-30 D	25-200	S-NMT 6 M
DC		15-100	S-2 to 90 D ⁵	NMT 3 M	NMT 250	R-6 M			
FL		25-250	S-30 D ⁶	NMT 90 D	25-500	S-30 D ⁶		NMT 500	S-30 D ⁶
GA	NMT 12 M	NMT 1,000	S-1 to 5 Y ⁷	NMT 12 M	NMT 1,000	S-1 to -5 Y ⁷	NMT 12 M	NMT 1,000	S-1 to 5 Y ⁷
HI		NMT 200	S-1 to 5 Y ⁸	NMT 30 D	NMT 1,000	S-1 to 5 Y ⁸	NMT 6 M	NMT 500	S-1 to 5 Y ⁸
ID		NMT 100	S-NMT 1 Y ¹	5-90 D	25-300	S-30 D	NMT 6 M	NMT 300	S-NMT 1 Y ¹
IL		NMT 1,000	S-NMT 1 Y ¹⁰	NMT 1 Y	NMT 2,500	S-NMT 1 Y ¹⁰	NMT 30 D	NMT 1,500	R-1 Y
IN		NMT 500	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y
IA	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	R-6 M
KS		NMT 500	S-NMT 1 Y ¹¹	5-90 D	25-500	R-NMT 1 Y	NMT 1 M	NMT 500	S-NMT 1 Y ¹¹
KY		NMT 100 ¹²	S-90 D to 2 Y ¹³		20-200	S-90 D to 2 Y ¹³	NMT 30 D	60-200	S-90 D to 2 Y ¹³
LA	NMT 30 D	NMT 175	S-NMT 1 Y ¹⁴	NMT 90 D	NMT 200	S-NMT 1 Y ¹⁴	NMT 30 D	NMT 175	S-NMT 1 Y ¹⁴
ME		25-250	S-15 D ¹	(NMT 6 M ¹⁵)	(NMT 1,000 ¹⁵)	(S-30 to 180 D ¹⁵)			
MD		NMT 500	S-NMT 2 Y ¹		NMT 500	S-NMT 2 Y ¹		NMT 500	S-NMT 2 Y ¹

SUMMARY TABLE OF STATE SPEED LAWS
(continued)

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
MA		NLT 50 ¹⁶		2 W-2 Y	20-200	R-60 D	2 W-2 Y	20-200	R-60 D
MI		NMT 100	S-NMT 1 Y ¹	NMT 90 D	NMT 100	R or S ¹⁷	NMT 90 D	NMT 100	S-1 year ¹
MN		NMT 200	S-NMT 1 Y	NMT 90 D	NMT 700	S-NMT 1 Y			
MS	NMT 10 D	NMT 100	S ¹⁸		5-100	S ¹⁸			
MO	NMT-6 M	NMT 500	S-30 D to-1 Y ¹	(NMT 6 M) ¹⁹	(NMT 500) ¹⁹	(S-30 D-1 Y) ^{18(b)}			
MT		10-100	S-6 M ²⁰	NMT 90 D	25-300	S-6 M ²⁰	NMT 6 M	50-500	S-6 M ²⁰
NE		10-200	R-6 M ¹	NMT 3 M	NMT 500	R-6 M ¹	NMT 6 M	NMT 1,000	R-6 M ¹
NV	NMT 6 M	NMT 1,000	S-NMT 1 Y ²¹	NMT 6 M	NMT 1,000	S-NMT 1 Y ²¹	NMT 6 M	NMT 1,000	S-NMT 1 Y ²¹
NH		NMT 1,000	S-NMT 30 D ²²		250-500	R-60 D		NMT 1,000	S-NMT 30 D ²²
NJ	NMT 15 D	50-200	S-30 to 180 D ¹	NMT 60 D	50-200	S-30 to 180 D ¹		25-100	S-30 to 180 D ¹
NM	NMT 90 D	NMT 300	S-NMT 1 Y ¹	5-90 D	25-100	S-NMT 90 D	NMT 90 D	NMT 300	S-NMT 1 Y ¹
NY	NMT 30 D	30-400	S/R ²³	NMT 30 D	NMT 200	S/R ²³	NMT 30 D	200-350	R-6 M
NC	NMT 60 D	100-1,000	NMT 1 Y ¹	1-60 D	NMT 1,000	NMT 1 Y ¹	1-60 D ²⁴	NMT 1,000 ²⁴	S-NMT 1 Y ²⁴
ND		5-> 100	S-≥7 D ¹	NMT 30 D	NMT 500	S-≥7 D ¹		50-100	S-≥7 D ¹
OH		NMT 100	S-6 M ¹		NMT 100	S-6 M ¹		NMT 100	S-6 M ²⁵
OK	5-30 D	10-200	S-NMT 1 Y ¹	5-90 D	25-500	S-NMT 1 Y ¹			
OR		75-600	-- ²⁶	NMT 1 Y	NMT 5,000	S-90 D		NMT 600	-- ²⁶
PA		35 ²⁷	S-NMT 1 Y ¹		200	S-6 M		200	S-6 M
PR	NMT 10 D	NMT 100	S-NMT 1 Y ¹	1-6 M	100-500	S-NMT 1 Y ¹		50-300	S-1 to 6 M
RI	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁸	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁸	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁸
SC	NMT 30 D	15-200	S-3 to 6 M ¹	NMT-30 D	25-200	S-3 to 6 M ¹	2-6 M	200-600	R-1 Y
SD	NMT 30 D	NMT 200		NMT 1 Y	NMT 1,000	S-NMT 1 Y ¹	NMT 30 D	NMT 200	S-NMT 1 Y ¹

SUMMARY TABLE OF STATE SPEED LAWS
(continued)

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
TN	NMT 30 D	NMT 50	S-6 M ¹	NMT 6 M	NMT 500	S-6 M ¹	NMT 6 M	NMT 500	R-1 Y
TX		1-200	S-NMT 1 Y ²⁹	NMT 30 D	NMT 200	S-NMT 1 Y ²⁹		1-200	S-NMT 1 Y ²⁹
UT	NMT 90 D	NMT 750	S-NMT 1 Y ¹	NMT 6 M	NMT 1,000	S-NMT 1 Y ¹	NMT 90 D	NMT 750	S-NMT 1 Y ¹
VT		NMT 175	S-2-30 D ¹	(NMT 1 Y ²⁶)	(NMT 1,000 ²⁶)	(S-30 D ²⁶)	(NMT 3 M ³¹)	(NMT 300 ³¹)	(S-2-30 D ^{26,31})
VA		NMT 200	S-90 D ¹	NMT 12 M	NMT 2,500	S-90 D ²²	NMT 12 M	NMT 2,500	S-6 M to 2 Y
VI	NMT 6 M	NMT 200	R ³³	NMT 6 M	NMT 500	R ³³			
WA		NMT 250	S-NMT 1 Y ³⁴	NMT 1 Y	NMT 5,000	S-30 D to 1 Y	NMT 1 Y	NMT 5,000	S-30 D to 1 Y
WV		NMT 100	S-NMT 1 Y ³⁴	5-90 D	25-500	S-NMT 1 Y ³⁴		50-100	R-6 M
WI		30-300 ³⁵	S/R-NMT 1 Y ³⁶		25-200	S/R-NMT 1 Y ³⁷		20-400	S/R-NMT 1 Y ³⁷
WY	NMT 30 D ³⁸	NMT 200	S-NMT 12 M ³⁴	NMT 6 M	NMT 750	S-90 D	NMT 10 D	10-100	S-NMT 12 M ³⁴
UVC		NMT 200	S-NMT 1 Y ¹	5-90 D	25-500	S-NMT 1 Y ¹		NMT 200	S-NMT 1 Y ¹

D = Day(s) M = Month(s) S = Suspension R = Revocation W = Week(s) Y = Year(s) NLT = Not Less Than NMT = Not More Than UVC = Uniform Vehicle Code

1. Licensing action is via a Point System. Under this system a person's license is not usually suspended for just one offense. However, only when they have committed numerous traffic violations are they subject to licensing action.

2. Suspension via the courts is for not more than 1 year. Suspension via the Point System is 3 to 6 months.

3. The jail sanction is 24 hours to 90 days and the license suspension is 90 days to 6 months.

4. I. For driving >55 MPH, the fine \$35 to \$90. However, for driving >70 MPH on multiple lane limited access highways, the fine range is between \$100 and \$150. II. For persons operating trucks the following fines apply. If driving >55 MPH on multiple lane limited access highways, the fine is between \$100 and \$150. Driving in >70 MPH limit on multiple lane limited access highways, the fine amount is \$100 to 200.

5. A person's license can also be revoked for 6 months. Licensing action (suspension or revocation) is via a point system.

6. The suspension is via a Point System. The suspension period could be 1 year depending upon the number of points that have been accumulated.

SUMMARY TABLE OF STATE SPEED LAWS
(continued)

7. The licensing sanctions given are via a point system and apply (1) to persons over 21 years old and (2) to persons under such age who only commit either a 2 or 3 point speeding violation. However, persons under 21 years old who are convicted of either (1) a speeding offense requiring 4 or more points, (2) racing on the highways or (3) reckless driving are subject to license revocation. For a 1st offense, there is a 6 month mandatory revocation. And, for a subsequent offense, there is a mandatory 12 month revocation.
8. Suspension is via a court order. Note: The Point System has been repealed.
9. Suspension is via court order.
10. License suspension or revocation is based upon the frequency of traffic law violations. A Point System is used to assist the licensing agency in determining frequency of violations. Using this system, a person's license can also be revoked for 1 year.
11. The licensing agency has the authority to either suspend a person's license based on the frequency of traffic law violations.
12. Fines are determined via a matrix.
13. Suspension is via a Point System. If the requisite number of points are accumulated, a person's license can be suspended from 90 days to 2 years.
14. The licensing agency has the authority to either suspend, revoke or cancel a person's license based on the frequency of traffic law violations.
15. This State does not have a per se reckless driving law. The sanctions given are for the offense of Driving to Endanger.
16. The fine is not less than \$50. If a person was driving > 10 MPH over the speed limit, there is an additional fine of \$10 for every MPH over such limit.
17. Suspension via the Point System for not more than 1 year or revocation from 90 days to 2 years.
18. The law does not specify either a minimum or a maximum period of suspension.
19. This State does not have a per se reckless driving law. The sanctions given are for a violation of the Basic Speed Rule which in this State includes driving at a rate of speed so as to endanger the life, limb or property of another person.
20. The State regulations limit the suspension period to 6 months. However, the law allows for a suspension period for not more than 1 year.
21. Suspension is via a Point System. A person's license can be suspended from 6 months to 1 year.
22. This suspension is via court order.
23. Suspension or revocation based upon a Point System. The law does not provide for specific periods of license suspension or revocation.
24. The sanctions listed apply to the offense of Willful Speed Competition which is racing which has not been prearranged.
25. The 6 month suspension is via a Point System. However, the court is authorized to suspend a person's license from 30 days to 3 years.

SUMMARY TABLE OF STATE SPEED LAWS
(continued)

26. License suspension for 30 days via the Driver Improvement Program. A person has to commit numerous traffic law violations before licensing action is taken.
27. The fine is \$42.50 for exceeding the 65 MPH speed limit.
28. A person may also be subjected to a license revocation which has an indeterminate period.
29. A person's license may also be revoked for an indefinite period.
30. This State does not have a per se reckless driving law. The sanctions listed are for the offense of negligent motor vehicle operation.
31. This State does not have a law directly pertaining to racing on the highway. The sanctions listed are for the offense of excessive speeding.
32. This 90 day suspension is via a Point System. However, the courts can also suspend a person's license from 10 days to 6 months.
33. The period of license revocation is determined by the court. The law does not establish a maximum revocation period.
34. The suspension is based on the frequency of traffic law violations.
35. For violating the 65 MPH speed limit, the fine is \$50 to \$300. For violating other speed limits, the fine is \$30 to \$300.
36. Fifteen (15) day suspension or revocation via court action for driving >25 MPH over either the 55 or 65 MPH speed limit. For other speeding violations, the court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
37. The court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
38. There are no imprisonment sanctions either (1) for exceeding the 65 MPH speed but >66 MPH but <74 MPH or exceeding the 75 MPH speed limit.



**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**

S T A T E	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCHOOL ZONE
AK		Six (6) points are assessed on a person's record for exceeding the speed limit in school zone.
AR	An additional fine, which is equal to all of the other fines, is imposed for exceeding the posted speed limit in a highway work zone when construction personnel are present. I.e., the fine is double the amount that would otherwise be imposed.	<u>1st offense</u> : Jail-1 to 10 days/fine-\$25 to \$100 <u>2nd offense</u> (within 1 year): Jail-5 to 25 days/fine-\$50 to \$250 and license suspension for 6 months <u>Subsequent offense</u> (within 1 year): Jail-25 days to 6 months/fine-\$250 to \$1,000 <u>3rd offense</u> (within 1 year): License suspension for 1 year
CO	If a speeding offense occurs in a construction zone, the designed fines and surcharges are double the usual amount.	If a speeding offense occurs in a school zone, the designed fines and surcharges are double the usual amount.
CT	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
FL	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	If a speeding offense occurs in a school zone, the designed fine is double the usual amount.
GA	Jail-not more than 12 months/fine-\$100 to \$2,000	
IL	There is a minimum fine of \$150.	There is a minimum fine of \$150.
IN	The court may order a person to pay a fee of \$25 for exceeding a worksite speed limit.	
IA	The fine is double the amount in the fine schedule.	
KS	The fine is double the usual amount.	
KY	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
MD		A fine of not more than \$1,000
MI	A fine that is double that prescribed by law.	Imprisonment for not more than 90 days and a fine that is double that prescribed by law (i.e., not >\$200).
MN	A surcharge is assessed which equals the fine . However, the surcharge cannot be <\$25.	A surcharge is assessed which equals the fine . However, the surcharge cannot be <\$25.
MS	For exceeding the posted speed limit in a "highway work zone," there is a fine of not more than \$250.	

**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**
(continued)

S T A T E	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCHOOL ZONE
MO	For speeding in a construction zone, a person is assessed an additional fine of \$35 .	
MT	If a speeding offense occurs in a "work zone," the designed fine is double the usual amount.	
NE	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	If a speeding offense occurs in a school crossing zone, the designed fine is double the usual amount.
NV	There is an additional sanction which is equal to the original sanctions imposed for exceeding such limit. Imprisonment sanctions for the original and additional sanctions must run consecutively. However, the combined sanctions cannot exceed 6 months of imprisonment, \$1,000 or 120 hours of community service.	
NJ	The fine is double the usual amount.	
NY	<u>Exceeding the speed limit ≤ 10 MPH: Fine-\$60 to \$100</u> <u>Exceeding the speed limit > 10 MPH but < 30 MPH: Jail-Not more than 30 days/fine-\$120 to \$100</u> <u>Exceeding the speed limit > 30 MPH: Jail-Not more than 30 days/fine-240 to \$400</u> For a 2nd offense (within 18 months) for any of the above offenses, the fine is increase by \$100 . For a subsequent offense (within 18 months) for any of the above offenses, the fine is increase by \$250 .	
NC	There is a fine of not less \$100 (mandatory) nor more than \$250 .	There is a mandatory \$25 fine and 3 points are assessed against a person's driving record.
ND	Fee schedule for exceeding the speed limit by 1 to 10 MPH- \$40 Fee schedule for exceeding the speed limit by > 10 MPH- \$40 plus \$1 for each MPH over 10 MPH	
OH	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
PA	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	Exceeding the speed limit in a school zone- \$35 plus \$2 for every MPH in excess of 5 MPH
SD	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	

**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**
(continued)

S T A T E	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCHOOL ZONE
TN	<p>For speeding in a construction zone, a person is subject to a fine of from \$250 (mandatory) to \$500.</p> <p>The following points have been assigned for speeding in a construction zone: Speeding violations where the vehicle's speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 15 MPH-6 points; exceeding the speed limit 16 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points.</p> <p>The following points have been assigned for speeding in a construction zone by a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; and, exceeding the speed limit 6 through 14 MPH-5 points.</p>	
TX	If a speeding offense occurs in a construction zone, the minimum and maximum fines are doubled .	
UT	A person, who is convicted of speeding in a construction zone when workers are present, is subject to a fine which is double the amount of the fines in the Uniform Recommend Fine Schedule.	
VA	The fine for exceeding the speed limit in a construction zone is not more than \$250 .	The fine for exceeding the speed limit in a school crossing zone is not more than \$250 .
WA	There is a mandatory fine for exceeding the speed limit in a roadway construction zone which is double the normal amount.	There is a mandatory fine for exceeding the speed limit in a school or playground crosswalk which is double the normal amount.
WV		<p><u>1st or subsequent offense</u>: Fine-\$100 to \$500</p> <p><u>Subsequent offense</u> (within 2 years): Jail-not more than 6 months</p>
WI	If a speeding offense occurs in a construction zone, the maximum and minimum fines are double .	If a speeding offense occurs in a designated school zone, the maximum and minimum fines are double .



SUMMARY TABLE ON AGGRESSIVE DRIVING LAWS

STATE	DEFINITION OF AGGRESSIVE DRIVING	MAXIMUM IMPRISONMENT OR JAIL SANCTION	MAXIMUM FINE SANCTION (\$)	MAXIMUM LICENSING ACTION
AZ	A person commits "Aggressive Driving" if both of the following occur: (1) If during a "course of conduct," they violate either the Basic Speed Rule or the "Excessive Speed" law plus two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right-of-way; and, (2) their "driving is an immediate hazard to another person or vehicle." "Course of conduct" means "a series of acts committed during a single, continuous period of driving."	6 months ^A	2,500 ^A	30 days ^{B&C}

^AThis sanction applies to first and subsequent offenses.

^BThis is the sanction for a first offense.

^CLicensing action is in the form of a suspension.



JURISDICTION:

ALABAMA

General Reference:

This chapter summarizes Alabama State statutes related to speed.
Code of Alabama

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §32-5A-170

Statutory Speed Limit:

- I. 30 MPH in any urban district §32-5A-171(1)
- II. 35 MPH on any unpaved road §32-5A-171(2)(a)
- III. 45 MPH on any county-maintained paved road in an unincorporated area §32-5A-171(2)(b)
- IV. 55 MPH¹ on highways (except interstate highways or highways with 4 or more lanes) §32-5A-171(3)
- V. 70 MPH¹ on interstate highways §32-5A-171(4)
- VI. 65 MPH¹ on a highway with 4 or more lanes §32-5A-171(4)
- VII. 55 MPH¹ for vehicles carrying explosives, flammable liquids or hazardous wastes except as authorized by the governor §32-5A-171(5)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Director of Public Safety and the State Highway Director may increase or decrease the above maximum speed limits on the State highway system.² §§32-5A-171(7) & 32-5A-172
- II. Based on engineering and traffic investigations and subject to approval by the State highway department, local governments may increase or decrease the speed limits on the highways under their jurisdiction. §32-5A-173
- II. State or local authorities may set special maximum safe speed limits for either bridges or elevated structures.³ §32-5A-176

Minimum Speed Limit:

- I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §32-5A-174(a)
- II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §32-5A-80(b)

¹Under §32-5A-171(6), the governor is authorized to change the maximum speed limits in order to allow the State to receive Federal highway construction and maintenance funds.

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §32-5A-172

³It appears that §32-5A-176 has replaced §32-5-92 although this later section has not been specifically repealed. Under §32-5-92, State and local officials are authorized to establish maximum safe speed limits for either public bridges, causeways or viaducts. However, this section provides for the following criminal sanctions for a violation of the posted safe speed limit: 1st offense-a jail term of not more than 10 days and/or a fine of not more than \$100; 2nd offense (within 1 year)-a jail term of not more than 20 days and/or a fine of not more than \$200; and, 3rd or subsequent offense (within 1 year)-a jail term of not more than 6 months at hard labor and/or a fine of not more than \$500.

ALABAMA

Basis for a Speed Law Violation:
(continued)

Posted (Minimum) Speed Limit: A posted minimum speed on a road or highway may be established. Such action must be based on engineering and traffic studies. §32-5A-174(b)

Other:

Adjudication of Speed Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. §32-5A-8(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **30 days** Subsequent offense (within 1 year)-Not more than **3 months** §32-5A-8(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense (within 1 year)-Not more than **\$500** §32-5A-8(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ which is based on the frequency and seriousness of the traffic offenses. §32-5A-195(k)(2)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §32-5A-195(m)

Mandatory Minimum Term of

Withdrawal:

None

⁴**Point System.** I. An offender, who accumulates 12 to 14 points in 2 years, is subject to a 60 day suspension. An offender, who accumulates 15 to 17 points in 2 years, is subject to a 90 day suspension. An offender, who accumulates 18 to 20 points in 2 years, is subject to a 120 day suspension. And, an offender, who accumulates ≥24 points in 2 years, is subject to a 365 day suspension. These suspension periods are not mandatory, as the licensing agency may modify them. II. The following points are assigned to speeding or speed related offenses: Reckless driving-6 points; speeding in excess of 79 MPH (i.e., ≥80 MPH)-5 points; speeding in excess of the posted speed limit-2 points; and, all other moving violations-2 points. §32-5A-195 & Regulation 760-X-.07

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Court Authorized Licensing Action. In addition to any other sanction for a criminal violation of the traffic laws, the court may issue an order "forbidding" an offender from operating a motor vehicle for either a specified period of time or perpetually. An appellate court may modify this order. §32-5-316

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor §§32-5A-8(a) & 32-5A-178(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-5 to 90 days Subsequent offense-10 days to 6 months
§32-5A-178(d)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$500 §32-5A-178(d)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension §§32-5A-178(d) & 32-5A-195(k)(8) **Suspension** via the Point System⁴

Length of Term of

Licensing Withdrawal:

1st or subsequent offense-6 months §32-5A-178(d) **Suspension** via the Point System-60 to 365 days⁴

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

See Court Authorized Licensing Action on p. 2.

Reckless Driving:

Misdemeanor §§32-5A-8(a) & 32-5A-190(a)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than 90 days Subsequent offense-10 days to 6 months §32-5A-190(b)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$500 §32-5A-190(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st or subsequent offense-Suspension §32-5A-190(b) **Suspension** via the Point System⁴ However for 3 Offenses (within 1 year)-**Revocation** §32-5A-195(j)(7)

ALABAMA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Suspension Offenses-Not more than **6 months** §32-5A-190(b)
Suspension via the Point System-**60 to 365 days**⁴ Revocation Offenses-
The law does not specify a revocation period.⁵

None

See Court Authorized Licensing Action on p. 2.

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §32-6-49.11(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §32-6-49.11(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §32-6-49.11(e)

Important. Under separate provisions of State law, a person, who is disqualified from operating a CMV under Federal Regulations (49 CFR 383.51) because they have committed either 2 serious traffic law violations within 2 years or 3 such violations within 3 years while operating a CMV, also commits a misdemeanor with the following sanctions: Jail for not more than 30 dys and/or a fine of not more than \$2,000. In addition, the court may prohibit the offender from operating a CMV for a period of time specified by the court or perpetually. §§2 & 4 of House Bill 725 enacted in 1998 Note: Under Federal Regulations a "serious traffic violation" is defined to include either speeding ≥ 15 MPH over the speed limit or reckless driving (49 CFR 383.5)

⁵However, the law does provide that a person's license or driving privileges cannot be suspended for more than 1 year. §32-5A-195(m).

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with State or Federal laws. §32-6-49.3(5)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §32-6-49.3(21)

JURISDICTION:

ALASKA

This chapter summarizes Alaska State statutes and regulations related to speed.

General References:

Alaska Statutes and Alaska Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway and weather conditions. 13 AAC 02.275¹

**Statutory Speed Limit:
See Other below.**

- I. 65 MPH on specific sections of either (2) the Alaska interstate system or (2) outside of urbanized areas with populations $\geq 50,000$. These highway sections are determined via engineering and traffic investigations. 13 AAC 02.280(a) & (b)¹
- II. 25 MPH in a residential area 13 AAC 02.275(b)(3)¹
- III. 20 MPH in a business district 13 AAC 02.275(b)(2)¹
- IV. 15 MPH in an alley 13 AAC 02.275(b)(1)¹

Posted (Maximum) Speed Limit:

- I. Based upon engineering and traffic investigations, the above speed limits, except for the 65 MPH limit, may be altered (increased or decreased).² 13 AAC 02.275(e) & 02.280¹
- II. Maximum safe speed limits may be established for bridges, elevated structures, tunnels and underpasses. 13 AAC 02.325(f)¹

Minimum Speed Limit:

A person, driving at less than the maximum authorized speed of traffic, shall drive as close as practicable to the right-hand curb or edge of the roadway. 13 AAC 02.050(b)

Posted (Minimum) Speed Limit:

Other:

- I. Maximum speed when towing a mobile home is 45 MPH. 13 AAC 02.325(b)¹
- II. Maximum speed in a marked public school or playground is 20 MPH 13 AAC 02.325(d)¹
- III. Maximum speed when passing a school displaying flashing yellow lights is 20 MPH 13 AAC 02.325(e)¹

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Above Regulations is an Infraction and Is Not Considered a Criminal Offense.¹ §28.40.050(c) & (d)

Other:

¹This State establishes speed limits via regulations. These regulations have been promulgated via Alaska Statutes §28.05.011. **Comment:** It appears that speed regulations could also have been established via §§19.10.070 and 19.10.072. A violation of these statutory provisions, which would, no doubt, include the regulations promulgated under them, would be a misdemeanor. The sanctions for this misdemeanor are a jail term of not more than 1 year and/or a fine of from \$10 to \$500. §19.45.002

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. 13 AAC 02.280(c)

ALASKA

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A §28.40.050(d)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$300 §28.40.050(c)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to participate in a driver improvement course if they accumulate 6 or more points within 12 months or 9 or more points within 24 months. §28.15.253

Other:

A driver, who has accumulated sufficient points to be considered a problem driver, may be required to appear for a driver improvement interview. 13 AAC 08.240

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing Action is via a point system.³

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

13 AAC 02.330 via §28.05.011

Sanctions:

Criminal Sanction:

This offense is an Infraction and is not considered to be a Criminal Offense. §28.40.050(c)

Imprisonment (Term):

N/A §28.40.050(d)

Mandatory Minimum Term:

Fine (\$ Range):

Not more than \$300 §28.40.050(c)

Mandatory Minimum Fine:

None

³**Point System.** I. A person's license is suspended for 1 month if they either (1) accumulate 12 or more points within a 12 month period or (2) accumulate 18 or more points within a 24 month period. The suspension period is 3 months if person accumulates the required points a second time within a subsequent 24 month period. If the person has had two prior point related suspensions within 24 months and subsequently accumulates the required points within the proscribed period of time, driving privileges are revoked for 1 year. §§28.15.221, 28.15.261 and 13 AAC 08.230 II. The following points are assessed for speeding violations: (1) In a school zone or playground crosswalk-6 points; (2) 3 to 9 MPH over the speed limit-2 points; (3) 10 to 19 MPH over the speed limit-4 points; and, (4) 20 or more MPH over the speed limit-6 points. 13 AAC 08.210(11) III. Ten (10) points are assessed either for reckless driving or for speed contest-racing (racing on the highways). 13 AAC 08.210(3) IV. Six (6) points are assessed for negligent driving. 13 AAC 08.230(7) V. Four (4) points are assessed for careless driving (a municipal code offense). 13 AAC 08.210(13) VI. Two (2) points are assessed for all other moving violations. 13 AAC 08.210(21)

Other Criminal Actions Related to Speeding:
(continued)

Racing on the Highway: (continued)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Licensing Action is via a point system.³

Other:

Reckless Driving:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Based on a Substantial and Unjustifiable Risk of Harm to Persons or
Property §28.35.040
Misdemeanor §28.35.040(b)

Not more than **1 year** §28.35.040(b)

None
Not more than **\$1,000** §28.35.040(b)
None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Revocation §28.35.181(a) & (b)

1st offense-Not less than **30 days** 2nd offense (within 10 years)-Not
less than **1 year** 3rd or subsequent offense (within 10 years)-Not less
than **3 years** §28.15.181(b)

Mandatory Term of License
Withdrawal Action:

1st offense-**None** A limited license for employment may be granted.
If this type of driving privilege is allowed, it must remain in effect for
at least 60 days. 2nd offense (within 10 years)-Not less than **1 year**⁴
3rd or subsequent offense (within 10 years)-Not less than **3 years**⁴
§28.15.181(b)

Other:

A driver also accumulates points for this offense.³

Negligent Driving:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:

Based on an Unjustifiable Risk of Harm to Persons or Property Where
There is an Actual Danger (e.g., Accident) §28.35.045

A violation of this provision is an Infraction which is a non criminal
offense. §28.35.050(d)
N/A §28.40.050(d)

⁴No limited driving privileges for employment can be granted. §28.15.181(b)

ALASKA

Other Criminal Actions Related to Speeding:
(continued)

Negligent Driving: (continued)

Fine (\$ Range):

Not more than \$300 §28.35.050(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Licensing Action is via a point system.³

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §28.33.140(a)(6) & (c)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §28.33.140(c)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §28.33.140(c)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,000 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28.40.100(2)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or negligent driving. §28.33.190(10)(A) & (B)

JURISDICTION:

ARIZONA

General References:

This chapter summarizes Arizona State statutes related to speed. Arizona Revised Statutes Annotated and Arizona Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent speed under the conditions and actual and potential hazards then existing. §28-701(A) & (D)

Statutory Speed Limit:

- I. 15 MPH approaching a school crossing¹ §28-701(B)(1)
- II. 25 MPH in business or residential district¹ §28-701(B)(2)
- III. 65 in other locations¹ §28-701(B)(3)
- VI. 65 MPH on interstate highways outside of urban areas with a population ≥50,000 §28-702.04(A) See II under Posted (Maximum) Speed Limit below.

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the Director of the State Department of Transportation may alter or vary the above statutory speed limits on the State highway system.² §28-702
- II. Based on engineering and traffic investigations, the Director of the State Department of Transportation may increase the maximum speed limit on interstate highways outside of urban areas with a population ≥50,000 to 75 MPH. §§28-702 & 28-702.04(C)
- III. Based on engineering and traffic investigations, local governments may increase (but not >65 MPH) or decrease the speed limits on highways under their jurisdiction. §28-703
- IV. Based on an investigation, the Director of the State Department of Transportation may establish a safe maximum speed limit of any bridge or elevated structure. §28-706(B) & (C)

Minimum Speed Limit:

- I. A person shall not drive a motor vehicle at a speed which is less than that which is reasonable and prudent under the existing circumstances. §28-701(E)
- II. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §28-704(A)
- III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §28-721(B)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Director of the State Department of Transportation or local government officials may establish a minimum speed limit on a highway. §28-704(B)

¹Exceeding this speed limit "is *prima facie* evidence that the speed is too great and therefor unreasonable." §28-701(B)

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §28-702 In addition, on a multiple lane highways with two or more separate roadways, different *prima facie* speed limits may be established on each roadway. §28-703.02

ARIZONA

Basis for a Speed Law Violation: (continued)

- Other:
- I. A person shall not drive a vehicle that is equipped with solid rubber tires > 10 MPH. §28-706(A)
 - II. A person shall not drive a vehicle that is towing a trailer or semitrailer at a rate of speed that causes the trailer or semitrailer to sway laterally from the lane of traffic. §28-896

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: A Violation of the Speed Laws is a Civil (Non Criminal) Traffic Infraction §28-121(B)
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$250³ §28-1598

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. The licensing agency may require an offender to attend a defensive driving (traffic) school. §28-3306 & AAC R17-4-506 (via the point system)

II. The court may allow a violator to attend defensive driving school. The civil charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. §§28-3392 & 28-3393

Other:

An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Licensing action is via a point system.⁴

³Limited Sanctions for Exceeding a Posted Speed Limit of 55 MPH. On highways with a posted maximum speed limit of 55 MPH, a person, who exceeds this limit but whose speed was ≤65 MPH, is subject to a fine of not more than \$15 plus assessments which can be ≤60% of the fine imposed. A violation is not to be used to establish motor vehicle insurance rates. This offense is "designated as the waste of finite resource currently in short supply and is considered a civil traffic violation." Note: The regular sanctions for a speeding offense apply, if a person exceeds a 55 MPH speed limit by > 65 MPH. §§12-116.01, 12-116.02 and 28-702.01(A) & (C)

⁴Point System. A person, who accumulates 8 points within 12 months, either (1) may have their license suspended for not more than 1 year or (2) may be required to attend a traffic education and training course. The following points are assessed for speeding and speed related violations: (1) For a violation of any provision of §28-701-2 points; (2) for either reckless driving or racing on the highways-8 points; and, (3) for any other violation-2 points. AAC R17-4-506 (via §28-202(A)) & §28-3315(A)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:

Type of Licensing Action
(Susp/Rev): (continued)

Special Note: On highways with posted maximum speed limits of 55 MPH, a person, who is convicted of a speeding offense where the speed was > 55 MPH but ≤ 65 MPH, is not subject to licensing action. §28-702.01(B)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class 2 Misdemeanor §28-708(A) & (B)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

1st or subsequent offenses-Not more than **4 months** §13-707(A)(2)

1st offense-None 2nd or subsequent offense (within 24 months)-**10 days**⁵ §28-708(B)

Fine (\$ Range):

1st or subsequent offenses-Not more than **\$750** §13-802(B)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing action is also possible via the Point System.⁴

Licensing Authorized and
Type of Action:

1st offense-Suspension 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-**Revocation** §§28-708(D) & 28-3304(A)(7)

Length of Term of

Licensing Withdrawal:

1st offense-Not more than 90 days 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-Not more than **1 year** §§28-708(D) & 28-3315(A)

Mandatory Action--Minimum

Length of License
Withdrawal:

1st offense-None 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-**Mandatory Revocation** However, the law does not provide for a specific revocation period. §§28-708(D) & 28-3315(A)

Other:

I. The licensing agency may require an offender to attend a defensive driving (traffic) school. §28-3306 & AAC R17-4-506 (via the point system⁴)

⁵An offender may be allowed to leave the incarceration facility for either employment or educational purposes. §28-708(C)

ARIZONA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Other: (continued)

II. An offender is also subject to assessments which can be $\leq 60\%$ of the fine imposed. §§12-116.01 & 12-116.02

Reckless Driving:
Sanction:
Criminal:
Imprisonment (Term):

Class 1 or Class 2 Misdemeanor §28-693(A), (B) & (D)

Mandatory Minimum Term
of Imprisonment:

1st offense-Class 2 Misdemeanor-Not more than **4 months** 2nd or subsequent offense (within 24 months)-Class 1 Misdemeanor-Not more than **6 months** §13-707(A)(1) & (2)

Fine (\$ Range):

1st offense-Class 2 Misdemeanor-**None** 2nd or subsequent offense (within 24 months)-Class 1 Misdemeanor-**20 days**⁵ §28-693(D)(2)
1st offense-Class 2 Misdemeanor-Not more than **\$750** 2nd or subsequent offense (within 24 months)-Class 1 Misdemeanor-Not more than **\$2,500** §13-802(A) & (B)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Licensing action is also possible via the Point System.⁴

Length of Term of License
Withdrawal Action:

1st offense-**Suspension** 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-**Revocation** §§28-693(D) & (D) and 28-3304(A)(7)

Mandatory Term of License
Withdrawal Action:

1st offense-Not more than **90 days** 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-Not more than **1 year** §§28-693(B) & 28-3315(A)

1st offense-**None** 2nd or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7))-**Mandatory Revocation** However, the law does not provide for a specific revocation period. §§28-3315(A) & 28-693(D)(4)

Other:

I. The licensing agency may require an offender to attend a defensive driving (traffic) school. §28-3306 & AAC R17-4-506 (via the point system⁶)
II. An offender is also subject to assessments which can be $\leq 60\%$ of the fine imposed. §§12-116.01 & 12-116.02
III. An offender may be required to pay the costs of their incarceration. §28-694(A)

Excessive Speed⁶:
Sanction:
Criminal:
Imprisonment (Term):

Class 3 Misdemeanor §28-701.02(A) & (B)

Not more than **30 days** §13-707(A)(3)

⁶Excessive speed is define as driving either (1) >35 MPH approaching a school crossing, (2) >20 MPH above a posted speed limit (>45 MPH if there is no posted speed limit) in a either business or residential district or >80 MPH in other locations. §28-701.02(A)

Other Criminal Actions Related to Speeding:
(continued)

Excessive Speed: (continued)

Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$500 §13-802(C)
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Licensing action is via a point system. ⁴
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	

Other:

- I. The licensing agency may require an offender to attend a defensive (traffic) school. §28-3306 & AAC R-17-4-506 (via the point system)⁴
- II. The court may allow a violator to attend defensive driving school. The criminal charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. §28-3392 & 28-3393
- III. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02

Aggressive Driving⁷:

Sanction:	Class 1 Misdemeanor §28-695(A), (B) & (D)(1)
Criminal:	
Imprisonment (Term):	Not more than 6 months §13-707(A)(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$2,500 §13-802(A)
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	A person may also be subject to a 2 point assessment under the Point System. ⁴ AAC R-17-4-506
Length of Term of License Withdrawal Action:	<u>1st offense-Suspension</u> <u>2nd or subsequent offense</u> (within 24 months)- Revocation §28-695(C)(2) & (D)(2)
	<u>1st offense-30 days</u> <u>2nd or subsequent offense</u> (within 24 months)- 1 year §28-695(C)(2) & (D)(2)

⁷A person commits "Aggressive Driving" if **both** of the following occur: (1) If during a "course of conduct," they violate either the Basic Speed Rule (§28-701(A) or the "Excessive Speed" law (§28-701.02) plus two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right-of-way; and, (2) their "driving is an immediate hazard to another person or vehicle." "Course of conduct" means "a series of acts committed during a single, continuous period of driving." §28-695(A) & (F)

ARIZONA

Other Criminal Actions Related to Speeding:
(continued)

Aggressive Driving: (continued)

Mandatory Term of License

Withdrawal Action:

1st offense-None 2nd or subsequent offense (within 24 months)-1 year
§28-695(C)(2) & (D)(2)

Other:

I. 1st offenders must "attend and successfully complete approved training and education sessions that are designed to improve the safety and habits of drivers...." §28-695(C)(1)

II. An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02

III. An offender may be required to pay the costs of their incarceration. §28-694(A)

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §28-3312(A)(5) & (6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 consecutive days**
3 serious violations (within 3 years)-Not less than **120 consecutive days**
§28-3312(A)(5) & (6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 consecutive days** 3 serious violations (within 3 years)-**120 consecutive days** §28-3312(A)(5) & (6)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is a school bus, bus, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28-3001(3)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving, aggressive driving or racing on the highway. §28-3312(E)

JURISDICTION:

ARKANSAS

General Reference:

This chapter summarizes Arkansas State statutes related to speed.
Arkansas Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at speed that is greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §27-51-201(a)(1)

Statutory Speed Limit:
See Other below.

Controlled-Access Highways-The maximum speed is determined via engineering and traffic studies.¹ §27-51-201(b)(1)
30 MPH² in urban districts §27-51-201(c)(1)
50 MPH² for trucks with a capacity $\geq 1\frac{1}{2}$ tons in other locations (except controlled access highways) §27-51-201(c)(2)
60 MPH² for other vehicles in other locations (except controlled access highways) §27-51-201(c)(3)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic studies, the State Highway Commission may alter the above statutory speed limits on the State highway system. §27-51-204
II. Based on engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdiction. However, no speed limit can be > 45 MPH. §27-51-206(b)
III. Based on an investigation, the State Highway Commission may establish safe maximum speed limits for bridges or other elevated structures. §27-51-209(a) & (b)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic §27-51-208(b)
II. A person shall not operate a motor vehicle continuously in the left lane of a multi-lane roadway whenever it impedes the flow of other traffic. §27-51-301(b)

Posted (Minimum) Speed Limit:

Based upon engineering and traffic studies, a minimum speed limit for any highway may be established. §27-51-208(b)

Other:

I. 30 MPH is the maximum speed for a vehicle which is either over width, over length or over height and has a gross weight $\geq 64,000$ lbs. §27-51-201(c)(4)
II. 45 MPH is the maximum speed while towing a house trailer §27-51-210
III. 10 MPH is the maximum speed while operating a vehicle equipped with solid rubber or cushion tires §27-51-211
IV. 25 MPH is the maximum speed when passing a school or while in a school zone during school hours when students are in the school §27-51-212

¹However, the speed limit on controlled-access highways for trucks with a $\geq 1\frac{1}{2}$ ton capacity must be established at 10 MPH below that established for automobiles. §27-51-201(b)(2)

²This appears to be a *prima facie* speed limit. §§27-51-201(e) & 27-51-202(a)

ARKANSAS

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: A Violation of the Speed Laws is a Misdemeanor Offense. §§27-50-304, 27-50-305 & 27-51-214

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions: Note: Except as Noted for Speeding in School Zones, the Following Sanctions Apply to all Speed Law Violations.

Imprisonment:
Term (Day, Month, Years, Etc.): 1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** §§27-50-304 & 27-50-305
Speeding in School Zone-1st offense-1 to 10 days 2nd offense (within 1 year)-**5 to 25 days** 3rd or subsequent offense (within 1 year)-**25 days to 6 months** §27-51-214

Mandatory Minimum Term: Speeding in School Zone³-1st offense-1 day 2nd offense (within 1 year)-**5 days** 3rd or subsequent offense (within 1 year)-**25 days** §27-51-214

Fine:
Amount (\$ Range): 1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** §§27-50-304 & 27-50-305
Speeding in School Zone-1st offense-\$25 to \$100 2nd offense (within 1 year)-**\$50 to \$250** 3rd or subsequent offense (within 1 year)-**\$250 to \$1,000** §27-51-214

Mandatory Min. Fine (\$): Speeding in School Zone³-1st offense-\$25 2nd offense (within 1 year)-**\$50** 3rd or subsequent offense (within 1 year)-**\$250** §27-51-214

Other Penalties:
Traffic School:
Other: Attendance at driver's training school may be required. §27-50-306(3) **Highway Work Zone.** An additional fine, which is equal to all of the other fines, is imposed for exceeding the posted speed limit in a highway work zone when construction personnel are present. I.e., the fine is **double** the amount that would otherwise be imposed. §27-50-408(b)(1)(A)

Licensing Action:
Type of Licensing Action
(Susp/Rev): **Suspension** via the Courts⁴ §27-50-306(1) **Suspension or Revocation** via a Point System⁵

³The law appears to make the minimum sanction mandatory.

⁴A suspension of not more than 1 year may be imposed by the court. This suspension is based upon a review of the offender's driving record. §27-50-306

⁵**Point System.** I. If an offender accumulates between 14 and 17 points, their license is suspended from 3 to 6 months. If they accumulate between 18 and 23 points, their license is suspended from 6 months to 1 year. And, if they accumulate more than 24 points, their license is either suspended for not less than 1 year or revoked for no more than 1 year. II. The following points

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:

Type of Licensing Action
(Susp/Rev): (continued)

Speeding in School Zone-2nd offense (within 1 year)-**Suspension 3rd offense** (within 1 year)-**Suspension** §27-51-214(2)(B) & (3)(B)

Term of License Withdrawal
(Days, Months, Years, etc.):

Not more than **1 year**⁶ §27-50-306(1)
Speeding in School Zone-2nd offense (within 1 year)-**6 months 3rd offense** (within 1 year)-**1 year** §27-51-214(2)(B) & (3)(B)

Mandatory Minimum Term of
Withdrawal:

Speeding in School Zone-2nd offense (within 1 year)-**6 months 3rd offense** (within 1 year)-**1 year** §27-51-214(2)(B) & (3)(B)

Miscellaneous Sanctions
Not Included Elsewhere:

None

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class A Misdemeanor §§27-50-302(1) & 27-50-309

Sanctions:

Criminal Sanction:

Not more than **1 year** §5-4-401(b)(1)

Imprisonment (Term):

None

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$1,000** §5-4-201(b)(1)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts⁴ §27-50-306(1) **Suspension or Revocation** via the Point System⁵

Length of Term of

Licensing Withdrawal:

Not more than **1 year**⁴ §27-50-306(1)

Mandatory Action--Minimum

Length of License

Withdrawal:

None⁵

are assigned for speeding and speed related offenses: Careless (or negligent) driving-8 points; racing on the highway-8 points; reckless driving-8 points; hazardous driving-3 points; impeding traffic-3 points; speeding 0 to 10 MPH over the limit-3 points; speeding 11 to 14 MPH over the limit-4 points; speeding 15 to 20 MPH over the limit-4 points; speeding 21 to 30 MPH over the limit-5 points; speeding ≥30 MPH over the limit-8 points; speeding 0 to 14 MPH over the limit in a commercial motor vehicle-3 points; speeding ≥15 MPH over the limit in a commercial motor vehicle-6 points; unsafe driving-3 points; and, other violations-3 points. §27-14-403(a) & Regulation 2-27-16-907(a)(4) Note: Although listed as offenses under the point system, the Arkansas Code does not make either hazardous or unsafe driving an offense under State law.

⁶I. The offender may be granted conditional or restricted driving privileges during a suspension. §27-50-306(2) II. Suspension or revocation under the point system is discretionary.

ARKANSAS

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Other:

I. 2nd offense (within 6 months)-An offender may be fined an amount not exceeding **double** that for a 1st offense and is subject a license revocation for not more than 60 days. 3rd or subsequent offense (within 6 months)-An offender may be fined an amount not exceeding **double** that for a 1st offense and is subject a license revocation for not more than 6 months. §27-51-102(b)(1) & (2) Important. See the "notes" in the annotated version of the Arkansas Statutes for the application of §27-51-102.

II. A person may be required to attend a driver's training school. §27-50-306(3)

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Class B Misdemeanor §§27-50-302(2) & 27-50-308

I. Non-Injury Related Offense: 1st offense-5 to 90 days §27-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**30 days to 6 months** §27-50-308(b)(2)(A)

II. Injury Related Offense-1st offense-30 to 90 days §27-50-308(b)(1)(A) 2nd or subsequent offense⁷ (within 3 years)-**60 days to 1 year** §27-50-308(b)(2)(B)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

I. Non-Injury Related Offense: 1st offense-\$25 to \$500 §27-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**\$500 to \$1,000** §27-50-308(b)(2)(A)

II. Injury Related Offense-1st offense-\$100 to \$1,000 §27-50-308(b)(1)(A) 2nd or subsequent offense⁷ (within 3 years)-**\$500 to \$1,000** §27-50-308(b)(2)(B)

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Courts⁴ §27-50-306(1) or **Suspension or Revocation** via the Point System^{5&7}

For 3 convictions within 12 months-**Revocation** §27-16-905(5)

Length of Term of License

Withdrawal Action:

Suspension for not more than **1 year**⁴ §27-50-306(1)

Revocation for **1 year**⁴ §27-16-912

Mandatory Term of License

Withdrawal Action:

For 3 convictions within 12 months-**1 Year Revocation** §§27-16-905(5) & 27-16-912

Other:

A person may be required to attend a driver's training school. §27-50-306(3)

⁷The sanctions for a second or subsequent injury offense also apply where the first offense was a non injury related but where the second or subsequent one was so related. §27-50-308(b)(2)(B)

Other Criminal Actions Related to Speeding:
(continued)

<u>Careless and Prohibited Driving:</u>	Violation §§5-1-108, 27-50-301 & 27-51-104(a)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than \$100 §27-51-104
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Courts ⁴ §27-50-306(1) Suspension or Revocation via the Point System ⁵
Length of Term of License Withdrawal Action:	Not more than 1 year ⁴ §27-50-306(1)
Mandatory Term of License Withdrawal Action:	None ⁵
Other:	A person may be required to attend a driver's training school. §27-50-306(3)

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §27-23-112(e)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §27-23-112(e)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §27-23-112(e)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §27-23-103(7)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §27-23-103(22)



JURISDICTION:

CALIFORNIA

General Reference:

This chapter summarizes California State statutes related to speed. West's Annotated California Codes

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and surface and width of, the highway.¹ In no event, shall a speed such as to endanger the safety of persons or property. Veh. Code §22350

Statutory Speed Limit:
See Other below.

65 MPH² (except as noted below) Veh. Code §§22349(a) & 22356
55 MPH on two lane undivided highway Veh. Code §22349(b)
35 MPH (*prima facie* limit) on non-State highways located in moderate density residential districts within the Town of Apple Valley³ Veh. Code §§22352(a)(3) and 22352.1(a) & (b)
25 MPH⁴ (*prima facie* limit) in a business or residence district Veh. Code §22352(a)(2)
25 MPH near a children's playground⁵ Veh. Code §22357.1
15 MPH⁶ (*prima facie* limit) on any alley Veh. Code §22352(a)(1)(C)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic surveys, the State Department of Transportation may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 MPH on the State highway system.⁷ Veh. Code §22354

¹It is a *prima facie* violation of the basic speed rule to exceed a construction zone speed limit. A construction zone speed limit cannot be <25 MPH. Veh. Code §22362

²Based upon engineering and traffic surveys, the State Department of Transportation may increase the maximum speed limit to 70 MPH. Veh. Code §22356(a) Note: Neither the 65 MPH nor 70 MPH maximum speed limits apply to certain types of vehicles per Veh. Code §22406.

³Via a demonstration project, the Town of Apple Valley may establish a *prima facie* speed limit of 35 MPH on non-State highways which are located in moderate density residence districts. Veh. Code §22352.1 This demonstration project remains in effect only until March 1, 2001.

⁴Or (1) when passing a school, which is not separate from the highway by a physical barrier, with a standard "school" warning sign while children are going to or leaving the school or during school hours or (2) when passing a facility used by senior citizens with a standard "senior" warning sign. Veh. Code §22352(b)(2) & (3)

⁵This limit is established by local authorities.

⁶Or when traversing either a uncontrolled railway crossing or uncontrolled highway intersection where the driver does not have a clear and unobstructed view. Veh. Code §22352(a)(1)(A) & (B)

⁷Also, based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for various times of the day or night. Veh. Code §22355

CALIFORNIA

Basis for a Speed Law Violation: (continued)

II. Based on engineering and traffic surveys, a local government may increase the above *prima facie* 25 MPH speed limit. Such government may establish *prima facie* speed limits of 30, 35, 40, 45, 50, 55, 60 or 65 MPH on highways under its jurisdiction.⁸ Veh. Code §22357

III. Notwithstanding other provisions of law, a city or county located within the South Coast Air Quality Management District may establish on unpaved roads a *prima facie* speed limit lower than permitted in order to comply with air quality standards. Veh. Code §22365

IV. Based on engineering and traffic surveys, a local government may decrease the 65 MPH speed limit on applicable highways within its jurisdiction. Such government may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 MPH on such highways. Veh. Code §§22358(a) & 22360

V. Based on engineering and traffic surveys, a local government may decrease the above 25 MPH *prima facie* speed limit to either 15 or 20 MPH on streets under its jurisdiction having a width not more than 25 feet. Veh. Code §22358.3

VI. Based on engineering and traffic surveys, a local government may lower the above 25 MPH *prima facie* 15 or 20 MPH for business and residential districts or school zones. Veh. Code §22358.4

VII. Based on engineering and traffic surveys, the State or a local government on highways within their respective jurisdictions may establish different *prima facie* speed limits for different roadways. Veh. Code §22361.

VIII. When ice or snow conditions exist, the State Department of Transportation or a local government on highways under their respective jurisdictions may establish *prima facie* speed limits of 40, 35, 30 or 25 MPH. Veh. Code §22363

IX. Based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for highway lanes on the State highway system. Veh. Code §22364

X. The State Department of Transportation or a local government may establish a safe maximum speed limit (but not <5 MPH) for bridges, elevated structures, tubes or tunnels on the highway under their respective jurisdictions. Veh. Code §§22402, 22403, 22404 & 22405

Minimum Speed Limit:

I. A person shall not drive a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. Veh. Code §22400(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb. Veh. Code §21654(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic surveys, the State Department of Transportation may establish a minimum speed on any part of the State highway system. Veh. Code §22400(b)

⁸A local government may also establish a *prima facie* speed limit of 25 MPH on highways under their jurisdiction that are adjacent to a children's playground in a public park. However, such a speed limit is only to be effective during hours when children are expected to use such playground. Veh. Code §22357.1

Basis for a Speed Law Violation: (continued)

- Other:
- I. 55 MPH⁹ is the maximum speed for: (1) A motortruck, (2) a track tractor having three or more axles, (3) a motortruck or track tractor drawing any other vehicle, (4) a passenger vehicle or bus drawing any other vehicle, (5) a schoolbus while transporting pupils, (6) a farm labor vehicle while transporting passengers, (7) a vehicle transporting explosives or (8) a trailer bus. Veh. Code §22406
 - II. 25 MPH is the maximum speed for vehicles with solid tires and having a gross vehicle weight for ≥10,000 but <16,000 lbs. Veh. Code §22409
 - III. 15 MPH is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight for ≥16,000 but <22,000 lbs. Veh. Code §22409
 - IV. 6 MPH is the maximum speed for vehicles equipped with metal tires. Veh. Code §22410

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Law Speed Violations are Infractions. Veh. Code §§22351, 40000.1 & 42001(a)
- Other: **Important.** See Miscellaneous Sanctions below.

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.): **None**
 - Mandatory Minimum Term:
 - Fine:
 - Amount (\$ Range): 1st offense-Not more than \$100¹⁰ 2nd offense (within 1 year)-Not more than \$200¹⁰ 3rd or subsequent offense (within 1 year)-Not more than \$250¹⁰ Veh. Code §42001(a)(1), (2) & (3) See III under Miscellaneous Sanctions below.
 - Mandatory Min. Fine (\$): **None**

⁹Based on engineering and traffic surveys, the State Department of Transportation may reduce the 55 MPH maximum speed limit for motortrucks or truck tractors having gross vehicle weight ≥10,000 lbs. while in a descending grade. The speed limit for these vehicles may be established at 50, 45, 40, 35, 30, 25 or 20 MPH. Veh. Code §22407

¹⁰A person, who commits a exceeds the speed limit, a traffic infraction, on certain the segments of certain highways, is subject to a fine sanction which is one category higher than the amount otherwise prescribed by the uniform traffic fine schedule. The prescribed sanction applies on (1) Route 37, between the intersection with Route 121 and the intersection with Route 29, (2) Route 4, between the intersection with Cummings Skyway and the intersection with Route 80, (3) Route 74, between the intersection with Route 5 and the intersection with the Riverside-Orange County line, (4) Route 46, between the intersection with Route 101 and the junction with Route 41, (5) Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi, and (6) the Golden Gate Bridge. Note: Additional forfeitures or assessments, which are based on the fine imposed, are to be calculated using only the base fine prior to the above enhancement. Streets and Highways Code §97 and Veh. Code §§40310 & 42010 Veh.Code §40310 provides that the California Judicial Council shall establish a uniform traffic fine schedule. Streets and Highways Code §97 and Veh. Code §42010 are effective only until January 1, 2000.

CALIFORNIA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties:	
Traffic School:	The court may order an offender to attend a traffic violator school. Veh. Code §42005
Other:	Traffic Violation Points. ¹¹ An offender is assessed 1 point on their driving record. Veh. Code §12810(e)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension Veh. Code §13200
Term of License Withdrawal (Days, Months, Years, etc.):	<u>1st offense</u> -Not more than 30 days <u>2nd offense</u> -Not more than 60 days <u>3rd or subsequent offense</u> -Not more than 6 months Veh. Code §13200 ¹²
Mandatory Minimum Term of Withdrawal:	None
Miscellaneous Sanctions Not Included Elsewhere:	I. The following fines apply to offenses involving exceeding the basic speed rule (Veh. Code §22350), exceeding 55 MPH in a bus, motor truck, truck tractor (with 3 or more axles) or any motor truck or truck tractor drawing any other vehicle (Veh. Code §22406) or exceeding the speed established for a bus, motor truck, truck tractor (with 3 or more axles) or any motor truck or truck tractor drawing any other vehicle when descending a grade (Veh. Code §22407): <u>1st offense</u> -Not more than \$100 <u>1st offense</u> (where speed was ≥ 10 MPH over the limit)-Not more than \$200 <u>2nd or subsequent offense</u> -Not more than \$300 Veh. Code §42000.5 II. For speeding in a tank vehicle transporting >500 gallons of flammable liquids, in willful or wanton disregard for the safety of others, a person is subject to the following <u>additional</u> sanctions: <u>1st offense</u> -Not more than \$500 <u>2nd or subsequent offense</u> (within 2 years)-Not more than \$2,000 and suspension of hazardous material or cargo tank endorsement for ≤6 months Veh. Code §22406.5 III. If the imposition of a fine for an infraction would impose a hardship on an offender or their family, the court may sentence such person perform community service in lieu of the "total fine" (i.e., the base fine, all assessments, penalties and additional monies). Penal Code §1209.5

¹¹**Point System.** A person, who accumulates the request number of points on their driving record, is presumed to be a negligent driver. Such a driver can have their driving privileges suspended for not more than 6 months. However, they may obtain restricted driving privileges for use during the scope of their employment. A person is presumed to be negligent driver if they accumulate either 4 or more points in 12 months, 6 or more points in 24 months, or 8 or more points in 36 months. Veh. Code §§12809, 12810, 12810.5, 12812, 13556 & 13359

¹²This code provision does not state a time period within which a second or subsequent offense must be committed after a first in order to impose enhanced sanctions. As a result, it appears that the enhanced licensing sanctions apply regardless of the time lapse between first, second or subsequent offenses.

Other Criminal Actions Related to Speeding:

<p><u>Racing on Highway</u>¹³: Sanctions: Criminal Sanction: Imprisonment (Term):</p>	<p>Misdemeanor Veh. Code §§23109 & 40000.15</p>
<p>Mandatory Minimum Term:</p>	<p><u>Speed Contest: 1st offense-24 hours to 90 days Subsequent offense (within 5 years)-4 days to 6 months Veh. Code §23109(e) & (f)</u> <u>Exhibition of Speed: Not more than 90 days Veh. Code §23109(i)</u> <u>Speed Contest: 1st offense-None Subsequent offense (within 5 years)-48 hours Veh. Code §23109(f)</u> <u>Exhibition of Speed: None</u></p>
<p>Fine (\$ Range):</p>	<p>III. Traffic Violation Points.¹¹ For either offense, a defendant is assessed 1 point on their driving record. Veh. Code §12810(e) <u>Speed Contest: 1st offense-\$355 to \$1,000¹⁴ Subsequent offense (within 5 years)-\$500 to \$1,000¹⁴ Veh. Code §23109(e) & (f)</u> <u>Exhibition of Speed: Not more than \$500¹⁴ Veh. Code §23109(i)</u></p>
<p>Mandatory Minimum Fine:</p>	<p><u>Speed Contest: 1st or subsequent offense (within 5 years)-None</u> <u>Exhibition of Speed: None</u></p>
<p>Administrative Licensing Action: Licensing Authorized and Type of Action:</p>	<p>For Speed Contest-Suspension Veh. Code §13352(a)(8) and 23109(e) & (f)</p>
<p>Length of Term of Licensing Withdrawal:</p>	<p><u>Speed Contest: 1st offense-Suspension 90 days to 6 months Veh. Code §§13352(a)(8) & 23109(e) Subsequent offense (within 5 years)-Suspension 6 months Veh. Code §§13352(a)(9) & 23109(f)</u> <u>Exhibition of Speed: None</u></p>
<p>Mandatory Action--Minimum Length of License Withdrawal:</p>	<p><u>Speed Contest: 1st or subsequent offense (within 5 years)-None¹⁵</u> <u>Exhibition of Speed: None</u></p>

¹³The law makes it an offense to "engage in any motor vehicle speed contest on a highway" or "engage in any exhibition of speed on a highway".

¹⁴**Double Fines.** A fine, double the amount otherwise prescribed by law, may be imposed on a person, who commits a either racing or reckless driving misdemeanor offense on the segments of certain highways. The prescribed sanction applies on (1) Route 37, between the intersection with Route 121 and the intersection with Route 29, (2) Route 4, between the intersection with Cummings Skyway and the intersection with Route 80, (3) Route 74, between the intersection with Route 5 and the intersection with the Riverside-Orange County line, (4) Route 46, between the intersection with Route 101 and the junction with Route 41, (5) Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi, and (6) the Golden Gate Bridge. Note: Additional forfeitures or assessments, which are based on the fine imposed, are to be calculated using only the base fine prior to the above enhancement. Streets and Highways Code §97 and Veh. Code §42010 These sections are repealed January 1, 2000.

¹⁵For either a first or subsequent offense, an offender may obtain restricted driving privileges for the purpose of traveling to and from work or to perform duties within the scope of their employment. Veh. Code §23109(e) & (f)

CALIFORNIA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Other:

I. Speed Contest: 1st or subsequent offense (within 5 years)-If the vehicle is owned by the offender, it may be impounded from **1 day to 30 days**. Veh. Code §23109(h)

II. For either offense, the court may order an offender to attend a traffic violator school. Veh. Code §42005

III. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(d)(1)

Reckless Driving¹⁶:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor Veh. Code §§23103(a), 40000.15 & 40000.24

5 days to 90 days Veh. Code 23103(c)

None

\$145 to \$1,000¹⁴ Veh. Code 23103(c)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Suspension or Revocation Veh. Code §§13200 & 13351(a)(2)

1st offense-Suspension for not more than **30 days** 2nd offense-Suspension for not more than **60 days** 3rd or subsequent offense-Suspension for not more than **6 months** Veh. Code §13200 Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Mandatory Term of License

Withdrawal Action:

Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Other:

I. The court may order an offender to attend a traffic violator school. Veh. Code §42005

II. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)

III. **Impoundment.** If the reckless driving offense involved motor vehicle operation at a speed \geq 100 MPH, the vehicle owned and driven by the offender may be impounded for a 1st offense not more than **6 months** and for a 2nd offense not more than **12 months**. Veh. Code §§14602 (repealed 7/1/99), 23524 (effective 7/1/99) & 23592 (effective 7/1/99)

¹⁶ **Eluding a Police Officer.** A person, who either flees or attempts to elude a police while driving "in a willful or wanton disregard for the safety of persons or property," is subject to the following sanctions. They are subject to imprisonment in either the State prison or county jail for 6 months to 1 year and/or a fine of not less than \$1,000 not more than \$10,000. The law defines "willful or wanton disregard for the safety of persons or property" to include (but is not limited to) the commission of three or more traffic law violations for which points can be assigned under Veh. Code §12810 (e.g., exceeding the speed limit, racing on the highway, reckless driving) while fleeing or attempting to elude a police officer. Veh. Code §2800.2

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving Causing Bodily Injury:</u>	Misdemeanor/Felony Veh. Code §§23104, 40000.15 & 40000.24 and Penal Code §17
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> (Misdemeanor)- 30 days to 6 months (in the county jail) <u>Subsequent offense</u> (Misdemeanor/Felony)- 30 days to 6 months (in either the State prison ¹⁷ or county jail) Veh. Code §23104(a) & (b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st or subsequent offense</u> - \$220 to \$1,000 ¹⁴ Veh. Code §23104(a) & (b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation ¹⁸ Veh. Code §§13350(a)(3) & 13351(a)(2)
Length of Term of License Withdrawal Action:	1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for 3 years. Veh. Code §13351(a)(2) & (b)
Mandatory Term of License Withdrawal Action:	1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for 3 years. Veh. Code §13351(a)(2) & (b)
Other:	I. The court may order an offender to attend a traffic violator school. Veh. Code §42005 II. Traffic Violation Points. ¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)
<u>Speed in Excess of 100 MPH:</u>	Infraction Veh. Code §22348(b)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<u>1st or subsequent offense</u> -Not more than \$500 ¹⁰ Veh. Code §§22348(b) & 42000.1 See III Other below.
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension Veh. Code §§22348(b), 13200.5 and 13355(a) & (b)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 30 days Veh. Code §§22348(b)(1) & 13200.5 <u>2nd offense</u> (within 3 years)- 6 months Veh. Code §§22348(b)(2) & 13355(a) <u>3rd or subsequent offense</u> (within 5 years)- 1 year Veh. Code §§22348(b)(3) & 13355(b)

¹⁷Under Penal Code §17, a person, who is punished by imprisonment in the State prison, is considered to have committed a felony.

¹⁸The offender is also subject to license suspension for not more than 6 months under Veh. Code §13201.

CALIFORNIA

Other Criminal Actions Related to Speeding:
(continued)

Speed in Excess of 100 MPH: (continued)
Mandatory Term of License
Withdrawal Action:

None Note: For a 1st offense, suspension is discretionary. For 2nd and subsequent offenses, suspension is mandatory. However, restricted driving privileges are available to allow an offender either to travel to and from work or to perform employment related duties. Veh. Code §§22348(b)(1), 13200.5 and 13355(a) & (b)

Other:

I. The court may order an offender to attend a traffic violator school. Veh. Code §42005
II. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(d)(1)
III. If the imposition of a fine for an infraction would impose a hardship on an offender or their family, the court may sentence such person perform community service in lieu of the "total fine" (i.e., the base fine, all assessments, penalties and additional monies). Penal Code §1209.5

Commercial Motor Vehicle (CMV) Operators¹⁹:

Grounds for Disqualification:

No person may operate a CMV if they have either (1) been convicted of 2 "serious traffic violations"²⁰ within a 3 year period or (2) been convicted of 3 such violations within a 3 year period while driving a CMV. Veh. Code §§15306 & 15308

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Veh. Code §§15306 & 15308

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Veh. Code §§15306 & 15308

¹⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., were the towed vehicle weighs ≥10,000 lbs., is a trailer bus, is carrying a hazardous materials which require that the vehicle to be placarded in under either the Vehicle or Health and Safety codes. Veh. Code §§12804.9(b), 15210(b)(1) & (k) and 15278(a)(4)

²⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Veh. Code §15210(i), 49 USC §31301(12) & 49 CFR 383.5

JURISDICTION:

COLORADO

General Reference:

This chapter summarizes Colorado State statutes related to speed.
Colorado Revised Statutes and Code of Colorado Regulations (CCR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §42-4-1101(1)

Statutory Speed Limit:
See Other below.

65 MPH¹ on the interstate system² §42-4-1101(2)(g)
55 MPH¹ on an open highway not on the interstate system² §42-4-1101(2)(f)
30 MPH in a residence district³ §42-4-1101(2)(c)
40 MPH on open mountain highways³ §42-4-1101(2)(d)
25 MPH in a business district §42-4-1101(2)(b)
20 MPH on narrow, winding mountain highways or blind curves §42-4-1101(2)(a)

Posted (Maximum) Speed Limit:

I. State and local authorities, based on traffic investigations and surveys, may alter (increase or decrease) the above speed limits.⁴ Exceeding this speed limit is *prima facie* evidence that such speed was not reasonable. However, no posted speed limit may be > 75 MPH. §§42-4-1101(2)(h) & (4) and 42-4-1102
II. The State, based on traffic investigations and surveys, may establish maximum speed limits for elevated structures. §42-4-1104(2)
III. The State may establish highway maintenance, repair and construction zones. Such a zone must be posed with appropriate signs that designate that "double fines" are in effect for speeding violations that are committed in such zones. §42-4-613

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at such a slow speed so as to impede or block the normal and reasonable forward movement of traffic. §42-4-1103(1)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §42-4-1001(2)

Posted (Minimum) Speed Limit:

The State or local authorities, based on traffic investigations and surveys, may post a minimum speed limit on any part of a highway. §42-4-1103(2)

¹Based upon traffic investigations and surveys, the posted maximum limit may be increased to 75 MPH. §42-4-1102

²It is a per se violation (not a *prima facie* violation) to operate a motor vehicle above this speed limit. §42-4-1101(8)

³Operating a motor vehicle in excess of this speed limit is *prima facie* evidence that such speed was not reasonable or prudent under the conditions then existing. §42-4-1101(4)

⁴Note: Colorado law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day. However, the law provides that signs may be erected directing traffic to use certain lanes. §42-4-1007(1)(c) This provision can be used to limit the speed of certain vehicles (e.g., trucks) on specific highway lanes.

COLORADO

Basis for a Speed Law Violation: (continued)

- Other:
- I. 45 MPH for all vehicles in the business of transporting trash³ §42-4-1101(2)(e)
 - II. A person shall not drive a vehicle over any bridge or other elevated structure at an unsafe speed. §42-4-1104(1)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: Except as Noted Under Miscellaneous Sanctions, All Speed Law Violations are Class A Traffic Infractions. §§42-4-603(5), 42-4-1001(4), 42-4-1101(12), 42-4-1103(5), 42-4-1104(4) & 42-4-1701(1)
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.): **None**
 - Mandatory Minimum Term:
 - Fine:
 - Amount (\$ Range): **\$15 to \$100** §42-4-1701(3)(a)(I)
 - Mandatory Min. Fine (\$): Per Penalty Schedule⁵ §42-4-1701(4)(a)(I)(L)
- Other Penalties:
- Traffic School: A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717
 - Other: **Double Fines.** The penalties and surcharges imposed for speeding offenses are **doubled** if the offense occurred in either (1) a maintenance, repair, or construction zone or (2) a "school zone." §§42-4-613, 42-6-615 and 42-4-1701(4)(c) & (d)
- Licensing Action:
- Type of Licensing Action (Susp/Rev): **Suspension via a Point System⁶** §42-2-1271

³The following fines and surcharges respectively are levied for speeding violations. Fifteen dollars (\$15) and \$2 for going 1 to 4 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for going 5 to 9 MPH over either the reasonable and prudent speed or the 75 maximum limit. Fifty dollars (\$50) and \$6 for going 10 to 19 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. One hundred dollars (\$100) and \$12 for going 20 to 24 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for failure to decrease speed when hazardous conditions exist. Fifteen dollars (\$15) and \$2 for violating either the minimum speed law (§42-1-1103) or posted maximum speed limits on elevated structures (§42-4-1104). §42-4-1701(4)(a)(I)(L)

⁶**Point System. I. Point Accumulation.** A driver's license is subject to suspension if they accumulate either 12 points within 12 consecutive months or 18 points with 24 consecutive months. For provisional drivers, suspension would occur if they accumulate either 9 points within 12 consecutive months, 12 points within any 24 consecutive months or 14 points from the time the provisional license was issued. In the case of minor drivers, suspension would occur if they accumulate either 5 points within 12 consecutive months or 6 points from the time the license was issued. For chauffeurs, suspension would occur if they accumulate (while in the course of employment) either 16 points in 1 year, 24 points in 2 years or 28 points in 4 years. §42-2-127(1)(a) **II. Point Schedule.** The following points are assigned for speeding violations. Three (3) points for going 5 to 9 MPH over either the reasonable and

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §42-2-132(1)
Mandatory Minimum Term of Withdrawal:	None A probationary license with restrictions may be issued §42-2-127(12)
Miscellaneous Sanctions Not Included Elsewhere:	Driving 25 MPH or more in excess of either the reasonable and prudent speed or the 75 MPH maximum limit is a Class 2 Misdemeanor Traffic Offense. §42-4-1101(12) The sanctions for this offense are a jail term of 10 to 90 days and/or a fine of \$10 to \$300. §42-4-1701(3)(a)(II)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Speed Contest Class 2 Misdemeanor Traffic Offense §42-4-1105(1) & (3)
Sanctions:	
Criminal Sanction:	
Mandatory Minimum Term:	None
Fine (\$ Range):	\$10 to \$300 §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension via a Point System ⁶ §42-2-127 For this offense, a driver is assessed 12 points which results in suspension under the point system. §42-2-127(1)(a) & (5)(c)
Length of Term of Licensing Withdrawal:	Not more than 1 year §42-2-132(1)
Mandatory Action--Minimum Length of License Withdrawal:	None A probationary license with restrictions may be issued §42-2-127(12)
Other:	A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

prudent speed or the 75 MPH maximum limit. Four (4) points for going 10 to 19 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Six (6) points for going 20 MPH or more over either the reasonable and prudent speed or the 75 MPH maximum limit. Three (3) points are assessed for a failure to reduce speed when a special hazard exists. And, 3 points are assessed for other moving violations. No points are assessed for going 1 to 4 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. §42-2-127(5)(f) & (r) Important. No points can be assessed against a person's driving record if the original citation was issued via an "automated vehicle identification system." §§42-2-127(5.5) & 42-4-110.4(3)

COLORADO

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving</u> ⁷ :	Class 2 Misdemeanor Traffic Offense §42-4-1401
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-10 to 90 days</u> §42-4-1701(3)(a)(II)(A) <u>2nd or subsequent offense-10 days to 6 months</u> §42-4-1401(2)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$10 to \$300</u> §42-4-1701(3)(a)(II)(A) <u>2nd or subsequent offense-\$50 to \$1,000</u> §42-4-1401(2)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁶ §42-2-127 For this offense, a driver is assessed 8 points. §42-2-127(1)(a) & (5)(d)
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev): (continued)	Revocation for 3 reckless driving offense convictions within 3 years §42-2-125(1)(f)
Length of Term of License Withdrawal Action:	Suspension for not more than 1 year §42-2-132(1) Revocation for 1 year §42-2-132(2)
Mandatory Term of License Withdrawal Action:	Suspension in not mandatory. A probationary license with restrictions may be issued. §42-2-127(12) Revocation is for a mandatory period of 1 year. §42-2-132(2)
Other:	A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717
<u>Careless Driving</u> ⁸ :	Class 2 Misdemeanor Traffic Offense or, if there is bodily injury or death to another person, Class 1 Misdemeanor Traffic Offense §42-4-1402(2)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>Non injury/death related offense-10 to 90 days</u> <u>Injury/Death related offense-10 days to 1 year</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>Non injury/death related offense-\$10 to \$300</u> <u>Injury/Death related offense-\$100 to \$1,000</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	None

⁷Operating a motor vehicle in either a wanton or a willful manner so as to disregard the safety of either persons or property. §42-4-1401(1)

⁸Operating a motor vehicle without due regard for the width, grade, curves, corners, traffic and use of the streets and all other attendant circumstances. §42-4-1402(1)

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁶ §42-2-127 For this offense, a driver is assessed 4 points. §42-2-127(1)(a) & (5)(e)

Length of Term of License

Not more than **1 year** §42-2-132(1)

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

None A probationary license with restrictions may be issued §42-2-127(12)

Other:

A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Suspension:

A person's CDL privilege is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

Period of Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §42-2-402(4)(a)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §42-2-403(2), 1 CCR 204-12(6) & (7)(d) and 49 CFR 383.5



JURISDICTION:

CONNECTICUT

General References:

This chapter summarizes Connecticut State statutes related to speed. Connecticut General Statutes Annotated and Regulations of Connecticut State Agencies (RCSA)

Basis for a Speed Law Violation:

Basic Speed Rule:

Traveling Unreasonably Fast. No person shall drive a motor vehicle at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. §§14-218a(a) & 14-281a(a)

Statutory Speed Limit:

65 MPH on multiple lane, limited access highways which are suitable for such a speed limit §§14-218a(b) & 14-219(a)

See Other below.

55 MPH upon other highways §14-219(a)

50 MPH for a school bus on a divided limited access highway §14-281a(a)

40 MPH for a school bus on all other highways §14-281a(a)

Posted (Maximum) Speed Limit:

The State Traffic Commission may determine speed limits¹ on any highway, bridge, or parkway. §14-218a(a)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §14-220(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the highway. §14-230(b)

Posted (Minimum) Speed Limit:

40 MPH² on a limited access divided highway §14-220(a)

Other:

I. Driving such a rate of speed as to endanger the life of a vehicle occupant. §14-219(a)

II. A person must obtain a special permit to operate a vehicle on a highway with a normal speed ≤ 15 MPH while transporting 3 or more persons for pleasure purposes (whether or not for hire). §14-221

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Infractions. §§14-218a(c), 14-219(b), 14-220(c), 14-221, 14-230(d) & 14-281a(c)

Other:

¹"[D]iffering limits may be established for different types of vehicles..." In addition, any speed in excess of this limit is *prima facie* evidence that such speed was not reasonable. §14-218a(a) Note: Local governments may establish speed limits on the streets under their jurisdiction. However, such speed limits must be approved by the State Traffic Commission. §14-218a(a)

²This minimum speed does not apply either (1) to highway maintenance vehicles or (2) to certain types commercial vehicles on grades. §14-220(a)

CONNECTICUT

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Except for speed law offenses committed under §14-219, a fine of not more than \$50 §14-296

II. For speed law offenses committed under §14-219, a fine of \$35 to \$90³ §51-164m(c)

III. \$35 to \$90³ or \$100 to \$150³ if the offender was operating a truck.⁴ For speeds (1) >65 MPH but ≤70 MPH on multiple line limited access highways with a speed limit of 65 MPH, (2) >55 MPH but ≤70 MPH on other multiple line limited access highways and (2) on any other highway >55 MPH but ≤60 MPH §§14-219(b) and 51-164m(c) & (d)

IV. \$100 to \$150³ or 150 to \$200³ if the offender was operating a truck.⁴ For speeds (1) >70 MPH but ≤85 MPH on multiple line limited access highways and (2) on any other highway >60 MPH but ≤85 MPH §§14-219(c) & 51-164m(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Driver Retraining Program. I. A person, who commits 2 or more moving violations, may be required to complete a driver retraining program. §14-111g

II. A person ≥18 years old, who commits 2 or more moving violations within 1 year of obtaining a driver's license, may be required to complete a driver retraining program. §14-296d

Other:

Double Fines. If the speeding offenses occurred in a designated construction zone, the fine sanction is double the usual amount. §1 of Public Act 95-181

Licensing Action:

Type of Licensing Action

(Susp/Rev):

I. **Suspension or Revocation**-For offenses committed under §14-219 §14-111b

II. **Suspension** under either the Point System or for Unsafe Vehicle Operation for other speeding violations⁵ §14-111 and RCSA §§14-137-

³For offenses committed under §14-219, the fine sanctions to be imposed are established by the superior court via a fine schedule. This schedule consists of a sliding fine scale which must be based upon the severity of the violation. §51-164m

⁴A truck is defined as "every motor vehicle designed, used or maintained primarily for the transportation of property." §14-260n(4)

⁵**Point System.** I. If a person accumulates 10 points within a 24 month period, their license is suspended for 30 days. After such suspension if, a person again commits an offense (within 5 years from the beginning of the 30 day suspension period) which raises the point accumulation above 10, their license is suspended until the point total is ≤10. Points remain on the driver's record for 24 months from the date of assessment. II. The following points are assessed for speeding violations: One (1) point either for operating at an unreasonable speed under §14-218a, for violating §14-219 or for failing to drive in right-hand lane; two (2) points for driving at such

Sanctions Following an Adjudication of a Speeding Violation:
(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev): (continued)

Term of License Withdrawal

(Days, Months, Years, etc.):

82, 14-137a-5 & 14-137a-8

I. For offenses committed under §14-219: 1st, 2nd or 3rd offense-Not more than **30 days** (but only if the court recommends suspension or revocation) §14-111b(a) 4th offense (within 2 years)-Not more than **30 days** 5th offense (within 2 years)-Not more than **60 days** Subsequent offense (within 2 years)-**6 months** §14-111b(b) & (c)

II. For Other Speeding Violations: **30 days** if the requisite number of points have been accumulated.⁵

Mandatory Minimum Term of
Withdrawal:

The above licensing actions may be mandatory.

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:Racing on Highway⁶:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Misdemeanor §§14-224(c) & (g) and 53a-26(a)

1st offense or subsequent offense (within 10 years)-Not more than **1 year** §§14-1(a)(69) & 14-224(g)

None

Mandatory Minimum Term:

Fine (\$ Range):

1st offense-\$75 to \$600 Subsequent offense (within 10 years)-**\$100 to \$1,000** §§14-1(a)(69) & 14-224(g)

None

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension under either the Point System or for Unsafe Vehicle Operation⁵ §14-111 and RCSA §§14-137-82, 14-137a-5 & 14-137a-8

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

30 days if the requisite number of points have been accumulated.⁵

The above licensing actions may be mandatory.

Other:

a slow speed as to impede traffic under §14-220; three (3) points for racing on the highways under §14-224(c); and, five (5) points for operating a school bus at an excessive speed under §14-281a. RCSA §§14-137a-5, 14-137a-6 & 14-137-8 **History of Unsafe Operation.** If a person has had 4 unsafe moving traffic convictions within 2 years, their license is subject to a 30 day suspension. Such convictions include most speeding offenses and other rules of the road violations. §14-111(a) & RCSA §14-137-82

⁶Under §14-224(c), "[n]o person shall operate a motor vehicle upon any public highway for a wager or for any race or for the purpose of making a speed contest."

CONNECTICUT

Other Criminal Actions Related to Speeding: (continued)

<u>Reckless Driving:</u>	Misdemeanor ⁷ §§14-222 & 53a-26(a)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §14-222(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$100 to \$300 §14-222(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §14-111(b)
Length of Term of License Withdrawal Action:	<u>1st offense-30 to 90 days</u> <u>Subsequent offense-Not less than 90 days</u> §14-111(b)
Mandatory Term of License Withdrawal Action:	<u>1st offense-30 days</u> <u>Subsequent offense-90 days</u> §14-111(b) Note: Given the wording in §14-111(b), these suspensions appear to be mandatory.
Other:	

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §14-44k(g)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §14-44k(g)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-60 days <u>3 serious violations</u> (within 3 years)-120 days §14-44k(g)

⁷Reckless driving is defined as operating a motor vehicle either (1) recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions, (2) at a rate of speed as to endanger the life of any person (other the vehicle operator), or (3) at a rate of speed > 85 MPH. §14-222(a)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, is designed to transport 10 or more persons and is used to carry students under the age of 21, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §14-1(a)(11)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §14-1(a)(71)

JURISDICTION:

DELAWARE

General Reference:

This chapter summarizes Delaware State statutes related to speed.
Delaware Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing. Speed shall be so controlled as to avoid a collision. Title 21, §4168(a)

**Statutory Speed Limit:
See Other below.**

55 MPH on 4 lane roadways and divided highways Title 21, §4169(a)(1)e
50 MPH on 2 lane roadways Title 21, §4169(a)(1)d
25 MPH in either a business or residential district Title 21, §4169(a)(1)a & (a)(1)b
20 MPH at school crossings where signs are in effect during specific time periods Title 21, §4169(a)(1)c

Posted (Maximum) Speed Limit:

I. Based on engineering studies and traffic investigations, the State Department of Transportation may increase or decrease the above speed limits on any particular portion of a highway.¹ Title 21, §4169(b)
II. Based on engineering studies and traffic investigations, local authorities, within their respective jurisdictions, may increase or decrease the above speed limits on any particular portion of a highway. However, the alteration of speed limits on State maintained highways requires the approval of the Department of Public Safety. Title 21, §4170(b) & (b)

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 21, §4171(a)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 21, §4114(b)

Posted (Minimum) Speed Limit:

A minimum safe speed limit on a highway (or a part thereof) may be established. Title 21, §4171(b)

Other:

No person shall exceed the maximum posted speed limit which has been established for any bridge or elevated structure. Title 21, §4173(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 11, §233(c) and Title 21, §§4168, 4169, 4170, 4171, 4173 & 4205(a)

Other:

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. Title 21, §4169(b)

DELAWARE

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

I. Sanctions for Violating Speed Rules Except as Noted Below: 1st offense-None Subsequent offense (within 12 months)-10 to 30 days Title 21, §4205(a)

II. Sanctions for Violating Maximum or Posted Maximum Speed Limits (Title 21, §4169 Violations): 1st offense-None Subsequent offense (within 24 months)-10 to 30 days Title 21, §4169(c)(1)
None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Sanctions for Violating Speed Rules Except as Noted Below: 1st offense-\$25 to \$115 Subsequent offense (within 12 months)-\$57.50 to \$230 Title 21, §4205(a)

II. Sanctions for Violating Maximum or Posted Maximum Speed Limits (Title 21, §4169 Violations): 1st offense-\$20 Subsequent offense (within 24 months)-\$25 Title 21, §4169(c)(1)
None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Other:

Defensive Driving Course²

Additional Fines: The following additional fines apply for exceeding the maximum or maximum posted speed limit under Title 21, §4169.

I. Exceeding the speed limit by > 5 MPH but < 16 MPH-1st offense-\$1 per MPH over the speed limit Subsequent offense-\$2 per MPH over the speed limit Title 21, §4169(c)(2)

II. Exceeding the speed limit by >15 MPH but <20 MPH-1st offense-\$2 per MPH over the speed limit Subsequent offense-\$3 per MPH over the speed limit Title 21, §4169(c)(3)

III. Exceeding the speed limit by > 19 MPH-1st offense-\$3 per MPH over the speed limit Subsequent offense-\$4 per MPH over the speed limit Title 21, §4169(c)(4)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension² Title 21, §§302 & 2733³

²**Point System.** I. If an offender accumulates 12, 14, 16, 18, 20 or >20 points, their license is suspended respectively for 2, 4, 6, 8, 10 or 12 months. II. The following points are assigned for speeding and speed related violations: One (1) to 9 MPH over the posted limit-2 points; 10 to 14 MPH over the limit-4 points; 15 to 19 MPH over the limit-5 points; ≥20 MPH over the limit-5 points; reckless driving-6 points; other violations-2 points. III. If an offender completes a defensive driving course, the suspension period may be reduced by 1 or 2 months. However, the minimum period of suspension is 1 month. Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety

Additional Suspensions. I. For exceeding the speed limit by ≥25 MPH, a 2 month suspension plus a 1 month for each additional 5 MPH over the initial 25 MPH. II. For exceeding the speed limit by ≥90 MPH, suspension for 1 year. Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety

³Title 21, §2733 authorizes the Department of Public Safety to suspend a persons's license based on whether such person is either an habitual, reckless or negligent driver.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year ²
Mandatory Minimum Term of Withdrawal:	The suspensions either under the Point System or for excessive speeding appear to be mandatory. ²
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> ⁴ :	Misdemeanor Title 11, §233(c) & Title 21, §4172
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense-10 to 30 days</u> <u>Subsequent offense-15 to 60 days</u> Title 21, §4172(d)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$200</u> <u>Subsequent offense-\$50 to \$400</u> Title 21, §4172(d)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension Title 21, §4172(d)
Length of Term of Licensing Withdrawal:	<u>1st offense-Not more than 6 months</u> <u>Subsequent offense-1 year</u> Title 21, §4172(d)
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense-1 month</u> ⁵ Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety <u>Subsequent offense-1 year</u> ⁶ Title 21, §4172(d)
Other:	

⁴Title 21, §4172(a) prohibits a person from racing, speed competitions, speed contests, drag racing or acceleration contests, et al. Title 21, §41-72(b) prohibits a person from accelerating or trying to accelerate a vehicle at a rate of speed which causes the drive wheels to spin or slip on the road surface.

⁵In the case of a wheel spinning offense, there is no licensing sanction for a first offense. However, the mandatory 1 year suspension applies for subsequent offenses. Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety

⁶Given the language used in Title 21, §4172(d), this sanction appears to be mandatory.

DELAWARE

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Misdemeanor Title 11, §233(c) & Title 21, §4175(a)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-10 to 30 days</u> <u>Subsequent offense</u> (within 3 years)- 30 to 60 days Title 21, §4175(2)
Mandatory Minimum Term of Imprisonment:	<u>1st offense-None</u> ⁷ <u>Subsequent offense</u> (within 3 years)- 30 days ⁴ Title 21, §4175(2)
Fine (\$ Range):	<u>1st offense-\$100 to \$300</u> <u>Subsequent offense</u> (within 3 years)- \$300 to \$1,000 Title 21, §4175(2)
Mandatory Minimum Fine:	<u>1st offense-\$100</u> ⁸ <u>Subsequent offense</u> (within 3 years)- \$300 Title 21, §4175(2)
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point System ²
Length of Term of License Withdrawal Action:	Not more than 1 year ²
Mandatory Term of License Withdrawal Action:	The suspensions under the Point System appear to be mandatory. ²
Other:	
<u>Careless⁹ or Inattentive Driving¹⁰:</u>	Misdemeanor Title 11, §233(c) and Title 21, §4176(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-None</u> <u>Subsequent offense</u> (within 3 years)- 10 to 30 days Title 21, §4176(c)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$115</u> <u>Subsequent offense</u> (within 3 years)- \$50 to \$230 Title 21, §4176(c)
Mandatory Minimum Fine:	None

⁷The law provides that for a first offense the imprisonment sanction can be suspended. As a result, it would seem that the minimum incarceration sanction for subsequent offenses is mandatory. Title 21, §4175(b)

⁸Except for incarceration for a first offense, the law provides that the sanctions for reckless driving cannot be suspended. As a result, it would seem that the minimum fine sanction for either a first or subsequent offenses are mandatory. Title 21, §4175(b)

⁹Careless Driving: Operating "a vehicle in a careless or imprudent manner, or without due regard for road, weather and traffic conditions then existing...." Title 21, §4176(a)

¹⁰Inattentive Driving: Operating a vehicle while either failing "to give full time and attention to the operation of the vehicle" or failing "to maintain a proper lookout while operating the vehicle." Title 21, §4176(b)

Other Criminal Actions Related to Speeding:
(continued)

Careless or Inattentive Driving:
(continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension via the Point System²

Not more than 1 year²

The suspensions under the Point System appear to be mandatory.²

Other:

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while driving a CMV, they (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. 21 §2612(e)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 21 §2612(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 21 §2612(e)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 21 §2603(6)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 21 §2603(22) & 49 CFR 383.5



JURISDICTION:

DISTRICT OF COLUMBIA

General References:

This chapter summarizes D.C. statutes and regulations related to speed. D.C. Code and D.C. Municipal Regulations (DCMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.3

Statutory Speed Limit:

25 MPH D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.6

15 MPH in alleys D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.7

15 MPH in streets adjacent to school buildings or playgrounds when indicated by official signs D.C. Code §§40-703(a) & 40-712(a) and Title 18 DCMR §§2200.8 & 2200.9

Posted (Maximum) Speed Limit:

Based upon engineering and traffic investigations, the statutory speed limits may be increased or decreased on any highway. D.C. Code §§40-703(a) & 40-712(a) and Title 18 DCMR §2200.2 Note: D.C. law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Minimum Speed Limit:

I. No person shall drive a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. D.C. Code §40-703(a) and Title 18 DCMR §2200.10

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §40-703(a) and Title 18 DCMR §2201.3

Posted (Minimum) Speed Limit:

None

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Excepted as Noted Under Miscellaneous Sanctions, All Speed Law Violations are Civil Offenses (Infractions). D.C. Code §40-712(d) and Title 18 DCMR §2200.11

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

DISTRICT OF COLUMBIA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (& Range):	<u>Violation of Basic Speed Rule-\$25</u> Title 18 DCMR §2600.1 <u>Violation of the Minimum Speed Rule-\$15¹</u> Title 18 DCMR §2600.1 <u>Speed Limit Violations-\$15 to \$100</u> The fine imposed depends upon either the extent or type of the speeding offense. ² Title 18 DCMR §2600.1
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	A person may be invited to attend a Diver Safety Clinic if their point accumulation total ≥ 4 but is < 8 . See Footnote No. 2. Title 18 DCMR §303.4
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation via the Point System ³ D.C. Code §40-302 and Title 18 DCMR §§303.1 & 303.3
Term of License Withdrawal (Days, Months, Years, etc.):	
Mandatory Minimum Term of Withdrawal:	I. Suspension may be from 2 to 90 days depending upon the seriousness of the offense. Title 18 DCMR §306.1 II. Revocation- 6 months Note: For subsequent offenses, a longer revocation period is possible. However, such period must for a definite period of time. Title 18 DCMR §306.4
Miscellaneous Sanctions Not Included Elsewhere:	Criminal Offense. A person is subject to criminal prosecution if they commit a traffic infraction and have already accumulated 12 or more points on their driving record within previous 18 months. Under such circumstances, they are subject to a jail term of not more than 10 days and/or a fine of not more than \$300. D.C. Code §40-613(a)

¹Title 18 of the D.C. Municipal Regulations does not contain a specific fine sanction for a violation of Title 18 DCMR §2201.3. Note: Unless modified via regulations promulgated via the D.C. mayor, fines for traffic offenses are equal to the collateral or bond schedule established by the superior court for such offenses. D.C. Code §40-605(a)(1)

²For speed ≤ 10 MPH over the limit, the fine is \$15. For speed ≥ 11 MPH but ≤ 15 MPH over the limit, the fine is \$25. For speed ≥ 16 MPH but ≤ 20 MPH over the limit, the fine is \$50. For speed ≥ 21 MPH but ≤ 25 MPH over the limit, the fine is \$75. For speed > 25 MPH over the limit, the fine is \$100. And, for driving too slowly, the fine is \$15. Title 18 DCMR §2600.1

³**Point System.** Under the point system, a person's license can either be suspended if they accumulate 8 points or be revoked if accumulate 12 points. Points assessed for any offense stay on a person's driving record for 3 years. Four (4) points are assessed for any speeding violation, 2 points are assessed for other violations that are not related to an accident and 3 points are assessed for other violations that are related to an accident. Title 18 DCMR §§303.1(b), (c) & (d) and 303.6

Other Criminal Actions Related to Speeding:

Exceeding Speed Limit by 30 MPH:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **90 days** Title 18 DCMR §2200.12

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than **\$300** Title 18 DCMR §2200.12

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension or Revocation⁴ D.C. Code §40-302 & Title 18 DCMR §302.3

Length of Term of

Licensing Withdrawal:

I. Suspension-**2 to 90 days** depending upon the seriousness of the offense. Title 18 DCMR §306.1

II. Revocation-**6 months** Note: For subsequent offenses, a longer revocation period is possible. However, such period must be for a definite period of time. Title 18 DCMR §306.4

III. Four (4) points are assessed against a person's driving record. 18 DCMR §303.1(d)

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **3 months** Subsequent offense (within 2 years)-Not more than **1 year** D.C. Code §40-712(c)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than **\$250** Subsequent offense (within 2 years)-Not more than **1,000** D.C. Code §40-712(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation D.C. Code §40-302(a) & Title 18 DCMR §301.1(d)

Length of Term of License

Withdrawal Action:

1st offense-**6 months** 2nd offense-**1 year** Subsequent offense-**2 years**
D.C. Code §40-302 & Title 18 DCMR §306.5

Mandatory Term of License

Withdrawal Action:

1st offense-**6 months** 2nd offense-**1 year** Subsequent offense-**2 years**
D.C. Code §40-302 & Title 18 DCMR §306.5

⁴The licensing agency has discretionary authority to either suspend or revoked a person's license for this offense. Title 18 DCMR §302.3

DISTRICT OF COLUMBIA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Other:

I. A person is also assessed 12 points against their driving record. See Footnote No. 3. Title 18 DCMR §303.1(h)

II. **Limited Registration Suspension.** The registrations of all vehicles owned by a person, who has been convicted of reckless driving involving a personal injury, must be suspended until the offender gives and maintains proof of financial responsibility. D.C. Code §§40-437 & 40-438

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified (suspended) from operating a CMV if while driving such a vehicle they commit 2 or more "serious traffic violations"⁶ within a 3 year period. D.C. Code §40-1806(a)(4)

Period of Disqualification:

1st violation-1 year 2nd violation-10 years to life 3rd violation-Life
D.C. Code §40-1806(b)

Period of Mandatory Disqualification:

1st violation-1 year 2nd violation-10 years 3rd violation-Life D.C. Code §40-1806(b)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. D.C. Code §40-1801(3)

⁶The term "serious traffic violation" is not defined in the D.C. Code. However, under Federal regulations this term includes exceeding the speed limit by 15 or more MPH or reckless driving. 49 CFR 383.5

JURISDICTION:

FLORIDA

General References:

This chapter summarizes Florida State statutes related to speed.
Florida Statutes Annotated and Florida Administrative Code (FAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §316.183(1) & (4)

**Statutory Speed Limit:
See Other below.**

70 MPH on limited access highways¹ §316.187(2)(a)
55 MPH in all locations except as noted §316.183(2)
30 MPH² in business and residence districts §§316.183(2) & 316.189(2)(a)

Posted (Maximum) Speed Limit:

I. After engineering and traffic investigations, the State or local governments (within their jurisdictions) may increase or decrease the statutory speed limit on a highway.³ However, the State cannot establish a speed limit >70 MPH and local jurisdictions cannot establish a maximum speed limit >60 MPH. §316.187(2)(e) & (2)(e) and 316.189(1) & (2)(b)
II. Under separate statutory authority, the State Department of Transportation or a local government may reduce the speed limits otherwise proscribed by law on any highway (or part thereof) or bridge. Such action must be based on the need to avoid damage to such highway or bridge due to either its design or to weather related conditions. §316.555 Note: Under such authority, it may be possible to provide for different speeds for different types of vehicles.³

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §316.183(5)
II. The minimum speed limit on Interstate and Defense Highways, with at least 4 lanes, is 40 MPH. §316.183(2)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §316.081(2)

Posted (Minimum) Speed Limit:

After engineering and traffic investigations, the State or local governments (within their jurisdictions) may establish a minimum speed limit for a highway. §§316.187(2)(d) & 316.189(2)(d)

¹Other provisions of law establish the maximum speed limit of 65 MPH on any other highway which has 4 lanes that are divided by a median strip and which are located outside of urban areas with populations ≥5,000. §316.187(2)(b)

²After an investigation, local authorities may establish a maximum speed limit of 20 MPH or 25 MPH in residence districts. §316.183

³The State Department of Transportation or a local government may "regulate" any class or size of motor vehicle, trailer or semitrailer upon any part of a highway under their respective jurisdictions when in their judgment such action is needed to for public safety due to "traffic density" or "intensive use" of such highway. §316.555 Note: Such "regulation" could include the establishment of special speed limits for certain classes or types of vehicles on certain segments of a highway.

FLORIDA

Basis for a Speed Law Violation: (continued)

- Other:
- I. No school bus shall exceed the posted speed limit or 55 MPH. §316.183(3)
 - II. No person shall exceed the posted speed limit in a work zone. §316.183(6)
 - III. No person shall exceed the posted speed limit in a school zone.⁴ §316.1895

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Noncriminal Infractions (Moving Violations). §§316.187(3), 316.189(4), 316.1895(9), 316.655, 318.13(3) & 318.14(1)
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Exceeding the Speed Limit where the offense is not adjudicated-Civil Penalty⁵-\$25 to \$250 depending upon the extent of the violation⁶ §318.18(3)(b)

II. Other Speed Law Violations where the offense is not adjudicated-Civil Penalty-\$60 §318.18(3)(a)

II. Any Speed Law Violation where the offender elects adjudication⁷- Not more than \$500. However, the fine limit is not more than \$1,000 in situations where there was unlawful speeding in either a school or construction zone. §§316.655(3) & 318.14(5)

Mandatory Min. Fine (\$):

None

⁴A school zone speed limit cannot be more than 20 MPH. Such limit may only be in force 30 minutes before, during and after students are arriving or leaving a regularly scheduled school session. §316.1895(4)

⁵I.e, this sanction is imposed on violators who elect not have a hearing.

⁶I. For exceeding the speed limit from 1 to 9 MPH, the fine is \$25. For exceeding the speed limit from 10 to 14 MPH, the fine is \$100. For exceeding the speed limit from 15 to 19 MPH, the fine is \$125. For exceeding the speed limit from 20 to 29 MPH, the fine is \$150. And, for exceeding the speed limit by 30 MPH, the fine is \$250. §318.18(3)(b) II. For exceeding the speed limit in a school or construction zone, the assessed fine is **double** the amount indicated above. §318.18(3)(c)

⁷Sanction or sanctions which can be imposed if an offender elects to adjudicate the traffic offense. §§316.655(2) & 318.14(5)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Other Penalties: Traffic School:</p>	<p>A person may be required to attend a driver improvement school.⁸ §318.14(5) & (9)</p>
<p>Other:</p>	
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension either via the Point System⁹ or Suspension/Revocation via the courts¹⁰ §§316.655(2) & 322.27(3)</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>30 days to 1 year depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c)</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>None¹¹</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	

⁸I. A person, who commits a noncriminal traffic infraction, may, in lieu of a court appearance, elect to attend a driver improvement course. If such occurs, adjudication is withheld and points cannot be assessed against the person's driving record. In addition, the civil penalty imposed under §318.18(3) must be reduced by 18 percent. §318.14(9) II. If an offender elects to adjudicate the traffic infraction, they still may be ordered to attend such a course. §318.13(5)

⁹**Point System.** I. A person's license is suspended respectively for either (1) not more than 30 days, (2) not more than 3 months or (3) not more than 1 year if they accumulate either (1) 12 points within 12 months, (2) 18 points within 18 months or (3) 24 points within 36 months. §322.27(a), (b) & (c) II. The following points are assessed for speed related moving traffic violations: (1) 3 points for exceeding the speed limit by < 15 MPH; (2) 4 points for exceeding the speed limit by > 15 MPH; (3) 6 points for unlawful that results in an accident; (4) 4 points for reckless driving; (5) 3 points for careless driving; (6) 3 points for racing on the highways; (7) 3 points for any other moving violation; and, (8) 4 points for a non-speed related moving violation that results in an accident. §322.27(3)(d)(1), (3), (5)(a) & (b), (6), (7) & (8)

¹⁰In addition to any action that may be taken by the licensing agency, the court has the authority to either suspend or revoke a driver's license if the court determines that there exists a need to protect persons who use the highways. In determining whether to take such action, the court considers among other things the extent or nature of the violation and whether, as a result of the violation there was either a death, personal injury or property damage. §316.655(2) Note: This provision does not provide for specific license suspension or revocation periods. However, under §322.28(1), the licensing agency can only suspend or revoke a license for 1 year. In addition, the licensing agency may be able to issue driving privileges for employment purposes under §322.271.

¹¹The licensing agency may modify either a suspension or revocation order and allow an offender to operate a motor vehicle for employment purposes. §322.271 and FAC §15A-1.019

FLORIDA

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> ¹² :	Infraction (Moving Violation) §316.191, 316.655(1) & 318.13(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	I. For Non-Adjudication Offenses-Civil Penalty ⁵ - \$60 §318.18(3)(a) See Footnote No. 8. II. For Adjudication Offenses ⁷ -Not more than \$500 §318.14(5)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via the Point System or Suspension/Revocation via the courts ¹⁰ §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.
Length of Term of Licensing Withdrawal:	30 days to 1 year depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c)
Mandatory Action--Minimum Length of License Withdrawal:	None ¹¹
Other:	A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8.
<u>Reckless Driving</u> ¹³ :	Infraction (Moving Violation) §316.192, 316.655(1) & 318.13(3)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 90 days <u>Subsequent offense</u> -Not more than 6 months §316.192(2)(a) & (b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense</u> - \$25 to \$500 <u>Subsequent offense</u> - \$50 to \$1,000 §316.192(2)(a) & (b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point System or Suspension/Revocation via the courts ¹⁰ §§316.655(2) & 322.27(3) <u>3rd offense</u> - Revocation §322.26(6) See Footnote Nos. 8 & 9.

¹²"No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record" on a highway or street. §316.191(1)

¹³A person commits a 2nd Degree Felony if they attempt to elude a law enforcement officer who is operating a marked patrol vehicle with siren and lights activated and the person drives either (1) at a high speed or (2) "in any manner which demonstrates a wanton disregard for the safety of persons or property...." The sanctions for this offense are imprisonment for not more than 15 years, a fine of not more than \$10,000 and license revocation for not more than 1 year. §§316.1935(3) & (5), 775.082(3)(c) and 775.083(1)(b)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

30 days to 1 year depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c) 3rd offense-1 year §322.28(1)

Mandatory Term of License

Withdrawal Action:

None¹¹

Other:

I. Subsequent offense-If there is a death as a result of the offense, the offense may be required to serve 120 hours of community service. §316.192(2)(b)

II. 1st or subsequent offense-A fee of **\$5** is imposed for the purpose of funding the Emergency Medical Services Trust Fund. §316.192(3)

Careless Driving¹⁴:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Infraction (Moving Violation) §316.1925, 316.655(1) & 318.13(3)

None

I. For Non-Adjudication Offenses-Civil Penalty⁵-**\$60** §318.18(3)(a)
See Footnote No. 8.

II. For Adjudication Offenses⁷-Not more than **\$500** §318.14(5)

None

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System or **Suspension/Revocation** via the courts¹⁰ §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.

Length of Term of License

Withdrawal Action:

30 days to 1 year depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c) 3rd offense-1 year §322.28(1)

Mandatory Term of License

Withdrawal Action:

None¹¹

Other:

A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8.

Commercial Motor Vehicle (CMV) Operators¹⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

¹⁴A person shall operate a vehicle "in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person." §316.1925(1)

¹⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §322.01(8)

FLORIDA

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §322.61(1) & (2)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §322.61(1) & (2)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §322.61(1) & (2)

¹⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §322.61(1)(b), (c) & (e)

JURISDICTION:

GEORGIA

General Reference:

This chapter summarizes Georgia Statute statutes related to speed.
Code of Georgia Annotated (Code of 1981)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards than existing. §40-6-180

**Statutory Speed Limit:
See Other below.**

70 MPH¹ on interstate system or on physically divided highways outside of urban areas with a population ≥50,000 §40-6-181(b)(2)
65 MPH¹ on the interstate system inside urban areas with a population ≥50,000 §40-6-181(b)(3)
65 MPH¹ on State divided highways without full access control §40-6-181(b)(4)
55 MPH on other locations §40-6-181(b)(5)
30 MPH in urban or residential district §40-6-181(b)(1)
35 MPH on unpaved county road §40-6-181(b)(1.1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, either the State Commissioner of Public Safety or the Commissioner of Transportation may lower the above speed limits on any highway.² §40-6-182
II. Based on engineering and traffic investigations, local governments, within their jurisdictions, may lower the maximum speed limit on any highway. However, such limit shall neither be less than 30 MPH outside an urban or residential district nor less than 25 MPH within such districts. §40-6-183(a)
III. The State or a local government, within its jurisdiction, may establish a maximum speed limit in a construction zone. §40-6-188

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §40-6-184(a)(1)
II. Except when turning left, a person shall not drive in the left lane of a highway, with at least 4 lanes, at less than the maximum speed limit.³ §40-6-184(a)(2)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §40-6-40(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government, within its jurisdiction, may establish a minimum speed limit on any highway. §40-6-184(b)

¹Provided speed limit signs, appropriately designating this speed limit, have been posted on the highway.

²This includes the establishment of different highway speed limits either (1) at different times of the day, (2) for various weather conditions or (3) for other factors bearing on safe speeds. §40-6-182 Note: The law does not specifically allow State authorities to establish different speed limits for different types of vehicles.

³This only applies if the driver is aware that they are being overtaken in the left lane by vehicles traveling at a greater rate of speed.

GEORGIA

Basis for a Speed Law Violation: (continued)

Other: A school bus shall not be operated at a speed >40 MPH or >55 MPH on interstate/defense highway system while transporting children to and from school activities.⁴ §40-6-160

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as Noted, All Speed Law Violations are Misdemeanors. §40-6-1
Other: Speeding in a Construction Zone is a Misdemeanor of a High and Aggravated Nature. §40-6-188(c)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Speed Law Violations-Not more than **12 months** §17-10-3(a)(1)
Speeding in a Construction Zone-Not more than **12 months** §40-6-188(c)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Speed Law Violations-Not more than **\$1,000**⁵ §17-10-3(a)(1)
Speeding in a Construction Zone-**\$100 to \$2,000**⁵ §40-6-188(c)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A driver may be required to attend a driver improvement course.⁶ §40-5-57(c)(1)(C)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System⁷ §40-5-57

⁴There is an exception. A school bus may be operated on other roads at a speed > 55 MPH provided the vehicle is only transporting children to and from an event and is not loading or unloading children during the transportation. §40-6-160(b)

⁵An additional fine equal to 5% of the original fine is imposed and deposited into the Peace Officer's Annuity and Benefit Fund. §15-21-131

⁶If a driver attends a driver improvement course after the issuance of the citation but before they make a court appearance, the court shall reduce the fine by 20 percent and the licensing agency shall assess no points against the violator. This procedure is allowed only once in 5 years. §40-5-57(c)(1)(C)

⁷**Point System. I.** A person's license is subject to suspension if they accumulate 15 or more points within a 24 month period. At the end of the suspension period, the point count is reduced to zero. Upon reaching the requisite point assessment for the first time, the license suspension is for 1 year. Upon reaching the requisite point assessment for the second time within 5 years, the license suspension is for 3 years. Upon reaching the requisite point assessment for the third time within 5 years, the license suspension is for 5 years; 2 years of this suspension period are mandatory. §40-5-57(c)(1)(B) & (d) **II.** The following points are assessed for speeding and speed related violations: Reckless driving-4 points; exceeding the speed by > 14 MPH but < 19 MPH-2 points; exceeding the

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:
Type of Licensing Action
(Susp/Rev): (continued)

Persons Under 21 Years Old. A person <21 years old who is convicted of a speeding offense with an assigned point value of ≥4 points is subject to **Revocation**. §40-5-57.1(a), (b)(1) & (d)

Term of License Withdrawal
(Days, Months, Years, etc.):

1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

Persons Under 21 Years Old who are subject revocation. **1st offense-6 months 2nd or subsequent offense-12 months**. A person's license cannot be reinstated until they have completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d)

Mandatory Minimum Term of
Withdrawal:

2 years upon reaching the requisite point assessment for the third time within 5 years⁸ §40-5-57(d)(3)

Persons Under 21 Years Old who are subject to revocation. **1st offense-6 months 2nd or subsequent offense-12 months** §40-5-57.1(a), (b)(1) & (d)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁹:
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Misdemeanor §40-6-186(b) & (c)

Not more than **12 months** §17-10-3(a)(1)

None

Not more than **\$1,000**⁵ §17-10-3(a)(1)

None

speed by > 19 MPH but <24 MPH-3 points; exceeding the speed by >24 MPH but <34 MPH-4 points; exceeding the speed by > 34 MPH-6 points; other moving violations-3 points. Important. No points are assessed for driving too fast for conditions. §40-5-57(c)(1)(A)

⁸I. **Hardship License.** Except as indicted, a person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon reaching the requisite point assessment for the first time, the license may be reinstated immediately when the person complete a driver improvement course. For a license suspension based upon reaching the requisite point assessment for the second time within 5 years, the license may be immediately reinstated upon the completion of an "advanced" driver improvement course. §40-5-84(c) & (d)

⁹Racing on the highways includes "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record...." §40-6-186(b)

GEORGIA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension §§40-5-54(a)(4) & 40-6-186(c) **Suspension** via the Point System⁷ §40-5-57

Persons Under 21 Years Old. **Revocation** §40-5-57.1(a), (b)(1) & (d)

Length of Term of
Licensing Withdrawal:

12 months §40-6-186(c) Via the Point System **1 to 5 years** depending on the number of points that have been accumulated. §40-5-57(d)
Persons Under 21 Years Old. **1st offense-6 months 2nd or subsequent offense-12 months** A person's license cannot be reinstated until they have completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d)

Mandatory Action--Minimum
Length of License
Withdrawal:

None¹⁰ If via the Point System-**2 years** upon reaching the requisite point assessment for the third time within 5 years⁷ §40-5-57(d)(3)

Persons Under 21 Years Old. **1st offense-6 months 2nd or subsequent offense-12 months** §40-5-57.1(a), (b)(1) & (d)

Other:

A driver may be required to attend a driver improvement course.⁶ §40-5-57(c)(1)(C)

Reckless Driving:

Misdemeanor §40-6-390(a) & (b)

Sanction:

Criminal:

Not more than **12 months** §40-6-390(b)

Imprisonment (Term):

None

Mandatory Minimum Term
of Imprisonment:

Not more than **\$1,000**⁵ §40-6-390(b)

Fine (\$ Range):

None

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System⁷ §40-5-57

Persons Under 21 Years Old. **Revocation** §40-5-57.1(a), (b)(1) & (d)

Length of Term of License

Withdrawal Action:

1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

Persons Under 21 Years Old. **1st offense-6 months 2nd or subsequent offense-12 months** A person's license cannot be reinstated until they have completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d)

¹⁰I. **Hardship License.** A person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon a first offense, the license may be reinstated after 120 days upon the completing of a driver improvement course. And, for a license suspension based upon a second offense, the license may be reinstated after 120 days upon the completion of an "advanced" driver improvement course. §40-5-84(a) & (b)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Mandatory Term of License
Withdrawal Action:

2 years upon reaching the requisite point assessment for the third time within 5 years⁶ §40-5-57(d)(3)

Mandatory Term of License
Withdrawal Action: (continued)

Persons Under 21 Years Old. 1st offense-6 months 2nd or subsequent offense-12 months §40-5-57.1(a), (b)(1) & (d)

Other:

A driver may be required to attend a driver improvement course.⁶ §40-5-57(c)(1)(C)

Driving in Circular or Zigzag Course (Laying Drags)¹¹:

Sanction:
Criminal:
Imprisonment (Term):

Misdemeanor §40-6-251(a) & (d)

Not more than **12 months** §17-10-3(a)(1)

Mandatory Minimum Term of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

None
Not more than **\$1,000**⁵ §17-10-3(a)(1)
None

Administrative Licensing Actions:
Type of Licensing Action (Susp/Rev):
Length of Term of License
Withdrawal Action:

Suspension via the Point System⁷ §40-5-57

1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

Mandatory Term of License
Withdrawal Action:

2 years upon reaching the requisite point assessment for the third time within 5 years⁷ §40-5-57(d)(3)

Other:

A driver may be required to attend a driver improvement course.⁶ §40-5-57(c)(1)(C)

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

¹¹This offense is defined as operating a "vehicle upon the streets, highways ... in such a manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course or to gyrate or spin around,...." §40-6-251(a)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §40-5-142(7)

GEORGIA

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §40-5-151(g)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §40-5-151(g)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §40-5-151(g)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §40-5-142(22)

JURISDICTION:

HAWAII

General Reference:

This chapter summarizes Hawaii State statutes related to speed.
Hawaii Revised Statutes

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent and having regard to the actual and potential hazards and conditions then existing. §§291C-101 & 291C-198(a)

**Statutory Speed Limit:
See Other below.**

35 MPH (58 kilometers per hour) for Mopeds¹ §291C-198(b)

Posted (Maximum) Speed Limit:

I. The Director of Transportation may place signs establishing the maximum speed limit on any highway under the director's jurisdiction.² §291C-102(b)
II. Local governments may establish maximum speed limits on streets and highways under their jurisdiction. §291C-163(a)(5), (10), (15) & (23)

Minimum Speed Limit:

A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §291C-41(b)

Posted (Minimum) Speed Limit:

I. The Director of Transportation may place signs establishing the minimum speed limit on any highway. §291C-102(b)
II. Local governments may establish minimum speed limits on streets and highways under their jurisdiction. §291C-163(a)(5), (10), (15) & (23)

Other:

I. A vehicle or combination of vehicles designed to operate at speed ≤25 MPH may be required to display a sign indicating that it is a slow moving vehicle. §291C-130
II. Bicycles and mopeds not traveling at the normal rate of speed "shall ride as near to the right side of the roadway as practicable...." §§291C-145(a) & 291C-196(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions/Violations. §§291C-102(a), 291C-161(a), 291C-192(a), 291D-2 & 701-107(1)

Other:

¹Notwithstanding this speed limit, after April 23, 1998, mopeds offered for sale in the State of Hawaii must meet the following engine and speed specifications. A moped engine can only have a "two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour." §291C-202(a)(1)
Note: Prior to this date, the law (§291C-202(a)(1) prior to amendment in 1998) provided that mopeds offered for sale could have a maximum unassisted speed on a level surface of 35 MPH. A "grandfather" clause in the cited statute provides that these 35 MPH speed mopeds may still be legally operated in the State.

²Note: Hawaii law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

HAWAII

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

1st offense-Not more than **\$200** 2nd offense (within 1 year)-Not more than **\$300** 3rd or subsequent offense (within 1 year)-Not more than **\$500** §§291C-161(b) and 291D-9(a) & (b)³

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to attend a driver training course.⁴ §291C-161(e)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

I. **Court Ordered Suspension or Revocation** via §286-125
II. **Court Ordered Suspension or Revocation** via §291C-170
Historical Note: The State's Point System has been repealed. Act 60, Session Laws of 1997

Term of License Withdrawal

(Days, Months, Years, etc.):

I. Under §286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.
II. Under §291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

**Mandatory Minimum Term of
Withdrawal:**

None Licensing action is discretionary. §§286-125, 286-128(b) & 291C-170

Miscellaneous Sanctions

Not Included Elsewhere:

The court has the authority to order a temporary suspension of a person's license for a traffic infraction. §291D-12(4)

Other Criminal Actions Related to Speeding:

Racing on Highway:

(1) Petty Misdemeanor or (2) If only Exhibition of Speed or

³The district courts must establish schedules of monetary assessments for traffic infractions. These assessments cannot exceed the maximum fine prescribed by law. §291D-9(b)

⁴The district court is authorized to order an offender, who within 12 months has violated the traffic laws with such frequency as to indicated disrespect for such laws, to report in person to the court for a review of their driving record. Following such a review, the court may order a offender to attend a course of instruction in driver retaining. §286-128

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving⁶:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Acceleration are Involved, Infraction (A Non Criminal Offense)⁵
§§291C-103, 291D-2 and 701-107(1) & (4)

Petty Misdemeanor-Not more than **6 months** §291C-103(e)

Infraction-None

None

Petty Misdemeanor-Not more than **\$500** §291C-103(e)

Infraction-Not more than **\$500** §291C-103(e)

None

I. **Court Ordered Suspension or Revocation** via §286-125

II. **Court Ordered Suspension or Revocation** via §291C-170

I. Under §286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.

II. Under §291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

None Licensing action is discretionary. §§286-125 & 291C-170

I. Infraction-Sentenced to Perform **Community Service** §291C-103(e)

II. A person may be required to attend a driver training course.³
§291C-161(e)

III. A fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. §351-351

Petty Misdemeanor §§291-2 & 701-107(4)

Not more than **30 days** §291-2

None

Not more than **\$1,000** §291-2

None

⁵A person is prohibited from driving a vehicle on a highway in "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making speed record...." §291C-103(a)

⁶**Inattention to Driving.** The law also establishes the offense of "inattention to driving." This offense is defined as operating "any vehicle without due care or in a manner as to cause a collision with, or injury or damage to, as the case may be, any person, vehicle or other property...." This offense is a Petty Misdemeanor with the following sanctions: Incarceration t for not more than **30 days** or a fine of not more than **\$500**. §§291-12 & 701-107(4) Plus a fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. §351-351 Note: The administrative licensing actions are the same as for Reckless Driving.

HAWAII

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Length of Term of License
Withdrawal Action:

Mandatory Term of License
Withdrawal Action:

Other:

I. **Court Ordered Suspension or Revocation** via §286-125
II. **Court Ordered Suspension or Revocation** via §291C-170
Historical Note: The State's Point System has been repealed. Act 60, Session Laws of 1997

I. Under §286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.
II. Under §291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

None Licensing action is discretionary. §§286-125, 286-128(b) & 291C-170

I. A person may be required to attend a driver training course.³ §291C-161(e)
II. A fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. §351-351

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §286-240(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §286-240(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §286-240(e)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §286-2

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §286-231

JURISDICTION:

General References:

Basis for a Speed Law Violation:

Basic Speed Rule:

**Statutory Speed Limit:
See Other below.**

Posted (Maximum) Speed Limit:

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

IDAHO

This chapter summarizes Idaho State statutes relate to speed. Idaho Code (General Laws of Idaho Annotated), Idaho Infraction (Court) Rules and Idaho Administrative Code (IDAPA)

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §49-654(1)

75 MPH on interstate highways §49-654(2)(c)
65 MPH on Stats highways §49-654(2)(d)
55 MPH in other locations §49-654(2)(e)
35 MPH in either a residential, business or urban districts §49-654(2)(a) & (b)

- I. Base on engineering and traffic investigations, the State may increase or decrease the above speed limits.¹ However, no maximum posted speed limit can exceed either 75 MPH for interstate highways or 65 MPH for other State highways. §49-201(4)
- II. For highways within its jurisdiction, a local government, based on engineering and traffic investigations, may either (1) decrease the speed limit in a residential, business or urban districts or (2) increase the speed limits above the statutory limit for an urban district but not > 65 MPH on arterial highways. §§49-207(2) & 49-208(1)(i)
- III. Local authorities within their jurisdictions may establish speed limits for public parks. §49-208(1)(e)
- IV. Local authorities may lower the speed limits on those portions of State highways that pass through residential or business districts within their jurisdiction. §49-201(4) These speed limits must be less than the maximum speed limits established by the State. §49-208(w)

- I. No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. §49-655
- II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the highway. §49-630(2)

- I. Based upon engineering and traffic investigations, the State may establish a minimum posted speed limit on a highway. This does not apply where a local authority has established a lower speed limit on those parts of a State highway that pass through either a residential or business district under the authority of the local jurisdiction. §49-202(22)
- II. Local authorities within their jurisdictions may establish minimum speed limits. §49-208(1)(m)

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §49-201(4)

IDAHO

Basis for a Speed Law Violation: (continued)

Other:	<p>I. A person shall not drive a vehicle over a bridge or elevated structure in violation of the posted safe maximum speed limit for such structures.² §49-656</p> <p>II. For vehicles <u>without</u> pneumatic tires and weighing either ≤10,000 lbs. or >10,000 lbs., the respective maximum speed limits are either 20 MPH or 12 MPH. §49-1003</p> <p>III. Vehicles with 5 or more axles and operating with a gross weight >26,000 lbs. shall not exceed 65 MPH on interstate highways. §49-654(3)</p>
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Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Infractions. ³ §§49-110(4) & 49-236(2)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	None
Mandatory Minimum Term of Imprisonment:	
Fine:	
Amount (\$ Range):	Not more than \$100 ⁴ §18-113A
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point system ⁵ §49-326(2) & (3)

²Based upon investigations, the State determines the safe maximum speed limits for these structures. §49-202(21)

³An infraction is a not a crime but a civil public offense. §18-111

⁴**Fixed Penalty.** The following fixed penalties, which include court costs, are assessed for speed related infractions. For exceeding the speed limit by ≥1 MPH but <20 MPH, a fixed penalty of \$47. For exceeding the speed limit by ≥20 MPH a fixed penalty of \$102. Rule 9(5)(a) & (b), Idaho Infraction Rules

⁵**Point System.** I. An offender's license is suspended for 30 days, 90 days or 6 months, if they respectively accumulate 12 points within 12 months, 18 points within 24 months or 24 points within 36 months. Note: Three (3) points are deducted from a driver's record if they attend traffic school prior to a suspension; this can only occur once in a 3 year period. II. The following points are assessed for speeding and speed related offenses: One (1) MPH to 15 MPH over the speed limit-3 points; inattentive driving-3 points; 16 or more MPH over the speed limit-4 points; a violation of the minimum speed rule (including not driving in the right-hand lane when proceeding at less the normal rate of speed)-3 points; a violation of a posted speed limit on an elevated structure-3 to 4 points; and, racing on the highways-4 points. §§49-210 & 49-326 and IDAPA 39.02.71

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	Suspension for not more than 1 year ⁵ §49-326(5)
Mandatory Minimum Term of Withdrawal:	None Restricted driving privileges may be granted. §49-326(4)
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor ⁶ §§18-111, 49-236(1) & 49-1424(1)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months §§18-113(1) & 49-236(4)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$300 §§18-113(1) & 49-236(4)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via the Point System ⁵ §49-326(2)
Length of Term of Licensing Withdrawal:	Suspension for not more than 1 year ⁵ §49-326(5)
Mandatory Action--Minimum Length of License Withdrawal:	None Restricted driving privileges may be granted. §49-326(4)
Other	
<u>Reckless Driving:</u>	Misdemeanor §§18-111, 49-236(1) & 49-1401(1)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §49-1401(2)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$300</u> <u>Subsequent offense-\$50 to \$300</u> §49-1401(2)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §§49-326(1)(f) and 49-1401(2) & (3) For 3 reckless driving offense convictions within 12 months- Revocation §49- 325(1)(d)

⁶"No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration or for the purpose of making a speed record...." §49-1424(1)

IDAHO

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

1st offense-30 day suspension 2nd offense (within 2 years)-90 day suspension 3rd offense (within 3 years)-1 year suspension §49-326(1)(f) 3 offenses within 12 months-1 year revocation §§49-325(1)(d) & 49-326(5)

Mandatory Term of License

Withdrawal Action:

For suspensions-None Restricted driving privileges may be granted. §49-326(4) However, for 3 offenses within 12 months, the 1 year revocation appears to be mandatory. §§49-325(1)(d) & 49-326(5)

Inattentive Driving⁷:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§18-111, 49-236(1) & 49-1401(3)

Not more than **6 months** §18-113(1)

None

Not more than **\$300** §18-113(1)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension via the Point System⁵ §49-326(2)

Suspension for not more than **1 year**⁵ §49-326(5)

None Restricted driving privileges may be granted. §49-326(4)

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §49-335(6)

⁷Inattentive Driving: "[T]hose circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight." This is a lesser offense than reckless driving. §49-1401(3)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of > 26,000 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §49-123(2)(c)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §49-120(11) with reference to 49 CFR part 383

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §49-335(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §49-335(6)



JURISDICTION:

General References:

ILLINOIS

This chapter summarizes Illinois State statutes related to speed. West's Smith-Hurd Illinois Compiled Statutes Annotated and Illinois Administrative Code

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle upon any highway at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. §625 ILCS 5/11-601(a)

Statutory Speed Limit:
See Other below.

65 MPH¹ (1) on Illinois toll highways and (2) on highways that are divided and have at least 4 lanes §625 ILCS 5/11-601(b) & (d)
55 MPH on all other highways, roads or streets outside an urban district §625 ILCS 5/11-601(b) & (d)
55 MPH for Second Division Vehicles weighing >8,001 lbs. §625 ILCS 5/11-601(e) A Second Division Vehicle is defined in Footnote No. 1.
30 MPH in an urban district §625 ILCS 5/11-601(b) & (c)(1)
15 MPH in an urban district alley §625 ILCS 5/11-601(b) & (c)(2)

Posted (Maximum) Speed Limit:

I. The State Toll Highway Authority, based on engineering and traffic investigations, may establish a maximum speed on toll highways under its authority that are less than 65 MPH. §625 ILCS 5/11-603
II. With certain limitations and based on engineering and traffic investigations, the State may increase or decrease the above speed limits.² §625 ILCS 5/11-602
III. Based on engineering and traffic investigations, a local government may either increase or decrease the maximum speed on highway, streets or roads within its jurisdiction. However, the following limitations apply. (1) The speed limit in an urban district cannot be less than 20 MPH. (2) A speed limit cannot be more than 55 MPH. (3) The speed limit outside of an urban district cannot be less than 35 MPH. (4) And, except as provided in (1), the speed limit in a residential district cannot be less than 25 MPH. §65 ILCS 5/11-40-1 and §§625 ILCS 5/11-208 & 5/11-604

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §625 ILCS 5/11-606(a)

¹The 65 MPH speed limit applies either (1) to vehicles which are designed to carry not more than 10 persons (First Division vehicles) or (2) to Second Division vehicles which have a gross weight of <8,000 lbs. A Second Division Vehicle is defined as one (1) designed to carry 10 or more persons, (2) use for living quarters, (3) designed to carry or pull property, freight or cargo and (4) a registered school bus regardless of the number of students it is designed to carry. §§625 ILCS 5/1-217 & 5/11-601(d)

²The following limitations apply. (1) The State cannot establish a speed limit greater than 65 MPH on any highway. (2) The maximum speed limit is 55 MPH for Second Division vehicles weighing >8,001 lbs. and on highways that abut certain property where there is "a limited right or easement, of access, crossing, light, air, or view." §625 ILCS 5/11-602 Note: Except as noted, Illinois law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

ILLINOIS

Basis for a Speed Law Violation:
(continued)

Minimum Speed Limit: (continued)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 625 ILCS 5/11-701(b)

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State may establish a minimum speed limit on any part of a highway or street. §625 ILCS 5/1-606(b)

Other:

I. The maximum speed limit is 55 MPH for Second Division vehicles¹ weighing ≥8,000 lbs. on any highway outside an urban district. §625 ILCS 5/11-601(b) & (e)

II. The maximum speed limit for a bus is (1) 65 MPH on a 4 lane divided highways under the State Toll Highway Authority (2) 60 MPH on other highways under the State Toll Highway Authority and (3) 55 MPH on all other highways, streets or roads. §625 ILCS 5/11-601(b) & (f)

III. The maximum speed limit is 55 MPH outside of an urban area for house cars, campers, private living coach, recreational vehicles and any vehicle that is towing another vehicle. §625 ILCS 5/11-601(b) & (g)

IV. The maximum speed limit is 20 MPH "while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school." §625 ILCS 5/11-605(a)

V. Special posted speed limits may be established for construction or maintenance zones. §625 ILCS 5/11-605(b)

VI. Based on safety investigations, the State may establish maximum speed limits for bridges or other elevated structures. §625 ILCS 5/11-608

VII. No person shall operate a vehicle at speed greater than the "maximum attainable operating speed" of such vehicle as determined by its manufacture. §625 ILCS 5/11-611

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

1st or 2nd speed law offenses are Petty Offenses. A 3rd or subsequent speed law offense (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

See Miscellaneous Sanctions for penalties related to exceeding the speed limit in school and construction zones.

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st or 2nd offenses-None 3rd or subsequent offense (within 1 year)-Not more than **30 days** §730 ILCS 5/5-8-3(a)(3)
None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

1st or 2nd offense-Not more than \$1,000 3rd or subsequent offense (within 1 year)-Not more than **\$1,500** §730 ILCS 5/5-9-1(a)(3) & (4)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	An offender, who is under 18 years old, may be required to attend a Driver Remedial Education Course before their license is reinstated. §625 ILCS 5/6-206(c-5)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3) Persons Under 21 Years Old. Suspension or revocation if the person has committed not less than 2 offenses against traffic regulations within a 24 month period. §625 ILCS 5/6-206(a)(34)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension-Not more than 1 year Revocation-1 year §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation. ^{3y}
Mandatory Minimum Term of Withdrawal:	None Licensing action by the State is discretionary. §625 ILCS 5/6-206

³**Point System.** A point system has been established to determine suspension length or whether to impose revocation.

I. The following points are assigned for speeding or speed related offenses: Reckless driving-55 points; squealing or screeching of tires-10 points; speeding too fast for conditions-10 points; 1 to 10 MPH above the speed limit-5 points; 11 to 14 MPH above the speed limit-15 points; 15 to 25 MPH above the speed limit-20 points; over 25 MPH above the speed limit-50 points; exceeding the maximum speed limit in a school zone-20 points; driving below the minimum speed limit-5 points; driving below the minimum speed limit on an Illinois Tollway-20 points; not driving in the right-hand lane when proceeding at less than the normal speed of traffic-20 points; and, exceeding the maximum speed limit on a bridge or elevated structure-10 points. 92 Illinois Administrative Code §1040.20(c)

II. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(2) as a result of 3 convictions within 12 months, the following point schedule is used to determine licensing action. (1) If there has been no prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-2 month suspension; 45 through 74 points-3 month suspension; 75 through 89 points-6 month suspension; 90 through 99 points-9 month suspension; 100 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). And, (2) if there has been 1 or more prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-4 month suspension; 45 through 74 points-6 month suspension; 75 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). 92 Illinois Administrative Code §1040.30(b)

III. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(3) as a result of repeated traffic violations which indicate a disrespect for the traffic laws, the following point schedule is used to determine licensing action. (1) A person's license is revoked (1 year) if the licensing agency receives notice after the state of the 12 month suspension in II above that the person has accumulated 90 additional points above that needed to determine the suspension and these additional points were accumulated during the same period of time as those used to determine the suspension. (2) If there has been 1 or more prior suspension or revocations within 7 years under §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 or more points-revocation (1 year) And, (3) if there has been 2 or more prior suspension or revocations within 7 years not related to §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 through 109 points-12 month suspension; 110 or more points-revocation (1 year) 92 Illinois Administrative Code §1040.40(c)

ILLINOIS

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Exceeding the Posted Speed Limit in School or Construction Zones is a Petty Offense with a fine of **\$150 to \$500**. The minimum fine of **\$150** appears to be mandatory. §§625 ILCS 5/11-605(e) & 730 ILCS 5/5-9-1(a)(4)

Other Criminal Actions Related to Speeding:

Drag Racing on the Highway:
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine (\$ Range):
Mandatory Minimum Fine:

Class C Misdemeanor §625 ILCS 5/11-504

Not more than **30 days** §730 ILCS 5/5-8-3(a)(3)
None
Not more than **\$1,500** §730 ILCS 5/5-9-1(a)(3)
None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Revocation §625 ILCS 5/6-205(a)(8)

1 year §625 ILCS 5/6-208(b)(1)

None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Reckless Driving:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Class A Misdemeanor §625 ILCS 5/11-503(a) & (b)

Not more than **1 year** §730 ILCS 5/5-8-3(a)(1)

None
Not more than **\$2,500** §730 ILCS 5/5-9-1(a)(2)

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Suspension or Revocation via a Point System³ **Revocation** upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6)

Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

1 year §625 ILCS 5/6-208(b)(1)

None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Other Criminal Actions Related to Speeding:
(continued)

<u>Aggravated Reckless Driving</u> ⁴ :	Class 4 Felony §625 ILCS 5/11-503(a) & (c)
Sanction:	
Criminal:	
Imprisonment (Term):	1 to 3 years §730 ILCS 5/5-8-1(a)(7)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$25,000 §730 ILCS 5/5-9-1(a)(1)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6) Length of Term of License
Withdrawal Action:	Not more than 1 year §730 ILCS 5/5-8-3(a)(1)
Mandatory Term of License	
Withdrawal Action:	None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
<u>Squealing or Screeching of Tires:</u>	<u>1st or 2nd offenses</u> are Petty Offenses. A <u>3rd offense</u> (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st or 2nd offenses-None</u> <u>3rd offense</u> (within 1 year)-Not more than 30 days §730 ILCS 5/5-8-3(a)(3)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st or 2nd offenses</u> -Not more than \$1,000 <u>3rd offense</u> (within 1 year)-Not more than \$1,500 §730 ILCS 5/5-9-1(a)(3) & (4)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3)
Length of Term of License	
Withdrawal Action:	Suspension -Not more than 1 year Revocation - 1 year §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation. ³

⁴Aggravated reckless driving is reckless driving that results in either "great bodily harm or permanent disability or disfigurement to another." §625 ILCS 5/11-503(c)

ILLINOIS

Other Criminal Actions Related to Speeding:
(continued)

Squealing or Screeching of Tires: (continued)

Mandatory Term of License

Withdrawal Action:

None Licensing action by the State is discretionary. §625 ILCS 5/6-206

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §625 ILCS 5/6-514(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **2 months** 3 serious violations (within 3 years)-Not less than **4 months** §625 ILCS 5/6-514(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**2 months** 3 serious violations (within 3 years)-**4 months** §625 ILCS 5/6-514(e)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §625 ILCS 5/6-500

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §625 ILCS 5/6-500

JURISDICTION:

INDIANA

General References:

This chapter summarizes Indiana State statutes related to speed. Burn's Indiana Statutes Annotated and Indiana Administrative Code (IAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards than existing. This includes special hazards such as going around a curve, approaching a hill, traveling upon a narrow or winding roadway. §§9-21-5-1 & 9-21-5-4

Statutory Speed Limit:
See Other below.

Note: The law is not clear but the following may be *prima facie* speed limits. §9-21-1-3(a)(11)
65 MPH, except for certain vehicles noted under "Other" below, on an interstate or defense highway located outside an urban area with a population ≥50,000 §9-21-5-2(3)
55 MPH on other highways §9-21-5-2(2)
30 MPH in an urban district §9-21-5-2(1)
15 MPH in an alley §9-21-5-2(5)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or lower the above speed limits on any part of a highway.¹ §§9-21-5-3 & 9-21-5-12(a)
II. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed on any part of a highway or establish the maximum safe speed on the streets within its jurisdiction.² §§9-21-1-3(a)(5) & (11), 9-21-5-3 and 9-21-5-6(a) & (b)

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic. §9-21-5-7
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §9-21-8-2(b)

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State Department of Transportation or a local government, for highways with its jurisdiction, may establish a minimum speed on any part of a highway. §9-21-5-8

Other:

I. A vehicle with a gross weight ≥26,001 lbs. shall not be driven at speed greater than 60 MPH. §9-21-5-2(4)

¹The department may also establish different maximum speed limits either (1) for different times of the day, (2) for various types vehicles, (3) for various weather conditions or (4) for other factors related to speed. §9-21-5-12(b)

²However, such government cannot (1) decrease a maximum speed limit within an urban district to less than 20 MPH, (2) increase the maximum speed limit within an urban district to more than 55 MPH during the day or 50 MPH at night, (3) decrease the maximum speed limit outside an urban district to less than 30 MPH, (4) decrease the maximum speed limit in an alley to less than 5 MPH and (5) increase the maximum the speed limit in an alley to more than 30 MPH. §9-21-5-6(a) However, local government may establish a speed limit on a street located within a park or playground at not less than 15 MPH. §9-21-5-6(e) In addition, a local government may also establish a speed limit of not less than 20 MPH on a State highway which is located in the immediate vicinity of a school. Such a limit is only in effect when children are present. §9-21-5-6(d)

INDIANA

Basis for a Speed Law Violation: (continued)

Other: (continued)

- II. An "oversized vehicle"³ shall not be driven at a speed greater than 45 MPH. §9-21-5-5
- III. Based on engineering and traffic investigations, the State Department of Transportation may establish a safe maximum speed on any bridge or elevated structure. §9-21-5-10
- IV. The State Department of Transportation or a local government may establish a temporary safe maximum speed limit at a worksite. §9-21-5-11
- V. A vehicle which is not ordinary operated at speed >25 MPH cannot be operated above this speed. Such vehicles include pulled, towed, self-propelled or animal-drawn vehicles. §9-21-9-1
- VI. A motorized bicycle may not be operated at a speed greater than 25 MPH. §9-21-11-12(4)
- VI. A school bus cannot be driven >55 MPH on a Federal or State highway or >40 MPH on any country or township highway. §20-9.1-5-10

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

- I. Except as noted under II. all Speed Law Violations are Class C Infractions. §§9-21-5-13, 9-21-8-49, 9-21-9-7 & 9-21-11-12
- II. A person, who operates a school bus in violation of VI above or who otherwise exceeds the posted speed limit while operating such a motor vehicle, commits a Class C Misdemeanor. §20-9.1-5-22

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

Class C Infraction-None
Class C Misdemeanor-Not more than 30 days §35-50-3-4
None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Class C Infraction-Not more than \$500 §34-28-5-4(a)
Class C Misdemeanor-Not more than \$500 §35-50-3-4
None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Note: If a person attends a "defensive driving course," their point accumulation total is reduced by 4 points. §140 IAC §1-4.5-7
Exceeding Construction Zone Speed Limit. The court may order a person to pay a fee of \$25 for exceeding a worksite speed limit. §33-19-6-14(b)

Other:

³An "oversized vehicle" is one which is either has (1) a width >8 feet, 6 inches, (2) a height >6 feet, 6 inches, or (3) a length >80 feet. §9-21-5-5

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁴ §9-30-4-9(a)(4)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than 1 year §9-30-4-9(g)

Mandatory Minimum Term of

Withdrawal:

None A restricted license for employment purposes may be issued. §9-24-15-2

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:Speed Contests on Highways or Streets:

Class B Misdemeanor §9-21-6-1 & 9-21-6-3

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than 180 days §35-50-3-3

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than \$1,000 §35-50-3-3

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension⁴ §9-30-4-9(a)(4)

Length of Term of

Licensing Withdrawal:

Not more than 1 year §9-30-4-9(g)

Mandatory Action--Minimum

Length of License

Withdrawal:

None A restricted license for employment is available. §9-24-15-2

Other:

⁴**Point System.** The point system is used by the licensing agency as a means aiding it in identifying persons who have committed traffic law violations and determining whether such person's license should be suspended for such offenses. The system does not establish a threshold point accumulation level that would automatically result in either license suspension or revocation. I. A person is placed on probation if they accumulate 12 points within 24 months (10 points within 24 months if under 18 years old) or 8 points within 1 year. II. A person is required to appear for an administrative hearing if they either (1) have accumulated 8 or more points prior to the start of the probationary period but where such points were not used to determine probationary status or (2) have accumulated 17 points. III. The following points have been assigned to speeding or speed related violations: 1 to 15 MPH over the speed limit-2 points; 16 to 25 MPH over the speed limit-4 points; over 25 MPH over the speed limit-6 points; speeding in a school bus, where the speed is not indicated or where the speed is 1 to 15 MPH in excess of limit-6 points; speeding in a school bus, where the speed is > 15 MPH in excess of the limit-8 points; minimum speed law violation (including not driving in the right-hand lane when proceeding at less than the normal speed of traffic)-2 points; unsafe speed on bridge or elevated structure-4 points; speed contest-8 points; reckless driving-6 points; reckless driving resulting in either personal injury or property damage-8 points; and, criminal reckless driving-8 points. §9-14-2-2 and 140 IAC §§1-4.5-2, 1-4.5-4, 1-4.5-6, 1-4.5-7 & 1-4.5-10

INDIANA

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving</u> ⁵ :	Class B Misdemeanor §§9-21-8-50 & 9-21-8-52
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 180 days §35-50-3-3
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 §35-50-3-3
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension ⁴ §9-30-4-9(a)(4)
Length of Term of License Withdrawal Action:	Not more than 1 year If the offense resulted in property damage, an offender's license is subject to suspension from 30 days to 1 year. §§9-21-8-52(b) & 9-30-4-9(g)
Mandatory Term of License Withdrawal Action:	Limited A restricted license for employment purposes may be issued. §9-24-15-2 However, there appears to be a 30 day mandatory suspension if the offense resulted in property damage. §9-21-8-52(b) & 140 IAC §1-4.5-10(d)
Other:	
<u>Criminal Recklessness</u> ⁶ :	Class A Misdemeanor §35-42-2-2(b)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §35-50-3-2
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$5,000 §35-50-3-2
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension ⁴ §9-30-13-1
Length of Term of License Withdrawal Action:	60 days to 2 years §9-30-13-1

⁵Reckless driving is defined as follows. I. Operating a vehicle at either a such high or low rate of speed such as to either endanger the safety or property of others or block the proper flow of traffic. §9-21-8-52(a)(1) II. Passing a vehicle on a curve where vision is obstructed for a distance of < 500 feet. §9-21-8-52(a)(2) III. Driving a vehicle in an out of a line of traffic except as otherwise permitted. §9-21-8-52(a)(3) IV. Speeding up or refusing to give half of the roadway to a driver desiring to either pass or overtake. §9-21-8-52(a)(4) V. Passing a school bus but when the arm signal device is in operation. §9-21-8-52(a)(5) VI. Operating a tractor-trailer so as to either endanger the safety or property of others or block the flow of traffic. §9-21-8-50

⁶A person commits "criminal recklessness" if they operate a motor vehicle in such a manner as to create a substantial risk of bodily injury. §35-42-2-2(b)

Other Criminal Actions Related to Speeding:
(continued)

Criminal Recklessness: (continued)

Mandatory Term of License
Withdrawal Action:

A **60 day** suspension appears to be mandatory. §9-30-13-1 & 140 IAC §1-4.5-10(d)

Other:

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while operating a CMV, they (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 or more violations within a 3 year period. §9-24-6-7

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §9-13-2-31

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §9-24-6-6



JURISDICTION:

IOWA

General References:

This chapter summarizes Iowa State statutes related to speed.
Iowa Code Annotated and Iowa Administrative Code (IAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a motor vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions than existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead. §§321.285 & 321.288

**Statutory Speed Limit:
See Other below.**

65 MPH on controlled-access, multilaned highways including interstate highways §321.285
55 MPH on other highways or on surfaced secondary roads¹ §321.285
45 MPH in suburban districts §321.285
45 MPH on roads under the control of the State Board of Regents² §262.68
35 MPH on State parks and preserve roads §461A.36
25 MPH in a residence or school district §321.285
20 MPH in a business district §321.285

Posted (Maximum) Speed Limit:

I. The State may also establish a speed limit of 65 MPH on certain non-limited access divided multilaned highways. §321.285
II. Based on engineering and traffic investigations, the State on the primary road system or a city government on streets within its jurisdiction (except primary road extensions) may increase or decrease the above speed limits.³ §321.290
III. The State or a city may lower the 65 MPH speed limit upon highways located within the corporate limits of a city. §321.286(6)
IV. Local authorities have the authority to regulate the speed in public parks and alleys. §321.236(5) & (11)
V. With State approval, a local government may increase the statutory speed limits listed in §321.285. However, any new speed limit cannot > 55 MPH. §321.293⁴
VI. The Natural Resource Commission may reduce the speed limit on State parks and preserve roads when such is needed to improve safety. §461A.36
VII. The Board of Regents may establish lower speed limits on roads under their jurisdiction in the interest of safety. §262.68

¹If the secondary road is not surfaced with either concrete or asphalt, the maximum speed limit is 55 MPH between sunrise and sunset and 50 MPH between sunset and sunrise. §321.285

²Note: The Board of Regents has authority over various education institutions (e.g., State University of Iowa).

³Note: Iowa law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

⁴Note: Under this provision, the State can recommend that a local government increase speed limits on certain highways. If the local government fails to increase the speed limit per the recommendation, the State can establish higher speed limits after conducting an engineering and traffic investigation.

IOWA

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:	I. A person shall not drive a motor vehicle at such a slow speed to impede or block the normal and reasonable movement of traffic. §321.294 II. A vehicle, which cannot attain and maintain a speed of 40 MPH, cannot be driven on the interstate system. §321.285 III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §321.297(2)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State may establish a minimum speed limit on controlled-access, multilaned highways including interstate highways. §321.285
Other:	I. Based on a safety investigation, the State may establish a safe maximum speed limit for any bridge or elevated structure. §321.295 II. A vehicle cannot be operated on a highway unless it can proceed up a 3 percent grade with speed of at least 20 MPH. §321.382

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	Speed Law Violations are Simple Misdemeanors. §§262.68, 321.482 & 461A.57
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	Not more than 30 days §903.1(1)(a)
Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	\$50 to \$100 ⁵ §903.1(1)(a)
Mandatory Min. Fine (\$):	None

⁵**Scheduled Violations.** Most speed law violations are considered "scheduled violations" for which the following fines are provided. I. Except as noted in II, the fine schedule for speeding offenses is as follows: (1) ≤ 5 MPH over the speed limit-\$10; (2) > 5 MPH but ≤ 10 MPH over the speed limit-\$20; (3) > 10 MPH but ≤ 15 MPH over the speed limit-\$30; (4) > 15 MPH but ≤ 20 MPH over the speed limit-\$40; (5) > 20 MPH over the speed limit-\$40 plus \$2 for every MPH over the 20 MPH excessive speed. §805.8(2)(g)(1) & (3) II. In speed zones with a speed limit > 55 MPH, the fine schedule for speeding violations is as follows: (1) ≤ 5 MPH over the speed limit-\$10; (2) > 5 MPH but ≤ 10 MPH over the speed limit-\$20; (3) > 10 MPH but ≤ 15 MPH over the speed limit-\$40; (4) > 15 MPH but ≤ 20 MPH over the speed limit-\$60; (5) > 20 MPH over the speed limit-\$60 plus \$2 for every MPH over the 20 MPH excessive speed. §805.8(2)(g)(4) III. For violating the posted safe speed limit for a bridge or elevated structure, the scheduled fine is \$15. §805.8(2)(h) IV. For violating the minimum speed rule (i.e., driving too slow), the scheduled fine is \$20. §805.8(2)(l) V. For not driving in the right-hand lane of traffic when proceeding at a speed less than the normal speed of traffic, the scheduled fine is \$15. §805.8(2)(h)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Other Penalties:

Traffic School:

Other:

Driver Improvement Program⁶ IAC 761-615.43(1)(a)**Road Work Zone.** For exceeding the speed limit in a road work zone, the fine is **double** the amount in the fine schedule. §§321.1(64A) & 805.8(2A)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Suspension⁷ §321.210(1)**30 days to 1 year⁸** §321.212(1)(a) and IAC 761-615.11(1)**None** A restricted license is available for employment, educational or medical purposes. §321.215(1)

Miscellaneous Sanctions

Not Included Elsewhere:

I. An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

II. **Civil Penalty.** If an offender's license is suspended, they are subject to a civil penalty of **\$200** (if ≤19 years old, the civil penalty is \$50). §321.218AOther Criminal Actions Related to Speeding:Drag Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Simple Misdemeanor §321.278

Not more than **30 days** §903.1(1)(a)**None****\$50 to \$100** §903.1(1)(a)**None**

⁶The licensing agency may require a person, who is convicted of a speeding violation of ≥25 MPH but ≤29 MPH over the speed limit or for habitual traffic law violation, to attend a driver improvement program. This program is in lieu of license suspension. However, a person cannot be assigned to this program more than once in 2 years. IAC 761-615.43(1)(b)

⁷A person's license may be suspended if they are an habitual offender of the traffic laws or if they commit a serious offense. §321.210(1)(b) & (f)

⁸I. For licensing action based on habitual violations of the traffic laws, the following suspensions apply: (1) 3 convictions within 12 months-90 days; (2) 4 convictions within 12 months-120 days; 5 convictions within 12 months-150 days; 6 convictions within 12 months 180 days; and, (5) 7 or more convictions within 12 months-1 year. IAC 761-615.17 Note: The licensing agency is not to consider the first two speeding violations within a 12 month period involving excess speed which was ≤10 MPH below the speed limit in speed zones having limits between 34 and 56 MPH. §321.210(2)(d) II. For licensing action based on a serious violation (i.e. exceeding the speed limit by ≥25 MPH), State regulations provide for graduated license suspension periods depending upon the speed of the vehicle. E.g., a person convicted of speeding ≥25 MPH but <26 MPH over the speed limit is subject to a 60 day suspension. Whereas, a person convicted of speeding ≥49 MPH over the speed limit is subject to a 1 year license suspension. IAC 761-615.17(2)(c)

IOWA

Other Criminal Actions Related to Speeding:
(continued)

Drag Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Revocation §321.209(6)

1st offense-6 months If there was no personal injury or property damage §321.212(1)(c) 1st offense where there is personal injury or property damage or for any subsequent offense-1 year §321.212(1)(a)

Mandatory Action--Minimum

Length of License

Withdrawal:

None A restricted license is available for employment, educational or medical purposes. §321.215(1)

Other:

I. An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

II. **Civil Penalty.** If an offender's license is revoked, they are subject to a civil penalty of **\$200** (if ≤19 years old, the civil penalty is \$50). §321.218A

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Simple Misdemeanor §321.277

Not more than **30 days** §903.1(1)(a)

None

\$50 to \$100 §903.1(1)(a)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension §321.210(1)(f)

Not more than **1 year** 321.212(1)(a)

None A restricted license is available for employment, educational or medical purposes. §321.215(1)

Other:

I. An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

II. **Civil Penalty.** If an offender's license is suspended, they are subject to a civil penalty of **\$200** (if ≤19 years old, the civil penalty is \$50). §321.218A

Careless Driving⁹:

Simple Misdemeanor §§321.277A & 321.482

⁹"Careless driving" consists of intentionally operating motor vehicle by (1) creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping, (2) simulating a temporary race, (3) causing any wheel or wheels to unnecessarily lose contact with the ground and (4) causing the vehicle to unnecessarily turn abruptly or sway. §321.277A

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Sanction:

Criminal:

Imprisonment (Term): **None**

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range): **\$25 §805.8(2)(ad)**

Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension⁷ §321.210(1)

Length of Term of License

Withdrawal Action:

30 days to 1 year based on habitual violator status⁸ §321.212(1)(a) and IAC 761-615.11(1)

Mandatory Term of License

Withdrawal Action:

None A restricted license is available for employment, education or medical purposes. §321.215(1)

Other:

I. An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

II. **Civil Penalty.** If an offender's license is suspended, they are subject to a civil penalty of **\$200** (if ≤19 years old, the civil penalty is \$50). §321.218A

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either commit 2 or more serious traffic offenses¹¹ within a 3 year period. §321.208(4)

Period of Disqualification:

2 violations (within 3 years)-**60 days** 3 violations (within 3 years)-**120 days** §321.208(4)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §§321.208 & 321.215(4)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §321.1

¹¹These violations include exceeding the speed limit by 15 or more MPH and reckless driving. §321.208(4)



JURISDICTION:

KANSAS

General Reference:

This chapter summarizes Kansas State statutes related to speed.
Kansas Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards than existing. §8-1557

Statutory Speed Limit:

70 MPH on multilaned highways as designated by the State Secretary of

See Other below.

Transportation §8-1558(a)(2)

65 MPH on all other highways except a county or township highway §8-1558(a)(4)

55 MPH on a county or township highway §8-1558(a)(3)

30 MPH in an urban district §8-1558(a)(1)

Posted (Maximum) Speed Limit:

I. The State Secretary of Transportation may decrease the above speed limits.¹ §8-1559(a)(1)

II. The State Secretary of Transportation or local government authorities may establish a speed limit in a construction zone. §8-1559(a)(c)

III. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits within its jurisdiction. However, the following limitations apply. (1) A speed limit cannot be established greater than 65 MPH. (2) Outside an urban or residence district, the speed limit cannot be less than 20 MPH. (3) Within an urban district school zone, when students are going either to or from school, the speed limit cannot be less than 20 MPH. §§8-1560(a) &(b) and 8-2002

IV. Local authorities, which have authority over a county or township, may establish proper highway speed limits within these jurisdictions. Such speed limits may be established with or without an engineering or traffic investigation. However, no speed limit shall established >65 MPH. §8-1560(h)

V. Local authorities, within their respective jurisdictions, may establish speed limits within construction zones. §8-1560(f)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §8-1561(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §8-1514(b)

¹The secretary may decrease such limits based either on engineering and traffic investigations or on other information that is available. Under no circumstances is the secretary authorized to increase a speed limit in excess of the statutory maximum limits. §8-1559(a) & (d) In addition, the State may establish different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks, may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §8-1559(b)

KANSAS

Basis for a Speed Law Violation:
(continued)

- Posted (Minimum) Speed Limit:
- I. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a minimum speed limit on any highway or part thereof. §8-1561(b)
 - II. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a maximum speed limit on any bridge or elevated structure. §8-1563(c) & (d)
- Other:
- I. A motor-driven cycle shall not be operated at a speed greater than 35 MPH. §8-1562
 - II. A vehicle which is towing a house trailer shall not be operated at a speed greater than 55 MPH. §8-1563(a)
 - III. A vehicle equipped with solid rubber tires shall not be operated at a speed greater than 10 MPH. §8-1563(b)
 - IV. While traveling either to or from a school, interschool or intraschool functions or activities, a school bus cannot be driven either (1) > 45 MPH on roadways having a dirt, sand or gravel surface or (2) > 55 MPH on other highways. §8-1558(b)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions. §§8-2116, 8-2118 & 21-3105(2)
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
Term (Day, Month, Years, Etc.): **None**
- Mandatory Minimum Term:
Fine: **None**
- Amount (\$ Range): **Not more than \$500² §21-4503a(d)**
- Mandatory Min. Fine (\$): **None**
- Other Penalties:
Traffic School: If an offender is subject to a license suspension because of 3 moving violations within 12 months, they may be allowed to maintain their driving privileges by attending a driver improvement clinic. §8-255(f)

²If a person either waives their right to a trial for, pleads guilty to or no contest to a traffic infraction, the fine imposed is determined via the uniform fine schedule. Under this schedule, the following fines are imposed for speeding offenses. I. For violating the basic speed rule, the fine is \$20. For exceeding the speed limit by 1 to 10 MPH, the fine is \$10. For exceeding the speed limit by 11 to 20 MPH, the fine is \$10 plus \$2 for every MPH above 10 MPH over the limit. For exceeding the speed limit by 21 to 30 MPH, the fine is \$30 plus \$3 for every MPH above 20 MPH over the limit. For exceeding the speed limit by 31 MPH, the fine is \$60 plus \$5 for every MPH above 30 MPH over the limit. II. For impeding the normal flow of traffic, the fine is \$10. III. For speeding on a motor cycle, the fine is \$20. IV. For exceeding the posted maximum safe speed on a bridge or elevated structure, the fine is \$10. V. For not driving in the right-lane when proceeding at a speed less than the normal speed of traffic, the fine is \$20. §8-2118(c)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Other Penalties: (continued)

Other:

Construction Zone. For speeding violations committed within a construction zone, the fine is **double** the usual amount for a speeding offense. §8-2118(e)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension³ §8-255(a)(1) & (2)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §8-256

Mandatory Minimum Term of Withdrawal:

None

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class A, B or C Misdemeanor⁴ §§8-1565(a) & (d) and 8-2116(b)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **1 months** 2nd offender (within 1 year)-Not more than **6 months** 3rd or subsequent offender (within 1 year)-Not more than **1 year** §21-4502(1)(a), (b) & (c)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$500** 2nd offender (within 1 year)-Not more than **\$1,000** 3rd or subsequent offender (within 1 year)-Not more than **\$2,500** §21-4503a(b)(1), (2) & (3)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension³ §8-255(a)(1) & (2)

Length of Term of

Licensing Withdrawal:

Not more than **1 year** §8-256

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

If an offender is subject to a license suspension because of 3 moving violations within 12 months, they may be allowed to maintain their driving privileges by attending a driver improvement clinic. §8-255(f)

³**Basis for Suspension.** The licensing agency is authorized to suspend an offenders' license if the following conditions are satisfied. I. The offender has committed numerous serious traffic law violations which indicate a disrespect for the traffic laws. II. The offender has been convicted of 3 or more moving traffic law violations within a 12 month period. §8-255(a)(1) & (2)

⁴A 1st offense is a Class C misdemeanor. A 2nd offense within 1 year is a Class B misdemeanor. And, a 3rd or subsequent offense within 1 year is a Class A misdemeanor. §8-2116(b)

KANSAS

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Misdemeanor §8-1566(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>2nd or subsequent offense-10 days to 6 months</u> §8-1566(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$500</u> <u>2nd or subsequent offense-\$50 to \$500</u> §8-1566(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation §8-254(a)(5)
Length of Term of License Withdrawal Action:	Not more than 1 year §8-265
Mandatory Term of License Withdrawal Action:	None An offender may be issued restricted driving privileges in lieu of revocation. §8-254(b)
Other:	

Commercial Motor Vehicle (CMV) Operators⁵:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §8-2,142(f)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §8-2,142(f)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §8-2,142(f)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §8-2,128(f)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §8-2,128(v) & (b)

JURISDICTION:

KENTUCKY

General Reference:

This chapter summarizes Kentucky State statutes related to speed. Kentucky Revised Statutes and Kentucky Administrative Regulations (KAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway. §189.390(2)

Statutory Speed Limit:

65 MPH on interstate highways and divided highways with 4 or more lanes¹ §189.390(3)(a) & (5)(d)

See Other below.

55 MPH outside business or residential districts §189.390(3)(a)
35 MPH in business or residential districts §189.390(3)(a)
15 MPH on off-street parking facilities §189.390(c)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic investigations, the State Secretary of Transportation may increase or decrease the speed limits on any highway.² However, the speed limit on highways, including interstate and 4 lane divided highways which are located in urbanized areas, cannot exceed 55 MPH. §189.390(4)(a)

II. With the approval of the State Secretary of Transportation, a local government may establish speed limits for the highways or streets within its jurisdiction. However, such limits cannot exceed 55 MPH as noted in I above. §189.390(5)(a) & (b)

III. State and local authorities may reduce the speed limits on highways under their respective jurisdictions for reasons of highway design or to reduce highway damage or deterioration due to rain or other natural causes. §189.230(1)

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic. §189.390(6)

II. A person, driving a vehicle in a slow manner, shall keep the vehicle as closely as practicable to the right-hand boundary of the highway. §189.300(2)

Posted (Minimum) Speed Limit:

Other:

I. For vehicles with ≤5 horsepower, the maximum speed is 35 MPH in any location. §189.390(3)(b)

II. The Transportation Cabinet may establish temporary reduced speed limits in work zones. §189.390(4)(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Offenses are Violations. §532.020(4)

Other:

¹The interstate and divided highways must be fully controlled access highways. §189.390(5)(d)

²Note: Kentucky law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

KENTUCKY

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Speed Limit Violations-Not more than \$100³ §189.394

Other Violations-\$20 to \$100 §§189.990(1) & 189.993(12)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to attend a State Traffic School.⁴ §186.574
Assessment. In addition to any fine, an offender must pay a special
assessment of \$10 which is deposited into the Traumatic Brain Injury
Trust Fund. §§189.394(6) & 189.990(26)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁵ §§186.400, 186.570 & 186.572 and 601 KAR 13:025

Term of License Withdrawal

(Days, Months, Years, etc.):

I. **90 days to 2 years**⁵ for speeding violations except as noted II. For
speeding ≥26 MPH over the speed limit-1st offense-90 days 2nd
offense-Not less than 1 year Subsequent offense-Not less than 2 years
601 KAR 13:025

Mandatory Minimum Term of

Withdrawal:

1st offense-An offender may be placed on probation for 2 years⁶ in lieu
of license suspension. Subsequent offense-If a person receives an
additional conviction during the probation period, their license must be
suspended. 601 KAR 13:025

³Fines for speed limit violations are determined via a matrix. This matrix establishes fines based upon the extent (i.e., number of miles per hour over the speed limit) the offender exceeded a specific speed limit (the *prima facie* speed limit). The fines range from \$1 to \$55. §189.394(1) For speeding violations in excess of those shown in the matrix, the fine range is \$60 to \$100. §189.394(2) **Important.** These fines are **double** the usual amount if the offense occurred in a work zone. §189.394(6)

⁴The court may place an offender in this program in lieu of other sanctions. §186.574(1)

⁵**Point System.** I. Under the point system, an offender's license is suspended for 6 months if they accumulate 12 points within a 2 year period. The suspension is 1 year of a second accumulation of 12 points and 2 years for a third or subsequent accumulation of 12 points within a two year period. II. The following points are assigned for speeding and speed related offenses: (1) Speeding ≤ 15 MPH over the speed limit-3 points; speeding ≥ 16 MPH but < 26 MPH over the speed limit-6 points; reckless driving-4 points; driving too fast or too slow for conditions-3 points; careless driving-3 points. 601 KAR 13:025 In an opinion, the State Attorney General has noted that is no statutory difference between reckless and careless driving but that the point assessment system, nevertheless, distinguishes between these offenses and assigns different point values to them. To clarify which point value should be used, the attorney general has determined that the lower point value should be used in the interest of being lenient to the offender. OAG 78-771

⁶A person, who has been placed on probation, cannot be placed in such status again until 2 years have passed since the end of the has probation period. 601 KAR 13:025

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

- I. An offender is assessed **\$12.50** for any speeding violation. This assessment is deposited into a trust fund which is used for spinal cord and head injury research. §189.394(5)
- II. Offenders <18 Years Old. These offenders may be allowed to participate in a court diversion program. Under this program, the court must (1) prohibit the offender from driving for not more than 45 days and/or (2) require them to complete a driver improvement clinic. §189.990(27)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class B Misdemeanor⁷ §§189.505, 189.993(5) & 532.020(3)

Sanctions:

Criminal Sanction:

Not more than **30 days** §189.993(5)

Imprisonment (Term):

None

Mandatory Minimum Term:

\$60 to \$200 §189.993(5)

Fine (\$ Range):

None

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Suspension via the Point System⁵

Type of Action:

Length of Term of

90 days to 2 years⁵

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-An offender may be placed on probation for 2 years⁵ in lieu of license suspension. Subsequent offense-If a person receives an additional conviction during the probation period, their license must be suspended. 601 KAR 13:025

Other:

A person may be required to attend a State Traffic School.⁴ §186.574 **Assessment.** In addition to any fine, an offender must pay a special assessment of **\$10** which is deposited into the Traumatic Brain Injury Trust Fund. §189.990(26)

Careless (Reckless) Driving⁸:

Violation §§189.290(1), 189.990(1) & 532.020(4)

Sanction:

Criminal:

None

Imprisonment (Term):

⁷It is a violation to conduct a horse race on a highway. The only sanction for this offense is a fine of between \$20 and \$50. §§189.510, 189.990(7) & 532.020(4)

⁸Under Kentucky law, the terms "careless driving" and "reckless driving" are used interchangeably. See OAG 78-771 and *Hash v. Com.*, 883 S.W.2d 892 (Ky.App. 1992).

KENTUCKY

Other Criminal Actions Related to Speeding:
(continued)

Careless (Reckless) Driving:
(continued)

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

\$20 to \$100 §189.990(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation §§186.560 & 186.570 and 601 KAR
13:025

Length of Term of License

Withdrawal Action:

90 days to 2 years via the Point System⁵ 3 convictions within 12
months-Not less than a **2 year revocation** §186.560(1)(e) & (5)

Mandatory Term of License

Withdrawal Action:

3 convictions within 12 months-**2 year revocation** (appears mandatory)
§186.560(1)(e) & (5)

Other:

A person may be required to attend a State Traffic School.⁴ §186.574
Assessment. In addition to any fine, an offender must pay a special
assessment of **\$10** which is deposited into the Traumatic Brain Injury
Trust Fund. §189.990(26)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a
vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a
3 year period or (2) commit 3 such violations within a 3 year period.
§281A.190(6)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §281A.190(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §281A.190(6)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §281A.010(8)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §281A.010(29)

JURISDICTION:

LOUISIANA

General Reference:

This chapter summarizes Louisiana State statutes related to speed. West's Louisiana Statutes Annotated: Revised Statutes Note: Citations are to the Revised Statutes unless otherwise stated.

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather. §32:64(A)

Statutory Speed Limit:

70 MPH on interstate and controlled access highways¹ §§32:61(B) & 32:62(A)

65 MPH on other multi-lane divided highways which have partial or no control of access¹ §§32:61(B) & 32:62(A)

See Other below.

55 MPH on other highways¹ §§32:61(A) & 32:62(A)

Posted (Maximum) Speed Limit:

I. Base on engineering and traffic investigations, the State may increase or decrease the above speed limits.² §32:63(A)

Legislative Request. The Louisiana Legislature has requested that the State Department of Transportation "increase the speed limit on Louisiana Highway 23 in Plaquemines Parish on those sections of highway which are outside of the towns and only in those sections in which there are four-lane areas of roadway." House Concurrent Resolution 136 adopted in 1997 Note: The legislature did not recommend a speed limit.

II. The State can promulgate regulations regulating speed on Louisiana expressways. §48:1272

III. Local governments are authorized to establish speed limits or speed zones. However, no speed limit shall be established in excess of the above maximum limits. §§32:41(A)(9), 32:42 & 40:403

Minimum Speed Limit:

I. No person shall operate a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic. §32:64(B)

II. A person, who is operating a motor vehicle on a multilane highway at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic. §32:71(B)(1)

III. A person, who is operating a motor vehicle on a multilane highway at a speed slower than 10 MPH than the posted speed limit, shall drive in the right hand lane than available for traffic or as close as practicable to the right hand curb or edge of the roadway. §32:71(B)(2)

¹St. Tammany Parish & Adjacent Areas. The following speed limits apply in St. Tammany Parish and adjacent areas when, due to fog, visibility is ≤1,000 feet: Fifty-five (55) MPH from the intersection of Interstates 10, 12 and 59 west to Louisiana Highway 433 (Old Spanish Trail); 45 MPH west from the intersection of Interstate 10 and Louisiana Highway 433 to the north shore foot of the Interstate 10 bridge that crosses Lake Pontchartrain; 35 MPH west from the north shore foot of the Interstate 10 bridge that crosses Lake Pontchartrain to one (1) mile south of the foot bridge on the south shore. §32:63.1(A)

²Note: Louisiana law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

LOUISIANA

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:	Base on engineering and traffic investigations, the State may establish a minimum speed limit on any highway. §32:63(B)
Other:	I. No person shall operate a freight carrying vehicle upon an interstate highway > 60 MPH. §32:62(A)(2) II. No person shall tow a mobile home at a speed > 45 MPH. ³ The State is authorized to increase this limit. §32:62(B) III. Except for tow trucks, no person shall tow a vehicle at a speed > 45 MPH. §32:62(C) IV. No person shall operate a school bus, which is carrying children, at a speed > 55 MPH. ⁴ §32:62(D) V. A vehicle carrying a precast fiberglass swimming pool shall not be operated at a speed > 45 MPH. §32:387.3(A) VI. A person shall not operate a log loader at a speed > 40 MPH. §47:502.1(B)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. §14:2(4) & (6), 14:57(A) and Code of Criminal Procedure, Article 933
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment: Term (Day, Month, Years, Etc.):	<u>1st offense</u> -Not more than 30 days <u>Subsequent offense</u> -Not more than 90 days §§32:57(A) & 47:502.1(B)
Mandatory Minimum Term:	None
Fine: Amount (\$ Range):	<u>1st offense</u> -Not more than \$175⁵ <u>Subsequent offense</u> -Not more than \$500 §§32:57(A) & 47:502.1(B)
Mandatory Min. Fine (\$):	None
Other Penalties: Traffic School:	An offender may be required to attend a driver education, training or

³If the mobile home is either (1) ≥ 15 feet but ≤ 30 feet and is equipped with brakes or (2) < 15 feet and is not equipped with brakes, it may be towed at a speed ≤ 55 MPH between sunrise and sunset and ≤ 50 MPH between sunset and sunrise. §32:62(B)

⁴However, if the school bus is making frequent stops discharging children, it cannot be operated at a speed > 35 MPH. §32:62(D)

⁵For persons, who operate a log loader in excess of 40 MPH, the fine for a 1st offense is not more than \$100. §47:502.1(B) In all other respects, the sanctions for this offense are the same as for other speeding violations.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Traffic School: (continued) Other:</p>	<p>improvement program.⁶ Code of Criminal Procedure, Article 892.1 A fee of \$5 is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. §46:2633</p>
<p>Licensing Action: Type of Licensing Action (Susp/Rev): Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of Withdrawal:</p>	<p>Suspension, Revocation or Cancellation⁷ §32:414(E)(3) & (4) Not more than 1 year §32:414(F)(2) None⁸</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	<p>A person, who violates the speed limits on Louisiana expressways established via regulations promulgated under separate statutory authority, is subject to imprisonment for not more than 90 days and/or a fine of not more than \$200. §48:1272(A)</p>

Other Criminal Actions Related to Speeding:

<p><u>Drag Racing or Racing on the Highway:</u></p>	<p>Misdemeanor §§14:2(4) & (6), 14:32.1(B), 32:65 and Code of Criminal Procedure, Article 933</p>
<p>Sanctions: Criminal Sanction: Imprisonment (Term):</p>	<p><u>1st offense</u>-Not more than 30 days <u>Subsequent offense</u>-Not more than 90 days §32:57(A)</p>
<p>Mandatory Minimum Term: Fine (\$ Range):</p>	<p>None <u>1st offense</u>-Not more than \$175 <u>Subsequent offense</u>-Not more than \$500 §32:57(A)</p>
<p>Mandatory Minimum Fine:</p>	<p>None</p>

⁶I. The court may suspend the sentence of 1st offenders (misdemeanor offenders under Title 32) and order them to attend this program. Upon completion of the program, the offender's conviction may be set aside. Code of Criminal Procedure, Article 892.1(B) & (C) II. For either 1st or subsequent offenders, the court may defer proceedings and allow an offender to participate in this program provided the following conditions are satisfied: (1) The offender pleads either *nolo contendere* or guilty to the charge; (2) the offender has not participated in such a program within 2 years; and, (3) the offense did not involve exceeding the posted speed limit by 25 MPH or more. Code of Criminal Procedure, Article 892.1(E) Upon completion of the course, the court sets aside the conviction. However, the court can only set aside one charge for each course completed. Code of Criminal Procedure, Article 892.1(H)

⁷The licensing agency is authorized to either suspend, revoke or cancel a person's license upon a showing either (1) that have been convicted (or forfeited bail) on traffic offenses with such a frequency that their is an indication that they have a disrespect for the traffic law or (2) they are an habitually reckless or negligent driver. §32:414(E)(3) & (4)

⁸A person, who has had their license either suspended, revoked or cancelled for the first time, may apply for driving privileges based on economic hardship. I.e., that the loss of driving privileges would deprive the offender from earning a living. §32:415.1(A)

LOUISIANA

Other Criminal Actions Related to Speeding:
(continued)

Drag Racing or Racing on the Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension, Revocation or Cancellation⁷ §32:414(E)(3) & (4)

Length of Term of

Licensing Withdrawal:

Not more than **1 year** §32:414(F)(2)

Mandatory Action--Minimum

Length of License

Withdrawal:

None⁸

Other:

An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1

Reckless Vehicle Operation⁹:

Misdemeanor §§14:2(4) & (6), 14:32.1(B), 14:99 and Code of Criminal Procedure, Article 933

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **90 days** Subsequent offense-**10 days to 6 months** §14:99

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than **\$200** Subsequent offense-**\$25 to \$500**
§14:99

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension, Revocation or Cancellation⁷ §32:414(E)(3) & (4)
Revocation for 3 offenses within 12 months §32:414(B)(5)

Length of Term of License

Withdrawal Action:

Not more than **1 year** §32:414(F)(2)

Mandatory Term of License

Withdrawal Action:

None⁸

Other:

I. An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1
II. A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. §46:2633

Careless Vehicle Operation⁹:

Misdemeanor §§14:2(4) & (6), 14:32.1(B), 32:58 and Code of Criminal Procedure, Article 933

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **30 days** Subsequent offense-Not more than **90 days** §32:57(A)

⁹"Reckless operation" of a vehicle is defined as driving in a criminally negligent or reckless manner. §14:99. Whereas, "careless operation" of a vehicle means driving so as to endanger the life, limb, or property of any person. §32:58

Other Criminal Actions Related to Speeding:
(continued)

Careless Vehicle Operation: (continued)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than \$175 Subsequent offense-Not more than \$500 §32:57(A)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension, Revocation or Cancellation⁷ §32:414(E)(3) & (4)

Length of Term of License

Withdrawal Action:

Not more than 1 year §32:414(F)(2)

Mandatory Term of License

Withdrawal Action:

None⁸

Other:

An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §32:414.2(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §32:414.2(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §32:414.2(5)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §32:401(5)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §32:414.2(A)(d)



JURISDICTION:

MAINE

General Reference:

This chapter summarizes Maine State statutes related to speed. Maine Revised Statutes Annotated (MRS) & Code of Maine Rules (CMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing. Title 29-A, §2074

**Statutory Speed Limit:
See Other below.**

65 MPH on the Maine Turnpike and interstate and divided controlled-access highways Title 23, §1973(2) & Title 29-A, §2073(1)(C)
60 MPH on other highways Title 29-A, §2073(1)(C)
45 MPH on all other public ways Title 29-A, §2074(1)(D)
25 MPH in business or residential districts Title 29-A, §2074(1)(C)
15 MPH when passing a school during recess or when the students are going to or leaving the school Title 29-A, §2074(1)(A)

Posted (Maximum) Speed Limit:

I. The State is authorized to increase or decrease the above speed limits.¹ However, no posted speed limit can exceed 65 MPH for the Maine Turnpike and interstate or divided controlled-access highways or 60 MPH for all other roads. Title 23, §1973(2) & Title 29-A, §2073(1)(C)
II. A local government may alter speed limits. However, such alteration cannot be contrary to the State speed laws. Title 29-A, §2075(3)

Minimum Speed Limit:

A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 29-A, §2075(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit on a public way. Title 29-A, §2075(1)

Other:

A school bus may not be operated >45 MPH when transporting students. At other times, such vehicles cannot be operated at a speed >55 MPH. Title 29-A, §2074(1)(E)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Speed Law Violations are Non-Criminal Traffic Infractions. Title 29-A, §§101, 104 & 103(1)

Other:

¹Note: Maine law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

MAINE

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

\$25 to \$250² Title 29-A, §2604

Mandatory Min. Fine (\$):

\$25 Title 29-A, §104 For exceeding the 65 MPH speed limit on the Maine Turnpike or an interstate highway-**\$50** Title 29-A, §2074(3)

Other Penalties:

Traffic School:

A person, who completes a defensive driving course, will have their demerit point total reduced by 3 points. This can only occur once in a 12 month period. Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension³ Title 29-A, §§103(3) and 2458(2)(B) & (C)

Term of License Withdrawal

(Days, Months, Years, etc.):

15 days If a person has had 3 previous suspensions within 3 years-**120 days**

Mandatory Minimum Term of

Withdrawal:

None Note: Suspension action is discretionary with the licensing agency.

Miscellaneous Sanctions

Not Included Elsewhere:

In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Other Criminal Actions Related to Speeding:

Exceeding Speed Limit by 30 MPH:

Class E Crime Title 29-A, §2074(3)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than 6 months Title 17-A, §1252(2)(E)

²However, Title 29-A, §103(3) provides that a fine for a traffic infraction is not less than \$25 (mandatory under Title 29-A, §104) but not more than \$500.

³**Point System.** I. An offender's license may be suspended for up to 15 days if they accumulate 12 points within 1 year. If the offender has had 3 previous suspension within 3 years, they are subject to a suspension for up to 120 days. II. The following points are assigned for speeding or speed related offenses: Exceeding the speed limit by ≥ 15 but < 30 MPH-6 points; exceeding the speed limit by < 15 MPH-4 points; excessive acceleration-4 points; imprudent driving or speeding-4 points; failure to reduce speed on curve-2 points; obstructing the flow of traffic-2 points; speed under the posted minimum-2 points; and, squealing tires-2 points. Title 29-A, §2458(2)(C) & (3) and Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Other Criminal Actions Related to Speeding:
(continued)

Exceeding Speed Limit by 30 MPH:

(continued)

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than **\$1,000** Title 17-A, §1301(1-A)(E)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension Title 29-A, §2458(C) & Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Length of Term of

Licensing Withdrawal:

30 days Title 29-A, §2458(C) & Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

I. An offender may be sentenced to perform community service for the benefit of the State, a local government, a school district or other public entity. Title 17-A, §1345
II. In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Driving to Endanger⁴:

Sanction:

Class E Crime Title 29-A, §2413(1)

Criminal:

Imprisonment (Term):

Not more than **6 months** Title 17-A, §1252(2)(E)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** Title 17-A, §1301(1-A)(E)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension Title 29-A, §§2413(3) & 2458(2)(H)

Length of Term of License

Withdrawal Action:

30 to 180 days Title 29-A, §2413(3)

Mandatory Term of License

Withdrawal Action:

30 days Title 29-A, §2413(3)

Other:

I. An offender may be sentenced to perform community service for the benefit of the State, a local government, a school district or other public entity. Title 17-A, §1345

⁴A person commits this offense if they operate a motor vehicle in a manner that endangers the property of another. This includes the property of either the operator or a passenger in the vehicle. Title 29-A, §2413(1)

MAINE

Other Criminal Actions Related to Speeding:
(continued)

Driving to Endanger:
Other: (continued)

II. In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Suspension:

A person's CDL is suspended if, while driving a CMV, they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 29-A, §§1253 & 2458(2)(M) and CMR 29-250-006 (§5)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** Title 29-A, §§1253 & 2458(2)(M) and CMR 29-250-006 (§5)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 29-A, §§1253 & 2458(2)(M) and CMR 29-250-006 (§5)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is a bus or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 29-A, §101(17)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. CMR 29-250-006 (§2(H)(1) & (2))

JURISDICTION:

General Reference:

MARYLAND

This chapter summarizes Maryland State statutes related to speed. Annotated Code of Maryland. Most references are to the Transportation Article (Tran.)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed that, with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the conditions. Tran. §21-801(a)

Statutory Speed Limit:
See Other below.

65 MPH is the maximum speed limit which can be established on any highway. Tran. §21-801.1(e)(2)

55 MPH on (1) highways which are not interstate highways or expressways or (2) divided highways in other locations Tran. §21-801.1(b)(4) & (e)(1)

50 MPH on undivided highways except as noted below Tran. §21-801.1(b)(3)

35 MPH on divided highways in residential districts Tran. §21-801.1(b)(2)

30 MPH on highways in business districts or on undivided highways in residential districts Tran. §21-801.1(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Administration may alter the above speed limits. Such alterations may provide for different speed limits (1) at specified times of the day, for certain weather conditions, for various types of vehicles, and for other reasons concerned with highway safety. However, no speed limit shall be (1) > 65 MPH on any highway or (2) > 55 MPH on highways which are not interstate highways or expressways or divided highways in other locations. Tran. §§21-801.1(d) and (e)(1) & (2), 21-208

II. Based on engineering and traffic investigations, local governments¹ may establish posted speed limits.² However, a speed limit of > 50 MPH cannot be established in an urban district. In addition, a speed limit < 25 MPH cannot be established outside an urban district. Tran. §21-803

III. A local government may establish a safe maximum speed limit for an alley. Tran. §21-803(e)

IV. The State Highway Administration or a local government on highways under their respective jurisdictions, may establish a speed limit in a designated school zone which is within half-mile of a school.³

However, such speed limit cannot be > 35 MPH in a school zone where a school crossing guard is present. Tran. §21-803.1(a), (e) & (f)

¹County boards of education and university and college officials have the authority to establish speed limits on property within their jurisdiction. Tran. §21-803.2

²With the exception of the City of Baltimore, the State Highway Administration must approve the alteration of a speed limit on a State highway by a local authority. Tran. §21-803(d)

³Under other statutory authority, a municipality within a county may establish a speed limit of 15 MPH in a school zone during school hours. Tran. §21-803(b)(2)

MARYLAND

Basis for a Speed Law Violation:
(continued)

- Minimum Speed Limit: I. A person shall not operate willfully operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Tran. §21-804(a)
II. A person, who is driving a vehicle either (1) at 10 MPH or more below the posted speed limit or (2) at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Tran. §21-301(b)
- Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the State Highway Administration or a local government may establish a minimum speed limit on a highway or part thereof. Tran. §§21-804(b) & 21-1409
- Other: I. Speed limits may be established for highway work zones. Tran. §21-802.1
II. A school bus, while carrying any passengers, cannot be operated at a speed > 50 MPH. Tran. §21-806(a)
III. Following an investigation, the State Highway Administration may establish a maximum safe speed for any bridge or elevated structure. Tran. §21-806(b)
IV. Certain "dump trucks" when loaded cannot be operated at a speed > 45 MPH. This restriction does not apply on divided highways with two or more lanes in each direction. Tran. §13-919(g)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. Tran. §27-101(a)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.): None
Mandatory Minimum Term:
Fine:
Amount (\$ Range): Not more than \$500 Tran. §27-101(b)
Mandatory Min. Fine (\$): None
- Other Penalties:
Traffic School: School Zone. A fine of not more than \$1,000 may be imposed for exceeding a school zone speed limit. Tran. §27-101(r)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:
 Type of Licensing Action (Susp/Rev): **Suspension or Revocation** via a Point System⁴
 Term of License Withdrawal (Days, Months, Years, etc.): **Not more than 2 years**⁴
 Mandatory Minimum Term of Withdrawal: **None** If a suspension or revocation would adversely an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)

Miscellaneous Sanctions Not Included Elsewhere: **Notification.** If a minor (a person < 18 years old) is charged with a speeding offense where the speed was ≥20 MPH over the speed limit, the State notifies the cosigner of the minor's license of the charge. Art. 1, §24(b)(2) & Tran. §21-808

Other Criminal Actions Related to Speeding:

Race or Speed Contest on a Highway: Misdemeanor Tran. §§21-1116(a) & 27-101(a)
 Sanctions:
 Criminal Sanction: **None**
 Imprisonment (Term):
 Mandatory Minimum Term: **Not more than \$500** Tran. §27-101(b)
 Fine (\$ Range):
 Mandatory Minimum Fine: **None**

Administrative Licensing Action:
 Licensing Authorized and Type of Action: **Suspension or Revocation** via a Point System⁴

⁴**Point System.** If a person accumulates 8 points (16 points if the offender is required to drive in the course of employment) or 12 points (19 points if the offender is required to drive in the course of employment) within 2 years, they are subject respectively to either a license suspension or revocation. Tran. §§16-404(a)(3) & 16-405(b) An initial suspension is from 2 to 30 days; a subsequent suspension is from 15 to 90 days. A person, who has had their license revoked, is subject to the following revocation periods: 6 months if it is the offender's first revocation; 1 year if it is the offender's second revocation; 18 months if it is the offender's third revocation; and, 2 years if it is the offender's fourth or subsequent revocation. Tran. §§16-208(b) Note: For persons < 18 years old, suspension is for 6 months if they accumulate 6 points and is for 1 year if they accumulate 2 additional points. Tran. §16-206(b) These suspensions may be modified (i.e., they are not mandatory). Tran. §16-206(c)(5) The following points are assessed for speeding offenses and speed related law violations: Speeding ≥ 10 MPH over the posted speed limit-2 points; reckless driving-4 points; speeding ≥30 MPH over the posted speed limit-5 points; participating in a race or speed contest on a highway-5 points; exceeding the 65 MPH posted speed limit by ≥20 MPH-5 points; for any other traffic law (moving) violation not contributing to an accident-1 point; and, for any other traffic law (moving) violation contributing to an accident-3 points. Tran. §16-402(a)

Provisional Licensee. A person, who hold a provisional license, is subject to the following sanctions, which are in addition to any other sanctions, for a conviction of a moving violation that requires the assessment of points. 1st offense-the offender is **required** to attend a "driver improvement program;" 2nd violation-An offender's license **may** be suspended for not more than 30 days; and, 3rd or subsequent violation-An offender's license **may** be suspended for not more than 180 days. Tran. §16-213 Note: A provisional license is generally issued to persons who are less than 18 years old. Except for activities related to employment, education or athletic events, a provisional licensee can only operate a motor vehicle while "unsupervised" between the hours of 5 A.M. to midnight. Tran. §§16-103(c) & 16-113(d)

MARYLAND

Other Criminal Actions Related to Speeding:
(continued)

Race or Speed Contest on a Highway: (continued)

Length of Term of
Licensing Withdrawal: Not more than 2 years⁴
Mandatory Action--Minimum
Length of License
Withdrawal: **None** If a suspension or revocation would adversely an offender's
employment or opportunity for employment, such licensing action may
be declined, canceled or modified. Tran. §16-405(a)

Other:

Reckless Driving⁵: Misdemeanor Tran. §§21-901.1(a) & 27-101(a)

Sanction:

Criminal:

Imprisonment (Term): **None**

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range): Not more than \$500 Tran. §27-101(b)

Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev): **Suspension or Revocation** via a Point System⁴

Length of Term of License

Withdrawal Action: Not more than 2 years⁴

Mandatory Term of License

Withdrawal Action: **None** If a suspension or revocation would adversely an offender's
employment or opportunity for employment, such licensing action may
be declined, canceled or modified. Tran. §16-405(a)

Other:

Negligent Driving⁶: Misdemeanor Tran. §§21-901.1(b) & 27-101(a)

Sanction:

Criminal:

Imprisonment (Term): **None**

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range): Not more than \$500 Tran. §27-101(b)

Mandatory Minimum Fine: **None**

⁵"Reckless driving" is defined as operating a motor vehicle either (1) in a wanton or willful disregard for the safety of persons or property or (2) in a manner that indicates a wanton or willful disregard for the safety of persons or property. Tran. §21-901.1(a)

⁶"Negligent driving" is defined as operating a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual. Tran. §21-901.1(b)

Other Criminal Actions Related to Speeding:
(continued)

Negligent Driving: (continued)
Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Suspension or Revocation via a Point System⁴

Not more than 2 years⁴

None If a suspension or revocation would adversely an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)

Other:

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. Tran. §16-812(f) & (g)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. §16-812(f) & (g)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. §16-812(f) & (g)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. §11-109.1(a)

⁸A "serious traffic violation" includes excessive speeding as defined by the U.S. Department of Transportation (exceeding the speed limit by 15 or more MPH) or reckless driving. Tran. §16-803(h)



JURISDICTION:

MASSACHUSETTS

General Reference:

This chapter summarizes Massachusetts State statutes related to speed. Massachusetts General Laws Annotated and Code of Massachusetts Regulations (CMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall "run" a motor vehicle at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.¹ Ch. 90, §17

Statutory Speed Limit:
See Other below.

65 MPH on certain parts of interstate highways² Ch. 90, §17A

Posted (Maximum) Speed Limit:

The State or a local government may regulate the speed limit on a highway. Ch. 90, §18 Note: Massachusetts law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Minimum Speed Limit:

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon a highway. 720 CMR 9.06(6)(a)

Posted (Minimum) Speed Limit:

Other:

- I. No vehicle with a load of weighing >4 tons when equipped with metallic tire shall be operated at a speed >4 MPH. Ch. 85, §31
- II. Certain State agencies have the authority to regulate speed on certain roads or highways under their jurisdiction. The regulations governing these speed limits are not reported in detail.³
- III. Except on limited access highways, a school bus shall not be driven >40 MPH while actually engaged in carrying school children. Ch. 90, §17
- IV. A motorized bicycle shall not be driven at speed >25 MPH. Ch. 90, §1B (¶ 1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. Ch. 274, §1

¹It is *prima facie* evidence of a violation of this rule if a person operates a motor vehicle in excess of the following speed limits: (1) >50 MPH on a divided highway outside a thickly populated business district; (2) >40 MPH on any other highway outside a thickly populated business district; (3) >30 MPH inside a thickly populated business district; (4) >20 MPH in an established school zone; and, (5) >15 MPH in the vicinity of a vehicle which is selling merchandise and is displaying flashing amber lights. Ch. 90, §17

²This speed limit applies "on interstate highway route 90, the Massachusetts Turnpike, between the New York state border and the Westfield interchange, and from the Ludlow interchange to the Auburn interchange, interstate highway route 91 from the Vermont border to Northampton, Exit 21, and interstate 95 from the Newbury interchange 56 to the Danvers interchange 50..." Ch. 90, §17A

³E.g., 321 CMR 3.01(1)(g) which regulates speed on roads in wildlife management areas; 730 CMR 3.04 (2)(s) and 3.05(15), (16) & (17) which regulates speed in certain tunnels; 350 CMR 4.01(2) which regulates speed on roads controlled by the Metropolitan District Commission; 740 CMR 11.05(2) which regulates speed on the Maurice J. Tobin Bridge; 304 CMR 12.16(2) which regulates speed in certain forests and parks; and, 740 CMR 21.51(6) which regulates speed on roads around certain airports.

MASSACHUSETTS

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule, Speed Limit Violations-Not less than \$50⁴ If the offender was exceeding the speed limit by > 10 MPH, an additional fine of \$10 per MPH over the such limit. Ch. 90, §20 (¶2)

Unnecessarily Obstructing Traffic-Not more than \$20 720 CMR 9.06(6)(a) & Ch. 85, §2

Exceeding 4 MPH While Operating Vehicles with Metallic Tires with a Load >4 Tons-Not more than \$100 Ch. 85, §32

Driving a Motorized Bicycle >25 MPH-1st offense-A fine of not less than \$25 2nd offense-A fine of not less than \$25 nor more than \$50 Subsequent offense-a fine of not less than \$50 nor more than \$100 Ch. 90, §1B (¶ 3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action
(Susp/Rev):

3rd or subsequent offense within 12 months-**Revocation** Ch. 90, §20 (¶4)

Term of License Withdrawal
(Days, Months, Years, etc.):

3rd or subsequent offense within 12 months-For at least 30 days Ch. 90, §20 (¶4)

Mandatory Minimum Term of
Withdrawal:

3rd or subsequent offense within 12 months-**30 days** Ch. 90, §20 (¶4)
The minimum revocation period appears to be mandatory.

Miscellaneous Sanctions

Not Included Elsewhere:

The State licensing agency has the authority to either suspend or revoke a person's driving privilege based on a violation of the traffic laws if it believes that the violation was of such a nature that continuing to allow the offender to drive would "constitute an immediate threat to the public safety." Ch. 90, §22(a)

Other Criminal Actions Related to Speeding:

Drag Racing:

Misdemeanor Ch. 90, §17B & Ch. 274, §1

⁴I. **Heavy Vehicles.** A person who violates the speed laws when operating any motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, operating under a permit issued under Ch. 85, §§30 and 31A, and which is over weight, is subject to the following fine sanctions: 1st offense-Not more than \$100; 2nd offense within 12 months-\$100 to \$150; and, subsequent offense-\$150 to \$300. Ch. 90, §20 (¶3) II. **Exceeding the 65 MPH Speed Limit on Interstate Highways.** Although the law is not clear, it appears that the following sanctions (the general sanctions for a violation of the traffic laws) apply to this violation: 1st offense-\$35; 2nd offense within 12 months-\$35 to \$75; and a subsequent offense within 12 months-\$75 to \$150. Ch. 90, §20 (¶1)

Other Criminal Actions Related to Speeding:
(continued)

<u>Drag Racing:</u> (continued)	Sanctions:
Criminal Sanction:	None
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	<u>1st offense-\$100 to \$500</u> <u>Subsequent offense-\$200 to \$1,000</u> Ch. 90 §17B
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension Ch. 90, §17B
Length of Term of Licensing Withdrawal:	<u>1st offense-Not less than 30 days</u> <u>Subsequent offense-Not less than 60 days</u> Ch. 90 §17B
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense-30 days</u> <u>Subsequent offense-60 days</u> Ch. 90 §17B The minimum suspension period appears to be mandatory.
Other:	
<u>Racing on the Highway</u> ⁵ :	Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1
Sanction:	
Criminal:	
Imprisonment (Term):	2 weeks to 2 years Ch. 90, §24(2)(a)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$20 to \$200 Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation Ch. 90, §24(2)(b)
Length of Term of License Withdrawal Action:	<u>1st offense-At least 60 days</u> <u>Subsequent offense</u> within 3 years- <u>At least 1 year</u> Ch. 90, §24(2)(c)
Mandatory Term of License Withdrawal Action:	<u>1st offense-60 days</u> <u>Subsequent offense</u> within 3 years- 1 year Ch. 90, §24(2)(c)
Other:	The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)

⁵Although the State does not have a specific crime entitled "racing on the highway", it does make it an offense to operate a motor vehicle on a highway upon a bet or wager in a race or for the purpose of making a record. Ch. 90, §24(2)(a)

MASSACHUSETTS

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving</u> ⁶ :	Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1
Sanction:	
Criminal:	
Imprisonment (Term):	2 weeks to 2 years Ch. 90, §24(2)(a)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$20 to \$200 Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation Ch. 90, §24(2)(b)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -At least 60 days <u>Subsequent offense</u> within 3 years-At least 1 year Ch. 90, §24(2)(c)
Mandatory Term of License Withdrawal Action:	None The licensing agency may rescind the revocation at any time. Ch. 90, §24(2)(c)
Other:	The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)

Commercial Motor Vehicle (CMV) Operators⁷:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. Ch. 90F, §9(E)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days Ch. 90F, §9(E)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days Ch. 90F, §9(E)

⁶The crime of "reckless driving" is defined as operating a motor a vehicle in a reckless or negligent manner so as to endanger lives or the public safety. Ch. 90, §24(2)(a)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Ch. 90F, §1

⁸A "serious traffic violation" includes excessive speed as determined by the U.S. Department of Transportation (exceeding the speed limit by 15 or more MPH), operating a motor vehicle as to endanger or reckless driving. Ch. 90F, §1

JURISDICTION:

MICHIGAN

General Reference:

This chapter summarizes Michigan State statutes related to speed.
Michigan Compiled Laws Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. §257.627(1)

Statutory Speed Limit:
See Other below.

70 MPH on parts of freeways under a special speed study §257.628(5)
65 MPH, except as noted above, on freeways §257.628(5)
55 MPH on other highways §257.628(1)
25 MPH (*prima facie* unlawful speed) in business or residence districts, in public parks or in school zones¹ §§257.627(2) & 257.627a(2)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, State and local governments may establish maximum speed limits on highways under their jurisdiction. §258.628(1) Note: Michigan law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Local authorities may increase or decrease the 25 MPH speed limit in a school zone.¹ §§257.627a(4) & 257.606(1)(k)
III. Local authorities may increase the *prima facie* speed limits within their jurisdictions. However, a *prima facie* speed limit outside either a business or residential district shall not be <25 MPH. A *prima facie* speed limit of not < 15 MPH may be established for publicly owned parks or playgrounds. §257.629(1) & (4)
IV. A municipal government may establish speed limits on the properties of any board of education, school district or community college district located within its jurisdiction. §257.961
V. When a state of emergency exists, the governor may reduce the speed limit on any street, highway or freeway via executive order. §257.629b

Minimum Speed Limit:

I. See the Basic Speed Rule above.
II. The minimum speed limit on freeways is 45 MPH. §257.628(5)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, State and local governments establish minimum speed limits on highways under their jurisdictions. §258.628(1)

¹The *prima facie* speed limit in a school zone is in force from 30 minutes before to 30 minutes after school is in session and during school lunch periods when students are allowed to leave the school. §257.627a(2)

If, in order to attend classes, school children must cross a state highway with a speed limit ≥ 35 MPH, the State Transportation Commission, at the request of school authorities and based upon traffic engineering studies, may reduce the speed limit at designated school crossing zones. §257.627a(5)

If the street in the school zone has a sidewalk on at least one side, the speed limit in the zone may be established at not less than 15 MPH below the regularly posted speed limit. In no situation shall the limit be established at <25 MPH. §257.627(a)(6)

MICHIGAN

Basis for a Speed Law Violation: (continued)

Other:

- I. A person operating a passenger vehicle which is towing another vehicle shall not drive > 55 MPH.² §257.627(5)
- II. A person operating a truck weighing ≥ 10,000 lbs. shall not drive > 55 MPH.³ §257.627(6)
- III. A person shall not operate a school bus > 50 MPH (> 55 MPH on a limited access highway or freeway). §§257.627(7), 257.627b & 257.1861
- IV. Unless a special speed limit has been established, a person shall not operate a motor vehicle in a designated work area > 45 MPH. §257.627(9)
- V. A person shall not exceed the maximum safe posted speed limit which has been established for a bridge, causeway or viaduct. §257.631(1)
- VI. In the Lower Peninsula, towed mobile homes > 14-1/3 feet wide are prohibit from traveling either > 45 MPH or < 10 MPH below the speed limit whichever is lower. §257.719b(d)
- VII. It is *prima facie* unlawful to operate a vehicle > 15 MPH in a mobile park home. §257.627(4)
- VIII. Certain combinations of vehicles shall not be operated a speed > 15 MPH.⁴ §257.719(4)(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted, Speed Law Violations are Civil Infractions. §257.627(10)

Other:

The following are Misdemeanor Offenses: (1) Exceeding the speed limit in a school zone or (2) driving a school bus in excess of 55 MPH limit on a limit on limited access highway or freeway. §§257.627a, 257.627b and 257.901

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Civil Infraction-N/A

Misdemeanor-Not more than 90 days §257.901

²This limit does not apply if (1) "vehicle or trailer has 2 wheels or less and does not exceed the combined weight of 750 pounds for the vehicle or trailer and load, or a trailer coach of not more than 26 feet in length with brakes on each wheel and attached to the passenger vehicle with an equalizing or stabilizing coupling unit." §257.627(5)

³If reduced loading is being enforced on any highway, the maximum speed is 35 MPH. §257.627(6)

⁴The combinations include the following: (1) A truck hauling more than 1 trailer or semitrailer; and, (2) a truck tractor hauling more than 2 semitrailers or 1 semitrailer and a trailer. However, this reduced speed does not apply (1) to farm tractor hauling 2 wagons, (2) to garbage or refuse hauling up to 4 trailers (with a combined length of not > 55 feet). §257.719(4)(a)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Mandatory Minimum Term:</p> <p>Fine:</p> <p style="padding-left: 20px;">Amount (\$ Range):</p> <p>Mandatory Min. Fine (\$):</p> <p>Other Penalties:</p> <p style="padding-left: 20px;">Traffic School:</p> <p style="padding-left: 20px;">Other:</p> <p>Licensing Action:</p> <p style="padding-left: 20px;">Type of Licensing Action (Susp/Rev):</p> <p style="padding-left: 20px;">Term of License Withdrawal (Days, Months, Years, etc.):</p> <p style="padding-left: 20px;">Mandatory Minimum Term of Withdrawal:</p> <p>Miscellaneous Sanctions Not Included Elsewhere:</p>	<p>None</p> <p><u>Civil Infraction</u>-Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a schedule established by each district or municipal court. However, if a civil infraction violation is accompanied by a responsible or reasonable explanation, the fine is not more than \$100. §§257.907(2) & 600.8827</p> <p><u>Misdemeanor</u>-Not more than \$100 §257.901</p> <p><u>Civil Infraction</u>: A mandatory fine is imposed for speeding related to exceeding the maximum speed limit on a highway or freeway.⁵ Note: Mandatory minimum fines could be established by the courts via the fine schedule.</p> <p>A person may be required to attend a traffic education program. §257.907(5)</p> <p>Suspension via a Point System⁶ §§257.320(1)(d) & (2) and 257.320a</p> <p>Not more than 1 year §257.320(4)</p> <p>None</p> <p>Important. A person, who commits a moving violation (e.g. speeding violation), in a construction or school zone is subject to a fine that is double that otherwise prescribed by law. §257.601b</p>
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⁵The following mandatory fines apply to persons who exceed the speed limit on highways or freeways with a maximum speed limit ≥ 55 MPH and where the offender has responded "with explanation" to a civil infraction: 1 to 5 MPH over the limit-\$10; 6 to 10 MPH over the limit-\$20; 11 to 15 MPH over the limit-\$30; 16 to 25 MPH over the limit-\$40; and, ≥ 26 MPH over the limit-\$50. §257.629c

⁶**Point System.** I. A persons's license is subject to suspension if they accumulate 12 points within a 2 year period. §257.320(1)(d) II. The following points are assigned for speeding and speed related violations: Felony resulting from the operation of a motor vehicle-6 points; reckless driving-6 points; drag racing-4 points; exceeding the speed by > 15 MPH-4 points; careless driving-3 points; exceeding the speed by > 10 MPH but ≤ 15 MPH-3 points; exceeding the speed limit by ≤ 10 MPH-2 points; and, all other speed related moving violation-2 points. §257.320a(a), (e), (f), (i), (j) & (k) (After 10/1/99, see §257.320a(a), (d), (e), (i), (j) & (n).) III. However, the following points are assessed for exceeding the speed limit on highways where the speed limit is ≥ 55 MPH if the offender has responded "with an explanation" to a civil infraction: 1 to 5 MPH over the limit-0 points; 6 to 10 MPH over the limit-1 point; 11 to 15 MPH over the limit-2 points; 16 to 25 MPH over the limit-3 points; and, ≥ 26 MPH over the limit-4 points. §257.629c

MICHIGAN

Other Criminal Actions Related to Speeding:

Drag Racing on Highway⁷:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§257.626a & 257.901(1)

Not more than **90 days** §257.901(2)

None

Not more than **\$100** §257.901(2)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via the Point System⁶ §§257.257(1)(d) & 257.320a(1)

Not more than **1 year** §257.320(4)

None

Other:

Careless or Negligent Driving⁸:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Civil Infraction §§257.626b & 257.907

None

Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a schedule established by each district or municipal court. However, if a civil infraction violation is accompanied by a responsible or reasonable explanation, the fine is not more than **\$100**. §§257.907(2) & 600.8827

Note: A mandatory minimum fine could be established by the courts.

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension via the Point System⁶ §§257.257(1)(d) & 257.320a(1)

Not more than **1 year** §257.320(4)

None

Other:

⁷The offense of "drag racing" on a highway is defined as operating a motor vehicle either (1) in a speed or acceleration contest, (2) for the purpose of making a record, or (3) where 2 or more vehicles accelerate in an attempt to out-distance each other. §257.626a

⁸This offense is defined as the operation of a vehicle in a careless or negligent manner which is likely to endanger any person or property but where such action was without wantonness or recklessness. §257.626b

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Misdemeanor §§257.626(a) & 257.901(1)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 90 days §257.626(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$100 §257.626(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation §257.319(1)(d) Also, Suspension via the Point System ⁶ §§257.257(1)(d) & 257.320a(1)
Length of Term of License Withdrawal Action:	<u>Revocation</u> - 90 days to 2 years §257.319(1) <u>Suspension</u> -Not more than 1 year §257.320(4)
Mandatory Term of License Withdrawal Action:	<u>Revocation</u> - 90 days §257.319(1) The minimum suspension period appears to be mandatory. <u>Suspension</u> - None
Other:	
<u>Felonious Driving</u> ⁹ :	Felony §752.191
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 2 years §752.191
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 §752.191
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §752.192 Also, Suspension via the Point System ⁶ §§257.257(1)(d) & 257.320a(1)
Length of Term of License Withdrawal Action:	I. The court recommends that the licensing agency suspended an offender's license. The recommendation is included as part of the sentence. §752.192 II. Suspension via the Point System-Not more than 1 year §257.320(4)
Mandatory Term of License Withdrawal Action:	I. The court does not have to make a recommendation that an offender's license be suspended. However, if it does, it appears that the suspension period is mandatory. §752.192 II. Suspension via the Point System- None

⁹Felonious driving is defined as operating a motor vehicle "carelessly and heedlessly in wilful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property and thereby injuring so as to cripple any person, but not causing death." §752.191

MICHIGAN

Other Criminal Actions Related to Speeding:
(continued)

Felonious Driving: (continued)
Other:

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Suspension:

A person's CDL is suspended if, while driving a CMV, they either (1) commit 2 "serious traffic violations"¹¹ within a 36 month period or (2) commit 3 such violations within a 36 months period. §257.319b(1)(a) & (b)

Period of Suspension:

2 serious violations (within 36 months)-**60 days** 3 serious violations (within 36 months)-**120 days** §257.319b(1)(a) & (b)

Period of Mandatory Suspension:

2 serious violations (within 36 months)-**60 days** 3 serious violations (within 36 months)-**120 days** §257.319b(1)(a) & (b)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥10,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §480.11a(1)(c)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless driving. §257.319b(2)(b) & (b) (After 10/1/99, a "serious traffic offense" means careless driving or excessive speeding as defined under Federal Regulations. These regulations define a "serious traffic offense" to include exceeding the posted speed limit by 15 MPH or more (49 CFR 383.5). §257.319b(3)(b))

JURISDICTION:

MINNESOTA

General Reference:

This chapter summarizes Minnesota State statutes related to speed.
Minnesota Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions. §169.14, subs. 1 & 3

Statutory Speed Limit:
See Other below.

A speed in excess of the following limits is *prima facie* evidence that such a speed is not reasonable and prudent. §169.14, subd. 2

- 1) 65 MPH on highways during the daytime¹ §169.14, subd. 2(a)(2)
- 2) 55 MPH on highways during the nighttime² §169.14, subd. 2(a)(3)
- 3) 30 MPH in an urban district §169.14, subd. 2(a)(1)
- 4) 25 MPH on residential roadways³ §169.14, subd. 2(a)(5)
- 5) 10 MPH in alleys §169.14, subd. 2(a)(4)
- 6) 10 to 30 MPH in manufactured home parks⁴ §327.27, subs. 2 & 2a
- 7) 10 MPH in recreational camping areas §327.27, subd. 2

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Commissioner of Transportation may increase or decrease the above speed limits. Any speed in excess of these posted limits is *prima facie* evidence that the speed was not reasonable or prudent. §169.14, subs. 4 & 5 Note: Minnesota law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

II. If the commissioner establishes a speed limit of > 30 MPH for a highway within an urban district, the local government may reduce such limit for quarter-mile segments to 30 MPH. §169.14, subs. 5b

III. Based on engineering and traffic investigations, local governments may establish speed limits in school zones.⁵ The speed limit in such zone cannot be < 15 MPH nor > 20 MPH below the established speed limit where such speed limit is normally ≥ 40 MPH. §169.14, subd. 5a

IV. Based on engineering and traffic investigations, a local government may establish a speed limit different than above for any alley. §169.14, subd. 5c

¹"Daytime" is defined as a half hour before sunrise to a half hour after sunset. §169.14, subd. 2(c)

²"Nighttime" is defined as either any other time than "daytime" or when weather conditions prevent "sufficient light to render clearly discernible persons or vehicles at a distance of 500 feet." §169.14, subd. 2(c)

³If such a speed limit is adopted by the authority having jurisdiction over such roadway. §169.14, subd. 2(a)(5) & (b)

⁴The speed limit in a manufactured home park is 10 MPH. §327.27, subd. 2 However, via local ordinance, this limit may be increased to not > 30 MPH. §327.27, subd. 2a

⁵If the school speed zone is on trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5a

MINNESOTA

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

V. The State Commissioner of Transportation on trunk highways and local governments on streets and roads under their jurisdiction may establish temporary speed limits in work zones. §169.14, subd. 5d(a) The minimum speed limit in these zones is 20 MPH. However, the speed in such zone shall neither be < 15 MPH below the normal speed limit nor > 40 MPH. §169.14, subd. 5d(b)

VI. Based on engineering and traffic investigations, a local governments may establish speed limits within a school zones. These limits shall be in effect when children are present at, going to or leaving schools during opening or closing hours or during school recess periods. Such speed limits shall neither be < 15 MPH nor < 20 MPH below the established speed limits. §169.14, subd 5a (¶1)

VII. Based on engineering and traffic investigations, the governmental authority over a park may establish speed limits therein.⁶ §169.14, subd. 5e The speed limit cannot be < 20 MPH. In addition, existing speed limits cannot be reduced by > 15 MPH. §169.14, subd. 5e

VIII. Based on investigations, the State Commissioner of Transportation may establish a safe maximum speed for bridges or elevated structures. §169.16

IX. The Regents of the University of Minnesota have the authority to adopt traffic rules and regulations for roads, streets and highways situated on property owned, leased or occupied by the university. This could include the establishment of speed limits. §169.965, subd. 1

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §169.15

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §169.18, subd. 10

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Commissioner of Transportation may establish minimum speed limits on any part of a trunk highway. §169.14, subd. 8

Other:

I. A person is prohibited from operating a vehicle, which is pulling another with chains and tow bars, > 35 MPH. §168.055

II. A person shall not tow a farm trailer, having gross vehicle weight > 6,000 lbs., > 25 MPH. §169.145(2)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

I. Except as Noted, Speed Law Violations are Petty Misdemeanors. §169.89, subd. 1

II. A 3rd or Subsequent Speed Law Violation (Within 12 months) is a Misdemeanor. §169.89, subd. 1

⁶If the park is on trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5e

Adjudication of Speed Law Violations: (continued)

Other: I. It is a Misdemeanor for a person to operate a vehicle, which is pulling another with chains and tow bars, > 35 MPH. §168.056
 II. It is a Misdemeanor to violate the established speed limits in manufactured home parks or recreational camping areas. §§144.99, subds. 1 & 11 and 327.27, subds. 2 & 2a

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
 Etc.):

Petty Misdemeanor Offense-None §169.89, subd. 2
Misdemeanor Offense-Not more than 90 days §609.03(3)

Mandatory Minimum Term:

None

Fine:

Petty Misdemeanor Offense-Not more than \$200 §169.89, subd. 2
Misdemeanor Offense-Not more than \$700 §609.03(3)

Amount (\$ Range):

None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

In addition to or in lieu of other sanctions, the court may require a person to attend a driver improvement clinic. §169.89, subd. 5

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁷ §§171.16, subds. 1 & 2 and 171.18, subd. 1(2) & (4) or subsequent offense (within 12 months)-Revocation⁸ §171.17, subd. 1(6)

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension. The law providing for court recommend suspensions does not state either minimum or maximum suspension periods. §171.16, subds. 1 & 2 However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than **1 year**. §171.18, subd. 3(d)

Revocation. Note: The law does not provide for a maximum revocation period.

Mandatory Minimum Term of

Withdrawal:

None Note: In circumstances where an offender's license has been revoked, they may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with their family's well being. §171.30, subd. 1

⁷I. The court, at its discretion, may recommend that the licensing agency suspend an offender's license. Upon such recommendation, the licensing agency suspends the person's license without a hearing. §171.16, subd. 2. II. The licensing agency on its own initiative, can suspend an offender's license if (1) the violation contributed to an accident that result in death, personal injury or property damage or (2) the offender is an habitual violator of the traffic laws. §171.18, subd. 1(2) & (4)

⁸The law provides for license revocation for the commission of 3 or violations of Chapter 169 (e.g., speeding, reckless driving or careless driving violations) within a 12 month period. §171.17, subd. 1(6)

MINNESOTA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

- I. **Construction Zone.** A person, who violates the "work zone speed limit," is assessed an additional surcharge which is equal to the fine but not <\$25. §169.14, subd. 5d(d)
- II. **School Zone.** A person, who violates the "work zone speed limit," is assessed an additional surcharge which is equal to the fine but not <\$25. §169.14, subd. 5a (14)
- III. An assessment of 20% of the fine is imposed. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment of ≥\$25 but ≤\$50. §609.101, subd. 1(a) and (b)(1) & (2)
- IV. An assessment of 15% of the fine is imposed for the purpose of funding the Police Officers Training Account. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment ≥\$5 but ≤\$10 for a petty misdemeanor or ≥\$25 but ≤\$50 for either a misdemeanor, gross misdemeanor or felony. §626.861, subd. 1

Other Criminal Actions Related to Speeding:

Reckless or Careless Driving⁹:

Sanction:

Misdemeanor §169.13, subs. 1 & 2

Criminal:

Imprisonment (Term):

Not more than **90 days** §609.03(3)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$700** §609.03(3)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension⁷ §§171.16, subs. 1 & 2 and 171.18, subd. 1(2) & (4) 3
or subsequent offense (within 12 months)-**Revocation**⁸ §171.17, subd. 1(6)

Length of Term of License

Withdrawal Action:

Suspension. The law providing for court recommend suspensions does not state either minimum or maximum suspension periods. §171.16, subs. 1 & 2 However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than **1 year**. §171.18, subd. 3(d)
Revocation. Note: The law does not provide for a maximum revocation period.

⁹**Reckless Driving.** "Reckless driving" is defined as operating a motor vehicle "as to indicate either a wilful or a wanton disregard for the safety of persons or property." §169.12, sub. 1 **Careless Driving.** "Careless driving" is defined as operating a motor vehicle "carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle." §169.13, subd. 2 Both offenses are misdemeanors. §169.13, subs. 1 & 2

Other Criminal Actions Related to Speeding:
(continued)

Reckless or Careless Driving: (continued)

Mandatory Term of License

Withdrawal Action:

None Note: In circumstances where an offender's license has been revoked, they may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with their family's well being. §171.30, subd. 1

Other:

- I. In addition to or in lieu of other sanctions, the court may require a person to attend a driver improvement clinic. §169.89, subd. 5
- II. An assessment of 20% of the fine is imposed. However, if the court does not impose a fine sanction, it must, nevertheless, impose a an assessment of ≥\$25 but ≤\$50. §609.101, subd. 1(a) and (b)(1) & (2)
- III. An assessment of 15% of the fine is imposed for the purpose of funding the Police Officers Training Account. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment ≥\$5 but ≤\$10 for a petty misdemeanor or ≥\$25 but ≤\$50 for either a misdemeanor, gross misdemeanor or felony. §626.861, subd. 1

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §171.165, subd. 4

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §171.165, subd. 4

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §171.165, subd. 4

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,000 lbs., is a bus or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §171.01, subs. 22 & 26

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless or careless driving. §171.165, subd. 4



JURISDICTION:

MISSISSIPPI

General Reference:

This chapter summarizes Mississippi State statutes related to speed.
Mississippi Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

See Careless Driving.

Statutory Speed Limit:
See Other below.

70 MPH for private passenger vehicles or passenger buses on interstate highways or on U.S. designated highways with 4 or more lanes. §63-3-501 (¶3)
65 MPH for private passenger vehicles or passenger buses on other highways. §63-3-501 (¶2)
60 MPH for trucks or truck-trailers on highways with 4 or more lanes §63-3-501 (¶1)
55 MPH for trucks or truck-trailers on other highways §63-3-501 (¶1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Commission may decrease the above speed limits. §63-3-503 (¶1)
Note: Except as noted under Other below, Mississippi law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, local governments may decrease the maximum speed limits on streets or highways under their jurisdictions. However, no posted speed limit shall be < 15 MPH §63-3-511 (¶1)
III. Based on engineering and traffic investigations, local governments may adopt speed limits on limited portions of highways that are near schools or churches. The local government may provided that these special limits shall only be in effect during certain days or times. §63-3-515

Minimum Speed Limit:

A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §63-3-603

Posted (Minimum) Speed Limit:

30 MPH on Federal designated highway when no hazard exists §63-3-509(1)
40 MPH on Interstate highways on 4 lane U.S. designated highways which have a posted maximum speed limit of 70 MPH §63-3-509(2)

Other:

I. A school bus shall not be operated at a speed >45 MPH while transporting children to and from school on regular routes. However, such bus may be operated at not > 50 MPH on authorized school trips. §37-41-47
II. During inclement weather or when visibility is bad, a truck or truck-trailer cannot be operated > 45 MPH. §63-3-505
III. The State Highway Commission may establish safe maximum speed limits for bridges or elevated structures. §63-3-513
IV. Speed limits may be established for a "highway work zone." §63-3-516(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §§37-41-47 & 63-9-11(1)

MISSISSIPPI

Adjudication of Speed Law Violations:
(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense within 1 year-Not more than **20 days** Subsequent offense within 1 year-Not more than **6 months** §63-9-11(2)

Special Note: If the offender only exceeded the posted speed limit (§63-3-503 (¶1)) but did not exceed the maximum speed limit (§63-3-501), the incarceration term is only **half** of that noted above. §63-3-503 (¶3)

Operating a School Bus in Excess of either 45 or 50 MPH-None §37-41-47

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense within 1 year-Not more than **\$200** Subsequent offense within 1 year-Not more than **\$500** §63-9-11(2)

Special Note: If the offender only exceeded the posted speed limit (§63-3-503 (¶1)) but did not exceed the maximum speed limit (§63-3-501), the fine is only **half** of the amount noted above. §63-3-503 (¶3)

Operating a School Bus in Excess of either 45 or 50 MPH-\$25 to \$100 §37-41-47

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Highway Work Zone. A person is subject to a fine of not more than **\$250** for exceeding the posted speed limit in a highway work zone. §63-3-516(1)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension¹ §63-1-53(2)(d)

Note: The law does not specify either a minimum or maximum suspension period.

Mandatory Minimum Term of

Withdrawal:

None

Miscellaneous Sanctions

Not Included Elsewhere:

I. For speed law violations in Title 63, there is, in addition to any fine, a mandatory State assessment of **\$23**. §99-19-73(1) & (3)

¹The licensing agency has the discretionary authority to suspend a person's license if they have "been convicted with such frequency of serious offenses against traffic regulations governing the movement of traffic as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways." §63-1-51(2)(d)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere: (continued)

II. For other misdemeanor offenses, there is a mandatory State assessment of \$47. §99-19-73(5) & (7)

III. **Bus Drivers & Operators of Vehicles for Hire.** A person may have their privilege to operate a bus or a vehicle for hire suspended or revoked if they recklessly disregard the speed regulations prescribed by law. §§21-27-137 & 21-27-155

Other Criminal Actions Related to Speeding:

Reckless Driving:

Sanction:
Criminal:
Imprisonment (Term):

Misdemeanor §§63-3-1201 & 63-9-11(1)

1st offense-None Subsequent offense-Not more than 10 days §63-3-1201

Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

None

1st offense-\$5 to \$100 Subsequent offense-Not more than \$500 §63-3-1201

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension² §63-1-53(2)(c) 3 or more offenses within 12 months-
Revocation §63-1-51(1)(e)

Length of Term of License
Withdrawal Action:

Suspension-Note: The law does not specify either a minimum or maximum suspension period. Revocation-1 year §63-1-51(1)

Mandatory Term of License
Withdrawal Action:

Suspension-None Revocation-1 year §63-1-51(1) The revocation action appears to be mandatory.

Other:

In addition to any fine, there is a mandatory State assessment of \$23. §99-19-73(1) & (7)

Careless Driving³:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Misdemeanor §§63-3-1213 & 63-9-11(1)

None

\$5 to \$50

²The licensing agency has the discretionary authority to suspend a person's license if they have are "an habitually or negligent" driver. §63-1-51(2)(c)

³"Careless driving" is defined as operating "any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances." §63-3-1213

MISSISSIPPI

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Mandatory Term of License
Withdrawal Action:

Other:

Administrative Licensing Actions:

Suspension² §63-1-53(2)(c)

Note: The law does not specify either a minimum or maximum suspension period.

None

In addition to any fine, there is a mandatory State assessment of \$23. §99-19-73(1) & (7)

Commercial Motor Vehicle (CMV) Operators⁴:

Grounds for Suspension of CDL:

A person's CDL is suspended if while driving a CMV they either (1) commit 2 "serious traffic violations"⁵ within a 3 year period or (2) commit 3 such violations within a 3 year period. §63-1-83(4)

Period of CDL Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §63-1-83(4)

Period of Mandatory CDL Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §63-1-83(4)

⁴A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §63-1-75(f)

⁵A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §63-1-75(t)

JURISDICTION:

MISSOURI

General Reference:

This chapter summarizes Missouri State statutes related to speed.
Vernon's Annotated Missouri Statutes

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a motor vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. §304.012.1

**Statutory Speed Limit:
See Other below.**

70 MPH on rural interstate¹ and freeways² §304.010.2(1)
65 MPH on rural expressways³ §304.010.2(2)
60 MPH on urban interstate highways⁴, expressways and freeways.
§304.010.2(3)
60 MPH on other roads, except State 2 lane "lettered" roads, not located in an urban area. §304.010.2(4)
55 MPH on State 2 lane "lettered" roads §304.010.2(5)

Posted (Maximum) Speed Limit:

I. The State may increase the maximum speed limit to 60 MPH on State 2 lane "lettered" roads. §304.010.2(5) See the Note in below.
II. Local governments with State approval may establish speed limits on the streets or roads within their jurisdiction. §302.010.4 & .5
III. Under separate statutory authority, the State and local governments on roads under their jurisdiction may fix a speed limit by posting appropriate signs. A violation of this posted speed limit is *prima facie* evidence of careless and imprudent driving. §304.351.7
IV. Also, under separate authority, cities, towns and villages have the authority to enact ordinances which regulate traffic. This includes establishing speed limits. §§77.520, 79.410 & 300.205
V. The State may increase or decrease the maximum speed limits on and State road (e.g., interstate highways, freeways or expressways) not under a local jurisdiction. However, no speed limit shall be established > 70 MPH. §304.010.3
Note: Except as noted under Other below, Missouri law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

¹A "rural interstate" is defined as a Federal interstate highway not located in an urban area. §304.010.1(3) An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

²A "freeway" is defined as a limited access divided highway with at least 4 lanes and which is not part of the Federal interstate system; such highway must be at least 10 miles in length with no access from other streets or roads for 10 miles intervals. §304.010.1(2)

³An "expressway" is defined as a divided highway with 4 or more lanes which is not part of the Federal interstate system. Such highway must be at least 10 miles long and is fully accessible from other streets or roads. §304.010.1(1) A "rural expressway" is one located in non-urban areas. An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

⁴An interstate highway located in an urban area. An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

MISSOURI

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §304.011.1

II. For highways that have been divided into three or more lanes, a person, driving at less than the normal speed of traffic, shall drive in the right-hand lane for traffic or as close as practicable to the right-hand curb or edge of the roadway. §304.015.5(3)

Posted (Minimum) Speed Limit:

40 MPH on Federal interstate highways⁵ §304.011.2

Other:

Except as otherwise provide by law, a truck weighing >24,000 lbs. shall not be driven >60 MPH. §304.010.2

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

I. Driving ≤ 5 MPH Over the Speed Limit is an Infraction. §304.009.1

II. Driving at less than the normal speed of traffic and not driving in the right lane is an Infraction.⁶ §304.015.7

III. Driving ≥ 20 MPH Over the Speed Limit is a Class B Misdemeanor. §304.010.10

IV. A Violation of the Basic Speed Rule is a Class B Misdemeanor. §304.012.2

V. A Violation of the Basic Speed Rule which results in an accident is a Class A Misdemeanor. §304.012.2

VI. Driving so as to Impede Traffic is an Unclassified Traffic Regulations Misdemeanor. §§304.11.1 & 304.570

VII. A Violation of the Posted Speed Limit Established Under §304.351.7 (*prima facie* evidence of careless and imprudent driving) is a Class C Misdemeanor. §304.351.8

VIII. All Other Speed Law Violations, including driving < 40 MPH on a Federal Interstate, are Class C Misdemeanors. §§304.010.10 & 304.011.2

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

I. Infraction-None

II. Class A Misdemeanor-Not more than 1 year §558.011.1(5)

III. Class B Misdemeanor-Not more than 6 months §558.011.1(6)

⁵There is an exception for certain agricultural type vehicles being operated on such highways via special permits for short distances. §304.011.2(2)

⁶If the violation causes an immediate threat of an accident, it is a Class C Misdemeanor. If such violation, results in an accident, it is a Class A Misdemeanor. §304.015.7

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.): (continued)

IV. Class C Misdemeanor-Not more than **15 days** §558.011.1(7)
V. Unclassified Traffic Regulation Misdemeanor-Not more than **1 year**
§304.570

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

None

I. Infraction-Not more than **\$200** §560.016.1(4)
II. Class A Misdemeanor-Not more than **\$1,000** §560.016.1(1)
III. Class B Misdemeanor-Not more than **\$500** §560.016.1(2)
IV. Class C Misdemeanor-Not more than **\$300** §560.016.1(3)
V. Unclassified Traffic Regulation Misdemeanor-**\$5 to \$500** §304.570

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Additional Fine. If a person violates §302.010 of the speed laws while in a construction (or work) zone, they are assessed an additional fine of **\$35.** §304.580

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension or Revocation under the Point System⁷ §§302.302 & 302.304

Term of License Withdrawal
(Days, Months, Years, etc.):

30 days to 1 year⁸ §302.304

Mandatory Minimum Term of
Withdrawal:

None Note: An offender is eligible for hardship driving privileges.⁹
§302.309.3(1)

Miscellaneous Sanctions

Not Included Elsewhere:

⁷**Point System.** I. An offender's license is subject to suspension if they accumulate 8 points in 18 months. §302.304.3 If this is the offender's 1st suspension, the suspension period is 30 days. If this is the offender's 2nd suspension, the suspension period is 60 days. And, if this is the offender's 3rd or subsequent suspension, the suspension period is 90 days. §302.304.4 II. An offender's license is subject to revocation if they accumulate either 12 points within 12 months, 18 points within 24 months or 24 points within 36 months. The period of revocation is 2 years. §302.304.7 III. The following points are assigned to speeding and speed related violations: Speeding in violation of State law-3 points; speeding in violation of local government law-2 points; and, other violations-2 points. §302.302.1(1) & (2) For careless and imprudent driving, 4 points are assessed. §302.302.1(4) Also, an additional 2 points are assessed if a violation resulted in either a personal injury or property damage. §302.302.2 However, no points are assessed for driving ≤5 MPH over the speed limit. §304.009.1

⁸Under most circumstances, a license cannot be either suspended or revoked for more than 1 year. §302.190

⁹Hardship driving privileges may be granted for employment, occupational, business and educational purposes and for medical treatment including drug and alcohol treatment programs. §302.309.3(2)

MISSOURI

Other Criminal Actions Related to Speeding:

Racing on Highway:

Note: Local governments may prevent racing on the highways.¹⁰

Reckless Driving:

See Basic Speed Rule.

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. §302.755.5

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §302.755.5

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §302.755.5

¹⁰I. A Third Class City (a city or town with population $\geq 3,000$) may enacted an ordinance prohibiting highway racing. §§72.030 & 77.590 The maximum sanctions that can be established for violating this prohibition are an imprisonment term of 3 months and/or a fine of \$500. §77.590 II. A Fourth Class City (generally a city or town with population ≥ 500 but $< 3,000$) may enacted an ordinance prohibiting highway racing. §§72.040.1 & 79.410 The maximum sanctions that can be established for violating this prohibition are an imprisonment term of 90 days and/or a fine of \$500. §79.470

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §302.700.2(6)

¹²A "serious traffic violation" includes careless, reckless, imprudent driving and other violations of the speed laws. §302.700.2(24)

JURISDICTION:

MONTANA

General Reference:

This chapter summarizes Montana State statutes related to speed. Montana Code Annotated and Administrative Rules of Montana

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, conditions of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead.¹ §61-8-303(1)

Statutory Speed Limit:
See Other below.

The law provides for NO MAXIMUM SPEED LIMIT on interstate and other major non-urban highways during the daytime.² §§61-8-303(1) & 61-8-305(4) However, the law appears to provide for a 65 MPH speed limit on federal-aid highways that are within an urbanized area with a population $\geq 50,000$. §61-8-305(3) Note: A reasonable or safe speed limit may be established via §61-8-309(1); see I under Posted (Maximum) Speed Limit.
65 MPH on interstate highways during the nighttime³ §61-8-303(2)(b)
55 MPH on other highways during the nighttime³ §61-8-303(2)(b)
25 MPH in urban districts §61-8-303(2)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may establish reasonable or safe speed limits, which are different than those noted above, on the highways under its jurisdiction. §61-8-309(1) Note: Except as noted under Other below, Montana law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, the State may establish safe maximum speed limits for bridges or other elevated structures. §61-8-313(2) & (3)
III. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed limits on highways under its jurisdiction.⁴ §61-8-310(1) Note: On a county road, a local government may set speed limits on such roads outside an urban district without an engineering and traffic investigation. §61-8-310(1)(c) & (2)

¹Like the provisions on Careless Driving, §61-8-302, the Basic Speed Law also provides that a person shall operate a motor vehicle "so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway." See the last sentence of §61-8-303(1).

²"Daytime" is defined as one-half hour before sunrise to one-half hour after sunset. §61-8-303(3)

³"Nighttime" is defined as any other hour except daytime. §61-8-303(3)

⁴I. However, the following limitations apply. (1) The posted speed limit in an urban district cannot be > 55 MPH during the nighttime. §61-8-310(1)(b) (2) And, the posted speed limit outside an urban district cannot be < 15 MPH. II. Also, based on engineering and traffic investigations, a local government may establish speed zones near schools or senior citizen centers and for the crosswalks that are close to them. The speed limit in such places cannot be < 15 MPH. §61-8-310(1)(d)

MONTANA

Basis for a Speed Law Violation:
(continued)

Posted (Maximum) Speed Limit: (continued)

IV. Apparently under separate authority, a local government, without an investigation, may determine the proper speed limits for all arterial streets under its jurisdiction. Such limits may be less or greater than the maximum speed limit provided for an urban district (§61-8-303). §61-8-310(3)

V. The State Department of Transportation or a local government must establish appropriate speed limits in "construction zones"⁵ and "work zones"⁶. §61-8-314(2) & (3)

Minimum Speed Limit:

I. A motor vehicle may not be driven at a speed slow enough to impede or block the normal and reasonable movement of traffic. §61-8-311(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §61-8-321(2)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish a minimum posted speed limit for all or part of a highway. §61-8-311(3)

Other:

I. During the daytime, a truck or truck tractor weighing > 8,000 lbs. cannot be driven > 65 MPH on interstate highways or > 60 MPH on primary and secondary highways. During the nighttime, such vehicles must abide by the speed limit of automobiles. §61-8-312(1)

II. Special permit vehicles cannot be driven > 55 MPH. §61-8-312(2)

III. A housetrailer cannot be towed > 50 MPH. §61-8-312(4)

IV. A vehicle with solid rubber or cushion tires cannot be driven > 10 MPH. §61-8-313(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §§61-8-314(2) & (5) and 61-8-711(1)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Mandatory Minimum Term:

1st or subsequent offense-None §61-8-711(2)

⁵A "construction zone" is defined as "an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor under contract with the department of transportation or a local authority. A construction zone may include a work zone." §61-8-314(1)(a)

⁶A "work zone" is defined as "the area where the construction, repair, maintenance, or survey work is actually taking place." §61-8-314(1)(b)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Fine: Amount (\$ Range): Mandatory Min. Fine (\$):</p>	<p><u>1st offense-\$10 to \$100 2nd offense (within 1 year)-\$25 to \$200</u> <u>Subsequent offense (within 1 year)-\$50 to \$500</u> §61-8-711(2) None</p>
<p>Other Penalties: Traffic School: Other:</p>	<p>Driver Improvement Program §61-2-302 & Administrative Rules of Montana 23.3.203 Double Fines. The fines are double the usual amount for exceeding the posted speed limit in a "work zone." §61-8-314(5)(a)</p>
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension via Point System⁷-Frequent violator of the traffic laws. Revocation via the Habitual Traffic Law Offender Point System.⁸ §61-11-201 et seq.</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>Suspension-6 months Administrative Rules of Montana 23.3.203(2) Note: The law limits a suspension to a maximum period of 1 year. §61-5-208(1) Revocation (Habitual Offender)-3 years §§61-11-211 & 61-11-212</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>Suspension-None Licensing action is discretionary Revocation (Habitual Offender)-1 year⁹</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	

⁷**Driver Rehabilitation Point System.** I. If an offender accumulates 6 points within 18 months, they may be required to attend a counseling session or be subject to license re-examination. II. If an offender accumulates 15 or more points within 36 months, they are subject to a 6 month license suspension and must be referred to a Driver Rehabilitation Program. III. The following points are assigned to speeding and speed related violations: Engaging in race or speed contest (i.e., unauthorized speed contest)-5 points; driving recklessly-5 points; speeding in a restricted speed zone-3 points; speeding in an urban district-3 points; speeding in a construction-3 points; speeding > 65 MPH at night on an interstate-3 points; speeding > 55 MPH at night on other highways-3 points; driving certain trucks > 55 MPH at night, > 60 MPH at other times or > 65 MPH on interstate highways-3 points; violating posted (restricted) speed limits established by either the State or local governments including a violation of the posted speed limit on bridges or elevated structures-3 points; towing a houstrailer > 50 MPH-3 points; obstructing traffic by driving under the minimum reasonable speed (after being warned)-2 points; not driving in the right lane when operating a slow moving vehicle-2 points; violating the basic speed rule-2 points; and, careless driving-2 points. §61-5-206(1)(b), Administrative Rules of Montana 23.3.202(1) & (2) and 23.3.203

⁸**Habitual Offender Point System.** If a person accumulates 30 points within a 3 year period, they are subject to a 3 year license revocation. The following points are assigned to speeding and speed related offenses. Reckless driving-5 points; illegal drag race or engaging in a speed contest (i.e., unauthorized speed contest)-5 points; speeding-3 points; and, all other violations-2 points. §61-11-203(2)(h), (i), (l) & (m)

⁹An offender may be issued restricted driving privileges after 1 year of the revocation period provided they participate in a driver rehabilitation program. §61-2-302(2)(a)(ii)

MONTANA

Other Criminal Actions Related to Speeding:

Unauthorized Speed Contest (Drag Racing):

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§61-8-308, 61-8-711(1) & 61-8-717

Not more than **6 months** §61-8-717

None

\$50 to \$500 §61-8-717

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension or Revocation-See Driver Rehabilitation and Habitual Offender Point Systems respectively under Footnotes 7 & 8.

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Double Fines. The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) & (5)(a)

Reckless Driving¹⁰:

Sanction:

Criminal:

Imprisonment (Term):

Misdemeanor §§61-8-301 & 61-8-711(1)

1st offense-Not more than **90 days** Subsequent offense-**10 days to 6 months** §61-8-715(1)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-**\$25 to \$300** Subsequent offense-**\$50 to \$500** §61-8-715(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation-See Driver Rehabilitation and Habitual Offender Point Systems respectively under Footnotes 7 & 8.
Revocation-3 reckless driving convictions within 12 months §61-5-205(6)

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension or Revocation-Not more than **1 year** §61-5-208

Other:

Double Fines. The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) & (5)(a)

¹⁰If the offender commits a reckless driving offense while fleeing law enforcement officers, the following sanctions apply. For a 1st offense there is imprisonment from **10 days to 6 months** and/or a fine from **\$300 to \$500**; and, for a subsequent offense there is imprisonment from **30 days to 1 year** and/or a fine of from **\$500 to \$1,000** §61-8-715(2)

Other Criminal Actions Related to Speeding:
(continued)

<p><u>Reckless Endangerment of Highway Workers</u>¹¹: Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:</p> <p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action: Mandatory Term of License Withdrawal Action:</p> <p>Other:</p>	<p>Misdemeanor §§61-8-315 & 61-8-711(1)</p> <p><u>1st offense-Not more than 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §61-8-715(1)</p> <p>None</p> <p><u>1st offense-\$25 to \$300</u> <u>Subsequent offense-\$50 to \$500</u> §61-8-715(1)</p> <p>None</p> <p>Note: The law is not certain but the licensing actions that apply for a reckless driving offense conviction may also apply to this offense.</p> <p>Double Fines. The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) & (5)(a)</p>
<p><u>Careless Driving</u>¹²: Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:</p> <p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action: Mandatory Term of License Withdrawal Action:</p>	<p>Misdemeanor §§61-8-302, 61-8-711(1) & 61-8-716</p> <p><u>1st or subsequent offense-None</u> §61-8-711(2)</p> <p><u>1st offense-\$10 to \$100</u> <u>2nd offense (within 1 year)-\$25 to \$200</u> <u>Subsequent offense (within 1 year)-\$50 to \$500</u> §61-8-711(2)</p> <p>None</p> <p>Suspension or Revocation-See Driver Rehabilitation and Habitual Offender Point Systems respectively under Footnotes 7 & 8.</p>

¹¹Driving a motor vehicle in a highway construction zone in such a manner as to endanger persons or property. This offense also includes removing, ignoring or intentionally striking a traffic control device in a highway construction zone. §61-8-315

¹²A person commits a "careless driving" offense if they do not operate a motor vehicle "in a careful and prudent manner so a not to unduly or unreasonable endanger the life, limb, property, or other rights of a persons entitled to the use of the street or highway." §61-8-302

MONTANA

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)
Other:

Double Fines. The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) & (5)(a)

Commercial Motor Vehicle (CMV) Operators¹³:

Grounds for Suspension:

A CDL license is suspended CMV if while driving a CMV a person either (1) commits more than 1 "serious traffic violations"¹⁴ within a 3 year period or (2) commit 3 or more such violations within a 3 year period. §61-8-803

Period of Suspension:

More than one (1) serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §61-8-803(1)

Period of Mandatory Suspension:

More than one (1) serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §61-8-803(1)

¹³A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to carry 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §61-1-134

¹⁴A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §61-8-803

JURISDICTION:

NEBRASKA

General Reference:

This chapter summarizes Nebraska State statutes related to speed.
Revised Statutes of Nebraska

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §60-6,185

Statutory Speed Limit:
See Other below.

75 MPH on State freeways¹ and Federal interstate highways² §60-6,186(1)(g)
65 MPH on a State expressway³ §60-6,186(1)(f)
60 MPH on other State highways §60-6,186(1)(e)(II)
55 MPH upon any dustless-surfaced highway not part of the State highway system §60-6,186(1)(d)
50 MPH upon a non dustless-surfaced highway not part of the State highway system §60-6,186(1)(c)
25 MPH in a residential district §60-6,186(1)(a)
20 MPH in a business district §60-6,186(1)(b)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State or local governments may increase or decrease the above statutory speed limits.⁴ However, the State cannot increase the maximum statutory speed limits on rural highways and freeways. And, on county highways that are not part of the State highway system, a local government cannot establish a speed limit < 35 MPH outside either a residential or business district. §§60-6,186(2) and 60-6,190(1) & (3)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §60-6,193(1), (2) & (6)
II. On a freeway, no motor vehicle can be operated < 40 MPH.⁵ §60-6,193(2)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §60-6,131(2)

¹A "freeway" is defined as "an expressway with full control of access." §39-1302(17)

²**Exceptions.** The maximum speed limit is 60 MPH on any State freeway or interstate highway in Douglas County, on Interstate 180 in Lancaster County and on Interstate 129 in Dakota County. §60-6,186(1)(g)(I) & (II)

³An "expressway" is defined as "a divided arterial highway for through traffic with full or partial control of access which may have grade separations at intersections." §39-1302(13)

⁴**Historical Note:** The State legislature repealed the provisions that allowed the State to provided for different speed limits at specified times of the day, for certain weather conditions, for various types of vehicles, and for other factors concerned with safe speeds. §10 of Legislative Bill 901 enacted in 1996

⁵Either the State or a local government may alter this minimum speed limit on a freeway. §60-6,193(2)

NEBRASKA

Basis for a Speed Law Violation: (continued)

- Posted (Minimum) Speed Limit: The State or a local government by establish minimum posted speed limits for a highway. §60-6,193(3)
- Other:
- I. In maintenance, repair or construction zones, the speed limit is 35 MPH in rural areas and 25 MPH in urban ones. However, the speed in such zones may be increased but not greater than the maximum limit provide by law. §60-6,188(1) & (3)
 - II. Based upon an investigation, either the State or a local government may establish safe maximum speed limits for bridges, causeways, viaducts or other elevated structures. §60-6,189
 - III. A vehicle towing a mobile home shall not be driven >50 MPH. §60-6,187(1)
 - IV. A school bus carrying children is subject to special speed limitations.⁶ §60-6,187(2)
 - V. No person shall operate a "livestock forage vehicle" at a speed (1) >20 MPH in a business district, (2) >25 MPH in a residential district or (3) >55 MPH on any other highway except a freeway outside a business or residential district. However, these speed limits may be altered via §60-6,190. §60-6,305(3)
 - VI. A moped shall not be driven >30 MPH. §60-6,313

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions (Civil Offenses). §§60-672, 60-682 & 60-682.01
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.): None
 - Mandatory Minimum Term:
 - Fine:
 - Amount (\$ Range): Exceeding the Speed Limit: (1) 1 to 5 MPH Over the Speed Limit-\$10 (2) 6 to 10 MPH Over the Speed Limit-\$25 (3) 11 to 15 MPH Over the Speed Limit-\$75 (4) 16 to 20 MPH Over the Speed Limit-\$125 (5) >21 MPH Over the Speed Limit-\$200 (6) These fines are **doubled** if the offense occurred in either a construction zone or a school crossing zone. §60-682.01
 - Other Violations: 1st offense-Not more than \$100 2nd offense (within 1 year)-Not more than \$200 Subsequent offense (within 1 year)-Not more than \$300 §60-689
- Mandatory Min. Fine (\$): None

⁶I. Such a vehicle shall not be driven >55 MPH on State highways. However, this limit does not apply on freeways (except during the nighttime), dustless-surfaced highways or State highways designed by the State for speed limits of 75 MPH. §60-6,187(2)(a) II. Such a vehicle shall not be driven >45 MPH during the daytime or >40 MPH during the nighttime on non dustless surfaced highways that are not part of the State highway system. §60-6,187(2)(b) & (c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties:	
Traffic School:	The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Revocation via a Point System ⁷ §§60-499, 60-4,182 & 60-4,183
Term of License Withdrawal (Days, Months, Years, etc.):	Revocation via a Point System- 6 months §§60-499, 60-4,182 & 60-4,183
Mandatory Minimum Term of Withdrawal:	Revocation via a Point System- None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01
Miscellaneous Sanctions	
Not Included Elsewhere:	Suspension via Court Order- 10 days to 1 year ⁸ Note: This action is discretionary not mandatory. §60-496

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class II Misdemeanor §60-6,195(1) & (3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months §28-106(1)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$1,000 §28-106(1)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	Possible Revocation via a Point System ⁷ -§§60-499, 60-4,182 & 60-4,183 Note: There is no specific point assignment for the offense of racing on the highways. However, the law does provide an assignment

⁷**Point System.** I. If an offender accumulates 12 points within 2 years, their license is revoked for 6 months and they must attend a driver education and training course for at least 8 hours. If the offense involved incarceration, the license revocation begins after the offender is released from such confinement. §60-4,183 An offender <21 years old, who accumulates 6 points within 12 months, must attend an 8 hour driver improvement course. If they fail to attend this course, their license is suspended until either they complete the course or they reach the age of 21. §14 of Legislative Bill 320 enacted in 1998 II. Points have been assigned as follows: Willful reckless driving-6 points; reckless driving-5 points; careless driving-4 points; speeding ≤5 MPH over the speed limit-1 point; speeding > 5 MPH but < 10 MPH over the speed limit-2 points; speeding > 10 MPH over the speed limit-3 points; and, for other violations-1 point. However, on highways with maximum speed limits of either 60, 65 or 75 MPH, the following points have been assigned for speeding violations: For exceeding the speed limit by < 10 MPH-1 point; for exceeding the speed limit by > 10 MPH but < 15 MPH-2 points; and, for exceeding the speed limit by > 15 MPH-3 points. §60-4,182

⁸The court is authorized to take such action only if the offense involved driving in such a manner as to endanger life, limb or property. *State v. Mann*, 246 N.W.2d 604 (Neb. 1976)

NEBRASKA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Administrative Licensing Action:
Licensing Authorized and
Type of Action: (continued)

of 1 point for all other moving violations. This could include such offense.

Length of Term of
Licensing Withdrawal:

Revocation via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183

Mandatory Action--Minimum
Length of License
Withdrawal:

Revocation via a Point System-**None** A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01

Other:

I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691
II. **Suspension** via Court Order-**10 days to 1 year**⁸ Note: This action is discretionary not mandatory. §60-496

Willful Reckless Driving⁹:

Class I, II or III Misdemeanor §§60-6,214, 60-6,216, 60-6,217 & 60-6,218

Sanction:
Criminal:
Imprisonment (Term):

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

None
1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

1st or subsequent offense-Revocation §§60-6,216, 60-6,217 & 60-6,218

Length of Term of License
Withdrawal Action:

1st offense-30 days to 1 year §60-6,216 2nd offense-60 days to 2 years §60-6,217 Subsequent offense-1 year §60-6,218

Mandatory Term of License
Withdrawal Action:

1st offense-30 days §60-6,216 2nd offense-60 days §60-6,217 Subsequent offense-1 year §60-6,218 The minimum period of revocation are mandatory.¹⁰ §60-498(7)

⁹"Willful reckless driving" is defined as operating a motor vehicle "in such a manner as to indicate a willful disregard for the safety of persons or property." §60-6,214

¹⁰An employment driving permit is not available. §60-4,129

Other Criminal Actions Related to Speeding:
(continued)

Willful Reckless Driving: (continued)

Other:

- I. License revocation periods are not to run concurrently with periods of incarceration. §§60-6,216, 60-6,217 & 60-6,218
- II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(¶2)
- III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691
- IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

Reckless Driving:

Class I, II or III Misdemeanor §§60-6,213, 60-6,215, 60-6,217 & 60-6,218

Sanction:

Criminal:

Imprisonment (Term):

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st offense-Revocation via the Point System⁷ §§60-499, 60-4,182 & 60-4,183 2nd or subsequent offense-Revocation §§60-6,217 & 60-6,218

Length of Term of License

Withdrawal Action:

1st offense-Revocation via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183 2nd offense-60 days to 2 years §60-6,217 Subsequent offense-1 year §60-6,218

Mandatory Term of License

Withdrawal Action:

1st offense-Revocation via a Point System-None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01 2nd offense-60 days §60-6,217 Subsequent offense-1 year §60-6,218 For 2nd or subsequent offenses, the minimum period of revocation appears to be mandatory.

Other:

- I. For 2nd or subsequent offenses, the license revocation periods are not to run concurrently with periods of incarceration. §§60-6,217 & 60-6,218
- II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(¶2)
- III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

NEBRASKA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Other: (continued)

IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

Careless Driving¹¹:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

Traffic Infraction (Civil Offense) §60-672, 60-682 & 60-6,212

None

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense (within 1 year)-Not more than **\$300** §60-689
None

Mandatory Minimum Fine:

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Revocation via a Point System⁷-§§60-499, 60-4,182 & 60-4,183

Revocation via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183

Mandatory Term of License
Withdrawal Action:

Revocation via a Point System-**None** A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01

Other:

I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691
II. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹³ within a

¹¹"Careless driving" is defined as operating a motor vehicle "carelessly or without due caution so as to endanger a person or property." §60-6,212

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either and is a heavy vehicle with varying weight capacities (e.g., Class A Combination Vehicles 26,000 lbs. with towed vehicles weighing > 10,000 lbs., Class B Heavy Single Vehicles weighing > 26,001 lbs. and Class C Small Single Vehicles weighing < 26,001 lbs.), is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §60-4,138(2)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §60-4,168(6) & (b)

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification: (continued)

3 year period or (2) commit 3 such violations within a 3 year period.
§60-4,168(4)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §60-4,168(4)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §60-4,168(4)



JURISDICTION:

NEVADA

General Reference:

This chapter summarizes Nevada State statutes related to speed.
Nevada Revised Statutes and Nevada Administrative Code (NAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions. §484.361(1)

**Statutory Speed Limit:
See Other below.**

A speed limit not to exceed 75 MPH on highways constructed and maintained by the State §484.368
15 MPH¹ in a school zone or 25 MPH in school crossing zone²
§484.366(1) & (2)

Posted (Maximum) Speed Limit:

I. The State may adopt lower the speed limits on highways constructed and maintained by it including such highways in unincorporated towns. Such authority includes the establishment of lower speed limits (1) "where necessary to protect public health and safety" or (2) "for trucks, overweight and oversized vehicles, trailer drawn by motor vehicles and buses." §§484.367(2) & 484.368
II. After appropriate studies, the State may establish special speed zones on a highway where a hazard exists. §484.369(1)
III. After an appropriate investigation, the State may establish the maximum safe speed limits for bridges and elevated structures. §484.375(2)
IV. Except for State constructed and maintained highways, local governments and unincorporated towns may establish speed limits within their jurisdictions. §§269.185 & 484.367(1)

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §484.371(1)
II. If a person is driving at a speed so slow as to impede the forward movement of traffic, they shall, on one lane highways, drive to the extreme right hand side of the highway, on highways with two or more lanes, drive in the extreme right hand lane and, on controlled-access highways, use an alternate route if possible. §484.373

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish a minimum speed for a highway or a part thereof. §484.371(2)

Other:

I. A person shall not drive a motor vehicle at such a rate of speed so as to endanger the life, limb or property of any person. §484.361(2)
II. A person shall not drive a school bus at speed > 55 MPH while transporting students to and from school or while on a school activity. §484.365
III. A person shall not drive a vehicle equipped with solid rubber tires or cushion tires > 10 MPH. §484.375(1)

¹This 15 MPH speed limit is not to be imposed if it would result in unsafe conditions because of higher speed limits on adjoining streets. §484.366(3)

²The speed limits in these zones only apply (1) on a day when the school is in session during and (2) one-half hour before to one-half hour after school operations. §484.366(1) & (2)

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Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. §§193.170 & 484.251(1)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **6 months**³ §193.150(1)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$1,000**³ §193.150(1)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. A person, who has been convicted of a 2nd offense, may be ordered by the court to attend a driver training school. §484.251(2)

II. The licensing agency can also require a person, who has had their license suspended via the point system, to attend a driver's training school. §483.477

Other:

Construction Zone. A person, who exceeds the posted speed limit in a construction zone, is subject to an **additional** sanction which is **equal** to the original sanctions imposed for exceeding such limit. Imprisonment sanctions for the original and additional sanctions must run consecutively. However, the combined sanctions cannot exceed 6 months of imprisonment, \$1,000 or 120 hours of community service. §484.3667

Licensing Action:

Type of Licensing Action

(Susp/Rev):

I. **Suspension** via a Point System⁴ §§483.473 & 483.475 and NAC 483.500 & 483.510

II. **Suspension**-6 offenses within 5 years with a point value of ≥ 4 §483.475(4)

³However, in counties with a population of <100,000, a person, who exceeds the following posted speed limits, during the hours of daylight, is only subject to a fine of \$25. (1) The posted speed limit is 60 MPH and the offender is driving ≤ 65 MPH. (2) The posted speed limit is 65 MPH and the offender is driving ≤ 70 MPH. And, (3) the posted speed limit is 70 MPH and the offender is driving ≤ 75 MPH. A violation is not considered a moving violation and is not recorded on a person's driving record. §484.3685

⁴**Point System.** I. If a person, who for the first time, accumulates 12 points within 12 months, their license is suspended for 6 months. If within 3 years, a person has a second accumulation of 12 points within 12 months, their license is suspended for 1 year. Likewise, if within 5 years, a person has a third accumulation of 12 points within 12 months, their license is suspended for 1 year. §483.475(3) II. The following points have been assigned to speeding or speed related violations: Reckless driving-8 points; speeding in school zone ≥ 16 MPH over the limit-6 points; speeding in school zone ≥ 1 but < 15 MPH over the limit-4 points; speeding ≥ 21 MPH over the posed speed limit-4 points; speeding ≥ 15 MPH over the speed limit in a vehicle used for commercial purposes-4 points; speeding ≥ 16 MPH but ≤ 20 MPH over the speed limit-3 points; speeding ≥ 11 MPH but < 15 MPH over the speed limit-2 points; excessive speeding for the conditions-2 points; and, speeding ≥ 1 MPH but ≤ 10 MPH over the speed limit-1 point. NAC 483.510

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

- I. **Suspension** via Point System-**6 months to 1 year** §483.475(3)
- II. **Suspension-1 year** for 6 offenses within 5 years with a point value of ≥ 4 §483.475(4)

Mandatory Minimum Term of
Withdrawal:

- I. **Suspension** via Point System. Under certain conditions, an offender is eligible for restricted driving privileges for employment, and other necessities is available.⁵ §483.490
- II. **Suspension-1 year mandatory** for 6 offenses within 5 years with a point value of ≥ 4 I.e., a restricted license is not available. §483.475(4)

Miscellaneous Sanctions
Not Included Elsewhere:

Alternative to Imprisonment or Fine. The court may order an offender to participate in community service in lieu of all or part of an imprisonment or fine sanctions. §193.150(2)

Other Criminal Actions Related to Speeding:

Reckless Driving (Speed Contest on Highway)⁶:

Misdemeanor §§484.251(1) & 484.377

Sanctions:

Criminal Sanction:

Not more than **6 months** §193.150

Imprisonment (Term):

None

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$1,000** §193.150

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

I. **Suspension** via a Point System⁴ §§483.473 & 483.475 and NAC 483.500 & 483.510

II. **Suspension-6** offenses within 5 years with a point value of ≥ 4 §483.475(4)

III. **Revocation-3** Reckless Driving Convictions within 1 year §483.460(1)(b)(4)

Length of Term of

Licensing Withdrawal:

I. **Suspension** via Point System-**6 months to 1 year** §483.475(3)

II. **Suspension-1 year** for 6 offenses within 5 years with a point value of ≥ 4 §483.475(4)

III. **Revocation-3** Reckless Driving Convictions within 1 year-1 year §483.460(1)(b)(4)

⁵For a suspension based either on a first or second accumulation of 12 points within 12 months, an offender is eligible for restricted driving privileges. §483.475(3)(a) & (b) However, such privileges are not available for a third such accumulation. §483.475(3)(c)

⁶A person commits the offense of "reckless driving" if they either (1) "drive in willful or wanton disregard of the safety persons or property" or (2) "drive a vehicle in an unauthorized speed contest on a public highway." §484.377(1)(a) & (b)

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving (Speed Contest on Highway):
(continued)

Mandatory Action--Minimum
Length of License
Withdrawal:

I. **Suspension** via Point System. Under certain conditions, an offender is eligible for restricted driving privileges for employment, and other necessities is available.⁵ §483.490

Mandatory Action--Minimum
Length of License
Withdrawal: (continued)

II. **Suspension-1 year mandatory** for 6 offenses within 5 years with a point value of ≥ 4 I.e., a restricted license is not available. §483.475(4)

III. **Revocation-3 Reckless Driving Convictions** within 1 year-None §483.460(1)(b)(4) This revocation does not appear to be mandatory. A restricted license for employment, and other necessities is available. §483.490

Other:

The licensing agency can require a person, who has had their license suspended via the point system, to attend a driver's training school. §483.477

Death or Injury Related Offense. Reckless driving is a Category B Felony if it involved willful or wanton disregard of the safety of persons or property that resulted in either death or substantial bodily injury. The criminal sanctions for this offense are either imprisonment for **from 1 to 6 years** and/or a fine of not more than **\$5,000**. §484.377(2) In addition, a persons license is revoked for **3 years**. §483.460(1)(a)(3) After one-half of the revocation period has "expired," an offender may be issued a restricted license for employment and for other necessities. §483.490

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §483.908, NAC 706.247(1) & 49 CFR §383.51(c)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §483.908, NAC 706.247(1) & 49 CFR §383.51(c)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 10,001$ lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. NAC 706.247(f)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §483.908, NAC 706.247(1) & 49 CFR §383.5

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-60 days 3 serious violations
(within 3 years)-**120 days** §483.908, NAC 706.247(1) & 49 CFR
§383.51(c)



JURISDICTION:

NEW HAMPSHIRE

General Reference:

This chapter summarizes New Hampshire State statutes related to speed.
New Hampshire Revised Statutes Annotated and New Hampshire Code of Administrative Rules (NHCAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §265:60, I

Statutory Speed Limit:

Operating a motor vehicle above the following speed limits is considered

See Other below.

prima facie evidence that such speed is unreasonable. §265:60, II
1) 65 MPH on the interstate system and other highways designated via statute¹ §265:60, II(e)
2) 55 MPH on other highways §265:60, II(d)
3) 35 MPH in rural residential districts and class V highways outside the compact part of a city or town §265:60, II(c)
4) 30 MPH in a business or urban residential district §265:60, II(b)
5) 10 MPH below the normal posted speed limit in a school zone² §265:60, II(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Commissioner of Transportation may increase or decrease the *prima facie* limit on the State highway system or on highways outside the compact area of a city or town.³ §265:62, I
II. Based on a petition and an engineering and traffic investigation, a local government, the State Commissioner of Transportation may decrease the *prima facie* speed limit on the State highway system within the compact area of a city or town. However, such reduced limit cannot be <25 MPH. §265:62, IV
III. Based on engineering and traffic investigations, a local government may increase or decrease *prima facie* speed limits within their jurisdictions.⁴ §265:63, I & II
IV. Based on engineering and traffic investigations, the State Commissioner of Transportation may establish safe maximum speed limits for bridges and other elevated structures. §265:66, III & IV

¹I.e., on those portions of the central and eastern New Hampshire turnpikes which are 4 lane divide highways and on other divided highways that have 4 or more lanes. §265:60, II(e)

²This limit is in effect from 45 minutes before until 45 minutes after school hours. §265:60, II(a)

³The State Commissioner of Transportation upon a determination by the governor and council, may establish temporary *prima facie* speed limits for the purpose of conserving fuel or for other national goals. §265:62, II Note: New Hampshire law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

⁴However, the following limitations apply. A speed limit in an urban district cannot be increased to more than 60 MPH. Either outside an urban district or within a business or residential district, a speed cannot be decrease to less than 25 MPH. §265:63, I

NEW HAMPSHIRE

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:	I. A person shall not drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §265:64, I II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §265:16, II
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State Commissioner of Transportation may declare a minimum <i>prima facie</i> speed limit on a highway. §265:64, II
Other:	I. A person shall not drive a vehicle that is towing a house trailer >45 MPH. §265:66, I II. A person shall not drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. §265.66, II

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Offenses are Violations. ⁵ §§265:2 & 625:9, II(b)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	None
Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	Not more than \$1,000 §651:2, IV(a)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	An offender may be required to attend a Driver Attitude Training program. §263:56-e
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	I. Suspension via Court Order §263:57 II. Suspension via a Point System ⁶ §263:56, I(c) & III

⁵A violation is not classified as a crime. §625:9, II(b)

⁶**Point System.** I. A person ≥21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 12 points within 1 year, 18 points within 2 years or 24 points within 3 years. A person ≥18 but <21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 9 points within 1 year, 15 points within 2 years or 21 points within 3 years. And, a person <18 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 6 points within 1 year, 12 points within 2 years or 18 points within 3 years. NHCAR Saf-C 211.02
II. The following points have been assigned for speeding or speed related violations: Racing on the highway or reckless driving-6 points; exceeding the speed limit by ≥25 MPH-4 points; not driving in the right lane when operating a slow moving vehicle-4 points;

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

III. **Revocation** for 3 traffic offenses within 1 year §§263:55 & 263:56

I. **Suspension** via Court Order-Not more than **30 days** §263:57

II. **Suspension** via a Point System-Not more than **1 year** §263:56, I(c) & III

III. **Revocation** for 3 traffic offenses within 1 year-**30 days to 1 year** §§263:55 & 263:56, III

Mandatory Minimum Term of
Withdrawal:

I. **Suspension** via Court Order-**None** Action is discretionary with the court. §263:57

II. **Suspension** via a Point System-Suspensions occurring under this system appear to be mandatory.⁶ §263:56, I(c) & III and NHCAR Saf-C 211..04(b)

III. **Revocation** for 3 traffic offenses within 1 year-**30 days** §§263:55 This licensing action appears to be mandatory.

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Violation §265:75

None

Not more than **\$1,000** §651:2, IV(a)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

The administrative licensing actions listed for speeding violations also apply to this offense.

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

An offender may be required to attend a Driver Attitude Training program. §263:56-e

and, exceeding the speed limit by <25 MPH-3 points. NHCAR Saf-C 211.03(c)(16), (d)(2) & (5), (e)(14) & (15)

NEW HAMPSHIRE

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Violation §265:79
Sanctions:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$250 to \$500 §265:79
Mandatory Minimum Fine:	\$250 §265:79 The minimum amount appears to be mandatory.
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation ⁷ §§263:65 & 265:79
Length of Term of License Withdrawal Action:	<u>1st offense-60 days</u> <u>2nd offense-60 days to 1 year</u> §265:79
Mandatory Term of License Withdrawal Action:	<u>1st or 2nd offense-60 days</u> §263:70 This licensing action appears to be mandatory.
Other:	An offender may be required to attend a Driver Attitude Training program. §263:56-e

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §263:94, I(e)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §263:94, I(e)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §263:94, I(e)

⁷The administrative licensing actions listed for speeding violations also appear to apply to this offense.

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §259:12-e, I

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §259:98-a, I & II

JURISDICTION:

NEW JERSEY

General Reference:

This chapter summarizes New Jersey State statutes related to speed. New Jersey Statutes Annotated and New Jersey Administrative Code (NJAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at an appropriate reduced rate of speed when special hazard exist with respect to pedestrians or other traffic or by reason of weather or highway condition.¹ Required reduced rates of speed also includes (1) approaching and crossing an intersection or railway grade crossing, (2) approaching and going around a curve, (3) approaching a hill crease and (4) traveling upon any narrow or winding roadway. §39:4-98 (¶3)

Statutory Speed Limit:
See Other below.

I. 65 MPH on selected portions of State eligible public highways² as determined by the State Commissioner of Transportation in consultation with the State attorney general, the N.J. Highway Authority and the N.J. Transportation Authority §§39:4-98.4 & 39:4-98.5

II. It is *prima facie* unlawful for a person to exceed the following speed limits. §39:4-98

1) 55 MPH on all other highways §39:4-98 (¶1)

2) 35 MPH in suburban business or residential district §39:4-98 (¶1)

3) 25 MPH in a (non-suburban) business or residential district §39:4-98 (¶1)

4) 25 MPH either when passing through a school zone during recess, while children are visible from the highway or when children are either going to or leaving a school during opening and closing hours. §39:4-98 (¶1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Commissioner of Transportation on State highways or local governments on highways under their jurisdiction, may increase or decrease the above speed limits. These new limits will be the *prima facie* lawful speed limits.³ §39:4-98 (¶2)

II. The State Highway Commissioner or a local government on highways under their jurisdiction may designate the right-hand lanes of

¹I. On highways under the jurisdiction of the South Jersey Transportation, New Jersey Turnpike or the New Jersey Highway Authorities, a person shall operate a vehicle at a careful and prudent speed, having due regard to the rights and safety of others and to the traffic, surface and width of the highway and any other conditions then existing; no person shall operate a vehicle at a speed as to endanger life, limb or property. §§27:12B-18(c), 27:23-27 & 27:25A-21(c) II. On highways under the jurisdiction of the Port Authority of New York and New Jersey, persons shall not operate a vehicle at a speed so as to endanger unreasonably or to be likely to endanger unreasonably persons or property. §§32:1-154.3 & 32:1-154.18(2)

²An "eligible public highway" is a "public highway" which includes "public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges...." §27:1B-3(l) Public highways, under the jurisdiction of either counties or municipalities, are not eligible for the 65 MPH speed limit. §39:4-98.4 (¶3)

³Via an emergency order, the State Commissioner of Transportation may establish speed limits for up to 60 days on any public highway based on emergent conditions such as construction work, dangerous conditions, extreme congestion or traffic problems, imminent peril or imminent risk to motorists or to the public safety. §39:4-98.9

NEW JERSEY

Basis for a Speed Law Violation:
(continued)

Posted (Maximum) Speed Limit: (continued)

traffic for slow moving vehicles and inside lanes for traffic moving at the designated speed. §39:4-88(d)

III. The South Jersey Transportation, New Jersey Turnpike and the New Jersey Highway Authorities may establish speed limits on the highways under their respective jurisdictions. §§27:12B-18(c) & (e), 27:23-27 (¶1) and 27:25A-21(c) & (e)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §§27:12B-18(d), 27:23-27 (¶2), 27:25A-21(d) & 39:4-97.1

II. When driving on the inside lane of a highway which has been designated for the use of traffic proceeding at the posted speed limit, a person shall drive at approximately the speed authorized and shall not decrease their speed so as to unnecessarily block, hinder or retard traffic. §39:4-88(d)

Posted (Minimum) Speed Limit:

Other:

I. The State Commissioner of Transportation may restrict the maximum speed for trucks weighing ≥10,000 lbs. on highways with maximum speed limits ≥50 MPH. However, such reduced limit can only be 5 MPH below the normal speed limit. §39:4-98.1

II. A person shall not operate a motor vehicle >4 MPH across a sidewalk. §39:4-100

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Petty Offenses. §§27:12B-18(j), 27:23-32, 27:25A-21(j), 39:4-104 & 39:4-203 and *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

Other:

On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, a speeding offense that results in either death, serious injury or property damage >\$5,000 is respectively a crime of the third degree or a high misdemeanor. §§27:12B-18(k) & 27:25A-21(k) See Miscellaneous Sanctions below.

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than 15 days⁴ §§39:4-104 & 39:4-203

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

\$50 to \$200⁴ §§39:4-104 & 39:4-203

Mandatory Min. Fine (\$):

None

⁴The following sanctions appear to apply for speeding on highways under the jurisdiction of the Port Authority of New York and New Jersey such as to endanger unreasonably or to be likely to endanger unreasonably persons or property: Imprisonment for not more than 60 days and/or a fine of not more than \$500. §§32:1-154.16 & 32:1-154.21

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties:	
Traffic School:	Driver Improvement Program with a \$100 fee §§39:5-30.2, 39:5-30.4 & 39:5-30.9 and NJAC §13:19-10.2(b)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §39:5-30.5 et seq.
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension via a Point System- 30 to 180 days §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary suspension for up to 3 months . §39:5-30b
Mandatory Minimum Term of Withdrawal:	None Attendance at a Driver Improvement Program ⁵ may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)
Miscellaneous Sanctions Not Included Elsewhere:	<p>I. Construction Zone. The fine amount is double for a violation committed in an area of highway construction or repair. §39:4-203.5(b)</p> <p>II. Double Fines. (1) On a public highway with a speed limit of 65 MPH, the fine is double the usual amount if a person operates a motor vehicle ≥ 10 MPH over this limit. §39:4-98.6 (2) The fine amount is double for exceeding <u>ANY</u> <i>prima facie</i> speed limit by ≥ 20 MPH. §39:4-98.7</p> <p>III. Crime of the Third Degree/High Misdemeanor. The sanctions for these offenses are an imprisonment from 3 to 5 years and/or a fines of not more than \$15,000. §§2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)</p>

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Petty Offense §39:4-52 & <i>State v. Schreiber</i> , 585 A.2d 945 (N.J. 1991) or Disorderly Person Offense §39:5C-1 Note: The law provides for two separate provisions related to racing on the highway.
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⁵**Point System.** I. For the indicated point accumulations in a period of 2 years or less, the following suspension periods apply: 12 to 15 points-30 days suspension; 16 to 18 points-60 days suspension; 19 to 21 points-90 days suspension; 22 to 24 points-120 days suspension; 25 to 27 points-150 days suspension; and ≥ 28 points-180 days suspension. For the indicated point accumulations in a period greater than 2 years, the following suspension periods apply: 15 to 18 points-30 days suspension; 19 to 22 points-60 days suspension; 23 to 26 points-90 days suspension; 27 to 30 points-120 days suspension; 31 to 35 points-150 days suspension; and ≥ 36 points-180 days suspension. §39:5-30.8 & NJAC §13:19-10.2(a) II. The following points have been assigned to speeding and speed related violations: Racing on highway-5 points; reckless driving-5 points; careless driving-2 points; slow speed blocking traffic or not maintaining the proper speed in a designed traffic lane-2 points; exceeding speed limit ≥ 1 but ≤ 14 MPH-2 points; exceeding speed limit ≥ 15 but ≤ 29 MPH-4 points; and, exceeding speed limit ≥ 30 -5 points. NJAC §13:19-10.1

Alternative Licensing and Possible Registration Action. A person's license or their vehicle's registration certificate may be suspended or revoked (for an indefinite period of time) under general provisions of the law which allows the State to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31

Preliminary Licensing Action. The State may issue a "preliminary" (immediate) license suspension without a hearing prior to any final action based on an allegation that a person has been committed either (1) a speeding offense where they exceed the authorized speed limit by 20 MPH, (2) reckless driving or (3) careless driving where any of the "alleged" offenses resulted in either a death or a serious bodily injury to another. An aggravated party may request a timely hearing on such preliminary action. §39:5-30(e)

NEW JERSEY

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Petty Offense: **None** §39:4-52 Disorderly Person Offense: 1st offense-None Subsequent offense-Not more than 90 days §39:5C-1
None

For either a Petty Offense or a Disorderly Person Offense: 1st offense-\$25 to \$100 Subsequent offense-\$100 to \$200 §§39:4-52 & 39:5C-1
None

Suspension via a Point System⁵ §39:5-30.5 et seq.

Suspension via a Point System-**30 to 180 days** §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** §39:5-30b

None Attendance at a Driver Improvement Program with a **\$100** fee may be used in lieu of all or part of a suspension. §§35:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)

I. **Construction Zone.** The fine amount is **double** for racing in an area of highway construction or repair. §39:4-203.5(b)

II. **Double Fines.** For racing on a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount. §39:4-98.6

I. Petty Offense §§27:12B-18(b) & (j), 27:23-26, 27:23-32, 27:25A-21(b) & (j) and 39:4-96 & *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

II. On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, a reckless driving offense that results in either death, serious injury or property damage > \$5,000 is respectively a crime of the third degree or a high misdemeanor. §§27:12B-18(k) & 27:25A-21(k) See Other below.

1st offense-Not more than 60 days Subsequent offense-Not more than 3 months §39:4-96

None

1st offense-\$50 to \$200 Subsequent offense-\$100 to \$500 §39:4-96
None

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Careless Driving⁶:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §39:5-30.5 et seq.

Suspension via a Point System-**30 to 180 days** §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary suspension for up to 3 months. §39:5-30b

None Attendance at a Driver Improvement Program with a **\$100** fee may be used in lieu of all or part of a suspension. §39:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)

I. **Construction Zone.** The fine amount is **double** if the reckless driving offense occurred in an area of highway construction or repair. §39:4-203.5(b)

II. **Double Fines.** For a person, who commits reckless driving on a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount. §39:4-98.6

III. **Crime of the Third Degree/High Misdemeanor.** The sanctions for these offenses are an imprisonment from **3 to 5 years** and/or a fine of not more than **\$15,000**. §§2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)

I. Petty Offense §§27:12B-18(b) & (j), 27:32-26, 27:32-32, 27:25A-21(b) & (j), 32:1-154.3, 32:1-154.9, 32:154.16, 32:154.18(2), 32:154.19 & 39:4-97 and *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

II. On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, a careless driving offense that results in either death, serious injury or property damage > \$5,000 is respectively a crime of the third degree or a high misdemeanor. §§27:12B-18(k) & 27:25A-21(k) See Other below.

Not more than **15 days** §39:4-104

None

\$50 to \$200 §39:4-104

None

Suspension via a Point System⁵ §39:5-30.5 et seq.

⁶"Careless driving" is defined as operating "a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property." §39:4-97

NEW JERSEY

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Length of term of License

Withdrawal Action:

Suspension via a Point System-**30 to 180 days** §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** §39:5-30b

Mandatory Term of License

Withdrawal Action:

None Attendance at a Driver Improvement Program with a **\$100** fee may be used in lieu of all or part of a suspension. §§39:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)

Other:

I. Construction Zone. The fine amount is **double** if the careless driving offense occurred in an area of highway construction or repair. §39:4-203.5(b)

II. Double Fines. For a person, who commits careless driving on a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount. §39:4-98.6

III. Crime of the Third Degree/High Misdemeanor. The sanctions for these offenses are an imprisonment from **3 to 5 years** and/or a fine of not more than **\$15,000.** §§2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Suspension:

A person's privilege for operate a CMV is suspended if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §39:3-10.20(f)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-**120 days** §39:3-10.20(f)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §39:3-10.20(f)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, is designed to transport > 8 but < 16 persons if used to transport persons for hire on a daily basis to and from places of employment, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §39:3-10.11

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §39:3-10.11

JURISDICTION:

NEW MEXICO

General Reference:

This chapter summarizes New Mexico State statutes related to speed. New Mexico Statutes Annotated and New Mexico Administrative Code (NMAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

Speed shall be so controlled as to avoid colliding with any person or vehicle which is either on or entering the highway. All persons shall use due care.¹ §66-7-301(B)

**Statutory Speed Limit:
See Other below.**

75 MPH on highways §66-7-301(A)(3)
35 MPH in business and residential districts §66-7-301(A)(2)
15 MPH in a posted school zone² §66-7-301(A)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Highway and Transportation may increase to not >75 MPH or decrease the above speed limits on any highway within its jurisdiction.³ §66-7-303(A) & (B)
II. Based on engineering and traffic investigations and subject to approval by the State Secretary of Highway and Transportation, a local government, may increase or decrease the above speed limits on any highway within its jurisdiction. §66-7-304
III. Based upon investigations, the State Highway Commission may establish safe maximum speed limits for bridges and other elevated structures. §66-7-306(B) & (C)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §66-7-305(A)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §66-7-308(B)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Highway Commission or a local government may establish minimum speed limits on a highway. §66-7-305(B)

Other:

I. The State or a local government may establish speed limits in construction zones. §66-7-303.1
II. A person shall not operate a motor vehicle that is equipped with solid rubber or cushion tires > 10 MPH. §66-7-306(A)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Penalty Assessment Misdemeanors. §§66-8-7(A) & 66-8-116(A)

¹See Careless Driving.

²This speed limit is in effect when children are going to or leaving a school. §66-7-301(A)(1)

³Note: New Mexico law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

NEW MEXICO

Adjudication of Speed Law Violations:
(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

\$10 to \$200⁴ §66-8-116(A)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

In lieu of a court appearance, an offender may elect to pay a **penalty assessment**.⁵ §66-8-116 For a penalty assessment, an offender is assessed additional fees to cover various costs.⁶ §66-8-116.3

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System based on frequent violation of the traffic laws⁷ §66-5-30(A)(3)⁸

⁴An offender, who is cited for a penalty assessment misdemeanor, may elect to appear in court. In such cases, the fine imposed cannot exceed that established for an offense under §66-8-116(A).

⁵**Penalty Assessments.** The following monetary assessments are assigned for speeding violations: (1) Driving so as to impeded traffic or not driving in the right lane when not proceeding at the normal speed or traffic-\$10; (2) driving ≤ 10 MPH over the speed limit or exceeding other posted speed limits-\$15; (3) driving ≥ 11 to ≤ 15 MPH over the speed limit-\$30; (4) driving ≥ 16 to ≤ 20 MPH over the speed limit-\$65; (5) driving ≥ 21 to ≤ 25 MPH over the speed limit-\$100; (6) driving ≥ 26 to ≤ 30 MPH over the speed limit-\$125; (7) driving ≥ 31 to ≤ 35 MPH over the speed limit-\$150; and, (8) driving > 35 MPH over the speed limit-\$200. §66-8-116(A)

⁶The following additional fees are assessed: A fee of \$10 to cover local government corrections costs; a fee of \$10 to cover the costs of court automation; a fee of \$5 to fund traffic education and enforcement; a fee of \$1 to fund judicial education; and, a fee of \$5 which is deposited into the brain injury services fund. §66-8-116.3

⁷**Point System.** I. An offender's license is suspended for not more than 3 months if they accumulate between 7 and 10 points within 1 year. §66-5-30(A)(11) & Title 18 NMAC 19.5.11.5 However, they are subject to a 12 month suspension if they accumulate 12 or more points within 12 consecutive months. Title 18 NMAC 19.5.11.6 II. The following points have been assigned for speeding or speed related violations: Speeding ≥ 26 MPH over the speed limit-8 points; reckless driving-6 points; racing on highway-6 points; speeding 16 to 25 MPH over the speed limit-5 points; speeding 6 to 15 MPH over the speed limit-3 points; careless driving-3 points; and, not proceeding at the normal speed of traffic except when driving in the right lane-3 points. Title 18 NMAC 19.5.11.3 Note: The point schedule does not assigned points driving at such a slow speed as to impede traffic.

⁸**Exception.** Except on highways with 75, 35 or 15 MPH speed limits, the licensing agency cannot suspend an offender's license for a speeding violation unless the offender was driving > 75 MPH. §66-7-302.1

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §66-5-32
Mandatory Minimum Term of Withdrawal:	None Note: An offender is eligible for limited driving privileges for educational or employment purposes. §66-5-35 and Title 18 NMAC 19.5.13
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor §66-8-115(A) & (D)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 90 days §66-8-7(B)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$300 §66-8-7(B)
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving ⁷ §66-5-30(A)(3) & (4)
Length of Term of Licensing Withdrawal:	Not more than 1 year §66-5-32(A)
Mandatory Action--Minimum Length of License Withdrawal:	None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35
Other:	
<u>Reckless Driving:</u>	Misdemeanor §§66-8-7(A) & 66-8-113(A)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §66-8-113(B)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$100</u> <u>Subsequent offense-\$50 to \$1,000</u> §66-8-113(B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	Suspension §66-8-113(C) Revocation for 3 offenses within 12 months §66-5-29(A)(7)

NEW MEXICO

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

Suspension-Not more than **90 days** §66-8-113(C) **Revocation** for 3 offenses within 12 months-**1 year** §66-5-29(B)

Mandatory Term of License

Withdrawal Action:

None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35

Other:

Suspension is also possible via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving.⁷ §66-5-30(A)(3) & (4)

Careless Driving⁹:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §66-8-114(A) & (B)

Not more than **90 days** §66-8-7(B)

None

Not more than **\$300** §66-8-7(B)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving⁷ §66-5-30(A)(3) & (4)

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Not more than **1 year** §66-5-32(A)

None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35

Other:

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

⁹The offense of "careless driving" includes either (1) operating a vehicle without giving "full time and entire attention" to vehicle operation or (2) operating a vehicle "in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, other and road conditions and other attendant circumstances." §66-8-114(A) & (B)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §66-1-4.3(K)

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §66-5-68(E)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §66-5-68(E)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §66-5-68(E)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §66-5-54(C)



JURISDICTION:

General Reference:

NEW YORK

This chapter summarizes New York State statutes related to speed. McKinney's Consolidated Laws of New York Note: Most citations are to the Vehicle and Traffic Law (V&T Law). New York Code of Rules and Regulations (NYCRR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. V&T Law §1180(a)

Statutory Speed Limit:

65 MPH on parts of certain designated highways¹ V&T Law §1180-a(2)

See Other below.

55 MPH V&T Law §§1180(b) & 1180-a(1)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation (1) on highways under its jurisdiction² or (2) on, county or town roads not in cities or villages via a request by a county or town may establish maximum speed limits < 55 MPH.³ V&T Law §§1620(a) & 1622(1) Note: New York law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Certain State created public authorities and commissions may establish maximum speed limits < 55 MPH on highways under their jurisdiction.⁴ V&T Law §§1180-a(1) & 1630(5)
III. Towns⁵ on roads within their exclusive jurisdiction may establish

¹A speed limit of 65 MPH speed limit **may** be established on the following highways: (1) "The Governor Thomas E. Dewey Thruway as such term is defined in section three hundred fifty-six of the public authorities law..." (Note: The law specifically prohibits such a speed limit on certain portions of this highway. See V&T law §1180-a(2) for details.); and, (2) "(a) the southern tier expressway from the interchange with United States route fifteen thence generally westerly to the interchange with New York route three hundred ninety-four, (b) interstate route eighty-one from the Pennsylvania border in Broome county to the interchange with New York touring route twelve in Jefferson county, (c) the Adirondack northway portion of interstate route eighty-seven from the interchange with crescent road in Saratoga county to the province of Quebec, (d) interstate route eighty-eight from the interchange with New York state touring route three hundred sixty-nine in Broome county to the interchange with interstate route ninety in Schenectady county, (e) interstate route three hundred ninety, known as the Genesee Expressway, from the interchange with interstate route ninety in Monroe county to the interchange with the southern tier expressway in Steuben county, (f) route seventeen from the interchange with New York touring route three hundred ninety-four to the Pennsylvania Boarder...." V&T Law §1180-a(2) & (3)

²This applies to State maintained highways outside of cities with a population > 1 million and on Indian reservations. V&T Law §1620(a)

³Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. V&T Law §1620(a) However, in certain designated areas, the speed limit on county or town roads cannot be <30 MPH. V&T Law §1622(2)

⁴Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, there are exceptions. Lower safe speed limits may be established for bridges and elevated structures. A safe speed limit of not < 10 MPH may be established in parks. And, a speed limit of not <5 MPH may be established for passage through toll plazas. V&T Law §1630(5)

⁵"Towns" means either suburban towns governed by Town Law Article 3-a or other towns with a population > 50,000. V&T Law §1662-a

NEW YORK

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

maximum speed limits <55 MPH.⁶ V&T Law §§1180-a(1) & 1662-a IV. Cities and villages on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.⁷ V&T Law §§1180-a(1) & 1643

V. Other local authorities or school districts may establish speed limits <55 MPH on driveways or parking fields under their jurisdiction. V&T Law §1670(3)

Minimum Speed Limit:

I. No person shall driver a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. V&T Law §1181(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. V&T Law §1120(b)

Posted (Minimum) Speed Limit:

The State on highways under its jurisdiction or a city with a population >1 million may establish minimum safe speed limits. V&T Law §§1181(b), 1620(b) & 1642(a)(5)

Other:

I. The State, or local government may establish maximum safe speed limits on bridges and elevated structures on their respective highways. V&T Law §§1620(c), 1644, 1652 & 1663

II. The State or a local government may establish maximum speed limits on restricted highways that are either under construction or reconstruction. Highway Law §104-a & V&T Law §1625(a)(1)

III. An agency having control over a street under construction or maintenance may establish a "work area speed limit" with a limit of not <25 MPH. In addition, the usual speed limit cannot be exceed the work area speed limit by >20 MPH. V&T Law §1180(f)

IV. State university board of trustees are authorized to adopt State traffic laws, which could include speed limits, on university streets. Education Law §360(1)

V. School vehicles, when engaged in pupil transportation, cannot be driven >55 MPH. However, local school districts may adopt a lower operating speed for such vehicles. Education Law §3624

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions. V&T Law §§1180 & 1800(a) and Education Law §360(2)

Other:

Education Law §3624 does not provide a sanction for driving a school vehicle >55 MPH when transporting pupils.

⁶Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone or certain of designed towns. However, in certain designed areas, the speed limit on town roads cannot be <30 MPH. V&T Law §1662-a

⁷Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, in certain designed areas, the speed limit on county or town roads cannot be <30 MPH. V&T Law §1643

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Basic Speed Rule-Not more than **15 days** V&T Law §1180(h)(2)
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **15 days** 2nd offense (within 18 months)-Not more than **45 days** Subsequent offense (within 18 months)-Not more than **90 days** V&T Law §1800(b)
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤ 10 MPH-None (2) Exceeding speed limit > 10 but < 30 MPH-Not more than **15 days** (3) Exceeding the speed limit > 30 MPH-Not more than **30 days** V&T Law §1180(h)(1)
Agency Established Construction Zones-(1) Exceeding speed limit ≤ 10 MPH-None (2) Exceeding speed limit > 10 but < 30 MPH-Not more than **30 days** (3) Exceeding the speed limit > 30 MPH-Not more than **30 days** V&T Law §1180(h)(3)
None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule-Not more than **\$30 to \$100⁸** V&T Law §1180(h)(2)
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **\$100** 2nd offense (within 18 months)-Not more than **\$200** Subsequent offense (within 18 months)-Not more than **\$300** V&T Law §1800(b)
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤ 10 MPH-**\$30 to \$100⁸** (2) Exceeding speed limit > 10 but < 30 MPH-**\$60 to \$200⁸** (3) Exceeding the speed limit > 30 MPH-**\$120 to \$400⁸** V&T Law §1180(h)(1)
Agency Established Construction Zones-(1) Exceeding speed limit ≤ 10 MPH-**\$60 to \$100⁸** (2) Exceeding speed limit > 10 but < 30 MPH-**\$120 to \$200⁸** (3) Exceeding the speed limit > 30 MPH-**\$240 to \$400⁷** V&T Law §1180(h)(3)
None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Other:

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension or Revocation-Based Upon Habitual or Persistent Traffic Law Violations (Point System)⁹ V&T Law §510(3)(d)

⁸2nd offense (within 18 months)-The maximum fine that can be imposed is increased by **\$100**. V&T Law §1180(h)(4) Subsequent offense (within 18 months)-The maximum fine that can be imposed is increased by **\$250**. V&T Law §1180(h)(4)

⁹**Point System.** I. An offender may be required to attend a Driver Improvement Clinic if they accumulate 7 to 10 points within 18 months. 15 NYCRR §131.4(b) The licensing agency may take licensing action (suspension or revocation) if the offender has accumulated ≥ 11 points within 18 months or ≥ 9 points resulting from speeding violations within 18 months. NYCRR §131.4(c) II.

NEW YORK

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action: Type of Licensing Action (Susp/Rev): (continued)	Revocation -Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit V&T Law §510(2)(a)(iv)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension or Revocation -Based Upon Habitual or Persistent Traffic Law Violations (Point System)-Note: The law does not provide specific suspension or revocation periods. ¹⁰ V&T Law §510(3)(d) Revocation -Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit-At least 6 months V&T Law §510(6)(a)
Mandatory Minimum Term of Withdrawal:	Suspension or Revocation -Based Upon Habitual or Persistent Traffic Law Violations (Point System)- None ¹¹ Note: Suspension or revocation action is "permissive." V&T Law §510(3)(d) Revocation - None ¹¹
Miscellaneous Sanctions Not Included Elsewhere:	The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law §510(2)(a) & (3)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term):	Misdemeanor V&T Law §1182(1) <u>1st offense</u> -Not more than 30 days V&T Law §1182(1) <u>2nd offense</u> (within 12 months)-Not more than 6 months V&T Law §1182(2) None
Mandatory Minimum Term: Fine (\$ Range):	<u>1st offense</u> - \$200 to \$350 V&T Law §1182(1) <u>2nd offense</u> (within 12 months)- \$350 to \$500 V&T Law §1182(2) None
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal:	Revocation V&T Law §510(2)(a)(vi) & (vii) <u>1st offense</u> -At least 6 months V&T Law §510(2)(a)(vi) & (6)(a) <u>2nd offense</u> (within 3 years)- 1 year V&T Law §510(2)(a)(vii)

The following points have been assigned to speeding or speed related violations: Speeding > 40 MPH over the speed limit-11 points; speeding > 30 but ≤ 40 MPH over the speed limit-8 points; speeding > 20 but ≤ 30 MPH over the speed limit-6 points; reckless driving-5 points; speeding > 10 but ≤ 20 MPH over the speed limit-4 points; other violations related to exceeding the speed limit-3 points; and, other moving violations-2 points. 15 NYCRR §131.3(a) & (b)

¹⁰In the case of "permissive" revocations, the law provides that a "new" license cannot be issued for at **30 days**. V&T Law §510(6)(g)

¹¹A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. V&T Law §530

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum

Length of License

Withdrawal:

None¹¹

Other:

I. The registrations of the vehicles owned by the offender may also be revoked. V&T Law §510(2)(a)

II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Reckless Driving:

Misdemeanor V&T Law §§1212 & 1801(1)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **30 days** 2nd offense (within 18 months)-Not more than **90 days** Subsequent offense (within 18 months)-Not more than **180 days** V&T Law §1801(1)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than **\$200** 2nd offense (within 18 months)-Not more than **\$350** Subsequent offense (within 18 months)-Not more than **\$750** V&T Law §1801(1)

Mandatory Minimum Fine:

1st or subsequent offense-**\$100** V&T Law §1801(1)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation-Based Upon (1) Dangerous Driving or (2) Habitual or Persistent Traffic Law Violations (Point System)⁹ V&T Law §510(3)(a) & (d)

Length of Term of License

Withdrawal Action:

Note: The law does not provide specific suspension or revocation periods.¹⁰ V&T Law §510(3)(a) & (d)

Mandatory Term of License

Withdrawal Action:

None¹² Note: Suspension or revocation action is "permissive." V&T Law §510(3)(a) & (d)

Other:

I. The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law §510(3)

II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Commercial Motor Vehicle (CMV) Operators¹³:

Grounds for Suspension:

A person's CDL is suspended if while operating a CMV they either (1)

¹²A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. However, a person is not eligible for such privileges if they have been convicted of a prior reckless driving offense within 4 years of the present offense. V&T Law §530(2)

¹³A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. V&T Law §501-a(4)

NEW YORK

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Suspension: (continued)

commit 2 "serious traffic violations"¹⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period. §6-514(e)

Period of Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** V&T Law §510-a(3)(a) & (b)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** V&T Law §510-a(3)(a) & (b)

¹⁴A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. V&T Law §510-a(4)

JURISDICTION:

NORTH CAROLINA

General Reference:

This chapter summarizes North Carolina State statutes related to speed.
General Statutes of North Carolina

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §20-141(a)

**Statutory Speed Limit:
See Other below.**

70 MPH on the interstate highway system or other controlled-access highways¹ §20-141(d)(2)
55 MPH on highways outside municipal corporate limits §20-141(b)(2)
35 MPH on highways inside municipal corporate limits §20-141(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Department may increase or decrease the above speed limits on State highways under its jurisdiction (e.g., outside the corporate limits of a municipality or unincorporated municipalities). §20-141(d), (f) & (g)
II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on streets under their jurisdiction. However, the maximum speed limit on any street cannot be > 55 MPH. §20-141(e) & (f)
III. Except for overweight or oversized vehicles requiring special permits to use the highways or when weather or highway conditions require a slower speed, speed limits shall apply uniformly to all types of vehicles. §20-141(l)
IV. Local authorities may post lower speed limits than proved for under §20-141(b) on public school property and on private school property subject to the approval of governing body of the private school. §20-141(e1)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §20-141(h)
II. Except when making a left turn, no person shall operate a motor vehicle on the inside lane next to the median of any dual-lane highway at a speed below the posted speed limit if such slow speed would impede the steady flow of traffic. §20-146(e)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for thru traffic or as close as practicable to the right-hand curb or edge of the highway. §20-146(b)

Posted (Minimum) Speed Limit:

I. 40 MPH on interstate and primary highways with a posted speed limit of 55 MPH.² §20-141(c)(1)
II. 45 MPH on interstate and primary highways with a posted speed limit ≥60 MPH.² §20-141(c)(2)

¹The maximum speed limit on these highways is 55 MPH unless an engineering and traffic investigation justifies a higher speed limit. However, any increase in the speed limit cannot be >70 MPH. §20-141(d)(2)

²This limit does not apply to vehicles that are towing other vehicles. §20-141(c)

NORTH CAROLINA

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: (continued)

III. Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit on the streets and highways under their jurisdiction. §20-141(g)

Other:

I. The Board of Transportation or a local government may establish speed limits in designated school zones. These limits are in effect when school is in session. Such a limit cannot be <20 MPH. §20-141.1

II. The State Department of Transportation may establish safe maximum speed limits for bridges, causeways or viaducts. §20-144

III. A school bus, which is loaded with children, shall not be driven >45 MPH. §20-218(b)

IV. A school activity bus, which is loaded with children, shall not be driven >55 MPH. §20-218(b)

V. When transportation persons, an activity bus, which is owned by a nonprofit organization, shall not be driven >55 MPH. §20-218.2

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted, Speed Law Violations are Infractions (Noncriminal Offenses). §§14-3.1 & 20-176(a)

Excessive Speeding is a Class 2 Misdemeanor.³ §20-141(j1)

A person, who drives either a school bus, a school activity bus, or a nonprofit activity bus in excess of the maximum statutory speed allowed for these vehicles, commits a Class 3 Misdemeanor. §§20-218(c) & 20-218.2

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Infraction-None

Class 2 Misdemeanor-1 to 60 days⁴ §15A-1340.23(c)(2)

Class 3 Misdemeanor-1 to 20 days⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term:

None See Highway Work Zone and School Property below.

³It is a Class 2 Misdemeanor to operate a motor vehicle either (1) > 15 MPH over the posted speed limit or (2) > 80 MPH. §20-141(j1)

⁴The period of incarceration is determined by the number of prior misdemeanor offense convictions. I. For Class 1 Misdemeanors, if the offender has either had no prior or has had no more than 4 prior convictions, the incarceration period is from 1 to 45 days. However, if they have had 5 or more convictions, the incarceration period is from 1 to 120 days. II. For Class 2 Misdemeanors, if the offender has had no prior convictions, the incarceration period is from 1 to 30 days. If they have had up to 4 prior convictions, the incarceration period is from 1 to 45 days. And, if they have had 5 or more prior convictions, the incarceration period is from 1 to 60 days. III. For Class 3 Misdemeanors, if the offender has had no prior convictions, the incarceration period is 1 to 10 days. If they have had up to 4 prior convictions, the incarceration period is from 1 to 15 days. And, if they have had 5 or more prior convictions, the incarceration period is from 1 to 20 days. §15A-1340.23(c)(2)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Fine: Amount (\$ Range):</p>	<p><u>Infraction-Not more than \$100</u> §20-176(b) <u>Class 2 Misdemeanor-Not more than \$1,000</u> §15A-1340.23(b) <u>Class 3 Misdemeanor-Not more than \$200</u> §15A-1340.23(b)</p>
<p>Mandatory Min. Fine (\$):</p>	<p>None</p>
<p>Other Penalties: Traffic School: Other:</p>	<p>Driver Improvement Clinic §20-16(e) Highway Work Zone. There is a fine of not less than \$100 (mandatory) nor more than \$250 for exceeding the speed limit in a highway work zone. §20-141(j2) School Zone or School Property. For exceeding the posted speed limit either (1) in a school zone or (2) on public or private school property where such limit was established pursuant to §20-141(e1), a mandatory fine of \$25. §§20-141(e1) & 20-141.1</p>
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>I. Suspension via a Point System⁵ §20-16(a)(5) & (c) II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH §20-16(a)(9) III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH §20-16(a)(10) IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH §20-16(a)(10a)</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>I. Suspension via a Point System-Not more than 1 year §20-19(c) II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH-Not more than 6 months §20-19(a) III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH-Not more than 12 months §20-19(b) IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH-Not more than 1 year §20-19(c)</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>I. Suspension via a Point System-None §20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary. II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH-None §20-19(a) Note: Suspension action by the licensing agency is discretionary. III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH-None Note: Suspension action by the licensing agency is discretionary. §20-19(b) IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH-None §20-16(a)(10a) Note: Suspension action by the licensing agency appears to be discretionary.</p>

⁵**Point System.** I. A person's license is subject to suspension if they accumulate 12 points within 3 years. II. The following points have been assigned to speeding or speed related offenses: Reckless driving-4 points; exceeding the posted speed limit of 55 MPH-3 points; exceeding the posted speed limit in a school zone-3 points; and, all other violations-2 points. §20-16(a)(5) & (c)

NORTH CAROLINA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Required Suspension for operating a motor vehicle (1) > 15 MPH over the speed limit and also driving > 55 MPH or (2) > 80 MPH-**30 days**⁶ §20-16.1(a) Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)

Eluding a Police Officer. A person, attempting to elude a law enforcement officer, commits a Class 1 Misdemeanor if they drive either (1) > 55 MPH and > 15 MPH over the speed limit or (2) > 80 MPH. §20-141(j) The sanctions for this misdemeanor are an imprisonment term of **1 to 120 days** and/or a fine (the amount is discretionary with the court). §15A-1340.23(b) & (c)(2)

Other Criminal Actions Related to Speeding:

Racing on Highway:

- I. Class 1 Misdemeanor-Prearranged Speed Competition on a Highway §20-141.3(a)
- II. Class 2 Misdemeanor-Willful Speed Competition (not prearranged) §20-141.3(b)

Sanctions:
Criminal Sanction:
Imprisonment (Term):

- I. Prearranged Speed Competition on a Highway-**1 to 120 days**⁴ §15A-1340.23(c)(2)
- II. Willful Speed Competition (not prearranged)-**1 to 60 days**⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term:
Fine (\$ Range):

- None**
- I. Prearranged Speed Competition on a Highway-The amount of the fine is discretionary with the court. §15A-1340.23(b)
- II. Willful Speed Competition (not prearranged)-Not more than **\$1,000** §15A-1340.23(b)

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

- I. Prearranged Speed Competition on a Highway-**Revocation** §20-141.3(d)
- II. Willful Speed Competition (not prearranged)-**Suspension** §20-141.3(e)

Length of Term of
Licensing Withdrawal:

- I. Prearranged Speed Competition on a Highway-**3 years** §20-141.3(d)
- II. Willful Speed Competition (not prearranged)-Not more than **1 year** §20-141.3(e)

⁶A 1st offender may receive restricted driving privileges for either health, education or family welfare purposes. However, for subsequent offenders, this suspension appears to be mandatory. §20-16.1(b)(1)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Mandatory Action--Minimum
Length of License Withdrawal:

I. Prearranged Speed Competition on a Highway-**18 months**⁷ §20-141.3(d)
II. Willful Speed Competition (not prearranged)-**None**⁸ §20-141.3(e)

Other:

Driver Improvement Clinic §20-16(e)

Reckless Driving⁹:

Class 2 Misdemeanor §20-140(a), (b) & (d)

Sanction:

Criminal:

1 to 60 days⁴ §15A-1340.23(c)(2)

Imprisonment (Term):

None

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Not more than **\$1,000** §15A-1340.23(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁵ §20-16(a)(5) & (c)
Revocation for 2 reckless driving offenses within 12 months §20-17(a)(6)

Length of Term of License
Withdrawal Action:

Suspension via a Point System-Not more than **1 year** §§20-16(a)(5) & (c) and 20-19(c)
Revocation for 2 reckless driving offenses within 12 months-**1 year** §§20-17(a)(6) & 20-19(f)

Mandatory Term of License
Withdrawal Action:

Suspension via a Point System-**None** §§20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary.
Revocation for 2 reckless driving offenses within 12 months-**1 year** §§20-17(a)(6) & 20-19(f)

Other:

I. **Required Suspension** for operating a motor vehicle (1) > 15 MPH over the speed limit and also driving > 55 MPH or (2) > 80 MPH and reckless driving-**60 days** §20-16.1(d) Note: This action appears to be mandatory. Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)
II. Driver Improvement Clinic §20-16(e)

⁷A new license may be issued after 18 months if the licensing agency is satisfied that the offender "has been of good behavior." The agency may place such conditions on the new license that it feels are appropriate for the remaining period of the revocation. §20-141.3(d)

⁸These is no mandatory suspension period. Licensing action is discretionary with the licensing agency. §20-141.3(e)

⁹"Reckless driving" includes either (1) driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or (2) driving without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property. §20-140(a) & (b)

NORTH CAROLINA

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §20-17.4(d)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §20-4.01(3d)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §20-4.01(41a)

JURISDICTION:

NORTH DAKOTA

General Reference:

This chapter summarizes North Dakota State statutes related to speed.
North Dakota Century Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person may drive a vehicle at a speed greater than is reasonable and prudent under the existing conditions having regard to the actual and potential hazards then existing.¹ §39-09-01 (¶1)

Statutory Speed Limit:

70 MPH (112.65 Kilometers Per Hour) on interstate highways² §39-09-02 (§4 of H.B. 1074 enacted in 1997)

65 MPH³ (104.61 Kilometers Per Hour) on certain paved highways during the day time §39-09-02(1)(g)

55 MPH⁴ (88.51 Kilometers Per Hour) on certain paved and unpaved highways during the nighttime §39-09-02(1)(f)

See Other below.

25 MPH (40.23 Kilometers Per Hour) in a business or residential district or a public park §39-09-02(1)(e)

20 MPH (32.19 Kilometers Per Hour) in a school zone⁵ §39-09-02(1)(b)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.⁶ §§39-09-04 & 39-09-07

II. Based on engineering and traffic investigations, a local government may increase (but not > 55 MPH/> 88.51 Kilometers Per Hour) or decrease the above speed limits on the highways under its jurisdiction. §39-09-03

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §39-09-09(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §39-10-08(2)

¹A violation of this provision is considered "careless driving." §39-09-01

²The 70 MPH speed limit applies on access controlled, paved and divided, multilane interstate highways. §39-09-02 (§4 of H.B. 1074 enacted in 1997)

³The 65 MPH speed limit applies (1), if posted, on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset (if posted) and (2) on paved and divided multilane highways. §39-09-02(1)(g)

⁴Provided there is no posted speed limit or the time period is one-half hour after sunset to one-half hour before sunrise, the speed limit is 55 MPH speed limit (1) on gravel, dirt or loose surface highways and (2) on paved two-lane highways. §39-09-02(1)(f)

⁵This speed limit applies when either (1) the school is in recess or (2) children are going to and from school. §39-09-02(1)(b)

⁶This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §39-09-04

NORTH DAKOTA

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits for the highways under their jurisdiction. §39-09-09(2)

Other: I. The law establishes a speed limit of 20 MPH (32.19 Kilometers Per Hour) in certain situations where a driver's view is obstructed. §39-09-01(1)(a), (c) & (d)
II. Special speed limits may be established on a State highway such as in a construction zone. §39-09-02(2)
III. Based upon safety investigations, the State or a local government may establish safe maximum speed limits for bridges, causeways or viaducts. §39-09-01.1(2) & (3)
IV. A person shall not operate a vehicle, that is equipped with solid rubber tires, > 10 MPH (> 16.09 Kilometers Per Hour). §39-09-04.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Speed Law Violations are Noncriminal Fee Dispositions. §§39-07-06 & 39-06.1-06(1), (3), (4) & (8), 39-06.1-09 and 39-09-02(2)

Other: A person, who violates the Basic Speed Rule (Careless Driving), commits an Infraction if they injure either a snow removal equipment operator or snow removal equipment while such are engaged in snow removal operations. §39-09-01 (12)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years,
Etc.): None

Mandatory Minimum Term:
Fine:
Amount (\$ Range): Violating Basic Speed Rule-\$30 §§39-06.1-06(4) & 39-09-01
Violating Posted/Maximum Speed Limits-\$5 to >\$100 §§39-06.1-06(3) & (8) and 39-09-02(2)

7. **General Fee Schedule:** 6 to 10 MPH over the speed limit-\$5 plus \$1 for each MPH over 5 MPH; 11 to 15 MPH over the speed limit-\$10 plus \$1 for each MPH over 10 MPH; 16 to 20 MPH over the speed limit-\$15 plus \$2 for each MPH over 15 MPH; 21 to 25 MPH over the speed limit-\$25 plus \$3 for each MPH over 20 MPH; 26 to 35 MPH over the speed limit-\$40 plus \$3 for each MPH over 25 MPH; 36 to 45 MPH over the speed limit-\$70 plus \$3 for each MPH over 35 MPH; and, ≥46 MPH over the speed limit-\$100 plus \$5 for each MPH over 45 MPH. §39-06.1-06(3) II. **Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits >55 MPH (88.51 Kilometers Per Hour):** 1 to 5 MPH over the speed limit-\$10 plus \$1 for each MPH over the limit; 6 to 10 MPH over the speed limit-\$15 plus \$2 for each MPH over 5 MPH over the limit; 11 to 15 MPH over the speed limit-\$25 plus \$3 for each MPH over 10 MPH over the limit; 16 to 25 MPH over the speed limit-\$40 plus \$3 for each MPH over 15 MPH over the limit; 26 to 35 MPH over the speed limit-\$70 plus \$3 for each MPH over 25 MPH over the limit; and, ≥36 MPH over the speed limit-\$100 plus \$5 for each MPH over 35 MPH over the limit. §39-06.1-06(8) III. **Fee Schedule for Violating a Specially Posted Speed Limit in a Construction Zone:** These fees apply unless a greater fee is applicable under other provisions of the law. 1 to 10 MPH over the speed limit-\$40; and, > 10 MPH over the speed limit-\$40 plus \$1 for each MPH over 10 MPH. §39-09-02(2) Note: The point schedule does not assign points for a violation of the provisions related to minimum speed (§§39-09-09(1) & 39-10-08(2)).

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:

Amount (\$ Range): (continued)

Driving a Vehicle Equipped with Solid Rubber Tires > 10 MPH (> 16.09 Kilometers Per Hour)-\$20 §§39-06.1-06(2) & 39-06.1-09
Exceeding the Maximum Safe Posted Speed Limit on Bridges, Causeways or Viaducts-\$20 §§39-06.1-06(2) & 39-06.1-09
Driving Too Slowly or Violating Minimum Posted Speed Limit-\$20 §§39-06.1-06(2) & 39-06.1-09
Infraction-Not more than \$500 §12.1-32-01(7)
None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Other:

Subsequent Infraction. A person, who has been convicted of a subsequent infraction offense within 1 year, may be sentenced as though convicted of a Class B Misdemeanor. §12.1-32-01(7) The sanctions for a Class B Misdemeanor are an imprisonment term of not more than 30 days and/or a fine of not more than \$500. §12.1-32-01(6)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Suspension via a Point System⁸ §39-06.1-10

≥7 days §39-06.1-10(2)

Note: Suspensions via the Point System appear to be mandatory.

Miscellaneous Sanctions

Not Included Elsewhere:

⁸**Point System.** I. An offender, who accumulates 12 points, is subject to a 7 day license suspension. If they accumulate ≥ 13 points, their license is suspended for 7 days for each point over 11. §39-06.1-10(2) II. The following points have been assigned for speed related violations: Reckless driving-8 points; aggravated reckless driving-12 points; basic speed rule violation-6 points; drag racing-10 points; exhibition driving-3 points; and, failure to use care-2 points. §39-06.1-10(3)(a)(10), (12), (13) & (29) and 39-06.1-10(3)(b)(1) & (2) II. Except as noted, the following points have been assigned for exceeding the speed limit: 16 to 20 MPH over the speed limit-3 points; 21 to 25 MPH over the speed limit-4 points; 26 to 35 MPH over the speed limit-6 points; 36 to 45 MPH over the speed limit-8 points; and, ≥46 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(30) IV. The following points have been assigned for exceeding the speed limit within city limits or noncontrolled access highways: 6 to 10 MPH over the speed limit-1 point; 11 to 15 MPH over the speed limit-2 points; 16 to 20 MPH over the speed limit-3 points; 21 to 25 MPH over the speed limit-4 points; 26 to 35 MPH over the speed limit-6 points; 36 to 45 MPH over the speed limit-8 points; and, ≥46 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(31) V. The following points have been assigned for exceeding the speed limit on highways with a speed limit > 55 MPH (88.51 Kilometers Per Hour)-6 to 10 MPH over the speed limit-1 point; 11 to 15 MPH over the speed limit-4 points; 16 to 25 MPH over the speed limit-7 points; 26 to 35 MPH over the speed limit-10 points; and, ≥36 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(34)

NORTH DAKOTA

Other Criminal Actions Related to Speeding:

Exhibition of Driving and Drag Racing⁹:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Noncriminal Fee Disposition §§39-08-03.1 & 39-07-06

None

For Drag Racing-\$100 §39-08-03.1(1)

For Exhibition Driving-\$50 §39-08-03.1(1)

Note: The law is not clear but the above fines may be mandatory.

Suspension via a Point System⁸ §39-06.1-10

≥7 days §39-06.1-10(2)

Note: Suspensions via the Point System appear to be mandatory.

Class B Misdemeanor §39-08-03

Not more than 30 days §12.1-32-01(6)

None

Not more than \$1,000 §12.1-32-01(6)

None

Suspension via a Point System⁸ §39-06.1-10

≥7 days §39-06.1-10(2)

Note: Suspensions via the Point System appear to be mandatory.

⁹I. "Drag racing" is defined as operating either (1) "two or more vehicles from a point side by side by accelerating rapidly in a competition attempt to outdistance the other" or "(2) one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle of vehicles within a certain distance or time limit." §39-08-03.1(2)(a) II. "Exhibition driving" is defined as either (1) operating "a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking" or (2) "operating or executing or attempting one or a series of unnecessarily abrupt turns." §39-08-03.1(2)(b)

Other Criminal Actions Related to Speeding:
(continued)

<u>Aggravated Reckless Driving</u> ¹⁰ :	Class A Misdemeanor §39-08-03
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §12.1-32-01(5)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 §12.1-32-01(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁸ §39-06.1-10 or Revocation if there was "serious bodily injury" ¹¹ §39-06-31(2)
Length of Term of License Withdrawal Action:	Suspensions via Point System- ≥7 days §39-06.1-10(2) Revocation-1 year or for such period as recommend by the court §39-06-31
Mandatory Term of License Withdrawal Action:	Suspensions via the Point System appear to be mandatory. Revocation-1 year or for such period as recommend by the court
Other:	
<u>Care in Operating Vehicles</u> ¹² :	Noncriminal Disposition Fee §§39-06.1-06(5) & 39-09-01.1
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$10 to \$30 §39-06.1-06(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁸ §39-06.1-10
Length of Term of License Withdrawal Action:	≥7 days §39-06.1-10(2)
Mandatory Term of License Withdrawal Action:	Note: Suspensions via the Point System appear to be mandatory.

¹⁰"Aggravated reckless driving" is reckless driving which "inflicts injury upon the person of another." §39-08-03

¹¹"Serious bodily injury" is defined as "bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent loss or impairment of the function of any bodily member or organ." §12.1-01-04(28)

¹²A person violates this provision if they (1) do not operate a vehicle "in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing" or (2) "drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person." §39-09-01.1

NORTH DAKOTA

Other Criminal Actions Related to Speeding:
(continued)

Care in Operating Vehicles:
(continued)

Other:

Commercial Motor Vehicle (CMV) Operators¹³:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period. §39-06.2-10(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §39-06.2-10(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §39-06.2-10(5)

¹³A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §39-06.2-02(6)

¹⁴A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §39-06.2-02(21)

JURISDICTION:

OHIO

General Reference:

This chapter summarizes Ohio State statutes related to speed.
Ohio Revised Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall operate a vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions. §4511.21(A)

Statutory Speed Limit:
See Other below.

65 MPH¹, established prior to October 1, 1995, on certain interstate and State freeways §4511.21(B)(12) and (D)
55 MPH for vehicles weighing >8,000 lbs. empty weight and noncommercial busses on interstate and State freeways §4511.21(B)(10)
55 MPH on other freeways inside and outside of municipal corporations §4511.21(B)(8) & (9) and (D)
55 MPH on highways outside of municipal corporations except certain freeways §4511.21(B)(5) and (D)
50 MPH (*prima facie* speed limit) on controlled-access highways and expressways within municipal corporations §4511.21(B)(4) & (C)
50 MPH (*prima facie* speed limit) on State routes within municipal corporations outside urban districts §4511.21(B)(6) & (C)
35 MPH (*prima facie* speed limit) on State routes and through highways² §4511.21(B)(3) & (C)
25 MPH (*prima facie* speed limit) on municipal corporation streets³ §4511.21(B)(2) & (C)
20 MPH (*prima facie* speed limit) in school zones during recess or when children are going to or leaving school §4511.21(B)(1)(a) & (C)
15 MPH (*prima facie* speed limit) on alleys within a municipal corporation §4511.21(B)(7) & (C)

Posted (Maximum) Speed Limit:

Based on geometric and traffic characteristics studies, the State or local governments⁴ may increase or decrease the above speed limits on any highway. The new posted speed limit on such highway is the *prima facie* safe speed for that highway. §4511.21(H), (I) & (J)

Minimum Speed Limit:

I. No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §4511.22(A)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §4511.25

¹This speed limit only applies to motor vehicles weighing ≤8,000 lbs. empty weight and commercial busses. §4511.21(B)(12)

²This speed limit applies within municipal corporations outside business districts but does not include controlled-access highways and expressways within municipal corporations or highways outside of municipal corporations. §4511.21(B)(3)

³Except on state routes outside business districts, through highways outside business districts and alleys. §4511.21(B)(2)

⁴Local governments must either request or obtain State approval for any speed limit changes on the streets or highways within their jurisdiction. §4511.21(H) & (J)

OHIO

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: Based upon engineering and traffic investigations, the State or local government may establish a minimum speed limit on a highway. However, no minimum speed limit shall be <35 MPH or >55 MPH. §4511.22(B)

Other: I. Based upon an investigation, the State may establish safe maximum speed limits for bridges or other elevated structures. §4511.23
II. The owner of a private road or driveway located in a residential area containing ≥20 dwelling units may establish a legal posted speed limits on such road or driveway of not <25 MPH. §4511.21

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. §4511.99(D)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.): 1st offense (Minor Misdemeanor)-None 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **30 days** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **60 days** §§2929.21(A) & (B) and 4511.99(D)

Mandatory Minimum Term: **None**

Fine:
Amount (\$ Range): 1st offense (Minor Misdemeanor)-Not more than **\$100** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **\$250** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **\$500** §§2929.21(C) & (D) and 4511.99(D)

Mandatory Min. Fine (\$): **None**

Other Penalties:
Traffic School: Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

Other:

Licensing Action:
Type of Licensing Action (Susp/Rev): **Suspension** via a Point System⁵ §4507.021(G), (K) & (L)

⁵**Point System.** I. A person, who accumulates not <12 points within a 2 year period from the date of the first conviction, is subject to a 6 month license suspension. §4507.021(K) II. The following points have been assigned to speeding and speed related offenses: Street racing-6 points; reckless driving-4 points; general speed limit violation-2 points; 1st violation of exceeding either the 55 or 65 MPH speed limits by driving >75 MPH-2 points; 2nd violation within 1 year of exceeding either the 55 or 65 MPH speed limits by driving >75 MPH-1 point for each increment of 5 MPH in excess of the posted speed limit excluding the first 5 MPH over the limit; 3rd violation within 1 year of exceeding either the 55 or 65 MPH speed limits by driving >75 MPH-2 points for each increment of 5 MPH in excess of the posted speed limit excluding the first 5 MPH over the limit; and, all other moving violations-2 points. §4507.021(G)(9), (10), (12), (13), (14), (15) & (16)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

6 months §4507.021(K)

Suspension via Point System-**None** The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(4)

Miscellaneous Sanctions
Not Included Elsewhere:

I. 1st offense of driving either (1) > 35 MPH in a business district of a municipal corporation, (2) > 55 MPH on other portions or (3) > 35 MPH in a school zone during either recess or when children are going either to or leaving the school-4th Degree Misdemeanor §4511.99(D)(2) See the sanctions for this misdemeanor above.

II. If the appropriate signs are posted in a construction zone that indicate that increase sanctions are in effect, the fines for an offense committed in such zone are doubled the usual amount. §§4511.99(D)(3) & 4511.98

Other Criminal Actions Related to Speeding:

Street Racing⁶:
Sanctions:
Criminal Sanction:
Imprisonment (Term):

Misdemeanor §§4511.251 & 4511.99(D)

1st offense (Minor Misdemeanor)-**None** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **30 days** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **60 days** §§2929.21(A) & (B) and 4511.99(D)

Mandatory Minimum Term:
Fine (\$ Range):

None

1st offense (Minor Misdemeanor)-Not more than **\$100** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **\$250** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **\$500** §§2929.21(C) & (D) and 4511.99(D)

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension via a Point System⁵ §4507.021(G), (K) & (L)
Suspension via Court Action §4507.16(A)(4)

Length of Term of
Licensing Withdrawal:

Suspension via Point System-**6 months** §4507.021(K)
Suspension via Court Action-**30 days to 3 years** §4507.16(A)

Mandatory Action--Minimum
Length of License
Withdrawal:

Suspension via Point System-**None** The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(4)
Suspension via Court Action-**30 days** §4507.16(I) Note: A 30 day suspension appears to be mandatory.

⁶"Street racing" is defined as "the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds." §4511.251

OHIO

Other Criminal Actions Related to Speeding:
(continued)

Street Racing: (continued)

Other:

Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

Reckless Driving:

Sanction:

Misdemeanor §§4511.20, 4511.201⁷ & 4511.99(D)

Criminal:

Imprisonment (Term):

1st offense (Minor Misdemeanor)-None 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **30 days** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **60 days** §§2929.21(A) & (B) and 4511.99(D)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense (Minor Misdemeanor)-Not more than **\$100** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **\$250** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **\$500** §§2929.21(C) & (D) and 4511.99(D)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §4507.021(G), (K) & (L)

Length of Term of License

Withdrawal Action:

Suspension via Point System-**6 months** §4507.021(K)

Mandatory Term of License

Withdrawal Action:

Suspension via Point System-None The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(14)

Other:

I. If the appropriate signs are posted in a construction zone that indicate that increase sanctions are in effect, the fines for an offense committed in such zone are doubled the usual amount. §§4511.99(D)(3) & 4511.98

II. Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

Reasonable Control⁸:

Sanctions:

Minor Misdemeanor §§4511.202 & 4511.99(I)

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$100** §2929.21(D)

Mandatory Minimum Fine:

⁷This section applies to the reckless operation of a vehicle on any public or private property other than streets or highways.

⁸"No person shall operate a motor vehicle.... without being in reasonable control of the vehicle...." §4511.202

Other Criminal Actions Related to Speeding:
(continued)

Reasonable Control: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via a Point System⁵ §4507.021(G), (K) & (L)

Suspension via Point System-**6 months** §4507.021(K)

Suspension via Point System-**None** The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(4)

Other:

Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §4506.16(B)(5) & (6)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §4506.16(B)(5) & (6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §4506.16(B)(5) & (6)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §4506.01(E)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §4506.01(V) & 49 CFR §383.5



JURISDICTION:

General Reference:

OKLAHOMA

This chapter summarizes Oklahoma State statutes related to speed. Oklahoma Statutes Annotated and Oklahoma Administrative Code (OAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway (turnpike) and any other conditions then existing. Title 47, §11-801(A) & (D) and 11-1401(g)

Statutory Speed Limit:
See Other below.

75 MPH on the turnpike system and designated segments of the rural interstate system Title 47, §11-801(B)(1)
70 MPH on 4 lane highways or "super two-lane" highways¹ Title 47, §11-801(B)(2)
65 MPH on other highways Title 47, §11-801(B)(3)
55 MPH on a county road Title 47, §11-801(E)(1)
45 MPH in the State Capitol Park Area Title 47, §11-801(B)(6)
35 MPH in a State park or wildlife refuge Title 47, §11-801(B)(7)
25 MPH in a school zone or within a State school Title 47, §11-801(B)(5) & (6)

Historical Note: The provisions of Title 47, §11-801, that established lower speed limits for trucks, truck tractors with semitrailers or poletrailers attached and for pick-up trucks hauling livestock, were repealed. §1 of Chapter 324, Laws of 1996

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase or decrease² the above speed limits.³ Title 47, §§11-802 & 11-803(D)
II. The State Turnpike Authority has the authority to establish maximum speeds for trucks, buses and automobiles using turnpikes. Title 47, §11-1401(i)
III. Subject to certain limitations⁴ and based on engineering and traffic investigations, local governments may increase or decrease the maximum speed limits.⁵ Title 47, §11-803

¹A "super two-lane highway" means a 2 lane highway "with designated passing lanes, and consisting of paved shoulder not less than eight (8) feet in width." Title 47, §11-801(B)(2)

²On interstate highways within corporate limits, the speed limit cannot be decreased to less than 60 MPH. Title 47, §11-803(D)

³Under separate provisions of law, the State Transportation Commission may establish maximum speeds for controlled access highways. Title 47, §11-801(C)

⁴The speed limit inside an urban district can be increased to no more than 65 MPH. The speed limit outside an urban district can be decreased to not less than 30 MPH. Title 47, §11-803(A)(2) & (3)

⁵Under separate provisions law, county boards may establish speed limits > or <55 MPH for county roads. Title 47, §11-801(E)(1)(A)

OKLAHOMA

Basis for a Speed Law Violation: (continued)

Posted (Maximum Speed Limit: (continued)

IV. The State Transportation Commission and local governments have joint authority to alter speed limits² within corporate limits on highways constructed with either State or Federal funds.⁶ Title 47, §11-803(D)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 47, §11-804(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane when available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 47, §11-301(b)

Posted (Minimum) Speed Limit:

I. The State Transportation Commission may establish minimum speeds for controlled access highways. Title 47, §11-801(C)

II. The State Turnpike Authority has the authority to establish minimum speeds for trucks, buses and automobiles using turnpikes. Title 47, §11-1401(i)

III. Based on engineering and traffic investigations, the State Transportation Commission or local governments may, on highways under their respective jurisdictions, establish minimum speed limits on a highway. Title 47, §11-804(b)

Other:

I. No person shall drive a school bus > 65 MPH on turnpikes and the interstate highway system and > 55 MPH on other highways. Title 47, §11-801(B)(4)

II. Based on an investigation, either the State or a local government may establish a safe maximum speed limit for a bridge or other elevated structure. Title 47, §11-806(a) & (b)

III. The State may post special speed limits on State or Federal highways under construction or repair. Title 47, §11-806(c)

IV. No person shall drive a vehicle equipped with either solid rubber or metal tires > 10 MPH. Title 47, §11-801(B)(8)

V. No person shall drive a motor-driven cycle⁷ or motor scooter⁸ > 35 MPH. Title 47, §11-805

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 47, §§11-102, 11-807(c), 11-1401(m), 17-101(a) & 40-106

Other:

⁶However, a local government cannot establish a speed limit that is "substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies." Title 47, §11-803(D)

⁷A "motor-driven cycle" is a bicycle with a motor attached. Title 47, §11-805

⁸This limit applies to "motor scooters" with a wheel diameter of ≤ 12 inches as "measured from one side of the rim to the other." Title 47, §11-805

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

I. For Speed Law Violations, Except as Noted (Title 47, §§11-801 to 11-807)-**5 days to 30 days** Title 47, §§11-807(c) & 11-1401(m)
 II. For a Not Driving in the Right Lane When Proceeding at Less than the Normal Speed of Traffic (Title 47, §11-301(b))-1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** Title 47, §17-101(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

I. For Speed Law Violations, Except as Noted (Title 47, §§11-801 to 11-807)**\$10 to \$200** Title 47, §§11-807(c) & 11-1401(m)
 II. For a Not Driving in the Right Lane When Proceeding at Less than the Normal Speed of Traffic (Title 47, §11-301(b))-1st offense-**\$10 to \$100** 2nd offense (within 1 year)-**\$20 to \$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** Title 47, §17-101(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Driver Improvement or Defensive Driving Course Title 47, §6-206.1 & OAC 595:10-7-10 Note: An offender can reduce the number points on their driving record by taking this course. OAC 595:10-7-10

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁹ Title 47, §6-206(B)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** Title 47, §6-208

Mandatory Minimum Term of

Withdrawal:

Limited⁹

⁹**Point System.** The licensing agency usually takes suspension action suspension based upon a point system. I. Under this system, an offender's license is suspended when they accumulate 10 or more points. Suspension periods are determined by the number of prior suspensions as follows: A 1st suspension is for 1 months; a 2nd suspension is for 3 months; a 3rd suspension is for 6 months (mandatory); and a 4th or subsequent suspension is for 12 months (mandatory). OAC 595:10-7-6 II. The following points have been assigned to speeding and speed related violations: Reckless driving-4 points; speeding > 25 MPH over the speed limit-3 points; careless driving (Note: This is not listed as an offense under State statutory law.)-2 points; speeding-2 points; contest racing on the highway (Note: This is not listed as an offense under State statutory law.)-2 points; speeding in excess of the posted maximum speed limit-2 points; driving less than the minimum posted speed limit-2 points; speeding in a school zone-2 points; radar checked speed violation-2 points; airplane checked speed violation-2 points; Vascar-2 points; negligent driving (Note: This is not listed as an offense under State statutory law.)-1 point; operating a motor vehicle at a speed either greater than or less than is reasonable or proper-1 point; and impeding traffic and <40 MPH-1 point. OAC 595:10-7-2

OKLAHOMA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Note: State law does not provide for the offense of racing on the highway. However, the State code does authorize local governments to enact ordinances or promulgate regulations that prohibit such conduct. Title 11, §22-117(A)

Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine (\$ Range):
Mandatory Minimum Fine:

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Other:

Reckless Driving:

Misdemeanor Title 47, §§11-102 & 11-901

Sanction:
Criminal:
Imprisonment (Term):

1st offense-5 days to 90 days Subsequent offense-10 days to 6 months
Title 47, §11-901(b)

Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

None
1st offense-\$25 to \$500 Subsequent offense-\$50 to \$1,000 Title 47,
§11-901(b)
None

Mandatory Minimum Fine:

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Suspension⁹ Title 47, §6-206(B)

Not more than **1 year** Title 47, §6-208

Other:

Limited⁹
Driver Improvement or Defensive Driving Course Title 47, §6-206.1
& OAC 595:10-7-10 Note: An offender can reduce the number points
on their driving record by taking this course. OAC 595:10-7-10

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 47, §6-205.2(F)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 47, §6-205.2(F)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 47, §6-205.2(F)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 47, §§1-107.1, 1-107.2 & 1-107.3

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Title 47, §6-205.2(F)



JURISDICTION:

OREGON

General Reference:

This chapter summarizes Oregon State statutes related to speed.
Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person commits an offense if they drive a vehicle at a speed greater than is reasonable and prudent, having due regard to all of the following: The traffic; the surface and width of the highway; the hazard at intersections; weather; visibility; and, other conditions then existing.¹ §811.100(1)

Statutory Speed Limit:

It is *prima facie* evidence of a violation of the basic speed rule to exceed the following speed limits.

See Other below.

- A) 65 MPH on rural interstate highways §811.105(2)(e), 811.112(1) & 811.123(1)(e)
- B) 55 MPH on other highways §811.105(2)(f) & 811.123(1)(f)
- C) 25 MPH in a public park or residential district §811.105(2)(d) & 811.123(1)(d)
- D) 25 MPH on the ocean shore §811.120(1)(b)
- E) 20 MPH in a school zone² §811.105(2)(c) & 811.123(1)(c)
- F) 20 MPH in a business district §811.105(2)(b) & 811.123(1)(b)
- G) 15 MPH in an alley §811.105(2)(a) & 811.123(1)(a)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above *prima facie* speed limits on the highways outside an urban area. §810.180(7)³
- II. The State Department of Transportation may "supersede" the maximum statutory speed limits (§811.123) for highways in an urban area where such speed limits are not reasonable or safe. §810.180(10)

Minimum Speed Limit:

- I. No person shall impede the normal and reasonable movement of traffic. §811.130
- II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §811.315(1)

Posted (Minimum) Speed Limit:

¹The basic speed rule does not authorize speed limits in excess of the maximum speed limits. §811.108

²This speed limit only applies when "children are present" or a flashing light indicates that children may be arriving or leaving a school. §§811.105(2)(c)(A) & (B) and 811.123(1)(c)(A) & (B) "[C]hildren are present at any time and on any day when children are in a place where they are or can reasonably be expected to be visible to a person operating a motor vehicle that is passing a school ground or a school crosswalk." §811.124

³Under other provisions, the State Department of Transportation may by regulation designate a safe speed on the highways. This authority may be delegated to local governments for low volume highways or roads which are not hard surfaced. §810.180(8)

OREGON

Basis for a Speed Law Violation: (continued)

Other: A person shall not operate certain trucks or busses at a speed >55 MPH.⁴ §811.115

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions. §§801.550 & 811.100 et seq.

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule-Class B Traffic Infraction-Not more than \$300 §§153.615(2)(b) & 811.100(3)

Exceeding the Maximum/Posted Speed Limits or Maximum Speed limits for Certain Trucks or Busses-Class A to D Traffic Infractions-Varying fines from not more than \$75 to not more than \$600⁵ §§153.615, 811.109 & 811.115

Impeding Traffic-Class D Traffic Infraction-Not more than \$75 §§153.615(2)(d) & 811.130(5)

Driving at Less Than the Normal Speed of Traffic and Not Driving in the Right Lane-Class B Traffic Infraction-Not more than \$300 §§153.615(2)(b) & 811.315(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to complete a defensive driving course. §809.270(1)

Other:

⁴This speed limit applies to trucks weighing ≥8,000 lbs, school bus, school activity vehicle, a worker transport bus, a bus used to transport children on a church function and a vehicle used by a non-profit organization to transport persons. §811.115

⁵I. For exceeding the maximum or posted speed limit on highways with a speed limit of <65 MPH, the following fine sanctions are imposed: 1 to 10 MPH over the speed limit (Class D Traffic Infraction)-not more than \$75; 11 to 20 MPH over the speed limit (Class C Traffic Infraction)-not more than \$150; 21 to 30 MPH over the speed limit (Class B Traffic Infraction)-not more than \$300; and, >30 MPH over the speed limit (Class A Traffic Infraction)-not more than \$600. §811.109(1) II. For exceeding the maximum or posted speed limit on highways with a speed limit of >65 MPH, the following fine sanctions are imposed: Exceeding 65 but <75 MPH (Class C Traffic Infraction)-not more than \$150; exceeding 75 MPH but <85 MPH (Class B Traffic Infraction)-not more than \$300; and, exceeding 85 MPH (Class A Traffic Infraction)-not more than \$600. §811.109(2)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via the Driver Improvement Program ⁶ §809.480
Term of License Withdrawal (Days, Months, Years, etc.):	30 days under Step Four of the Driver Improvement Program ⁷
Mandatory Minimum Term of Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Speed Racing on Highway:</u>	Class A Traffic Infraction §811.125(1) & (2)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than \$600 §153.615(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via the Driver Improvement Program ⁷
Length of Term of Licensing Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Mandatory Action--Minimum Length of License Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Other:	An offender may be required to complete a defensive driving course. §809.270(1)

⁶**Driver Improvement Program. Step One:** An offender is mailed an "advisory letter" if they commit 2 traffic offenses within 12 months. This letter informs the offender of their driving problems. **Step Two:** If (1) an offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the advisory letter or (2) they have committed 3 traffic offenses within 18 months, they are mailed a "warning letter." This letter notifies the offender of the possible consequences if they are convicted of any more traffic offenses. **Step Three:** If (1) offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the warning letter or (2) they have committed 4 traffic offenses within 18 months, they are subject to a driver improvement interview. During this interview, the licensing agency proscribes a program for driver improvement, places the offender on probation for 1 year and place restrictions on the offender's driving privileges. **Step Four:** If an offender commits a traffic offense during the 1 year probationary period, they are subject to a 30 day suspension. Note: This suspension appears to be mandatory. OAR 735-72-000 et seq.

OREGON

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving</u> ⁷ :	Class A Misdemeanor §811.140(1) & (3)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §161.615(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$5,000 §161.635(1)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §809.410(6)
Length of Term of License Withdrawal Action:	<u>1st offense-90 days 2nd offense (within 5 years)-1 year Subsequent offense (within 5 years)-3 years</u> §809.420(1)
Mandatory Term of License Withdrawal Action:	<u>1st offense-90 days 2nd offense (within 5 years)-1 year Subsequent offense (within 5 years)-3 years</u> §§809.410(6) & 809.420(1)
Other:	An offender may be required to complete a defensive driving course. §809.270(1)
<u>Careless Driving</u> ⁸ :	Class B Traffic Infraction ⁹ §811.135(1) & (2)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	Not more than \$300 §153.615(2)(b)
Fine (\$ Range):	None
Mandatory Minimum Fine:	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Driver Improvement Program ⁷
Length of Term of License Withdrawal Action:	30 days under Step Four of the Driver Improvement Program ⁷
Mandatory Term of License Withdrawal Action:	30 days under Step Four of the Driver Improvement Program ⁷

⁷The same sanctions, criminal and administrative, that apply for "reckless driving" also apply to the offense of "reckless endangerment of highway workers." This offense consists of driving a motor vehicle in a "work zone in such a manner as to endanger persons or property." §§809.410(34) & 811.231

⁸A persons commits this offense if they operate a vehicle "in a manner that endangers or would be likely to endanger any person or property." §811.135(1)

⁹If the offense contributed to an accident, it is a Class A Traffic Infraction. §811.135(2) The sanction for this offense is a fine of not more than \$600. §153.615(2)(a)

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Other: An offender may be required to complete a defensive driving course. §809.270(1)

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Suspension: A person's CDL is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §809.410(29) & (30)

Period of Suspension: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §809.410(29) & (30)

Period of Mandatory Suspension: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §809.410(29) & (30)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials. §801.208

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §801.477



JURISDICTION:

PENNSYLVANIA

General Reference:

This chapter summarizes Pennsylvania State statutes related to speed. Pennsylvania Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Title 75, §3361

**Statutory Speed Limit:
See Other below.**

65 MPH on certain interstate highways and freeways¹ Title 75, §3362(a)(1.1)
55 MPH on other highways Title 75, §3362(a)(2)
35 MPH in urban districts Title 75, §3362(a)(1)
15 MPH in a school zone Title 75, §3365(b)

Posted (Maximum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government on highways under their jurisdictions may increase or decrease the above speed limits on the highways under their jurisdiction.² Such speed limits "may vary for different weather conditions and other factors bearing on safe speeds." Title 75, §§3362(a)(3) & 3363 Note: Pennsylvania law does not specifically state whether different highway speed limits may be established either for different types of vehicles or for different times of the day.

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 75, §3364(a)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 75, §3301(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways under their jurisdiction. Title 75, §3364(c)

Other:

I. Based on engineering and traffic investigations, the State or a local government may establish maximum safe speed limits for bridges and elevated structures under their jurisdiction. Title 75, §3365(a)
II. Based on engineering and traffic investigations, the State or a local government may establish a maximum safe speed for certain heavy vehicles when traveling upon certain hazardous grades. Title 75, §3365(c)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Summary Offenses. Title 75, §§3362(c), 3365(d) & 6502(a)

¹This speed limit applies only on interstate highways outside of urbanized areas with a population $\geq 50,000$ and freeways where the State has posted such a speed limit. Title 75, §3362(a)(1.1)(i) & (ii)

²However, a maximum speed limit so established cannot exceed (1) the statutory 65 MPH speed limit for certain interstate highways and freeways or (2) 55 MPH for other highways. Title 75, §3363

PENNSYLVANIA

Adjudication of Speed Law Violations:
(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Except for the Offenses Indicted-\$25³ Title 75, §6502(a)
Exceeding the Maximum or Posted Maximum Speed Limit-I. \$42.50
for exceeding 65 MPH⁴ II. \$35 for other speeding violations⁴ Title
75, §3362(c)(i) & (ii)
Exceeding the Maximum Speed Limit for Bridges, School Zones &
Hazardous Grades-\$35⁴ Title 75, §3365(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

For either a 1st or 2nd accumulation of 6 points on their driving record, an offender shall either be required to attend Drive Improvement School or under go a driver license examination. Title 75, §§1538(a) & 1549(a)

Other:

Surcharges. I. Except as noted, an offender is assessed a mandatory surcharge of \$30 for speeding violations. Title 75, §6505(a)(1)
II. For exceeding the maximum or posted maximum speed limit, an offender is assessed mandatory surcharges from \$30 to \$50.⁵ Title 75, §6506(a)(4)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ Title 75, §§1535, 1538 & 1539

³This fine applies to violations of the Basic Speed Rule, the Minimum Speed Rule and Posted Minimum Speed Limits.

⁴Plus an additional \$2 for every MPH in excess of 5 MPH over the speed limit. Title 75, §§3362(c)(2) & 3365(d)

⁵A surcharge of \$30 is assessed for exceeding the speed limit by either 6 to 10 MPH or 11 to 15 MPH. A surcharge of \$40 is assessed for exceeding the speed limit by 16 to 25 MPH. And, a surcharge of \$50 is assessed for exceeding the speed limit by ≥26 MPH. Title 75, §6506(a)(4)(i), (ii) & (iii)

⁶**Point System.** I. When an offender's point accumulation is reduced below 6 and they again accumulate 6 points for the second time, they are subject to a suspension of ≤15 days. Title 75, §1538(b) II. When an offender's point accumulation is reduced below 6 and they again accumulate 6 points for the third time, they are subject to a suspension of ≤30 days. Title 75, §1538(c) III. When an offender has accumulated 11 points or more, they are subject to license suspension as follows: If this is a 1st suspension, 5 days suspension for each point; if this is a 2nd suspension, 10 days suspension for each point; if this is a 3rd suspension, 15 days suspension for each point; and, if this is a subsequent suspension, a 1 year suspension. Title 75, §1539(a) & (b) IV. The following points have been assigned to speeding and speed related violations: Basic speed rule violation-2 points; careless driving-3 points; exceeding the maximum or posted maximum speed limit by 6 to 10 MPH-2 points; exceeding the maximum or posted maximum speed limit by 11

Sanctions Following an Adjudication of a Speed law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Not more than 1 year⁶ Title 75, §1539

Miscellaneous Sanctions
Not Included Elsewhere:

None An offender is eligible for an occupational limited license. Title 75, §1553

Double Fines. for a violation of either the Basic Speed Rule (Title 75, §3361) or Maximum or Posted Maximum Speed Limits (Title 75, §3362) in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)

Excessive Speeding. An offender, who has been convicted of exceeding the maximum or posted maximum speed limit by ≥ 31 MPH, is subject to one or more of the following sanctions: (1) Driver improvement school; (2) an license examination or (3) license suspension for ≤ 15 days. Title 75, §1538(d)

Other Criminal Actions Related to Speeding:

Racing on Highway:
Sanctions:

Summary Offense Title 75, §3367(b) & (d)

Criminal Sanction:
Imprisonment (Term):

1st offense-None Subsequent offense-Not more than 6 months Title 75, §6503

Mandatory Minimum Term:
Fine (\$ Range):

None
1st offense-\$200 Title 75, §3367(d) Subsequent offense-\$200 to \$1,000 Title 75, §6503

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Suspension Title 75, §1532(b)

6 months Title 75, §1532(b)

6 months Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)

Other:

Surcharge. An offender is assessed a mandatory surcharge of **\$30**. Title 75, §6505(a)(1)

to 15 MPH-3 points; exceeding the maximum or posted maximum speed limit by 16 to 25 MPH-4 points; exceeding the maximum or posted maximum speed limit by 26 to 30 MPH-5 points; and, exceeding the maximum or posted maximum speed limit by 31 MPH-5 points. Title 75, §1535(a) Note: The point schedule does not include points for driving less than the normal speed of traffic and not driving in the right lane.

PENNSYLVANIA

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Summary Offense Title 75, §3736(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$200 Title 75, §3736(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension Title 75, §1532(b)
Length of Term of License	
Withdrawal Action:	6 months Title 75, §1532(b)
Mandatory Term of License	
Withdrawal Action:	6 months Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)
Other:	Surcharge. An offender is assessed a mandatory surcharge of \$30. Title 75, §6505(a)(1) Double Fines. for a reckless driving offense that was committed in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)
<u>Careless Driving⁷:</u>	Summary Offense Title 75, §3714
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$25 Title 75, §6502
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁷ Title 75, §§1535, 1538 & 1539
Length of Term of License	
Withdrawal Action:	55 days to 1 year ⁶ Title 75, §1539
Mandatory Term of License	
Withdrawal Action:	None An offender is eligible for an occupational limited license. Title 75, §1553
Other:	Surcharge. An offender is assessed a mandatory surcharge of \$30. Title 75, §6505(a)(1)

⁷"Careless driving" is defined as driving "a vehicle in careless disregard for the safety or persons or property." Title 75, §3714

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)
Other: (continued)

Double Fines. For a careless driving offense that was committed in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 75, §1611(D)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 75, §1611(D)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 75, §1611(D)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance State regulations. Title 75, §1603

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Title 75, §1603 & 49 CFR §383.5



JURISDICTION:

PUERTO RICO

This chapter summarizes the Commonwealth of Puerto Rico statutes related to speed.

General Reference:

Laws of Puerto Rico Annotated Current through the 1995 sessions of the Puerto Rico Legislature.

Basis for a Speed Law Violation:

Basic Speed Rule:

The speed of a motor vehicle shall be regulated with due care, taking into account the width, volume of traffic, use, and condition of the public highway. Title 9, §841(a)

Statutory Speed Limit:
See Other below.

45 MPH in a rural zone Title 9, §841(b)(2)
25 MPH in an urban zone Title 9, §841(b)(1)
25 MPH in a school zone¹ Title 9, §841(b)(3)

Posted (Maximum) Speed Limit:

Based on traffic-engineering research, the Commonwealth or local authorities, on highways under their jurisdiction, may increase or decrease the above speed limits.² Title 9, §843

Minimum Speed Limit:

I. A person shall not drive a vehicle so slowly as to hinder or obstruct the normal and reasonable flow of traffic. Title 9, §842 (¶1)
II. A person, driving at less than the normal speed of traffic on highways with more than one lane, shall drive in the extreme right-hand lane. Title 9, §891(b)

Posted (Minimum) Speed Limit:

Based on traffic-engineering research, the Commonwealth or local authorities may establish a minimum speed limit on a highway. Title 9, §842 (¶2)

Other:

I. Heavy vehicles and buses (including school buses) cannot be driven >40 MPH. Title 9, §841(b)(2)
II. Vehicles carrying either toxic materials or dangerous substances cannot be driven either >30 MPH in a rural zone or >25 MPH in an urban zone. Title 9, §841(b)(4)
III. A vehicle, that is equipped with solid or massy tires, cannot be driven >10 MPH. Title 9, §845

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. Title 9, §1221(a)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not

¹A school zone is in operation from 6:00 A.M. to 6:00 P.M. or at other times as identified by appropriate signs. Title 9, §841(b)(3)

²"[D]ifferent limits may be established for diverse hours, distinct types of vehicles, different weather conditions and other factors pertinent to a safe speed." Title 9, §843

PUERTO RICO

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Imprisonment: Term (Day, Month, Years, Etc.): (continued)	more than 20 days <u>Subsequent offense</u> (within 1 year)-Not more than 6 months Title 9, §1221(b)
Mandatory Minimum Term:	None
Fine: Amount (\$ Range):	<u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>Subsequent offense</u> (within 1 year)-Not more than \$500 Title 9, §1221(b)
Mandatory Min. Fine (\$):	None
Other Penalties: Traffic School: Other:	
Licensing Action: Type of Licensing Action (Susp/Rev):	Suspension via a Point System ³ Title 9, §§691(a)(3) & 694
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year Title 9, §691(c)
Mandatory Minimum Term of Withdrawal:	Limited ⁴
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term):	Misdemeanor Title 9, §§1221(a) & 847
Mandatory Minimum Term: Fine (\$ Range):	<u>1st offense</u> - None <u>2nd offense</u> -Not more than 10 days <u>Subsequent offense</u> -Not more than 30 days Title 9, §847(b)
Mandatory Minimum Fine:	None <u>1st offense</u> - \$50 to \$300 <u>2nd offense</u> - \$100 to \$400 <u>Subsequent offense</u> - \$200 to \$500 Title 9, §847(b)

³**Point System.** I. If an offender accumulates 25 points, their license is suspended from 1 month to 1 year. Title 9, §694(f) II. The following points have been assigned to speeding and speed related violations: Reckless (gross negligent) driving-3 to 9 points; racing-3 to 8 points; excessive speeding-3 to 7 points; and, slow speed-1 to 2 points. Title 9, §694(a)(1), (2), (3) & (16)

⁴The licensing agency is not required to suspend an offender's license, if the offender demonstrates that a license is needed for employment purposes. Such suspension is rendered "ineffective" for 6 months. However, if during this period, the offender commits another violation for which they accumulate points, they are subject to a mandatory license suspended for the original suspension period. Title 9, §694(i)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension Title 9, §847(b)

Length of Term of

Licensing Withdrawal:

1st offense-1 to 6 months Subsequent offense-1 year Title 9, §847(b)

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-1 month Subsequent offense-1 year Title 9, §847(b)

Note: These suspensions appear to be mandatory.

Other:

Reckless Driving:

Misdemeanor Title 9, §§1221(a) & 871

Sanction:

Criminal:

1 to 6 months Title 9, §871(a)

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

\$100 to \$500 Title 9, §871(a)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st offense-Suspension via Point System³ Title 9, §§691(a)(3) & 694

Subsequent offense-Revocation Title 9, §871(b)

Length of Term of License

Withdrawal Action:

1st offense-1 month to 1 year via Point System³ Title 9, §§691(a)(3)

& 694 2nd offense-3 months Subsequent offense-6 months Title 9, §871(b)

Mandatory Term of License

Withdrawal Action:

1st offense-Limited via Point System⁴ Title 9, §§691(a)(3) & 694 2nd

offense-3 months Subsequent offense-6 months Title 9, §871(b)

Note: The revocations appear to be mandatory.

Other:



JURISDICTION:

RHODE ISLAND

General Reference:

This chapter summarizes Rhode Island State statutes related to speed. General Laws of Rhode Island and Code of Rhode Island Rules (CRIR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.¹ §§31-14-1 & 31-14-3

Statutory Speed Limit:
See Other below.

Speed in excess of the following limits is considered *prima facie* evidence that such speed was not reasonable or prudent. §3-14-2(a)
50 MPH during the daytime² outside a business or residential district. §31-14-2(a)(2)
45 MPH during the nighttime² outside a business or residential district. §31-14-2(a)(3)
25 MPH in a business or residential district. §31-14-2(a)(2)
20 MPH in a school zone³ §31-14-2(a)(4)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Traffic Commission may increase or decrease the *prima facie* speed limits. §§31-14-4 & 31-14-4.1 Note: Rhode Island law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, a local government on streets in a business or residential district under their jurisdiction may decrease the *prima facie* speed limits. §31-14-5
III. A local government may increase the *prima facie* speed limits on through highways and other highways with limited intersections.⁴ §31-14-6
IV. Based on engineering and traffic investigations, a local government on streets outside a business or residential district under their jurisdiction may decrease the *prima facie* speed limits.⁵ §31-14-7
V. Based on an investigation, the State Traffic Commission may establish safe maximum speed limits for bridges and other elevated structures. §31-14-12

Note: The State Traffic Commission must approve speed limit alterations by local governments on State highways. §31-14-8

¹Under other provisions of law, a person is also required to exercise due care to avoid colliding with pedestrians or human powered vehicles. §31-18-8

²"Daytime means from a half hour before sunrise to half hour after sunset. Nighttime means at any other time." §31-14-2(b)

³This speed limit only applies within 300 feet of school grounds and when the school is open. §31-14-2(a)(4)

⁴However, a local government cannot establish a daytime speed limit >50 MPH or a nighttime limit >45 MPH. §31-14-6

⁵However, a speed limit of <35 MPH cannot be established. §31-14-7

RHODE ISLAND

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §31-14-9

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §31-15-2

Posted (Minimum) Speed Limit:

Other:

I. No person shall drive a vehicle equipped with solid rubber or cushion tires > 10 MPH. §31-14-11

II. The State or a local government may establish "temporary traffic control zones" on highways which are undergoing construction or maintenance. §31-14-12.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Other:

All Speed Law Violations are Misdemeanors.⁶ §31-27-13(a)

Although speed Law violations appear to be misdemeanor offenses, some of these offenses may be handled administratively. If this occurs, only a fine is assessed for a violation.⁷ §31-41-4

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than 1 year §31-27-13(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than \$500⁷ §31-27-13(b)

Mandatory Min. Fine (\$):

I. Speeds ≤ 15 MPH over the speed limit: 1st offense-A fine as provided in §31-41-4.⁷ 2nd offense (within 12 months)-\$10 for every MPH over the speed limit. 3rd and subsequent offense (within 12 months)-\$15 for every MPH over the speed limit. §31-43-5.1(a)

⁶The motor vehicle code (Title 31) provides that moving violations are misdemeanors unless the law makes a particular offense a felony. §31-27-13 However, the criminal law (Title 11) provides, that where an offense is punishable by only a fine of not more than \$500, it is a violation. §11-1-2

⁷**Violation Fine Schedule.** The following administrative fines are assessed for certain speed law violations. Driving too slow (impeding traffic/not driving in the right lane when not driving at the normal speed of traffic)-\$30; speeding 1 to 5 MPH is excess of the posted speed limit-\$30; speeding 6 to 10 MPH is excess of the posted speed limit-\$40; speeding 11 to 15 MPH is excess of the posted speed limit-\$50; speeding, 1st offense, 16 to 18 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$160 to \$180; speeding, 1st offense, 19 to 24 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$190 to \$240; speeding ≥25 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$250. In addition, for every violation concerning exceeding the speed posted speed limit, an offender is assessed an additional \$30. This assessment is used to fund substance abuse and prevention program. §31-41-4

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Min. Fine (\$): (continued)

II. Speeds \geq 15 MPH over the speed limit: 1st offense-**\$10** for every MPH over the speed limit. 2nd offense (within 12 months)-**\$15** for every MPH over the speed limit. 3rd and subsequent offense (within 12 months)-**\$20** for every MPH over the speed limit. §31-43-5.1(b)
III. Additional (Mandatory) Penalty-**\$30** This mandatory penalty deposited into the substance abuse prevention fund. §31-43-5.1(c)

Other Penalties:
Traffic School:
Other:

School Bus Operators. A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving any vehicle. §31-10.3-31(j)

Licensing Action:
Type of Licensing Action
(Susp/Rev):
Term of License Withdrawal
(Days, Months, Years, etc.):

Suspension or Revocation via a Point System⁸

I. Point System: Suspension-Not more than **1 year** §31-11-7
Revocation-Indeterminate Note: The law does not provide for a general period of maximum revocation.
II. Under separate statutory, the Administrative Adjudication Court may suspend a person's license as follows: Speeds \leq 15 MPH over the speed limit-Suspension for not more than **30 days**. §31-43-5.1(a)
Speeds \geq 15 MPH over the speed limit-Suspension for not more than **60 days**. §31-43-5.1(b)

Mandatory Minimum Term of
Withdrawal:

I. Point System: Suspension-10 or 30 days⁸ Revocation-A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation.
II. License suspensions via the Administrative Adjudication Court are **not** mandatory. §31-43-5.1(a) & (b)

Miscellaneous Sanctions
Not Included Elsewhere:

EMS Special Assessment. In addition to any fine, an offender must be assessed **\$1**. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions.

⁸**Point System.** Under §31-11-7(a), the licensing agency has the authority to take licensing action (usually suspension) if an offender has committed numerous traffic law violations. The State has promulgated a regulation establishing a point system to assist it in exercising this authority. I. If an offender accumulates 8 points, their license will be suspended. A 1st suspension is for a mandatory minimum period of 10 days; a subsequent suspension is for a mandatory minimum period of 30 days. However, according to §31-11-7, a suspension cannot be $>$ 1 year. If they accumulate 12 points, their license is revoked. The period of license revocation is either indeterminate or determined according the offense committed. II. The following points have been assigned for speeding and speed related violations: Three (3) reckless driving offenses within 1 year-12 points; $>$ 20 MPH over the speed limit-8 points; \leq 20 MPH over the speed limit-1 to 5 points; reckless or negligent driving-8 points; and, other violations-1 to 3 points. CRIR 01-100-011

RHODE ISLAND

Other Criminal Actions Related to Speeding:

Reckless Driving or Drag Racing⁹:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

1st offense-Misdemeanor Subsequent offense-Felony §31-27-4(a)

1st offense-Not more than 1 year §31-27-13(b) Subsequent offense-1 to 5 years §31-17-14

None

1st offense-Not more than \$500 §31-27-13(b) Subsequent offense-Not more than \$5,000 §31-17-14

Point System-Suspension or Revocation⁸ §31-11-7 & CRIR 01-100-001

Three (3) Reckless Driving Offenses (within 1 year)-Revocation¹⁰ §31-11-6(7)

Point System-Not more than 1 year §31-11-7 Revocation-Indeterminate Note: The law does not provide for a general period of maximum revocation.

Three (3) Reckless Driving Offenses (within 1 year)-3 years¹⁰ §31-11-6(7)

Point System-Suspension-10 or 30 days⁸ Revocation-A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation.

Three (3) Reckless Driving Offenses (within 1 year)-3 years¹⁰ §31-11-6(7)

I. If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4

II. **EMS Special Assessment.** In addition to any fine, an offender must be assessed \$1. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions.

III. **School Bus Operators.** A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving any vehicle. §31-10.3-31(j)

⁹It is a misdemeanor to race a horse on a public highway. The sanctions for this offense are imprisonment for not more than 10 days and/or a fine of not more than \$20. §§11-1-2 & 11-22-11

¹⁰Note: The law may only provide for this licensing action where the convictions are for reckless driving and not for drag racing.

Other Criminal Actions Related to Speeding:
(continued)

<u>Driving as to Endangerer</u> ¹¹ :	Felony §§11-1-2, 31-27-1 & 31-27-1.1
Sanction:	
Criminal:	
Imprisonment (Term):	<u>Death Related Offense</u> -Not more than 10 years §31-27-1(b) <u>Injury Related Offense</u> -Not more than 5 years §31-27-1.1(c)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	None
Mandatory Minimum Fine:	
 Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation §31-11-6(1)
Length of Term of License Withdrawal Action:	3 years §31-11-6(1)
Mandatory Term of License Withdrawal Action:	3 years §31-11-6(1)
Other:	I. If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4 II. EMS Special Assessment. In addition to any fine, an offender must be assessed \$1. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions. III. School Bus Operators. A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving <u>any vehicle.</u> §31-10.3-31(j)

Commercial Motor Vehicle (CMV) Operators¹²:

<u>Grounds for Suspension:</u>	A person CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations" ¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §31-10.3-31(a)(5)
<u>Period of Suspension:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §31-10.3-31(a)(5)

¹¹Death or injury as a result of vehicle operation in reckless disregard of the safety of others. §§31-27-1(a) & 31-27-1.1(a)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §31-10.3-3(9)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §31-10.3-3(25)

RHODE ISLAND

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §31-10.3-31(a)(5)

JURISDICTION:

SOUTH CAROLINA

General Reference:

This chapter summarizes South Carolina State statutes related to speed.
Code of Laws of South Carolina Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §56-5-1520(a) & (c)

**Statutory Speed Limit:
See Other below.**

55 MPH on streets and highways §56-5-1510 & 56-5-1520(b)(2)
35 MPH in an urban district §56-5-1520(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above speed limits on the State highway system including the extension of such system into an urban district.¹ §56-5-1530

Legislative Request. The South Carolina Legislature has requested that the State Department of Transportation increase the speed limit on Interstate Highway 85 in Spartanburg County "between mile point 68.8 and mile point 77.4" to 65 MPH. Concurrent Resolution, H.B. 4073 adopted in 1997

II. Based on engineering and traffic investigations, local governments within their respective jurisdictions may increase or decrease the above speed limits.² §56-5-1540(a)

III. Based upon an investigation, the State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §56-5-1570(d)

IV. The governing boards of State institutions may establish speed limits on the streets, drives and alleys under their jurisdiction. §56-21-10(1)

V. The State Dept of Mental Health may promulgate regulations "governing and controlling" the roads and streets within areas of the State Hospital and Midlands Center. §56-21-70 Such regulations could include the establishment of speed limits in these areas.

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §56-5-1560(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §56-5-1810(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or local governments on their respective streets and highways, may establish minimum speed limits. §56-5-1560(b)

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §56-5-1530(a)

²However, except as provided under §56-5-1510, a speed limit cannot be established at > 55 MPH. §56-5-1540(a)(2) In addition, out side of an urban district, a speed limit cannot be established at < 35 MPH. §56-5-1540(a)(3) Note: The State Department of Transportation must approve any alteration of a speed limit on State highways or extensions thereof. §56-5-1540(d)

SOUTH CAROLINA

Basis for a Speed Law Violation: (continued)

Other:

- I. A person may not operate a moped >25 MPH. §56-5-1555
- II. No person shall tow a house trailer >45 MPH. §56-5-1570(a)
- III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. §56-5-1570(b)
- IV. A person, who is moving or hauling a new mobile home on interstate highways, cannot travel at a speed >10 MPH below the posted speed limit. §57-3-175
- V. No person shall drive a public school bus >45 MPH on highways with posted speed limits ≤55 MPH. A special variance may be issued, which allows a person to drive such a bus >45 MPH on highways with posted speed limits >55 MPH. However, in no event, shall a person drive a public school bus >55 MPH. §59-67-515

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted, Speed Law Violations are Misdemeanors. §§56-5-730, 56-5-1520(d), 56-5-6190 & 56-21-60

Other:

Important. The law does not appear to make driving a public school bus in excess of the speed limitations established via §59-67-515 a criminal offense (e.g., a misdemeanor). In addition, there appears to be no licensing action associated with such a violation.

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

- I. Violating Statutory Maximum Speed Limits³: 1st offense-> 25 MPH over the speed limit-Not more than 30 days §56-5-1520(d)(4)
Subsequent offense-Not more than 30 days §56-5-6190
- II. Violating the Maximum Speed limit for Mopeds: Not more than 30 days §56-5-1555
- III. Violating Traffic Regulations on State Hospital & Midlands Center Grounds: Not more than 15 days §56-21-100
- IV. All Other Speed Law Related Violations: Not more than 30 days⁴ §§56-5-6190 & 56-21-60

Mandatory Minimum Term:

None

³This refers to a violation of the "statutory" speed limits established under §56-5-1520(b). However, these limits may be altered (i.e., increased or decreased) by State or local authorities via either §56-5-1530 or §56-5-1540.

⁴The provision, §57-3-175, that prohibits driving >10 MPH below the posted speed limit when moving (hauling) a new mobile home on interstate highways, does not provide for a sanction for its violation. In addition, Title 57 contains no general penalty provision that applies to violations of its provisions. Likewise, the Criminal Code, Title 16, does not appear to contain a general penalty provision that would apply to violations of State law where no other sanctions have been specified.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Fine: Amount (\$ Range):</p>	<p>I. <u>Violating Statutory Maximum Speed Limits</u>⁵: <u>1st offense-\$15 to \$200</u>⁵ §56-5-1520(d)(4) <u>Subsequent offense-Not more than \$100</u> §56-5-6190</p> <p>II. <u>Violating Maximum Speed limit for Mopeds</u>: <u>Not more than \$200</u> §56-5-1555</p> <p>III. <u>Violating Traffic Regulations on State Hospital & Midlands Center Grounds</u>: <u>\$2 to \$50</u> (per the fine schedule published by the Department) §56-21-100</p> <p>IV. <u>All Other Speed Law Related Violations</u>: <u>Not more than \$100</u>⁴ §§56-5-6190 & 56-21-60</p>
<p>Mandatory Min. Fine (\$):</p>	<p>None</p>
<p>Other Penalties: Traffic School:</p>	<p>An offender, who completes a defensive driving course, shall have 4 point deducted from their driving record. §56-1-770</p>
<p>Other:</p>	
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension via a Point System⁶ §§56-1-720, 56-1-740 & 56-1-750</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of Withdrawal:</p>	<p>3 to 6 months⁶ §56-1-740 (¶2)</p> <p>Suspension periods under the Point System appear to be mandatory. §56-1-740 (¶2)</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	

⁵The fines for 1st offense speed limit violations are as follows: Driving less than ≤10 MPH above the speed limit, a fine of **\$15 to \$25**; driving > 10 MPH but < 15 MPH above the speed limit, a fine of **\$25 to \$50**; driving > 15 MPH but < 25 MPH above the speed limit, a fine of **\$50 to \$75**; and, driving > 25 MPH above the speed limit, a fine of **\$75 to \$200**. §56-5-1520(d) Note: The law is not clear but these sanctions for a 1st offense may also apply to violations of altered posted speed limits.

⁶**Point System.** I. An offender, who accumulates 12 to 15 points, is subject a 3 month suspension. If they accumulate 16 or 17 points, the suspension is 4 months. If they accumulate 18 or 19 points, the suspension is 5 months. And, if they accumulate 20 or more points, the suspension is 6 months. §56-1-740 (¶2) II. Points are computed in the following manner. Points for offenses committed within the immediate 12 months from the present offense are counted at full value. However, points for offenses which have been committed more than 12 months but less than 24 months from the present offense from the immediate offense are reduced to half of their full value. Note: Points are not assigned for offenses committed more than 24 months from the present offense. §56-1-750 III. The following points have been assigned for speeding and speed related violations: Reckless driving-6 points; ≤10 MPH above the posted speed limit-2 points; > 10 MPH but < 25 MPH above the posted speed limit-4 points; and, ≥25 MPH above the posted speed limit-6 points. §56-1-720 Note: The law does not appear to assign any points for either driving too slowly, for violating the posted minimum speed limit or for not driving in the right lane when not driving at the normal speed of traffic.

SOUTH CAROLINA

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§56-5-730, 56-5-1590 & 56-5-6190 (¶1)

2 to 6 months §56-5-1620

None

\$200 to \$600 §56-5-1620

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation §56-5-1620

1 year §56-5-1620

1 year §56-5-1620 This licensing action appears to be mandatory.

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§56-5-730, 56-5-2920 & 56-5-6190 (¶1)

Not more than 30 days §56-5-2920

None

\$25 to \$200 §56-5-2920

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

1st offense-Suspension via the Point System⁶ Subsequent offense
(within 5 years)-Suspension §56-5-2920

1st offense-3 to 6 months via the Point System⁶ Subsequent offense
(within 5 years)-3 months §56-5-2920

1st offense-Suspension periods under the Point System appear to be
mandatory. §56-1-740 (¶2) Subsequent offense (within 5 years)-3
months §56-5-2920

Other:

An offender, who completes a defensive driving course, shall have 4
point deducted from their driving record. §56-1-770

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §56-1-2110(F)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §56-1-2110(F)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §56-1-2110(F)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §56-1-2030(4)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §56-1-2030(22)



JURISDICTION:

SOUTH DAKOTA

General Reference:

This chapter summarizes South Dakota State statutes related to speed.
South Dakota Codified Laws

Basis for a Speed Law Violation:

Basic Speed Rule:

It is unlawful for a person to drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §32-25-3

Statutory Speed Limit:
See Other below.

75 MPH on interstate highways §32-25-4
65 MPH on other streets or highways §32-25-1.1
55 MPH on township roads §1 of H.B. 1284 as enacted in 1997
25 MPH on urban streets that do not have posted speed limits §32-25-12
15 MPH in a school zone¹ §32-25-14

Posted (Maximum) Speed Limit:

I. The State Transportation Commission may establish posted speed limits that are less than the maximum ones for highways under its jurisdiction. §§32-25-7 & 32-25-10
II. Local governments may establish "speed zones" upon the streets or highways under their jurisdiction. §§32-25-9.1 & 32-25-16 Note: The authority granted under these provisions could be used to increase as well as to decrease the speed limits on township roads which have a statutory speed limit of 55 MPH (§1 of H.B. 1284 as enacted in 1997).
III. Based upon an investigation, the State Transportation Commission may establish a safe maximum speed for any public bridge, causeway or viaduct. §§32-25-18 & 32-25-19

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §32-25-5.1
II. It is unlawful to operate a motor vehicle at <40 MPH on an interstate highway. §32-25-5
III. A person, driving a slow-moving vehicle, shall drive as closely as possible to the right-hand edge or curb of a highway. §32-26-1

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Transportation Commission may establish a minimum speed limit on a highway. §32-25-5.2

Other:

I. The State Transportation Commission may promulgate regulations establishing the maximum speed for any motor vehicle, trailer, or wagon.² §32-25-6
II. No person shall tow a manufactured home or mobile home with a width > 102 inches > 55 MPH on an interstate highway or > 45 MPH on any other highway. §32-25-6.1
III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires > 10 MPH. §32-25-6.2

¹This speed limit only applies when either the school is in recess or while children are either going to or leaving a school. §32-25-14

²I. Such regulations apply to the following types of vehicles: (1) Any motor vehicle, trailer, or wagon including the load weighing > 10,000 lbs.; (2) any motor vehicle, trailer or wagon having a gross weight > 8,000 lbs. on one axle; and, (3) any motor vehicle, trailer or wagon having a gross load > 600 lbs. per inch width of tire as defined in the statute. §32-25-6

SOUTH DAKOTA

Basis for a Speed Law Violation: (continued)

Other: (continued)

IV. When a driver's view is obstructed at either a railway crossing or intersection, the maximum lawful speed is 15 MPH. §§32-25-13 & 32-25-15

V. The State Transportation Commission may establish "limited" speed zones for portions of State highways that are undergoing maintenance. §32-25-19.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Class 2 Misdemeanors. §§32-25-1.1 et seq. & 32-26-1

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **30 days** §22-6-2

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$200** §22-6-2

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

The fines are double for exceeding the "limited" posted speed limit in a construction zone. However, the maximum fine cannot be >\$200. §32-25-19.1

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Note: There appears to be no specific licensing action for speed law violations. §§32-12-49 & 32-12-49.1 See the Comment under Point System.

Term of License Withdrawal
(Days, Months, Years, etc.):

Mandatory Minimum Term of
Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

For persons operating commercial motor vehicles who commit a 4th or subsequent excessive speeding offenses under §§32-25-1.1 to 32-25-17, the court may cancel the vehicles "compensation plates" for 1 year.³ §32-25-22

³Certain commercial motor vehicles must obtain special license plates ("compensation plates") before they can operate such vehicles on the State's streets or highways. §§32-9-6 & 32-9-7

Other Criminal Actions Related to Speeding:

Racing on Highway: Class 2 Misdemeanor §§32-25-23 & 32-25-25
 Sanctions:
 Criminal Sanction:
 Imprisonment (Term): Not more than **30 days** §2-6-2
 Mandatory Minimum Term: **None**
 Fine (\$ Range): Not more than **\$200** §2-6-2
 Mandatory Minimum Fine: **None**

Administrative Licensing Action:
 Licensing Authorized and
 Type of Action: **Suspension** via a Point System⁴ §32-12-49.1
 Length of Term of
 Licensing Withdrawal: 1st suspension-60 days; 2nd suspension-6 months; Subsequent suspensions-1 year §32-12-49.3

- Mandatory Action--Minimum
 Length of License
 Withdrawal: The above suspensions appear to be mandatory.

Other:

Reckless Driving: Class 1 Misdemeanor §32-24-1
 Sanction:
 Criminal:
 Imprisonment (Term): Not more than **1 year** §22-6-2
 Mandatory Minimum Term
 of Imprisonment: **None**
 Fine (\$ Range): Not more than **\$1,000** §22-6-2
 Mandatory Minimum Fine: **None**

Administrative Licensing Actions:
 Type of Licensing Action
 (Susp/Rev): **Suspension** via a Point System⁴ §32-12-49.1
 Length of Term of License
 Withdrawal Action: 1st suspension-60 days; 2nd suspension-6 months; Subsequent suspensions-1 year §32-12-49.3

Mandatory Term of License
 Withdrawal Action: The above suspensions appear to be mandatory.

Other:

⁴**Point System.** I. An offender's license is subject to suspension if they accumulate either 15 points within 12 months or 22 points within 24 months. §32-12-49.2 II. The following points have been assigned to speed related violations: Reckless driving-8 points; drag racing-6 points; and, other moving offenses-2 points. The Law specifically states that "other moving violations" does not include "speeding offenses." §32-12-49.10 Note: Under §32-12-49.3, licensing action is based on a person's driving record over the last 48 months. **Comment:** Since the term "speeding offense" is not defined, it is unclear whether such term includes all offenses related to vehicle speed or whether such term only means speed in excess of the speed limit. Note: The State legislature repealed the law which established the offense of "drag racing." §32-25-24 repealed by §2 of ch. 260, Laws of 1991 However, it did not amend §32-12-49.1 to reflect this change.

SOUTH DAKOTA

Other Criminal Actions Related to Speeding:
(continued)

<u>Careless Driving</u> ⁵ :	Class 2 Misdemeanor §32-24-8
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §22-6-2
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$200 §22-6-2
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁴ §32-12-49.1
Length of Term of License Withdrawal Action:	<u>1st suspension-60 days; 2nd suspension-6 months; Subsequent suspensions-1 year</u> §32-12-49.3
Mandatory Term of License Withdrawal Action:	The above suspensions appear to be mandatory.
Other:	
<u>Exhibition Driving</u> ⁶ :	Class 2 Misdemeanor §32-24-9
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §22-6-2
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$200 §22-6-2
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁴ §32-12-49.1
Length of Term of License Withdrawal Action:	<u>1st suspension-60 days; 2nd suspension-6 months; Subsequent suspensions-1 year</u> §32-12-49.3
Mandatory Term of License Withdrawal Action:	The above suspensions appear to be mandatory.
Other:	

⁵"Careless driving" is defined as operating a vehicle "carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving." §32-24-8

⁶"Exhibition driving" is defined as operating a vehicle "in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping; that simulates a temporary race; or that the vehicle to unnecessarily turn abruptly or sway." §32-24-9

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §§32-12-107 & 32-12-108

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §§32-12-107 & 32-12-108

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §§32-12-107 & 32-12-108

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §32-12-77(5)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §32-12-77(24)



JURISDICTION:

TENNESSEE

General Reference:

This chapter summarizes Tennessee State statutes related to speed. Tennessee Code Annotated and Rules and Regulations of the State of Tennessee (RRST)

Basis for a Speed Law Violation:

Basic Speed Rule:

Note: This State does not have a law establishing a basic speed rule.

Statutory Speed Limit:
See Other below.

70 MPH for on interstate highways §55-8-152(d)
65 MPH on all other highways or roads¹ §55-8-152(a) & (d)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation is authorized to lower the above speed limits on the State system of roads and highways. §55-8-152(g)(1)(A)
II. Based on engineering and traffic investigations, the State Department of Transportation may lower the speed limits in business, urban or residential districts. §55-8-153(a)
III. Local governments may lower the maximum speed limits on roads and streets under their jurisdiction. §§55-8-152(g)(1)(C) & 55-8-153(d)
IV. The State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §55-8-156(b)
V. Based on engineering investigations, a local government may establish special speed limits adjacent to schools. This limits cannot be <15 MPH.² §55-8-152(e)(1) & (2)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §55-8-154(a)
II. On interstate and four-lane controlled-access highways, it is unlawful for a person to operate a motor vehicle in the left lane at a speed <55 MPH. §55-8-152(d)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §55-8-115(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit for a highway. §55-8-154(b)

Other:

I. No person shall operate a vehicle with solid rubber or cushion tires >10 MPH. §55-8-156(a)
II. When transporting pupils, no person shall operate a school bus either (1) > the posted speed limit or (2) >35 MPH on unpaved roadways. §49-6-2110(b)

¹Includes all four-lane controlled-access highways which are Federal and State routes. §55-8-152(d)

²Where such special speed limits do not exist, it is a *prima facie* evidence of reckless driving to operate a vehicle > 15 MPH when passing a school during either (1) recess when warning flashers are in operation or (2) either 40 minutes before or after respectively the opening or closing of a school. §55-8-152(e)(1) & (2)

TENNESSEE

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as Noted Under Miscellaneous Sanctions, Speed Law Violations are Class C Misdemeanors. §§49-6-2113, 55-8-152(g)(2), 55-8-154, 55-8-156 & 55-10-301(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **30 days** §40-35-111(e)(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$50** §40-35-111(e)(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §55-50-505 & RRST Ch. 1340-1-4

³This course may be imposed in addition to or in lieu of any other sanction. §55-10-301(b)(1)

⁴**Point System.** I. An offender, who for the first time accumulates 12 points within 12 month, is subject to either a 6 month license suspension or a defensive driving course. After the offender completes a defensive driving course, they are placed on administrative probation for 12 months. II. An offender, who for the second or subsequent time accumulates 12 points within 12 month, is subject to either a 6 or 12 month license suspension. Such persons may be required to attend a driver improvement program. However, participation in this program is not in lieu of license suspension. III. The following points have been assigned for speeding and speed related offenses: Speeding violations where the vehicles' speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-1 point; exceeding the speed limit 6 through 15 MPH-3 points; exceeding the speed limit 16 through 25 MPH-4 points; exceeding the speed limit 26 through 35 MPH-5 points; exceeding the speed limit 36 through 45 MPH-6 points; exceeding the speed limit by 46 or more MPH-8 points; reckless driving-6 points; driving less the posted minimum speed limit-3 points; careless or negligent driving (Note: This is a municipal ordinance violation)-4 points; and, reckless endangerment by vehicle-8 points. IV. The following points have been assigned for speeding in a construction zone: Speeding violations where the vehicle's speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 15 MPH-6 points; exceeding the speed limit 16 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. V. The following points have been assigned for speeding in a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 14 MPH-4 points; exceeding the speed limit 15 through 25 MPH-6 points; exceeding the speed limit 26 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. VI. The following points have been assigned for speeding in a construction zone by a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; and, exceeding the speed limit 6 through 14 MPH-5 points. VII. For all other offenses, 3 points are assigned to a person's driving record. RRST Ch. 1340-1-4-.03 & .04

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	6 months (12 months for certain subsequent offenders)⁵ RRST Ch. 1340-1-4-.04(7)(c) and (8)(b) & (c)
Mandatory Minimum Term of Withdrawal:	6 or 12 months⁵ Action is limited to certain subsequent offenders. ⁶ RRST Ch. 1340-1-4-.04(8)(b) & (c)
Miscellaneous Sanctions Not Included Elsewhere:	Construction Zones. A person, who violates a speed limit in a construction zone when workers are present, commits a Class B Misdemeanor. However, they are <u>only</u> subject to a fine sanction of \$250 to \$500. §§55-8-152(g)(2) & 55-8-153(e) Note: The minimum fine appears to be mandatory.

Other Criminal Actions Related to Speeding:

<u>Drag Racing⁷:</u> Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:	Class B Misdemeanor §55-10-502 Not more than 6 months §40-35-111(e)(2) None Not more than \$500 §40-35-111(e)(2) None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Revocation §55-10-503(a)(1) & (b)

⁵**Point System Suspensions.** An offender is subject to a **6 month license suspension** under two conditions. (1) They have accumulated 12 points within 12 months for the first time and they do not participate in the driver improvement program. Or, (2) they have accumulated 12 points for the second time and have in lieu of a suspension, within the past 5 years, participated in such a program. A subsequent offender is subject to a **12 month license suspension** if they have, within the past 5 years, participated in and been subject to both a driver improvement program in lieu of a suspension and a license suspension under the point system. RRST Ch. 1340-1-4-.04

⁶Offenders, who have accumulated 12 points within 12 months for the first time and who are subject to a 6 month license suspension because they do not participate in a driver improvement program, are eligible for restricted driving privileges. RRST Ch. 1340-1-4-.04(7)(g) Also, under "extreme circumstances" such an offender may be placed on administrative probation in lieu of a suspension. RRST Ch. 1340-1-4-.04(7)(h)

⁷"Drag racing" is defined as the "use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by the vehicle; the use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one (1) or more motor vehicles for the purpose of comparing the relative speeds of such vehicle or vehicles, or for comparing the relative speeds of such vehicle or vehicles within a certain distance or within a certain time limit; the use of one (1) or more motor vehicles in an attempt to outgain, outdistance or arrive at a given destination simultaneous with or prior to that of any other motor vehicle; the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, or in writing, or otherwise, made or received with reference to the performance abilities of one (1) or more motor vehicles." §55-10-501(1)

TENNESSEE

Other Criminal Actions Related to Speeding:
(continued)

Drag Racing: (continued)

Length of Term of

Licensing Withdrawal:

1st offense-1 year §55-10-503(a)(1) 2nd offense (within 10 years)-
Permanent Revocation §55-10-503(b)

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-None Note: An offender is eligible for restricted driving
privileges. §55-10-503(a)(2) 2nd offense (within 10 years)-**Permanent
Revocation** §55-10-503(b)

Other:

An offender may be required to attend a driver education course.³ §55-
10-301(b)(1)

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Class B Misdemeanor §55-10-205(a) & (b)

Not more than **6 months** §40-35-111(e)(2)

None

Not more than **\$500** §40-35-111(e)(2)

None

Administrative Licensing Actions:

Suspension via a Point System^{4&5} **Revocation**-2nd offense (within 12
months)-**Revocation** §55-50-501(a)(6)

Type of Licensing Action

(Susp/Rev):

2nd offense (within 12 months)-**Revocation** §55-50-501(a)(6)

Length of Term of License

Withdrawal Action:

2nd offense (within 12 months)-**1 year** §55-50-502(e)(3)

Mandatory Term of License

Withdrawal Action:

2nd offense (within 12 months)-**1 year**⁸ §55-50-502(e)(3)

Other:

An offender may be required to attend a driver education course.³ §55-
10-301(b)(1)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

⁸However, if this is the first time an offender's license has been revoked, they may apply for a new one after only 6 months. §55-50-502(e)(4)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §55-50-102(12)

Commercial Motor Vehicle (CM) Operators:
(continued)

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §55-50-405(a)(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §55-50-405(a)(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §55-50-405(a)(5)

¹⁰A "serious traffic violation" includes excessive speeding as defined by the U.S. Secretary of Transportation (i.e., exceeding the speed limit by 15 or more MPH) or reckless driving. §55-50-102(44) & (45) and 49 CFR §383.5



JURISDICTION:

TEXAS

General Reference:

This chapter summarizes Texas State statutes related to speed. Citations are to Vernon's Texas Transportation Code (Tran. Code).

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the circumstances then existing or under the conditions and having regard to actual and potential hazards. Tran. Code §545.351(a) & (b)(1)¹

Statutory Speed Limit:

Operating a vehicle in excess of the following speed limits is *prima facie*

See Other below.

evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)

A) 70 MPH during the daytime on "numbered" highways outside an urban district for passenger cars² and motorcycles Tran. Code §545.352(b)(2)

B) 65 MPH during the nighttime on "numbered" highways outside an urban district for passenger cars² and motorcycles Tran. Code §545.352(b)(2)

C) 60 MPH during the daytime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code §545.352(b)(3)

D) 55 MPH during the nighttime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code §545.352(b)(3)

E) 60 MPH outside an urban district unless another speed limit has been established by law. Tran. Code §545.352(b)(4)

F) 30 MPH in an urban district Tran. Code §545.352(b)(1)

G) 15 MPH in an alley Tran. Code §545.352(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Texas Transportation Commission may alter the *prima facie* speed limits on State highways and limited-access or controlled highways inside or outside of any municipality.³ Tran. Code §545.353(a) & (f)

¹See also §1 of Ch. 295, Laws of 1995. Sec. 1 of Ch. 295, Laws of 1995, amended §166(a) of Art. 6701d even though such section was repealed and replaced by Tran. Code §§545.351 & 454.352. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 295, Laws of 1995 was enacted after §166(a) of Art. 6701d was repealed and replaced, §1 of this chapter is given effect.

²The speed limits established for passenger cars also applies to (1) light trucks, (2) passenger cars and light trucks that are either towing a vessel or trailer (or semitrailer) designed to transport livestock, (3) vehicles used to transport passengers for hire and (4) vehicles used to transport United States mail. Tran. Code §545.352(c) A "light truck" is defined as a truck with a carrying capacity of ≤2,000 lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code §545.352(d)(1)

³However, the following limitations apply. A speed limit cannot be established >70 MPH. And, the speed limits established for per Tran. Code §545.352(b)(5) for certain vehicles outside an urban district cannot be changed. Tran. Code §545.353(d)

TEXAS

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

II. Based on engineering and traffic investigations, the Texas Turnpike Authority may alter the *prima facie* speed limits on highways under its jurisdiction including those inside or outside any municipality.⁴ Tran. Code §545.354(a) & (d)

III. Based on engineering and traffic investigations, county court commissioners may increase the *prima facie* speed limits on highways under their jurisdiction. In addition, they may declare lower speed limits if the *prima facie* limits are unreasonable or unsafe.⁵ Tran. Code §545.355(a)

IV. Based on engineering and traffic investigations, municipalities may alter the *prima facie* speed limits on highways under their jurisdiction.⁶ Tran. Code §545.356(a) & (b)

V. Texas law gives United States military commanders the authority to alter the *prima facie* speed limits on state highways within a United States military reservation.⁷ Tran. Code §545.358

VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their jurisdiction. Tran. Code §545.361(e)

VII. The State Transportation Commission and local governments are required hold public hearings upon request once each calendar year to consider *prima facie* speed limits on highways that are under their respective jurisdictions and that are either near (1) public or private elementary or secondary schools or (2) institutions of higher education. Tran. Code §545.357

Minimum Speed Limit:

I. No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code §545.363(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Tran. Code §545.051(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdiction. Tran. Code §545.363(b)

⁴However, a speed limit cannot be established > 70 MPH. Tran. Code §545.354(f)(2)

⁵However, a speed limit can neither be established > 60 MPH nor < 30 MPH. Tran. Code §545.355(a)

⁶However, a speed limit cannot be established > 60 MPH. Tran. Code §545.356(a) & (b) Also, if there is a conflict in the established speed limits by a municipality and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

⁷However, a speed limit cannot be established > 60 MPH. Tran. Code §545.358 Also, if there is a conflict in the established speed limits by the U.S commander and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

Basis for a Speed Law Violation: (continued)

Other:

- I. Operating the following types of vehicles in excess of the given speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)
- A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or >55 MPH whichever is less. Code §623.101(a)
- B) A school bus cannot be driven > 50 MPH outside an urban district on a highway other than an interstate highway. Tran. Code §545.352(b)(5)(A)
- C) A school bus cannot be driven > 55 MPH outside an urban district on an interstate highway. Tran. Code §545.352(b)(5)(B)
- D) 60 MPH during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer or semitrailer) and for vehicles towing either a trailer, semitrailer, another motor vehicle or towable recreational vehicle. Tran. Code §545.352(b)(5)(C)
- E) 55 MPH during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) and for other towed vehicles Tran. Code §545.352(b)(5)(C)
- II. 30 MPH is the maximum speed limit in a county park that borders the Gulf of Mexico. Tran. Code §750.002
- III. A vehicle equipped with solid rubber or cushion tires may be operated > 10 MPH. Tran. Code §545.361(b)
- IV. Self-propelled agricultural machinery used for planting "food materials" and not designed for transportation purposes may not be operated > 30 MPH. Tran. Code §545.361(d)
- V. A person may not operate a vehicle on a beach >25 MPH during the daytime or >20 MPH during the nighttime. Tran. Code §545.364

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Tran. Code §§542.301 & 750.002(b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

\$1 to \$200 Tran. Code §§542.401 & 750.002(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Double Fines. If a speeding offense occurs in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404

TEXAS

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action: Type of Licensing Action (Susp/Rev):	Suspension or Revocation at the discretion of the licensing agency. This action is based on either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws. ⁸ Tran. Code §§521.163, 521.294(a) & (b)(4) ⁹
Term of License Withdrawal (Days, Months, Years, etc.):	Revocation-Indefinite Period Tran. Code §521.306(a) Suspension-Not more than 1 year Tran. Code §521.306(b)
Mandatory Minimum Term of Withdrawal:	Revocation -The revocation period cannot be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a) Suspension-None A suspension may be probated and is, therefore, not mandatory. ¹⁰ Tran. Code §521.303(a)
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions:	Misdemeanor Tran. Code §§542.301(b) & 545.420
Criminal Sanction: Imprisonment (Term):	None
Mandatory Minimum Term: Fine (\$ Range):	\$1 to \$200 Tran. Code §542.401
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension or Revocation at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws. ⁸ Tran. Code §§521.163, 521.294(a) & (b)(4) ⁹
Length of Term of Licensing Withdrawal:	Revocation-Indefinite Period Tran. Code §521.306(a) Suspension-Not more than 1 year Tran. Code §521.306(b)

⁸An "habitual violator" is defined as a person who has committed either 4 or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code §521.294(h)

⁹See also §2 of Ch. 434, Laws of 1995. Sec. 2 of Ch. 434, Laws of 1995, amended §22(b) of Art. 6787b even though such section was repealed and replaced by Tran. Code §521.294. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 434, Laws of 1995, was enacted after §22(b) of Art. 6687b was repealed and replaced, §2 of this chapter it is given effect.

¹⁰If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code §521.303(c)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum
Length of License
Withdrawal:

Revocation--The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)

Suspension--None A suspension may be probated and is, therefore, not mandatory.¹⁰ Tran. Code §521.303(a)

Other:

Double Fines. If a offense occurred in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404

Reckless Driving:

Sanction:

Misdemeanor Tran. Code §545.401(a) & (b)

Criminal:

Imprisonment (Term):

Not more than **30 days** Tran. Code §545.401(b)(2)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$200** Tran. Code §545.401(b)(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension or Revocation at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁸ Tran. Code §§521.163, 521.294(a) & (b)(4)⁹

Length of Term of License
Withdrawal Action:

Revocation--Indefinite Period Tran. Code §521.306(a)

Suspension--Not more than **1 year** Tran. Code §521.306(b)

Mandatory Term of License
Withdrawal Action:

Revocation--The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)

Suspension--None A suspension may be probated and is, therefore, not mandatory.¹⁰ Tran. Code §521.303(a)

Other:

Double Fines. If a offense occurred in a construction zone, the maximum fine is **doubled**. Tran. Code §542.404

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code §522.003(5)

TEXAS

Commercial Motor Vehicle (CMV) Operators:
(continued)

Grounds for Disqualification:
(continued)

vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. Tran. Code §522.081(a)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Tran. Code §522.003(25)

JURISDICTION:

UTAH

General Reference:

This chapter summarizes Utah State statutes related to speed. Utah Code Annotated and Utah Administrative Code (UAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing. §41-6-46(1)

Statutory Speed Limit:

If the following speed limits are exceeded, it is *prima facie* evidence that

See Other below.

such speed was not reasonable or prudent. §41-6-46(3)

A) 55 MPH, except as noted, on highways or streets §41-6-46(2)(c)

Note: See "I" under Posted Speed limits below.

B) 25 MPH in an urban district §41-6-46(2)(b)

C) 20 MPH in a "reduced speed school zone" §§41-6-20.1, 41-6-48.5(1) & 41-6-46(2)(a)

Posted (Maximum) Speed Limit:

I. Based on traffic engineering and safety studies, the State Department of Transportation may establish different speed limits on highways under its jurisdiction.¹ §41-6-47(1) & (2) **Important.** The maximum posted speed limit cannot be > 65 MPH on regular highways or > 75 MPH on limited access ones. §41-6-47(3)(a)

II. Based on traffic engineering and safety studies, a local government may establish different speed limits on highways under its jurisdiction. §41-6-48(1) & (2) **Important.** The maximum posted speed limit cannot exceed those noted above. §§41-6-47(3)(a) & 41-6-48(1)

III. Based on an investigation, the State Department of Transportation may establish a safe maximum speed for any bridge or elevated structure. §41-6-50

Minimum Speed Limit:

I. A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic. §41-6-49(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §41-6-53(2)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or a local government may, on highways under their respective jurisdictions, establish a minimum speed limit for a highway. §41-6-49(3)

Other:

The governor may by proclamation alter speed limits on State highways in time of war or emergency. §41-6-46(4)

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for highway construction, (4) for various weather conditions or (5) for other highway safety factors. §41-6-47(2)

UTAH

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Class C Misdemeanors.² §§41-6-12(1) & 41-6-48.5(2)(a)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than 90 days §76-3-204(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than \$750³ §76-3-301(1)(e)

Mandatory Min. Fine (\$):

The following mandatory minimum fines are imposed for driving >20 MPH in a "reduced speed school zone:" 1st offense-Vehicle Speed 21 to 29 MPH-\$50, Vehicle Speed 30 to 39 MPH-\$125 and Vehicle Speed ≥40 MPH-\$275 2nd and subsequent offense-1st offense-Vehicle Speed 21 to 29 MPH-\$50, Vehicle Speed 30 to 39 MPH-\$225 and Vehicle Speed ≥40 MPH-\$525 §41-6-48.5(2)(a) Note: The court may order community serve in lieu of these fines or any portion of such fine. §41-6-48.5(2)(b)

Other Penalties:

Traffic School:

An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5

Other:

Double Fine for Speeding in Construction Zones. A person, who is convicted of speeding in a construction zone when workers are present, is subject to a fine which is **double** the amount of the fines in the Uniform Recommend Fine Schedule. §41-6-13(3)(a)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §53-3-221(1)(f) & (4)

²Even though exceeding the post speed limit is a Class C Misdemeanor, an appellate court allowed the prosecutor to change the offense's classification to an infraction. A person, who is convicted of an infraction, is subject to only a fine of not more than \$750. I.e., an offender is not subject to an incarceration sanction. In addition, a person, who is charged with an infraction, has no right to a jury trial. Not addressed was the issue of whether the trial court had the authority, via either statute or the State's constitution, to change the classification. Instead, the appellate court held that the trial court, by accepting the information for this offense as an infraction, agreed to limit the sanction to only a fine. *West Valley City v. McDonald*, 948 P.2d 371 (UtahApp. 1997)

³This is the maximum fine that may be imposed. However, the actual fine that is usually imposed for an offense is one that has been established via the Uniform Recommend Fine Schedule. This schedule is established via the State's Judicial Council. §76-3-301.5

⁴**Point System. I. Offenders ≥21 Years Old.** An offender, who accumulates either 200 to 399 points, 400 to 599 points or ≥600 points is subject to respectively either a 3 month, 6 months or 1 year license suspension. UAC R708-14-4 **Offenders ≥16 but <21 Years Old.** An offender, who accumulates either 140 to 199 points are subject to license "denial" for 30 days. If after first denial they accumulate 140 to 199 points within 3 years, they are subject to a 60 day license denial. And, if after a second denial they accumulate 140 or more points within 3 years, they are subject to a 90 day license denial. In addition, if an offender accumulates 200+ points,

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of Withdrawal:	Not more than 1 year §53-3-221(8)(a) None Note: License suspension action is discretionary with the licensing agency
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Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class C Misdemeanor §§41-6-12(1) & 41-6-51
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Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:	Not more than 90 days §76-3-204(3) None Not more than \$750³ §76-3-301(1)(e) None
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Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension via a Point System ⁴ based either on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3- 221(1)(d) & (f)
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Length of Term of Licensing Withdrawal: Mandatory Action--Minimum Length of License Withdrawal:	Not more than 1 year §53-3-221(8)(a)
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Other:	None Note: License suspension action is discretionary with the licensing agency.
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Other:	An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708- 14-5
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<u>Reckless Driving:</u>	Class B Misdemeanor §41-6-45(1) & (2)
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Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment:	 <u>1st or subsequent offense</u> -Not more than 6 months §76-3-204(2)
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1st offense-5 days Subsequent offense-10 days §41-6-45(2) Note: As
alternative to mandatory imprisonment, the offender may be required
to only pay the minimum mandatory fine. §41-6-45(2)

250+ points, 350+ points or 450+ points, they are subject or respectively 60 day, 90 day, 6 month or 1 year license suspension. UAC R708-14-5 II. The following points have been assigned to speeding and speed related traffic law violations: Reckless driving-80 points; racing/drag racing/acceleration contest/exhibition speed-60 points; speeding too fast for conditions-50 points; speeding 0 to 9 MPH over the speed limit-35 points; speeding 10 to 19 MPH over the speed limit-55 points; speeding ≥20 MPH over the speed limit-75 points; driving too slow-50 points; and, speeding violation on an interstate under 71 MPH where there is no accident-35 or 55 points. §53-3-221(4) and UAC R708-14-5a

UTAH

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Fine (\$ Range):
Mandatory Minimum Fine:

1st or subsequent offense-Not more than **\$1,000**³ §76-3-301(1)(d)
1st offense-**\$25** Subsequent offense-**\$50** Note: As alternative the
mandatory fines, an offender may be required to serve the above
mandatory incarceration periods. §41-6-45(2)

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

I. **Suspension** via a Point System⁴ based either on (1) a conviction of
a serious traffic offense or (2) frequent traffic law violations. §53-3-
221(1)(d) & (f) II. 1st offense-The court may recommend **suspension**;
2nd offense (within 12 months)-**Revocation** §53-3-220(1)(a)(viii)

Length of Term of License
Withdrawal Action:

I. Under the Point System-Suspension-Not more than **1 year** §53-3-
221(8)(a) II. 1st offense-After a hearing, the licensing agency may
suspend an offender's license for **3 months**; 2nd offense (within 12
months)-Revocation-**1 year** §53-3-225(1)(a)

Mandatory Term of License
Withdrawal Action:

I. Under the Point System-**None** Note: License suspension action is
discretionary with the licensing agency. II. 1st offense-**None**; 2nd
offense (within 12 months)- Revocation-**1 year** §§53-3-220(1)(a)(viii)
& 53-3-225(1)(a)

Other:

An offender may reduce the number of points on their driving record
by completing a Defensive Driving Course. UAC R708-14-4 & R708-
14-5

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a
vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3
year period or (2) commit 3 such violations within a 3 year period.
§53-3-414(6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious
violations (within 3 years)-Not less than **120 days** §53-3-414(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §53-3-414(6)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §53-3-102(5)(a)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §53-3-402(16)(a) & (b)

JURISDICTION:

VERMONT

General Reference:

This chapter summarizes Vermont State statutes related to speed.
Vermont Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard for the actual and potential hazards then existing. Title 23, §1081(a)

**Statutory Speed Limit:
See Other below.**

50 MPH on any highway Title 23, §1081(b)

Posted (Maximum) Speed Limit:

- I. The State may establish via regulations¹ speed limits for interstate, limited access and controlled access highways. The speed limits that are established via regulation can be greater or less than the above statutory speed limit. Title 23, §§1004(a) & 1081(c)
- II. Based on engineering and traffic investigations, the State may increase or decrease the above speed limit on non-interstate highways.² Title 23, §§1003 & 1081(c)
- III. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limit on highways or streets under its jurisdiction. However, no speed limit shall be > 50 MPH or < 25 MPH. Title 23, §§1007(a) & (b) and 1081(c)
- IV. Based upon an investigation, the State may establish a safe maximum speed for any bridge or elevated structure. Title 23, §1083(b) & (c)

Minimum Speed Limit:

- I. Although this State does not have a minimum speed rule, it does have a statute that requires a person, who is impeding traffic, to "pull off the highway at the first opportunity to allow the traffic to pass before proceeding." Title 23, §1082
- II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 23, §1031(b)

Posted (Minimum) Speed Limit:

Other:

- I. A local government may establish special speed limits via regulations for construction zones or for special occasions. Title 23, §§1010 & 1081(c)
- II. A person shall not drive a vehicle that is equipped with iron, steel or solid rubber tires > 10 MPH. Title 23, §1083(a)

¹These regulations are promulgated only after formal public notices and hearings. Title 23, §1004(a) Note: Unlike non-interstate highways, Vermont law does not specifically state whether for interstate, limited access or controlled access highways, different speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

²On these highways, different speed limits may be established (1) for different types of vehicles (e.g. persons, who operate certain types of trucks may be required to drive at a slower speed than those who operate other types of motor vehicles), (2) for different times of the day, (3) for various weather conditions and (4) for other factors bearing on safe speeds. Title 23, §1003

VERMONT

Basis for a Speed Law Violation: (continued)

Other: (continued)

III. No person shall tow a trailer³ > 35 MPH. Title 23, §1083(d)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Violations⁴ and are Considered Civil Actions. Title 23, §2302(a)(1) & (b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$175⁵ Title 23, §§1707 & 2302(c)
Not more than \$50 for exceeding the maximum safe speed for a bridge
or elevated structure. Title 23, §§1083(b) & 1096(a)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver retaining course. Title
23, §§721 & 722

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ Title 23, §2501 et seq.

Term of License Withdrawal

(Days, Months, Years, etc.):

≥ 30 days⁶ Title 23, §2506

³This applies only to trailers that are exempt from certain weight requirements of Title 23, §1307.

⁴On July 1, 1990, most violations of the traffic laws became civil violations. Title 23, §§2204 & 2301 et seq.

⁵**Fine Schedule.** The law provides that the court with the authority to establish a fine schedule for traffic offenses. The fines established must be within the maximum limits provided by law. Title 23, §2302(d)

⁶**Point System.** I. An offender is subject to license suspension if they accumulate at least 10 points within a 2 year period. Title 23, §2505 The following suspension periods are imposed for the indicated point accumulations: 10 day suspension for 10 points; 30 days suspension for 15 points; 90 day suspension for 20 points. And, an additional 30 day suspension for each additional 5 points. Title 23, §2506 II. The following points have been assigned to speeding and speed related offenses: Violation of regulations governing speed on interstate highways-2 points; violation of basic speed rule and maximum speed limit-2 points; violation of slow moving vehicle law/driving at less than the normal speed of traffic and except in the right lane-2 points; violation of special speed limits under Title 23, §1083-2 points; negligent vehicle operation-10 points; exceeding the posted State or local speed limit by < 10 MPH-2 points; exceeding the posted State or local speed limit by > 10 but ≤ 20 MPH-3 points; exceeding the posted State or local speed limit by > 20 but ≤ 30 MPH-5 points; and, exceeding the posted State or local speed limit by > 30 MPH-8 points. Title 23, §2502

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term of
Withdrawal: Suspensions under the Point System appear to be mandatory. Title 23,
§2506

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Excessive Speed⁷: Misdemeanor Title 13, §1 & Title 23, §1097
Sanctions:
Criminal Sanction:
Imprisonment (Term): 1st offense-Not more than **3 months** 2nd offense-Not more than **6 months** Title 23, §1097
Mandatory Minimum Term: **None**
Fine (\$ Range): 1st offense-Not more than **\$300** 2nd offense-Not more than **\$500** Title 23, §1097
Mandatory Minimum Fine: **None**

Administrative Licensing Action:
Licensing Authorized and
Type of Action: **Suspension** via a Point System⁶ Title 23, §2501 et seq.
Length of Term of
Licensing Withdrawal: **≥30 days**⁶ Title 23, §2506
Mandatory Action--Minimum
Length of License
Withdrawal: Suspensions under the Point System appear to be mandatory. Title 23,
§2506

Other: An offender may be required to attend a driver retaining course. Title 23, §§721 & 722

Negligent Motor Vehicle Operation⁸: Misdemeanor Title 13, §1 & Title 23, §1091(a)(3)
Sanctions:
Criminal Sanction:
Imprisonment (Term): 1st offense-Not more than **1 year** Subsequent offense-Not more than **2 years** Title 23, §1091(a)(3)
Mandatory Minimum Term: **None**
Fine (\$ Range): 1st offense-Not more than **\$1,000** Subsequent offense-Not more than **\$3,000** Title 23, §1091(a)(3)
Mandatory Minimum Fine: **None**

⁷"Excessive speed" is defined as operating a motor vehicle either > 60 MPH or > 30 MPH "in excess of a state speed zone or local speed limit." Title 23, §1097

⁸The standard for "negligence" is "ordinary negligence" using the usual standard "of duty to exercise ordinary care." Title 23, §1091(a)(2)

VERMONT

Other Criminal Actions Related to Speeding:
(continued)

Negligent Motor Vehicle Operation:
(continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Suspension⁹ Title 23, §2506

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506 Note: These suspensions appear to be mandatory.

Other:

An offender may be required to attend a driver retaining course. Title 23, §§721 & 722

Grossly Negligent Motor Vehicle Operation¹⁰:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Misdemeanor Subsequent offense-Felony Offense Involving Either Serious Bodily Injury or Death-Felony Title 13, §1 & Title 23, §1091(b)(3)

1st offense-Not more than 2 years Subsequent offense-Not more than 4 years Offense Involving either Serious Bodily Injury or Death-Not more than 15 years Title 23, §1091(b)(3)

Mandatory Minimum Term:

Fine (\$ Range):

None

1st offense-Not more than \$5,000 Subsequent offense-Not more than \$10,000 Offense Involving either Serious Bodily Injury or Death-Not more than \$15,000 Title 23, §1091(b)(3)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Suspension⁹ Title 23, §2506

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506 Note: These suspensions appear to be mandatory.

⁹Suspension can also be via the **Point System**. Licensing action under this system must be imposed if it would result in a longer suspension periods. Title 23, §2506

¹⁰"Gross negligence" is defined as "conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation." Title 23, §1091(b)(2)

Other Criminal Actions Related to Speeding:
(continued)

Grossly Negligent Motor Vehicle Operation:
(continued)

Other:

- I. An offender may be required to attend a driver retaining course. Title 23, §§721 & 722
- II. **Surcharge.** In addition to any fine sanction, there is a surcharge of \$50 which is used to fund drunk driving law enforcement. Title 23, §1091(d)

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 23, §4116(d)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 23, §4116(d)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 23, §4116(d)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 23, §4103(4)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless or negligent driving. Title 23, §4103(16)



JURISDICTION:

VIRGINIA

General Reference:

This chapter summarizes Virginia State statutes related to speed. Code of Virginia Annotated and Virginia Administrative Code (VAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person cannot drive so as to exceed a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.¹ §46.2-861

**Statutory Speed Limit:
See Other below.**

65 MPH on rural interstate highways, certain highways constructed by the Virginia Highway Corporation and other limited access highways in counties with a population $\geq 45,700$ but $\leq 45,800$ §46.2-870 (¶3)
55 MPH on other interstate highways, limited access highways with divided roadways, nonlimited access highways with 4 or more lanes and all State primary highways §46.2-870 (¶1)
55 MPH on all other highways for passenger motor vehicles, busses, pickup or panel trucks or motorcycles §46.2-870 (¶2)
45 MPH on all other highways for trucks, tractor trucks, a combination of vehicles designed to transport property or a vehicle which is towing either another motor vehicle or a house trailer §46.2-870 (¶2)
35 MPH on highways within a city or town excluding interstate or other limited access divided highways §46.2-875

Posted (Maximum) Speed Limit:

I. Based on traffic engineering investigations, the Commonwealth Transportation Commission or other authority may increase or decrease the above speed limits on any highway under its jurisdiction.² §46.2-878
II. Based on an investigation, the Commonwealth Transportation Commission may establish a safe maximum speed limit for public bridges, causeways, viaducts or tunnels. §46.2-881

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.2-877 (¶1)
II. A person, driving at less than the normal speed of traffic, shall drive in the lane nearest the right edge or right curb of the highway when such lane is available for travel. There is an exception to this requirement if the right lane of a particular highway has been reserved for slow-moving traffic. §46.2-804(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, either the State or a local government may establish a minimum speed for a highway. §46.2-877 (¶2)

Other:

I. A school bus cannot be driven > 55 MPH on interstate highways or > 45 MPH on other highways. In additions, such a vehicle cannot be driven > 35 MPH when taking on or discharging children between the first and last stop (not including the school). §46.2-871

¹Driving too fast for conditions is a reckless driving offense. §46.2-861

²The Commonwealth Transportation Commissioner may establish different speed limits for different times of the day. §46.2-878 However, Virginia law does not specifically state whether different speed limits may be established for different types of vehicles or for various weather conditions.

VIRGINIA

Basis for a Speed Law Violation: (continued)

Other: (continued)

II. On highways with a speed limit ≥ 55 MPH, vehicles operating under a special permit issued by the Commonwealth Transportation Commissioner under §46.2-1139 cannot be driven > 55 MPH. §46.2-872

III. The maximum speed limit in a school crossing zone is 25 MPH. Acting on a school board resolution, a local government, via an ordinance, may decrease the speed limit in any school crossing zone to 15 MPH. §46.2-873

IV. Special speed limits may be established for highway work zones. §46.2-878.1

V. The maximum speed for passenger vehicles, that are towing utility, camping or boat trailers having gross weight of $\leq 2,500$ lbs., shall be the same as for other passenger vehicles. §46.2-876

VI. Special speed limits may be established for highway work zones when workers are present. §46.2-878.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Basic Speed Rule is a Class 1 Misdemeanor. §§46.2-861 & 46.2-868 All Other Speed Law Violations are Traffic Infractions. §§46.2-113, 46.2-873, 46.2-878.1 & 46.2-878.2

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Class 1 Misdemeanor-Not more than **12 months** §18.2-11(a)

Traffic Infraction-None

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Class 1 Misdemeanor-Not more than **\$2,500** §18.2-11(a)

Traffic Infraction-Not more than **\$200**³ §§46.2-113 & 46.2-878.2⁴

None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

Other:

Important. If a Traffic Infraction was committed by a person driving a vehicle designed to transport property and which has a gross weight rating of $\geq 26,001$ lbs inclusive of a towed vehicle with a gross weight rating $\geq 10,00$ lbs., the fine is not more than \$500. §46.2-113 (**12**)

³The fine for exceeding the maximum posted speed limit in a work zone is not more than **\$250**. §46.2-878.1 Likewise, the fine for exceeding either the 25 or 15 MPH speed limit in a school crossing zone is not more than the **\$250**. §46.2-873

⁴Sec. 46.2-878.2 makes it a traffic infraction with fine of not more than **\$200** to exceed the maximum posted speed limit on a highway in a residential district.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:

Type of Licensing Action
(Susp/Rev):

I. Class 1 Misdemeanor Offense-Suspension §46.2-392 (¶1)

Type of Licensing Action
(Susp/Rev): (continued)

II. Suspension via a Point System⁵ §§46.2-492 et seq.

Term of License Withdrawal
(Days, Months, Years, etc.):

I. Class 1 Misdemeanor Offense-10 days to 6 months §46.2-392 (¶1)

II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §46.2-506 (B)

Mandatory Minimum Term of
Withdrawal:

I. Class 1 Misdemeanor Offense-None §46.2-392 (¶1) Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving privileges for employment, educational or medical purposes. §46.2-392 (¶3)

II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁶:

Class 1 Misdemeanor §§46.2-865 & 46.2-868

Sanctions:

Criminal Sanction:

Not more than **12 months** §18.2-11(a)

Imprisonment (Term):

None

Mandatory Minimum Term:

Not more than **\$2,500** §18.2-11(a)

Fine (\$ Range):

None

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

1st, 2nd & 3rd offense-Suspension §46.2-865 4th offense-Revocation §46.2-394

⁵**Point System.** I. An offender's license is subject to suspension if they accumulate 18 points within 12 months or 24 points within 24 months. §46.2-506 II. The following points have been assigned to speeding and speed related offenses: Reckless driving-6 points; speeding ≥20 MPH above the speed limit-6 points; racing on the highway-6 points; speeding 10 to 19 MPH above the speed limit-4 points; exceeding a reasonable speed-3 points; improper driving-3 points; speeding 1 to 9 MPH above the speed limit-3 points; impeding traffic (slow speed)-3 points; and, other violations-3 points. §46.2-492 and Title 24 VAC 20-30-40 (Rule 3.1), 20-30-50 (Rule 3.2) & 20-30-60 (Rule 3.3) III. Persons under 18 years old, who receive points, are subject to the following sanctions: For 1st violation where points have been assigned, the person shall be directed to attend a driver improvement clinic. For a 2nd violation where points have been assigned, the person shall have their driving privileges **suspended for 90 days**. And, for a 3rd violation where points have been assigned, the person shall have their driving privileges **revoked** for either 1 year or until they reach 18 years old whichever is the longer revocation period. §46.2-334.01(1)(a), (2) & (3)

⁶Racing on the highways is a reckless driving offense. §46.2-865

VIRGINIA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Length of Term of

Licensing Withdrawal:

Suspension-6 months to 2 years §46.2-865 Revocation-5 years
§46.2-394

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension-6 months §46.2-865 Revocation-5 years §46.2-394
Note: These licensing actions appear to be mandatory.

Other:

- I. If the offense occurred as a result of a race that was prearranged, organized or planned, the vehicle used and owned by an offender must be forfeited to the State. §46.2-867
- II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505
- III. An offender also accumulates points for this offense.⁵

Exceeding the Speed Limit⁷:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Class 1 Misdemeanor §§46.2-862 & 46.2-868

Not more than **12 months** §18.2-11(a)

None

Not more than **\$2,500** §18.2-11(a)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

I. **Suspension** via Court Order §46.2-393

II. **Suspension** via a Point System⁵ §§46.2-492 et seq.

Length of Term of

Licensing Withdrawal:

I. Suspension via Court Order-**60 days to 6 months** §46.2-393

II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §46.2-506 (B)

Mandatory Action--Minimum

Length of License

Withdrawal:

I. Suspension via Court Order-**None** Note: This licensing action is discretionary with the court.

II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Other:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

⁷The "Exceeding the Speed Limit" offense is a reckless driving offense and is defined to mean driving either (1) ≥ 20 MPH over the maximum posted speed limit of 30 MPH, (2) ≥ 60 MPH over the maximum posted speed limit of 35 MPH, (3) ≥ 20 MPH over the maximum posted speed limit of 40 MPH or (4) ≥ 80 MPH regardless of the maximum posted speed limit. §46.2-862

Other Criminal Actions Related to Speeding:
(continued)

<p><u>Reckless Driving</u>⁸: Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:</p>	<p>Class 1 Misdemeanor §§46.2-852, 46.2-864⁹ & 46.2-868</p> <p>Not more than 12 months §18.2-11(a)</p> <p>None</p> <p>Not more than \$2,500 §18.2-11(a)</p> <p>None</p>
<p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):</p>	<p>I. Suspension via Court Order §46.2-392 (¶1) II. Suspension via a Point System⁵ §§46.2-492 et seq.</p>
<p>Length of Term of License Withdrawal Action:</p>	<p>I. Suspension via Court Order-10 days to 6 months¹⁰ §46.2-392 (¶1) II. Suspension via a Point System-90 days or until the offender completes a driver improvement clinic §§46.2-506 (B)</p>
<p>Mandatory Term of License Withdrawal Action:</p>	<p>I. Suspension via Court Order-None Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving privileges for employment, educational or medical purposes. §46.2-392 (¶3) II. Suspension via a Point System-90 days or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.</p>
<p>Other:</p>	<p>I. If the offender has caused the death of another person, the discretionary suspension period is not more than 12 months. §46.2-396 II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505</p>

⁸In this State, "reckless driving" is defined as driving "a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person." §46.2-852 **Important.** Under Virginia law, the term "reckless driving offense" includes numerous moving violations.

⁹Under §46.2-864, a person commits a reckless driving offense if they operate a "motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person" on a church, school, recreational facility, business property open to the public or the public parking space of an industrial establishment.

¹⁰For a violation of §46.2-864, the discretionary suspension period is **60 days to 6 months**. §46.2-393

VIRGINIA

Other Criminal Actions Related to Speeding:
(continued)

<u>Improper Driving</u> ¹¹ :	Traffic Infraction §46.2-869
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than \$500 §46.2-869
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §§46.2-492 et seq.
Length of Term of License Withdrawal Action:	<u>Suspension</u> via a Point System- 90 days or until the offender completes a driver improvement clinic §§46.2-506 (B)
Mandatory Term of License Withdrawal Action:	<u>Suspension</u> via a Point System- 90 days or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.
Other:	The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

Commercial Motor Vehicle (CMV) Operators¹²:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §46.2-341.20(B)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §46.2-341.20(B)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §46.2-341.20(B)

¹¹The court may reduce any reckless driving offense to improper driving if "the degree of culpability is slight." §46.2-869 **Important.** Under Virginia law, "improper driving" is not a defined crime. As such, law enforcement offices do not charge a person with this offense. Instead, a driver is normally charged with an offense which has been "labeled" as "reckless driving" and, if the circumstances warrant, the court reduces such charge to "improper driving" for sentencing purposes.

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.2-341.4

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.2-341.20(A)(1) & (2)

JURISDICTION:

VIRGIN ISLANDS

General Reference:

This chapter summarizes Virgin Island statutes related to speed.
Virgin Islands Code (Updated through 1996)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Title 20, §494(a)

Statutory Speed Limit:

55 MPH (40 MPH for trucks or busses) on the Melvin H. Evans Highway on St. Croix Title 20, §494(b) & (c)
40 MPH on certain portions of Centerline Road¹ Title 20, §494(b)
35 MPH for motorcars, pick-up trucks or motorcycles outside town limits Title 20, §494(b)
20 MPH for motorcars, pick-up trucks or motorcycles within town limits Title 20, §494(b)
30 MPH for trucks or busses outside town limits Title 20, §494(c)
10 MPH² for trucks or busses within town limits Title 20, §494(c)

Posted (Maximum) Speed Limit:

I. The Police Commissioner³ may reduce the above speed limits where there such action "is necessary for the public safety." Title 20, §494(e)
Note: Virgin Island law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. The Police Commissioner is authorized to establish maximum speed limits of not >20 MPH on streets and roads in housing projects or developments. Title 20, §494(f)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede, hinder or obstruct the normal and reasonable movement of traffic. Title 20, §494a(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Police Commissioner may establish minimum speed limits on a highway. Title 20, §494a(b)

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 14, §§1 & 2 and Title 20, §544(f)

Other:

¹This speed limit applies on "Centerline Road west of King's Hill on St. Croix." Title 20, §494(b)

²"No person shall race on a bicycle or ride a bicycle at a speed of more than 10 miles per hour on the public streets or highways." Title 23, §206 The sanctions for violating this requirement are imprisonment for not more than 30 days and/or a fine of not more than \$20. Title 23, §401(a)

³Such action is subject to approval by the governor. Title 20, §494(e)

VIRGIN ISLANDS

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

Not more than **6 months**² Title 20, §544(f)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$200**² Title 20, §544(f)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Revocation via Court Order Title 20, §546

Term of License Withdrawal

(Days, Months, Years, etc.):

The court fixes the revocation period which may be either permanent or temporary. Title 20, §546

Mandatory Minimum Term of

Withdrawal:

None The court's action is discretionary. Title 20, §546

Miscellaneous Sanctions

Not Included Elsewhere:

Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤**\$100**; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤60 days. Title 20, §550

Other Criminal Actions Related to Speeding:

Reckless Driving:

Sanction:

Misdemeanor Title 14, §§1 & 2 and Title 20, §§492 & 544(a)

Criminal:

Imprisonment (Term):

Not more than **6 months** Title 20, §544(a)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$500** Title 20, §544(a)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation via Court Order Title 20, §546

Length of Term of License

Withdrawal Action:

The court fixes the revocation period which may be either permanent or temporary. Title 20, §546

Mandatory Term of License

Withdrawal Action:

None The court's action is discretionary. Title 20, §546

Other:

Limited Vehicle Impoundment. For failure to appear in court on reckless driving offense, an offender's vehicle may be impounded for such time as the court thinks proper. Title 20, §544(c)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving:
Other: (continued)

Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤\$100; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤60 days. Title 20, §550

Negligent Driving⁴:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Misdemeanor Title 14, §§1 & 2 and Title 20, §§503 & 544(f)

Not more than **6 months** Title 20, §544(f)

None
Not more than **\$200** Title 20, §544(f)
None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Revocation via Court Order Title 20, §546

The court fixes the revocation period which may be either permanent or temporary. Title 20, §546

Mandatory Term of License
Withdrawal Action:

None The court's action is discretionary. Title 20, §546

Other:

Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤\$100; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤60 days. Title 20, §550

⁴"Negligent driving" means "the operation of a vehicle upon the public highways of this Territory in such a manner as to endanger or be likely to endanger any person or property." Title 20, §503 Note: This section provides that negligent driving is a lesser included offense of reckless driving.



JURISDICTION:

WASHINGTON

General Reference:

This chapter summarizes Washington State statutes related to speed. Revised Code of Washington Annotated and Washington Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.¹ §46.61.400(1) & (3)

Statutory Speed Limit:
See Other below.

60 MPH on State highways §46.61.400(2)(c) **Important.** See "II" below under Posted (Maximum) Speed Limit below.
50 MPH on county roads §46.61.400(2)(b)
25 MPH on city or town streets §46.61.400(2)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Transportation may decrease the above speed limits on any State highway.² §46.61.405
II. Based on engineering and traffic investigations, the State Secretary of Transportation may increase the above speed limits on any State highway.² However, a posted speed limit cannot be >70 MPH. §46.61.410(1)(a)
III. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on streets and roads under its jurisdiction.² However, a posted speed limit cannot be established >60 MPH or <20 MPH. §46.61.415(1) & (2)
IV. The State Secretary of Transportation or a local government may establish maximum speed limits for bridges, elevated structures, tunnels or underpasses within their jurisdiction. §46.61.450
V. 15 MPH in State park camps, picnic, headquarters or general public assemblage areas or 25 MPH in other park areas. WAC 352-20-030

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.61.425(1)
II. No person shall drive continuously in the left lane of a multilane roadway when it impedes the flow of traffic. §46.61.100(4)
III. When driving a vehicle on a highway having two or more lanes of traffic in the same direction, a person shall drive in the right-hand lane except when traveling at a speed greater than the traffic flow. §46.61.100(2)

¹In addition, persons are required to exercise "due care and caution" when operating a motor vehicle. §46.61.445 Also, in a State park, a person shall not operate a motor vehicle at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife. WAC 352-20-030

²I. The State Secretary of Transportation has the authority to alter speed limits on State highways even if such highways are within the limits of a town or city. §46.61.430 In order to avoid a conflict of authority, a city or town, desiring to alter a speed limit on a State highway within their jurisdiction, must obtain approval from the secretary for such alteration. §46.61.415(5) II. The State Secretary of Transportation also has the authority to establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §46.61.405

WASHINGTON

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State Secretary of Transportation or a local government, may establish a minimum speed limit for highways, streets or roads within their jurisdiction. §46.61.425(2)
Other:	I. 60 MPH is the maximum speed limit for vehicles weighing > 10,000 lbs. ³ II. Except when a lower speed limit is authorized, the maximum speed limit in a marked school or playground crosswalk is 20 MPH. The speed zone extends 300 ft. in either direction of the marked crosswalk. §46.61.440(1) III. A person cannot operate a vehicle that is equipped with solid rubber or hollow center cushion tires > 10 MPH. §46.61.455 IV. The State Secretary of Transportation may establish a speed limit for any roadway construction zone via traffic control devices. §46.61.527(2)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	Generally, Speed Law Violations are Traffic Infractions. §§46.61.100(4) & 46.63.020 Important. See Reckless Driving.
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	None
Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	Not more than \$250 ⁴ §46.61.110(1)
Mandatory Min. Fine (\$):	None

³Based on engineering and traffic investigations, the State Secretary of Transportation may establish a lower speed limit for these vehicles. §§46.61.405 & 46.61.410(2)

⁴**Fine Schedule.** The State supreme court is required to establish a monetary penalty schedule for traffic infractions. §46.63.110 Under this law, the court, via a court rule, has established the following fines for speeding offenses. I. For speed limits >40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-\$20; 6 to 10 MPH over the speed limit-\$30; 11 to 15 MPH over the speed limit-\$45; 16 to 20 MPH over the speed limit-\$60; 21 to 25 MPH over the speed limit-\$75; 26 to 30 MPH over the speed limit-\$95; 31 to 35 MPH over the speed limit-\$125; 36 to 40 MPH over the speed limit-\$145; >40 MPH over the speed limit-\$175. II. For speed limits ≤40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-\$30; 6 to 10 MPH over the speed limit-\$35; 11 to 15 MPH over the speed limit-\$50; 16 to 20 MPH over the speed limit-\$70; 21 to 25 MPH over the speed limit-\$95; 26 to 30 MPH over the speed limit-\$120; 31 to 35 MPH over the speed limit-\$145; > 35 MPH over the speed limit-\$175. III. The following fine schedule applies for other speeding and other related offenses: Speeding too fast for conditions-\$35; impeding traffic-\$35; speeding in State parks-\$35; and, on a multilane highway, failure to drive in the right lane except when traveling at a speed greater than the traffic flow. Washington Court Rule 6.2

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties:
Traffic School:
Other:

I. For traffic infractions, an offender may be allowed to preform community service in lieu of a fine. §46.63.120
II. **Double Fines.** There is a mandatory fine for exceeding the speed limit in a either a marked school/playground crosswalk or a construction zone which is **double** the normal amount. §§46.61.440(2) & 46.61.527(3)

Licensing Action:
Type of Licensing Action
(Susp/Rev):
Term of License Withdrawal
(Days, Months, Years, etc.):

Suspension Based Upon Frequent Violations⁵ §46.20.291(3)

Not more than **1 year** §46.20.311(1)

Mandatory Minimum Term of
Withdrawal:

None This licensing action is discretionary.⁶ §46.20.291

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁷:
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine (\$ Range):
Mandatory Minimum Fine:

Gross Misdemeanor §§46.61.500(1) & 46.61.530

Not more than **1 year** §46.61.500(1)
None
Not more than **\$5,000** §46.61.500(1)
None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension §46.61.500(2) 3rd offense (within 2 years)-**Revocation** §46.20.285(7)

Length of Term of
Licensing Withdrawal:

Suspension-30 days to 1 year §§46.61.500(2) & 46.20.311 3rd offense (within 2 years)-Revocation-1 year §§46.20.285(7) & 46.20.311(2)

⁵Licensing action is based upon frequent traffic law violations which indicate a disrespect for these laws. §46.20.291(3) A person is considered a frequent violator of the traffic laws if they either commit 4 traffic offenses within 12 months or 5 such offenses within 24 months. WAC 308-104-035

⁶In lieu of suspension, the licensing agency may place the offender on probation on such terms as considers appropriate. §46.20.335 In addition, if the offender's license has been suspended, they may be eligible for occupational driving privileges. §46.20.391

⁷Racing on the highways is considered a reckless driving offense. §46.61.530

WASHINGTON

Other Criminal Actions Related to Speeding:
(continued)

Racing on the Highway: (continued)

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension-None⁸ §46.61.500(2) Revocation-3rd offense (within 2 years)-1 year §§46.20.285(7) & 46.20.311(2)

Other:

Reckless Driving⁹:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Gross Misdemeanor §46.61.500(1)

Not more than 1 year §46.61.500(1)

None

Not more than \$5,000 §46.61.500(1)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension §46.61.500(2) 3rd offense (within 2 years)-Revocation §46.20.285(7)

Length of Term of License

Withdrawal Action:

Suspension-30 days to 1 year §§46.61.500(2) & 46.20.311 3rd offense (within 2 years)-Revocation-1 year §§46.20.285(7) & 46.20.311(2)

Mandatory Term of License

Withdrawal Action:

Suspension-None⁸ §46.61.500(2) Revocation-3rd offense (within 2 years)-1 year §§46.20.285(7) & 46.20.311(2)

Other:

I. **Penalty Assessment.** There is a mandatory penalty assessment of \$500. §7.68.035(1)(a) & (2)

II. **Reckless Endangerment of Roadway Workers.** It is a gross misdemeanor to drive a vehicle in a roadway construction zone in such a manner as to endanger or likely to endanger any persons or property. The sanctions for this offense are imprisonment in the county jail for not more than 1 year and/or a fine of not more than \$5,000. In addition, the offender's driving privileges are **suspended** for a mandatory period of 60 days. §§9A.20.021(2) and 46.61.527(4) & (5)

⁸An offender is eligible for occupational driving privileges. §46.20.391(1) However, such privileges are **not** available if the offender has had, within 1 year, a previous offense that requires mandatory suspension or revocation. §46.20.391(2)(a)

⁹Exceeding the maximum law speed limit is *prima facie* evidence of reckless driving. §46.61.465 & *State v. Amurri*, 753 P.2d 540 (Wash.App. 1988) In addition, it is unlawful for any person to operate a motor vehicle while embracing another individual if such would prevent the free and unhampered operation of the vehicle. A violation of this prohibition is *prima facie* evidence of reckless driving. §46.61.665

Other Criminal Actions Related to Speeding:
(continued)

<u>Negligent Driving</u> ¹⁰ :	Traffic Infraction §46.61.525(1)(a) & (c)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than \$250 §46.61.525(1)(c)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension Based Upon Frequent Violations ⁵ §46.20.291(3)
Length of Term of License Withdrawal Action:	Not more than 1 year §46.20.311(1)
Mandatory Term of License Withdrawal Action:	None This licensing action is discretionary. ⁶ §46.20.291
Other:	For traffic infractions, an offender may be allowed to preform community service in lieu of a fine. §46.63.120

Commercial Motor Vehicle (CMV) Operators¹¹:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV, if within a 3 year period, while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹² or (2) commit 3 such violations. §46.25.090(5)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §46.25.090(5)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §46.25.090(5)

¹⁰Negligent driving (second degree) is defined as operating "a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property." §46.61.525(1)(a) The term "negligent" is defined to mean "the failure to exercise ordinary care, and is the doing of some act that a reasonable careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances." §46.61.525(2)

Important. A person commits negligent driving in the first degree, a misdemeanor, if (1) they operate a motor vehicle in a negligent manner likely to endanger persons or property and (2) they exhibit the effects of having consumed alcohol or an illegal drug. It is a defense to this offense if the person had a valid prescription for the drug consumed. The sanctions for this offense are a jail term of not more than 90 days and/or a fine of not more than \$1,000. In addition, there is a mandatory penalty assessment of \$250. §§7.68.035(1)(a) & (2), 9A.20.010(2), 9A.20.021(3), 46.61.050 and 46.61.5249

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.25.010(6)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.25.010(16)



JURISDICTION:

WEST VIRGINIA

General Reference:

This chapter summarizes West Virginia State statutes related to speed. West Virginia Code and West Virginia Code of State Rules (CSR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person may drive a vehicle at speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. §17C-6-1(a)

**Statutory Speed Limit:
See Other below.**

55 MPH on open country highways, controlled-access highways and interstate highways §17C-6-1(b)(3) & (d)
25 MPH in a business or residential district §17C-6-1(b)(2)
15 MPH in a school zone¹ §17C-6-1(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Commissioner of Highways² may increase or decrease the above speed limits on any interstate or State highway. §17C-6-2 Note: West Virginia law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Legislative Request. The West Virginia Legislature has requested (1) that the speed limits on all interstate highways be increased to 70 MPH and (2) that the speed limits on all State four-lane highways be increased to 65 MPH. House Concurrent Resolution 21 adopted in 1997

II. Based on engineering and traffic investigations, a local government may decrease the above speed limits at intersections.³ §§17C-2-8(a)(5) & (a)(10) and 17C-6-3(a)

III. Local governments may increase the above 25 MPH speed limit on highways within a business or residential district.³ However, no speed limit shall be > 55 MPH. §17C-6-3(b)

VI. Based on engineering and traffic investigations, a local government may decrease the above 55 MPH speed limit on open country highways outside a business or residential district.³ However, no limit shall be < 35 MPH. §17C-6-3(c)

V. A local government may decrease the 25 MPH speed limit in a residential district.² §17C-6-3(d)

VI. Based upon an investigation, the Commissioner of Highways² may establish safe maximum speed limits for bridges or elevated structures. §17C-6-5(b) & (c)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §17C-6-3a(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as

¹This speed limit is in effect "during school recess or while children are going to or leaving school during opening or closing hours." §17C-6-1(b)(1)

²The State Commissioner of Highways was, formally, the State Road Commissioner. §17-2A-1

³If the speed alteration by a local government applies to a State highway or an extension thereof, such alteration must be approved by the Commissioner of Highways. §17C-6-3(e)

WEST VIRGINIA

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)	practicable to the right-hand curb or edge of the roadway. §17C-7-1(b)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the "commissioner" ⁴ or a local government may establish minimum speed limits for the highways under their jurisdiction. §17C-6-3a(b)
Other:	I. The following speed limits apply to vehicles that are not designed to carry passengers and are equipped with pneumatic tires: 40 MPH on a county road, 25 MPH in a residential district and 20 MPH in a business district. ⁵ §17C-6-4 II. A vehicle, that is not equipped with pneumatic tires, cannot be driven > 10 MPH. §17C-6-5(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. §§17C-6-1(e), 17C-6-3a(c), 17C-6-4 & 17C-18-1(a)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	Basic Speed Rule Violation or Exceeding Speed Limit: ⁶ <u>1st offense-None</u> <u>2nd offense</u> (within 1 year)-None <u>3rd or subsequent offense</u> (within 2 years)-Not more than 6 months §17C-6-1(e) Speeding in School Zone: <u>1st offense-None</u> <u>Subsequent offense</u> (within 2 years)-Not more than 6 months §17C-6-1(e) Violation of the Minimum Speed Rule or Posted Minimum Speed Limit: <u>1st offense-None</u> <u>2nd offense</u> (within 1 year)-None <u>3rd or subsequent offense</u> (within 2 years)-Not more than 6 months §17C-6-3a(c) All Other Speed Law Violations: ⁷ <u>1st offense</u> -Not more than 10 days <u>2nd offense</u> (within 1 year)-Not more than 20 days <u>Subsequent offense</u> -Not more than 6 months §§17C-6-4 & 17C-18-1(b)

⁴ Given that §17C-6-3a(b) concerns the establishment of speed limits, the term "commissioner," which is not identified in this section, probably refers to the Commissioner of Highways and not to the Commissioner of Motor Vehicles. Note: Normally, the term "commissioner" in Chapter 17C would refer to the Commissioner of Motor Vehicles. However, this State official is not usually responsible for establishing speed limits. At the Such level, the authority to establish such limits most often rests with the State Commissioner of Highways. §§17-2A-1, 17C-1-1 & 17C-1-27

⁵ Trucks weighing ≤8,000 lbs. may be driven at the same speed as passenger cars. §17C-6-4

⁶ **Penalty for Exceeding the Speed Limit on a Controlled Access Highway.** An offender, who exceeds the posted maximum speed limit on a controlled-access highway by < MPH, is only subject to a fine of not more than \$5 plus court costs. In addition, no abstract of the conviction for this offense is to be transmitted to the licensing agency. §17C-6-1(f)

⁷ These offenses include violations of §§17C-6-4, 17C-6-5 and 17C-7-1(b).

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	Basic Speed Rule Violation or Exceeding Speed Limit: ⁶ <u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>3rd or subsequent offense</u> (within 2 years)-Not more than \$500 §17C-6-1(e)
Fine:	
Amount (\$ Range): (continued)	Speeding in School Zone: <u>1st or subsequent offense</u> -\$100 to \$500 §17C-6-1(e) Violation of the Minimum Speed Rule or Posted Minimum Speed Limit: <u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>3rd or subsequent offense</u> (within 2 years)-Not more than \$500 §17C-6-3a(c) All Other Speed Law Violations: ⁷ <u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>Subsequent offense</u> -Not more than \$500. §17C-18-1(b)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8
Other:	Alternative Sentences. In lieu of either a fine or incarceration sanction (except mandatory incarceration via statute), a court may impose one of the following sentences: Either (1) a weekend jail program where the offender spends weekends or "other days normally off from work" in confinement; (2) first one or two days in confinement followed by work assignments either within the jail or on other public works projects outside of the jail; or, (3) a community service program with either government entities, charitable or other non-profit organizations which have been approved by the court. §62-11A-1a(a) & (c)(1)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension Based on Frequent Violation of the Traffic Laws ⁸ §17B-3-6(a)(3) & (4)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §17B-3-8
Mandatory Minimum Term of Withdrawal:	None License action is discretionary. §17B-3-6(a)
Miscellaneous Sanctions Not Included Elsewhere:	

⁸**Point System.** The licensing agency has established the following point system to assist it identifying offenders who may be subject to licensing action because of frequent violations of the traffic laws. I. When an offender has accumulated 12 points, they may be subject to either a warning letter, probation for not more than 1 year or license suspension for not more than 1 year. CSR §91-5-7 II. The following points have been assigned to speeding or speed related violations: Reckless driving-6 points; speeding in a school zone-6 points; speeding > 75 MPH on highways with a speed limit < 65 MPH-6 points; speeding > 80 MPH on highways with a speed limit of 65 MPH-6 points; driving too fast for conditions-3 points; speeding in excess of the speed limit where speed was < 75 MPH-3 points; and, all other moving violations-2 points. Title 91 CSR, Table 91-5

WEST VIRGINIA

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Misdemeanor §17C-6-8(a) & (b)

1st offense-None 2nd offense-6 to 60 days Subsequent offense-60 days to 4 months §17C-6-8(b)

None

1st offense-\$50 to \$100 2nd offense-\$50 to \$500 Subsequent offense-\$100 to \$1,000 §17C-6-8(b)

None

Revocation §17C-6-8(c)

1st offense-6 months 2nd offense (within 2 years)-2 years Subsequent offense (within 5 years)-5 years §17C-6-8(c)

1st offense-6 months 2nd offense (within 2 years)-2 years Subsequent offense (within 5 years)-5 years §17C-6-8(c) These revocation periods appear to be mandatory.

See **Alternative Sentences** on p. 277.

Misdemeanor §§17C-5-3(a) & 17C-18-1(a)

1st offense-5 to 90 days Subsequent offense-10 days to 6 months §17C-5-3(c)

None

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$1,000 §17C-5-3(c)

None

Suspension Based on Frequent Violation of the Traffic Laws⁸ §17B-3-6(a)(3) & (4) **Revocation**-3 reckless driving convictions within 24 months §17B-3-5(5)

Suspension-Not more than 1 year §17B-3-8 Revocation-1 year §17B-1-1(q)

Suspension-None License action is discretionary. §17B-3-6(a) Revocation-1 year §17B-1-1(q)

If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8 See **Alternative Sentences** on p. 277.

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §17E-1-13(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §17E-1-13(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §17E-1-13(e)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §17E-1-3 & 49 CFR §383.5

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §17E-1-3



JURISDICTION:

WISCONSIN

General Reference:

This chapter summarizes Wisconsin State statutes related to speed. Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. §346.57(2)

Statutory Speed Limit:
See Other below.

65 MPH on any freeway or expressway when posted §346.57(4)(gm)
55 MPH on highways not posted §346.57(4)(h)
45 MPH on designated rustic roads §346.57(4)(k)
35 MPH on highways within semiurban district outside city or village corporate limits §346.57(4)(g)
35 MPH on outlying district highways within city or village corporate limits §346.57(4)(f)
35 MPH on certain highway in business, industrial and residential districts §346.57(4)(j)
25 MPH on service roads with city or village corporate limits §346.57(4)(em)
25 MPH on other highways within city or village corporate limits §346.57(4)(e)
15 MPH in an alley §346.57(4)(d)
15 MPH in a safety zone occupied by pedestrians and where a "public passenger vehicle" has stopped to receive or discharge passengers §346.57(4)(c)
15 MPH in a "school crossing" §346.57(4)(b)
15 MPH when passing a school during times when children are either going to or from a school or when children "are playing within the sidewalk area at or about the school." §346.57(4)(a)
15 MPH in town parks or recreation area when children are going to or from or playing within such areas. §346.57(4)(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be > 65 MPH on freeways or expressways or 55 MPH on other highways.¹ §§346.57(5) and 349.11(1)(a), (2)(a), (8)(a) & (8m)
II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be > 55 MPH² §§346.57(5) and 349.11(1)(a), (3)(a) & (8m)

¹In addition, the State cannot modify the maximum statutory speed of 15 MPH in a safety zone or the speed limit on the more than 2,000 miles of State trunk highways. §349.11(2)(b) & (c)

²In addition, a local government State cannot modify the maximum statutory speed of 15 MPH in a safety zone. §349.11(3)(b) Such government must obtain State approve to modify speed limits within corporate limits or within a semiurban district outside corporate limits. In addition, in general, it cannot reduce by 10 MPH (15 MPH on rustic roads) or less statutory speed limits without State approval. §349.11(3)(c)

WISCONSIN

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

Note: State or local government maximum speed limits established under either I or II above must be uniformly applicable to all types of motor vehicles. However, there is an exception. A lower speed limit may be established for vehicles which, because of their weight or size, are operating under a special permit. §349.11(8)(c) & (8m)(c)

III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures. §349.11(4)

IV. Local governments may establish temporary speed limits on highways that are under going construction or maintenance. §349.11(10)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic. §346.59(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §346.05(3)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. §349.11(1)(b)

Other:

No person shall drive a vehicle that is equipped with metal or solid rubber tires > 15 MPH. §346.58

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Civil Forfeiture Offenses. §§346.17(2), 346.60 & 939.12

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Violating the Basic Speed Law, School Area Speed Limits (See II under Other below.), Pedestrian/Passenger Safety Zone Speed Limits-1st offense-\$40 to \$300 Subsequent offense-\$80 to \$600 §346.60(3)

Violating the 65 MPH Speed Limit-\$50 to \$300 §346.60(2)(b)

Violating Other Speed Limits³-\$30 to \$300 §346.60(2)(a)

Violating the Minimum Speed Law (Impeding Traffic)-1st offense-\$20 to \$40 Subsequent offense-\$50 to \$100 §346.60(1)

Failing to Maintain Speed Except in Right Lane-\$30 to \$300 §346.17(2)

³This includes a violation of §346.58 which prohibits a person from driving a motor vehicle that is equipped with metal or solid rubber tires > 15 MPH. §346.60(2)(a)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Min. Fine (\$):	None
Other Penalties: Traffic School:	An offender may have points deducted from their driving record if they participate in either driver improvement counseling, a traffic safety school, or a defensive driving course. WAC 101.07
Other:	I. The above minimum and maximum <u>fin</u> es (forfeitures) are double if the following offenses occur in either a highway maintenance, construction area or utility work area: Violating the basic speed law; exceeding the speed limit in an alley; or, exceeding the speed limit on highways or roads with 25 to 65 MPH speed limits. ⁴ §346.60(3m)(a) II. The above minimum and maximum <u>fin</u> es (forfeitures) are double if a person either violates the basic speed rule in a "designated" school zone ("school crossing") or exceeds the speed limit in such a zone. This sanction applies on <u>any</u> type of highway (road). §§118.08(1) & 346.60(3m)(b)
Licensing Action: Type of Licensing Action (Susp/Rev):	Suspension via the Courts §343.30(1) & (1n) Suspension or Revocation -Based upon repeated violation of the traffic laws via a Point System ⁵ §343.32(2)(a)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension via the Courts: (1) For speeding ≥25 MPH over the 65 or 55 MPH speed limit- 15 day suspension §343.30(1n) (2) For other violations-Not more than 1 year §343.30(1) Suspension or Revocation via a Point System- 2 months to 1 year ⁵ §343.32(3) & WAC Trans. 101.04
Mandatory Minimum Term of Withdrawal:	Suspension via the Courts: (1) For speeding ≥25 MPH over the 65 or 55 MPH speed limit- 15 day suspension §343.30(1n) (2) For other violations- None Note: Licensing action is discretionary §343.30(1) Suspension or Revocation via a Point System- None Note: A person is eligible for occupational driving privileges §343.32(6)
Miscellaneous Sanctions Not Included Elsewhere:	Bicycle Operators. I. A person, who exceeds the speed limit while

⁴The "double fine" sanction for speeding in a construction zone does not apply (1) in certain 15 MPH school, park or safety zones, (2) on 35 MPH highways located in certain business, industrial or residential areas and (3) on 45 MPH highways which have been designated as rustic roads. §§346.(3m)(a) & 346.57

⁵**Point System.** I. An offender's license is subject to either suspension or revocation for 2 months, 4 months, 6 months or 1 year if they accumulate respectively 12 to 16 points, 17 to 22 points, 23 to 30 points or > 30 points within 12 months. WAC Trans. 101.04
II. The following points have been assigned to speeding to speed related offenses: Racing on the highways-6 points; reckless driving-6 points; speeding ≥20 MPH over the speed limit-6 points; imprudent speed or driving too fast for conditions-4 points; speeding > 10 MPH but < 20 MPH over the speed limit-4 points; inattentive driving-4 points; unnecessary acceleration-4 points; speeding ≤ 10 MPH over the speed limit-3 points; obstructing traffic/driving excessively slowly-2 points; and, all other moving violations-2 points. WAC Trans. 101.02

WISCONSIN

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions

Not Included Elsewhere: (continued)

operating a bicycle, is subject to a Civil Forfeiture of not more than \$20. §346.60(5)(a)

II. A person, who obstructs traffic while operating a bicycle, is subject to a Civil Forfeiture of not more than \$10. §346.60(5)(b)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Civil Forfeiture §§346.94(2) & 346.95(2)

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

\$20 to \$400 §346.95(2)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts §343.30

Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁷ §343.32(2)(a)

Length of Term of

Licensing Withdrawal:

Suspension via the Courts-Not more than 1 year §343.30(1)

Suspension or Revocation via a Point System-2 months to 1 year⁸ §343.32(3) & WAC Trans. 101.04

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via the Courts-None Note: Licensing action is discretionary §343.30(1)

Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)

Other:

Reckless Driving⁶:

Civil Forfeiture, Misdemeanor or Felony §§346.62(2), (3) & (4), 939.12 and 939.60

Sanction:

Criminal:

Imprisonment (Term):

Endangering Persons or Property-1st offense-Forfeiture-None
Subsequent offense (within 4 years)-Misdemeanor-Not more than 1 year
in the county jail §346.65(1)(b)

Causing Bodily Harm-Misdemeanor-30 days to 1 year in the county
jail §346.65(3)

⁶"Reckless driving" is defined as driving a vehicle so as either (1) to endanger the safety of any person or property via negligent operation, (2) to cause bodily harm to another via negligent vehicle operation, or (3) to cause great bodily harm to another via negligent vehicle operation. §346.62(2), (3) & (4)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Imprisonment (Term): (continued)

Causing Great Bodily Harm-Felony⁷-90 days to 2 years and 3 months (imprisonment) §346.65(5)

Mandatory Minimum Term of Imprisonment:
Fine (\$ Range):

None
Endangering Persons or Property-1st offense-Forfeiture-\$25 to \$200
Subsequent offense (within 4 years)-Misdemeanor-Not more than 1 year in county jail §346.65(1)(b)
Causing Bodily Harm-Misdemeanor-\$300 to \$2,000 §346.65(3)
Causing Great Bodily Harm-Felony-\$600 to \$2,000 §346.65(5)
None

Mandatory Minimum Fine:

Administrative Licensing Actions:
Type of Licensing Action (Susp/Rev):

Suspension via the Courts §343.30
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁷ §343.32(2)(a)
Causing Great Bodily Harm-Revocation §343.31(1)(a)

Length of Term of License Withdrawal Action:

Suspension via the Courts-Not more than 1 year §343.30(1)
Suspension or Revocation via a Point System-2 months to 1 year⁵ §343.32(3) & WAC Trans. 101.04
Causing Great Bodily Harm-1 year §343.31(3)(a)

Mandatory Term of License Withdrawal Action:

Suspension via the Courts-None Note: Licensing action is discretionary §343.30(1)
Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)
Causing Great Bodily Harm-1 year §343.31(3)(a)

Other:

The above fines are **double** if the reckless driving offense occur in either a highway maintenance, construction area or utility work area. §346.65(5m)

Inattentive Driving⁸:

Civil Forfeiture §§346.89(1) & 346.95(2)

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

\$20 to \$400 §346.95(2)

Fine (\$ Range):

Mandatory Minimum Fine:

None

⁷If a crime is punishable by imprisonment in one of the State's prisons, it is a felony. §939.60

⁸Inattentive Driving: Driving a motor vehicle while "so engaged or occupied as to interfere with the safe driving of such vehicle." §346.89(1)

WISCONSIN

Other Criminal Actions Related to Speeding:
(continued)

Inattentive Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts §343.30

Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ §343.32(2)(a)

Length of Term of

Licensing Withdrawal:

Suspension via the Courts-Not more than **1 year** §343.30(1)

Suspension or Revocation via a Point System-**2 months to 1 year**⁵ §343.32(3) & WAC Trans. 101.04

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via the Courts-None Note: Licensing action is discretionary §343.30(1)

Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)

Other:

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §343.315(f)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials. §340.01(8)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §343.315(f)(1) & (3)-500(17)(a) & (b)

JURISDICTION:

WYOMING

General Reference:

This chapter summarizes Wyoming State statutes related to speed.
Wyoming Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §31-5-301(a)

Statutory Speed Limit:

75 MPH on interstate highways §31-5-301(b)(iii) & (v)(A)
65 MPH on other highways §31-5-301(b)(iv) & (v)(B)
30 MPH in an urban district §31-5-301(b)(ii)
20 MPH in a school zone or crossing §31-5-310(b)(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.¹ §§31-5-301(b)(iii) & 31-5-302 The State highway system includes city streets that are designated as State highways. §24-1-127
II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on the highways or streets under their jurisdiction.² §31-5-303(a) & (b)
III. Based on investigations, the State or a local government may establish safe maximum speed limits for any bridges or elevated structures under their jurisdiction. §31-5-305(a) & (b)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §31-5-304(a)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §31-5-201(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways or streets under their jurisdiction. §31-5-304(b)

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §31-5-1201(a)
Note: Under §31-18-604, a commercial vehicle operator must comply with the maximum speed limits established under §31-5-301. Failure to comply with these speed limits will subject the operator to the sanctions provided for under §31-5-1201.

Other:

¹The State may also establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §31-5-302

²However, a local government cannot increase a speed limit to > 55 MPH within an urban district and, except as noted, they cannot decrease the speed limit to < 35 MPH outside an urban district. However, in a "platted rural subdivision," a local government can reduce the speed limit to < 35 MPH. §31-5-303(a)(ii), (a)(iii) & (b)

WYOMING

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

- I. Exceeding the 75 MPH Speed Limit by ≥ 76 but ≤ 80 MPH: None
- II. Exceeding the 75 MPH Speed Limit by > 80 MPH: None
- III. Exceeding the 65 MPH Speed Limit by ≥ 66 but ≤ 70 MPH: None
- IV. Exceeding the 65 MPH Speed Limit by > 70 MPH: None
- V. Other Speeding or Speed Related Violations: 1st offense-Not more than 20 days 2nd offense (within 1 year)-Not more than 30 days Subsequent offenses (within 1 year)-Not more than 6 months §31-5-1201(b)
None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

- I. Exceeding the 75 MPH Speed Limit by ≥ 76 but ≤ 80 MPH: \$5 for each MPH over the speed limit but not more than \$25. §31-5-1201(d)(i)
- II. Exceeding the 75 MPH Speed Limit by > 80 MPH: \$35 but not more than the maximum fines for other speeding violations. §31-5-1201(d)(iii)
- III. Exceeding the 65 MPH Speed Limit by ≥ 66 but ≤ 70 MPH: \$5 for each MPH over the speed limit but not more than \$25. §31-5-1201(d)(i)
- IV. Exceeding the 65 MPH Speed Limit by > 70 MPH: \$25 plus \$3 for every MPH in excess of 70 MPH and \$5 in court costs. §31-5-1201(d)(ii)
- V. Other Speeding or Speed Related Violations: 1st offense-Not more than \$200 2nd offense (within 1 year)-Not more than \$300 Subsequent offenses (within 1 year)-Not more than \$500 §31-5-1201(b)

Mandatory Min. Fine (\$):

- I. Exceeding the 75 MPH Speed Limit by > 80 : Note: The minimum fine of \$35 may be mandatory.
- II. Exceeding the 65 MPH Speed Limit by > 70 MPH: Note: The minimum fine of \$25 may be mandatory
- III. Other Speeding or Speed Related Violations: None

Other Penalties:

Traffic School:

Other:

Special Fine for Heavy Vehicle Operators. When operating motor vehicles with a gross vehicle weight $> 26,000$ lbs., persons, who either (1) exceed 80 MPH on an interstate highway with a posted speed limit of 75 MPH or (2) exceed 70 MPH on other highways with a posted speed limit of 65 MPH, are subject to a fine of \$100. This fine appears to be mandatory. §§31-5-1201(g) & 31-18-704

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension Based Upon Repeated Violations of the Traffic Laws §31-7-129(a)(i)³

³Driver licensing action shall not be based on speed limit law convictions where the offender was driving < 80 MPH in locations where the speed limit was between 65 and 75 MPH. §31-5-1201(d)(iv) In addition, except for Commercial Motor Vehicle operators, a driver's record shall not contain a conviction either for exceeding the 75 MPH speed limit where the offender's speed was ≤ 80 MPH

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): Not more than **12 months** §31-7-129(a)
Mandatory Minimum Term of
Withdrawal: **None** Licensing action is discretionary with the licensing agency.

Miscellaneous Sanctions
Not Included Elsewhere: Note: Court costs shall **not** be assessed against a person for violating either the 75 or 65 MPH speed limit provisions, where the speed limit was not exceed by more than 4 MPH. §31-5-1201(d)(v)

Other Criminal Actions Related to Speeding:

Speed or Acceleration Contest⁴: Misdemeanor §§6-10-101 & 24-1-110
Sanctions:
Criminal Sanction:
Imprisonment (Term): Not more than **10 days** §24-1-110(c)
Mandatory Minimum Term: **None**
Fine (\$ Range): **\$10 to \$100** §24-1-110(c)
Mandatory Minimum Fine: **None**

Administrative Licensing Action:
Licensing Authorized and
Type of Action: **Suspension Based Upon Repeated Violations of the Traffic Laws** §31-7-129(a)(i)

Length of Term of
Licensing Withdrawal: Not more than **12 months** §31-7-129(a)
Mandatory Action--Minimum
Length of License
Withdrawal: **None** Licensing action is discretionary with the licensing agency.

Other:

Reckless Driving: Misdemeanor §§31-5-229 & 31-5-1201(a)
Sanction:
Criminal:
Imprisonment (Term): Not more than **6 months** §31-5-1201(f)
Mandatory Minimum Term
of Imprisonment: **None**
Fine (\$ Range): Not more than **\$750** §31-5-1201(f)
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev): 1st offense-Suspension §31-7-128(a)(i) 2nd offense (within 5 years)-

or for exceeding the 65 MPH speed limit where the offender's speed was ≤70 MPH. §31-5-301(d)

⁴The law prohibits a person from engaging in either a speed or acceleration contest without State or local government approval. §24-1-110(a)

WYOMING

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev): (continued)

Suspension §31-7-128(a)(ii) Subsequent offense (within 5 years)-
Revocation §31-7-127(a)(iii)

Length of Term of License

Withdrawal Action:

1st offense-90 days §31-7-128(a)(i) 2nd offense (within 5 years)-**6 months** §31-7-128(a)(ii) Subsequent offense (within 5 years)-**1 year** §31-7-127(a)(iii) & (b)

Mandatory Term of License

Withdrawal Action:

1st offense-90 days §31-7-128(a)(i) 2nd offense (within 5 years)-**6 months** §31-7-128(a)(ii) Subsequent offense (within 5 years)-**1 year** §31-7-127(a)(iii) & (b)

Other:

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §31-7-305(f)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §31-7-305(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §31-7-305(f)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §31-7-102(a)(viii)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §31-7-102(a)(xli)

APPENDIX

JURISDICTION:

UNIFORM VEHICLE CODE (UVC)

General Reference:

This appendix summarizes the UVC's provisions related to speed. The UVC as revised by the National Committee on Uniform Traffic Laws and Ordinances in 1992

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §11-801

Statutory Speed Limit:
See Other below.

55 MPH in locations other than urban districts §11-802
35 MPH in urban districts §11-802

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.¹ §11-803
II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under their jurisdiction.² §11-804(a) & (b)
III. Based on an investigation, the State or a local government may establish maximum safe speed limits for any bridge or elevated structure under their jurisdiction. §11-807(b) & (c)

Minimum Speed Rule:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §11-805(a)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §11-301(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways under their jurisdiction. §11-805(b)

Other:

No person shall tow a house trailer >45 MPH. §11-807(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. §17-101(a)

¹The UVC also provides that the State may establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §11-803

²However, a local government can neither (1) increase the maximum speed limit within an urban district to more than 55 MPH nor decrease the maximum speed limit outside of an urban district to less than 35 MPH. §11-804(a)(2) & (3) In addition, any alteration of speed limits on State highways or extensions thereof by a local government must be approved by the State. §11-804(d)

UNIFORM VEHICLE CODE

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st Offense-None 2nd Offense (within 1 year)-None 3rd or Subsequent Offense (within 1 year)-Not more than **6 months** §17-101(b)

Mandatory Minimum Term:

None³

Fine:

Amount (\$ Range):

1st Offense-Not more than **\$200** 2nd Offense (within 1 year)-Not more than **\$300** 3rd or Subsequent Offense (within 1 year)-Not more than **\$500** §17-101(b)

Mandatory Min. Fine (\$):

None³

Other Penalties:

Traffic School:

The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension-Based on a Point System Promulgated by Regulations⁴ §6-211(a)(2) & (b)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §6-216(a)

Mandatory Minimum Term of

Withdrawal:

Possible under a point system

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor §§11-809 & 17-101(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st Offense-None 2nd Offense (within 1 year)-None 3rd or Subsequent Offense (within 1 year)-Not more than **6 months** §§11-809(d) & 17-101(b)

Mandatory Minimum Term:

None³

³Unless the UVC specifically provides for a mandatory sanction, the court has the authority to suspend all or part of a fine or incarceration sentence. §17-103(c)

⁴The UVC does not specifically provide for a point system. It only authorizes the State licensing agency to adopt such a system via regulations. §6-211(b) However, in a footnote to §6-211, the National Committee on Uniform Traffic Laws and Ordinances recommends that the following point system be promulgated by the States. A person's license would be suspended if they accumulated 12 points within a 12 month period or 18 or more points within a 24 month period. A person convicted of either reckless driving or for driving 20 MPH over the speed limit would be assessed 6 points. A person convicted for relatively serious traffic offenses would be assessed 4 points and 3 points would be assessed for convictions of minor violations.

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Fine (\$ Range):

1st Offense-Not more than **\$200** 2nd Offense (within 1 year)-Not more than **\$300** 3rd or Subsequent Offense (within 1 year)-Not more than **\$500** §§11-809(d) & 17-101(b)
None³

Mandatory Minimum Fine:

Suspension §6-211(a)(8) Suspension is also possible via the point system⁴ §6-211(b)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Not more than **1 year** §6-216(a)

Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Possible under a point system

Other:

I. The court may order an offender to complete a course in driver improvement. §17-103(a)(3)
II. A defendant may have their vehicle(s) registration(s) suspended. Note: The UVC does not specify a length of time for such suspension. §17-301(7)

Reckless Driving:

Misdemeanor §§11-901 & 17-101(a)

Sanction:
Criminal:
Imprisonment (Term):

1st Offense-**5 days to 90 days** 2nd or Subsequent Offense-**10 days to 6 months** §11-901(b)

Mandatory Minimum Term
of Imprisonment:

1st Offense-**5 days**⁵ 2nd or Subsequent Offense-**10 days**⁵ §§11-901(b) & 17-103(c)

Fine (\$ Range):

1st Offense-**\$25 to \$500** 2nd or Subsequent Offense-**\$50 to \$500** §11-901(b)

Mandatory Minimum Fine:

1st Offense-**\$25**⁵ 2nd or Subsequent Offense-**\$50**⁵ §§11-901(b) & 17-103(c)

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Suspension via the point system⁴ §6-211(a)(3) & (b)

Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Not more than **1 year** §6-216(a)

Possible under a point system

Other:

The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

⁵**Comment:** The UVC does not specifically state that this sanction is mandatory. However, given the fact that the UVC provides for a minimum sanction, it would seem reasonable to assume that such sanction was intended to be mandatory.

UNIFORM VEHICLE CODE

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §6-514(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §6-514(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §6-514(e)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §6-500(6)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §6-500(17)((a) & (b)