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# Summary of State Speed Laws

**Tenth Edition**

**Current as of January 1, 2007**

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## 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, 2006.

### ORGANIZATION

The summary is divided into two areas: (1) Introduction; (2) 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 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 and going around a 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 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.

## INTRODUCTION (continued)

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 and 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 and 1-183.

### FEEDBACK and FUTURE EDITIONS

Requests for future editions of or comments about this summary should be sent to:

National Highway Traffic Safety Administration  
Enforcement and Justice Services Division (NTI-122)  
400 Seventh Street SW.  
Washington, DC 20590  
Telephone: 202-366-9588 or 202-366-1755  
Fax: 202-366-7721



JURISDICTION:

ALABAMA

General Reference:

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 then 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 mph<sup>1</sup> on highways (except interstate highways or highways with four or more lanes). §32-5A-171(3)
- V. 70 mph on interstate highways. §32-5A-171(4)
- VI. 65 mph on a highway with four or more lanes. §32-5A-171(4)
- VII. 55 mph 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.<sup>2</sup> §§32-5A-171(7) and 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
- III. State or local authorities may set special maximum safe speed limits for either bridges or elevated structures.<sup>3</sup> §32-5A-176

Basis for a Speed Law Violation:

- IV. The State Department of Transportation is authorized to establish speed limits on either urban or rural construction zones along State and Interstate highways. §32-5A — 176.19(a)

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<sup>1</sup>Under §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.

<sup>2</sup>This includes the establishment of 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. §32-5A-172

<sup>3</sup>It 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 public bridges, causeways or viaducts. However, this section provides for the following criminal sanctions for a violation of the posted safe speed limit: first offense - a jail term of not more than 10 days and/or a fine of not more than \$100; second offense (within 1 year) - a jail term of not more than 20 days and/or a fine of not more than \$200; and, third 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.

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)
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:	N/A

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.): First offense - not more than **10 days**; second 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):

First offense - not more than **\$100**; second 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:

**Double Fines:** The fine is double the amount usually prescribed if a person exceeds the posted speed limit in a construction zone along a state or interstate highway, if construction personnel are present. §32-5A-176.1(a)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system<sup>4</sup> that is based on the frequency and seriousness of the traffic offenses. §32-5A-195(k)(2)

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<sup>4</sup>**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. 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 85 mph (i.e., ≥86 mph) — 5 points; speeding in excess of the posted speed limit — 2 points §32-5A-195 and Regulation 760-X-1-07

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

Term of License Withdrawal  
(Days, Months, Years, etc.): Not more than **1 year** §32-5A-195(m)

Mandatory Minimum Term of  
Withdrawal: **None**

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) and 32-5A-178(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term): First offense - 5 to 90 days; subsequent offense - 10 days to 6 months. §32-5A-178(d)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

First 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) and 32-5A-195(k)(8)  
**Suspension** via the point system.

Length of Term of

Licensing Withdrawal:

First or subsequent offense — 6 months. §32-5A-178(d)  
**Suspension** via the point system — **60 to 365 days.**

Mandatory Action — Minimum

Length of License

Withdrawal:

**None**

Other:

The Court may order a suspension not exceeding 6 months.  
§32-5A-178(d)

Reckless Driving:

**Misdemeanor.** §§32-5A-8(a) and 32-5A-190(a)

Sanction:

Criminal:

Imprisonment (Term):

First offense - 5 to 90 days; subsequent offense - 10 days to 6 months. §32-5A-190(b)

Mandatory Minimum Term

of Imprisonment:

**None**

Fine (\$ Range):

First offense - \$25 to \$500; subsequent offense - \$50 to \$500. §32-5A-190(b)

Mandatory Minimum Fine:

**None**

Other Criminal Actions Related to Speeding:  
(continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

First or subsequent offense - **Suspension** §32-5A-190(b).  
For 3 offenses (within 1 year) **Revocation** §32-5A-195(j)(7)

Length of Term of License

Withdrawal Action:

Suspension offenses — not more than **6 months** §32-5A-190(b)  
Revocation offenses — The law does not specify a revocation period<sup>5</sup>.

Mandatory Term of License

Withdrawal Action:

**None**

Other:

N/A

Commercial Motor Vehicle (CMV) Operators<sup>6</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if, while driving such a vehicle, that person (1) commits 2 "serious traffic violations"<sup>7</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §32-6-49.11(e)

Period of Disqualification:

Two serious violations (within 3 years) - not less than **60 days**; three serious violations (within 3 years) - not less than **120 days**. §32-6-49.11(e)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) - **60 days**; three serious violations (within 3 years) - **120 days**. §32-6-49.11(e)

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

<sup>6</sup>A 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 that require that the vehicle be placarded in accordance with State or Federal laws. §32-6-49.3(5)

<sup>7</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §32-6-49.3(21)(a)

JURISDICTION:	ALASKA
General References:	Alaska Statutes and Alaska Administrative Code (AAC)
<u>Basis for a Speed Law Violation:</u>	
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 02.275 <sup>8</sup>
Statutory Speed Limit:	I. 55 mph on any roadway other than those otherwise limited. 13 AAC 02.275(b)(4) II. 25 mph in a residential area. 13 AAC 02.275(b)(3) III. 20 mph in a business district. 13 AAC 02.275(b)(2) IV. 15 mph in an alley. 13 AAC 02.275(b)(1)
Posted (Maximum) Speed Limit:	I. Based upon engineering and traffic investigations, the above speed limits may be altered (increased or decreased). <sup>9</sup> 13 AAC 02.275(e) and 02.280 II. Maximum safe speed limits may be established for bridges, elevated structures, tunnels and underpasses. 13 AAC 02.325(f)
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) II. Maximum speed in a marked public school or playground is 20 mph. 13 AAC 02.325(d) III. Maximum speed when passing a school displaying flashing yellow lights is 20 mph. 13 AAC 02.325(e)
<u>Adjudication of Speed Law Violations:</u>	
Civil/Criminal Adjudication of Violation:	A violation of the above regulations is an infraction and is not considered a criminal offense. §28.40.050(c) and (d)
Other:	N/A

<sup>8</sup>This 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

<sup>9</sup>This includes the establishment of 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. 13 AAC 02.280(c)

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 <b>\$300</b> §28.40.050(c)
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	A person may be required to participate in a driver improvement course if that person accumulates 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(a)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Licensing action is via a point system. <sup>10</sup>
Term of License Withdrawal (Days, Months, Years, etc.):	
Mandatory Minimum Term of Withdrawal:	
Miscellaneous Sanctions	
Not Included Elsewhere:	N/A
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway</u> Sanctions:	13 AAC 02.330 via §28.05.011
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 <b>\$300</b> §28.40.050(c)

<sup>10</sup>**Point System:** I. A person's license is suspended for 1 month if that person (1) accumulates 12 or more points within a 12-month period or (2) accumulates 18 or more points within a 24-month period. The suspension period is 3 months if the 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 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) and (4). 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). 13 AAC 08.210(21)

Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	Licensing action is via a point system.
Licensing Authorized and Type of Action:	N/A
Length of Term of Licensing Withdrawal:	N/A
Mandatory Action — Minimum Length of License Withdrawal:	N/A
Other:	N/A
<u>Reckless Driving:</u>	Based on a <u>substantial</u> and <u>unjustifiable</u> risk of harm to persons or property. §28.35.040
Sanction:	Misdemeanor. §28.35.040(b)
Criminal:	
Imprisonment (Term):	Not more than <b>1 year</b> . §28.35.040(b)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> . §28.35.040(b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation.</b> §28.15.181(a)(6) and (b)
Length of Term of License Withdrawal Action:	<u>First offense</u> - not less than <b>30 days</b> ; <u>Second offense</u> (within 10 years) - not less than <b>1 year</b> ; <u>Third or subsequent offense</u> (within 10 years)- not less than <b>3 years</b> . §28.15.181(b)
Mandatory Term of License Withdrawal Action:	<u>First offense</u> - <b>none</b> . 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; <u>Second offense</u> (within 10 years) - not less than <b>1 year</b> ; <sup>11</sup> <u>Third or subsequent offense</u> (within 10 years) - not less than <b>3 years</b> . §28.15.181(b)
Other:	A driver also accumulates points for this offense.
<u>Negligent Driving:</u>	Based on an <u>unjustifiable</u> risk of harm to persons or property where there is an actual danger (e.g., accident). §28.35.045
Sanction:	
Criminal:	A violation of this provision is an infraction which is a non-criminal offense. §28.35.045(c)
Imprisonment (Term):	<b>N/A.</b> §28.40.050(d)

<sup>11</sup>No limited driving privileges for employment can be granted. §28.15.181(b)

Mandatory Minimum Term of Imprisonment:	N/A
Fine (\$ Range):	Not more than <b>\$300.</b> §28.35.050(c)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	Licensing action is via a point system.
Type of Licensing Action (Susp/Rev):	
Length of Term of License Withdrawal Action:	N/A
Mandatory Term of License Withdrawal Action:	N/A
Other:	N/A

Commercial Motor Vehicle (CMV) Operators<sup>12</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>13</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §28.33.140(a)(6) and (c)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) - not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) - not less than <b>120 days.</b> §28.33.140(c)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) - <b>60 days</b> ; <u>three serious violations</u> (within 3 years) - <b>120 days.</b> §28.33.140(c)

<sup>12</sup>A 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  $\geq 26,000$  lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §28.40.100(a)(2)

<sup>13</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph, reckless driving or negligent driving. §28.33.190(11)(A) and (B)

## JURISDICTION:

ARIZONA

## General References:

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) and (D)

## Statutory Speed Limit:

I. 15 mph approaching a school crossing.<sup>14</sup> §28-701(B)(1)  
 II. 5 mph in business or residential district. §28-701(B)(2)  
 III. 65 in other locations. §28-701(B)(3)  
 IV. 65 mph on interstate highways outside of urban areas with a population  $\geq 50,000$ . §28-702.04(A) See II under Posted (Maximum) Speed Limit below.  
 V. 65 mph (1) for vehicles weighing  $>26,000$  lbs. excluding vehicles designed to carry 16 or more persons including the driver or (2) for vehicles drawing a pole trailer weighing  $\geq 6,000$  lbs. §28-709(A)

## Posted (Maximum) Speed Limit:

I. (1) 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.<sup>15</sup> §28-702. (2) Based on engineering and traffic investigations, the Department may increase the speed limit for vehicles  $>26,000$  or for vehicles drawing a pole trailer.<sup>16</sup> §28-709(B)  
 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  $\geq 50,000$  to 75 mph. §§28-702 and 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) and (C)

## Minimum Speed Limit:

I. A person shall not drive a motor vehicle at a speed that is less than that which is reasonable and prudent under the existing circumstances. §28-701(E)

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<sup>14</sup>Exceeding this speed limit "is prima facie evidence that the speed is too great and therefore unreasonable." §28-701(B)

<sup>15</sup>This 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 multiple lane highways with two or more separate roadways, different *prima facie* speed limits may be established on each roadway. §28-703.02

<sup>16</sup>Based upon engineering and traffic investigations, the Department may require these vehicles to operate only in certain lanes on specific highways. §28-736

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) Note: Slower moving traffic may be directed to use designated lanes. §28-729(3)

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 semi-trailer at a rate of speed that causes the trailer or semi-trailer 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 **\$250**<sup>17</sup> §28-1598

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 and 3307 and 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

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<sup>17</sup>**Limited 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 percent 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.

only attend this course once in any 24-month period. §§28-3392 and 28-3394

Other: An offender is also subject to assessments which can be ≤60 percent of the fine imposed. §§12-116.01 and 12-116.02

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing action is via a point system.<sup>18</sup>

**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:

N/A

Miscellaneous Sanctions

Not Included Elsewhere:

N/A

Other Criminal Actions Related to Speeding:

Racing on Highway:

**Class 1 misdemeanor.** A second or subsequent violation within 24 months is a Class 6 felony. §28-708(A) and (B)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

First offense - not more than **6 months**; Second or subsequent offenses-no more than **1 year**. §§13-701(C)(5) and 13-707(A)(1)

Mandatory Minimum Term:

First offense - **none**; Second or subsequent offense (within 24 months) - **10 days**.<sup>19</sup> §28-708(B)

Fine (\$ Range):

First offense - not less than **\$2,500**; §13-802(A). Second or subsequent offenses — (Class 6 felony) Not more than **\$150,000**. §13-801(A)

Mandatory Minimum Fine:

First offense - not less than **\$250**; Second or subsequent offenses - not less than **\$500**. §28-708(C) and(D)

Administrative Licensing Action:

Licensing action is taken via Courts. §28-708(D)

Type of Action:

Licensing action is also possible via the point system.

First offense - **Suspension**; Second or subsequent offense (within 24 months or within 60 months under §28-3304(A)(7)) - **Revocation**. §§28-708(D) and 28-3304(A)(7)

<sup>18</sup>**Point System:** A person who accumulates 8 points within 12 months (1) may have his/her 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 — 3 points; (2) for reckless driving, aggressive driving or racing on the highways — 8 points. AAC R17-4-404 (via §28-202(A)) and §28-3315(A)

<sup>19</sup>An offender may be allowed to leave the incarceration facility for either employment or educational purposes. §28-693(E) and (F)

Length of Term of Licensing Withdrawal:	<u>First offense</u> - not more than <b>90 days</b> ; <u>Second or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7)) - not more than <b>1 year</b> . §§28-708(D) and 28-3315(A)
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> - <b>none</b> ; <u>Second or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7)) — <b>Mandatory Revocation</b> . However, the law does not provide for a specific revocation period. §§28-708(F) and 28-3315(A)
Other:	I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 and 3307 and AAC R17-4-506 (via the point system) II. An offender is also subject to assessments which can be ≤60 percent of the fine imposed. §§12-116.01 and 12-116.02
<u>Reckless Driving</u> :	<b>Class 2 misdemeanor</b> . A second or subsequent violation within 24 months is a <b>Class 1 misdemeanor</b> . §28-693(A), (B) and (D)
Sanction: Criminal: Imprisonment (Term):	<u>First offense</u> -Class 2 misdemeanor — not more than <b>4 months</b> ; <u>Second or subsequent offense</u> (within 24 months) — Class 1 misdemeanor — not more than <b>6 months</b> . §13-707(A)(1) and (2)
Mandatory Minimum Term of Imprisonment:	<u>First offense</u> -Class 2 misdemeanor — <b>none</b> ; <u>Second or subsequent offense</u> (within 24 months) — Class 1 misdemeanor- <b>20 days</b> . §28-693(D)(2)
Fine (\$ Range):	<u>First offense</u> - Class 2 misdemeanor — not more than <b>\$750</b> ; <u>Second or subsequent offense</u> (within 24 months) — Class 1 misdemeanor — not more than <b>\$2,500</b> . §13-802(A) and (B)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	Licensing action is taken by Agency via the courts. §28-693(C) and (D) Note: Licensing action is also possible via the point system.
Type of Licensing Action (Susp/Rev):	<u>First offense</u> - <b>Suspension</b> ; <u>Second or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7)) - <b>Revocation</b> . §§28-693(C) and (D) and 28-3304(A)(7)
Length of Term of License Withdrawal Action:	<u>First offense</u> - not more than <b>90 days</b> ; <u>Second or subsequent offense</u> (within 24 months or within 60 months under §28-3304(A)(7)) — not more than <b>1 year</b> . §§28-693(B) and 28-3315(A)

## Mandatory Term of License

Withdrawal Action:

First offense - none; Second 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) and 28-693(D)(4)

Other:

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 and 3307 and AAC R17-4-506 (via the point system)  
 II. An offender is also subject to assessments that can be as high as 70 percent of the fine imposed. §§12-116.01 and 12-116.02

Excessive Speed<sup>20</sup>:

Sanction:

Class 3 misdemeanor. §28-701.02(B)

Criminal:

Imprisonment (Term):

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

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. §§28-3306 and 3307 and AAC R17-4-506 (via the point system)

Other Criminal Actions Related to Speeding:

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 and 28-3393

III. An offender is also subject to assessments which can be as high as 70 percent of the fine imposed. §§12-116.01 and 12-116.02

Aggressive Driving<sup>21</sup>:**Class 1 misdemeanor.** §28-695(A), (B) and (D)(1)

<sup>20</sup>Excessive speed is defined as driving (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 business or residential district, or driving >85 mph in other locations. §28-701.02(A)

<sup>21</sup>A person commits "Aggressive Driving" if **both** of the following occur: (1) if during a "course of conduct," he/she violates either the Basic Speed Rule (§28-701(A)) or the "Excessive Speed" law (§28-701.02) plus two of the following

Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>6 months.</b> §13-707(A)(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$2,500.</b> §13-802(A)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	A person may also be subject to a 2-point assessment under the point system. AAC R-17-4-506
Type of Licensing Action (Susp/Rev):	<u>First offense - <b>Suspension</b>; Second or subsequent offense (within 24 months) - <b>Revocation.</b></u> §28-695(C)(2) and (D)(2)
Length of Term of License Withdrawal Action:	<u>First offense - <b>30 days</b>; Second or subsequent offense (within 24 months) - <b>1 year.</b></u> §28-695(C)(2) and (D)(2)
Mandatory Term of License Withdrawal Action:	<u>First offense - <b>None</b>; Second or subsequent offense (within 24 months) - <b>1 year.</b></u> §28-695(C)(2) and (D)(2)
Other:	I. <u>First offenders</u> must “attend and successfully complete approved Traffic Survival School training and education sessions that are designed to improve the safety and habits of drivers....” §§28-695(C)(1) and 28-3307 II An offender is also subject to assessments which can be as high as 70 percent of the fine imposed. §§12-116.01 and 12-116.02

Commercial Motor Vehicle (CMV) Operators<sup>22</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>23</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §28-3312(A)(5) and (6)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 consecutive days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 consecutive days.</b> §28-3312(A)(5) and (6)

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; or (e) failure to yield the right-of-way; and, (2) his/her “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) and (F)

<sup>22</sup>A 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 be placarded in accordance with U.S. Department of Transportation regulations. §28-3001(3)

<sup>23</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph, reckless driving, aggressive driving or racing on the highway. §28-3312(F)

## JURISDICTION:

ARKANSAS

## General Reference:

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 then existing. §27-51-201(a)(1)

## Statutory Speed Limit:

Controlled-Access Highways — The maximum speed is determined via engineering and traffic studies.<sup>24</sup>

## See Other below.

§27-51-201(b)(1)

30 mph<sup>25</sup> in urban districts. §27-51-201(c)(1)

50 mph for trucks with a capacity  $\geq 1\frac{1}{2}$  tons in other locations (except controlled access highways). §27-51-201(c)(2)

60 mph 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.<sup>26</sup> §27-51-204

II. Based on engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdictions. 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) and (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. §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).

Note: Via signs, slower moving traffic may be directed to use designated lanes. §27-51-302(2)

<sup>24</sup>However, 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)

<sup>25</sup>This appears to be a *prima facie* speed limit. §§27-51-201(e) and 27-51-202(a)

<sup>26</sup>Under this authority, the State Highway Commission has established the following speed limits: on rural freeways, 70 mph for cars and 65 mph for trucks; on suburban freeways, 60 mph for all vehicles; on urban freeways, 55 mph for all vehicles; and, on rural expressways with high-type partial control of access, 60 mph for all vehicles. Minute Order Revisions 74-007, 87-110, 88-010, 96-148, 97-104 and 98-215.

- Other:
- I. 30 mph is the maximum speed for a vehicle which is over width, over length, or over height and has a gross weight of  $\geq 64,000$  lbs. §27-51-201(c)(4)
  - II. 55 mph is the maximum speed while towing a manufactured home or mobile home. However, on highways with a posted speed limit of  $< 55$  mph, the posted speed limit applies. The Highway and Transportation Department may set speed limits less than 55 mph or those posted via a restriction on the oversize permit issued to any specific vehicle. §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 present and outside the building. §27-51-212

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 and 27-51-214
- Other: Speeding in Excess of 15 mph over the posted speed limits is a Class C misdemeanor. §27-50-302(7).

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions: Note: Except as noted, the following sanctions apply to all speed law violations.
- Imprisonment:  
Term (Day, Month, Years, Etc.):
- First offense — not more than **10 days**; second offense (within 1 year) — not more than **20 days**; third or subsequent offense (within 1 year) — not more than **6 months**. §§27-50-304 and 27-50-305
  - Speeding in School Zone — first offense — **1 to 10 days**; second offense (within 1 year) — **5 to 25 days**; third or subsequent offense (within 1 year) — **25 days to 6 months**. §27-51-214
- Mandatory Minimum Term: Speeding in School Zone<sup>27</sup> — first offense — **1 day**; second offense (within 1 year) — **5 days**; third or subsequent offense (within 1 year) — **25 days**. §27-51-214
- Fine:  
Amount (\$ Range):
- First offense — not more than **\$100**; second offense (within 1 year) — not more than **\$200**; third or subsequent offense (within 1 year) — not more than **\$500**. §§27-50-304 and 27-50-305
  - Speeding in School Zone — first offense — **\$25 to \$100**; second offense (within 1 year) — **\$50 to \$250**; third or subsequent offense (within 1 year) — **\$250 to \$1,000**. §27-51-214

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<sup>27</sup>The law appears to make the minimum sanction mandatory.

Mandatory Min. Fine (\$):	<u>Speeding in School Zone</u> — <u>first offense</u> — <b>\$25</b> ; <u>second offense</u> (within 1 year) — <b>\$50</b> ; <u>third or subsequent offense</u> (within 1 year) — <b>\$250</b> . §27-51-214
Other Penalties:	
Traffic School:	Attendance at driver's training school may be required. §27-50-306(3)
Other:	<b>Highway Work Zone:</b> The fine is doubled if the offense is committed in a highway work zone when construction personnel are present and where signs indicating a “double fine zone” are posted. §27-50-408(b)(1)(A)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Driving &gt;15 mph Over the Speed Limit:</b> It is a Class C misdemeanor to operate a motor vehicle in excess of 15 mph over the posted speed limit. The sanctions for this offense are imprisonment for not more than <b>30 days</b> and/or a fine of not more than <b>\$100</b> . §§5-4-201(b)(3), 5-4-401(b)(3) and 27-50-302(7)
Term of License Withdrawal (Days, Months, Years, etc.):	<b>Suspension</b> via the courts. <sup>28</sup> §27-50-306(1) <b>Suspension or Revocation</b> via a point system. <sup>29</sup> <u>Speeding in School Zone</u> — <u>second offense</u> (within 1 year) — <b>Suspension</b> ; <u>third offense</u> (within 1 year) — <b>Suspension</b> . §27-51-214(2)(B) and (3)(B)
Mandatory Minimum Term of Withdrawal:	Not more than <b>1 year</b> . <sup>30</sup> §27-50-306(1) <u>Speeding in School Zone</u> — <u>second offense</u> (within 1 year) — <b>6 months</b> ; <u>third offense</u> (within 1 year) — <b>1 year</b> . §27-51-214(2)(B) and (3)(B)

<sup>28</sup>A suspension of not more than one year may be imposed by the court. This suspension is based upon a review of the offender's driving record. §27-50-306 and *Cook v. State*, 968 S.W.2d 589 (Ark. 1998)

<sup>29</sup>**Point System:** I. If an offender accumulates between 14 and 17 points, his/her license is suspended from 3 to 6 months. If an offender accumulates between 18 and 23 points, his/her license is suspended from 6 months to 1 year. If an offender accumulates more than 24 points, his/her license is either suspended for not less than 1 year or revoked for no more than one year. II. The following points are assigned for speeding and speed-related offenses: racing on the highway — 8 points; reckless driving — 8 points; careless (or negligent) driving — 3 points; hazardous driving — 3 points; driving less than the minimum speed limit — 3 points; impeding traffic — 3 points; driving too fast for conditions — 3 points; speeding 0 to 10 mph over the limit — 3 points; speeding 11 to 20 mph over the limit — 4 points; speeding 21 to 30 mph over the limit — 5 points; speeding ≥31 mph over the limit — 8 points; §27-14-403(a), §27-16-907 and Regulation 1-27-16-907(G) 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.

<sup>30</sup>I. 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.

Miscellaneous Sanctions  
 Not Included Elsewhere:

**Special Fine for Speeding in Heavy Trucks:** On interstate highways or state highways which have a posted speed limit for trucks different from other motor vehicles, a person driving a truck weighing  $\geq 20,000$  lbs. in excess of 5 mph of the posted speed limit is subject to a fine of **\$50** for each mph exceeding the posted speed limit in excess of 5 mph. This fine is in addition to all other fines and court costs. §27-50-311  
**Multiple Violations:** Arkansas law also provides that it is a Class C misdemeanor to commit 3 violations within 12 months. Sanctions: jail — not more than 30 days; and, fine— not more than \$100. §§5-4-201(b)(3), 5-4-401(b)(3) and 27-50-302(8)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

**Class A misdemeanor** §§27-50-302(1) and 27-50-309

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

**None**

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

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** via the courts §27-50-306(1). **Suspension or Revocation** via the point system

Other (continued)

Length of Term of

Licensing Withdrawal:

Mandatory Action — Minimum

Length of License

Withdrawal:

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

**None**

Other:

I. Second offense (within 6 months) — An offender may be fined an amount not exceeding **double** that for a first offense and is subject to a license revocation for not more than 60 days; third or subsequent offense (within 6 months) — An offender may be fined an amount not exceeding **double** that for a first offense and is subject a license revocation for not more than 6 months. §27-51-102(b)(1) and (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)

III. **Highway Work Zone:** The fine is doubled if the offense is committed in a Highway Work Zone. §27-50-408(b)(1)(A)

<u>Reckless Driving:</u>	<b>Class B misdemeanor</b> §§27-50-302(2) and 27-50-308
Sanction:	
Criminal:	
Imprisonment (Term):	I. Non-Injury-related offense: <u>first offense</u> — <b>5 to 90 days</b> §27-50-308(b)(1)(B); <u>second or subsequent offense</u> (within 3 years) — <b>30 days to 6 months.</b> §27-50-308(b)(2)(A) II. Injury-related Offense — <u>first offense</u> — <b>30 to 90 days</b> §27-50-308(b)(1)(A); <u>second or subsequent offense</u> <sup>31</sup> (within 3 years) — <b>60 days to 1 year.</b> §27-50-308(b)(2)(B)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	I. Non-Injury-related Offense: <u>first offense</u> — <b>\$25 to \$500</b> §27-50-308(b)(1)(B); <u>second or subsequent offense</u> (within 3 years) — <b>\$500 to \$1,000.</b> §27-50-308(b)(2)(A) II. Injury-related Offense — <u>first offense</u> — <b>\$100 to \$1,000</b> §27-50-308(b)(1)(A); <u>second or subsequent offense</u> (within 3 years) — <b>\$500 to \$1,000.</b> §27-50-308(b)(2)(B)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the courts §27-50-306(1) or <b>Suspension or Revocation</b> via the point system For 3 convictions within 12 months- <b>Revocation</b> §27-16-905(5)
Length of Term of License Withdrawal Action:	Suspension for not more than <b>1 year</b> §27-50-306(1) Revocation for <b>1 year</b> §27-16-912
Mandatory Term of License Withdrawal Action:	For 3 convictions within 12 months — <b>1 Year Revocation</b> §§27-16-905(5) and 27-16-912
Other:	I. A person may be required to attend a driver's training school. §27-50-306(3) II. Highway Work Zone: The fine is doubled if the offense is committed in a Highway Work Zone. §27-50-408(b)(1)(A)
<u>Careless and Prohibited Driving:</u>	Violation §§5-1-108, 27-50-301 and 27-51-104(a)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$100</b> §27-51-104
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	

<sup>31</sup>The sanctions for a second or subsequent injury offense also apply where the first offense was non-injury related but where the second or subsequent one was so related. §27-50-308(b)(2)(B)

Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the courts §27-50-306(1) <b>Suspension or Revocation</b> via the point system
Length of Term of License Withdrawal Action: Mandatory Term of License	Not more than <b>1 year</b> §27-50-306(1)
Withdrawal Action:	<b>None</b>
Other:	I. A person may be required to attend a driver's training school. §27-50-306(3) II. Highway Work Zone: The fine is doubled if the offense is committed in a Highway Work Zone. §27-50-408(b)(1)(A)

Commercial Motor Vehicle (CMV) Operators<sup>32</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>33</sup> within a 3-year period, or (2) commits 3 such violations within a 3-year period. §27-23-112(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §27-23-112(e)

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<sup>32</sup>A 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 be placarded in accordance with U.S. Department of Transportation regulations. §27-23-103(7)

<sup>33</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §27-23-103(23)

## JURISDICTION:

CALIFORNIA

## General Reference:

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.<sup>34</sup> In no event shall a person drive at a speed such as to endanger the safety of persons or property. Veh. Code §22350

## Statutory Speed Limit:

65 mph<sup>35</sup> (except as noted below) Veh. Code §§22349(a) and 22356

## See Other below.

55 mph on two lane undivided highway. Veh. Code §22349(b)  
 25 mph<sup>36</sup> (*prima facie* limit) in a business or residence district. Veh. Code §22352(a)(2)  
 25 mph near a children's playground.<sup>37</sup> Veh. Code §22357.1  
 15 mph<sup>38</sup> (*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.<sup>39</sup> Veh. Code §22354  
 II. 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) and 22360  
 III. 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*

<sup>34</sup>It 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

<sup>35</sup>Based 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.

<sup>36</sup>Or (1) when approaching or passing a school which is not separated 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) and (3)

<sup>37</sup>This limit is established by local authorities.

<sup>38</sup>Or when traversing either an uncontrolled railway crossing or uncontrolled highway intersection where the driver does not have a clear and unobstructed view. Veh. Code §22352(a)(1)(A) and (B)

<sup>39</sup>Also, 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

Basis for a Speed Law Violation: (continued)

speed limits of 30, 35, 40, 45, 50, 55, 60 or 65 mph on highways under its jurisdiction.<sup>40</sup> Veh. Code §22357

IV. 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

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 and 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)

<sup>40</sup>A local government may also establish a *prima facie* speed limit of 25 mph on highways under its 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

- Other:
- I. 25 mph is the maximum speed for vehicles with solid tires and having a gross vehicle weight for  $\geq 10,000$  but  $< 16,000$  lbs. Veh. Code §22409
  - II. 15 mph is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight for  $\geq 16,000$  but  $< 22,000$  lbs. Veh. Code §22409
  - III. 12 mph is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight of  $\geq 22,000$  lbs. Veh. Code §22409
  - IV. 55 mph<sup>41</sup> is the maximum speed for: (1) A motor truck, (2) a truck tractor having three or more axles, (3) a motor truck or truck tractor drawing any other vehicle, (4) a passenger vehicle or bus drawing any other vehicle, (5) a school bus while transporting pupils, (6) a farm labor vehicle while transporting passengers, (7) a vehicle transporting explosives or (8) a trailer bus. Veh. Code §22406. These vehicles must be driven in the right-hand lane or as close as practicable to the right curb. Veh. Code §22348(c)
  - V. 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 and 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): First offense — not more than **\$100**.<sup>42</sup> Second offense (within 1 year) — not more than **\$200**. Third or subsequent offense (within 1 year) — not more than **\$250**. Veh. Code §42001(a)(1), (2) and (3)  
See III under Miscellaneous Sanctions below.
  - Mandatory Min. Fine (\$): **None**

<sup>41</sup>Based on engineering and traffic surveys, the State Department of Transportation may reduce the 55 mph maximum speed limit for motor trucks or truck tractors having gross vehicle weight  $\geq 10,000$  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

<sup>42</sup>A person who exceeds the speed limit on certain segments of certain highways designated as “Safety Enhancement — Double Fine” zones is subject to a fine sanction which is one category higher than the amount otherwise prescribed by the uniform traffic fine schedule. 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 and 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, 2004 unless a later enacted statute declares otherwise.

Sanctions Following Adjudication of a Speed Law Violation:

(continued)

## Other Penalties:

Traffic School:

Court ordered traffic violator school. Veh. Code §42005

Other:

I. **Traffic Violation Points.**<sup>43</sup> An offender is assessed 1 point on his/her driving record. Veh. Code §12810(e)II. **Special State/County Penalties (Fines).**<sup>44</sup>

## Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension.** Veh. Code §13200

Term of License Withdrawal

(Days, Months, Years, etc.):

First offense — not more than **30 days**. Second offense — not more than **60 days**. Third or subsequent offense — not more than **6 months**. Veh. Code §13200<sup>45</sup>

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):

First offense — not more than **\$100**. First offense (where speed was  $\geq 10$  mph over the limit) — not more than **\$200**. Second or subsequent offense — not more than **\$300**. Veh. Code §42000.5II. 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 additional sanctions: First offense — not more than **\$500**. Second or subsequent offense (within 2 years) — not more than **\$2,000** and suspension of hazardous material or cargo tank endorsement for  $\leq 6$  months. Veh. Code §22406.5

<sup>43</sup>**Point System:** A person is presumed to be a negligent driver if that person accumulates four or more points in 12 months, 6 or more points in 24 months, or 8 or more points in 36 months. Such a driver can have the driving privileges suspended for not more than 6 months. However, that person may obtain restricted driving privileges for use during the scope of employment. Veh. Code §§12809, 12810, 12810.5, 12812, 13359 and 13556

<sup>44</sup>**Special State Penalty (Fine):** An additional State penalty of \$10 is assessed against every defendant for every \$10 of a fine (or fraction thereof) actually imposed and paid by a defendant. Penal Code §§1463(h) and 1464(a)

**Special County Penalty (Fine):** An additional county penalty of \$7 is assessed against every defendant for every \$10 of a fine (or fraction thereof) actually imposed and paid by a defendant. Gov't. Code §76000 and Penal Code §§1463(h)

**Note:** The portion of any fine that has been either suspended or reduced is not considered when calculating these assessments.

<sup>45</sup>This 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.

III. If the imposition of an infraction fine would impose a hardship (offender or his/her family), the court may sentence such person to perform community service in lieu of the "total fine" (i.e., the base fine, all assessments, penalties and additional monies). Penal Code §1209.5

Other Criminal Actions Related to Speeding:

Racing on Highway<sup>46</sup>:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Misdemeanor Veh. Code §§23109 and 40000.15

Speed Contest: First offense — **24 hours to 90 days.**

Subsequent offense (within 5 years) — **4 days to 6 months.**

Veh. Code §23109(e) and (f)

Exhibition of Speed: Not more than **90 days.** Veh. Code §23109(i)

Mandatory Minimum Term:

Speed Contest: First offense — **None.** Subsequent offense (within 5 years) — **48 hours.** Veh. Code §23109(f)

Exhibition of Speed: **None**

Fine (\$ Range):

Speed Contest: first offense — **\$355 to \$1,000.**<sup>47</sup>

Subsequent offense: (within 5 years) — **\$500 to \$1,000.**

Fine: (\$Range)

Veh. Code §23109(e) and (f)

Mandatory Minimum Fine:

Exhibition of Speed: Not more than **\$500.** Veh. Code

§23109(i) Speed Contest: First or subsequent offense (within 5 years) — **None** Exhibition of Speed: **None**

Administrative Licensing Action:

Type of Action:

For Speed Contest — **Suspension.** Veh. Code §13352(a)(8) and 23109(e) and (f)

Length of Term of

Licensing Withdrawal:

Speed Contest: First offense — **Suspension 90 days to 6**

**months.** Veh. Code §§13352(a)(8) and 23109(e) Subsequent offense (within 5 years) — **Suspension 6 months.** Veh. Code §§13352(a)(9) and 23109(f)

Exhibition of Speed: **None**

Mandatory Action — Minimum

Length of License

Withdrawal:

Speed Contest: First or subsequent offense (within 5 years) — **None**<sup>48</sup>

<sup>46</sup>The 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".

<sup>47</sup>**Double Fines:** A fine, double the amount otherwise prescribed by law, may be imposed on a person who commits a racing or reckless driving misdemeanor offense on the segments of certain highways designated as "Safety Enhancement - Double Fine" zones. 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, 2004.

<sup>48</sup>For 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 employment. Veh. Code §23109(e) and (f)

Other Criminal Actions Related to Speeding: (continued)

<u>Exhibition of Speed:</u>	<b>None</b>
Other:	I. <u>Speed Contest: first or subsequent offense</u> (within 5 years) — If the vehicle is owned by the offender, it may be impounded from <b>1 day to 30 days</b> . Veh. Code §23109(h) II. For either offense, the court may order an offender to attend a traffic violator school. Veh. Code §42005
	III. <b>Traffic Violation Points.</b> An offender is assessed 2 points on the driving record. Veh. Code §12810(d)(1) IV. <b>Special State/County Penalties (Fines).</b>
<u>Reckless Driving</u> <sup>49</sup> :	Misdemeanor Veh. Code §§23103(a), 40000.15 and 40000.24
Sanction:	
Criminal:	
Imprisonment (Term):	<b>5 days to 90 days.</b> Veh. Code 23103(c)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<b>\$145 to \$1,000.</b> Veh. Code 23103(c)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation.</b> Veh. Code §§13200 and 13351(a)(2)
Length of Term of License Withdrawal Action:	<u>First offense</u> — not more than <b>30 days</b> suspension. <u>Second offense</u> — Not more than <b>60 days</b> suspension. <u>Third or subsequent offense</u> — Not more than <b>6 months</b> suspension. Veh. Code §13200. Three (3) or more offenses (within 12 months) — <b>3 years</b> revocation. Veh. Code §13351(a)(2) and (b)
Mandatory Term of License Withdrawal Action:	Three (3) or more offenses (within 12 months) — Revocation for <b>3 years</b> . Veh. Code §13351(a)(2) and (b)

<sup>49</sup>**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: 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 but 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 Vehicle 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

**Assault Using a Motor Vehicle (Road Rage):** A person who commits an assault in violation of Penal Code §245(a) using a motor vehicle (commonly know as “road rage”) against another motor vehicle, an operator of a bicycle or a pedestrian, in addition to criminal sanctions (imprisonment for either 2, 3 or 4 years in State prison or not more than 1 year in a county jail plus a fine of not more than \$10,000), is subject to the following licensing actions: first offense — suspension for 6 months; and, second or subsequent offense — suspension for 1 year. However, either in lieu of or in addition to such licensing action, a person may be ordered to complete a court-approved course on either anger management or “road rage.” Veh. Code §13210

Other:	I. The court may order an offender to attend a traffic violator school. Veh. Code §42005  II. <b>Traffic Violation Points:</b> An offender is assessed 2 points on the driving record. Veh. Code §12810(c) III. <b>Impoundment:</b> If the reckless driving offense involved motor vehicle operation at a speed $\geq$ 100 mph, the vehicle owned <u>and</u> driven by the offender <u>may</u> be impounded for a <u>first offense</u> not more than <b>6 months</b> and for a <u>second offense</u> not more than <b>12 months</b> . Veh. Code § 23592 IV. <b>Special State/County Penalties (Fines).</b>
<u>Reckless Driving Causing Bodily Injury:</u>	Misdemeanor/Felony Veh. Code §§23104, 40000.15 and 40000.24 and Penal Code §17
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense</u> (misdemeanor) — <b>30 days to 6 months</b> (in the county jail) <u>Subsequent offense</u> (misdemeanor/felony) — <b>30 days to 6 months</b> (in either the State prison <sup>50</sup> or county jail) Veh. Code §23104(a) and (b)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First or subsequent offense</u> — <b>\$220 to \$1,000</b> Veh. Code §23104(a) and (b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation</b> <sup>51</sup> Veh. Code §§13350(a)(3) and 13351(a)(2)
Length of Term of License Withdrawal Action:	<b>1 year.</b> Veh. Code §13350(c). Three (3) or more offenses (within 12 months) — revocation for <b>3 years</b> . Veh. Code §13351(a)(2) and (b)
Mandatory Term of License Withdrawal Action:	<b>1 year.</b> Veh. Code §13350(c). Three (3) or more offenses (within 12 months) — revocation for <b>3 years</b> . Veh. Code §13351(a)(2) and (b)
Other:	I. The court may order an offender to attend a traffic violator school. Veh. Code §42005 II. <b>Traffic Violation Points:</b> An offender is assessed 2 points on the driving record. Veh. Code §12810(c) III. <b>Special State/County Penalties (Fines).</b>
<u>Speed in Excess of 100 mph:</u>	Infraction Veh. Code §22348(b)
Sanction:	

<sup>50</sup>Under Penal Code §17, a person, who is punished by imprisonment in the State prison, is considered to have committed a felony.

<sup>51</sup>The offender is also subject to license suspension for not more than 6 months under Veh. Code §13201.

Criminal:

Imprisonment (Term): **None**

Mandatory Minimum Term  
of Imprisonment:

N/A

Fine (\$ Range):

First or subsequent offense— not more than **\$500** Veh. Code §§22348(b) and 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) and (b)

Length of Term of License

Withdrawal Action:

First offense — not more than **30 days.** Veh. Code §§22348(b)(1) and 13200.5 Second offense (within 3 years) — **6 months.** Veh. Code §§22348(b)(2) and 13355(a) Third or subsequent offense (within 5 years) — **1 year.** Veh. Code §§22348(b)(3) and 13355(b)

Mandatory Term of License

Withdrawal Action:

**None.** Note: For a first offense, suspension is discretionary. For second 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) and (b)

Other:

I. **Traffic Violator School** (discretionary) Veh. Code §42005

II. **Traffic Violation Points:** An offender is assessed 2 points on the driving record.

Veh. Code §12810(d)(1)

III. If 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

Penal Code §1209.5

IV. **Special State/County Penalties (Fines).**

Commercial Motor Vehicle (CMV) Operators<sup>52</sup>:Grounds for Disqualification:

No person may operate a CMV if that person has either (1) been convicted of 2 "serious traffic violations"<sup>53</sup> 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 and 15308

Period of Disqualification:

Two serious violations (within 3 years) — **60 days**; Three serious violations (within 3 years) — **120 days**. Veh. Code §§15306 and 15308

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<sup>52</sup>A 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., were the towed vehicle weighs  $\geq 10,000$  lbs., is a trailer bus, is carrying a hazardous materials which require that the vehicle be placarded in under either the Vehicle or Health and Safety codes. Veh. Code §§12804.9(b), 15210(b)(1) and (k) and 15278(a)(4)

<sup>53</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. Veh. Code §15210(i), 49 USC §31301(12) and 49 CFR 383.5

**JURISDICTION:**

**COLORADO**

This chapter summarizes Colorado State statutes related to speed.

**General Reference:**

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 mph<sup>54</sup> on the interstate system<sup>55</sup> §42-4-1101(2)(g)  
55 mph on an open highway not on the interstate system §42-4-1101(2)(f)  
30 mph in a residence district<sup>56</sup> §42-4-1101(2)(c)  
40 mph on open mountain highways §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.<sup>57</sup> 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(4) and (8)(d) 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. §42-4-614

**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

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<sup>54</sup>Based upon traffic investigations and surveys, the posted maximum limit may be increased to 75 mph. §42-4-1102

<sup>55</sup>It is a per se violation (not a *prima facie* violation) to operate a motor vehicle above this speed limit. §42-4-1101(8)

<sup>56</sup>Operating 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)

<sup>57</sup>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.

close as practicable to the right-hand curb or edge of the roadway. §§42-4-1001(2) and 43-4-1103(3)

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)

Other: I. 45 mph for all vehicles in the business of transporting trash §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) and 42-4-1701(1)

Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

**\$15 to \$100.** §42-4-1701(3)(a)(I)

Mandatory Min. Fine (\$):

Per Penalty Schedule<sup>58</sup> §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, 42-4-1701(II) (A), 42-4-1701(4)(c) and (d)

Licensing Action:

Type of Licensing Action (Susp/Rev):

**Suspension via a point system**<sup>59</sup> §42-2-127(1)

<sup>58</sup>The 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 mph 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)

<sup>59</sup>**Point System: I. Point Accumulation.** A driver's license is subject to suspension if the driver accumulates 12 points within 12 consecutive months or 18 points with 24 consecutive months. For provisional drivers, suspension would occur if accumulating either 9 points within 12 consecutive months, 12 points within any 24 consecutive months or 14 points from

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year.</b> §42-2-132(1)
Mandatory Minimum Term of Withdrawal:	<b>None.</b> 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, plus the offender must pay restitution and may be required to perform some community service. §42-4-1701(3)(a)(II)

Other Criminal Actions Related to Speeding:

Racing on Highway:	Speed Contest Class 2 misdemeanor traffic offense. §42-4-1105(1) and (3)
Sanctions:	
Criminal Sanction:	
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<b>\$10 to \$300.</b> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension via a point system.</b> §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) and (5)(c)
Length of Term of Licensing Withdrawal:	Not more than <b>1 year</b> §42-2-132(1)
Mandatory Action — Minimum Length of License	

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the time the provisional license was issued. In the case of minor drivers, suspension would occur if accumulating 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: one (1) point for going 5 to 9 mph over either the reasonable and prudent speed or 5 to 9 mph over the maximum lawful speed limit of 75 mph; four (4) points for going 10 to 19 mph over either the reasonable and prudent speed or 10 to 19 mph over the maximum law speed limit of 75 mph; six (6) points for going 20 to 39 mph over either the reasonable and prudent speed or 20 to 39 mph over the maximum law speed limit of 75 mph; twelve (12) points for going 40 mph or more over the reasonable and prudent speed or 40 mph or more over the maximum law speed limit of 75 mph; three (3) points are assessed for a failure to reduce speed when a special hazard exists. No points are assessed for going 1 to 4 mph over either the reasonable and prudent speed or 1 to 4 mph over the maximum law speed limit of 75 mph. §42-2-127(5)(f) 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) and 42-4-110.5(3)

Other Criminal Actions Related to Speeding:  
(continued)

Withdrawal:	<b>None.</b> 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
<u>Reckless Driving</u> <sup>60</sup> :	Class 2 misdemeanor traffic offense §42-4-1401
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense</u> — <b>10 to 90 days</b> §42-4-1701(3)(a)(II)(A); <u>Second or subsequent offense</u> — <b>10 days to 6 months.</b> §42-4-1401(2)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$10 to \$300.</b> §42-4-1701(3)(a)(II)(A) <u>Second or subsequent offense</u> — <b>\$50 to \$1,000.</b> §42-4-1401(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension via a point system</b> §42-2-127 For this offense, a driver is assessed 8 points. §42-2-127(1)(a) and (5)(d) <b>Revocation</b> for 3 reckless driving offense convictions within 2 years §42-2-125(1)(f)
Length of Term of License Withdrawal Action:	<b>Suspension</b> for not more than <b>1 year.</b> §42-2-132(1) <b>Revocation</b> for <b>1 year.</b> §42-2-132(2)
Mandatory Term of License Withdrawal Action:	<b>Suspension</b> is not mandatory. A probationary license with restrictions may be issued. §42-2-127(12) <b>Revocation</b> is for a mandatory period of <b>1 year.</b> §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
Careless Driving <sup>61</sup> :	Class 2 misdemeanor traffic offense or, if there is <u>bodily injury or death to another person</u> , Class 1 Misdemeanor traffic offense. §42-4-1402(2)

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<sup>60</sup>Operating 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)

**Vehicular Assault:** A person who causes serious bodily injury to another person while operating a motor vehicle in a “reckless manner” commits a Class 5 felony: Imprisonment from 1 to 3 years (with 2 years mandatory parole) and a fine of \$1,000 to \$100,000. If the injured person was pregnant, the minimum imprisonment sentence must be midpoint of the sentence but more but not more than twice the maximum. §18-1.3-401(13) and 18-3-205(1)(a) and (b)

<sup>61</sup>Operating a motor vehicle in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic and use of the streets and all other attendant circumstances. §42-4-1402(1)

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:	<b>None</b>
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:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension via a point system.</b> §42-2-127 For this offense, a driver is assessed 4 points. §42-2-127(1)(a) and (5)(e)
Length of Term of License Withdrawal Action:	Not more than <b>1 year.</b> §42-2-132(1)
Mandatory Term of License Withdrawal Action:	<b>None.</b> 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) Operators<sup>62</sup>:

<u>Grounds for Suspension:</u>	A person's CDL privilege is suspended, if while driving a CMV, that person either (1) commits 2 "serious traffic violations" <sup>63</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §42-2-403(2) and 1 CCR 204-12(6) and (7)(d)
<u>Period of Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>Three serious violations</u> (within 3 years) — <b>120 days.</b> §42-2-403(2) and 1 CCR 204-12(6) and (7)(d)

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<sup>62</sup>A 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 require that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §42-2-402(4)(a)

<sup>63</sup> A "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) and (7)(d) and 49 CFR 383.5.

## JURISDICTION:

## CONNECTICUT

This chapter summarizes Connecticut State statutes related to speed.

General References: 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)
Statutory Speed Limit:	65 mph on multiple lane, limited access highways that are suitable for such a speed limit §§14-218a(b) and 14-219(a) 55 mph upon other highways §14-219(a)
See Other below.	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 limits <sup>64</sup> 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 mph <sup>65</sup> on a limited access divided highway. §14-220(a)
Other:	I. Driving at 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

<sup>64</sup>"[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)

<sup>65</sup>This minimum speed does not apply either (1) to highway maintenance vehicles or (2) to certain types of commercial vehicles on grades. §14-220(a)

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) and 14-281a(c)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.): **None**

Mandatory Minimum Term: N/A

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 \$90**.<sup>66</sup> §51-164m(c)  
 III. **\$35 to \$90** or **\$100 to \$150** if the offender was operating a truck.<sup>67</sup> 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) and (d)  
 IV. **\$100 to \$150** or **\$150 to \$200** if the offender was operating a truck. 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(b) and (c) and 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

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

<sup>66</sup>For 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

<sup>67</sup>A truck is defined as "every motor vehicle designed, used or maintained primarily for the transportation of property." §14-260n(4)

II. **Suspension** under either the point system or for Unsafe Vehicle Operation for other speeding violations.<sup>68</sup> §14-111 and RCSA §§14-137- 82, 14-137a — 5 and 14-137a-8

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

I. For offenses committed under §14-219: First, Second or Third 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) and (c)

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

Mandatory Minimum Term of  
Withdrawal:

The above licensing actions may be mandatory.

Miscellaneous Sanctions  
Not Included Elsewhere:

N/A

Other Criminal Actions Related to Speeding:

Racing on Highway<sup>69</sup>:

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

Sanctions:

Criminal Sanction:

Imprisonment (Term):

First offense or subsequent offense (within 10 years) — not more than **1 year**. §§14-1(a)(69) and 14-224(g)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

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

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** under either the point system or for Unsafe Vehicle Operation. §14-111 and RCSA §§14-137-82, 14-137a — 5 and 14-137a-8

Length of Term of

Licensing Withdrawal:

**30 days** if the requisite number of points has been accumulated.

<sup>68</sup>**Point System.** I. If a person accumulates 10 points within a 24-month period, his/her 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) that raises the point accumulation above 10, his/her 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 a slow speed as to impede traffic under §14-220; four (4) 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 and 14-137-8. **History of Unsafe Operation.** If a person has had 4 unsafe moving traffic convictions within 2 years, his/her license is subject to a 30-day suspension. Such convictions include most speeding offenses and other rules of the road violations. §14-111(a) and RCSA §14-137-82

<sup>69</sup>Under §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."

Mandatory Action — Minimum Length of License	
Withdrawal:	The above licensing actions may be mandatory.
Other:	N/A
<u>Reckless Driving</u> : <sup>70</sup>	Misdemeanor §§14-222 and 53a-26(a)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense</u> — Not more than <b>30 days</b> . <u>Second or subsequent offense</u> — Not more than <b>1 year</b> . §14-222(b)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$100 to \$300</b> . <u>Second or subsequent offense</u> — not more than <b>\$600</b> . §14-222(b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> . §14-111(b)
Length of Term of License	
Withdrawal Action:	<u>First offense</u> — <b>30 to 90 days</b> . <u>Subsequent offense</u> — Not less than <b>90 days</b> . §14-111(b)
Mandatory Term of License	
Withdrawal Action:	<u>First offense</u> — <b>30 days</b> . <u>Subsequent offense</u> — <b>90 days</b> . §14-111(b) Note: Given the wording in §14-111(b), these suspensions appear to be mandatory.
Other:	N/A
<u>Commercial Motor Vehicle (CMV) Operators</u> <sup>71</sup> :	
<u>Grounds for Disqualification</u> :	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>72</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §14-44k(h)
<u>Period of Disqualification</u> :	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §14-44k(h)
<u>Period of Mandatory Disqualification</u> :	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — <b>120 days</b> . §14-44k(h)

<sup>70</sup>Reckless 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 than the vehicle operator), or (3) at a rate of speed >85 mph. §14-222(a)

<sup>71</sup>A 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)

<sup>72</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §14-1(a)(71)

JURISDICTION:  
 General Reference:

**DELAWARE**  
 Delaware Code Annotated and Code of Delaware Regulations

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: 65 mph on “all portions of Delaware State Route 1 located between the Red Lion Creek and the Appoquinimink River.” Any speed in excess of this limit is “absolute evidence” that the speed is “not reasonable or prudent and that it is unlawful.” Title 21, §4169(d)  
 55 mph on four-lane roadways and divided highways. Title 21, §4169(a)(1)e  
 50 mph on two-lane roadways. Title 21, §4169(a)(1)d  
 25 mph in either a business or residential district. Title 21, §4169(a)(1)a and (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.<sup>73</sup> 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

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)

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<sup>73</sup>This 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)

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 and 4205(a)  
 Other: N/A

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:  
First 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): First offense — None Subsequent offense (within 24 months) — **10 to 30 days** Title 21, §4169(c)(1)

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range): I. Sanctions for Violating Speed Rules Except as Noted Below: First 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): First offense — \$20 Subsequent offense (within 24 months) — **\$25** Title 21, §4169(c)(1)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

Defensive Driving Course

Other:

**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 — First 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 — First offense — \$2 per mph over the speed limit Subsequent offense — \$3 per mph over the speed limit

Sanctions Following an Adjudication of a Speed Law Violation:

Other Penalties: (continued)	Title 21, §4169(c)(3) III. Exceeding the speed limit by >19 mph — <u>First offense</u> — <b>\$3 per mph over the speed limit</b> <u>Subsequent offense</u> — <b>\$4 per mph over the speed limit</b> Title 21, §4169(c)(4)
Licensing Action: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> <sup>74</sup> Title 21, §§302 and 2733 <sup>75</sup>
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year</b>
Mandatory Minimum Term of Withdrawal:	The suspensions either under the point system or for excessive speeding appear to be mandatory.
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> <sup>76</sup> : Sanctions: Criminal Sanction: Imprisonment (Term):	<b>Misdemeanor.</b> Title 11, §233(c) and Title 21, §4172  <u>First offense</u> — <b>10 to 30 days.</b> <u>Subsequent offense</u> — <b>15 to 60 days.</b> Title 21, §4172(d)
Mandatory Minimum Term: Fine (\$ Range):	<b>None</b> <u>First offense</u> — <b>\$25 to \$200.</b> <u>Subsequent offense</u> — <b>\$50 to \$400.</b> Title 21, §4172(d)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal:	<b>Suspension.</b> Title 21, §4172(d)  <u>First offense</u> — not more than <b>6 months.</b> <u>Subsequent offense</u> — <b>1 year.</b> Title 21, §4172(d)
Mandatory Action — Minimum Length of License	

<sup>74</sup>**Point System:** I. If an offender accumulates 12, 14, 16, 18, 20 or >20 points, his/her 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 and aggressive 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. CDR 73-600-045

**Additional Suspensions:** I. For exceeding the speed limit by ≥25 mph, a 2-month suspension plus 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. CDR 73-600-045

<sup>75</sup>Title 21, §2733 authorizes the Department of Public Safety to suspend a person's license based on whether such person is either an habitual, reckless or negligent driver.

<sup>76</sup>Title 21, §4172(a) prohibits a person from racing, speed competitions, speed contests, drag racing or acceleration contests, et al. Title 21, §4172(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.

Other Criminal Actions Related to Speeding:  
(continued)

Withdrawal:	<u>First offense</u> — <b>1 month.</b> <sup>77</sup> CDR 73-600-045y <u>Subsequent offense</u> — <b>1 year</b> <sup>78</sup> Title 21, §4172(d)
Other:	N/A
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term):	<b>Misdemeanor.</b> Title 11, §233(c) and Title 21, §4175(a)  <u>First offense</u> — <b>10 to 30 days.</b> <u>Subsequent offense</u> (within 3 years) — <b>30 to 60 days.</b> Title 21, §4175(2)
Mandatory Minimum Term of Imprisonment:	<u>First offense</u> — <b>None.</b> <sup>79</sup> <u>Subsequent offense</u> (within 3 years) — <b>30 days.</b> Title 21, §4175(2)
Fine (\$ Range):	<u>First offense</u> — <b>\$100 to \$300.</b> <u>Subsequent offense</u> (within 3 years) — <b>\$300 to \$1,000.</b> Title 21, §4175(2)
Mandatory Minimum Fine:	<u>First offense</u> — <b>\$100.</b> <sup>80</sup> <u>Subsequent offense</u> (within 3 years) — <b>\$300.</b> Title 21, §4175(2)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action: Mandatory Term of License Withdrawal Action:	<b>Suspension</b> via the point system  Not more than <b>1 year</b>  The suspensions under the point system appear to be mandatory.
Other:	N/A
<u>Careless</u> <sup>81</sup> <u>or Inattentive Driving</u> <sup>82</sup> :	Misdemeanor. Title 11, §233(c) and Title 21, §4176(a) and (b)
Sanction: Criminal: Imprisonment (Term):	<u>First offense</u> — <b>none.</b> <u>Subsequent offense</u> (within 3 years) — <b>10 to 30 days.</b> Title 21, §4176(c)
Mandatory Minimum Term of Imprisonment:	<b>None</b>

<sup>77</sup>In 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. CDR 73-600-045

<sup>78</sup>Given the language used in Title 21, §4172(d), this sanction appears to be mandatory.

<sup>79</sup>The 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)

<sup>80</sup>Except 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 is mandatory. Title 21, §4175(b)

<sup>81</sup>Careless 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)

<sup>82</sup>Inattentive 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)

Fine (\$ Range):	<u>First offense</u> — <b>\$25 to \$115</b> . <u>Subsequent offense</u> (within 3 years) — <b>\$50 to \$230</b> . Title 21, §4176(c)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the point system
Length of Term of License Withdrawal Action:	Not more than <b>1 year</b>
Mandatory Term of License Withdrawal Action:	The suspensions under the point system appear to be mandatory.
Other:	
<u>Aggressive Driving</u> <sup>83</sup> :	<b>Misdemeanor</b> . Title 11, §233(c) and Title 21, §4175A
Sanction: Criminal:	
Imprisonment (Term):	<u>First offense</u> — <b>10 to 30 days</b> . <u>Subsequent offense</u> (within 3 years) — <b>30 to 60 days</b> . Title 21, §4175A(c)
Mandatory Minimum Term of Imprisonment:	<u>First offense</u> — <b>10 days</b> . <u>Subsequent offense</u> (within 3 years) — <b>30 days</b> . The law provides that an offender’s sentence cannot be suspended. Title 21, §4175A(c)
Fine (\$ Range):	<u>First offense</u> — <b>\$100 to \$300</b> . <u>Subsequent offense</u> (within 3 years) — <b>\$300 to \$1,000</b> . Title 21, §4175A(c)
Mandatory Minimum Fine:	<u>First offense</u> — <b>\$100</b> . <u>Subsequent offense</u> (within 3 years) <b>\$300</b> . The law provides that an offender’s sentence cannot be suspended. Title 21, §4175A(c)
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>None</b> . However, since an offender may be prosecuted for and convicted of the underlying offenses, that person is subject to licensing action associated with violating such offenses.
Length of Term of License Withdrawal Action:	N/A
Mandatory Term of License Withdrawal Action:	N/A

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<sup>83</sup>"No person shall drive any vehicle in an aggressive manner..." Title 21, §4175A(a) Aggressive Driving is defined as continuous conduct which violates three or more of the following rules-of-the-road: (1) Failing to obey a traffic-control device (Title 21, §4107); overtaking on the right (Title 21, §4117); failing to drive within a marked lane for traffic (Title 21, §4122); following too closely (Title 21, §4123); failing to yield the right-of-way to approaching traffic when turning left (Title 21, §4132); failing to yield to approaching traffic when entering or crossing a roadway (Title 21, §4133); failing to signal when turning or stopping (Title 21, §4155); failing to stop at stop signs or yield at yield signs (Title 21, §4164); overtaking and passing a stopped school bus with flashing lights (Title 21, §4166(d)); failing to obey the basic speed rule (Title 21, §4168); and, failing to a obey a posted speed limit (Title 21, §4169). Title 21, §4175A(b)

Other:

I. An offender must complete a course of instruction on behavioral modification or attitudinal driving. Title 21, §4175A(d)

II. An aggressive driving law violator may also be prosecuted for and convicted of the underlying offenses. Title 21, §4175A(e)

Commercial Motor Vehicle (CMV) Operators<sup>84</sup>:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while driving a CMV, that person (1) commits 2 "serious traffic violations"<sup>85</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Title 21 §2612(e)

Period of Disqualification:

Two serious violations (within 3 years) — **60 days**. Three serious violations (within 3 years) — **120 days**. Title 21 §2612(e)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**. Three serious violations (within 3 years) — **120 days**. Title 21 §2612(e)

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<sup>84</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Title 21 §2603(6)

<sup>85</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. Title 21 §2603(22) and 49 CFR 383.5

**DISTRICT OF COLUMBIA**

**JURISDICTION:**

**DISTRICT OF COLUMBIA**

This chapter summarizes D.C. statutes and regulations related to speed.

General References: D.C. Code and Weil’s Code of D.C. Municipal Regulations (CDCR)

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 §50-2201.04(a) and CDCR 18-22-2200.3

Statutory Speed Limit:

25 mph on all streets and highways unless otherwise designated D.C. Code §§50-2201.04(a) and CDCR 18-22 — 2200.6  
15 mph in alleys. D.C. Code §50-2201.04(a) and CDCR 18-22-2200.7  
15 mph in streets adjacent to school buildings or playgrounds when indicated by official sign, during recess or when children are going to or leaving school. D.C. Code §50-2201.04(a) and CDCR 18-22-2200.8 and 18-22-2200.9

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 §50-2201.03 and CDCR 18-22-2200.2  
Note: D.C. law does not specifically state whether different highway speed limits may be established 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. CDCR 18-22-2200.10  
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. CDCR 18-22-2201.2

Posted (Minimum) Speed Limit:

None

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as noted under Miscellaneous Sanctions, all speed law violations are civil offenses (infractions). D.C. Code §50-2201.04 and CDCR 18-22-2200.11

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

**None**

Mandatory Minimum Term:

Fine:

Amount (and Range):

Violation of Basic Speed Rule — **\$25**. CDCR 18-26-600.1  
Violation of the Minimum Speed Rule (Driving at Such a Slow Speed as to Impede or Block Traffic) — **\$15**.<sup>86</sup> CDCR 18-26-2600.1  
Speed Limit Violations — **\$30 to \$200**. The fine imposed depends upon either the extent or type of the speeding offense.<sup>87</sup> CDCR 18-26-2600.1

Mandatory Min. Fine (\$):

**None**

Other Penalties:

**None**

Administrative Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension or Revocation** via the point system<sup>88</sup> D.C. Code §40-302 and CDCR 18-3-303.1 and 18-3-303.3

Term of License Withdrawal

(Days, Months, Years, etc.):

I. Suspension may be from **2 to 90 days** depending upon the seriousness of the offense. CDCR 18-3-306.1  
 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. CDCR 18-3-306.4

Mandatory Minimum Term of

Withdrawal:

**None**

Miscellaneous Sanctions

Not Included Elsewhere:

**Criminal Offense.** Persons are subject to criminal prosecution if committing a traffic infraction having already accumulated 12 or more points on the driving records within the 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 §50-2302.03(a)

<sup>86</sup>CDCR 18-26-2600.1 does not contain a specific fine sanction for a violation of CDCR 18-22-2201.3 (Failure to Drive in the Right Lane if Driving at Less than the Normal Speed). 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 §50-2301.05(a)(1)

<sup>87</sup>For speed ≤10 mph over the limit, the fine is \$30. For speed ≥11 mph but ≤15 mph over the limit, the fine is \$50. For speed ≥16 mph but ≤20 mph over the limit, the fine is \$100. For speed ≥21 mph but ≤25 mph over the limit, the fine is \$150. For speed >25 mph over the limit, the fine is \$200. CDCR 18-26-2600.1

<sup>88</sup>**Point System:** Under the point system, a person's license can either be suspended if that person accumulates 8 points (16 points for drivers who operate motor vehicles for employment purposes) or be revoked if 12 points are accumulated. The following points are assessed for speeding and other speed-related traffic law violations: Reckless driving-12 points; speeding in excess of the posted speed limit by 21 mph or more — 5 points; speeding in excess of the posted speed by 16 to 20 mph — 4 points; and speeding in excess of the posted speed limit by 11 to 15 mph — 3 points. CDCR 18-3-303.2(b), (c) and (d), 18-3-303.3, 18-3-303.4 and 18-3-303.5

Other Criminal Actions Related to Speeding:

Exceeding Speed Limit by 30 mph:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **90 days**. CDCR 18-22-32200.12

Mandatory Minimum Term:

**None**

Fine (\$ Range):

Not more than **\$300**. CDCR 18-22-2200.12

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension or Revocation.**<sup>89</sup> D.C. Code §50-1403.01 and CDCR 18 — 3 — 302.3

Length of Term of

Licensing Withdrawal:

I. Suspension—**2 to 90 days** depending upon the seriousness of the offense. CDCR 18-3-306.1  
 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. CDCR 18-3-306.4  
 III. Five (5) points are assessed against a person's driving record. CDCR 18-3-303.2(f)

Mandatory Action — Minimum

Length of License

Withdrawal:

**None**

Other:

**Assessment.** Serious traffic law offenders are required to pay an assessment of **\$50 (mandatory) to \$250** that is used to finance the Crime Victim's Compensation Fund. D.C. Code §4-516(a) and *Parrish v. District of Columbia*, 718 A.2d 133 (D.C. 1998)

Reckless Driving<sup>90</sup>:

Sanction:

Criminal:

Imprisonment (Term):

First offense — not more than **3 months**. Subsequent offense (within 2 years) — not more than **1 year**. D.C. Code §50-2201.04(c)

Mandatory Minimum Term

of Imprisonment:

**None**

Fine (\$ Range):

First offense — not more than **\$250**. Subsequent offense (within 2 years) — not more than **\$1,000**. D.C. Code §50-2201.04(c)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

<sup>89</sup>The licensing agency has discretionary authority to either suspend or revoke a person's license for this offense. CDCR 18-3-302.3

<sup>90</sup>**Full Time and Attention:** A person commits a moving traffic violation if that person does not “give full time and attention to the operating of the vehicle.” CDCR 18-22-2213.4. There is a civil fine of \$25 for a violation of this provision. CDCR 18-26-2600.1. A person is also subject to licensing action via the point system.

Reckless Driving: (continued)

Type of Licensing Action  
(Susp/Rev):

**Revocation.** D.C. Code §50-1403.01 and CDCR 18-3-301.1(d)

Length of Term of License  
Withdrawal Action:

First offense — **6 months.** Second offense — **1 year.**  
Subsequent offense — **2 years.** D.C. Code §50-1403.01(b)  
and CDCR 18-3-306.5

Mandatory Term of License  
Withdrawal Action:

First offense — **6 months.** Second offense — **1 year.**  
Subsequent offense — **2 years.** D.C. Code §50-1403.01(b)  
and CDCR 18-3-306.5

Other:

I. A person is also assessed 12 points against the driving record. CDCR 18-3-303.2(j)  
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 §§50-1301.37(a) and 50-1301.38  
III. **Assessment.** Serious traffic law offenders are required to pay an assessment of **\$50 (mandatory) to \$250** which is used to finance the Crime Victim’s Compensation Fund. D.C. Code §4-516(a) and *Parrish v. District of Columbia*, 718 A.2d 133 (D.C. 1998)

Commercial Motor Vehicle (CMV) Operators<sup>91</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 or more "serious traffic violations"<sup>92</sup> within a 3-year period. D.C. Code §50-406(a)(4) and CDCR 18-13-1306.1(d) and 18-13-1306.3

Period of Disqualification<sup>93</sup>:

Two serious violations (within 3 years) — **60 days.** Three serious violations (within 3 years) — **120 days.** CDCR 18-13-1306.8

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days.** Three serious violations (within 3 years) — **120 days.** CDCR 18-13-1306.8

<sup>91</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. D.C. Code §50-401(3)

<sup>92</sup>The term "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. CDCR 18-13-1306.3(a) and (b)

<sup>93</sup>Under D.C. Code §50-406(b), these disqualification (suspension) periods could be increased to 1 year for a first violation and up to life for subsequent ones.

JURISDICTION:

**FLORIDA**

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

General References:

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. §316.183(1) and (4)

Statutory Speed Limit:  
See Other below.

70 mph on limited access highways.<sup>94</sup> §316.187(2)(a)  
55 mph in all locations except as noted. §316.183(2)  
30 mph<sup>95</sup> in business and residence districts. §§316.183(2) and 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.<sup>96</sup> However, the State cannot establish a speed limit >70 mph and local jurisdictions cannot establish a maximum speed limit >60 mph. §316.187(1) and (2)(c) and 316.189(1) and (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.

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)

<sup>94</sup>Other 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)

<sup>95</sup>After an investigation, local authorities may establish a maximum speed limit of 20 mph or 25 mph in residence districts. §316.183

<sup>96</sup>The State Department of Transportation or a local government may “regulate” any class or size of motor vehicle, trailer or semi-trailer upon any part of a highway under their respective jurisdictions when in their judgments such action is needed 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.

Basis for a Speed Law Violation  
(continued)

Posted (Minimum) Speed Limit:

I. 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) and 316.189(3) Note: via signs, “specified traffic” (i.e. slower moving traffic) may be directed to use designated lanes. §316.089(3)  
 II. Based on safety consideration, the State or a local government may prohibit the operation of “low speed vehicles” on the roads under their respective jurisdictions. §316.2122(5). A “low speed vehicle” is defined as “any four-wheeled electric vehicle whose top speed is greater then 20 miles per hour but not greater than 25 miles per hour....” §320.01(42)

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.<sup>97</sup> §316.1895(10)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All speed law violations are non-criminal traffic infractions (Moving Violations). §§316.183(7), 316.187(3), 316.189(4), 316.1895(9), 316.655(1), 318.13(3) and 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 Penalty<sup>98</sup> — **\$25 to \$250** depending upon the extent of the violation<sup>99</sup> §318.18(3)(b)

<sup>97</sup>A 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(5)

<sup>98</sup>i.e., this sanction is imposed on violators who elect not to have a hearing.

<sup>99</sup>I. For exceeding the speed limit from 1 to 5 mph, a **warning** is issued. For exceeding the speed limit from 6 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 zone ≤5mph, the fine is **\$50**. Otherwise, for exceeding the speed limit in a school zone, the assessed fine is **double** the amount indicated in I. §318.18(3)(c) III. For exceeding the speed limit in a construction zone (except for speeds ≤5 mph over the posted speed limit), the assessed fine is **double** the amount indicated in I. §318.18(3)(d)

Sanctions Following an Adjudication of a Speed Law Violation

(continued)

II. Other speed law violations where the offense is not adjudicated—Civil Penalty — **\$60** §318.18(3)(a)  
 III. Any speed law Violation where the offender elects adjudication<sup>100</sup> — 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. §318.14(5)  
 IV. By July 1, 2007, Florida Department of Transportation authorized to establish a 3-year pilot project of ‘enhanced penalty zones’ in Brevard, Duval and Palm Beach counties -- normal speeding fines to be increased \$50. § 316.1893

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School: A person may be required to attend a driver improvement school.<sup>101</sup> §318.14(5) and (9)

Other:

N/A

Licensing Action:

Type of Licensing Action  
 (Susp/Rev):

**Suspension** either via the point system<sup>102</sup> or **Suspension/Revocation** via the courts<sup>103</sup> §§316.655(2) and 322.27(3)

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

**30 days to 1 year** depending upon the number of points that have been accumulated. §322.27(3)(a), (b) and (c)

Mandatory Minimum Term of  
 Withdrawal:

**None**<sup>104</sup>

<sup>100</sup>Sanction or sanctions that can be imposed if an offender elects to adjudicate the traffic offense. §318.14(5)

<sup>101</sup>I. A person who commits a non-criminal 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, that person still may be ordered to attend such a course. §318.14(5)

<sup>102</sup>**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 that person accumulates either (1) 12 points within 12 months, (2) 18 points within 18 months, or (3) 24 points within 36 months. §322.27(3)(a), (b) and (c). II. The following points are assessed for speed-related moving traffic violations: 3 points for exceeding the speed limit by <15 mph; 4 points for exceeding the speed limit by >15 mph; 6 points for unlawful speed that results in an accident; 4 points for reckless driving; 3 points for careless driving; and 3 points for racing on the highways; §322.27(3)(d)(1), (3), (5)(a) and (b), and (6)

<sup>103</sup>In addition to any action that may be taken by the licensing agency, the court has the authority to 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 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.

<sup>104</sup>The 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

Miscellaneous Sanctions Not Included Elsewhere:	If a speeding offense caused the death of another person, the offender may be required to perform 120 hours of community service. §§316.027(4) and 318.14(1)
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway</u> <sup>105</sup> :	Misdemeanor in the Second degree. A subsequent violation within 5 years is a misdemeanor in the First degree. §316.191(2)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>60 days</b> . <u>Subsequent offenses</u> (within 5 years) — not more than <b>1 year</b> . §§316-191(2)(a) and (b) and 775.082(4) (a) and (b)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$250 to \$500</b> . <u>Subsequent offenses</u> (within 5 years) — <b>\$500 to \$1,000</b> . §§316.191(2)(a) and 775.083 (1) (d) and (e).
Mandatory Minimum Fine:	<u>First offense</u> — <b>\$250</b> . <u>Subsequent offenses</u> (within 5 years) — <b>\$500</b> . §§316.191(2)(a) and 775.083 (1) (d) and (e).
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Revocation</b> via the courts. §§316.191(2)(a) and 316.655(2)
Length of Term of Licensing Withdrawal:	<u>First offense</u> — <b>1 year</b> . <u>Subsequent offenses</u> (within 5 years) — <b>2 years</b> . §316.191(2)(a)
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> — <b>1 year</b> . <u>Subsequent offenses</u> (within 5 years) — <b>2 years</b> . §316.191(2)(a)
Other:	I. A person may be required to attend a driver improvement school. §§316.655(3) and 318.14(5) and (9) . II. If the offense caused the death of another person, the offender may be required to perform 120 hours of community service. §§ 316.027(4) and 318.14(1) III. The court may impound or immobilize the vehicle used in the offense. §316.191(3)
<u>Reckless Driving</u> <sup>106</sup> :	Misdemeanor (Moving Violation). §§316.192, 316.655(1), 318.13(3), 775.08(2) and 775.081(2)

<sup>105</sup>"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(2)(a)

<sup>106</sup>I. A person commits a first degree misdemeanor if the reckless driving offense resulted in damage to the property or person of another. The sanctions for this offense are imprisonment for not more than 1 year and a fine of not more than \$1,000. License action is the same as for any reckless driving offense. §§316.191(2)(a), 775.082(4)(a) and 775.083(1)(d).  
II. A person commits a third degree felony if the reckless driving offense resulted in serious bodily injury to another person. The sanctions for this offense are imprisonment for not more than 5 years and a fine of not more than \$5,000. License action is the same as for any reckless driving offense. §§316.192(3)(c)(2), 775.082(3)(d) and 775.083(1)(c) III. A person commits a second degree felony if that person attempts 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

Reckless Driving  
(continued)

Sanction:	The law is not clear as to whether this is either first or second degree misdemeanor.
Criminal:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>90 days</b> . <u>Subsequent offense</u> — not more than <b>6 months</b> . §316.192(2)(a) and (b)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$25 to \$500</b> . <u>Subsequent offense</u> — <b>\$50 to \$1,000</b> . §316.192(2)(a) and (b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the point system or <b>Suspension/Revocation</b> via the courts §§316.655(2) and 322.27(3) <u>Third offense</u> — <b>Revocation</b> §322.26(6)
Length of Term of License Withdrawal Action:	<b>30 days to 1 year</b> depending upon the number of points that has been accumulated. §322.27(3)(a), (b) and (c) <u>Third offense</u> — <b>1 year</b> §322.28(1)
Mandatory Term of License Withdrawal Action:	<b>None</b>
Other:	I. <u>First or subsequent offense</u> — A fee of <b>\$5</b> is imposed for the purpose of funding the Emergency Medical Services Trust Fund. §316.192(4) II. <u>First or subsequent offense</u> — If alcohol or chemical/controlled substances contributed to the violation, the offender <b>must</b> complete a “psychosocial evaluation” as proved under §316.193(5). The offender may be referred to a substance abuse treatment program. §316.192(5)

Careless Driving<sup>107</sup>:

Sanction:	Non-criminal traffic infraction (Moving Violation). §§316.1925, 316.655(1), 318.13(3) and 318.14(1)
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	I. For Non-Adjudication Offenses-Civil Penalty — <b>\$60</b> . §318.18(3)(a)

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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) and (5), 775.082(3)(c) and 775.083(1)(b)

<sup>107</sup>A 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)

II. For Adjudication Offenses — not more than **\$500**.  
§318.14(5)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** via the point system or **Suspension/Revocation** via the courts. §§316.655(2) and 322.27(3)

Length of Term of License

Withdrawal Action:

**30 days to 1 year** depending upon the number of points accumulated. §322.27(3)(a), (b) and (c) Third offense — **1 year**. §322.28(1)

Mandatory Term of License

Withdrawal Action:

**None**

Other:

I. A person may be required to attend a driver improvement school. §§316.655(3) and 318.14(5) and (9).  
II. If the offense caused the death of another person, the offender may be required to perform 120 hours of community service. §§316.027(4) and 318.14(1)

Commercial Motor Vehicle (CMV) Operators<sup>108</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>109</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §322.61(1) and (2)

Period of Disqualification:

Two serious violations (within 3 years) — **60 days**. Three serious violations (within 3 years) — **120 days**. §322.61(1) and (2)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**. Three serious violations (within 3 years) — **120 days**. §322.61(1) and (2)

<sup>108</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §322.01(8)

<sup>109</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph, reckless driving or careless driving. §322.61(1)(b), (c) and (e)

JURISDICTION:

GEORGIA

General Reference:

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 then existing. §40-6-180

Statutory Speed Limit:

70 mph<sup>110</sup> on interstate system or on physically divided highways outside of urban areas with a population ≥50,000. §40-6-181(b)(2)  
 65 mph on the interstate system inside urban areas with a population ≥50,000. §40-6-181(b)(3)  
 65 mph 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.<sup>111</sup> §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 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.<sup>112</sup> §40-6-184(a)(2)

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<sup>110</sup>Provided speed limit signs designating this speed limit have been posted on the highway.

<sup>111</sup>This 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.

<sup>112</sup>This only applies if the driver is aware that he/she is being overtaken in the left lane by vehicles traveling at a greater rate of speed.

Basis for a Speed Law Violation: (continued)

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 local government within its jurisdiction may establish a minimum speed limit on any highway. §40-6-184(b). Note: Via signs, “specified traffic” (e.g., slower moving traffic, buses or trucks) may be directed to use designated lanes. §40-6-48(4)

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.<sup>113</sup> §40-6-160(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as noted, all speed law violations are misdemeanors. §40-6-1(a).

Other: Speeding in a Construction Zone is a misdemeanor of a High and Aggravated Nature. §40-6-188(e)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

Speed Law violations — **None** §40-6-1(b)  
Speeding in a Construction Zone — not more than **12 months** §40-6-188(c)

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

Speed Law violations->5 but ≤10 mph over limit — **\$25**; >10 but ≤14 mph over limit — **\$100**; >14 but <19 mph over limit — **\$125**; ≥19 but <24 mph over limit — **\$150**; ≥24 but <34 mph over limit — **\$500**.<sup>114</sup> §40-6-1(b)  
Speeding in a Construction Zone — **\$100 to \$2,000** §40-6-188(c)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

<sup>113</sup>There is an exception. A school bus may be operated on public roads or interstate highways at a speed >55 mph provided the vehicle is transporting children to and from an event or school activities and is not loading or unloading children during the transportation. §40-6-160(b)

<sup>114</sup>An additional fine equal to 5 percent of the original fine is imposed and deposited into the Peace Officer's Annuity and Benefit Fund. §15-21-131

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Traffic School: A driver may be required to attend a driver improvement course.<sup>115</sup> §40-5-57(c)(1)(C)

Licensing Action:

Type of Licensing Action

(Susp/Rev): (continued)

**Suspension** via the point system<sup>116</sup> §40-5-57

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 **suspension**. §40-5-57.1(a), (b)(1) and (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 to suspension:

First offense — 6 months; Second or subsequent offense — 12 months. A person's license cannot be reinstated until that person has completed a defensive driver program. §40-5-57.1(a), (b)(1) and (d)

Mandatory Minimum Term of Withdrawal: **2 years** upon reaching the requisite point assessment for the third time within 5 years<sup>117</sup> §40-5-57(d)(3)

Persons Under 21 Years Old who are subject to revocation.

First offense — 6 months; Second or subsequent offense — 12 months. §40-5-57.1(a), (b)(1) and (d)

Miscellaneous Sanctions

Not Included Elsewhere:

N/A

<sup>115</sup>If a driver attends a driver improvement course after the issuance of the citation but before making 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)

<sup>116</sup>**Point System:** I. A person's license is subject to suspension if that person accumulates 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) and (d) II. The following points are assessed for speeding and speed-related violations: Aggressive driving — 6 points; reckless driving — 4 points; exceeding the speed by >14 mph but <19 mph-2 points; exceeding the 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; §40-5-57(c)(1)(A). III. A person >18 years old is subject to the following license suspensions if accumulating four or more points within 12 months: For a first suspension — 6 months; for a 2nd suspension-12 months. §40-5-57.1(a) and (b).

<sup>117</sup>I. **Hardship License:** A person may be issued a limited license for the purpose of (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications, or (3) attending 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 completes a driver improvement course, or in 120 days upon completion of a defensive driving course. For a license suspension based upon reaching the requisite point assessment for the second time within 5 years, the license may be reinstated 120 days after the suspension date upon the completion of an "advanced" driver improvement course. §40-5-84

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> <sup>118</sup> :	Misdemeanor. §40-6-186(b) and (c)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>12 months.</b> §17-10-3(a)(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000.</b> §17-10-3(a)(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension.</b> §§40-5-54(a)(4) and 40-6-186(c). <b>Suspension</b> via the point system. §40-5-57 <u>Persons Under 21 Years Old:</u> <b>Suspension.</b> §40-5-57.1(a), (b)(1) and (d)
Length of Term of Licensing Withdrawal:	<b>12 months.</b> §40-6-186(c). Via the point system <b>1 to 5 years</b> depending on the number of points that have been accumulated. §40-5-57(d)  <u>Persons Under 21 Years Old: First offense — 6 months. Second or subsequent offense — 12 months.</u> A person's license cannot be reinstated until that person has completed a defensive driver program. §40-5-57.1(a), (b)(1) and (d)
Mandatory Action — Minimum Length of License Withdrawal:	<b>12 months.</b> <sup>119</sup> If via the point system- <b>2 years</b> upon reaching the requisite point assessment for the third time within 5 years. §40-5-57(d)(3) <u>Persons Under 21 Years Old: First offense — 6 months. Second or subsequent offense — 12 months.</u> §40-5-57.1(a), (b)(1) and (d)
Other:	A driver may be required to attend a driver improvement course. §40-5-57(c)(1)(C)
<u>Reckless Driving</u> <sup>120</sup> :	Misdemeanor. §40-6-390(a) and (b)

<sup>118</sup>Racing 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)

<sup>119</sup>I. **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 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 completion 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) and (b)

<sup>120</sup>Under a separate statute, a person is required to "exercise due care in operating a motor vehicle..." A violation of this requirement is a misdemeanor for which a person is subject to a jail term of not more than 12 months and/or a fine of not more than \$1,000. In addition, they may be subject to license suspension via the point system. §§17-10-3(a)(1), 40-5-57, 40 — 6 — 1 and 40-6-241

Sanction:  
 Criminal:  
 Imprisonment (Term): Not more than **12 months.** §40-6-390(b)  
 Mandatory Minimum Term  
 of Imprisonment: **None**  
 Fine (\$ Range): Not more than **\$1,000.** §40-6-390(b)  
 Mandatory Minimum Fine: **None**

Administrative Licensing Actions:  
 Type of Licensing Action  
 (Susp/Rev): **Suspension** via the point system §40-5-57  
Persons Under 21 Years Old. **Suspension.** §40-5-57.1(a),  
 (b)(1)

Length of Term of License  
 Withdrawal Action: **1 to 5 years** depending on the number of points that are  
 accumulated. §40-5-57(d)  
Persons Under 21 Years Old: First offense — 6 months.  
Second or subsequent offense — 12 months. A person's  
 license cannot be reinstated until that person has completed a  
 defensive driver program. §40-5-57.1(a), (b)(1) and (d)

Mandatory Term of License  
 Withdrawal Action: **Two years** upon reaching the requisite point assessment for  
 the third time within 5 years. §40-5-57(d)(3)  
Persons Under 21 Years Old: First offense — 6 months.  
Second or subsequent offense — 12 months. §40-5-57.1(a),  
 (b)(1) and (d)

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

Driving in Circular or Zigzag Course  
(Laying Drags)<sup>121</sup>:

Sanction: **Misdemeanor.** §40-6-251(a) and (d)

Criminal:  
 Imprisonment (Term): Not more than **12 months.** §17-10-3(a)(1)

Mandatory Minimum Term  
 of Imprisonment: **None**  
 Fine (\$ Range): Not more than **\$1,000.** §17-10-3(a)(1)  
 Mandatory Minimum Fine: **None**

Administrative Licensing Actions:  
 Type of Licensing Action (Susp/Rev): **Suspension** via the point system. §40-5-57  
 Length of Term of License  
 Withdrawal Action: **1 to 5 years** depending on the number of points accumulated.  
 §40-5-57(d)

Mandatory Term of License  
 Withdrawal Action: **Two years** upon reaching the requisite point assessment for  
 the third time within 5 years. §40-5-57(d)(3)

<sup>121</sup>This 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)

<p>Other:</p> <p><u>Aggressive Driving</u><sup>122</sup>:</p> <p>Sanction:</p> <p>Criminal:</p> <p>Imprisonment (Term):</p> <p>Mandatory Minimum Term of Imprisonment:</p> <p>Fine (\$Range):</p> <p>Mandatory Minimum Fine:</p> <p>Administrative Licensing Actions:</p> <p>Type of Licensing Action (Susp/Rev):</p> <p>Length of Term of License</p> <p>Withdrawal Action:</p> <p>Mandatory Term of License</p> <p>Withdrawal Action:</p> <p>Other:</p> <p><u>Commercial Motor Vehicle (CMV) Operators</u><sup>123</sup>:</p> <p><u>Grounds for Disqualification</u>:</p> <p><u>Period of Disqualification</u>:</p> <p><u>Period of Mandatory Disqualification</u>:</p>	<p>A driver may be required to attend a driver improvement course. §40-5-57(c)(1)(C)</p> <p>Misdemeanor of a High and Aggravated Nature. §40-6-397(a) and (b)</p> <p>Not more than <b>12 months</b>. §17-10-4(a)</p> <p><b>None</b></p> <p>Not more than <b>\$5,000</b>. §17-10-4(a)</p> <p><b>None</b></p> <p><b>Suspension</b> via the point system. §40-5-57</p> <p><b>1 to 5 years</b> depending on the number of points accumulated. §40-5-57(d)</p> <p><b>Two years</b> upon reaching the requisite point assessment for the third time within 5 years. §40-5-57(d)(3)</p> <p>A driver may be required to attend a driver improvement course. §40-5-57(c)(1)(C)</p> <p>A person is disqualified from operating a CMV if, while driving such a vehicle, that person (1) commits 2 "serious traffic violations"<sup>124</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §40-5-151(f)</p> <p><u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b>. <u>Three serious violations</u> (within 3 years) — not less than <b>120 days</b>. §40-5-151(f)</p> <p><u>Two serious violations</u> (within 3 years) — <b>60 days</b>. <u>Three serious violations</u> (within 3 years) — <b>120 days</b>. §40-5-151(f)</p>
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<sup>122</sup>Aggressive driving is defined as operating a “motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, including without limitation violating Code Section 40-6-42 (overtaking and passing), 40-6-48 (driving on roadways laned for traffic), 40-6-49 (following too closely), 40-6-123 (turning movements; signals required on turning; changing lanes, slowing or stopping), 40-6-184 (impeding traffic; minimum speed in left-hand lanes), 40-6-312 (operating motorcycle on roadway laned for traffic), or 40-6-390 (reckless driving) with such intent.” §40-6-397(a)

<sup>123</sup>A 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 require that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §40-5-142(7)

<sup>124</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §40-5-142(22)

JURISDICTION:	HAWAII
General Reference:	Hawaii Revised Statutes
<u>Basis for a Speed Law Violation:</u>	
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 and 291C-198(a)
Statutory Speed Limit: See Other below.	35 mph (58 kilometers per hour) for Mopeds <sup>125</sup> §291C-198(b)
Posted (Maximum) Speed Limit:	I. The State Director of Transportation may place signs establishing the maximum speed limit on any highway or “construction area” under the director's jurisdiction. <sup>126</sup> §291C-102(b) II. Local governments may establish maximum speed limits on streets, highways or “construction areas” under their jurisdiction. §291C-163(a)(5), (10), (15) and (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) and (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) and 291C-196(a) III. A “neighborhood electric vehicle” cannot (1) be operated at a speed >25 mph or (2), except for crossing, be driven on

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<sup>125</sup>Notwithstanding 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.

<sup>126</sup>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.

Basis for a Speed Law Violation a highway with a posted speed limit >35 mph.<sup>127</sup> §291C-134(a) and (b)

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 and 701-107(5)  
 Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:  
 Term (Day, Month, Years, Etc.): **None**

Mandatory Minimum Term:

Fine:  
 Amount (\$ Range): First offense — not more than **\$200**. Second offense (within 1 year) — not more than **\$300**. Third or subsequent offense (within 1 year) — not more than **\$500**. §§291C-161(b) and 291D-9(a) and (b)<sup>128</sup>

Mandatory Min. Fine (\$): **None**

Other Penalties:

Traffic School: A person may be required to attend a driver training course.<sup>129</sup> §291C-161(e)

Other: In cases where the limit was exceeded by more than 10 mph, a surcharge of \$10 is imposed. §291C-102(c).

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

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

I. Under §286-126, the court is authorized to suspend a license for not more than **5 years** or revoke a license. In the case of 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**.

<sup>127</sup>A “neighborhood electric vehicle” is defined as a four-wheeled motor vehicle that (1) is emission-free, (2) is designed to carry 1 to 4 persons, (3) is designed to operate at speeds ≤25 mph, (4) has an unladen weight of <1,800 lbs., and (5) satisfies Federal Motor Vehicle Safety Standard No. 500 related to low-speed vehicles (49 CFR 571.500). §291C-1

<sup>128</sup>The district courts must establish schedules of monetary assessments for traffic infractions. These assessments cannot exceed the maximum fine prescribed by law. §291D-9(b)

<sup>129</sup>The district court is authorized to order an offender who within 12 months has violated the traffic laws with such frequency as to indicate disrespect for such laws to report in person to the court for a review of that person’s driving record. Following such a review, the court may order an offender to attend a course of instruction in driver retaining. §286-128

Mandatory Minimum Term of Withdrawal:	<b>None.</b> Licensing action is discretionary. §§286-125, 286-128(b) and 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)
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway</u> <sup>130</sup> :	(1) Petty misdemeanor or (2) if only exhibition of speed or acceleration are involved, infraction (a non-criminal offense) <sup>131</sup> §§291C-103, 291D-2 and 701-107(1, (4) and (5)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>Petty misdemeanor</u> — not more than <b>6 months</b> . §291C-103(e) <u>Infraction</u> — <b>None</b>
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<u>Petty misdemeanor</u> — not more than <b>\$500</b> . §291C-103(e) <u>Infraction</u> — not more than <b>\$500</b> . §291C-103(e)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>I. Court-Ordered Suspension or Revocation</b> via §286-125 <b>II. Court-Ordered Suspension or Revocation</b> via §291C-170
Length of Term of Licensing Withdrawal:	<b>I. Under §286-126, the court is authorized to either suspend a license for not than <b>5 years</b> or revoke a license. In the case of revocation, the licensing agency is not to grant driving privileges for <b>1 year</b>.</b> <b>II. Under §291C-170, the court is authorized to either suspend or revoke a license for <b>1 year</b>.</b>
Mandatory Action — Minimum Length of License Withdrawal:	<b>None.</b> Licensing action is discretionary. §§286-125 and 291C-170
Other:	<b>I. <u>Infraction</u>-Sentenced to Perform <b>Community Service</b>.</b> §291C-103(e) <b>II. A person may be required to attend a driver-training course.</b> §291C-161(e)

<sup>130</sup>**Bicycle Racing:** Except as authorized by law, it is a traffic violation for a person to race a bicycle on the highways. The sanctions for such a violation are: for a first offense not more than **\$200**, for a second offense (within 1 year of the first offense) not more than **\$300** and for a third or subsequent offense (within 1 year of the first offense) not more than **\$500**. §§291C-149 and 291C-161(a) and (b)

<sup>131</sup>A 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)

III. A fee of **\$25** that is paid into the Criminal Injuries Compensation Fund. §351-351  
 IV. Any offender who exceeds a speed limit by 30 mph or more is subject to a fine of **\$2,000** and/or jail for **12 months**, plus license suspension and forfeiture of the vehicle used. §291C-103(f)

Reckless Driving<sup>132</sup>:

Sanction:

Criminal:

Imprisonment (Term):

**Petty misdemeanor.** §§291-2 and 701-107(4)

Not more than **30 days.** §291-2

Mandatory Minimum Term of Imprisonment:

**None**

Fine (\$ Range):

Not more than **\$1,000.** §291-2

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):

**I. Court-Ordered Suspension or Revocation** via §286-125  
**II. Court-Ordered Suspension or Revocation** via §291C-170

Length of Term of License

Withdrawal Action:

I. Under §286-126, the court is authorized to suspend a license for not more than **5 years** or revoke a license. In the case of 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 Term of License

Withdrawal Action:

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

Other:

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

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<sup>132</sup>**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 for not more than **30 days** or a fine of not more than **\$500.** §§291-12 and 701-107(4) A fee of **\$25** which is paid into the Criminal Injuries Compensation Fund is also levied. §351-351 Note: The administrative licensing actions are the same as for Reckless Driving. **Injury Offenses:** The law establishes motor vehicle offenses related to bodily injury: Negligent Vehicle Operation Causing Serious Injury — Class C felony-Imprisonment for not more than **5 years**; fine of not more than **\$10,000.** Negligent Vehicle Operation Causing Substantial Injury — misdemeanor-Jail for not more than **1 year**; fine not more than **\$2,000.** §§706-640,706-660,706-663, 707-705 and 707-706. Discretionary license suspension or revocation is possible for conviction of a felony “in the commission of which a motor vehicle is used, or [for] a violation...of any traffic law ore regulation...involving a vehicle in motion.” A suspension, if ordered, cannot be for more than **5 years.** A revocation, if ordered, must be for a period of **1 year.** §§286-125 and 286-126

Commercial Motor Vehicle (CMV) Operators<sup>133</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>134</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §286-240(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §286-240(e)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — <b>120 days</b> . §286-240(e)

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<sup>133</sup> A 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

<sup>134</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §286-231

JURISDICTION:

IDAHO

General References:

Idaho Code (General Laws of Idaho Annotated), Idaho Infraction (Court) Rules and Idaho Administrative Code (IDAPA)

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. §49-654(1)

Statutory Speed Limit:  
See Other below.

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

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits.<sup>135</sup> 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 (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) and 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)

Minimum Speed Limit:

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

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<sup>135</sup>This includes the establishment of 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. §49-201(4)

Basis for a Speed Law Violation: (continued)

as close as practicable to the right-hand curb or edge of the highway. §49-630(2)

Posted (Minimum) Speed Limit:

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)

Other:

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.<sup>136</sup> §49-656  
 II. For vehicles without 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  
 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)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are infractions.<sup>137</sup> §§49-110(5) and 49-236(2)

Other: N/A

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**<sup>138</sup> §18-113A

Mandatory Min. Fine (\$):

**None**

<sup>136</sup>Based upon investigations, the State determines the safe maximum speed limits for these structures. §49-202(21)

<sup>137</sup>An infraction is a not a crime but a civil public offense. §18-111

<sup>138</sup>**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 \$53; for exceeding the speed limit by ≥20 mph, a fixed penalty of \$108; and for speeding in a construction zone, a fixed penalty of \$82.50. Rule 9(4)(a) and (b) and (6), Idaho Infraction Rules

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Other Penalties:	
Traffic School:	N/A
Other:	N/A
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the point system <sup>139</sup> §49-326(2) and (3)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension for not more than <b>1 year</b> . §49-326(5)
Mandatory Minimum Term of Withdrawal:	<b>None</b> . Restricted driving privileges may be granted. §49-326(4)
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor <sup>140</sup> §§18-111, 49-236(1) and 49-1424(1)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months</b> . §§18-113(1) and 49-236(4)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$300</b> . §§18-113(1) and 49-236(4)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via the point system. §49-326(2)
Length of Term of Licensing Withdrawal:	Suspension for not more than <b>1 year</b> . §49-326(5)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b> . Restricted driving privileges may be granted. §49-326(4)
Other:	N/A

<sup>139</sup>**Point System:** I. An offender's license is suspended for 30 days, 90 days or 6 months, if that person respectively accumulates 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 that person attends 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 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. §49-326 and IDAPA 39.02.71

<sup>140</sup>"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)

Other Criminal Actions Related to Speeding:  
(continued)

<u>Reckless Driving:</u>	Misdemeanor. §§18-111, 49-236(1) and 49-1401(1)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense — 5 to 90 days. Subsequent offense — 10 days to 6 months.</u> §49-1401(2)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense — \$25 to \$300. Subsequent offense — \$50 to \$300.</u> §49-1401(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> §§49-326(1)(f) and 49-1401(2) and (3) For 3 reckless driving offense convictions within 12 months- <b>Revocation.</b> §49-325(1)(d)
Length of Term of License Withdrawal Action:	<u>First offense — 30-day suspension. Second offense (within 2 years) — 90-day suspension. Third offense (within 3 years) — 1 year suspension.</u> §49-326(1)(f) <u>3 offenses within 12 months — 1 year revocation.</u> §§49-325(1)(d) and 49-326(5)
Mandatory Term of License Withdrawal Action:	For suspensions — <b>None.</b> Restricted driving privileges may be granted. §49-326(4) However, for <u>3 offenses within 12 months</u> , the <b>1 year revocation</b> appears to be mandatory. §§49-325(1)(d) and 49-326(5)
<u>Inattentive Driving</u> <sup>141</sup> :	Misdemeanor §§18-111, 49-236(1) and 49-1401(3)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>6 months</b> §18-113(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$300.</b> §18-113(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the point system. §49-326(2)
Length of Term of License Withdrawal Action:	Suspension for not more than <b>1 year.</b> §49-326(5)
Mandatory Term of License Withdrawal Action:	<b>None.</b> Restricted driving privileges may be granted. §49-326(4)

<sup>141</sup>Inattentive 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)

Commercial Motor Vehicle (CMV) Operators<sup>142</sup>:Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations"<sup>143</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §49-335(6)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**. Three serious violations (within 3 years) — not less than **120 days** §49-335(6)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**. Three serious violations (within 3 years) — **120 days** §49-335(6)

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<sup>142</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §49-123(2)(c)

<sup>143</sup>A "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

## JURISDICTION:

## ILLINOIS

General References: 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 that 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:

65 mph<sup>144</sup> (1) on Illinois toll highways and (2) on highways that are divided and have at least 4 lanes.

## See Other below.

§625 ILCS 5/11-601(b) and (d)

55 mph on all other highways, roads or streets outside an urban district. §625 ILCS 5/11-601(b) and (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. 144.

30 mph in an urban district. §625 ILCS 5/11-601(b) and (c)(1)

15 mph in an urban district alley. §625 ILCS 5/11-601(b) and (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.<sup>145</sup> §625 ILCS 5/11-602

III. Based on engineering and traffic investigations, a local government may 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; and (4) except as provided in (1), the speed limit in a residential district cannot be less

<sup>144</sup>The 65 mph speed limit applies (1) to vehicles that 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) used for living quarters, (3) designed to carry or pull property, freight or cargo, or (4) a registered school bus regardless of the number of students it is designed to carry. §§625 ILCS 5/11-217 and 5/11-601(d)

<sup>145</sup>The following limitations apply: (1) The State cannot establish a speed limit greater than 65 mph on any highway; and (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 of 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.

Basis for a Speed Law Violation:  
(continued)

	than 25 mph. §65 ILCS 5/11-40 — 1 and §§625 ILCS 5/11-208 and 5/11-604
Minimum Speed Limit:	<p>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)</p> <p>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)</p>
Posted (Minimum) Speed Limit:	Based 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). Note: Via signs, “specified traffic” (e.g. slower moving traffic) may be directed to use designated lanes. §625 ILCS 5/11-709(c)
Other:	<p>I. The maximum speed limit is 55 mph for Second Division vehicles weighing <math>\geq 8,000</math> lbs. on <u>any</u> highway outside an urban district. §625 ILCS 5/11-601(b) and (e)</p> <p>II. The maximum speed limit for a bus is (1) 65 mph on a 4-lane divided highway 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) and (f)</p> <p>III. The maximum speed limit is 55 mph outside of an urban area for house cars, campers, private living coaches, recreational vehicles and any vehicle that is towing another vehicle. §625 ILCS 5/11-601(b) and (g)</p> <p>IV. The maximum speed limit is 20 mph "while passing a school zone where children pass going to and from school." or while traveling upon any public thoroughfare adjacent to a park zone which has been designated a park zone street and when children are present within 50 feet of motorized traffic. § §625 ILCS 5/11-605(a), 11-605.3.</p> <p>V. Special posted speed limits may be established for construction or maintenance zones. §625 ILCS 5/11-605(b)</p> <p>VI. Based on safety investigations, the State may establish maximum speed limits for bridges or other elevated structures. §625 ILCS 5/11-608</p> <p>VII. No person shall operate a vehicle at speed greater than the "maximum attainable operating speed" of such vehicle as determined by its manufacturer. §625 ILCS 5/11-611</p> <p>VIII. No person shall drive <math>\geq 40</math> mph over the applicable maximum speed limit. §625 ILCS 5/11-601.5</p>

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: First or second speed law offenses are petty offenses. A third or subsequent speed law offense (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104

Other: Driving  $\geq 40$  mph over the speed limit, Class A misdemeanor. §625 ILCS 5/11-601.5

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.): First or second offenses — **none**. Third or subsequent offense (within 1 year) — not more than **30 days**. §730 ILCS 5/5-8-3(a)(3) Driving  $\geq 40$  mph over the speed limit-Any term **less than 1 year**. §730 ILCS 5/5-8-3(a)(1)

Mandatory Minimum Term: **None**

Fine:  
Amount (\$ Range): First or second offense — not more than **\$1,000**. Third or subsequent offense (within 1 year) — not more than **\$1,500**. §730 ILCS 5/5-9-1(a)(3) and (4) Driving  $\geq 40$  mph over the speed limit — not more than **\$2,500**. §730 ILCS 5/5-9-1(a)(2)

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 the 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 on (1) 3 traffic offenses within a 12-month period or (2) repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) and (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) and (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation.<sup>146</sup>

<sup>146</sup>**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

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term of  
Withdrawal:**None.** Licensing action by the State is discretionary. §625  
ILCS 5/6-206Miscellaneous Sanctions  
Not Included Elsewhere:**Exceeding the Posted Speed Limit in School Zones, or in  
Construction Zones** {when at least one worker is present} is  
a petty offense with a fine of **\$150 to \$1,000**. The minimum  
fine of **\$150** appears to be mandatory. There is an additional  
fine of **\$50** which is used for school safety purposes. §§625  
ILCS 5/11-605(e) and (f) and 730 ILCS 5/5-9-1(a)(4)Other Criminal Actions Related to Speeding:Drag Racing on the Highway:**Class C misdemeanor.** §625 ILCS 5/11-504

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **30 days.** §730 ILCS 5/5-8-3(a)(3)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

Not more than **\$1,500.** §730 ILCS 5/5-9-1(a)(3)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Revocation.** §625 ILCS 5/6-205(a)(8)

Length of Term of

Licensing Withdrawal:

**1 year.** §625 ILCS 5/6-208(b)(1)

Mandatory Action — Minimum

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 revocation 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); (2) if there has been 1 or more prior suspensions 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 suspensions 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). (3) If there have been 2 or more prior suspensions 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)

Other Criminal Actions Related to Speeding:  
(continued)

Length of License Withdrawal:	<b>None.</b> 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>Reckless Driving:</u>	Class A misdemeanor. §625 ILCS 5/11-503(a) and (b)
Sanction:	
Criminal:	
Imprisonment (Term):	Any term <b>less than 1 year.</b> §730 ILCS 5/5-8-3(a)(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$2,500.</b> §730 ILCS 5/5-9-1(a)(2)
Mandatory Minimum Fine:	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> via a point system. <b>Revocation</b> upon 3 convictions within 12 months. §625 ILCS 5/6-205(a)(6)
Length of Term of License Withdrawal Action:	<b>1 year.</b> §625 ILCS 5/6-208(b)(1)
Mandatory Term of License Withdrawal Action:	<b>None.</b> 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>Aggravated Reckless Driving:</u> <sup>147</sup>	Class 4 Felony §625 ILCS 5/11-503(a) and (c)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>1 to 3 years.</b> §730 ILCS 5/5-8-1(a)(7)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$25,000.</b> §730 ILCS 5/5-9-1(a)(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation</b> upon 3 convictions within 12 months. §625 ILCS 5/6-205(a)(6)

<sup>147</sup> Aggravated 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)

Aggravated Reckless Driving:  
(continued)

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

Squealing or Screeching of Tires:

First or second offenses are petty offenses. §625 ILCS 5/11-505. A third offense (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104

Sanction:

Criminal:

Imprisonment (Term):

First or second offenses — **None**. Third offense (within 1 year) — not more than **30 days**. §730 ILCS 5/5-8-3(a)(3)

Mandatory Minimum Term  
of Imprisonment:

**None**

Fine (\$ Range):

First or second offenses — not more than **\$1,000**. Third offense (within 1 year) — not more than **\$1,500**. §730 ILCS 5/5-9-1(a)(3) and (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) and (3)

Length of Term of License

Withdrawal Action:

**Suspension** — not more than **1 year**. **Revocation** — **1 year**. §625 ILCS 5/6-208(a) and (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation.

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) Operators.<sup>148</sup>

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 “serious traffic violations” <sup>149</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §625 ILCS 5/6-514(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>2 months</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>4 months</b> §625 ILCS 5/6-514(e)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>2 months</b> ; <u>three serious violations</u> (within 3 years) — <b>4 months</b> §625 ILCS 5/6-514(e)

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<sup>148</sup>A 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 be placarded in accordance with U.S. Department of Transportation regulations. §625 ILCS 5/6-500(6)

<sup>149</sup>A “serious traffic violation” includes exceeding the speed limit by 15 or more mph or reckless driving. §625 ILCS 5/6-500(26)

## JURISDICTION:

**INDIANA**

This chapter summarizes Indiana State statutes related to speed.

## General References:

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 then 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 and 9-21-5-4

## Statutory Speed Limit:

70 mph {except for vehicles having a declared gross weight greater than twenty-six thousand pounds} on an interstate or defense highway located outside an urban area with a population  $\geq 50,000$ . §9-21-5-2(3)

65 mph for vehicles having a declared gross weight greater than twenty-six thousand pounds - — on an interstate or defense highway located outside an urban area with a population  $\geq 50,000$ . §9-21-5-2(4)

65 mph on:

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway. §9-21-5-2(5)

60 mph on a highway:

(A) not designated part of the national system of interstate and defense highways;

(B) has four (4) or more lanes;

(C) is divided into two (2) or more roadways by:

(i) an intervening space that is unimproved and not intended for vehicular travel;

(ii) a physical barrier; or

(iii) a dividing section constructed to impede vehicular traffic; and

(D) is located outside an urbanized area. §9-21-5-2(7)

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(8)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or lower the

Basis for a Speed Law Violation: (continued)

above speed limits on any part of a highway.<sup>150</sup> §§9-21 — 5 — 3 and 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.<sup>151</sup> §§9-21-1-3(a)(5) and (11), 9-21 — 5 — 3 and 9-21-5-6(a) and (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. §§9-21-5 — 9 and 9-21-8-2(b)

Posted (Minimum) Speed Limit:

Based 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)

II. An "oversized vehicle"<sup>152</sup> 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 not to exceed 45 mph in any location. §9-21-5-11

V. A vehicle that is not ordinarily 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)

<sup>150</sup>The department may also establish different maximum speed limits (1) for different times of the day, (2) for various types of vehicles, (3) for various weather conditions or (4) for other factors related to speed. §9-21-5-12(b)

<sup>151</sup>However, 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 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)

<sup>152</sup>An "oversized vehicle" is one which is either has (1) a width >10 feet, 6 inches, (2) a height >13 feet, 6 inches, or (3) a length >85 feet. §9-21 — 5 — 5

VII. 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. All speed law violations are Class C infractions, except for II below and for violations of a speed limit near a school when children are present or near a worksite when workers are present, which are Class B infractions. §§9-21-5-13, 9-21-8-49, 9-21 — 9 — 7 and 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(a)

Other: N/A

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 **60 days** §35-50-3-4

Mandatory Minimum Term: **None**

Fine:

Amount (\$ Range): Class C infraction — not more than **\$500** §34-28-5-4(c)  
 Class B infraction — not more than **\$1,000** §34-28-5-4(b)  
 Class C misdemeanor — not more than **\$500** §35-50-3-4

Mandatory Min. Fine (\$): **None**

Other Penalties:

Traffic School: Note: If a person attends a "defensive driving course, that person's point accumulation total is reduced by 4 points. §140 IAC §1-4.5-7

Other: **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)  
**Exceeding Speed Limit in School Zone (with Children Present):** Class B infraction — not more than **\$1,000**. §§9-21-5-13 and 34-28-5-4(b)

Licensing Action:

Type of Licensing Action (Susp/Rev): **Suspension.**<sup>153</sup> §9-30-4-9(a)(4)

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<sup>153</sup>**Point System:** The point system is used by the licensing agency as a means of 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 accumulating 12 points within 24 months (10 points within 24 months if under 18 years old) or 8 points within 1 year. II. Persons are required to appear for administrative hearings if having: (1) 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) 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

Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year</b> . §9-30-4-9(g)
Mandatory Minimum Term of Withdrawal:	<b>None</b> . A restricted license for employment purposes may be issued. §9-24-15-2
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Speed Contests on Highways or Streets:</u> Sanctions:	Class B misdemeanor. §§9-21 — 6 — 1 and 9-21-6-3
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>180 days</b> . §35-50-3-3
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> . §35-50-3-3
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension</b> . §9-30-4-9(a)(4)
Length of Term of Licensing Withdrawal:	Not more than <b>1 year</b> . §9-30-4-9(g)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b> . A restricted license for employment is available. §9-24-15-2
Other:	N/A
<u>Reckless Driving</u> <sup>154</sup> : Sanction:	Class B misdemeanor. §§9-21-8-50 and 9-21-8-52
Criminal:	
Imprisonment (Term):	Not more than <b>180 days</b> . §35-50-3-3
Mandatory Minimum Term of Imprisonment:	<b>None</b>

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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 and 1-4.5-10

<sup>154</sup>Reckless driving is defined as follows: I. Operating a vehicle at such a high or low rate of speed such as to 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 and 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 when the arm signal device is in operation §9-21-8-52(a)(5); and VI. Operating a tractor-trailer so as to endanger the safety or property of others or block the flow of traffic. §9-21-8-50

Reckless Driving  
(continued)

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** §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) and 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) and 140 IAC §1-4.5-10(d)

Other: N/A

Criminal Recklessness<sup>155</sup>: 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** §9-30-13-1

Length of Term of License

Withdrawal Action: **60 days to 2 years**. §9-30-13 — 1

Mandatory Term of License

Withdrawal Action: A **60-day** suspension appears to be mandatory. §9-30-13 — 1 and 140 IAC §1-4.5-10(d)

Other:

**Aggressive Driving**-{Class A misdemeanor} during one episode of continuous driving of a vehicle, the person does or commits at least three of the following:

- (1) Following a vehicle too closely in violation of IC 9-21-8-1;
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.;
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6;
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.;
- (5) Unnecessary sounding of the horn in violation

<sup>155</sup> A person commits "criminal recklessness" if that person operates a motor vehicle in such a manner as to create a substantial risk of bodily injury. §35-42-2-2(b)

of IC 9-19-5-2; (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34; (7) Failure to obey a traffic control device in violation of IC 9-21-8-41.; 8) Driving at an unsafe speed in violation of IC 9-21-5; (9) Repeatedly flashing the vehicle's headlights.

Commercial Motor Vehicle (CMV) Operators<sup>156</sup>:

<u>Grounds for Disqualification:</u>	A person is subject to CDL disqualification if, while operating a CMV, that person (1) commits 2 "serious traffic violations" <sup>157</sup> within a 3-year period or (2) commits 3 or more violations within a 3-year period. §9-24-6-7
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days.</b> <u>Three or more serious violations</u> (within 3 years) — <b>120 days.</b> §9-24-6-7
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days.</b> <u>3 or more serious violations</u> (within 3 years) — <b>120 days.</b> §9-24-6-7

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<sup>156</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §9-13-2-31

<sup>157</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §9-24-6-6(a)(1) and (2)

## JURISDICTION:

## IOWA

## General References:

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 then 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 and 321.288

## Statutory Speed Limit:

70 mph - — interstate highways<sup>158</sup>; 65 on other controlled-access, multi-laned highways §321.285(6)(a)

## See Other below.

55 mph on other highways or on surfaced secondary roads.<sup>159</sup> §321.285(4)

45 mph in suburban districts. §321.285(3)

45 mph on roads under the control of the State Board of Regents.<sup>160</sup> §262.68

35 mph on State parks and preserve roads. §461A.36

25 mph in a residence or school district. §321.285(2)

20 mph in a business district. §321.285(1)

## Posted (Maximum) Speed Limit:

I. The State may also establish a speed limit of 65 mph on certain non-limited access divided multi-laned 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.<sup>161</sup> §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. §321.285(6)

IV. Local authorities have the authority to regulate the speed in public parks and alleys. §321.236(5) and (11)

V. With State approval, a local government may increase the statutory speed limits listed in §321.285.

<sup>158</sup> The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit on portions of interstate highway system for safety reasons. §321.285 6 (b)

<sup>159</sup> If 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

<sup>160</sup> The Board of Regents has authority over various education institutions (e.g., State University of Iowa).

<sup>161</sup> 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.

Basis for a Speed Law Violation: (continued)

However, any new speed limit cannot >55 mph. §321.293<sup>162</sup>  
 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

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, multi-laned 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 and 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**

<sup>162</sup>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.

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

## Fine:

Amount (\$ Range): **\$50 to \$500**<sup>163</sup> §903.1(1)(a)Mandatory Min. Fine (\$): **None**

## Other Penalties:

Traffic School: **Driver Improvement Program**<sup>164</sup> IAC 761-615.43(1)(a)Other: **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(66) and 805.8A(14)(i)

## Licensing Action:

Type of Licensing Action

(Susp/Rev): **Suspension**<sup>165</sup> §321.210(1)

Term of License Withdrawal

(Days, Months, Years, etc.): **30 days to 1 year**<sup>166</sup> §321.212(1)(a) and IAC 761-615.11(1)

Mandatory Minimum Term of

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

<sup>163</sup>**Scheduled Violations.** Most speed law violations are considered "scheduled violations" for which the following fines are provided. §§805.8 .7 805.8A. However, "[e]xcessive speed in whatever amount by a **school bus** is not a scheduled violation....." §805.8A(5)(c) The fine schedule for speeding offenses in speed zones greater than fifty-five miles per hour is as follows: (1) ≤5 mph over the speed limit — \$20; (2) >5 mph but ≤10 mph over the speed limit — \$40; (3) >10 mph but ≤15 mph over the speed limit — \$60; (4) >15 mph but ≤20 mph over the speed limit — \$80; (5) >20 mph over the speed limit — \$90 plus \$5 for every mph over the 20 mph excessive speed. §805.8A(5)(a) 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. §805.8A(5)(b) For violating the posted safe speed limit for a bridge or elevated structure, the scheduled fine is \$30. §805.8A(5)(e) For violating the minimum speed rule (i.e., driving too slow), the scheduled fine is \$35. §805.8A(8) 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 \$35. §805.8A(6)(c) For a failure to control vehicle and reduce speed to reasonable and proper rate there is a scheduled fine of \$35. §805.8A(6)(c)

<sup>164</sup>The 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)(a)(2) and (b)

<sup>165</sup>A person's license may be suspended if that person is a habitual offender of the traffic laws or if that person commits a serious offense. §321.210(1)(b) and (f)

<sup>166</sup>I. 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 761-615.13(2) 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 actions 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. 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)

Miscellaneous Sanctions  
Not Included Elsewhere<sup>167</sup>:

- 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, that person is subject to a civil penalty of **\$200** (if ≤19 years old, the civil penalty is **\$50**). §321.218A

Other Criminal Actions Related to Speeding:

Drag Racing on Highway:

Simple misdemeanor. §321.278

Sanctions:

Criminal Sanction:

Imprisonment (Term):

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

Mandatory Minimum Term:

**None**

Fine (\$ Range):

**\$50 to \$500**. §903.1(1)(a)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Revocation.** §321.209(6)

Length of Term of

Licensing Withdrawal:

First offense — **6 months**. If there was no personal injury or property damage §321.212(1)(c) First 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, that person is subject to a civil penalty of **\$200**. (if ≤19 years old, the civil penalty is \$50). §321.218A

Reckless Driving:

Simple misdemeanor §321.277

Sanction:

Criminal:

Imprisonment (Term):

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

Mandatory Minimum Term

of Imprisonment:

**None**

<sup>167</sup>I. A person commits an aggravated misdemeanor if he/she exceeds the speed limit by 25 mph while eluding a law enforcement officer. The sanctions for this misdemeanor are jail for not more than 2 years and/or a fine of \$500 to \$5,000 and a surcharge that is equal to 30 percent of any fine imposed. §§321.279(2), 903.1(2) and 911.2

II. A person commits a Class D felony if he/she exceeds the speed limit by 25 mph while eluding a law enforcement officer and commits one of the following: (1) participates in a public offense which is a felony (§702.13); (2) violates the drunk driving law (§321J.2); (3) violates the controlled substance law (§124.401); or (4) causes bodily injury to another person during the offense. The sanctions for this felony are imprisonment for not more than 5 years and/or a fine of \$750 to \$7,500 and a surcharge that is equal to 30 percent of any fine imposed. §§321.279(3), 902.9(5) and 911.2

Fine (\$ Range):	<b>\$50 to \$500.</b> §903.1(1)(a)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> §321.210(1)(f)
Length of Term of License Withdrawal Action:	Not more than <b>1 year.</b> 321.212(1)(a)
Mandatory Term of License Withdrawal Action:	<b>None.</b> 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. <b>Civil Penalty.</b> If an offender's license is suspended, he/she is subject to a civil penalty of <b>\$200.</b> (if ≤19 years old, the civil penalty is \$50). §321.218
<u>Careless Driving</u> <sup>168</sup> :	Simple misdemeanor. §§321.277A and 321.482
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<b>\$25.</b> §805.8(2)(af)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> §321.210(1)
Length of Term of License Withdrawal Action:	Not more than <b>1 year.</b> §321.212(1)(a)
Mandatory Term of License Withdrawal Action:	<b>None.</b> 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. <b>Civil Penalty.</b> If an offender's license is suspended, that person is subject to a civil penalty of <b>\$200</b> (if ≤19 years old, the civil penalty is \$50). §321.218A III. <b>Road Work Zone.</b> For a violation of the careless driving law in a road work zone, the fine is <b>doubled.</b> §§321.1(66) and 805.8A(14)(i)

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<sup>168</sup>"Careless driving" consists of intentionally operating a 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

Commercial Motor Vehicle (CMV) Operators<sup>169</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 or more serious traffic offenses <sup>170</sup> within a 3-year period. §321.208(4)
<u>Period of Disqualification:</u>	<u>Two violations</u> (within 3 years) — <b>60 days.</b> <u>3 violations</u> (within 3 years) — <b>120 days.</b> §321.208(4)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days.</b> <u>Three serious violations</u> (within 3 years) — <b>120 days.</b> §§321.208 and 321.215(4)

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<sup>169</sup>A 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 require that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §321.1

<sup>170</sup>These violations include exceeding the speed limit by 15 or more mph and reckless driving. §321.208(4)

JURISDICTION:

KANSAS

General Reference:

Kansas Statutes Annotated and Kansas Administrative Regulations

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 then existing. §8-1557

Statutory Speed Limit:  
See Other below.

70 mph on multi-lane highways as designated by the State Secretary of 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.<sup>171</sup> §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) and (b) and 8-2002  
IV. Local authorities that 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 be established >65 mph. §8-1560(h)  
V. Local authorities, within their respective jurisdictions, may establish speed limits within construction zones. §8-1560(f)

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<sup>171</sup>The 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) and (d). In addition, 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. §8-1559(b)

Basis for a Speed Law Violation:  
(continued)

- |                               |  |
|-------------------------------|--|
| Minimum Speed Limit:          | <p>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)</p> <p>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)</p>  |
| Posted (Minimum) Speed Limit: | <p>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)</p> <p>II. Based on engineering and traffic investigations, either the State Sec. of Transportation or local government authorities may establish a maximum speed limit on any bridge or elevated structure. §8 — 1 563(c) and (d)</p>  |
| Other:                        | <p>I. A motor-driven cycle shall not be operated at a speed greater than 35 mph. §8-1562</p> <p>II. A vehicle that is towing a house trailer shall not be operated at a speed greater than 55 mph. §8-1563(a)</p> <p>III. A vehicle equipped with solid rubber tires shall not be operated at a speed greater than 10 mph. §8-1563(b)</p> <p>IV. While traveling to or from a school, interschool or intra-school function or activity, a school bus cannot be driven (1) &gt;45 mph on roadways having a dirt, sand or gravel surface or (2) &gt;55 mph on other highways. §8-1558(b)</p> |

Adjudication of Speed Law Violations:

- |   |   |
|---|---|
| Civil/Criminal Adjudication of Violation: | All speed law violations are traffic infractions. §§8-2116, 8-2118 and 21-3105(2) |
| Other:                                    |   |

Sanctions Following an Adjudication of a Speed Law Violation:

- |                                 |  |
|---------------------------------|--|
| Criminal Sanctions:             |  |
| Imprisonment:                   |  |
| Term (Day, Month, Years, Etc.): | <b>None</b>  |
| Mandatory Minimum Term:         |  |
| Fine:                           |  |
| Amount (\$ Range):              | Not more than <b>\$500</b> <sup>172</sup> §21-4503a(d) |

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<sup>172</sup>If a person either waives right to a trial or pleads guilty 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 \$60. For exceeding the speed limit by 1 to 10 mph, the fine is \$30. For exceeding the speed limit by 11 to 20 mph, the fine is \$30 plus \$6 for every mph above 10 mph over the limit. For exceeding the speed limit by 21 to 30 mph, the fine is \$90 plus \$9 for every mph above 20 mph over the limit. For

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	If an offender is subject to a license suspension because of 3 moving violations within 12 months, that person may be allowed to maintain driving privileges by attending a driver improvement clinic. §8-255(f)
Other:	<b>Construction Zone:</b> For speeding violations committed within a construction zone, the fine is <b>double</b> the usual amount for a speeding offense. §8-2118(e)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Revocation, Suspension or Restriction.</b> <sup>173</sup> §8-255(a)(1) and (2)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year.</b> §8-256
Mandatory Minimum Term of Withdrawal:	<b>None</b>
Miscellaneous Sanctions	
Not Included Elsewhere:	<b>Assessment.</b> An offender is assessed <b>\$9</b> in addition to any fine. <sup>174</sup> §12-4117(a)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class A, B or C misdemeanor. <sup>175</sup> §§8-1565(a) and (d) and 8-2116(b)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>1 month</b> ; <u>second offense</u> (within 1 year) — not more than <b>6 months</b> ; <u>third or subsequent offense</u> (within 1 year) — not more than <b>1 year.</b> §21-4502(1)(a), (b) and (c)
Mandatory Minimum Term:	<b>None</b>

exceeding the speed limit by 31 mph, the fine is \$180 plus \$15 for every mph above 30 mph over the limit. II. For impeding the normal flow of traffic, the fine is \$30. III. For speeding on a motorcycle, the fine is \$60. IV. For exceeding the posted maximum safe speed on a bridge or elevated structure, the fine is \$30. V. For not driving in the right-lane when proceeding at a speed less than the normal speed of traffic, the fine is \$60. §8-2118(c)

<sup>173</sup>**Basis for Revocation, Suspension or Restriction:** The licensing agency is authorized to suspend an offender's license if the following conditions are satisfied: (1) the offender has committed numerous serious traffic law violations which indicate disrespect for the traffic laws; and (2) the offender has been convicted of 3 or more moving traffic law violations within a 12 month period (maintenance of driving privileges may be allowed if the offender attends a driver improvement clinic) §8-255(a)(1) and (2) and (f). Exceeding an authorized limit of 55 mph but not exceeding 70 mph is not considered a moving violation for purposes of this section. §8-1560c

<sup>174</sup>A first offense is a Class C misdemeanor. A second offense within 1 year is a Class B misdemeanor. A third or subsequent offense within 1 year is a Class A misdemeanor. §8-2116(b)

<sup>175</sup>A first offense is a Class C misdemeanor. A second offense within 1 year is a Class B misdemeanor. A third or subsequent offense within 1 year is a Class A misdemeanor. §8-2116(b)

Other Criminal Actions Related to Speeding:

(continued)

Fine (\$ Range):

First offense — not more than **\$500**; second offense (within 1 year) — not more than **\$1,000**; third or subsequent offense (within 1 year) — not more than **\$2,500**. §21-4503a(b)(1), (2) and (3)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Revocation, Suspension or Restriction.** §8-255(a)(1) and (2)

Length of Term of

Licensing Withdrawal:

Not more than **1 year**. §8-256

Mandatory Action — Minimum

Length of License Withdrawal:

**None**

Other:

**Assessment.** An offender is assessed **\$9** in addition to any fine. §12-4117(a)

Reckless Driving:

Misdemeanor §8-1566(a) and (b)

Sanction:

Criminal:

Imprisonment (Term):

First offense — **5 to 90 days**; second or subsequent offense — **10 days to 6 months**. §8-1566(b)

Mandatory Minimum Term

of Imprisonment:

**None**

Fine (\$ Range):

First offense — **\$25 to \$500**; second or subsequent offense — **\$50 to \$500**. §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. §8-254(b)

Commercial Motor Vehicle (CMV) Operators<sup>176</sup>Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>177</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §8-2,142(f)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days**. §8-2,142(f)

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<sup>176</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §8-2,128(f)

<sup>177</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §8-2,128(v)

JURISDICTION:

KENTUCKY

General Reference:

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 four or more lanes<sup>178</sup> §189.390(3)(a) and (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.<sup>179</sup> 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) and (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)

<sup>178</sup>The interstate and divided highways must be fully controlled access highways. §189.390(5)(d)

<sup>179</sup>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.

Basis for a Speed Law Violation:  
(continued)

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: N/A

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 **\$100**.<sup>180</sup> §189.394  
Other Violations — **\$20 to \$100**. §§189.990(1) and 189.993(12)

Mandatory Min. Fine (\$): **None**

Other Penalties:

Traffic School: A person may be required to attend a State Traffic School.<sup>181</sup> §186.574

Other: N/A

Licensing Action:

Type of Licensing Action (Susp/Rev): **Suspension**.<sup>182</sup> §§186.400, 186.570 and 186.572 and 601 KAR 13:025

Term of License Withdrawal

(Days, Months, Years, etc.): I. **90 days to 2 years** for speeding violations except as noted.  
II. For speeding  $\geq 26$  mph over the speed limit — first offense

<sup>180</sup>Fines 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(5)

<sup>181</sup>The court may place an offender in this program in lieu of other sanctions. §186.574(1). Except for driver education requirements, a person is only eligible to attend traffic school once in any one-year period. §186.574(5)(d)

<sup>182</sup>**Point System:** I. Under the point system, an offender's license is suspended for 6 months if accumulating 12 points within a 2-year period. The suspension is 1 year for 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  $\leq 15$  mph over the speed limit — 3 points; speeding  $\geq 16$  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. III. Statutory law prohibits the assessment of points for speeding 10 mph or less over the limit on limited access highways or limited access highways of four or more lanes on which the speed limit is 65 mph or more. §186.572. In an opinion, the State Attorney General has noted that there 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 that should be used, the State Attorney General has determined that the lower point value should be used in the interest of being lenient to the offender. OAG 78-771

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

**90 days; second offense** — not less than **1 year; subsequent offense** — not less than **2 years.** 601 KAR 13:025

Mandatory Minimum Term of  
Withdrawal:

First offense — An offender may be placed on probation for 2 years<sup>183</sup> in lieu of license suspension. Subsequent offense — If a person receives an additional conviction during the probation period, that person’s license must be suspended. 601 KAR 13:025

Miscellaneous Sanctions  
Not Included Elsewhere:

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 the driver to complete a driver improvement clinic. §189.990(27)

Other Criminal Actions Related to Speeding:

Racing on Highway:  
Sanctions:

Class B misdemeanor<sup>184</sup> §§189.505, 189.993(5) and 532.020(3)

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

Not more than **30 days.** §189.993(5)  
**None**  
**\$60 to \$200.** §189.993(5)  
**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 system  
**90 days to 2 years**

Other:

First offense — An offender may be placed on probation for 2 years in lieu of license suspension; subsequent offense — If a person receives an additional conviction during the probation period, that person’s license must be suspended. 601 KAR 13:025  
A person may be required to attend a State Traffic School. §186.574

Careless (Reckless) Driving<sup>185</sup>:

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

Criminal:

<sup>183</sup>A person who has been placed on probation cannot be placed in such status again until 2 years have passed since the end of the last probation period. 601 KAR 13:025

<sup>184</sup>It 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) and 532.020(4)

<sup>185</sup>Under 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).

Other Criminal Actions Related to Speeding:  
(continued)

Imprisonment (Term): Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range): Mandatory Minimum Fine:	<b>\$20 to \$100.</b> §189.990(1) <b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation.</b> §§186.560 and 186.570 and 601 KAR 13:025
Length of Term of License Withdrawal Action:	<b>90 days to 2 years</b> via the point system. <u>3 convictions within 12 months</u> — not less than a <b>2-year revocation.</b> §186.560(1)(e) and (5)
Mandatory Term of License Withdrawal Action:	<u>3 convictions within 12 months</u> — <b>2-year revocation.</b> (appears mandatory) §186.560(1)(e) and (5)
Other:	A person may be required to attend a State Traffic School. §186.574

Commercial Motor Vehicle (CMV) Operators<sup>186</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>187</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §281A.190(6)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days; three serious violations</b> (within 3 years) — <b>120 days.</b> §281A.190(6)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days; three serious violations</b> (within 3 years) — <b>120 days.</b> §281A.190(6)

<sup>186</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §281A.010(8)

<sup>187</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §281A.010(28)

## JURISDICTION:

LOUISIANA

## General Reference:

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 highways.<sup>188</sup>  
§§32:61(A)(1) and 32:62(A)

## See Other below.

65 mph on other multi-lane divided highways which have partial or no control of access. §§32:61(A)(2) and 32:62(A)  
55 mph on other highways. §§32:61(A) and 32:62(A)

## Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits.<sup>189</sup>  
§§32:61(B) and 32:63(A)

**Legislative Requests:** I. The Louisiana Legislature has requested that the State Department of Transportation and Development "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 Louisiana Legislature has requested that the State Department of Transportation and Development increase the speed limit on Interstate Highway 55 between Pontchatoula and LaPlace from 60 mph to 70 mph. House Concurrent Resolution 130 adopted in 1999

**Legislative Directive:** The Louisiana Legislature has directed that the State Department of Transportation and Development lower the speed limit to 45 mph on Louisiana Highway 964 from its intersection with Louisiana Highway 61 to the East

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<sup>188</sup>**St. Tammany Parish and Adjacent Areas:** The following speed limits apply in St. Tammany Parish and adjacent areas when, due to fog, visibility is  $\leq 1,000$  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)

<sup>189</sup>Louisiana law does not specifically state whether different highway speed limits may be established for different types of vehicles, for various weather conditions or for different times of the day.

Basis for a Speed Law Violation: (continued)

- Baton Rouge Parish line. Senate Concurrent Resolution 52 adopted in 1999
- 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) and 32:42
- 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. §32:64(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 then available for traffic or as close as practicable to the right hand curb or edge of the roadway. §32:71(B)(2)
- Posted (Minimum) Speed Limit:
- Based on engineering and traffic investigations, the State may establish a minimum speed limit on any highway. §32:63(B).  
Note: Via signs, slower moving traffic may be directed to use designated lanes. §32:79(2)
- Other:
- I. No person shall operate a freight-carrying vehicle upon a highway >55 mph. Exceptions: Such vehicles may not be driven (1) >70 mph on interstate or controlled access highways or (2) >65 mph on multi-lane divided highways. §32:62(A)
- II. No person shall tow a mobile home at a speed >45 mph.<sup>190</sup> 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 carrying children at a speed >55 mph.<sup>191</sup> §32:62(D)
- V. A vehicle carrying a pre-cast 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)

<sup>190</sup>If 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)

<sup>191</sup>However, if the school bus is making frequent stops discharging children, it cannot be operated at a speed >35 mph.  
§32:62(D)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are misdemeanors. §32:57(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.):

First offense — not more than **30 days**; Subsequent offense — not more than **90 days**. §§32:57(A) and 47:502.1(B)

## Mandatory Minimum Term:

**None**

## Fine:

Amount (\$ Range):

First offense — not more than **\$175**;<sup>192</sup> Subsequent offense — not more than **\$500**. §§32:57(A) and 47:502.1(B)

Mandatory Min. Fine (\$):

**None**

## Other Penalties:

## Traffic School:

An offender may be required to attend a driver education, training or improvement program.<sup>193</sup> Code of Criminal Procedure, Article 892.1

## Other:

A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. §46:2633(B)

## Licensing Action:

## Type of Licensing Action

(Susp/Rev):

**Suspension, Revocation or Cancellation.**<sup>194</sup> §32:414(E)(3) and (4)

## Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year**. §32:414(F)(2)

## Mandatory Minimum Term of

Withdrawal:

**None**<sup>195</sup>

<sup>192</sup>For persons who operate a log loader in excess of 40 mph, the fine for a first 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.

<sup>193</sup>I. The court may suspend the sentence of first 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) and (C). II. For either first 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)

<sup>194</sup>The licensing agency is authorized to suspend, revoke or cancel a person's license upon a showing either (1) that the person has been convicted (or forfeited bail) on traffic offenses with such a frequency that indicates a disrespect for the traffic law or (2) that person is a habitually reckless or negligent driver. §32:414(E)(3) and (4)

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

Miscellaneous Sanctions  
Not Included Elsewhere:

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)

Other Criminal Actions Related to Speeding:

Drag Racing or Racing on the Highway:

Misdemeanor §32:65 and Code of Criminal Procedure, Article 933

Sanctions:

Criminal Sanction:

Imprisonment (Term):

First offense — not more than **30 days**; subsequent offense — not more than **90 days**. §32:57(A)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

First offense — not more than **\$175**; subsequent offense — not more than **\$500**. §32:57(A)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and  
Type of Action:

**Suspension, Revocation or Cancellation.** §32:414(E)(3) and (4)

Length of Term of

Licensing Withdrawal:

Not more than **1 year**. §32:414(F)(2)

Mandatory Action — Minimum

Length of License

Withdrawal:

**None**

Other:

An offender may be required to attend a driver education, training or improvement program. Code of Criminal Procedure, Article 892.1

Reckless Vehicle Operation<sup>196</sup>:

Misdemeanor. §§14:2(4) and (6), 14:99 and Code of Criminal Procedure, Article 933

Sanction:

Criminal:

Imprisonment (Term):

First offense — not more than **90 days**; subsequent offense — **10 days to 6 months**. §14:99

Mandatory Minimum Term  
of Imprisonment:

**None**

<sup>195</sup> A person who has had the license suspended, revoked or cancelled for the first time may apply for driving privileges based on economic hardship; i.e., the loss of driving privileges would deprive the offender from earning a living. §32:415.1(A)

<sup>196</sup> “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)

Fine (\$ Range):	<u>First offense</u> — not more than <b>\$200</b> ; <u>subsequent offense</u> — <b>\$25 to \$500</b> . §14:99
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension, Revocation or Cancellation.</b> §32:414(E)(3) and (4) <b>suspension</b> (mandatory) for 3 offenses within 12 months §32:414(B)(5)
Length of Term of License Withdrawal Action:	Not more than <b>1 year</b> . §32:414(F)(2)
Mandatory Term of License Withdrawal Action:	<b>None</b>
Other:	I. An offender may be required to attend a driver education, training or improvement program. Code of Criminal Procedure, Article 892.1 II. A fee of <b>\$5</b> is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. §46:2633
<u>Careless Vehicle Operation:</u>	Misdemeanor. §§14:2(4) and (6), 32:58 and Code of Criminal Procedure, Article 933
Sanction: Criminal:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>30 days</b> ; <u>subsequent offense</u> — not more than <b>90 days</b> . §32:57(A)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — not more than <b>\$175</b> ; <u>subsequent offense</u> — not more than <b>\$500</b> . §32:57(A)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension, Revocation or Cancellation.</b> §32:414(E)(3) and (4)
Length of Term of License Withdrawal Action:	Not more than <b>1 year</b> . §32:414(F)(2)
Mandatory Term of License Withdrawal Action:	<b>None</b>
Other:	An offender may be required to attend a driver education, training or improvement program. Code of Criminal Procedure, Article 892.1

Commercial Motor Vehicle (CMV) Operators<sup>197</sup>:Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations"<sup>198</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §32:414.2(5)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days**. §32:414.2(5)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. §32:414.2(5)

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<sup>197</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §32:401(5)

<sup>198</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §32:414.2(A)(d)(i) and (ii).

JURISDICTION:	MAINE
General Reference:	Maine Revised Statutes Annotated (MRSA) and Code of Maine Rules (CMR)
<u>Basis for a Speed Law Violation:</u>	
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:	45 mph on all other public ways. Title 29-A, §2074(1)(D) <b>Important:</b> For maximum speed limits on the Maine Turnpike and interstate and divided controlled-access highways, see I under Posted (Maximum) Speed Limit below. 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. <sup>199</sup> 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) and Title 29-A, §2073(1) II. A municipal authority may establish speed limits in public parks and the entrances to such parks and, within certain limitations, may alter speed limits on other highways <sup>200</sup> . Title 29-A, §2075(3)(C) and (D)
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:	I. 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)

<sup>199</sup>Note: 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.

<sup>200</sup>A local government, other than a “qualifying municipality,” must obtain approval for any speed limit changes from the State Department of Transportation and the Chief of the State Police prior to changing the speed limits on non — public park highways. Title 29-A, §2075(3)(D). A “qualifying municipality” (a municipality with a population  $\geq 2,500$ ) may establish speed limit on its highways after notifying the State Department of Transportation that it intends to do so and after conducting traffic investigations. Title 29-A, §2075(3)(E).

II. A person may not operate a motorized bicycle or a motorized scooter >20 mph. Title 29-A, §2063(6)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Speed Law violations are Non-Criminal traffic infractions. Title 29-A, §§101(85), 103(1) and 104

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 \$500.**<sup>201</sup> Title 29-A, §§103(3) and 2604

Mandatory Min. Fine (\$): **\$25.** Title 29-A, §104. For exceeding the 65 mph speed limit by <30 mph on the Maine Turnpike or an interstate highway — **\$50.** Title 29-A, §2074(3-A)  
**\$10** forfeiture for a person ≥17 years old operating a motorized bicycle or motorized scooter >20 mph.<sup>202</sup> Title 29-A, §2063(7)

Other Penalties:

Traffic School:

A person who completes a defensive driving course will have the demerit point total reduced by 3 points. This can only occur once in a 12-month period. CMR29-250-001

Other:

**School Zone:** The scheduled fine is **double** the usual amount for exceeding the speed limit in a school zone. Title 29-A, §2074(3-B)

**Construction Zone:** The scheduled fine is doubled for exceeding posted speed limits in a construction or maintenance zone. Title 29-A, §2075(2)

**Surcharges:** Twelve percent and 2 percent surcharges must be imposed on any fine for the respective purposes of funding jail/criminal operations and the Community Policing Institute. 4 MRSA §§1057 and 1057-A (scheduled for repeal September 30, 2003.)

Licensing Action:

Type of Licensing Action  
(Susp/Rev):

**Suspension**<sup>203</sup> Title 29-A, §§103(3) and 2458(2)(B) and (C)

<sup>201</sup>Within these limits, the Chief Judge of the District Court establishes a fine schedule for traffic infractions. Title 4, §164(12)(B)

<sup>202</sup>**Discretionary Impoundment of Motorized Bicycle or Motorized Scooter:** A person ≥17 years old who operates a motorized bicycle or motorized scooter >20 mph is subject to have the vehicle impounded as follows: for first offense 5 days; for a second offense, 10 days; and for a third or subsequent offense, 30 days. Title 29-A, §2063(8)

<sup>203</sup>**Point System:** I. An offender's license may be suspended for up to 15 days if accumulating 12 points within 1 year. If the offender has had 3 previous suspensions within 3 years, that person is 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) and (3) and CMR 29-250-001

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

Term of License Withdrawal (Days, Months, Years, etc.):	<b>15 days.</b> <u>3 previous suspensions</u> within 3 years — <b>120 days.</b>
Mandatory Minimum Term of Withdrawal:	<b>None.</b> 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
<u>Other Criminal Actions Related to Speeding</u> <sup>204</sup> :	
<u>Exceeding Speed Limit by 30 mph:</u> Sanctions:	Class E Crime. Title 29-A, §2074(3)
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months</b> in the county jail. Title 17-A, §1252(2)(E)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000.</b> Title 17-A, §1301(1-A)(E)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension.</b> Title 29-A, §2458(C) and CMR29-250-001(3)
Length of Term of Licensing Withdrawal: (Chapter 1, 29A-250)	<b>30 days.</b> Title 29-A, §2458(C) and CMR29-250-001(3)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b>
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 III. <b>Surcharges.</b> Twelve percent and 2 percent surcharges must be imposed on any fine for the respective purposes of funding jail/criminal operations and the Community Policing Institute. 4 MRSA §§1057 and 1057-A

<sup>204</sup>**Assault-Related Revocations:** If a person operates a motor vehicle in a manner which (1) causes bodily or serious bodily injury to another individual, (2) creates a substantial risk of serious bodily injury to another individual, or (3) places another individual in fear of imminent bodily injury and the person is convicted of any criminal offense related to assault, reckless conduct or threatening, the license is immediately and indefinitely revoked without a further hearing. The person may be issued a license after the following periods: (1) 3 years after discharge from incarceration for a Class A, B or C Crime; (2) 2 years after discharge from incarceration for a Class D Crime; or (3) 1 year after discharge from incarceration for a Class E Crime. Title 29-A, §2463

Basis for a Speed Law Violation:

(continued)

Driving to Endanger<sup>205</sup>:

Sanction:

Class E Crime. Title 29-A, §2413(1).

Criminal:

Imprisonment (Term):

Not more than **6 months** in the county jail. Title 17-A, §1252(1)(A) and (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) and 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  
 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  
 III. **Surcharges.** Twelve percent and 2 percent surcharges must be imposed on any fine for the respective purposes of funding jail/criminal operations and the Community Policing Institute. 4 MRSA §§1057 and 1057-A

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<sup>205</sup> A person commits this offense if that person operates 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)

Commercial Motor Vehicle (CMV) Operators:<sup>206</sup>

<u>Grounds for Suspension:</u>	A person's CDL is suspended if, while driving a CMV, that person either (1) commits 2 "serious traffic violations" <sup>207</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Title 29-A, §§1253(2)(C) and 2458(2)(M) and CMR 29-250-006 (§5)
<u>Period of Suspension:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — not less than <b>120 days</b> . Title 29-A, §2458(2)(M) and CMR 29-250-006 (§5)
<u>Period of Mandatory Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> . <u>Three serious violations</u> (within 3 years) — <b>120 days</b> . Title 29-A, §2458(2)(M) an and CMR 29-250-006 (§5)

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<sup>206</sup>A 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 require that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 29-A, §101(17)

<sup>207</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. CMR 29-250-006 §2(H)(1) and (2)

JURISDICTION:

MARYLAND

General Reference:

Annotated Code of Maryland. Most references are to the Transportation Article (Tran.)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may 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)

See Other below.

Statutory Speed Limit: 65 mph is the maximum speed limit that can be established on any highway. Tran. §21-801.1(e)(2)

55 mph on highways that are not interstate highways or expressways Tran. §21-801.1(b)(4) and (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. Tran. §§21-801.1(d) and (e)(1) and (2), 21-802

II. Based on engineering and traffic investigations, local governments<sup>208</sup> may establish posted speed limits.<sup>209</sup>

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 may establish a speed limit in a designated school zone that is within half-mile of a school on highways under their

<sup>208</sup>County boards of education and university and college officials have the authority to establish speed limits on property within their jurisdictions. Tran. §21-803.2

<sup>209</sup>With 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)

Basis for a Speed Law Violation:  
(continued)

respective jurisdictions.<sup>210</sup> 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) and (f)

Minimum Speed Limit:

I. A person shall not 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 (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) and 21-1409

Other:

I. The State Highway Administration, a county, a municipal corporation, or Baltimore City may reduce speed limits in highway work zones. Tran. §§1-101(e) and 21-802.1  
 II. A school bus cannot be operated at a speed >50 mph while carrying any passengers. 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" cannot be operated at a speed >45 mph when loaded. This restriction does not apply on divided highways with two or more lanes in each direction. Tran. §13-919(g)  
 V. A person cannot ride a motor scooter on a highway with a posted speed limit >50 mph or a speed >30 mph. Tran. §21-1205.1(a)(1) and (c)  
 VI. Low-speed vehicles<sup>211</sup> may not be driven on:  
 (1) highway for which the posted maximum speed limit exceeds 30 miles per hour;  
 (2) on an expressway or another controlled access highway;  
 (3) on a highway on which driving a low speed vehicle is prohibited by a county or municipal ordinance; or  
 (4) across a highway for which the posted maximum speed limit exceeds 45 miles per hour, except at an intersection that is controlled by:

<sup>210</sup>Under other statutory authority, a county or 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)

<sup>211</sup>"Low-speed vehicle" means a four-wheeled electric vehicle that has a maximum speed capability that exceeds 20 miles per hour but is less than 25 miles per hour. §11-130.1.

- (i) a traffic control signal; or
  - (ii) a stop sign at each approach to the intersection.
- §21-1123.

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are misdemeanors. Tran. §27-101(a)  
 Other: N/A

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:

Other:

**School Zone:** A fine double what would otherwise apply but not more than **\$1,000** may be imposed for exceeding a school zone speed limit. Tran. §27-101(r)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension or Revocation** via a point system<sup>212</sup>

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<sup>212</sup>**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, that person is subject respectively to either a license suspension or revocation. Tran. §§16-404(a)(3) and 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 his/her 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) and 16-404(c)(1). Note: For persons <18 years old, suspension is for 6 months if accumulating 6 points and is for 1 year if accumulating 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; aggressive driving — 5 points; reckless driving — 6 points; speeding ≥30 mph over the posted speed limit — 5 points; participating in a race or speed contest on a highway — 5 points; and exceeding the 65 mph posted speed limit by ≥20 mph — 5 points. Tran. §16-402(a)

**Provisional Licensee:** A person who holds 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. First offense — the offender is **required** to attend a “driver improvement program;” second violation-An offender’s license **may** be suspended for not more than 30 days; and, third or subsequent violation-An offender’s license **may** be suspended for not more than 180 days. Tran. §16-213(c). 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) and 16-113(d)

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

Term of License Withdrawal  
(Days, Months, Years, etc.): Not more than **2 years**  
Mandatory Minimum Term of  
Withdrawal: **None.** If a suspension or revocation would adversely affect 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) and Tran. §21-808

Other Criminal Actions Related to Speeding:

Race or Speed Contest on a Highway: Misdemeanor. Tran. §§21-1116(a) and 27-101(a)

Sanctions:  
Criminal Sanction: **None.**  
Imprisonment (Term):  
Mandatory Minimum Term: Not more than **\$500.** Tran. §27-101(b)  
Fine (\$ Range): **None.**  
Mandatory Minimum Fine:  
Administrative Licensing Action:  
Licensing Authorized and  
Type of Action: **Suspension or Revocation** via a point system.  
Length of Term of  
Licensing Withdrawal: Not more than **2 years.**  
Mandatory Action — Minimum  
Length of License  
Withdrawal: **None.** If a suspension or revocation would adversely affect an  
offender's employment or opportunity for employment, such  
licensing action may be declined, canceled or modified. Tran.  
§16-405(a)

Other:

Reckless Driving<sup>213</sup>: Misdemeanor. Tran. §§21-901.1(a) and 27-101(a)  
Sanction:  
Criminal:  
Imprisonment (Term): **None.**

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<sup>213</sup>"Reckless driving" is defined as operating a motor vehicle either (1) in 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)

Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$1,000</b> . Tran. §27-101(g)
Mandatory Minimum Fine:	<b>None</b> .
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> via a point system.
Length of Term of License	
Withdrawal Action:	Not more than <b>2 years</b> .
Mandatory Term of License	
Withdrawal Action:	<b>None</b> . If a suspension or revocation would adversely affect an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)
Other:	N/A
<u>Negligent Driving</u> <sup>214</sup> :	Misdemeanor. Tran. §§21-901.1(b) and 27-101(a)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b> .
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$500</b> . Tran. §27-101(b)
Mandatory Minimum Fine:	<b>None</b> .
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> via a point system.
Length of Term of License	
Withdrawal Action:	Not more than <b>2 years</b> .
Mandatory Term of License	
Withdrawal Action:	<b>None</b> . If a suspension or revocation would adversely affect an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)
Other:	
<u>Aggressive Driving</u> <sup>215</sup> :	Misdemeanor. Tran. §§21-901.2 and 27-101(b)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b> .

<sup>214</sup>"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)

<sup>215</sup> Aggressive Driving is defined as violating three or more of the following provisions "during a single and continuous period of driving": (1) Tran. §21-202 (Traffic Lights with Steady Indication); (2) Tran. §21-303 (Overtaking and Passing Vehicles); (3) Tran. §21-304 (Passing on Right); (4) Tran. §21-309 (Driving on Laned Roadways); (5). Tran. §21-310 (Following Too Closely); (6) Tran. §21-403 (Failure to Yield Right-of-Way); and (7) Tran. §21-801.1 (Exceeding a Maximum Speed Limit). §21-901.2

Aggressive Driving  
(continued)

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 system.

Length of Term of License

Withdrawal Action: Not more than **2 years.**

Mandatory Term of License

Withdrawal Action: **None.** If a suspension or revocation would adversely affect an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)

Other: N/A

Commercial Motor Vehicle (CMV) Operators<sup>216</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>217</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Tran. §16-812(f) and (g)

Period of Disqualification:

Two serious violations (within 3 years) — **60 days.** Three serious violations (within 3 years) — **120 days.** Tran. §16-812(f) and (g)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days.** Three serious violations (within 3 years) — **120 days.** Tran. §16-812(f) and (g)

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<sup>216</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Tran. §11-109.1(a)

<sup>217</sup> A "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)(1)(i) and (ii)

JURISDICTION:

**MASSACHUSETTS**

This chapter summarizes Massachusetts State statutes related to speed.

General Reference:

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.<sup>218</sup> Ch. 90, §17

Statutory Speed Limit:

65 mph on certain parts of interstate highways.<sup>219</sup> Ch. 90, §17A

See Other below.

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 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 tires 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.<sup>220</sup>
- 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

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<sup>218</sup>It 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

<sup>219</sup>This 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

<sup>220</sup>E.g., 321 CMR 3.01(1)(g) which regulates speed on roads in wildlife management areas; 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 12.23(1) and (2) which regulates speed in certain forests and parks; and, 740 CMR 21.51(6) which regulates speed on roads around certain airports.

IV. A motorized bicycle shall not be driven at speed >25 mph.  
Ch. 90, §1B

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Speed violations are Civil Motor Vehicle infractions. Ch. 90C, §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):

Basic Speed Rule, Speed Limit Violations — not less than **\$50**.<sup>221</sup> If the offender was exceeding the speed limit by >10 mph, an additional fine of **\$10 per mph** over the speed limit. Ch. 90, §20. The fine is doubled for exceeding the posted speed limit in a construction zone. Ch. 90, §17

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 — First offense — A fine of not less than **\$25**. Second 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

Mandatory Min. Fine (\$):

**None.**

Other Penalties:

Traffic School:

Other:

A surcharge of \$25 is assessed for the Head Injury Treatment Services Trust Fund. Ch. 90, §20

Licensing Action:

**IMPORTANT.** Action is limited to certain speed law violations.<sup>222</sup>

<sup>221</sup>I. **Heavy Vehicles.** A person who violates the speed laws when operating any motor vehicle, trailer, semi-trailer, semi-trailer 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: first offense — not more than \$100; second offense within 12 months — \$100 to \$150; and, subsequent offense — \$150 to \$300. Ch. 90, §20.

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: first offense — \$35; second offense within 12 months — \$35 to \$75; and a subsequent offense within 12 months — \$75 to \$150. Ch. 90, §20.

<sup>222</sup>I. For a violation of either the Basic Speed Rule (Ch. 90, §17) or a Posted Speed Limit (Ch. 90, §18) — third or subsequent offense (within 12 months) — **Revocation for at least 30 days**. Ch. 90, §20. A 30-day revocation period appears to be mandatory. II. For persons <18 years old who hold a “junior operator’s license” and who violate either the Basic Speed Rule (Ch. 90, §17), the 65 mph speed limit (Ch. 90, §17A) or a Posted Speed Limit (Ch. 90, §18) — second offense — **Suspension for 180 days (mandatory)** and third or subsequent offense — **Suspension for 1 year**

Type of Licensing Action  
 (Susp/Rev):  
 Term of License Withdrawal  
 (Days, Months, Years, etc.):  
 Mandatory Minimum Term of  
 Withdrawal:

Miscellaneous Sanctions  
 Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<p><u>Drag Racing:</u>          Sanctions:          Criminal Sanction:          Imprisonment (Term):          Mandatory Minimum Term:</p>	<p>Civil Motor Vehicle infraction. Ch. 90, §17B and Ch. 90C, §1</p> <p><b>None.</b></p>
<p>Fine (\$ Range):          Mandatory Minimum Fine:</p>	<p><u>First offense — \$100 to \$500. Subsequent offense — \$200 to \$1,000.</u> Ch. 90 §17B</p> <p><b>None.</b></p>
<p>Administrative Licensing Action:          Licensing Authorized and          Type of Action:          Length of Term of          Licensing Withdrawal:</p>	<p><b>Suspension.</b> Ch. 90, §§17B and 20</p> <p><u>First offense</u> (all offenders) — not less than <b>30 days.</b>  <u>Subsequent offense</u> — not less than <b>60 days.</b> Ch. 90 §17B          For persons &lt;18 years old who hold a “junior operator’s          license” — <u>Second offense</u> — <b>180 days.</b> <u>Third or subsequent          offense</u> — <b>1 year.</b> Ch. 90, §20</p>
<p>Mandatory Action — Minimum          Length of License          Withdrawal:</p>	<p><u>First offense</u> (all offenders) — <b>30 days.</b> <u>Subsequent offense</u>          — <b>60 days.</b> Ch. 90 §17B The minimum suspension period          appears to be mandatory.          For persons &lt;18 years old who hold a “junior operator’s          license” — <u>Second offense</u> — <b>180 days.</b> <u>Third or subsequent          offense</u> — <b>1 year.</b> Ch. 90, §20</p>
<p>Other:</p>	<p>N/A</p>
<p><u>Racing on the Highway</u><sup>223</sup>:          Sanction:          Criminal:</p>	<p>Misdemeanor. Ch. 90, §24(2)(a) and Ch. 274, §1</p>

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**(mandatory).** Ch. 90, §20 . III. 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)

<sup>223</sup> Although 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)

Imprisonment (Term):	<b>Two weeks to 2 years.</b> Ch. 90, §24(2)(a)
Mandatory Minimum Term of Imprisonment:	<b>None.</b>
Fine (\$ Range):	<b>\$20 to \$200.</b> Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	<b>None.</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation.</b> Ch. 90, §24(2)(b)
Length of Term of License Withdrawal Action:	<u>First offense</u> — At least <b>60 days</b> . <u>Subsequent offense</u> within 3 years — at least <b>1 year</b> . Ch. 90, §24(2)(c)
Mandatory Term of License Withdrawal Action:	<u>First offense</u> — <b>60 days</b> . <u>Subsequent offense</u> within 3 years — <b>1 year</b> . Ch. 90, §24(2)(c)
Other:	The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)
<u>Reckless Driving</u> <sup>224</sup> :	
Sanction:	Misdemeanor. Ch. 90, §24(2)(a) and Ch. 274, §1
Criminal:	
Imprisonment (Term):	<b>Two weeks to 2 years.</b> Ch. 90, §24(2)(a)
Mandatory Minimum Term of Imprisonment:	<b>None.</b>
Fine (\$ Range):	<b>\$20 to \$200.</b> Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	<b>None.</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation.</b> Ch. 90, §24(2)(b)
Length of Term of License Withdrawal Action:	<u>First offense</u> — At least <b>60 days</b> . <u>Subsequent offense</u> within 3 years — at least <b>1 year</b> . Ch. 90, §24(2)(c)
Mandatory Term of License Withdrawal Action:	<b>None.</b> 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) <b>Surcharge.</b> <sup>225</sup> A defendant must pay a surcharge of <b>\$250</b> for the purpose of funding head injury treatment services. Ch. 90 §24(2)(a)

<sup>224</sup>The law makes it an offense to operate a motor vehicle either (1) recklessly or (2) “negligently so that the lives or safety of the public might be endangered....” Ch. 90, §24(2)(a)

<sup>225</sup>This surcharge only applies to violations of the law related to negligent driving that endangers either lives or the public’s safety.

Commercial Motor Vehicle (CMV) Operators<sup>226</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>227</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Ch. 90F, §9(E)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . Ch. 90F, §9(E)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . Ch. 90F, §9(E)

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<sup>226</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Ch. 90F, §1

<sup>227</sup>A "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**

This chapter summarizes Michigan State statutes related to speed.

General Reference:

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:

70 mph on parts of freeways {60 mph maximum for trucks> 10,000 pounds or vehicles drawing another vehicle or trailer}.  
§257.628(9)

See Other below.

65 mph, except as noted above, on freeways. §257.628(7)  
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 zones.<sup>228</sup> §§257.627(2) and 257.627a(2)  
25 mph on county highways or interconnected group of county highways not more than 1 mile in total length that connect with a county road system. §257.628(3)

Posted (Maximum) Speed Limit:

I. Notwithstanding the above speed limits and based on engineering and traffic investigations, State and local governments may establish maximum speed limits on highways under their jurisdictions. However, not more than 170 miles of the State's freeways shall have a speed limit <65 mph. §258.628(1) and (7) Note: Michigan law does not specifically state whether different highway speed limits may be established 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. §§257.627a(4) and 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.

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<sup>228</sup>The *prima facie* speed limit in a school zone is in force (1) from not less than 30 minutes but not more than 1 hour before school is in session to not less than 30 minutes but nor more than 1 hour after school is in session and (2) 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)

<u>Basis for a Speed Law Violation:</u> (continued)	<p>§257.629(1) and (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(1)</p>
Minimum Speed Limit:	<p>I. See the Basic Speed Rule above.                      II. The minimum speed limit on freeways is 45 mph.                      §257.628(7)</p>
Posted (Minimum) Speed Limit:	<p>Based on engineering and traffic investigations, State and local governments may establish minimum speed limits on highways under their jurisdictions. §258.628(1)</p>
Other:	<p>I. A person operating a passenger vehicle which is towing another vehicle shall not drive &gt;60 mph.<sup>229</sup> §257.627(5)                      II. A person operating a truck weighing ≥10,000 lbs. shall not drive &gt;60 mph.<sup>230</sup> §257.627(6)                      III. A person shall not operate a school bus &gt;50 mph (&gt;55 mph on a limited access highway or freeway). §§257.627(7), 257.627b and 257.1861                      IV. Unless a special speed limit has been established, a person shall not operate a motor vehicle in a designated work area &gt;45 mph. §257.627(9)                      V. A person shall not exceed the maximum safe posted speed limit that has been established for a bridge, causeway or viaduct. §257.631(1)                      VI. In the Lower Peninsula, towed mobile homes &gt;14-1/3 feet wide are prohibited from traveling either &gt;45 mph or &lt;10 mph below the speed limit whichever is lower. §257.719b(d)                      VII. It is <i>prima facie</i> unlawful to operate a vehicle &gt;15 mph in a mobile park home. §257.627(4)                      VIII. Certain combinations of vehicles shall not be operated at a speed &gt;15 mph.<sup>231</sup> §257.719(4)(a)</p>

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<sup>229</sup>This 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)

<sup>230</sup>If reduced loading is being enforced on any highway, the maximum speed is 35 mph. §257.627(6)

<sup>231</sup>The combinations include the following: (1) A truck hauling more than 1 trailer or semi-trailer; and (2) a truck tractor hauling more than 2 semi-trailers or 1 semi-trailer and a trailer. However, this reduced speed does not apply (1) to farm tractors hauling 2 wagons, (2) to garbage or refuse trucks hauling up to 4 trailers (with a combined length of not >55 feet). §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), 257.628(6), 257.629(6) and 257.629b(2)  
 Other: 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 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

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

Civil infraction: Only a fine is imposed for a Civil infraction. The actual fine that is to be imposed on an offender is determined by a fine schedule that is established by each district or municipal court. However, a person who is operating a commercial motor vehicle at the time of the offense is subject to a civil infraction fine of not more than **\$250**. §§257.907(3) and (7) and 600.8827(5)

Misdemeanor: Not more than **\$100**. §257.901

Mandatory Min. Fine (\$):

Civil infraction: A mandatory fine is imposed for speeding-related to exceeding the maximum speed limit on a highway or freeway.<sup>232</sup> Note: Mandatory minimum fines could be established by the courts via the fine schedule.

Other Penalties:

Traffic School:

A person may be required to attend a traffic education program. §257.907(5)

Other:

Costs between \$5 and \$100 are assessed for speeding while operating a commercial motor vehicle. §257.907(4)  
 A citation or civil infraction determination for exceeding a lawful maximum speed limit of 55 miles per hour by driving 65 miles per hour or less shall not be considered by any person in establishing automobile insurance eligibility or automobile insurance rates. § 257.628(11)

Licensing Action:

Type of Licensing Action (Susp/Rev):

**Suspension** via a point system.<sup>233</sup> §§257.320(1)(d) and

<sup>232</sup>The following mandatory fines apply to persons who exceed the speed limit on highways or freeways with a maximum speed limit ≥55 mph: 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

<sup>233</sup>**Point System:** I. A person's license is subject to suspension for not more than 1 year if accumulating 12 points within a 2-year period. §257.320. 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; death or injury to a person in a construction zone or who is operating an implement of husbandry — 6 points; exceeding the limit in a work zone by >15 mph — 5 points; drag racing — 4 points; exceeding the speed by >15 mph — 4 points; careless driving — 3 points; exceeding the

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

	(2) and 257.320a
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year.</b> §257.320(4)
Mandatory Minimum Term of Withdrawal:	<b>None.</b>
Miscellaneous Sanctions Not Included Elsewhere:	<b>Important:</b> I. A person who commits a moving violation (e.g. speeding violation) in a construction or school zone is subject to a fine that is <b>double</b> that otherwise prescribed by law. §257.601b. II. A driver who commits a moving violation (including a speed violation) that results in an injury to a person while such person is in a construction zone or operating an implement of husbandry commits a misdemeanor and is subject to imprisonment for not more than 1 year and/or a fine of not more than \$1,000. For a Second offense, a person is subject to license revocation for not less than 1 year (mandatory).
Miscellaneous Sanctions Not Included Elsewhere:	III. A driver who commits a moving violation (including a speed violation) that results in the death of a person when such person is in a construction zone or is operating an implement of husbandry commits a felony and is subject to imprisonment for not more than 15 years and/or a fine of not more than \$7,500. For a first offense, a person is subject to license revocation for not less than 1 year (mandatory). For a second or subsequent offense (within 7 years), that person is subject to license revocation for not less than 5 years (mandatory). §§257.303(2) and (4), 257.601b, 257.601c and 777.12

Other Criminal Actions Related to Speeding:

<u>Drag Racing on Highway</u> <sup>234</sup> :	Misdemeanor. §§257.626a and 257.901(1)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>90 days.</b> §257.901(2)
Mandatory Minimum Term:	<b>None.</b>
Fine (\$ Range):	Not more than <b>\$100.</b> §257.901(2)
Mandatory Minimum Fine:	<b>None.</b>

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speed by >10 mph but ≤15 mph — 3 points; and exceeding the speed limit by ≤10 mph-2 points. §257.320a(1)(a), (e), (g), (i), (k) and (l) 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-no 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

<sup>234</sup>The 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

Other Criminal Actions Related to Speeding:  
(continued)

Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension</b> via the point system. §§257.320(1)(d) and (2) and 257.320a(1)
Length of Term of Licensing Withdrawal:	Not more than <b>1 year</b> . §257.320(4)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None.</b>
Other:	
<u>Careless or Negligent Driving</u> <sup>235</sup> :	Civil infraction. §§257.626b and 257.907
Sanction: Criminal:	<b>None.</b>
Imprisonment (Term): Mandatory Minimum Term of Imprisonment:	<b>None.</b>
Fine (\$ Range):	Only a fine is imposed for a civil infraction. The actual fine that is to be imposed on an offender is determined by a fine schedule that is established by each district or municipal court. However, a person who is operating a commercial motor vehicle at the time of the offense is subject to a civil infraction fine of not more than <b>\$250</b> . §§257.907(3) and (7) and 600.8827(5)
Mandatory Minimum Fine:	<b>Note:</b> A mandatory minimum fine could be established by the courts.
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the point system. §§257.320(1)(d) and (2) and 257.320a(1)
Length of Term of License Withdrawal Action:	Not more than <b>1 year</b> . §257.320(4)
Mandatory Term of License Withdrawal Action:	<b>None.</b>
Other:	N/A

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<sup>235</sup>This 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)

Reckless Driving<sup>236</sup>:

Misdemeanor. §§257.626(a) and 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:

**Suspension** via the point system. §§257.320(1)(d) and (2) and 257.320a(1)

Type of Licensing Action  
(Susp/Rev):

**Suspension/Revocation.** §§257.303(2)(a) and 257.319(3)(b)

Length of Term of License

Withdrawal Action:

First offense — Suspension for 90 days. Second offense (within 7 years) — Revocation for 1 year. However, the revocation is for 5 years if the offender had a previous revocation within 7 years. §§257.303(4)(a)(i) and (ii) and 257.319(3)(b)

Mandatory Term of License

Withdrawal Action:

The above licensing actions appear to be mandatory.

Other:

Felonious Driving<sup>237</sup>:

Felony. §257.626c

Sanction:

Criminal:

Imprisonment (Term):

Not more than **2 years**. §257.626c

Mandatory Minimum Term  
of Imprisonment:

**Possible.** Depending upon the circumstances and the number of prior offenses, there may be a minimum jail sentence via the State's Sentencing Guidelines under Chapter 777.

Fine (\$ Range):

Not more than **\$2,000**. §257.626c

Mandatory Minimum Fine:

**None.**

<sup>236</sup>A person commits a misdemeanor if while operating a motor vehicle in a careless or reckless manner but not willfully or wantonly causes an accident involving a pregnant woman that results in either a miscarriage or stillbirth. The sanctions for this offense are incarceration for not more than 2 years and/or a fine of not more than \$2,000. §750.90e. Depending upon the circumstances and the number of prior offenses, there may be a minimum jail sentence via the State's Sentencing Guidelines under Chapter 777.

<sup>237</sup>Felonious driving is defined as operating a motor vehicle "carelessly and heedlessly in willful 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 resulting in a serious impairment of a body function of a person, but does not cause death...." §257.626c "Serious impairment of a body function" includes, but is not limited to: (a) loss of a limb, foot, hand, finger, thumb, eye, ear, or the loss of use thereof; (b) substantial impairment of a body function; (c) serious disfigurement; or (d) a comatose state lasting more than 3 days; (3) measurable brain or mental impairment; (f) a skull fracture or serious bone fracture; (g) subdural hemorrhage or subdural hematoma; or (h) loss of an organ. §257.58c

Other Criminal Actions Related to Speeding:  
(continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension.** §257.319(2)(c). Also, **suspension** via the point system. §§257.320(1)(d) and 257.320a(1)

Length of Term of License

Withdrawal Action:

I. **1 year.** §257.319(2)(c)  
II. Suspension via the point system — not more than **1 year** §257.320(4)

Mandatory Term of License

Withdrawal Action:

I. **1 year.** §257.319(2)(c)  
II. Suspension via the point system — none

Commercial Motor Vehicle (CMV) Operators<sup>238</sup>:

Grounds for Suspension:

A person's CDL is suspended if, while driving a CMV, that person (1) commits two serious traffic violations<sup>239</sup> within a 36-month period or (2) commits 3 such violations within a 36-month period. §257.319b(1)(a) and (b)

Period of Suspension:

Two serious violations (within 36 months) — **60 days**; three serious violations (within 36 months) — **120 days.** §257.319b(1)(a) and (b)

Period of Mandatory Suspension:

Two serious violations (within 36 months) — **60 days**; three serious violations (within 36 months) — **120 days.** §257.319b(1)(a) and (b)

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<sup>238</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §480.11a(2)(c)

<sup>239</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or careless driving. §257.319b(4)(b)

JURISDICTION:

MINNESOTA

General Reference:

Minnesota Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule: I. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions. §169.14, subs. 1 and 3

II. **Driving with Due Care:** “Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a motor vehicle.” §169.14, subd. 1

Statutory Speed Limit:

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

See Other below.

- 1) 70 mph on interstate highways outside urban area limits. §169.14, subd. 2(a)(4)
- 2) 65 mph on non-interstate freeways and highways and interstates within urban area limits. §169.14, subd. 2(a)(2) and (5)
- 3) 55 mph on highways in all other locations. §169.14, subd. 2(a)(3)
- 4) 30 mph in an urban district or town road in a rural residential district.<sup>240</sup> §169.14, subd. 2(a)(1)
- 5) 25 mph on residential roadways.<sup>241</sup> §169.14, subd. 2(a)(7)
- 6) 10 mph in alleys. §169.14, subd. 2(a)(6)
- 7) 10 to 30 mph in manufactured home parks.<sup>242</sup> §327.27, subs. 2 and 2a
- 8) 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

<sup>240</sup>A “rural residential district” means “the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.” §169.14, subd 2(c)

<sup>241</sup>If such a speed limit is adopted by the authority having jurisdiction over such roadway. §169.14, subd. 2(a)(7) and (b)

<sup>242</sup>The 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

Basis for a Speed Law Violation: (continued)

specifically state whether different highway speed limits may be established 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, subds. 5b

III. Based on engineering and traffic investigations, local governments may establish speed limits in school zones.<sup>243</sup> 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

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. Exception: On divided highways, the speed limit in such zones cannot be >55 mph. §169.14, subd. 5d(b) and (c)

VI. Based on engineering and traffic investigations, local governments may establish speed limits within 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 (a)

VII. Based on engineering and traffic investigations, the governmental authority over a park may establish speed limits therein.<sup>244</sup> §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 would include the establishment of speed limits. §169.965, subd. 1

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<sup>243</sup>If the school speed zone is on a trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5a

<sup>244</sup>If the park is on a trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5e

Basis for a Speed Law Violation: (continued)

## 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. >30 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(1)

II. A third or subsequent speed law violation within 12 months is a misdemeanor. §169.89, subd. 1(2)

## 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 and 11 and 327.27, subds. 2 and 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:

Amount (\$ Range):

Petty Misdemeanor Offense — not more than **\$300**. §169.89, subd. 2

Misdemeanor Offense — not more than **\$1,000**. §609.03(3)

Mandatory Min. Fine (\$):

Petty Misdemeanor Offense — **none**.<sup>245</sup>

<sup>245</sup>For a misdemeanor offense, there is a mandatory fine based either on 30 percent of the maximum statutory fine or on 30 percent the maximum fine for this offense in the uniform fine schedule where the maximum fine in this schedule is lower than the statutory maximum. This schedule is established by the conference of chief judges by January 1 of each year. This schedule is not reported in this publication. §609.101, subd. 4(2) Note: The law does not appear to provide for a mandatory minimum fine for petty misdemeanor offenses.

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

	<u>Misdemeanor Offense</u> — not more than <b>\$300</b> . The mandatory fine may be reduced to \$50 based on undue hardship. §609.101, subds. 4 and 5(b)
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
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> <sup>246</sup> §§171.16, subds. 1 and 2 and 171.18, subd. 1(2) and (4) <u>Third or subsequent offense</u> (within 12 months) — <b>Revocation</b> <sup>247</sup> §171.17, subd. 1(6)
Term of License Withdrawal (Days, Months, Years, etc.):	<b>Suspension.</b> The law providing for court-recommended suspensions does not state either minimum or maximum suspension periods. §171.16, subds. 1 and 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 <b>1 year</b> . §171.18, subd. 3(d) <b>Revocation.</b> Note: The law does not provide for a maximum revocation period.
Mandatory Minimum Term of Withdrawal:	<b>None.</b> Note: In circumstances where an offender's license has been suspended or revoked, he/she may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with his/her family's well being. §171.30
Miscellaneous Sanctions Not Included Elsewhere:	I. <b>Construction Zone:</b> 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(e) II. <b>School Zone:</b> A person who violates the "school zone speed limit" is assessed an additional surcharge which is equal to the fine but not <\$25. §169.14, subd. 5a (d)
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Reckless or Careless Driving</u> <sup>248</sup> :	Misdemeanor. §169.13, subds. 1 and 2

<sup>246</sup>I. 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 resulted in death, personal injury or property damage or (2) the offender is a habitual violator of the traffic laws. §171.18, subd. 1(2) and (4)

<sup>247</sup>The law provides for license revocation for the commission of 3 or more violations of Chapter 169 (e.g., speeding, reckless driving or careless driving violations) within a 12-month period. §171.17, subd. 1(6)

See **Driving with Due Care** under the Basic Speed Rule.

Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>90 days</b> . §609.03(3)
Mandatory Minimum Term of Imprisonment:	<b>None</b> .
Fine (\$ Range):	Not more than <b>\$1,000</b> . §609.03(3)
Mandatory Minimum Fine:	<b>\$300</b> . The mandatory fine may be reduced to \$50 based on undue hardship. §609.101, subs. 4 and 5(b)
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> . §§171.16, subs. 1 and 2 and 171.18, subd. 1(2) and (4); <u>third or subsequent offense</u> (within 12 months) — <b>Revocation</b> §171.17, subd. 1(6)
Length of Term of License Withdrawal Action:	<b>Suspension</b> . The law providing for court-recommended suspensions does not state either minimum or maximum suspension periods. §171.16, subs. 1 and 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 <b>1 year</b> . §171.18, subd. 3(d) <b>Revocation</b> . Note: The law does not provide for a maximum revocation period.
Mandatory Term of License Withdrawal Action:	<b>None</b> . Note: In circumstances where an offender's license has been revoked, he/she may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with his/her family's well being. §171.30, subd. 1
Other:	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

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<sup>248</sup>**Reckless Driving:** "Reckless driving" is defined as operating a motor vehicle "as to indicate either a willful 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 and 2.

Commercial Motor Vehicle (CMV) Operators<sup>249</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if, while driving such a vehicle, that person (1) commits 2 "serious traffic violations" <sup>250</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §171.165, subd. 4
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §171.165, subd. 4
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §171.165, subd. 4

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<sup>249</sup> A 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  $\geq 26,000$  lbs., is a bus or is transporting hazardous materials which require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §171.01, subds. 22 and 35

<sup>250</sup> A "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:

Mississippi Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule: No person shall operate a vehicle on the highways of the state at a speed greater than 65 miles per hour. §63-3-501

Statutory Speed Limit:

70 mph on interstate highways or on controlled-access highways with four or more lanes. §63-3-501  
65 mph on all other highways. §63-3-501

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Commission may decrease the above speed limits. §63-3-503 **Note:** Except as noted under Other below, Mississippi law does not specifically state whether different highway speed limits may be established 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 to a safe and reasonable speed. However, no posted speed limit shall be <15 mph. §63-3-511  
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 provide 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(d)

Posted (Minimum) Speed Limit:

30 mph on Federal designated highway when no hazard exists. §63-3-509(1)  
40 mph on Interstate highways and on four-lane U.S. designated highways which have a posted maximum speed limit of 70 mph. §63-3-509(2)  
Note: Via signs, slower moving traffic may be directed to use designated lanes. §63-3-603(c)

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

Basis for a Speed Law Violation:  
(continued)

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 and 63-9-11(1)  
 Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.): First offense — not more than **10 days**; Second 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) but did not exceed the maximum speed limit (§63-3-501), the incarceration term is only **half** of that noted above. §63-3-503

Operating a School Bus in Excess of either 45 or 50 mph — none. §37-41-47

Mandatory Minimum Term:

**None.**

Fine:

Amount (\$ Range): First offense — not more than **\$100**; Second 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) but did not exceed the maximum speed limit (§63-3-501), the fine is only **half** of the amount noted above. §63-3-503

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:

First offenders who meet eligibility requirements and participate in at least 4 hours of a traffic violator’s course will not have the violation recorded on the driving record. §63-9-11(3)

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(2)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension**<sup>251</sup> §63-1-53(2)(d)

Term of License Withdrawal

(Days, Months, Years, etc.):

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 **\$30**. §99-19-73(1)  
 II. For other misdemeanor offenses, there is a mandatory State assessment of **\$47**. §99-19-73(5) and (7)  
**III. Bus Drivers and Operators of Vehicles for Hire:** A person may have the privilege to operate a bus or a vehicle for hire suspended or revoked if that person recklessly disregards the speed regulations prescribed by law. §§21-27-137(c) and 21-27-155(c)

Other Criminal Actions Related to Speeding:

Reckless Driving:

Misdemeanor. §§63-3-1201 and 63-9-11(1)

Sanction:

Criminal:

Imprisonment (Term):

First offense — **none**; subsequent offense — not more than **10 days**. §63-3-1201

Mandatory Minimum Term

of Imprisonment:

**None**

Fine (\$ Range):

First 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):

**Suspension**<sup>252</sup> §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)

<sup>251</sup>The licensing agency has the discretionary authority to suspend a person's license if that person has "been convicted with such frequency of serious offenses against traffic regulations governing the movement of traffic as to indicate disrespect for traffic laws and a disregard for the safety of other persons on the highways." §63-1-53(2)(d)

<sup>252</sup>The licensing agency has the discretionary authority to suspend a person's license if that person is "an habitually or negligent" driver. §63-1-53(2)(c)

Other Criminal Actions Related to Speeding:  
(continued)

Mandatory Term of License Withdrawal Action:	<u>Suspension</u> — <b>None</b> . <u>Revocation</u> — <b>1 year</b> . §63-1-51(1) The revocation action appears to be mandatory.
Other:	In addition to any fine, there is a <u>mandatory</u> State assessment of <b>\$30</b> . §99-19-73(1)
<u>Careless Driving</u> <sup>253</sup> : Sanction: Criminal: Imprisonment (Term):	Misdemeanor. §§63-3-1213 and 63-9-11(1) <b>None</b>
<u>Careless Driving</u> : (continued) Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	<b>\$5 to \$50</b> . §§63-3-1213
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action:	<b>Suspension</b> . §63-1-53(2)(c) Note: The law does not specify either a minimum or maximum suspension period.
Mandatory Term of License Withdrawal Action:	<b>None</b>
Other:	In addition to any fine, there is a mandatory State assessment of <b>\$30</b> . §99-19-73(1)

Commercial Motor Vehicle (CMV) Operators<sup>254</sup>:

<u>Grounds for Suspension of CDL</u> :	A person's CDL is suspended if while driving a CMV that person either (1) commits 2 "serious traffic violations" <sup>255</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §63-1-83(4)
<u>Period of CDL Suspension</u> :	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §63-1-83(4)

<sup>253</sup>"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." It is considered a lesser offense than reckless driving. §63-3-1213

<sup>254</sup>A 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 be placarded in accordance with U.S. Department of Transportation regulations. §63-1-75(f)

<sup>255</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §63-1-75(t)(i) and (ii)

JURISDICTION:  
General Reference:

MISSOURI  
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 interstates<sup>256</sup> and freeways.<sup>257</sup> §304.010.2(1)  
65 mph on rural expressways.<sup>258</sup> §304.010.2(2)  
60 mph on urban interstate highways,<sup>259</sup> expressways and freeways. §304.010.2(3)  
60 mph on other roads, except State two-lane "lettered" roads, not located in an urban area. §304.010.2(4)  
55 mph on State two-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 two-lane "lettered" roads. §304.010.2(5). See the Note below.  
II. Local governments with State approval may establish speed limits on the streets or roads within their jurisdiction. §304.010.4 and .5  
III. Under separate statutory authority, the State and local governments may fix a speed limit by posting appropriate signs on roads under their jurisdictions. A violation of this posted speed limit is *prima facie* evidence of careless and imprudent driving. §304.351.7  
IV. 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 and 300.205  
V. The State may increase or decrease the maximum speed limits on any 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

<sup>256</sup>A "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 ≥1,000 persons per square mile. §304.010.1(4)

<sup>257</sup>A "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)

<sup>258</sup>An "expressway" is defined as a divided highway with four 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 ≥1,000 persons per square mile. §304.010.1(4)

<sup>259</sup>An interstate highway located in an urban area. An "urban area" is defined as an area with a population density of ≥1,000 persons per square mile. §304.010.1(4)

Basis for a Speed Law Violation: (continued)

Note: Except as noted under Other below, Missouri law does not specifically state whether different highway speed limits may be established for different types of vehicles, for various weather conditions, or for different times of the day.

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 highways.<sup>260</sup> §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.<sup>261</sup> §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 that 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 and 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 and 304.011.2

Other:

N/A

<sup>260</sup>There is an exception for certain agricultural-type vehicles being operated on such highways via special permits for short distances. §304.011.2(2)

<sup>261</sup>If 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:

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)
- 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  
**None**

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

- 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:

N/A

**Additional Fine:** If a person violates §302.010 of the speed laws while in a construction (or work) zone, that person is assessed an additional fine of **\$35.** §304.580.2 If the violation occurs when workers are present and a warning is posted, the additional fine is **\$250.** §304.580.3 and .4

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension or Revocation** under the point system.<sup>262</sup>  
§§302.302 and 302.304

Term of License Withdrawal

(Days, Months, Years, etc.):

**30 days to 1 year.**<sup>263</sup> §302.304

<sup>262</sup>**Point System:** I. An offender's license is subject to suspension if that person accumulates 8 points in 18 months. §302.304.3 If this is the offender's first suspension, the suspension period is 30 days. If this is the offender's second suspension, the suspension period is 60 days. If this is the offender's third or subsequent suspension, the suspension period is 90 days. §302.304.4 II. An offender's license is subject to revocation if that person accumulates 12 points within 12 months, 18 points within 24 months, or 24 points within 36 months. The period of revocation is 1 year. §§302.304.7 and 302.190 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. §302.302.1(2) For careless and imprudent driving, 4 points are assessed. §302.302.1(4) An additional 2 points are assessed if a violation resulted in either a personal injury or property damage. §302.302.3 However, no points are assessed for driving ≤5 mph over the speed limit. §304.009.1

<sup>263</sup>Under most circumstances, a license cannot be suspended or revoked for more than 1 year. §302.190. However, either a suspension or a revocation can be “continued in effect for two years” if a person does not maintain proof of financial responsibility. §302.304.4 and .7

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term of Withdrawal: **None.** Note: An offender is eligible for hardship driving privileges.<sup>264</sup> §302.309.3(1)

Miscellaneous Sanctions Not Included Elsewhere: N/A

Other Criminal Actions Related to Speeding:

Racing on Highway: **Note:** Local governments may prevent racing on the highways.<sup>265</sup>

Reckless Driving: See the Basic Speed Rule. A violation of this rule is a Class B misdemeanor. If the violation results in an accident, it is a Class A misdemeanor. §304.012.1 and .2

Sanction: See Sanctions Following an Adjudication for a Speed Law Violation.

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:

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<sup>264</sup>Hardship driving privileges may be granted for employment, occupational, business and educational purposes, for medical treatment including drug and alcohol treatment programs, and for any other circumstances found to create an undue hardship. §302.309.3(2)

<sup>265</sup>I. A Third Class City (a city or town with population ≥3,000) may enact an ordinance prohibiting highway racing. §§72.030, 77.520 and 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 enact an ordinance prohibiting highway racing. §§72.040.1 and 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

Commercial Motor Vehicle (CMV) Operators<sup>266</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>267</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §302.755.5
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §302.755.5
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §302.755.5

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<sup>266</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §302.700.2(6)

<sup>267</sup> A "serious traffic violation" includes careless, reckless, imprudent driving and excessive speeding. §302.700.2(24)

## JURISDICTION:

MONTANA

## General Reference:

Montana Code Annotated and Administrative Rules of Montana

Basis for a Speed Law Violation:

## Basic Speed Rule:

Subject to the (maximum) statutory speed limits below, a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather and roadway conditions.<sup>268</sup> §61-8-303(4)

## Statutory Speed Limit:

75 mph<sup>269</sup> at all times on Federal-Aid interstate highways outside an urbanized area with population  $\geq 50,000$ . §61-8-303(1)(a)  
 65 mph at all times on Federal-Aid interstate highways within an urbanized area with a population  $\geq 50,000$ . §61-8-303(1)(a)  
 70 mph during the daytime<sup>270</sup> and 65 mph during the nighttime on any other public highway. §61-8-303(1)(b)  
 65 mph at all times on U.S. Highway 93 between the Canadian and Idaho borders unless the highway is upgraded to a continuous four-lane highway. §61-8-303(2)  
 25 mph in an urban district. §61-8-303(5)

## Posted (Maximum) Speed Limit:

I. The State Department of Transportation, based on engineering and traffic investigations which indicate that a greater or less speed limit than noted above is reasonable or safe, may establish different speed limits on a segment of a highway less than 50 miles in length. §61-8-309(1) The law does not specifically state whether different highway speed limits may be established 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) and (3)  
 III. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed limits on highways under its jurisdiction.<sup>271</sup> §61-8-310(1)

<sup>268</sup>**IMPORTANT:** The State Supreme Court has held that certain provisions of the State's previous basic speed rule were void for vagueness under the due process clause of the State's constitution. *State v. Stanko*, 974 P.2d 1132 (Mont. 1998)

<sup>269</sup>When traveling on a two-lane road, a person may exceed this speed limit by 10 mph in order to overtake and pass another vehicle. §61-8-303(3)

<sup>270</sup>"Daytime" means one-half hour before sunrise to one-half hour after sunset. "Nighttime" means any other hour except daytime. §61-8-303(6)

<sup>271</sup>I. However, the following limitations apply: (1) The posted speed limit in an urban district cannot be  $>65$  mph during the nighttime. §61-8-310(1)(b). (2) The posted speed limit outside an urban district cannot be  $<35$  mph. §61-8-310(1)(c).  
 II. 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-

Basis for a Speed Law Violation:  
(continued)

IV. A local government may establish speed limits on county roads (as defined under §60-1-103(7)) without an engineering and traffic investigation. §61-8-310(1)(c) and (2)

V. Under separate authority, a local government 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). §§7-14-2113 and 61-8-310(3)

VI. The State Department of Transportation or a local government must establish appropriate speed limits in “construction zones”<sup>272</sup> and “work zones.”<sup>273</sup> **Note:** This authority may also extend to utility companies and private contractors. §61-8-314(2), (3) and (4)

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). **Note:** Via signs, slower moving traffic may be directed to use designated lanes. §61-8-328(3)

Other:

I. For trucks with >1 ton manufacturer’s rated capacity, except for the maximum statutory limits per §61-8-303 and speed limits established per §§61-8-309 and 61-8-310, the maximum speed limits are as follows:

- (a) 65 mph on completed sections of interstate highways; and,
- (b) 60 mph during the daytime and 55 mph during the nighttime on four-lane divided highways and completed sections of primary and secondary highways. §61-8-312(1)(a) and (b)

II. Except for the maximum statutory limits per §61-8-303 and speed limits established per §§61-8-309 and 61-8-310, special permit vehicles cannot be driven >55 mph. §61-8-312(2)

310(1)(d). Note: The Montana Legislature has adopted a resolution encouraging city and county governments to lower the speed limit in school zones to 15 mph. House Joint Resolution 25 (adopted in 1999)

<sup>272</sup>A “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)

<sup>273</sup>A “work zone” is defined as “the area where the construction, repair, maintenance, or survey work is actually taking place.” §61-8-314(1)(c)

III. A vehicle with solid rubber or cushion tires cannot be driven >10 mph. §61-8-313(1)

Civil/Criminal Adjudication of Violation: All speed law violations are misdemeanors. §§61-8-314(2) and (5) and 61-8-711(1)

Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.): **None.** §§61-8-711(2) and 61-8-725(1)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

**I. Violation of Statutory Speed Limits Under §61-8-303:** 1 to 10 mph over the speed limit — **\$20**; 11 to 20 mph over the speed limit — **\$40**; 21 to 30 mph over the speed limit — **\$70**; and 31 or more mph over the speed limit — **\$100.** §61-8-725(1)

**II. Other Speed Law Violations:** first offense — **\$10 to \$100**; second offense (within 1 year) — **\$25 to \$200**; subsequent offense (within 1 year) — **\$50 to \$500.** §61-8-711(2)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

Driver Improvement Program. §61-2-302 and Administrative Rules of Montana 23.3.203

Other:

**Double Fines:** The fines are double the usual amount for exceeding the posted speed limit in a “work zone.” §61-8-314(5)(a)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via point system<sup>274</sup>-Frequent violator of the traffic laws.

<sup>274</sup>**Driver Rehabilitation Point System:** I. If an offender accumulates 6 points within 18 months, that person 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, that person is 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 25 mph in an urban district — 3 points; speeding 35 mph in a construction zone — 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 house trailer >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 (3) and 23.3.203(1) **Important.** A violation of the statutory speed limits under §61-8-303 is not recorded on a person’s driving record unless that person exceeds the speed by more than 10 mph during the daytime or 5 mph during the nighttime. §61-8-725(2)

\*Due to amendments made to §§61-8-303 and 61-8-312 by respectively §2 and 6 of Chapter 43 (Session Laws of 1999), this is no longer a specific violation of the law.

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

	<b>Revocation.</b> Habitual Traffic Offender <sup>275</sup> §61-11-201 et seq.
Term of License Withdrawal (Days, Months, Years, etc.):	<b>Suspension — 6 months.</b> Administrative Rules of Montana 23.3.203(2) Note: The law limits a suspension to a maximum period of <b>1 year.</b> §61-5-208(1). <b>Revocation</b> (Habitual Offender) — <b>3 years.</b> §§61-11-211 and 61-11-212
Term of License Withdrawal (Days, Months, Years, etc.):	<b>Suspension — 6 months.</b> Administrative Rules of Montana 23.3.203(2) Note: The law limits a suspension to a maximum period of <b>1 year.</b> §61-5-208(1). <b>Revocation</b> (Habitual Offender) — <b>3 years.</b> §§61-11-211 and 61-11-212
Mandatory Minimum Term of Withdrawal:	<b>Suspension — None.</b> Licensing action is discretionary. <b>Revocation</b> (Habitual Offender) — <b>1 year</b>
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Unauthorized Speed Contest (Drag Racing):</u> Misdemeanor. §§61-8-308, 61-8-711(1) and 61-8-717	
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months.</b> §61-8-717
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<b>\$50 to \$500.</b> §61-8-717
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension or Revocation —</b> See Driver Rehabilitation and Habitual Offender point systems respectively. <sup>276</sup>
Length of Term of Licensing Withdrawal:	N/A
Mandatory Action — Minimum Length of License Withdrawal:	N/A

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<sup>275</sup>**Habitual Offender Point System:** If a person accumulates 30 points within a 3-year period, that person is 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. §61-11-203(2)(h), (i), (l). **Important:** A violation of the statutory speed limits under §61-8-303 is not recorded on a person’s driving record unless that person exceeds the speed by more than 10 mph during the daytime or 5 mph during the nighttime. §61-8-725(2). II. If a person accumulates 18 or more points for the above-noted offenses within 2 years, that person is declared a Driver in Need of Rehabilitation and Improvement. §61-11-203(2). Such a person must complete a certified driver rehabilitation and improvement course. If that person fails to complete this course, the license may be suspended for 6 months or until the course is completed, whichever comes first. §§61-5-206(j) and 61-11-204(3) and (4).  
<sup>276</sup>An offender may be issued restricted driving privileges after 1 year of the revocation period provided that person participates in a driver rehabilitation program. §61-2-302(2)(a)(ii)

Other Criminal Actions Related to Speeding: (continued)

Other:	<b>Double Fines:</b> The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) and (5)(a)
<u>Reckless Driving:</u> <sup>277</sup> Sanction:	Misdemeanor. §§61-8-301 and 61-8-711(1)
Criminal: Imprisonment (Term):	<u>First offense</u> — not more than <b>90 days</b> ; <u>subsequent offense</u> — <b>10 days to 6 months.</b> §61-8-715(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$25 to \$300</b> ; <u>subsequent offense</u> — <b>\$50 to \$500.</b> §61-8-715(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> — See Driver Rehabilitation and Habitual Offender point systems respectively. <b>Revocation</b> — 3 reckless driving convictions within 12 months. §61-5-205(1)(f)
Length of Term of License Withdrawal Action:	<b>Suspension or Revocation</b> — not more than <b>1 year.</b> §61-5-208
Mandatory Term of License Withdrawal Action:	<b>None</b>
Other:	<b>Double Fines:</b> The fine appears to be double the usual amount if the offense occurred in a "work zone." §61-8-314(2) and (5)(a)
<u>Reckless Endangerment of Highway Workers:</u> <sup>278</sup> Sanction:	Misdemeanor §§61-8-315 and 61-8-711(1)
Criminal: Imprisonment (Term):	<u>First offense</u> — not more than <b>90 days</b> ; <u>subsequent offense</u> — <b>10 days to 6 months.</b> §61-8-715(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>

<sup>277</sup>If the offender commits a reckless driving offense while fleeing law enforcement officers, the following sanctions apply: for a first 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). If the offender commits a reckless driving offense that results in a death or a serious bodily injury, the following sanctions apply: imprisonment for not more than **1 year** and/or a fine of not more than **\$10,000.** §61-8-715(3).

<sup>278</sup>A person commits a "careless driving" offense if that person does not operate a motor vehicle "in a careful and prudent manner 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." §61-8-302

Fine (\$ Range):	<u>First offense — \$25 to \$300; subsequent offense — \$50 to \$500.</u> §61-8-715(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	Note: The law is not certain but the licensing actions that apply for a reckless driving offense conviction may also apply to this offense.
Length of Term of License Withdrawal Action:	N/A
Mandatory Term of License Withdrawal Action:	N/A
Other:	<b>Double Fine:</b> The fine appears to be double the usual amount if the offense occurred in a “work zone.” §61-8-314(2) and (5)(a)
<u>Careless Driving:</u> Sanction: Criminal: Imprisonment (Term):	Misdemeanor. §§61-8-302, 61-8-711(1) and 61-8-716  <u>First or subsequent offense — none.</u> §61-8-711(2). Note: A violation of the careless driving statute that results in death or serious bodily injury is subject to imprisonment not to exceed 6 months. §61-8-716(2)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense — \$10 to \$100; second offense (within 1 year) — \$25 to \$200; subsequent offense (within 1 year) — \$50 to \$500.</u> §61-8-711(2). Note: A violation of the careless driving statute that results in a death or serious bodily injury is subject to a fine of ≤\$15,000. §61-8-716(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> — See Driver Rehabilitation and Habitual Offender point systems respectively.
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	
Other:	<b>Double Fines:</b> The fine appears to be double the usual amount if the offense occurred in a “work zone.” §61-8-314(2) and (5)(a)

Commercial Motor Vehicle (CMV) Operators:<sup>279</sup>

<u>Grounds for Suspension:</u>	A CDL license is suspended if while driving a CMV a person (1) commits more than 1 "serious traffic violations". <sup>280</sup> within a 3-year period or (2) commits 3 or more such violations within a 3-year period. §61-8-803(1)
<u>Period of Suspension:</u>	<u>More than one (1) serious violations</u> (within 3 years) — <b>60 days</b> ; <u>3 or more serious violations</u> (within 3 years) — <b>120 days</b> . §61-8-803(1)
<u>Period of Mandatory Suspension:</u>	<u>More than one (1) serious violations</u> (within 3 years) — <b>60 days</b> ; <u>3 or more serious violations</u> (within 3 years) — <b>120 days</b> . §61-8-803(1)

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<sup>279</sup>A 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 carry 16 or more persons, or is transporting hazardous materials which require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §61-1-134

<sup>280</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §61-8-803

JURISDICTION:

NEBRASKA

This chapter summarizes Nebraska State statutes related to speed.

General Reference:

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:

75 mph on State freeways<sup>281</sup> and Federal interstate highways.<sup>282</sup> §60-6,186(1)(g)

See Other below.

65 mph on a State expressway<sup>283</sup> §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.<sup>284</sup> However, the State cannot increase the maximum statutory speed limits on rural highways and freeways. On county highways that are not part of the State highway system, a local government cannot establish a speed limit <35 mph outside a residential or business district. §§60-6,186(2) and 60-6,190(1) and (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) and (6)  
 II. On a freeway, no motor vehicle can be operated <40 mph.<sup>285</sup> §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)

<sup>281</sup> A "freeway" is defined as "an expressway with full control of access." §39-1302(17)

<sup>282</sup> **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) and (ii)

<sup>283</sup> An "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)

<sup>284</sup> **Historical Note:** The State legislature repealed the provisions that allowed the State to provide 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

<sup>285</sup> Either the State or a local government may alter this minimum speed limit on a freeway. §60-6,193(2)

Basis for a Speed Law Violation: (continued)

- Posted (Minimum) Speed Limit: The State or a local government may establish minimum posted speed limits for a highway. §60-6,193(3). Note: Via signs, “specified traffic” (e.g. slower moving traffic) may be directed to use designated lanes. §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 to a limit not greater than the maximum limit provided by law. §60-6,188(1) and (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(2)
  - 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.<sup>286</sup> §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) >50 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(7)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All speed law violations are traffic infractions (but are disposed of in the same manner as misdemeanors). §§60-672, 60-682, 60-682.01 and 60-688
- Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment: **None**
  - Term (Day, Month, Years, etc.)
  - 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

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<sup>286</sup>I. School buses 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. School buses 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) and (c)

Sanctions Following an Adjudication of a Speed LawViolation:

(continued)

Other Violations:	offense occurred in a construction zone or a school crossing zone. §60-682.01 <u>First offense</u> — not more than <b>\$100</b> ; <u>second offense</u> (within 1 year) — not more than <b>\$200</b> ; <u>subsequent offense</u> (within 1 year) — not more than <b>\$300</b> . §60-689
Mandatory Min. Fine (\$):	<b>None</b>
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:	N/A
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Revocation</b> via a point system. <sup>287</sup> §§60-499(4) and 60-4,183
Term of License Withdrawal (Days, Months, Years, etc.):	<b>Revocation</b> via a point system — <b>6 months</b> . §§60-499, 60-4,182 and 60-4,183
Mandatory Minimum Term of Withdrawal:	<b>Revocation</b> via a point system — <b>none</b> . A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 and 60-4,130.01
Miscellaneous Sanctions Not Included Elsewhere:	<b>Revocation</b> via court order — <b>10 days to 1 year</b> . <sup>288</sup> Note: This action is discretionary. §60-496

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class II misdemeanor. §60-6,195(1) and (3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months</b> . §28-106(1)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> . §28-106(1)
Mandatory Minimum Fine:	<b>None</b>

<sup>287</sup>**Point System:** I. If an offender accumulates 12 points within 2 years, the license is revoked for 6 months and that person 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 that person fails to attend this course, the license is suspended until either completion of the course or reaching the age of 21. §60-4,130.03. 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; and speeding >10 mph over the speed limit — 3 points. 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

<sup>288</sup>The 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) and §60-496

Other Criminal Actions Related to Speeding:  
(continued)

Administrative Licensing Action:  
Licensing Authorized and  
Type of Action:

**Possible Revocation** via a point system. §§60-499, 60-4,182 and 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 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 and 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 and 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. **Revocation** via court order — **10 days to 1 year**. Note: This action is discretionary. §60-496

Willful Reckless Driving<sup>289</sup>:

Class I, II or III misdemeanor. §§60-6,214, 60-6,216, 60-6,217 and 60-6,218

Sanction:  
Criminal:  
Imprisonment (Term):

First offense (Class III misdemeanor) — not more than **3 months**; second 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**  
First offense (Class III misdemeanor) — not more than **\$500**; second 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):

First or subsequent offense — **Revocation**. §§60-6,216, 60-6,217, 60-6,218 and 60-498(7)

<sup>289</sup>"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

<p>Length of Term of License Withdrawal Action:</p>	<p><u>First offense</u> — <b>30 days to 1 year</b> §60-6,216; <u>second offense</u> — <b>60 days to 2 years</b> §60-6,217; <u>subsequent offense</u> — <b>1 year</b>. §60-6,218</p>
<p>Mandatory Term of License Withdrawal Action:</p>	<p><u>First offense</u> — <b>30 days</b> §60-6,216; <u>second offense</u> — <b>60 days</b> §60-6,217; <u>subsequent offense</u> — <b>1 year</b>. §60-6,218. The minimum period of revocation is mandatory<sup>290</sup>. §60-498(7)</p>
<p>Other:</p>	<p>I. For second offenses, the vehicle used in the offense, if owned by the offender, must be impounded from <b>2 months to 1 year</b>. §60-6,217</p> <p>II. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. §60-691</p> <p>III. <b>Revocation</b> via court order where there has been danger to life, limb or property — <b>10 days to 1 year</b>. Note: This action is discretionary. §60-496</p>
<p><u>Reckless Driving</u>:</p>	<p>Class I, II or III misdemeanor. §§60-6,213, 60-6,215, 60-6,217 and 60-6,218</p>
<p>Sanction: Criminal: Imprisonment (Term):</p>	<p><u>First offense</u> (Class III misdemeanor) — not more than <b>3 months</b>; <u>second offense</u> (Class II misdemeanor) — not more than <b>6 months</b>; <u>subsequent offense</u> (Class I misdemeanor) — not more than <b>1 year</b>. §28-106(1)</p>
<p>Mandatory Minimum Term of Imprisonment: Fine (\$ Range):</p>	<p><b>None</b> <u>First offense</u> (Class III misdemeanor) — not more than <b>\$500</b>; <u>second offense</u> (Class II misdemeanor) — not more than <b>\$1,000</b>; <u>subsequent offense</u> (Class I misdemeanor) — not more than <b>\$1,000</b>. §28-106(1)</p>
<p>Mandatory Minimum Fine:</p>	<p><b>None</b></p>
<p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):</p>	<p><u>First offense</u> — <b>revocation</b> via the point system §§60-499 and 60-4,183; <u>second or subsequent offense</u> — <b>revocation</b>. §§60-6,217 and 60-6,218</p>
<p>Length of Term of License Withdrawal Action:</p>	<p><u>First offense</u> — revocation via a point system — <b>6 months</b> §§60-499, 60-4,182 and 60-4,183; <u>second offense</u> — <b>60 days to 2 years</b> §60-6,217; <u>subsequent offense</u> — <b>1 year</b>. §60-6,218</p>

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<sup>290</sup>An employment driving permit is not available. §60-4,129

Mandatory Term of License  
Withdrawal Action:

First 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 and 60-4,130.01; second offense — **60 days** §60-6,217; subsequent offense — **1 year**. §60-6,218. For second or subsequent offenses, the minimum period of revocation appears to be mandatory.

Other:

I. For second offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217  
 II. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. §60-691  
 III. **Revocation** via court order where there has been danger to life, limb or property — **10 days to 1 year**. Note: This action is discretionary. §60-496

Careless Driving.<sup>291</sup>

Traffic infraction (civil offense) §60-672, 60-682 and 60-6,212

Sanction:

Criminal:

Imprisonment (Term):

**None**

Mandatory Minimum Term  
of Imprisonment:

Fine (\$ Range):

First offense — not more than **\$100**; second offense (within 1 year) — not more than **\$200**; subsequent offense (within 1 year) — not more than **\$300**. §60-689

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Revocation** via a point system. §§60-499 and 60-4,183

Length of Term of License

Withdrawal Action:

**Revocation** via a point system — **6 months**. §§60-499, 60-4,182 and 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 and 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. **Revocation** via court order where there has been danger to life, limb or property — **10 days to 1 year**. Note: This action is discretionary. §60-496

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<sup>291</sup>"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

Commercial Motor Vehicle (CMV) Operators<sup>292</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations <sup>293</sup> " within a 3-year period or (2) commits 3 such violations within a 3-year period. §60-4,168(4)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §60-4,168(4)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §60-4,168(4)

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<sup>292</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §60-4,138(2)

<sup>293</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §60-4,168(7)(a) and (b)

## JURISDICTION:

NEVADA

## General Reference:

Nevada Revised Statutes and Nevada Administrative Code (NAC)

Basis for a Speed Law Violation:

Basic Speed Rule: A person shall not drive a vehicle at a rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions, or at such a speed as to endanger life, limb or property of any person. §484.361(1) and (2)

## Statutory Speed Limit:

I. A person shall not operate any vehicle at a speed >75 mph. §484.361(4)  
 II. A person shall not operate a motor vehicle >15 mph<sup>294</sup> in a school zone or >25 mph in school crossing zone.<sup>295</sup> §484.366(1) and (2)

## Posted (Maximum) Speed Limit:

I. The State Department of Transportation may adopt speed limits of not >75 mph on highways constructed and maintained by it. 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, or trailers drawn by motor vehicles and buses." §§484.367(2) and 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(3)  
 IV. Except for State constructed and maintained highways, local governments and unincorporated towns may establish speed limits within their jurisdictions. §§269.185(1)(b) and 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, that person 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

<sup>294</sup>This 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)

<sup>295</sup>The speed limits in these zones do not apply (1) on a day when the school is not in session, (2) one-half hour after school is no longer in operation to one-half hour before school operations, or (3) when a sign indicates that such limits are not in effect. §484.366(1) and (2). Note: Local governments are required to post the times these speed limits are in effect. §§268.425 and 269.185(2)

Basis for a Speed Law Violation:

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 school bus at speed >55 mph while transporting students to and from school or while on a school activity. §484.365 II. A person shall not drive a vehicle equipped with solid rubber tires or cushion tires >10 mph. §484.375(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All speed law violations are misdemeanors. §§193.170 and 484.999(1)
Other:	N/A

Sanctions Following an Adjudication of a Speed Law Violation:

## Criminal Sanctions:

## Imprisonment:

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

Not more than **6 months**.<sup>296</sup> §193.150(1)

## Mandatory Minimum Term:

**None**

## Fine:

Amount (\$ Range):

Not more than **\$1,000**. §193.150(1)

Mandatory Min. Fine (\$):

**None**

## Other Penalties:

## Traffic School:

I. A person who has been convicted of a second offense may be ordered by the court to attend a driver training school. §484.999(2)  
II. The licensing agency can also require a person who has had his/her license suspended via the point system to attend a driver's training school. §483.477  
**Construction Zone:** A person who exceeds the posted speed limit in a construction zone is subject to an **additional** sanction that is **equal** to the original sanction 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(1) and (2)

<sup>296</sup>A person who exceeds the following posted speed limits during the hours of daylight is only subject to a fine of **\$25**: (1) when the posted speed limit is 60 mph and the offender is driving ≤70 mph; (2) when the posted speed limit is 65 mph and the offender is driving ≤75 mph; or (3) when 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(1) and (2).

**Exception:** This fine does "not apply to a violation ... that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in (a) an urban district, or (b) an area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety."

§484.3685(3)

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

Licensing Action: Type of Licensing Action (Susp/Rev):	I. <b>Suspension</b> via a point system. <sup>297</sup> §§483.473 and 483.475 and NAC 483.500 and 483.510  II. <b>Suspension</b> — 6 offenses within 5 years with a point value of ≥4. §483.475(4)
Term of License Withdrawal (Days, Months, Years, etc.):	I. <b>Suspension</b> via point system — <b>6 months to 1 year.</b> §483.475(3) II. <b>Suspension</b> — <b>1 year</b> for 6 offenses within 5 years with a point value of ≥4. §483.475(4)
Mandatory Minimum Term of Withdrawal:	I. <b>Suspension</b> via point system. Under certain conditions, an offender is eligible for restricted driving privileges for employment and other necessities. <sup>298</sup> §483.490 II. <b>Suspension</b> — <b>1 year mandatory</b> for 6 offenses within 5 years with a point value of ≥4. A restricted license is not available. §483.475(4)
Miscellaneous Sanctions Not Included Elsewhere:	<b>Alternative to Imprisonment or Fine:</b> The court may order an offender to participate in community service in lieu of all or part of an imprisonment or fine. §193.150(2)

Other Criminal Actions Related to Speeding:

<u>Reckless Driving (Speed Contest on Highway)</u> <sup>299</sup> : <b>Misdemeanor.</b> §§484.251(1) and 484.377	
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months.</b> §193.150
Mandatory Minimum Term:	<b>None</b>

<sup>297</sup>**Point System:** I. If a person accumulates 12 points within 12 months, the license is suspended for 6 months. If within 3 years, a person has a second accumulation of 12 points within 12 months, the license is suspended for 1 year. Likewise, if within 5 years, a person has a third accumulation of 12 points within 12 months, the 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; careless driving — 6 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 posted 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

<sup>298</sup>For a suspension based on a first or second accumulation of 12 points within 12 months, an offender is eligible for restricted driving privileges. §483.475(3)(a) and (b). However, such privileges are not available for a third such accumulation. §483.475(3)(c)

<sup>299</sup>A person commits the offense of "reckless driving" if that person (1) "drives in willful or wanton disregard of the safety of persons or property" or (2) "drives a vehicle in an unauthorized speed contest on a public highway." §484.377(1)(a) and (b)

Fine (\$ Range):	Not more than <b>\$1,000</b> . §193.150
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<p>I. <b>Suspension</b> via a point system. §§483.473 and 483.475 and NAC 483.500 and 483.510</p> <p>II. <b>Suspension</b> — 6 offenses within 5 years with a point value of <math>\geq 4</math>. §483.475(4)</p> <p>III. <b>Revocation</b> — 3 Reckless Driving convictions within 1 year. §483.460(1)(b)(4)</p>
Length of Term of Licensing Withdrawal:	<p>I. <b>Suspension</b> via point system — <b>6 months to 1 year</b>. §483.475(3)</p> <p>II. <b>Suspension</b> — <b>1 year</b> for 6 offenses within 5 years with a point value of <math>\geq 4</math>. §483.475(4)</p> <p>III. <b>Revocation</b> — 3 Reckless Driving convictions within 1 year — <b>1 year</b>. §483.460(1)(b)(4)</p>
Mandatory Action — Minimum Length of License Withdrawal:	<p>I. <b>Suspension</b> via point system. Under certain conditions, an offender is eligible for restricted driving privileges for employment and other necessities. §483.490</p> <p>II. <b>Suspension</b> — <b>1 year mandatory</b> for 6 offenses within 5 years with a point value of <math>\geq 4</math>. A restricted license is not available. §483.475(4)</p> <p>III. <b>Revocation</b> — 3 Reckless Driving convictions within 1 year — <b>none</b>. §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</p>
Other:	<p>The licensing agency can require a person who has had his/her license suspended via the point system to attend a driver's training school. §483.477</p> <p><b>Death or Injury-related Offense:</b> 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 <b>1 to 6 years</b> and/or a fine of not more than <b>\$5,000</b>. §484.377(2). In addition, a person's license is revoked for <b>3 years</b>. §483.460(1)(a)(1). After <u>one-half</u> of the revocation period has "expired," an offender may be issued a restricted license for employment and for other necessities. §483.490</p>

Other Criminal Actions Related to Speeding:Aggressive Driving<sup>300</sup>:

Sanction: Misdemeanor §484.3765(3)  
 Criminal:  
 Imprisonment (Term): Not more than **6 months**. §193.150(1)

Mandatory Minimum Term  
 of Imprisonment: **None**  
 Fine (\$ Range): Not more than **\$1,000**. §193.150(1)  
 Mandatory Minimum Fine: **None**

## Administrative Licensing Actions:

Type of Licensing Action  
 (Susp/Rev): First offense — **Suspension**. Subsequent offense (within 2 years) — **Revocation**. §484.3765(3). Note: This licensing action is consecutive to any other license suspension or revocation. §484.3765(5)

Length of Term of License  
 Withdrawal Action: First offense — not more than **30 days**. Subsequent offense (within 2 years) — **1 year**. §484.3765(3)

Mandatory Term of License  
 Withdrawal Action: First offense — **none**; Subsequent offense (within 2 years) — **1 year**. §484.3765(3)

Other: First offense — An offender is **required** to attend a course on traffic safety. §484.3765(3). Note: If the offender successfully completes this course, three (3) points may be canceled from the driving record. §484.3765(7)

Commercial Motor Vehicle (CMV) Operators<sup>301</sup>:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person (1) commits 2 "serious traffic violations"<sup>302</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §483.908, NAC 706.247(1) and 49 CFR §383.51(c)

<sup>300</sup>A person commits "Aggressive Driving" if, during a course of one (1) mile, that person does **ALL** of the following in any sequence: I. violates (a) the basic speed rules (driving greater than is reasonable or at a rate of speed so as to endanger life, limb or property), (b) the speed limit in a school zone, (c) the posted speed limit, or (d) the prohibition against driving >75 mph; II. commits **TWO (2)** or more of the following offenses: (a) failing to obey a traffic control device (§484.278); (b) overtaking and passing another vehicle on the right by driving off the paved portion of the highway (§484.297); (c) driving unsafely or improperly upon a highway that has marked lanes for traffic (§484.305); (d) following another vehicle too closely (§484.307); or (e) failing to yield the right of way (§§484.315 and 484.323); and III. creates an immediate hazard, regardless of its duration, to another vehicle or to another person. §484.3765(1)

<sup>301</sup>A 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 15 or more persons, or is transporting hazardous materials which require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. NAC 706.247(f)

<sup>302</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §483.908, NAC 706.247(1) and 49 CFR §383.5

Period of Disqualification: Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. §483.908, NAC 706.247(1) and 49 CFR §383.51(c)

Period of Mandatory Disqualification: Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. §483.908, NAC 706.247(1) and 49 CFR §383.51(c)

## JURISDICTION:

## NEW HAMPSHIRE

## General Reference:

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, 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 *prima facie* evidence that such speed is considered unreasonable. §265:60 (III)

## See Other below.

- 1) 65 mph on the interstate system and other highways designated via statute<sup>303</sup> §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 usual posted speed limit in a school zone<sup>304</sup> §265:60 (II)(a)
- 6) 10 mph below the usual posted speed limit but in no case >45 mph on a portion of a highway where persons are at work §265:60 (II)(f)

## Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations or in the event of vehicle or weather emergencies, 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.<sup>305</sup> §265:62 (I) and 236:7

II. Based on a petition by the governing body of 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, local

<sup>303</sup>Such designations include those portions of the central and eastern New Hampshire turnpikes that are four-lane divided highways and on other divided highways that have four or more lanes. §265:60 (II)(e)

<sup>304</sup>This limit is in effect from 45 minutes before until 45 minutes after school hours. §265:60 (II)(a)

<sup>305</sup>The 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 indirectly establishes different types of speed limits for different times of the day by providing that “signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night.” §265:62 (I) and 236:7. However, the law does not specifically state whether different highway speed limits can be established for different types of vehicles.

Basis for a Speed Law Violation: (continued)

governments may increase or decrease *prima facie* speed limits within their jurisdictions.<sup>306</sup> §265:63 (I) and(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 (IV)  
 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 *prima facie* speed limit on a highway. §265:64 (II). Note: Via signs, “specified traffic” (e.g. slower moving traffic) may be directed to use designated lanes. §265.24 (III)  
 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.<sup>307</sup> §§265:2 and 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: N/A

<sup>306</sup>However, the following limitations apply: a speed limit in an urban district cannot be increased to more than 60 mph; and a speed cannot be decreased to less than 25 mph either outside an urban district or within a business or residential district. §265:63 (I)

<sup>307</sup>A violation does not constitute a crime. §625:9 (II)(b)

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

Licensing Action: Type of Licensing Action (Susp/Rev):	I. <b>Suspension</b> via court order. §263:57 II. <b>Suspension</b> via a point system. <sup>308</sup> §263:56 (I)(c) and (II) III. <b>Revocation</b> for 3 traffic offenses within 1 year. §§263:55 and 263:56
Term of License Withdrawal (Days, Months, Years, etc.):	I. <b>Suspension</b> via court order — not more than <b>30 days</b> . §263:57 II. <b>Suspension</b> via a point system — not more than <b>1 year</b> . §263:56 (I)(c) and (III) III. <b>Revocation</b> for 3 traffic offenses within 1 year — <b>30 days to 1 year</b> . §§263:55 and 263:56 (III)
Mandatory Minimum Term of Withdrawal:	I. <b>Suspension</b> via court order — <b>none</b> . Action is discretionary with the court. §263:57  II. <b>Suspension</b> via a point system — suspensions occurring under this system appear to be mandatory. §263:56 (I)(c) and (II)I and NHCAR Saf-C 211.04(b) III. <b>Revocation</b> for 3 traffic offenses within 1 year — <b>30 days</b> . §§263:55 This licensing action appears to be mandatory.
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions:	Violation. §265:75
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<sup>308</sup>**Point System:** I. A person ≥21 years old is subject to either a 3-month, 6-month or 1-year suspension if respectively accumulating either 12 points within 1 year, 18 points within 2 years or 24 points within 3 years. Persons ≥18 but <21 years old are subject to either a 3-month, 6-month or 1 year suspension if respectively accumulating either 9 points within 1 year, 15 points within 2 years or 21 points within 3 years. Persons ≤18 years old are subject to either a 3-month, 6-month or 1 year suspension if respectively accumulating either 6 points within 1 year, 12 points within 2 years or 18 points within 3 years. NHCAR Saf-C 212.02 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; and, exceeding the speed limit by <25 mph — 3 points. NHCAR Saf-C 212.03(c)(16), (d)(2) and (5), (e)(14) and (15). **Persons 16 to 18 Years Old:** For violations of the traffic laws, licensees who are 16 to 18 years are subject to license suspensions or revocations as follows: 1 offense during first year of being licensed-20 days; 2 offenses during the first 2 years of being licensed-45 days; and 3 or more offenses during the first 2 years of being licensed-90 days. §263:14 (III)(a) and (b)  
**Persons Under 20 Years Old:** These licensees are subject to license suspension or revocation if they operate a motor vehicle in such a manner that “poses an immediate hazard to the operator or to the safety or property of others on or near a roadway, or when considered with other driving offenses, demonstrates a repeated disregard for the public safety.” §263:14 (III)(d)

Other Criminal Actions Related to Speeding:  
(continued)

Criminal Sanction:  
Imprisonment (Term): **None**  
Mandatory Minimum Term:  
Fine (\$ Range): Not more than **\$1,000**. §651:2 (IV)(a)  
Mandatory Minimum Fine: **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: N/A  
Mandatory Action — Minimum  
Length of License  
Withdrawal: N/A  
Other: An offender may be required to attend a Driver Attitude Training program. §263:56-e

Reckless Driving: 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

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev): **Revocation**<sup>309</sup> §§263:65 and 265:79  
Length of Term of License  
Withdrawal Action: First offense — 60 days; second offense — 60 days to 1 year. §265:79

Mandatory Term of License  
Withdrawal Action: First or second offense — 60 days. §263:70. This licensing action appears to be mandatory.

Other:  
I. An offender may be required to attend a Driver Attitude Training program. §263:56-e  
II. A driver's license can be suspended or revoked for not more than 7 years if the driver operates a vehicle in a reckless or unlawful manner and causes an accident that results in either death or injury to another person. §263:56 (I)(g) and (III)(a)

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<sup>309</sup>**Negligent Driving:** A person commits a violation and is subject to a fine of not more than \$1,000 if that person drives a vehicle in a negligent manner that endangers or is likely to endanger any person or property. §265:79-b and 651:2 (IV)(a)

Commercial Motor Vehicle (CMV) Operators<sup>310</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>311</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §263:94 (I)(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §263:94 (I)(e)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §263:94 (I)(e)

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<sup>310</sup> The administrative licensing actions listed for speeding violations also appear to apply to this offense. A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §259:12-e (I)

<sup>311</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §259:98-a (I) and (II)

## JURISDICTION:

NEW JERSEY

## General Reference:

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 hazards exist with respect to pedestrians or other traffic or by reason of weather or highway condition.<sup>312</sup> Required reduced rates of speed also include (1) approaching and crossing an intersection or railway grade crossing, (2) approaching and going around a curve, (3) approaching a hill crest and (4) traveling upon any narrow or winding roadway. §39:4-98

## Statutory Speed Limit:

I. 65 mph on selected portions of State eligible public highways<sup>313</sup> 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 and 39:4-98.5  
 II. It is *prima facie* unlawful for a person to exceed the following speed limits. §39:4-98  
 1) 50 mph in all other locations except as otherwise provided §39:4-98  
 2) 35 mph in suburban business or residential district §39:4-98  
 3) 25 mph in a (non-suburban) business or residential district §39:4-98  
 4) 25 mph 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

## 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 jurisdictions may increase or decrease the above speed limits. These new limits will be the *prima facie* lawful

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<sup>312</sup>I. 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 and 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 and 32:1-154.18(2)

<sup>313</sup>An “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(1) Public highways, under the jurisdiction of counties or municipalities, are not eligible for the 65 mph speed limit. §39:4-98.4

Basis for a Speed Law Violation:  
(continued)

	speed limits. <sup>314</sup> §§39:4-8(b) and 39:4-98
	II. The State Highway Commissioner or a local government on highways under its jurisdiction may designate the right-hand lanes of 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) and (e), 27:23-27 and 27:25A-21(c) and (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, 27:25A-21(d) and 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:	N/A
Other:	I. The State Commissioner of Transportation may restrict the maximum speed for trucks weighing $\geq 10,000$ lbs. on highways with maximum speed limits $\geq 50$ 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: Speed Law violations appear to be petty offenses<sup>315and316</sup>.

<sup>314</sup>Via 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(a)

<sup>315</sup>On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, (1) speeding, (2) reckless driving or (3) careless driving offenses that result in death, serious injury or property damage  $> \$5,000$  are respectively crimes of the third degree or high misdemeanors. §§27:12B-18(k) and 27:25A-21(k) The sanctions for a Crime of the Third degree/High misdemeanor are imprisonment from **3 to 5 years** and/or a fine of not more than **\$15,000**. §§2C:43-1(b), 2C:43-3(b)(1) and 2C:43-6(a)(3)

<sup>316</sup>Statutory law does not provide a clear classification for this type of offense. However, State Supreme Court decisions hold that traffic violations are either “quasi-criminal” or petty offenses. “Quasi-criminal offenses are a ‘class of offenses against the public which have not been declared crimes, but wrongful against the general or local public which should be repressed or punished by forfeitures and penalties.’” (citations omitted). *State v. Widmaier*, 724 A.2d 241 at 251 (N.J. 1999), *State v. Schreiber*, 585 A.2d 945 (N.J. 1991), *State v. Muniz*, 571 A.2d 948(N.A. 1990) and *State V. Macuk*, 268 A.2d 1 (N.J. 1970).

Adjudication of Speed Law Violations:

Other: §§27:12B-18(j), 27:23-32, 27:25A-21(j) and 39:4-104 and 39:4-203  
N/A

Sanctions Following an Adjudication of a Speed Law Violation:Criminal Sanctions<sup>317</sup>:

## Imprisonment:

Term (Day, Month, Years, Etc.): Not more than **15 days**. §§39:4-104 and 39:4-203

## Mandatory Minimum Term:

**None**

## Fine:

Amount (\$ Range): **\$50 to \$200.**<sup>318and319</sup> §§39:4-104 and 39:4-203

Mandatory Min. Fine (\$): **None**

## Other Penalties:

## Traffic School:

Driver Improvement Program with a **\$100** fee. §§39:5-30.2, 39:5-30.4 and 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.<sup>320</sup> §39:5-30.5 et seq.

<sup>317</sup>The 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 and 32:1-154.21.

<sup>318</sup>**One dollar** (\$1) is added to any fine for the Body Armor Replacement Fund and **\$1** is also added for the N.J. Spinal Cord Research Fund. §39:5-41(d) and (e)

<sup>319</sup>**Construction Zone:** The fine amount is **double** for a violation committed in an area of highway construction or repair. §39:4-203.5(b)

<sup>320</sup>**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 and 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. §39:4-97.2 and NJAC §13:19-10.1

**Alternative Licensing and Possible Registration Action:** A person's license or 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 and 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 committed either (1) a speeding offense where that person exceeded the authorized speed limit by 20 mph, (2) reckless driving or (3) careless driving where any of the "alleged" offenses resulted in a death or a serious bodily injury to another. An aggrieved party may request a timely hearing on such preliminary action. §39:5-30(e)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

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 years**. §39:5-30b

Mandatory Minimum Term of  
Withdrawal:

**None**. Attendance at a Driver Improvement Program may be  
used in lieu of all or part of a suspension. §39:5-30.2 and  
NJAC §13:19-10.2(b)

Miscellaneous Sanctions  
Not Included Elsewhere:

**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  $\geq 10$  mph over this limit. §39:4-98.6.  
(2) The fine amount is **double** for exceeding ANY prima facie  
speed limit by  $\geq 20$  mph.

Other Criminal Actions Related to Speeding:

Racing on Highway:

Quasi-criminal/Petty Offense (§39:4-52) or Disorderly Person  
Offense. §39:5C — 1

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Petty Offense: **None**. §39:4-52. Disorderly Person Offense:  
First offense — **none**; subsequent offense — not more than **90**  
**days**. §39:5C-1

Mandatory Minimum Term:

**None**

Fine (\$ Range):

For either a petty offense or a disorderly person offense: First  
offense — **\$25 to \$100**; subsequent offense — **\$100 to \$200**.  
§§39:4-52 and 39:5C-1

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** via a point system. §39:5-30.5 et seq.

Length of Term of

Licensing Withdrawal:

**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 years**. §39:5-30b

Mandatory Action — Minimum

Length of License

Withdrawal:

**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, NJAC §13:19-10.2(b)  
and 13:19-10.3

Other:

**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

Other Criminal Actions Related to Speeding:  
(continued)

<u>Reckless Driving:</u>	Quasi-criminal/Petty Offense. §§27:12B-18(b) and (j), 27:23-26, 27:23-32, 27:25A-21(b) and (j) and 39:4-96
Sanction: Criminal:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>60 days</b> ; <u>subsequent offense</u> — not more than <b>3 months</b> . §39:4-96
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$50 to \$200</b> ; <u>subsequent offense</u> — <b>\$100 to \$500</b> . §39:4-96
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. §39:5-30.5 et seq.
Length of Term of License Withdrawal Action:	<b>Suspension</b> via a point system- <b>30 to 180 days</b> . §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary <b>suspension for up to 3 years</b> . §39:5-30b
Mandatory Term of License Withdrawal Action:	<b>None</b> . Attendance at a Driver Improvement Program with a <b>\$100</b> fee may be used in lieu of all or part of a suspension. §§39:5-30.2 and 39:5-30.4 and NJAC §13:19-10.2(b) and 13:19-10.3
Other:	<b>Double Fines:</b> For a person who commits reckless driving on a public highway with a speed limit of 65 mph, the fine is <b>double</b> the usual amount. §39:4-98.6
<u>Careless Driving</u> <sup>321</sup> :	Petty Offense. §§27:12B-18(b) and (j), 27:32-26, 27:32-32, 27:25A-21(b) and (j), 32:1-154.3, 32:154.18(2) and 39:4-97
Sanction: Criminal:	
Imprisonment (Term):	Not more than <b>15 days</b> . §39:4-104
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<b>\$50 to \$200</b> . §39:4-104
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. §39:5-30.5 et seq.
Length of term of License	

<sup>321</sup>"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

Other Criminal Actions Related to Speeding:

(continued)

<p>Withdrawal Action:</p>	<p><b>Suspension</b> via a point system — <b>30 to 180 days.</b> §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary <b>suspension for up to 3 years.</b> §39:5-30b</p>
<p>Mandatory Term of License Withdrawal Action:</p>	<p><b>None.</b> Attendance at a Driver Improvement Program with a <b>\$100</b> fee may be used in lieu of all or part of a suspension. §§39:5-30.2 and 39:5-30.4 and NJAC §13:19-10.2(b) and 13:19-10.3</p>
<p>Other:</p>	<p><b>Double Fines:</b> For a person who commits careless driving on a public highway with a speed limit of 65 mph, the fine is <b>double</b> the usual amount. §39:4-98.</p>
<p><u>Unsafe Driving</u><sup>322</sup>:</p>	<p>Quasi-criminal/Petty Offense. §39:4-97.2</p>
<p>Sanction: Criminal:</p>	<p><b>None</b></p>
<p>Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range):</p>	<p><u>First offense — \$50 to \$150; second offense (within 5 years) — \$100 to \$250; third or subsequent offense (within 5 years) — \$200 to \$500.</u> §39:4-97.2</p>
<p>Mandatory Minimum Fine:</p>	<p><b>None</b></p>
<p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):</p>	<p><b>Suspension</b> via a point system. For a third or subsequent offense, points are added to a person’s driving record. §§39:4-97.2 and 39:5-30.5 et seq.</p>
<p>Length of term of License Withdrawal Action:</p>	<p><b>Suspension</b> via a point system — <b>30 to 180 days.</b> §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary <b>suspension for up to 3 years.</b> §39:5-30b</p>
<p>Mandatory Term of License Withdrawal Action:</p>	<p><b>None.</b> Attendance at a Driver Improvement Program with a <b>\$100</b> fee may be used in lieu of all or part of a suspension. §§39:5-30.2 and 39:5-30.4 and NJAC §13:19-10.2(b) and 13:19-10.3</p>
<p>Other:</p>	<p>N/A</p>

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<sup>322</sup>“[I]t shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.” §39:4-97.2

Commercial Motor Vehicle (CMV) Operators<sup>323</sup>:

<u>Grounds for Suspension:</u>	A person's privilege to operate a CMV is suspended if while driving such a vehicle that person (1) commits 2 "serious traffic violations" <sup>324</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §39:3-10.20(f)
<u>Period of Suspension:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §39:3-10.20(f)
<u>Period of Mandatory Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §39:3-10.20(f)

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<sup>323</sup> A 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, 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §39:3-10.11

<sup>324</sup> A "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:

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 that is either on or entering the highway. All persons shall use due care.<sup>325</sup> §66-7-301(B)

## Statutory Speed Limit:

75 mph on highways §66-7-301(A)(3)

See Other below.

30 mph in business and residential districts §66-7-301(A)(2)

15 mph in a posted school zone<sup>326</sup> §66-7-301(A)(1)

## Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase to not >75 mph or decrease the above speed limits on any highway within its jurisdiction.<sup>327</sup> §66-7-303(A)

II. Based on engineering and traffic investigations and subject to approval by the State Transportation Commission, a local government may increase or decrease the above speed limits on any highway within its jurisdiction. §66-7-303 (B) and 66-7-304

III. Based upon investigations, the State Transportation Commission may establish safe maximum speed limits for bridges and other elevated structures. §66-7-306(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 Transportation Commission or a local government may establish minimum speed limits on a highway. §66-7-305(B).  
Note: Via signs, slower moving traffic may be directed to use designated lanes. §66-7-317(C)

Other: I. The State or a local government may establish speed limits in construction zones. §66-7-303.1

<sup>325</sup>See Careless Driving.

<sup>326</sup>This speed limit is in effect when children are going to or leaving a school. §66-7-301(A)(1)

<sup>327</sup>New Mexico law does not specifically state whether different highway speed limits may be established for different types of vehicles, for various weather conditions or for different times of the day.

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) and 66-8-116(A)  
 Other: N/A

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):

**\$15 to \$200.**<sup>328</sup> §66-8-116(A)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

N/A

Other:

In lieu of a court appearance, an offender may elect to pay a **penalty assessment**.<sup>329</sup> §66-8-116. For a penalty assessment, an offender is assessed additional fees to cover various costs.<sup>330</sup> §66-8-116.3

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system<sup>331</sup> based on frequent violation of the traffic laws<sup>332</sup>. §66-5-30(A)(3)

<sup>328</sup>An 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).

<sup>329</sup>**Penalty Assessments:** The following monetary assessments are assigned for speeding violations: (1) driving so as to impede 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) Speeding in a construction zone results in an assessment twice the penalty for the equivalent mph over the limit. §66-8-116(D).

<sup>330</sup>The following additional fees are assessed: a fee of \$20 to cover local government corrections costs; a fee of \$10 to cover the costs of court automation; a fee of \$3 to fund traffic education and enforcement; a fee of \$2 to fund judicial education; a fee of \$5 which is deposited into the brain injury services fund; and a court facilities fee of \$10 — \$24. §66-8-116.3

<sup>331</sup>**Point System:** I. An offender's license is suspended for not more than 3 months if accumulating between 7 and 10 points within 1 year. §66-5-30(A)(11) and Title 18 NMAC 19.5.54. However, the offender is subject to a 12-month suspension if he/she accumulating 12 or more points within 12 consecutive months. Title 18 NMAC 19.5.55. 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 19.5.52. Note: The point schedule does not assign points for driving at such a slow speed as to impede traffic.

<sup>332</sup>**Exception:** The licensing agency cannot suspend an offender's license for a speeding violation unless the offender was driving >75 mph on highways or in posted limit construction zones.. §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 <b>1 year</b> . §66-5-32
Mandatory Minimum Term of Withdrawal:	<b>None</b> . Note: An offender is eligible for limited driving privileges for educational or employment purposes. §66-5-35
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor. §66-8-115(A) and (D)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>90 days</b> . §66-8-7(B)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$300</b> . §66-8-7(B)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension</b> via a Points system based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving. §66-5-30(A)(3) and (4)
Length of Term of Licensing Withdrawal:	Not more than <b>1 year</b> . §66-5-32(A)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b> . Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35
Other:	N/A
<u>Reckless Driving:</u>	Misdemeanor. §§66-8-7(A) and 66-8-113(A)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense — 5 to 90 days; subsequent offense — 10 days to 6 months</u> . §66-8-113(B)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense — \$25 to \$100; subsequent offense — \$50 to \$1,000</u> . §66-8-113(B)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> . §66-8-113(C). <b>Revocation</b> for 3 offenses within 12 months §66-5-29(A)(7)

Other Criminal Actions Related to Speeding:  
(continued)

Length of Term of License Withdrawal Action:	<b>Suspension</b> — not more than <b>90 days</b> . §66-8-113(C). <b>Revocation</b> for 3 offenses within 12 months — <b>1 year</b> . §66-5-29(B)
Mandatory Term of License Withdrawal Action:	<b>None</b> . Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35
Other:	<b>Suspension</b> is also possible via a Points system based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving. §66-5-30(A)(3) and (4)
<u>Careless Driving</u> <sup>333</sup> :	<b>Misdemeanor</b> . §66-8-114(A) and (B)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>90 days</b> . §66-8-7(B)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$300</b> . §66-8-7(B)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving. §66-5-30(A)(3) and (4)
Length of Term of License Withdrawal Action:	Not more than <b>1 year</b> . §66-5-32(A)
Mandatory Term of License Withdrawal Action:	<b>None</b> . Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35
Other:	

<sup>333</sup>The 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) and (B)

Commercial Motor Vehicle (CMV) Operators<sup>334</sup>:Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>335</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §66-5-68(E)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days**. §66-5-68(E)

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<sup>334</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §66-1-4.3(J) and 66-5-54(B)

<sup>335</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §66-5-54(I)(1) and (2)

## JURISDICTION:

NEW YORK

## General Reference:

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 highways.<sup>336</sup> V & T Law §1180 — a(2) Repealed December 1, 2005.

## See Other below

55 mph. V & T Law §§1180(b) and 1180-a(1) (V & T Law §1180-a repealed on December 1, 2005)

## Posted (Maximum) Speed Limit:

I. The State Department of Transportation may establish maximum speed limits > or <55 mph<sup>337</sup> (1) on highways under its jurisdiction,<sup>338</sup> (2) on county or town roads not in cities or villages via a request by a county or town, or (3) on highways on State educational, institutional or agency grounds via a request from the controlling organizations. V & T Law

<sup>336</sup>A speed limit of 65 mph **may** be established on the following highways: (1) “The Governor Thomas E. Dewey Thruway as such term is defined in section 356 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 a point east of the town of Lowman, the County of Chemung, thence generally westerly to the Pennsylvania border and from the Chemung interchange to New York touring Route 26, (b) interstate Route 81 from the Pennsylvania border in Broome County to the interchange with New York touring Route 12 in Jefferson County, (c) the Adirondack northway portion of interstate Route 87 from the interchange with crescent road in Saratoga county to the province of Quebec, (d) interstate Route 88 from the interchange with New York state touring Route 369 in Broome County to the interchange with interstate Route 90 in Schenectady County, (e) interstate Route 390, known as the Genesee Expressway, from the interchange with the southern tier expressway in Steuben County to the interchange with interstate Route 490 in Monroe County, (f) interstate Route 490 from interstate Route 90 exit 45 in Ontario County to the City of Rochester in Monroe County and from interstate 90 exit 47 in Genesee County to the City of Rochester in Monroe County, (g) interstate Route 590 from the interchange with interstate Route 390 in Monroe County to the interchange with interstate Route 490 in Monroe County, (h) Route 17 from the interchange with New York touring Route 394 to the Pennsylvania border, (i) interstate Route 481 from the southerly interchange with interstate Route 81 in Onondaga county to the northerly interchange with interstate Route 81 in Onondaga county ... [and] New York state touring Route 481 from the northerly interchange with interstate Route 81 in Onondaga county to the city of Fulton in Oswego county.... V & T Law §1180-a(2) and (3) Repealed December 1, 2005.

<sup>337</sup>Usually, such speed limits cannot be <25 mph or <15 mph in a school zone. V & T Law §§1620(a) and 1622(1) However, on highways within certain designed areas, the speed limit within a county or town cannot be <30 mph. V & T Law §1622(2)

<sup>338</sup>This applies to State-maintained highways outside of cities with a population >1 million and on Indian reservations. V & T Law §1620(a)

Basis for a Speed Law Violation: (continued)

## Posted (Maximum) Speed Limit:

§§1180(c) and (d)(1), 1620(a), 1622(1) and 1623(a). Note: New York law does not specifically state whether different highway speed limits may be established 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 jurisdictions.<sup>339</sup> V & T Law §§1180(c) and (d)(1), 1180-a(1) and 1630(5)

III. Towns<sup>340</sup> may establish maximum speed limits <55 mph<sup>341</sup> on roads within their exclusive jurisdictions. V & T Law §§1180(c) and (d)(1), 1180-a(1) and 1662-a

IV. Cities and villages may establish maximum speed limits <55 mph<sup>342</sup> on roads within their exclusive jurisdictions. V & T Law §§1180(c) and (d)(1), 1180-a(1) and 1643

V. A city or village may establish maximum speeds of not <15 mph on certain private driveway or parking areas. V & T Law §1640-a(2-a)

VI. Other local authorities or school districts may establish speed limits <55 mph on driveways or parking fields under their jurisdictions. V & T Law §§1180(d)(1) and 1670(3)

I. The State Department of Transportation may prohibit a local government from establishing maximum speed limits on certain designated State maintained highways. V & T Law §1624(a)

II. Except as provided under V & T Law §1180-a(2) and (3) (Repealed December 1, 2005.) (1) Cities, (2) villages, (3) towns, (4) counties, (5) public authorities and (5) divisions and offices of the State Department of Transportation

<sup>339</sup>Usually, 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)

<sup>340</sup>"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

<sup>341</sup>The established speed limit within designated areas of a town cannot be <30 mph, except that on certain designated highways, the speed limit cannot be <25 mph. Nevertheless, a speed limit of not <15 mph may be established in school zones. In the community of Point Lookout, Town of Hempstead, a speed limit of not <15 mph may be established. V & T Law §1662-a

<sup>342</sup>I. The established speed limit within designated areas of a city or village cannot be <30 mph, except that on certain designated highways, the speed limit cannot be <25 mph. Nevertheless, a speed limit of not <15 mph may be established in school zones. In Buffalo and Rochester, a speed limit of not <15 mph may be established on a highway within a city park. V & T Law §1643

II. In cities with a population >1 million, speed limits <25 mph but in no case <15 mph may be established along designated highways for the "purpose of implementing traffic calming measures." However, no such speed limit can be established where such measure consists only of traffic control signs. The term "traffic calming measures" means "any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists." V & T Law §1642(26)

Basis for a Speed Law Violation: (continued)

are prohibited from establishing speed limits >55 mph. V & T Law §1180-a(1)(V & T Law §1180-a repealed on December 1, 2005)

## 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. 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 may establish minimum safe speed limits on highways under its jurisdiction or a city with a population >1 million. V & T Law §§1181(b), 1620(b) and 1642(a)(5).

Note: Via signs, slower moving traffic may be directed to use designated lanes. V & T Law §1128(c)

## 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 §§1180(d)(1), 1620(c), 1644, 1652 and 1663

II. The State or a local government may establish maximum and minimum speed limits on restricted highways that are either under construction or reconstruction. Highway Law §104-a and V & T Law §§1180(d)(2) and 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 boards 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

VI. No person shall drive a commercial motor vehicle (CMV) with gross weight >10,000 lbs. (>18,000 lbs. if using radar/laser speed detector) >55 mph or above the posted speed limit. V & T Law §1180(g)(i)

Adjudication of Speed Law Violations:

## Civil/Criminal Adjudication of Violation:

All speed law violations are traffic infractions. V & T Law §§1180 and 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.

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 — First offense — not more than **15 days**; second 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 &amp; T Law §1180(h)(1)

Established Construction Zones or CMV Speed LimitViolations-(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)

In addition to any other penalty, violation of a maximum speed limit in a work zone is subject to an additional surcharge of \$50. §1809-D

## Mandatory Minimum Term:

**None**

## Fine:

Amount (\$ Range):

Basic Speed Rule — not more than **\$45 to \$150**<sup>343</sup> 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 — First offense — not more than **\$150**; second offense (within 18 months) — not more than **\$300**; subsequent offense (within 18 months) — not more than **\$450**. V & T Law §1800(b)Exceeding 55/65 mph or the Posted Speed Limits-(1)Exceeding speed limit ≤10 mph — **\$45 to \$150**; (2)Exceeding speed limit >10 but <30 mph — **\$90 to \$300**; (3)Exceeding the speed limit >30 mph — **\$180 to****\$600**. V & T Law §1180(h)(1)

<sup>343</sup>Second offense (within 18 months) — the maximum fine that can be imposed is increased by **\$150** V & T Law §1180(h)(5); subsequent offense (within 18 months) — the maximum fine that can be imposed is increased by **\$375**. V & T Law §1180(h)(5)

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

	<u>Established Construction Zones or CMV Speed Limit Violations</u>
	(1) Exceeding speed limit $\leq 10$ mph — <b>\$90 to \$150</b> ; (2) Exceeding speed limit $>10$ but $<30$ mph — <b>\$180 to \$300</b> ; (3) Exceeding the speed limit $>30$ mph — <b>\$360 to \$600</b> . V & T Law §1180(h)(3)
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3
Other:	<b>School Speed Zone:</b> The following sanctions apply if a person exceeds the applicable speed limit in a school zone during a school day between the hours of 7:00 A.M. and 6:00 P.M.: (1) exceeding the speed limit by $\leq 10$ mph, a fine of not less than <b>\$90 nor more than \$300</b> ; (2) exceeding the speed limit by $>10$ mph but $\leq 30$ mph, a fine of not less than <b>\$180 nor more than \$600</b> and/or imprisonment for not more than <b>15 days</b> ; and (3) exceeding the speed limit by $>30$ mph, a fine of not less than <b>\$360 nor more than \$1200</b> and/or imprisonment for not more than <b>30 days</b> . V & T Law §1180(h)(4)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> — Based Upon Habitual or Persistent Traffic Law Violations (point system). <sup>344</sup> V & T Law §510(3)(d) <b>Revocation</b> — 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.):	<b>Suspension or Revocation</b> — Based upon Habitual or Persistent Traffic Law Violations (point system) — The law does not provide specific suspension or revocation periods. <sup>345</sup> V & T Law §510(3)(d) <b>Revocation</b> — Based upon 3 or more offenses within 18 months involving <u>exceeding</u> the speed limit, -At least <b>6 months</b> . V & T Law §510(6)(a)

<sup>344</sup>**Point System:** I. An offender may be required to attend a Driver Improvement Clinic if accumulating 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  $\geq 11$  points within 18 months or  $\geq 9$  points resulting from speeding violations within 18 months. NYCRR §131.4(c) II. The following points have been assigned to speeding or speed-related violations: speeding  $>40$  mph over the speed limit — 11 points; speeding  $>30$  but  $\leq 40$  mph over the speed limit — 8 points; speeding  $>20$  but  $\leq 30$  mph over the speed limit — 6 points; reckless driving — 5 points; speeding  $>10$  but  $\leq 20$  mph over the speed limit — 4 points; and other violations related to exceeding the speed limit — 3 points. 15 NYCRR §131.3(a) and (b)

<sup>345</sup>In 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)

Mandatory Minimum Term of Withdrawal:	<b>Suspension or Revocation</b> — Based upon Habitual or Persistent Traffic Law Violations (point system) — none. <sup>346</sup> Note: Suspension or revocation action is "permissive." V & T Law §510(3)(d) <b>Revocation</b> — none
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) and (3)
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway:</u>	Misdemeanor. V & T Law §1182(1)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>30 days</b> V & T Law §1182(1); <u>second offense</u> (within 12 months) — not more than <b>6 months</b> . V & T Law §1182(2)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — <b>\$300 to \$525</b> V & T Law §1182(1); <u>second offense</u> (within 12 months) — <b>\$525 to \$750</b> . V & T Law §1182(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Revocation.</b> V & T Law §510(2)(a)(vi) and (vii)
Length of Term of Licensing Withdrawal:	<u>First offense</u> — At least <b>6 months</b> V & T Law §510(2)(a)(vi) and (6)(a); <u>second offense</u> (within 3 years) — <b>1 year</b> . V & T Law §510(2)(a)(vii)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b>
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
<u>Reckless Driving:</u>	Misdemeanor. V & T Law §§1212 and 1801(1)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>30 days</b> ; <u>second offense</u> (within 18 months) — not more than <b>90 days</b> ; <u>subsequent offense</u> (within 18 months) — not more than <b>180 days</b> . V & T Law §1801(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>

<sup>346</sup>A "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)

Fine (\$ Range):	<u>First offense</u> — not more than <b>\$300</b> ; <u>second offense</u> (within 18 months) — not more than <b>\$525</b> ; <u>subsequent offense</u> (within 18 months) — not more than <b>\$1125</b> . V & T Law §1801(1)
Mandatory Minimum Fine:	<u>First or subsequent offense</u> — <b>\$100</b> . V & T Law §1801(1)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> — Based upon (1) Dangerous Driving or (2) Habitual or Persistent Traffic Law Violations (point system) V & T Law §510(3)(a) and (d)
Length of Term of License Withdrawal Action:	Note: The law does not provide specific suspension or revocation periods. V & T Law §510(3)(a) and (d)
Mandatory Term of License Withdrawal Action:	<b>None.</b> <sup>347</sup> Note: Suspension or revocation action is "permissive." V & T Law §510(3)(a) and (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) Operators<sup>348</sup>.

<u>Grounds for Suspension:</u>	A person's CDL is suspended if while operating a CMV that person (1) commits 2 "serious traffic violations" <sup>349</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §510-a(3)(a) and (b)
<u>Period of Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>Three serious violations</u> (within 3 years) — <b>120 days</b> . V & T Law §510-a(3)(a) and (b)
<u>Period of Mandatory Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>Three serious violations</u> (within 3 years) — <b>120 days</b> . V & T Law §510-a(3)(a) and (b)

<sup>347</sup> A "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 that person has been convicted of a prior reckless driving offense within 4 years of the present offense. V & T Law §530(2)

<sup>348</sup> A 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 more than 26,000 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials of any size other than a farm vehicle operated within 150 miles of the operator's farm, which require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. V & T Law §501-a(4)

<sup>349</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. V & T Law §510-a(4)(a)

JURISDICTION:

NORTH CAROLINA

General Reference:

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:

70 mph on the interstate highway system or other controlled-access highways<sup>350</sup> §20-141(d)(2)

See Other below.

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) and (g)

II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on streets under their jurisdictions. However, the maximum speed limit on any street cannot be >55 mph. §20-141(e) and (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 provided 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)

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<sup>350</sup>The 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)

Basis for a Speed Law Violation: (continued)

- III. A person driving at less than the legal maximum speed limit 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<sup>351</sup> §20-141(c)(1)
  - II. 45 mph on interstate and primary highways with a posted speed limit ≥60 mph §20-141(c)(2)
  - 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 jurisdictions. §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 transporting 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 (non-criminal offenses). §§14-3.1 and 20-176(a)  
Excessive Speeding is a Class 2 misdemeanor.<sup>352</sup> §20-141(j1)  
A person who drives 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) and 20-218.2
- Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:  
Imprisonment:

<sup>351</sup>This limit does not apply to vehicles that are towing other vehicles. §20-141(c)

<sup>352</sup>It 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)

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

Term (Day, Month, Years, Etc.):	<u>Infraction</u> — <b>none</b> . <u>Class 2 misdemeanor</u> — <b>1 to 60 days</b> . <sup>353</sup> §15A-1340.23(c)(2) <u>Class 3 misdemeanor</u> — <b>1 to 20 days</b> §15A-1340.23(c)(2)
Mandatory Minimum Term:	<b>None</b> . See Highway Work Zone and School Property below
Fine:	
Amount (\$ Range):	<u>Infraction</u> — not more than <b>\$100</b> . §20-176(b) <u>Class 2 misdemeanor</u> — not more than <b>\$1,000</b> . §15A-1340.23(b) <u>Class 3 misdemeanor</u> — not more than <b>\$200</b> . §15A-1340.23(b)
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	Driver Improvement Clinic. §20-16(e)
Other:	<b>Highway Work Zone:</b> There is a fine of <b>\$250 (mandatory)</b> for exceeding the speed limit in a highway work zone. §20-141(j2) <b>School Zone or School Property:</b> 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), there is a mandatory fine of <b>\$25</b> . §§20-141(e1) and 20-141.1
Licensing Action:	
Type of Licensing Action (Susp/Rev):	I. <b>Suspension</b> via a point system. <sup>354</sup> §20-16(a)(5) and (c) II. <b>Suspension</b> for 2 offenses within 12 months of Speeding >55 but <80 mph. §20-16(a)(9) III. <b>Suspension</b> for driving >75 mph on a highway with a posted speed limit of <70 mph. §20-16(a)(10)

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<sup>353</sup>The 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 that person has 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 that person has had up to 4 prior convictions, the incarceration period is from 1 to 45 days, and, if there are 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 that person has had up to 4 prior convictions, the incarceration period is from 1 to 15 days, and, if there are 5 or more prior convictions, the incarceration period is from 1 to 20 days. §15A-1340.23(c)(2)

<sup>354</sup>**Point System:** I. A person's license is subject to suspension if accumulating 12 points within 3 years. II. The following points have been assigned to speeding or speed-related offenses: reckless driving — 4 points (5 points if operating a commercial motor vehicle); exceeding the posted speed limit of 55 mph — 3 points (4 points if operating a commercial motor vehicle); exceeding the posted speed limit in a school zone — 3 points (4 points if operating a commercial motor vehicle); and, all other speed violations-2 points (3 points if operating a commercial motor vehicle). §20-16(a)(5) and (c)

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

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

IV. **Suspension** for driving >80 mph on a highway with a posted speed limit of 70 mph. §20-16(a)(10a)

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)

Mandatory Minimum Term of  
Withdrawal:

I. **Suspension** via a point system — none. §20-16(a)(5) and (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.

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**.<sup>355</sup> 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 driving 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) and (c)(2)

**Commercial Motor Vehicle:** A person who commits a violation in a commercial motor vehicle for which points are assessed may be further assessed **double** the amount of any fine or penalty authorized by law. §20-16.01

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<sup>355</sup> A first offender may receive restricted driving privileges for health, education or family welfare purposes. However, for subsequent offenders, the suspension appears to be mandatory. §20-16.1(b)(1)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	I. Class 1 misdemeanor- <u>Prearranged</u> 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. <u>Prearranged</u> Speed Competition on a Highway — <b>1 to 120 days.</b> §15A-1340.23(c)(2) II. Willful Speed Competition (not prearranged) — <b>1 to 60 days.</b> §15A-1340.23(c)(2)
Mandatory Minimum Term: Fine (\$ Range):	<b>None</b> I. <u>Prearranged</u> 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 <b>\$1,000.</b> §15A-1340.23(b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	I. <u>Prearranged</u> Speed Competition on a Highway— <b>Revocation.</b> §20-141.3(d) II. Willful Speed Competition (not prearranged)— <b>Suspension.</b> §20-141.3(e)
Length of Term of Licensing Withdrawal:	I. <u>Prearranged</u> Speed Competition on a Highway — <b>3 years.</b> §20-141.3(d) II. Willful Speed Competition (not prearranged) — not more than <b>1 year.</b> §20-141.3(e)
Mandatory Action — Minimum Length of License Withdrawal:	I. <u>Prearranged</u> Speed Competition on a Highway- <b>18 months.</b> <sup>356</sup> §20-141.3(d) II. Willful Speed Competition (not prearranged) — <b>none.</b> §20-141.3(e)
Other:	I. Driver Improvement Clinic §20-16(e) II. Seizure and forfeiture of the vehicle used in a pre-arranged speed contest. §20-141.3(g)

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<sup>356</sup>A 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)

<u>Reckless Driving</u> <sup>357</sup> :	Class 2 misdemeanor. §20-140(a), (b) and (d)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>1 to 60 days</b> §15A-1340.23(c)(2)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> . §15A-1340.23(b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. §20-16(a)(5) and (c) <b>Suspension</b> for 1 or more charges of reckless driving and 1 or more charges of speeding >55 mph but <80 mph. §20-16(a)(9) <b>Revocation</b> for 2 reckless driving offenses within 12 months. §20-17(a)(6)
Length of Term of License Withdrawal Action:	<b>Suspension</b> via a point system — not more than <b>1 year</b> . §§20-16(a)(5) and (c) and 20-19(c) <b>Revocation</b> for 2 reckless driving offenses within 12 months — <b>1 year</b> . §§20-17(a)(6) and 20-19(f)
Mandatory Term of License Withdrawal Action:	<b>Suspension</b> via a point system — <b>none</b> . §§20-16(a)(5) and (c) Note: Suspension action by the licensing agency appears to be discretionary. <b>Revocation</b> for 2 reckless driving offenses within 12 months — <b>1 year</b> . §§20-17(a)(6) and 20-19(f)
Other:	I. <b>Required Suspension</b> for operating a motor vehicle (1) >15 mph over the speed limit <u>and</u> also driving >55 mph or (2) >80 mph <u>and</u> reckless driving — <b>60 days</b> . §20-16.1(d) Note: This action appears to be mandatory. A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e) II. Driver Improvement Clinic. §20-16(e) III. <b>Commercial Motor Vehicle:</b> A person who commits a violation in a commercial motor vehicle for which <u>points</u> are assessed may be further assessed <b>double</b> the amount of any fine or penalty authorized by law. §20-16.01

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<sup>357</sup>"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) and (b)

Commercial Motor Vehicle (CMV) Operators <sup>358</sup>.

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>359</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §20-17.4(d)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §20-17.4(d)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §20-17.4(d)

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<sup>358</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §20-4.01(3d)

<sup>359</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §20-4.01(41a)(a) and (b)

JURISDICTION:

NORTH DAKOTA

General Reference:

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.<sup>360</sup>  
§39-09-01

Statutory Speed Limit:

70 mph (112.65 kph) on access-controlled interstate highways<sup>361</sup>  
§39-09-02(1)(h)

See Other below.

65 mph<sup>362</sup> (104.61 kph) on 2-lane paved highways during the daytime, and on certain multi-lane interstate highways §39-09-02(1)(g)  
55 mph<sup>363</sup> (88.51 kph) on unpaved roads and on certain paved during the nighttime §39-09-02(1)(f)  
25 mph (40.23 kph) in a business or residential district or a public park §39-09-02(1)(e)  
20 mph (32.19 kph) in a school zone<sup>364</sup> unless a lower speed limit has been posted §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.<sup>365</sup> §§39-09-04 and 39-09-07  
II. Based on engineering and traffic investigations, a local government may increase (but not >55 mph) 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

<sup>360</sup>A violation of this provision is considered "careless driving." §39-09-01

<sup>361</sup>The 70 mph speed limit applies on access-controlled, paved and divided multi-lane interstate highways. §39-09-02(1)(h)

<sup>362</sup>The 65 mph speed limit applies, if posted, (1) on paved two-lane highways 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)

<sup>363</sup>Provided 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)

<sup>364</sup>This speed limit applies (1) when the school is in recess and (2) when children are going to and from school. §39-09-02(1)(b)

<sup>365</sup>This includes the establishment of different highway speed limits for different types of vehicles (certain types of trucks may be required to be driven at a slower speed than other types of motor vehicles), at different times of the day, for various weather conditions, or for other factors bearing on safe speeds. §39-09-04

Basis for a Speed Law Violation: (continued) for traffic or as close as practicable to the right-hand curb or edge of the roadway. §39-10-08(2)

Posted (Minimum) Speed Limit: I. The State may designate a lower speed limit for certain areas of a highway (e.g. construction zones). §39-09-02  
 II. Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits for the highways under their jurisdictions. §39-09-09(2)

Other: I. The law establishes a speed limit of 20 mph (32.19 kph) in certain situations where a driver's view is obstructed. §39-09-02(1)(a), (c) and (d)  
 II. Special speed limits may be established on a State highway. §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. §39-09-04.1(2) and (3)  
 IV. A person shall not operate a vehicle that is equipped with solid rubber tires >10 mph (>16.09 kph). §39-09-04.1(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Speed Law violations are non-criminal Fee Dispositions. §§39-07-06, 39-06.1-02, 39-06.1-06(1), (3), (4) and (7), and 39-06.1-09

Other: A person who violates the Basic Speed Rule (Careless Driving) commits an infraction if that person injures either a snow removal equipment operator or snow removal equipment while such are engaged in snow removal operations. §39-09-01

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) and 39-09-01  
Violating Posted/Maximum Speed Limits — **\$5 to >\$170**<sup>366</sup>

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<sup>366</sup>I. **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 kph):** 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 20 mph over the speed limit — \$40 plus \$3 for each mph over 15 mph over the limit; 21 to 25 mph over the speed limit — \$55 plus \$3 for each mph over 20 mph over the limit; 26 to 35 mph — \$70 plus \$3 for

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

	<p>§§39-06.1-06(3), (7) and (11) and 39-09-02(2)  <u>Driving a Vehicle Equipped with Solid Rubber Tires &gt;10 mph (&gt;16.09 kph) — \$20.</u> §§39-06.1-06(2) and 39-06.1-09  <u>Exceeding the Maximum Safe Posted Speed Limit on Bridges, Causeways or Viaducts — \$20.</u> §§39-06.1-06(2) and 39-06.1-09  <u>Driving Too Slowly or Violating Minimum Posted Speed Limit — \$20.</u> §§39-06.1-06(2) and 39-06.1-09  <u>Infraction — not more than \$500.</u> §12.1-32-01(7)</p>
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	N/A
Other:	<u>Subsequent infraction.</u> A person who has been convicted of a subsequent infraction offense within 1 year <u>may</u> 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 <b>30 days</b> and/or a fine of not more than <b>\$1,000.</b> §12.1-32-01(6)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. <sup>367</sup> §39-06.1-10

each mph over 25 mph over the limit; 36 to 45 mph over the speed limit — \$120 plus \$5 for each mph over 35 mph over the limit; and ≥46 mph over the speed limit — \$170 plus \$5 for each mph over 45 mph over the limit. §39-06.1-06(7)  
**III. Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits >70 mph:** 6 to 10 mph over the limit — \$40; 11 to 15 mph over the limit — \$60; 16 to 20 mph over the limit — \$80; 21 to 25 mph over the limit — \$100; 26 to 30 mph over the limit — \$125; 31 to 35 mph over the limit — \$150; and ≥36 mph over the limit — \$150 plus \$5 for each mph over 35 mph over the limit. §39-06.1-06(11).

**IV. 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. §39-06.1-06(12). Note: The point schedule does not assign points for a violation of the provisions related to minimum speed (§§39-09-09(1) and 39-10-08(2)).

<sup>367</sup>**Point System:** I. An offender who accumulates 12 points is subject to a 7-day license suspension. If accumulating ≥13 points, the 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; careless driving — 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) and (29) and 39-06.1-10(3)(b)(1) and (2)

III. The following points have been assigned for exceeding the speed limit: 11 to 15 mph over the speed limit — 1 point; 16 to 20 mph over the speed limit — 3 points; 21 to 25 mph over the speed limit — 5 points; 26 to 35 mph over the speed limit — 9 points; 36 to 45 mph over the speed limit-12 points; and, ≥46 mph over the speed limit-15 points. §39-06.1-10(3)(a)(30).

IV. The following points have been assigned for exceeding the speed limit on highways with a speed limit > 65 mph: 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 — 5 points; 21 to 25 mph over the speed limit — 7 points; 26 to 30 mph over the speed limit — 10 points; 31 to 35 mph over the speed limit-12 points; and, ≥36 mph over the speed limit-15 points. §39-06.1-10(3)(a)(33)

**Persons Under 18 Years Old:** A person under 18 years old who has accumulated >5 points must have driving privileges canceled. Such a person is considered never to have had a license and, after any period of suspension or revocation, that person may apply for and be issued an instructional permit. Such individuals must complete a course of classroom and behind-the-wheel instruction, an internet course and 30 hours of driving with a parent or guardian, or a course at an

Term of License Withdrawal (Days, Months, Years, etc.):	≥7 days. §39-06.1-10(2)
Mandatory Minimum Term of Withdrawal:	Note: Suspensions via the point system appear to be mandatory.
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Exhibition of Driving and Drag Racing:</u> <sup>368</sup>	Non-criminal Fee Disposition. §§39-08-03.1 and 39-07-06
Sanctions:	
Criminal Sanction:	<b>None</b>
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	For Drag Racing — <b>\$100.</b> §39-08-03.1(1) For Exhibition Driving — <b>\$50.</b> §39-08-03.1(1)
Mandatory Minimum Fine:	Note: The law is not clear but the above fines may be mandatory.
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via a point system. §39-06.1-10
Length of Term of Licensing Withdrawal:	≥7 days. §39-06.1-10(2)
Mandatory Action — Minimum Length of License Withdrawal:	Note: Suspensions via the point system appear to be mandatory.
Other:	
<u>Reckless Driving:</u>	Class B misdemeanor. §39-08-03
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>30 days.</b> §12.1-32-01(6)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000.</b> §12.1-32-01(6)
Mandatory Minimum Fine:	<b>None</b>

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approved commercial driver training school. In addition, that person must satisfy all other requirements for licensing prior to being issued a driver's license. §§14-10-01 and 39-06-01.1

<sup>368</sup>I. "Drag racing" is defined as operating either (1) "two or more vehicles from a point side by side by accelerating rapidly in a competitive 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)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system. §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.

Other:

N/A

Aggravated Reckless Driving<sup>369</sup>:

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 **\$2,000**. §12.1-32-01(5)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system. §39-06.1 — 10 or **Revocation** if there was "serious bodily injury"<sup>370</sup>. §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 recommended 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 recommended by the court

Other:

N/A

Care in Operating Vehicle<sup>371</sup>: Non-criminal Disposition Fee. §39-06.1-06(5) and 39-09-01.1

<sup>369</sup>"Aggravated reckless driving" is reckless driving which "inflicts injury upon the person of another." §39-08-03

<sup>370</sup>"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, or a bone fracture." §12.1-01-04(29)

<sup>371</sup> A person violates this provision if that person does 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 "drives any vehicle upon a highway in a manner to endanger the life, limb, or property of any person." §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. §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.

Other: N/A

Commercial Motor Vehicle (CMV) Operators<sup>372</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>373</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §39-06.2-10(5)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days.** §39-06.2-10(5)

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<sup>372</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §39-06.2-02(6)

<sup>373</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §39-06.2-02(21)(a) and (b)

## JURISDICTION:

OHIO

## General Reference:

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:

65 mph<sup>374</sup> on certain interstate and State freeways and rural highways §4511.21(B)(12) and (D)  
 55 mph for vehicles weighing >8,000 lbs. empty weight and noncommercial buses on interstate and State freeways §4511.21(B)(10) and (11)  
 55 mph on other freeways inside and outside of municipal corporations §4511.21(B)(8) and (9) and (D)  
 55 mph on highways outside of municipal corporations except for 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) and (C)  
 50 mph (*prima facie* speed limit) on State routes within municipal corporations outside urban districts §4511.21(B)(6) and (C)  
 35 mph (*prima facie* speed limit) on State routes and through highways<sup>375</sup> §4511.21(B)(3) and (C)  
 25 mph (*prima facie* speed limit) on municipal corporation streets<sup>376</sup> §4511.21(B)(2) and (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) and (C)  
 15 mph (*prima facie* speed limit) on alleys within a municipal corporation §4511.21(B)(7) and (C)

## Posted (Maximum) Speed Limit:

Based on geometric and traffic characteristics studies, the State or local governments<sup>377</sup> 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) and (J)

<sup>374</sup>This speed limit only applies to motor vehicles weighing ≤8,000 lbs. empty weight and commercial buses. §4511.21(B)(12)

<sup>375</sup>This 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)

<sup>376</sup>Except on state routes outside business districts, through highways outside business districts, and alleys §4511.21(B)(2)

<sup>377</sup>Local governments must either request or obtain State approval for any speed limit changes on the streets or highways within their jurisdictions. §4511.21(H) and (J)

Basis for a Speed Law Violation: (continued)

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(B)

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 <30 mph or >50 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  $\geq 20$  dwelling units may establish a legal posted speed limit on such road or driveway of not <25 mph. §4511.211

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.):

First offense (minor misdemeanor) — **none**; second offense (within 1 year) (4th degree misdemeanor) — not more than **30 days**; subsequent offense (within 1 year) (third degree misdemeanor) — not more than **60 days**. §§2929.21(A) and (B) and 4511.99(D)

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

First offense (minor misdemeanor) — not more than **\$100**; second offense (within 1 year) (4th degree misdemeanor) — not more than **\$250**; subsequent offense (within 1 year) (third degree misdemeanor) — not more than **\$500**. §§2929.21(C) and (D) and 4511.99(D)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

Remedial Driving Instruction. §4507.022(A). Note: This course must be completed before driving privileges can be restored.

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system<sup>378</sup> §4507.021(G), (K) and (L)

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)

Miscellaneous Sanctions

Not Included Elsewhere:

I. First offense of driving (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 increased sanctions are in effect and the offense occurs during hours of actual work within the zone, the fines for an offense committed in such zone are double the usual amount. §§4511.99(D)(3) and 4511.98Other Criminal Actions Related to Speeding:Street Racing<sup>379</sup>:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Misdemeanor. §§4511.251 and 4511.99(D)

First offense (minor misdemeanor) — **none**; second offense (within 1 year) (4th degree misdemeanor) — not more than **30 days**; subsequent offense (within 1 year) (third degree misdemeanor) — not more than **60 days**. §§2929.21(A) and (B) and 4511.99(D)

Mandatory Minimum Term:

Fine (\$ Range):

**None**First offense (minor misdemeanor) — not more than **\$100**; second offense (within 1 year) (4th degree misdemeanor) — not more than **\$250**; subsequent offense (within 1 year)

<sup>378</sup>**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; first violation of exceeding either the 55 or 65 mph speed limits by driving >75 mph-2 points; second 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; and third 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 mph over the limit. §4507.021(G)(9), (10), (12), (13), (14), (15) and (16)

<sup>379</sup>"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

Other Criminal Actions Related to Speeding:  
(continued)

(3rd Degree Misdemeanor) — Mandatory Minimum Fine:	Not more than <b>\$500</b> . §§2929.21(C) and (D) and 4511.99(D) <b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension</b> via a point system §4507.021(G), (K) and (L) <b>Suspension</b> via Court Action §4507.16(A)(1)(d)
Length of Term of Licensing Withdrawal:	<u>Suspension</u> via point system — <b>6 months</b> §4507.021(K) <u>Suspension</u> via Court Action — <b>30 days to 3 years</b> §4507.16(A)
Mandatory Action — -Minimum Length of License Withdrawal:	<u>Suspension</u> via point system — <b>none</b> . The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N) <u>Suspension</u> via Court Action — <b>30 days</b> . §4507.16(I) Note: A 30-day suspension appears to be mandatory.
<u>Street Racing:</u> Other:	Remedial Driving Instruction. §4507.022. Note: This course must be completed before driving privileges can be restored.
<u>Reckless Driving</u> <sup>380</sup> : Sanction: Criminal: Imprisonment (Term):	Misdemeanor. §§4511.20, 4511.201 and 4511.99(D)  <u>First offense</u> (minor misdemeanor) — <b>none</b> ; <u>second offense</u> (within 1 year) (4th degree misdemeanor) — not more than <b>30 days</b> ; <u>subsequent offense</u> (within 1 year) (Third degree misdemeanor) — not more than <b>60 days</b> . §§2929.21(A) and (B) and 4511.99(D)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> (minor misdemeanor) — not more than <b>\$100</b> ; <u>second offense</u> (within 1 year) (4th degree misdemeanor) — not more than <b>\$250</b> ; <u>subsequent offense</u> (within 1 year) (third degree misdemeanor) — not more than <b>\$500</b> . §§2929.21(C) and (D) and 4511.99(D)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action:	<b>Suspension</b> via a point system. §4507.021(G), (K) and (L)  <b>Suspension</b> via point system — <b>6 months</b> . §4507.021(K)

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<sup>380</sup>This section applies to the reckless operation of a vehicle on any public or private property other than streets or highways.

Other Criminal Actions Related to Speeding:  
(continued)

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)

Other:

I. If the appropriate signs are posted in a construction zone that indicate that increased sanctions are in effect and the offense occurs during hours of actual work within the zone, the fines for an offense committed in such zone are double the usual amount. §§4511.99(D)(3) and 4511.98  
II. Remedial Driving Instruction. §4507.022. Note: This course must be completed before driving privileges can be restored.

Reasonable Control<sup>381</sup>:

Minor misdemeanor. §§4511.202 and 4511.99(I)

Sanctions:

Criminal Sanction:

**None**

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$100**. §2929.21(D)

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** via a point system. §4507.021(G), (K) and (L)

Length of Term of

Licensing Withdrawal:

**Suspension** via point system — **6 months** §4507.021(K)

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)

Other:

Remedial Driving Instruction. §4507.022. Note: This course must be completed before driving privileges can be restored.

<sup>381</sup>"No person shall operate a motor vehicle.... without being in reasonable control of the vehicle...." §4511.202

Commercial Motor Vehicle (CMV) Operators:<sup>382</sup>

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>383</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §4506.16(B)(5) and (6)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §4506.16(B)(5) and (6)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §4506.16(B)(5) and (6)

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<sup>382</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §4506.01(E)

<sup>383</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §4506.01(W)(1) and (2) and 49 CFR §383.5

## JURISDICTION:

OKLAHOMA

## General Reference:

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) and (D) and 11-1401(g)

## Statutory Speed Limit:

75 mph on the turnpike system and designated segments of the rural interstate system. Title 47, §11 —

## See Other below.

801(B)(1)

70 mph on four-lane highways or "super two-lane" highways<sup>384</sup> 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 on any highway outside of a municipality. However, the Oklahoma Department of Transportation, based on engineering and traffic investigations, may establish school zone speed limits >25 mph at specific locations. Title 47, §11-801(B)(5)

25 mph, or an established alternative speed limit, through State schools which are located on State owned land adjoining or outside the limits of a corporate city or town. Title 47, §11-801(B)(6)

## Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase or decrease<sup>385</sup> the above speed limits.<sup>386</sup> Title 47, §§11-802 and 11-803(D)

Basis for a Speed Law Violation:

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 limitations<sup>387</sup> and based on

<sup>384</sup>A "super two-lane highway" means a two-lane highway "with designated passing lanes, and consisting of paved shoulders not less than eight (8) feet in width." Title 47, §11-801(B)(2)

<sup>385</sup>On interstate highways within corporate limits, the speed limit cannot be decreased to less than 60 mph. Title 47, §11-803(D)

<sup>386</sup>Under separate provisions of law, the State Transportation Commission may establish maximum speeds for controlled access highways. Title 47, §11-801(C)

<sup>387</sup>The 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) and (3)

Basis for a Speed Law Violation: (continued)

- engineering and traffic investigations, local governments may increase or decrease the maximum speed limits.<sup>388</sup> Title 47, §11-803
- IV. The State Transportation Commission and local governments have joint authority to alter speed limits within corporate limits on highways constructed with either State or Federal funds.<sup>389</sup> 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 then 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 paved two-lane 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) and (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 cycle<sup>390</sup> or motor scooter<sup>391</sup> >35 mph. Title 47, §11-805

<sup>388</sup>Under separate provisions law, county boards may establish speed limits > or <55 mph for county roads. Title 47, §11-801(E)(1)(A)

<sup>389</sup>However, 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)

<sup>390</sup>A "motor-driven cycle" is a bicycle with a motor attached. Title 47, §11-805

<sup>391</sup>This 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

VI. Violations of the posted reduced speed limit in toll booth zones –fine doubled Title 47, §11-806.2

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) and 17-101(A)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

I. For statutory speed law violations (Title 47, §11-801 (B) and (E) except for excessive speed ( $\geq 35$  mph) over the limit — **none**. For the exception — **not more than 10 days to not more than 6 months**, depending on whether it is a first, second or third offense. Title 47, §11-801(F)

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

II. For speed law violations (Title 47, §11-301(B) and 11-801 to 11-806) — First offense — not more than **10 days**; second offense (within 1 year) — not more than **20 days**; third or subsequent offense (within 1 year) — not more than **6 months**. Title 47, §§11-807(C) and §17-101(B)(1)

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

I. For statutory speed law violations<sup>392</sup> (Title 47, §§11 — 801 to 11-807) — **\$10 to \$205**. Title 47, §§11-807(C) and 11-1401(M)

II. For speed law violations (Title 47, §11-301(b), 11-309(3) and 11-801 to 11-806) — First and subsequent offense — **\$5 to \$500**. Title 47, §17-101(B)

Mandatory Min. Fine (\$):

The stated fines appear to be mandatory.

Other Penalties:

Traffic School:

Driver Improvement or Defensive Driving Course. Title 47, §6-206.1 and OAC 595:10-7-10. Note: An offender

<sup>392</sup>For a violation of the Statutory Speed Limits, Title 47, §11-801(B) and (E), a person is subject to the following sanctions: (1) 1 to 10 mph over the limit-a \$10 fine; (2) 11 to 15 mph over the limit-a \$20 fine; (3) 16 to 20 mph over the limit-a \$35; (4) 21 to 25 mph over the limit-a \$75 fine; (5) 26 to 30 mph over the limit-a \$135 fine; (6) 31 to 35 mph over the limit-a \$155 fine; and, (7) 36 mph or more over the limit-a \$205 fine and/or the following imprisonment sanctions: first offense — not more than 10 days; second offense (within 1 year) — not more than 20 days; third or subsequent offense (within 1 year) — not more than 6 months. Title 47 §11-801(F). These fine sanctions may be mandatory given the wording in Title 47, §11-801(F).

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Other:	can reduce the number points on the driving record by taking this course. OAC 595:10-7-10 Violators of Title 47 §11-1401(H) (speeding on a turnpike) are guilty of a misdemeanor and are subject to a fine of \$10 — \$200 and/or jail for 5 to 30 days. Title 47 §11-1401(M)
Licensing Action: Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> <sup>393</sup> Title 47, §6-206(B)
Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of Withdrawal:	Not more than <b>1 year.</b> Title 47, §6-208  <b>Limited.</b>
Miscellaneous Sanctions Not Included Elsewhere:	N/A

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	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:	

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<sup>393</sup>**Point System:** The licensing agency usually takes suspension action based upon a point system. I. Under this system, an offender's license is suspended when accumulating 10 or more points. Suspension periods are determined by the number of prior suspensions as follows: a first suspension is for 1 month; a second suspension is for 3 months; a third 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 greater than or less than is reasonable or proper — 1 point; and impeding traffic and <40 mph — 1 point. OAC 595:10-7-2

Other Criminal Actions Related to Speeding:  
(continued)

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.** Title 47, §§11-102, 11-901(A) and 17-101(A)

First offense — 5 days to 90 days; subsequent offense — 10 days to 6 months. Title 47, §11-901(B)

**None**

First offense — \$250 to \$500; subsequent offense — \$300 to \$1,000 Title 47, §11-901(B)

First offense — \$100; subsequent offense — \$150

**Suspension.** Title 47, §6-206(B)

Not more than **1 year.** Title 47, §6-208

**Limited.**

Driver Improvement or Defensive Driving Course. Title 47, §6-206.1 and OAC 595:10-7 — 10 Note: An offender can reduce the number points on the driving record by taking this course. OAC 595:10-7-10

An additional penalty of \$15 is assessed to benefit the Public Safety Vehicle Revolving Fund. Title 20 §1313.5

Commercial Motor Vehicle (CMV) Operators<sup>394</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>395</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Title 47, §6-205.2(F)

<sup>394</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Title 47, §§1-107.1, 1-107.2 and 1-107.3

<sup>395</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. Title 47, §6-205.2(F)(1) and (2)

Period of Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. Title 47, §6-205.2(F)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. Title 47, §6-205.2(F)

JURISDICTION:

OREGON

This chapter summarizes Oregon State statutes related to speed.

General Reference:

Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person commits an offense if driving 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.<sup>396</sup> §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 (§811.100(2)(c)):

See Other below.

A) 65 mph on rural interstate highways §§811.105(2)(f), 811.112(1) and 811.123(1)(f)

B) 55 mph on other highways §811.105(2)(g) and 811.123(1)(g)

C) 25 mph in a public park §811.105(2)(d) and 811.123(1)(d)

D) 25 mph in a residential district if the district is not located within a city or urban growth boundary that is a county with a population >100,000 and the highway is neither an arterial nor a collector highway §§811.105(2)(e) and 811.123(1)(e)

E) 25 mph on the ocean shore §811.120(1)(b)

F) 20 mph in a school zone<sup>397</sup> §811.105(2)(c) and 811.123(1)(c)

G) 20 mph in a business district §811.105(2)(b) and 811.123(1)(b)

H) 15 mph in an alley §811.105(2)(a) and 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 highways outside an urban area. §810.180(7)<sup>398</sup>

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)

<sup>396</sup>The basic speed rule does not authorize speed limits in excess of the maximum speed limits. §811.108

<sup>397</sup>This 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) and (B) and 811.123(1)(c)(A) and (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

<sup>398</sup>Under other provisions, the State Department of Transportation may designate a safe speed on the highways by regulation. This authority may be delegated to local governments for low volume highways or roads which are not hard surfaced. §810.180(8)(a)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:

I. No person shall impede the normal and reasonable movement of traffic. §811.130(1)  
 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:

N/A

Other:

I. A person shall not operate certain trucks or buses at a speed >55 mph.<sup>399</sup> §811.115  
 II. A person cannot operate a “motor-assisted scooter” on a highway with a speed limit >25 mph unless such scooter is being operated in a bicycle lane or is crossing the highway. §814.518

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law offenses are traffic violations. §§801.557 and 811.100

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

**None.** §153.018(1)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule and Exceeding the Maximum/Posted Speed Limits or Maximum Speed Limits for Certain Trucks or Buses — Class A to D traffic violations — Varying fines from not more than \$75 to not more than \$600.<sup>400</sup> §§153.018(2), 811.100(3), 811.109 and 811.115  
Impeding Traffic and Motor Scooter violations — Class D traffic violations — not more than \$75. § 153.018(2), 811.130(5) and 814.518  
Driving at Less Than the Normal Speed of Traffic and Not Driving in the Right Lane — Class B Traffic

<sup>399</sup>This speed limit applies to trucks weighing ≥8,000 lbs, school buses, school activity vehicles, worker transport buses, buses used to transport children on a church function and vehicles used by a non-profit organization to transport persons. §811.115

<sup>400</sup>I. 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 Violation) — not more than \$75; 11 to 20 mph over the speed limit (Class C Traffic Violation) — not more than \$150; 21 to 30 mph over the speed limit (Class B Traffic Violation) — not more than \$300; and, >30 mph over the speed limit (Class A Traffic Violation) — not more than \$600. §§153.018(2) and 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 Violation) — not more than \$150; exceeding 75 mph but <85 mph (Class B Traffic Violation) — not more than \$300; and exceeding 85 mph (Class A Traffic Violation) — not more than \$600. §§153.018(2) and 811.109(2)

Sanctions Following an Adjudication of a Speed Law

Violation:

(continued)

Mandatory Min. Fine (\$):	Violations — not more than <b>\$300</b> . §§ 153.018(2) and 11.315(3) <b>None</b>
Other Penalties: Traffic School: Other:	A defensive driving course may be required. §809.270(1) <b>School and Work Zones:</b> If the traffic violation occurred in either a school or work zone, the minimum fine before assessments is <b>80 percent</b> of the maximum fine established for the violation. §§153.131, 811.230 and 811.235
Licensing Action: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the Driver Improvement Program. <sup>401</sup> §809.480
Term of License Withdrawal (Days, Months, Years, etc.):	<b>30 days</b> under Step Four of the Driver Improvement Program.
Mandatory Minimum Term of Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program.
Miscellaneous Sanctions Not Included Elsewhere:	There is also a <b>Unitary Assessment</b> of \$35 and a <b>County Assessment</b> of between \$5 and \$59. §§137.290(1)(d) and 137.309
<u>Speed Racing on Highway:</u> Sanctions:	Class A Traffic Violation. §§801.557 and 811.125(1) and (2)
Criminal Sanction:	
Imprisonment (Term):	<b>None.</b> §153.018(1)
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than <b>\$600</b> . §153.018(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and	

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<sup>401</sup>**Driver Improvement Program:** Step One: An offender is mailed an "advisory letter" if that person commits 2 traffic offenses within 12 months. This letter informs the offender of that person 's 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) has committed 3 traffic offenses within 18 months, that person is mailed a "warning letter." This letter notifies the offender of the possible consequences any more traffic offenses are committed. 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) has committed 4 traffic offenses within 18 months, that person is subject to a driver improvement interview. During this interview, the licensing agency prescribes 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, that person is subject to a 30-day suspension. Note: This suspension appears to be mandatory. OAR 735-72-0030 and 735-72-0130

Type of Action:	<b>Suspension</b> via the Driver Improvement Program.
Length of Term of	
Licensing Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program.
Mandatory Action — -Minimum	
Length of License	
Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program. I. An offender may be required to complete a defensive driving course. §809.270(1) II. See <b>School and Work Zones</b> . III. There is also a <b>Unitary Assessment</b> of \$35 and a <b>County Assessment</b> of between \$5 and \$59. §§137.290(1)(d) and 137.309
Other:	I. A court may impose a suspension of driving privileges for up to 30 days if a person exceeds a speed limit by more than 30 miles per hour and the person has received at least one prior speeding conviction within 12 months of the date of the current offense. §811.109(4) II. If a person drives 100 miles per hour or greater, a court shall impose the following: {in lieu of a punishment otherwise imposed} — a fine of \$1,000; and a suspension of driving privileges for not less than 30 days nor more than 90 days. §811.109(5)
<u>Reckless Driving</u> <sup>402</sup> :	<b>Class A misdemeanor.</b> §811.140(1) and (3)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>1 year.</b> §161.615(1)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$5,000.</b> §161.635(1)(a)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension.</b> §809.410(6)
Length of Term of License	
Withdrawal Action:	<u>First offense — 90 days; second offense (within 5 years) — 1 year; subsequent offense (within 5 years) — 3 years.</u> §809.420(1)
Mandatory Term of License	
Withdrawal Action:	<u>First offense — 90 days; second offense (within 5 years) — 1 year; subsequent offense (within 5 years) — 3 years.</u> §§809.410(6) and 809.420(1)

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<sup>402</sup>The 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(36) and 811.231

Other:	I. An offender may be required to complete a defensive driving course. §809.270(1)
<u>Reckless Driving</u>	<p>II. <b>Incarceration and Medical Costs:</b> A city or county may seek reimbursement from an offender for the costs of medical care and incarceration. §§169.150 and 169.151</p> <p>III. <b>School and Work Zones</b><sup>403</sup>: If the offense occurred in either a school or work zone, the <b>minimum</b> fine is <b>20 percent</b> of the maximum fine for the offense. §§811.230 and 211.235</p> <p>IV. There is also a <b>Unitary Assessment</b> of \$65 and a <b>County Assessment</b> of between \$5 and \$59. §§137.290(1)(b) and 137.309</p>
<u>Careless Driving</u> <sup>404</sup> :	Class B Traffic Violation. <sup>405</sup> §§801.557 and 811.135(1) and (2)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None.</b> §153.018(1)
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$300.</b> §153.018(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the Driver Improvement Program.
Length of Term of License Withdrawal Action:	<b>30 days</b> under Step Four of the Driver Improvement Program.
Mandatory Term of License Withdrawal Action:	<b>30 days</b> under Step Four of the Driver Improvement Program.
Other:	<p>I. An offender may be required to complete a defensive driving course. §809.270(1)</p> <p>II. See <b>School and Work Zones.</b></p> <p>III. There is also a <b>Unitary Assessment</b> of \$35 and a <b>County Assessment</b> of between \$5 and \$59. §§137.290(1)(d) and 137.309</p>

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<sup>403</sup> A school zone speed limit of 20 mph applies on roads adjacent to a school between the hours of 7:00 a.m. and 5:00 p.m. on school days, or when yellow lights are flashing. At crosswalks marked as school zones, the limits apply either when yellow lights are flashing or when children are present — meaning that children are in the crosswalk, waiting on the curb or shoulder, or that a traffic patrol member is present to assist children (§811.124).

<sup>404</sup> A person commits this offense if that person operates a vehicle "in a manner that endangers or would be likely to endanger any person or property." §811.135(1)

<sup>405</sup> If the offense contributed to an accident, it is a Class A Traffic Violation. §§801.550 and 811.135(2). The sanction for this offense is a fine of not more than \$600. §153.018(1) and (2)

Commercial Motor Vehicle (CMV) Operators<sup>406</sup>:

<u>Grounds for Suspension:</u>	A person's CDL is suspended, if while driving a CMV, that person either (1) commits 2 "serious traffic violations" <sup>407</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §809.410(29) and (30)
<u>Period of Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §809.410(29) and (30)
<u>Period of Mandatory Suspension:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §809.410(29) and (30)

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<sup>406</sup> A 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 has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials. §801.2089(1)(b), (c) and (d)

<sup>407</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §801.477(1), (2) and (3)

JURISDICTION:

PENNSYLVANIA

General Reference:

Pennsylvania 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. Title 75, §3361

Statutory Speed Limit:

65 mph on certain interstate highways and freeways<sup>408</sup> Title 75,

See Other below.

§3362(a)(1.1)

55 mph on other highways Title 75, §3362(a)(2)

35 mph in urban districts Title 75, §3362(a)(1)

25 mph in residential districts Title 75, §3365(a)(1.2)

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 may increase or decrease the above speed limits on the highways under their jurisdictions.<sup>409</sup> Such speed limits "may vary for different weather conditions and other factors bearing on safe speeds." Title 75, §3363. Note: Pennsylvania law does not specifically state whether different highway speed limits may be established 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, and, if so driving on a 2-lane road, must pull off the road onto the berm or shoulder to let other traffic pass. Title 75, §3364(a) and (b)

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<sup>410</sup>. 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 jurisdictions. Title 75, §3364(c). Note: via signs, specified lanes may be designated for specified types of traffic (e.g. slow-moving vehicles). Title 75, §3309(3)

<sup>408</sup>Likewise, the maximum speed limit on the Pennsylvania Turnpike is 55 mph unless a maximum speed limit of 65 mph has been posted. Title 75, §6610(a)

<sup>409</sup>However, 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

<sup>410</sup>On limited access highways where at least two lanes of traffic are moving in the same direction, all vehicles shall remain in the right hand lane except when passing or overtaking another vehicle, traveling at a speed greater than the traffic flow, moving to the left to merge, or preparing to make a left turn. Title 75, §3313(d)(1)

Basis for a Speed Law Violation:  
(continued)

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 jurisdictions. 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) and 6502(a)

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 — \$25<sup>411</sup> Title 75, §6502(a) Exceeding the Maximum or Posted Maximum Speed Limit-I. \$42.50 for exceeding 65 mph.<sup>412</sup> II. \$35 for other speeding violations. Title 75, §3362(c)(i) and (ii) Exceeding the Maximum Speed Limit for Bridges, School Zones and Hazardous Grades — \$35. Title 75, §3365(d)

Mandatory Min. Fine (\$): **None**

Other Penalties:

Traffic School:

For either a first or second accumulation of 6 points on the driving record, an offender shall either be required to attend Driver Improvement School or undergo a driver license examination. Title 75, §§1538(a) and 1549(a)

Other:

**Surcharges:** For exceeding the maximum or posted maximum speed limit and other speed violations, an offender is assessed mandatory surcharges from **\$30 to \$50**.<sup>413</sup> Title 75, §6506(a)(1) and (4)

Licensing Action:

Type of Licensing Action  
(Susp/Rev):

**Suspension** via a point system.<sup>414</sup> Title 75, §§1535,

<sup>411</sup>This fine applies to violations of the Basic Speed Rule, the Minimum Speed Rule, the Posted Minimum Speed Limits, and Turnpike Regulations.

<sup>412</sup>Plus an additional **\$2** for every mph in excess of 5 mph over the speed limit. Title 75, §§3362(c)(2) and 3365(d)

<sup>413</sup>A 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. A surcharge of \$50 is assessed for exceeding the speed limit by ≥26 mph. Title 75, §6506(a)(4)(i), (ii) and (iii)

<sup>414</sup>**Point System:** I. When an offender's point accumulation is reduced below 6 and that person again accumulates 6 points for the second time, that person is subject to a suspension of ≤15 days. Title 75, §1538(b)(iii). II. When an offender's point accumulation is reduced below 6 and that person again accumulates 6 points for the third time, that person is subject to a suspension of ≤30 days. Title 75, §1538(c). III. When an offender has accumulated 11 points or more, that person is

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

	1538 and 1539
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year</b> . Title 75, §1539
Mandatory Minimum Term of Withdrawal:	<b>None</b> . An offender is eligible for an occupational limited license. Title 75, §1553
Miscellaneous Sanctions Not Included Elsewhere:	<b>Work Zones:</b> For a <u>violation</u> of either the Basic Speed Rule (Title 75, §3361) or Maximum or Posted Maximum Speed Limits (Title 75, §3362) in a construction or maintenance area manned by workers acting in their official capacities and the zone is posted, the fines are double the usual amount. Title 75, §3326(c) and (c.1). Violators are also subject to a 15-day suspension. Title 75, §1535(e) <b>Excessive Speeding:</b> 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) license examination or (3) license suspension for ≤15 days. Title 75, §1538(d)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions:	Summary Offense. Title 75, §3367(b) and (d)
Criminal Sanction: Imprisonment (Term):	<u>First offense</u> — <b>none</b> ; <u>subsequent offense</u> — not more than <b>6 months</b> . Title 75, §6503
Mandatory Minimum Term: Fine (\$ Range):	<b>None</b> <u>First offense</u> — <b>\$200</b> ; Title 75, §3367(d) <u>subsequent offense</u> — <b>\$200 to \$1,000</b> . Title 75, §6503

subject to license suspension as follows: first suspension — 5 days suspension for each point; second suspension — 10 days suspension for each point; third suspension — 15 days suspension for each point; subsequent suspension — 1 year. Title 75, §1539(a) and (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 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.

**Drivers Under 18 Years Old:** A driver <18 years old is subject to the following additional license suspensions if that person either (1) drives ≥26 mph over the posted speed limit or (2) accumulates 6 or more points before reaching 18 years old. A first suspension is for 90 days and any subsequent suspension is for 120 days. Suspensions “shall be imposed consecutively to each other and to any other suspension.” In addition, a suspension “shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension” under this section. Title 75, §1538(e)

**Junior Drivers:** Under separate provisions of law, “junior drivers” (a licensee 16 or 17 yrs old) are subject to a suspension of the driving privileges until 18 years old or for a period not to exceed 90 days if convicted of **any** violation of Title 75. This licensing action is in addition to any other licensing action. Title 75, §1503(c)(3)

Criminal Actions Related to Speeding:

(continued)

Mandatory Minimum Fine:

**None** Administrative Licensing Action: See **Junior Drivers**.

Type of Licensing Action:

**Suspension.** Title 75, §1532(b)

(Susp/Rev):

Length of Term of

**6 months.** Title 75, §1532(b)

Licensing Withdrawal:

Mandatory Action — Minimum

Length of License

**6 months.** Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)

Withdrawal:

Other:

**Surcharge:** An offender is assessed a mandatory surcharge of **\$30.** Title 75, §6505(a)(1)

Reckless Driving:

Summary Offense. Title 75, §3736(a) and (b)

Sanction:

Criminal:

**None**

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

**\$200.** Title 75, §3736(b)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

See **Junior Drivers**.

Type of Licensing Action

(Susp/Rev):

**Suspension.** Title 75, §1532(b)

Length of Term of License

**6 months.** Title 75, §1532(b)

Withdrawal Action:

Mandatory Term of License

**6 months.** Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)

Withdrawal Action:

Other:

**Surcharge:** An offender is assessed a mandatory surcharge of **\$30.** Title 75, §6505(a)(1)

**Work Zones:** For a reckless driving offense committed in a construction or maintenance area manned by workers acting in their official capacity and the zone is posted, the fines are double the usual amount. Title 75, §3326(c)

Careless Driving<sup>415</sup>:

Summary Offense. Title 75, §3714

Sanction:

Criminal:

**None**

Imprisonment (Term):

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<sup>415</sup>"Careless driving" is defined as driving "a vehicle in careless disregard for the safety or persons or property." Title 75, §3714

Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<b>\$25.</b> Title 75, §6502
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. Title 75, §§1535, 1538 and 1539
Length of Term of License Withdrawal Action:	<b>55 days to 1 year.</b> Title 75, §1539
Mandatory Term of License Withdrawal Action:	<b>None.</b> An offender is eligible for an occupational limited license. Title 75, §1553
Other:	<b>Surcharge:</b> An offender is assessed a mandatory surcharge of <b>\$30.</b> Title 75, §6505(a)(1) <b>Work Zones:</b> For a careless driving offense committed in a posted construction or maintenance area manned by workers acting in their official capacities, the fines are double the usual amount. Title 75, §3326(c)

Commercial Motor Vehicle (CMV) Operators<sup>416</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>417</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Title 75, §1611(g)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days.</b> Title 75, §1611(g)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days.</b> Title 75, §1611(g)

<sup>416</sup>A 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 that require that the vehicle be placarded in accordance State regulations. Title 75, §1603

<sup>417</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. Title 75, §1603 and 49 CFR §383.5

JURISDICTION:

RHODE ISLAND

General Reference:

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.<sup>418</sup>  
 §§31-14 — 1 and 31-14 — 3

Statutory Speed Limit:

Speed in excess of the following limits is considered *prima facie* evidence that such speed was not reasonable or prudent §31-14-2(a)

See Other below.

50 mph during the daytime<sup>419</sup> in all other location not noted below §31-14-2(a)(2)  
 45 mph during the nighttime in other locations not noted below §31-14-2(a)(3)  
 25 mph in a business or residential district §31-14-2(a)(1)  
 20 mph in a school zone<sup>420</sup> §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 and 31-14-4.1. Note: Rhode Island law does not specifically state whether different highway speed limits may be established 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 may decrease the *prima facie* speed limits on streets in a business or residential district under its jurisdiction. §31-14-5  
 III. A local government may increase the *prima facie* speed limits on through highways and other highways with limited intersections.<sup>421</sup> §31-14-6  
 IV. Based on engineering and traffic investigations, a local government may decrease the *prima facie* speed limits<sup>422</sup> on streets outside a business or residential district under its jurisdiction §31-14-7  
 V. Based on an investigation, the State Traffic

<sup>418</sup>Under 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

<sup>419</sup>"Daytime means from a half-hour before sunrise to half-hour after sunset. Nighttime means at any other hour." §31-14-2(b)

<sup>420</sup>This speed limit only applies within 300 feet of school grounds when the school is open and warning signs are posted. §31-14-2(a)(4) and (5).

<sup>421</sup>However, a local government cannot establish a daytime speed limit >50 mph or a nighttime limit >45 mph. §31-14-6

<sup>422</sup>However, a speed limit of <35 mph cannot be established. §31-14-7

Basis for a Speed Law Violation: (continued) Commission may establish safe maximum speed limits for bridges and other elevated structures. §31-14-12(b)

**Note:** The State Traffic Commission must approve speed limit alterations by local governments on State highways. §31-14-8

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(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. §31-15-2

Posted (Minimum) Speed Limit: N/A  
 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 that are undergoing construction or maintenance. §31-14-12.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are civil violations.<sup>423</sup> §31-27-13(a)  
 Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:  
 Imprisonment:  
 Term (Day, Month, Years, Etc.): **None.** §§31-27-13(a) and 31-41.1-6(c)  
 Mandatory Minimum Term:  
 Fine:  
 Amount (\$ Range): As per the **Violation Fine Schedule**<sup>424</sup> §31-41.1-4(a) and (b)

<sup>423</sup>The motor vehicle code (Title 31) provides that moving violations are civil infractions unless the law makes a particular offense a misdemeanor or a felony or unless the offense is punishable by a fine of more than \$500 or by imprisonment. §31-27-13(a)

<sup>424</sup>**Violation Fine Schedule:** The following administrative fines are assessed for certain speed law violations. I. Driving below the minimum speed (i.e., impeding traffic) — \$75; violating the basic speed rule — \$75; exceeding the posted speed limit on bridges and structures — \$75; driving in the right lane when not driving at the normal speed of traffic — \$75; and, violating the law regarding due care by drivers — \$75. II. For a first offense of speeding 1 to 10 mph in excess of the posted speed limit—a fine of \$75. For a second offense (within 12 months) where the speed is up to an excess of 10 mph over the posted speed—a fine of \$10 per mph over the speed limit. For a third or subsequent offense (within 12 months) where the speed is up to an excess of 10 mph over the posted speed—a fine of \$15 per mph over the speed limit. III. For a first offense of speeding ≥11 mph in excess of the posted speed limit—a mandatory fine of \$10 per mph over the speed limit. For a second offense (within 12 months) of speeding ≥11 mph in excess of the posted speed limit—a mandatory fine of \$15 per mph over the speed limit. For a third or subsequent offense (within 12 months) of speeding ≥11 mph in excess of the posted speed limit—a mandatory fine of \$20 per mph over the speed limit. §31-41.1-4(a) and (b)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Min. Fine (\$):

As per the **Violation Fine Schedule** §31-41.1-4(a) and (b)

Other Penalties:

Traffic School:

**Rehabilitative Driving Course:** The court may order an offender to attend a Rehabilitative Driving Course. §31-41.1-6(d)

Other: (continued)

**School Bus Operators:** Privileges to operate a school bus are suspended for up to 5 years if the operator is convicted of a criminal "motor vehicle driving offense" while driving any vehicle. §31-10.3-31(j)

**Work Zones:** Fines, penalties and costs are double for a speed violation for exceeding the posted limit in a posted "temporary traffic control zone" (construction or maintenance zones). §31-14-12.1(b)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension or Revocation** via a point system. <sup>425</sup> §31-11-7(a) (1)

Term of License Withdrawal

(Days, Months, Years, etc.):

I. Point system: Suspension — not more than **1 year**. §31-11-7(a)(2) Revocation — **Indeterminate**. Note: The law does not provide for a general period of maximum revocation. II. Under separate statutory provisions, the court may suspend a person's license as follows: Speeds ≤10 mph over the speed limit — Suspension for not more than **30 days** §31-41.1-4(b)(i); Speeds >11 mph over the speed limit — Suspension for not more than **60 days**. §31-41.1-4(b)(2)

Mandatory Minimum Term of

Withdrawal:

I. Point system: Suspension — **10 or 30 days**. 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 court are **not** mandatory. §31-41.1 — 4 (b)(1) and (2)

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 do not appear to be obligated for EMS functions.

<sup>425</sup>**Point System:** Under §31-11-7(a)(1), 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, the license will be suspended. A first suspension is for a mandatory minimum period of 10 days; a subsequent suspension is for a mandatory minimum period of 30 days. According to §31-11-7, a suspension cannot be >1 year. If offenders accumulate 12 points, the 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; driving as to endanger (death or injury) — 12 points;>20 mph over the speed limit — 8 points; ≤20 mph over the speed limit — 1 to 5 points; and reckless or negligent driving — 8 points. CRIR 01-100-011

Other Criminal Actions Related to Speeding:

<u>Reckless Driving or Drag Racing</u> <sup>426</sup> :	<u>First offense</u> — misdemeanor; <u>subsequent offense</u> — Felony. §31-27-4(a)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>1 year</b> §31-27-13(c); <u>subsequent offense</u> — <b>1 to 5 years.</b> §31-27-14
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — not more than <b>\$500</b> §31-27-13(c); <u>subsequent offense</u> — not more than <b>\$5,000.</b> §31-27-14
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<u>Point system</u> — <b>Suspension or Revocation.</b> §31-11-7 <u>Three (3) Reckless Driving Offenses</u> (within 1 year) — <b>Revocation.</b> <sup>427</sup> §31-11-6(7)
Length of Term of Licensing Withdrawal:	<u>Point system</u> — not more than <b>1 year.</b> §31-11 — 7 <u>Revocation</u> — <b>Indeterminate.</b> Note: The law does not provide for a general period of maximum revocation. <u>Three (3) Reckless Driving Offenses</u> (within 1 year) — <b>3 years.</b> §31-11-6(7)
Mandatory Action — Minimum Length of License Withdrawal:	<u>Point system</u> — Suspension — <b>10 or 30 days.</b> Revocation — A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation. <u>Three (3) Reckless Driving Offenses</u> (within 1 year) — <b>3 years.</b> §31-11-6(7)
Other:	I. If revocation is mandatory, the registrations of any vehicles owned by the offender shall be suspended. §31 — 32-4 II. <b>EMS Special Assessment:</b> In addition to any fine, an offender must be assessed <b>\$1.</b> §31-27-18. Note: These funds are deposited into the general State fund and do not appear to be obligated for EMS functions. III. <b>School Bus Operators:</b> Privileges to operate a school bus are suspended for up to 5 years if the operator is convicted of a criminal "motor vehicle driving offense" while driving <u>any</u> vehicle. §31-10.3-31(j)
<u>Driving as to Endanger</u> <sup>428</sup> :	Felony. §§11-1-2, 31-27 — 1 and 31-27-1.1

<sup>426</sup>Reckless driving includes drag racing and operating a vehicle in an attempt to elude or flee from a police officer. §31-27-4(a)

<sup>427</sup>Note: The law may only provide for this licensing action where the convictions are for reckless driving and not for drag racing.

<sup>428</sup>Death or injury as a result of vehicle operation in reckless disregard of the safety of others. §§31-27-1(a) and 31-27-1.1(a)

Other Criminal Actions Related to Speeding:  
(continued)

Sanction:	
Criminal:	
Imprisonment (Term):	<u>Death-related Offense</u> — not more than <b>10 years.</b> §31-27-1(b) <u>Injury-related Offense</u> — not more than <b>5 years.</b> §31-27-1.1(c)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<b>None</b>
Mandatory Minimum Fine:	N/A
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation</b> §31-11-6
Length of Term of License Withdrawal Action:	Death-related — <b>3 years</b> §31-11-6(1); Injury-related- <b>18 months.</b> §31-11-6(4)
Mandatory Term of License Withdrawal Action:	Death-related — <b>3 years</b> §31-11-6(1); Injury-related- <b>18 months.</b> §31-11-6(4)
Other:	I. If revocation is mandatory, the registrations of any vehicles owned by the offender shall be suspended §31-32-4(a) II. <b>EMS Special Assessment:</b> In addition to any fine, an offender must be assessed <b>\$1.</b> §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. <b>School Bus Operators:</b> Privileges to operate a school bus are suspended for up to 5 years if the operator is convicted of a criminal "motor vehicle driving offense" while driving <u>any</u> vehicle. §31-10.3-31(j)
<u>Aggressive Driving</u> <sup>429</sup> :	Civil Violation. §§31-27-13 (b) and 31-27.1 — 1 et seq. <b>Important:</b> "The lesser included offenses which, in total may constitute aggressive driving, may be prosecuted separately." §31-27.1-4(b)
Sanction:	
Criminal:	

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<sup>429</sup>“Aggressive Driving” is defined as operating a motor vehicle in violation of any speed law (§31-14 — 1 et seq.) and a violation of two or more of the following traffic law provisions: (1) obedience to traffic control devices (§31-13-4); (2) overtaking on the right (§31-15-5); (3) driving within a traffic lane (§31-15-1); (4) following too closely - — interval between vehicles (§31-15-12); (5) yielding right of way (§§31-15-12.1, 31-17-1, 31-17-2, 31-17-4, 31-17-6, 31-17 — 7 and 31-17-8); (6) entering the roadway (§§31-15-14, 31-17 — 3 and 31-17-5); (7) use of turn signals (§§31-6-5, 31-16-6, 31-16 — 8 and 31-16-9); (8) relating to school buses, special stops, stop signs and yield signs (§31-20 — 1 et seq.); and, (9) use of emergency break-down lane for travel (§31-15-16). §31-27.1-3

Other Criminal Actions Related to Speeding:  
(continued)

Imprisonment (Term): Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range): Mandatory Minimum Fine:	<b>\$260 to \$500.</b> §31-27.1-4(a)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<u>First offense</u> — <b>Suspension.</b> <sup>430</sup> §31-27.1-4(a)
Length of Term of License Withdrawal Action:	<u>First offense</u> — A minimum of <b>30 days.</b> §31-27.1-4
Mandatory Term of License Withdrawal Action:	<b>None.</b> Licensing action is discretionary. §31-27.1-4
Other:	I. <u>First offenders</u> may be required to attend an educational program that is designed to improve the safety and habits of drivers. §31-27.1-44 II. <b>EMS Special Assessment:</b> In addition to any fine, an offender must be assessed <b>\$1.</b> §31-27-18. Note: These funds are deposited into the general State fund and do not appear to be obligated for EMS functions III. <b>School Bus Operators:</b> Privileges to operate a school bus are suspended for up to 5 years if the operator is convicted of a criminal "motor vehicle driving offense" while driving <u>any</u> vehicle. §31-10.3-31(j).

Commercial Motor Vehicle (CMV) Operators<sup>431</sup>:

Grounds for Suspension: A person’s CDL is suspended if while operating a CMV that person either (1) commits 2 "serious traffic violations"<sup>432</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §31-10.3-31(a)(6)

Period of Suspension: Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days.** §31-10.3-31(a)(6)

Period of Mandatory Suspension: Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days.** §31-10.3-31(a)(6)

<sup>430</sup>The law does not appear to provide for either a licensing or a traffic education sanction for a subsequent aggressive driving offense.

<sup>431</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §31-10.3-3(9)

<sup>432</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §31-10.3-3(25)(i) and (ii)

JURISDICTION:

SOUTH CAROLINA

General Reference:

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) and (F)

Statutory Speed Limit:

70 mph on the interstate highway system and other freeways<sup>433</sup> §56-5-1520(B)(1)

See Other below.

60 mph on multilane divided primary highways §56-5-1520(B)(2)

55 mph in other locations or on other sections of highways §56-5-1520(B)(3)

40 mph on unpaved roads §56-5-1520(B)(3)

30 mph in an urban district<sup>434</sup> §56-5-1520(C)

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.<sup>435</sup> §§56-5-1520(E) and 56-5-1530

II. Except as noted in III, based on engineering and traffic investigations, local governments within their respective jurisdictions may increase or decrease the above speed limits.<sup>436</sup> §§56-5-1520(E) and 56-5-1540(a)

III. Based on engineering and traffic investigations, a local government may establish a maximum speed limit of <30 mph in an urban district. However, this authority does not apply to highways within the State highway system. §56-5-1520(D)

<sup>433</sup>**Historical Note:** In 1997, the South Carolina Legislature made a request to the State Department of Transportation that the agency 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

<sup>434</sup>"Urban district" is defined to mean "the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more." §56-5-1520(C)

<sup>435</sup>This includes the establishment of 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. §56-5-1530(A)

<sup>436</sup>A speed limit cannot be established at >70 mph. §56-5-1540(a)(2). In addition, outside 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)

Basis for a Speed Law Violation:(continued)

- IV. 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)
- V. The governing boards of State institutions may establish speed limits on the streets, drives and alleys under their jurisdiction. §56-21-10(1)
- VI. The State Department 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 may establish minimum speed limits on their respective streets and highways. §56-5-1560(b)
- Other: I. A person may not operate a manufactured, modular or mobile home >55 mph. §56-5-1520(B)(4)  
II. A person may not operate a manufactured, modular or mobile home >10 mph below the maximum speed limit when such limit is >45 mph. §56-5-1520(B)(4)  
III. A person may not operate a moped >25 mph. §56-5-1555  
IV. No person shall tow a house trailer >45 mph. §56-5-1570(a)  
V. No person shall drive a vehicle that is equipped with solid rubber or cushion tires >10 mph. §56-5-1570(b)  
VI. 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.<sup>437</sup> §§56-5-730, 56-5-1520(G), 56-5-1535(a), 56-5-6190 and 56-21-60

<sup>437</sup>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.

Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Fine:

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

I. Violating Statutory Maximum Speed Limits<sup>438</sup>: First offense — >25 mph over the speed limit — **not more than 30 days** §56-5-1520(G); 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 and Midlands Center Grounds: **Not more than 15 days.** §56-21-100

IV. All Other speed law-related violations: **Not more than 30 days.**<sup>439</sup> §§56-5-6190 and 56-21-60

Mandatory Minimum Term:

**None**

Amount (\$ Range):

I. Violating Statutory Maximum Speed Limits: first offense — **\$15 to \$200**<sup>440</sup> §56-5-1520(G); subsequent offense — **not more than \$100.** §56-5-6190

II. Violating Maximum Speed Limit for Mopeds: **Not more than \$200.** §56-5-1555

III. Violating Traffic Regulations on State Hospital and Midlands Center Grounds: **\$2 to \$50.** (per the fine schedule published by the Department). §56-21-100

IV. All Other speed law-related violations: **Not more than \$100.** §§56-5-6190 and 56-21-60

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

An offender who completes a defensive driving course shall have 4 points deducted from the driving record. §56-1-770

Other:

N/A

Licensing Action:

Type of Licensing Action  
(Susp/Rev):

**Suspension** via a point system. §§56-1-720, 56-1-740 and 56-1-750

Term of License Withdrawal

<sup>438</sup>This 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. §56-5-1520(e), 56-5-1530 and 56-5-1540.

<sup>439</sup>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.

<sup>440</sup>The fines for first offense speed limit violations are as follows: driving ≤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(G) Note: The law is not clear but these sanctions for a first offense may also apply to violations of the altered posted speed limits.

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

(Days, Months, Years, etc.):	<b>3 to 6 months.</b> §56-1-740 (A)
Mandatory Minimum Term of Withdrawal:	Suspension periods under the point system appear to be mandatory. §56-1-740
Miscellaneous Sanctions Not Included Elsewhere:	<b>Highway Work Zone:</b> A person who exceeds the specially posted speed limit in a highway work zone is subject to a jail sentence of not more than <b>30 days</b> and/or a fine of not less than <b>\$75</b> nor more than <b>\$200.</b> §56-5-1535(a)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	<b>Misdemeanor.</b> §§56-5-730, 56-5-1590 and 56-5-6190
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<b>2 to 6 months.</b> §56-5-1620
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<b>\$200 to \$600.</b> §56-5-1620
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Revocation.</b> §56-5-1620
Length of Term of Licensing Withdrawal:	<b>1 year.</b> §56-5-1620
Mandatory Action — Minimum Length of License Withdrawal:	<b>1 year.</b> §56-5-1620. This licensing action appears to be mandatory.
Other:	The owner of a car permissively used in violation of §56-5- 1590 is subject to a \$100 fine, 30 days in jail and a 3-month license and registration suspension. §56-5-1620
<u>Reckless Driving:</u>	Misdemeanor. §§56-5-730, 56-5-2920 and 56-5-6190
Sanction:	
Criminal:	
Imprisonment (Term):	<b>Not more than 30 days.</b> §56-5-2920
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<b>\$25 to \$200.</b> §56-5-2920
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>First offense</u> — <b>suspension</b> via the point system; <u>subsequent offense</u> (within 5 years) — <b>suspension.</b> §56-5-2920
Length of Term of License Withdrawal Action:	<u>First offense</u> — <b>3 to 6 months</b> via the point system; <u>subsequent offense</u> (within 5 years) — <b>3 months.</b> §56-5-2920

Mandatory Term of License  
Withdrawal Action:

First offense — suspension periods under the point system appear to be mandatory §56-1-740 (A); subsequent offense (within 5 years) — **3 months**. §56-5-2920

Other:

An offender who completes a defensive driving course shall have 4 points deducted from the driving record. §56-1-770

Commercial Motor Vehicle (CMV) Operators:<sup>441</sup>

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>442</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §56-1-2110(F)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60 days**; three serious violations (within 3 years) — not less than **120 days**. §56-1-2110(F)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**. §56-1-2110(F)

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<sup>441</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §56-1-2030(4)

<sup>442</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §56-1-2030(22)(a) and (b)

## JURISDICTION:

SOUTH DAKOTA

## General Reference:

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:

75 mph on interstate highways §32-25-4

70 mph on divided four-lane highways in rural areas

## See Other below.

65 mph on other streets or highways §32-25-1.1

55 mph on township roads §32-25-9.2

25 mph on urban streets that do not have posted speed limits §32-25-12

15 mph in a school zone<sup>443</sup> §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 and 32-25-10

II. Local governments may (1) establish "speed zones" upon the streets or highways under their jurisdictions or (2) regulate speed on public parks. §§32-14-3, 32-14-4, 32-25-9.1 and 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 that have a statutory speed limit of 55 mph. (§32-25-9.2).

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 and 32-25-19

IV. A county road district<sup>444</sup> may establish speed limits on the roads under its jurisdiction. §§31-12A-21(6) and 32-25-9.1

## 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

<sup>443</sup>This speed limit only applies when the school is in recess or while children are going to or leaving a school. §32-25-14

<sup>444</sup>Landowners who reside outside a populated municipality may "incorporate" a "road district" for the purposes of constructing or maintaining roads. §31-12A — 1 et seq.

Basis for a Speed Law Violation:  
(continued)

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.<sup>445</sup> §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
- IV. When a driver's view is obstructed at a railway crossing or an intersection, the maximum lawful speed is 15 mph. §§32-25-13 and 32-25-15
- V. The State Transportation Commission may establish "limited" speed zones for portions of State highways that are undergoing maintenance during the hours work is actually performed. §32-25-19.1
- VI. Certain overweight vehicles which are hauling agricultural products may be driven on the highways not >50 mph. §32-22-42.2

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are Class 2 misdemeanors. §§32-22-42.2, 32-25-1.1 et seq. and 32-26-1

Other: N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

Not more than **30 days**.<sup>446</sup> §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

<sup>445</sup>I. 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

<sup>446</sup>If they are financially able, offenders may be required to pay for the cost of their confinement in a county jail. §24-11-45

(Susp/Rev):	Note: There appears to be no specific licensing action for speed law violations. §§32-12-49 and 32-12-49.1. See the comment under Point System.
Term of License Withdrawal (Days, Months, Years, etc.):	N/A
Mandatory Minimum Term of Withdrawal:	N/A
Miscellaneous Sanctions Not Included Elsewhere:	For persons operating commercial motor vehicles who commit a 4th or subsequent excessive speeding offense under §§32-25-1.1 to 32-25-17, the court may cancel the vehicles "compensation plates" for 1 year. <sup>447</sup> §32-25-22

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	<b>Class 2 misdemeanor.</b> §§32-25-23 and 32-25-25
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>30 days.</b> §22-6-2
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$200.</b> §22-6-2
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via a point system. <sup>448</sup> §32-12-49 et seq.
Length of Term of Licensing Withdrawal:	
Mandatory Action — Minimum Length of License Withdrawal:	N/A
Other:	N/A
<u>Reckless Driving:</u>	<b>Class 1 misdemeanor.</b> §32-24-1
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>1 year.</b> §22-6-2
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000.</b> §22-6-2
Mandatory Minimum Fine:	<b>None</b>

<sup>447</sup>Certain commercial motor vehicle operators must obtain special license plates ("compensation plates") before they can operate such vehicles on the State's streets or highways. §§32 — 9 — 6 and 32-9-7

<sup>448</sup>**Point System:** I. An offender's license is subject to suspension if accumulating 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; eluding a police officer — 6 points; drag racing — 6 points; and, other moving offenses-2 points. The law specifically states that "other moving offenses" does not include "speeding offenses." (**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.) §32-12-49.1. III. The following licensing actions are based on a person's driving record over the last 48 months: first suspension — 60 days; second suspension — 6 months; subsequent suspensions — 1 year. §32-12-49.3 Licensing action is not mandatory. The licensing agency may issue restricted driving privileges for the purpose of allowing a person to engage in employment or to attend school. §32-12-49.4 Note: The State legislature repealed the law that 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.

Other Criminal Actions Related to Speeding:  
(continued)

Administrative Licensing Actions:

Type of Licensing Action  
(Susp/Rev): **Suspension** via a point system. §32-12-49 et seq.

Length of Term of License  
Withdrawal Action: N/A

Mandatory Term of License  
Withdrawal Action: N/A

Other: N/A

Careless Driving<sup>449</sup>: **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. §32-12-49 set seq.

Length of Term of License  
Withdrawal Action: N/A

Mandatory Term of License  
Withdrawal Action: N/A

Other: N/A

Exhibition Driving<sup>450</sup>: **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. §32-12-49 et seq.

<sup>449</sup>"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

<sup>450</sup>"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 causes the vehicle to unnecessarily turn abruptly or sway." §32-24-9

Other Criminal Actions Related to Speeding:  
(continued)

Length of Term of License Withdrawal Action:	N/A
Mandatory Term of License Withdrawal Action:	N/A
Other:	N/A

Commercial Motor Vehicle (CMV) Operators<sup>451</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>452</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §§32-12A-40 and 32-12A-41
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §§32-12A-40 and 32-12A-41
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §§32-12A-40 and 32-12A-41

<sup>451</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §32-12A-1

<sup>452</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph, reckless driving or careless driving. §32-12A-1(a), (b) and (c)

JURISDICTION:

TENNESSEE

General Reference:

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.  
 70 mph on interstate highways §55-8-152(d)  
 65 mph on all other highways or roads<sup>453</sup> §55-8-152(a) and (d)
- Statutory Speed Limit:
- 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 establish speed limits including lowering the maximum speed limits on roads and streets under their jurisdictions. §§55-8-152(d)(1)(A), (d)(2) and (f)(1)(C) and 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 limit cannot be <15 mph.<sup>454</sup> §55-8-152(d)(1)(A)
  - VI. The State Department of Transportation may establish special speed limits at school entrances and exits and from controlled-access highways. §55-8-152(d)(1)(C)
- 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(c)
  - 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).

<sup>453</sup>Controlled-access highways with four lanes that are designated as State system highways or interstate highway. §55-8-152(c). Only the State Department of Transportation can establish speed limits on these highways. §55-8-152(h).

<sup>454</sup>Where such special speed limits do not exist, it is *prima facie* evidence of reckless driving to operate a vehicle >15 mph when passing a school during (1) recess when warning flashers are in operation, or (2) 90 minutes before or after the opening or closing of a school. §55-8-152(d)(1)(B)

Basis for a Speed Law Violation:  
(continued)

Note: Via signs, slower moving traffic may be directed to use designated lanes. §55-8-123(3)

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)

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 and 55-10-301(a)  
Other: N/A

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.<sup>455</sup> §55-10-301(b)(1)

Other:

N/A

Licensing Action:

Type of Licensing Action: (Susp/Rev):

**Suspension** via a point system.<sup>456</sup> §55-50-505(a)(2) and

<sup>455</sup>This course may be imposed in addition to or in lieu of any other sanction. §55-10-301(b)(1)

<sup>456</sup>**Point System:** I. An offender who for the first time accumulates 12 points within 12 months is subject to either a 6-month license suspension or a driver improvement program. After the offender completes this program, that person is placed on administrative probation for 12 months. Note: A first offender is a driver who has not had the license suspended and who has not taken the driver improvement program within the previous 5 years. II. An offender who for the second or subsequent time accumulates 12 points within 12 months is subject to a 6-month license suspension. However, if the offender has completed driver improvement program within the previous 5 years, the suspension is for 12 months. 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 vehicle's 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 than 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

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

	RRST Ch.1340-1 — 4
Term of License Withdrawal (Days, Months, Years, etc.):	<b>6 months (12 months for certain subsequent offenders).</b> <sup>457</sup> RRST Ch. 1340-1-4-.04(7)(c) and (8)(b) and (c)
Mandatory Minimum Term of Withdrawal:	<b>6 or 12 months.</b> Action is limited to certain subsequent offenders. <sup>458</sup> RRST Ch. 1340-1-4-.04(8)(b) and (c)
Miscellaneous Sanctions Not Included Elsewhere:	<b>Construction Zones:</b> A person who violates a speed limit in a construction zone when workers are present commits a Class B misdemeanor. However, the offender is <u>only</u> subject to a fine sanction of <b>\$250 to \$500</b> . §§55-8-152(f)(2) and 55-8- 153(e). Note: The minimum fine appears to be mandatory.

Other Criminal Actions Related to Speeding:

<u>Drag Racing</u> <sup>459</sup> :	<b>Class B misdemeanor.</b> §55-10-502
Sanctions:	
Criminal Sanction: Imprisonment (Term):	Not more than <b>6 months.</b> §40-35-111(e)(2)
Mandatory Minimum Term: Fine (\$ Range):	<b>None</b> Not more than <b>\$500.</b> §40-35-111(e)(2)
Mandatory Minimum Fine:	<b>None</b>

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. RRST Ch. 1340-1-4-.03 and .04

<sup>457</sup>**Point System Suspensions:** Offenders are subject to a **6-month license suspension** under two conditions: (1) accumulating 12 points within 12 months for the first time and not participating in the driver improvement program; or, (2) accumulating 12 points for the second time and having in lieu of a suspension, within the past 5 years, participated in such a program. Subsequent offenders are subject to a **12-month license suspension** if, within the past 5 years, that person has 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

<sup>458</sup>Offenders 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). 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)

<sup>459</sup>"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 out-gain, 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)

Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal:	<b>Revocation.</b> §55-10-503(a)(1) and (b)  <u>First offense</u> — <b>1 year</b> §55-10-503(a)(1); <u>second offense</u> (within 10 years) — <b>Permanent Revocation.</b> §55-10-503(b)
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> — <b>none.</b> Note: An offender is eligible for restricted driving privileges §55-10-503(a)(2); <u>second offense</u> (within 10 years) — <b>Permanent Revocation.</b> §55-10-503(b) An offender may be required to attend a driver education course. §55-10-301(b)(1)
Other:	
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	<b>Class B misdemeanor.</b> §55-10-205(a) and (b)  Not more than <b>6 months.</b> §40-35-111(e)(2)  <b>None</b> Not more than <b>\$500.</b> §40-35-111(e)(2) <b>None</b>
Administrative Licensing Actions:  Type of Licensing Action (Susp/Rev):  Length of Term of License Withdrawal Action:  Mandatory Term of License Withdrawal Action:	<b>Suspension</b> via a point system. <b>Revocation</b> — <u>second offense</u> (within 12 months) — <b>Revocation.</b> §55-50-501(a)(6)  <u>Second offense</u> (within 12 months) — <b>Revocation.</b> §55-50- 501(a)(6)  <u>Second offense</u> (within 12 months) — <b>1 year.</b> §55-50- 502(f)(3)  <u>Second offense</u> (within 12 months) — <b>1 year.</b> <sup>460</sup> §55-50-502(f)(3)
Other:	An offender may be required to attend a driver education course. §55-10-301(b)(1)

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<sup>460</sup>However, if this is the first time an offender's license has been revoked, the offender may apply for a new one after only 6 months. §55-50-502(e)(4)

Commercial Motor Vehicle (CMV) Operators<sup>461</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>462</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §55-50-405(a)(5)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §55-50-405(a)(5)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §55-50-405(a)(5)

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<sup>461</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §55-50-102(12)

<sup>462</sup> A "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(46)(A) and (B) and 49 CFR §383.5

## JURISDICTION:

TEXAS

## General Reference:

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) and (b)(1)<sup>463</sup>

## Statutory Speed Limit:

Operating a vehicle in excess of the following speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)

A) 80 mph in daytime for vehicles other than truck tractors, trailers, semi-trailer and trucks above 26,000 pounds on Interstate Highway 10 or Interstate Highway 20 in Crockett, Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or Ward Counties. §454.352(h-1)

B) 75 mph during the daytime in counties with a population density of less than 15 persons per square mile. §454.352(h)(1) and (2)

C) 70 mph during the daytime on "numbered" highways and farm/ranch-to-market roads outside an urban district<sup>464</sup> Tran. Code §545.352(b)(2)

D) 65 mph during the nighttime on "numbered" highways and farm/ranch-to-market roads outside an urban district Tran. Code §545.352(b)(2)

E) 60 mph during the daytime on highways that are not "numbered" and that are outside of an urban district Tran. Code §545.352(b)(3)

F) 55 mph during the nighttime on highways that are not "numbered" and that are outside of an urban district Tran. Code §545.352(b)(3)

G) 30 mph in an urban district Tran. Code §545.352(b)(1)

(H) 15 mph in an alley Tran. Code §545.352(b)(1)

(I) 15 mph on a beach Tran. Code §545.352(b)(5)

(J) 15 mph on a road adjacent to a public beach if declared by the Commissioners Court of the county.

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<sup>463</sup> An operator shall reduce speed when approaching and crossing an intersection or railroad grand crossing, approaching a curve or a hill crest, traveling a narrow or winding roadway, or facing special hazards such as pedestrians, weather or highway conditions. Tran. Code §545.351(c)

<sup>464</sup> These speed limits apply to passenger cars or motorcycles, passenger cars or light trucks towing a trailer bearing a vessel, passenger cars or light trucks towing a trailer used primarily to transport a motorcycle, or passenger cars or light trucks towing a trailer or semi-trailer used primarily to transport dogs or livestock. Tran. Code §545.352(b)(2) A "light truck" is defined as a truck with a carrying capacity of  $\leq 2,000$  lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code §545.352(d)(2)

Basis for a Speed Law Violation: (continued)

Tran. Code §545.352(b)(6) For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code §251.159

Certain subdivision residents abutting a private road, not in a municipality, may petition the Texas Transportation Commission to extend the speed restrictions to such road. This applies only if there are at least 400 people that live in a subdivision and/or an across adjacent subdivision. Tran. Code §542.006(a)

J) Twenty-five percent of the property owners of a subdivision with privately maintained roads or the governing body of the entity that maintains these roads may petition the Commissioners Court of a county to extend any or all of the traffic rules (e.g., speed limits) to such subdivision's roads. Tran. Code §542.007

## 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.<sup>465</sup> Tran. Code §545.353(a) and (f)

II. Based on engineering and traffic investigations, the Texas Turnpike Authority or any Regional Tollway Authority may alter the *prima facie* speed limits on highways under their jurisdictions including those inside or outside any municipality.<sup>466</sup> Tran. Code §545.354(a) and (d)

III. Based on engineering and traffic investigations, county court commissioners may increase the *prima facie* speed limits on highways under their jurisdictions. In addition, they may declare lower speed limits if the *prima facie* limits are unreasonable or unsafe.<sup>467</sup> Tran. Code §545.355(a). For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code §251.159

IV. Based on engineering and traffic investigations, municipalities may alter the *prima facie* speed limits on highways under their jurisdictions.<sup>468</sup> Tran. Code §545.356(a) and (b)

<sup>465</sup>However, the following limitations apply: a speed limit cannot be established >70 mph; and the speed limits established per Tran. Code §545.352(b)(5) for certain vehicles outside an urban district cannot be changed. Tran. Code §545.353(d). Exception: The State Commissioner of Transportation may establish a speed limit of 75 mph during the daytime on certain parts of the highway system if such a speed limit is deemed to be reasonable and safe. Tran. Code §545.353(h)

<sup>466</sup>However, a speed limit cannot be established >70 mph. Tran. Code §545.354(f)(2)

<sup>467</sup>However, a speed limit can neither be established >60 mph nor <30 mph. Tran. Code §545.355(a)

<sup>468</sup>However, a speed limit cannot be established >60 mph. Tran. Code §545.356(a) and (b). 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

Posted (Maximum) Speed Limit:	<p>V. Texas law gives United States military commanders the authority to alter the <i>prima facie</i> speed limits on state highways within a United States military reservation.<sup>469</sup> Tran. Code §545.358</p> <p>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 respective jurisdictions. Tran. Code §545.361(e)</p> <p>VII. The State Transportation Commission and local governments are required to hold public hearings upon request once each calendar year to consider <i>prime facie</i> 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</p> <p>VIII. The Commissioners Court of a county may request the Texas Transportation Commission to establish <i>prima facie</i> speed limits for farm/ranch-to-market roads without improved shoulders that are lower than those provided for under Tran. Code §545.352. Tran. Code §545.3535(a)</p> <p>IX. A local authority may regulate the speed of a vehicle in a public park. Tran. Code §542.202(a)(6)</p>
Minimum Speed Limit:	<p>I. No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code §545.363(a)</p> <p>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)</p>
Posted (Minimum) Speed Limit:	<p>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 jurisdictions. Tran. Code §545.363(b). Note: Via signs, slower-moving traffic may be directed to use designated lanes. Tran. Code §545.060(c)</p>
Other:	<p>I. Operating vehicles in the following types of situations in excess of the given speed limits is <i>prima facie</i> evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)</p> <p>A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or &gt;55 mph whichever is less. Code §623.101(a)</p> <p>B) A school bus with a commercial motor vehicle inspection cannot be driven &gt;60 mph outside an urban district on a “numbered” highway or farm-to-market road. Tran. Code</p>

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<sup>469</sup>However, a speed limit cannot be established >60 mph. Tran. Code §545.358. 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

- §545.352(b)(4)(A)
- C) A school bus without a commercial motor vehicle inspection cannot be driven >50 mph outside an urban district. Tran. Code §545.352(b)(4)(B)
- D) A school bus with or without a commercial motor vehicle inspection cannot be driven >50 mph outside an urban district on a highway that has not been “numbered”. Tran. Code §545.352(b)(4)(B)
- E) 60 mph during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer or semi-trailer) except for light trucks. Tran. Code §545.352(b)(4)(C)
- F) 55 mph during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semi-trailer). Tran. Code §545.352(b)(4)(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 not 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)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All speed law violations are misdemeanors. Tran. Code §§542.301 and 750.002(b)

Other: N/A

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 and 750.002(b)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

N/A

Other:

**Double Fines:**<sup>470</sup> If a speeding offense occurs in a construction zone when workers are present, the minimum and maximum fines are **doubled**. Tran. Code §542.404

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.<sup>471</sup> Tran. Code §§521.292(a) (2) and (3) and 521.294

<sup>470</sup>The law also provides for **double fines** (i.e., from \$1 but not more than \$200 to \$2 but not more than \$400) for violating a “warning sign” in a construction zone where workers are present. Tran. Code §472.022(a) and (d).

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

Revocation — **Indefinite Period.** Tran. Code §521.312(a)  
Suspension — not more than **1 year.** Tran. Code §521.293

Mandatory Minimum Term of  
Withdrawal:

Revocation — The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.309  
Suspension — **none.** A suspension may be probated and is, therefore, not mandatory.<sup>472</sup> Tran. Code §521.309

Miscellaneous Sanctions  
Not Included Elsewhere:

N/A

Other Criminal Actions Related to Speeding:

Racing on Highway:

**Misdemeanor.** Tran. Code §§542.301(b) and 545.420

Sanctions:

Criminal Sanction:

**None**

Imprisonment (Term):

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 (Discretionary)** based on either habitually reckless/negligent vehicle operation or habitual violation of the traffic laws. Tran. Code §§521.292 (a) (1) and (2) and 521.294

Length of Term of

Licensing Withdrawal:

Revocation — **Indefinite Period.** Tran. Code §521.312(a)  
Suspension — not more than **1 year.** Tran. Code §521.293

Mandatory Action — Minimum

Length of License

Withdrawal:

Revocation — The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.309  
Suspension — **none.** A suspension may be probated and is, therefore, not mandatory. Tran. Code §521.309

Other:

**Double Fines:** If an offense occurred in a construction zone when workers were present, the minimum and maximum fines are **doubled.** Tran. Code §542.404

Reckless Driving:

**Misdemeanor.** Tran. Code §545.401(a) and (b)

Sanction:

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)

<sup>471</sup>A "habitual violator" is defined as a person who has committed either four or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code §521.292(b)

<sup>472</sup>If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code §521.309(e)

Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> 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. Tran. Code §§521.292 (a) (1) and (2) and 521.294
Length of Term of License Withdrawal Action:	<u>Revocation</u> — <b>Indefinite Period.</b> Tran. Code §521.306(a) <u>Suspension</u> — not more than <b>1 year.</b> Tran. Code §521.306(b)
Mandatory Term of License Withdrawal Action:	<u>Revocation</u> — The revocation period <b>cannot</b> be probated and, therefore, appears to be mandatory. Tran. Code §521.309 <u>Suspension</u> — <b>none.</b> A suspension may be probated and is, therefore, not mandatory. Tran. Code §521.309
Other:	<b>Double Fines:</b> If an offense occurred in a construction zone when workers were present, the maximum fine is <b>doubled.</b> Tran. Code §542.404 <b>Incarceration Costs:</b> A person who has been convicted of a misdemeanor offense may be required to pay the cost, at a rate of \$25 per day, for any incarceration time served in a county jail. Indigent defendants may not be required to pay this cost. Code of Criminal Procedure Art. 42.038(a) and (c)

Commercial Motor Vehicle (CMV) Operators<sup>473</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>474</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Tran. Code §522.081(a)(1) and (2)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days; three serious violations</b> (within 3 years) — <b>120 days.</b> Tran. Code §522.081(a)(1) and (2)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days; three serious violations</b> (within 3 years) — <b>120 days.</b> Tran. Code §522.081(a)(1) and (2)

<sup>473</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code §522.003(5)

<sup>474</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. Tran. Code §522.003(25)(A) and (B)

JURISDICTION:

UTAH

General Reference:

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 M.P.H., except as noted, on highways or streets §41-6-46(2)(c) Note: See "I" under Posted Speed limits below.  
 B) 25 M.P.H. 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) and 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.<sup>475</sup> §41-6-47(1) and (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) and (2). **Important:** The maximum posted speed limit cannot exceed those noted above. §§41-6-47(3)(a) and 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)

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<sup>475</sup>This 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). Note: The State Department of Transportation or a local government "may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under their respective jurisdictions for the safety of the public, efficient maintenance of a highway, or use of high occupancy vehicles." §41-6-53.5(4)(a)

Basis for a Speed Law Violation  
(continued)

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 establish a minimum speed limit for a highway on highways within their respective jurisdictions. §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)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All speed law violations are Class C misdemeanors.<sup>476</sup> §§41-6-12(1) and 41-6-48.5(2)(a)

Other:

N/A

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 **\$750**.<sup>477</sup> §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:" First offense — Vehicle Speed 21 to 29 mph — **\$50**; Vehicle Speed 30 to 39 mph — **\$125**; and Vehicle Speed ≥40 mph — **\$275**; second and subsequent 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 service in lieu of these fines or any portion of such fine. §41-6-48.5(2)(b)

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<sup>476</sup>Even though exceeding the posted 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 and 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 in the case 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 (Utah App. 1997)

<sup>477</sup>This 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 Recommended Fine Schedule. This schedule is established via the State's Judicial Council. §76-3-301.5

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Other Penalties:

Traffic School:

An offender may reduce the number of points on the driving record by completing a Defensive Driving Course. UAC R708-3 — 3 and R708-3-5(1)(b)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system.<sup>478</sup> §53-3-221(1)(f) and (4)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year**. §53-3-221(8)(a)

Mandatory Minimum Term of Withdrawal:

**None**. Note: License suspension action is discretionary.

Miscellaneous Sanctions

Not Included Elsewhere:

**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)

Other Criminal Actions Related to Speeding:

Racing on Highway:

**Class C misdemeanor**. §§41-6-12(1) and 41-6-51

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **90 days**. §76-3-204(3)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

Not more than **\$750**. §76-3-301(1)(e)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

<sup>478</sup>**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, a 3-month, 6-month or 1-year license suspension. In addition, “[t]he suspension time is doubled, up to a maximum of one year, for a second or subsequent suspension within a three-year period.” UAC R708-3-6. Offenders <21 Years Old: An offender who accumulates 140 to 199 points is subject to license "denial" for 30 days. If after first denial, he/she accumulates 140 to 199 points within 3 years, that person is subject to a 60-day license denial. If after a second denial, the offender accumulates 140 to 199 points within 3 years, that person is subject to a 90-day license denial. If an offender accumulates 200 to 249 points, 250 to 349 points, 350 to 449 points or 450+ points, that person is subject to respectively, a 60-day, 90-day, 6-month or 1-year license suspension. Also, “[a] third or additional sanction within a three-year period will result in a suspension at the next highest threshold, which doubles in length for each succeeding sanction within the three-year period up to a maximum of one year.” UAC R708-3-8. 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 1 to 10 mph over the speed limit-35 points; speeding 11-20 mph over the speed limit-55 points; speeding >20 mph over the speed limit-75 points; exceeding the speed limit by less than 11 mph on an interstate-35 or 55 points; exceeding the speed limit in a school zone 1 to 9 mph-35 points; exceeding the speed limit in a school zone 10 to 19 mph-55 points; exceeding the speed limit in a school zone ≥20 mph-75 points; and, driving too slow-50 points. §§53-3-209(2), 53-3-221(4), 63-46b-5(1), UAC R708-3-4(2), and the Point Violation Code Table as prepared by the Utah Driver License Division of the Department of Public Safety.

Other Criminal Actions Related To Speeding:  
(continued)

Type of Action:	<b>Suspension</b> via a point system based on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) and (f)
Length of Term of Licensing Withdrawal:	Not more than <b>1 year</b> . §53-3-221(8)(a)
Mandatory Action — Minimum Length of License Withdrawal:	<b>None</b> . Note: License suspension action is discretionary with the licensing agency.
Other:	An offender may reduce the number of points on the driving record by completing a Defensive Driving Course. UAC R708-3 — 3 and R708-3-5(1)(b)
<u>Reckless Driving</u> <sup>479</sup> :	<b>Class B misdemeanor</b> . §41-6-45(1) and (2)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>6 months</b> . §76-3-204(2)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> . §76-3-301(1)(d)
Mandatory Minimum Fine:	<b>None</b> .
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	I. <b>Suspension</b> via a point system based on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) and (f). II. <u>First offense</u> — The court may recommend <b>suspension</b> ; <u>second offense</u> (within 12 months) — <b>Revocation</b> . §53-3-220(1)(a)(viii)
Length of Term of License Withdrawal Action:	I. Under the point system — suspension — not more than <b>1 year</b> . §53-3-221(8)(a) II. <u>First offense</u> — After a hearing, the licensing agency may suspend an offender’s license for <b>3 months</b> ; <u>second offense</u> (within 12 months)- <u>Revocation</u> — <b>1 year</b> . §§53-3-220(1)(a)(viii) and 53-3-225(1)(a)
Mandatory Term of License Withdrawal Action:	I. Under the point system — <b>none</b> . Licensing action is discretionary. II. <u>First offense</u> — <b>none</b> ; <u>second offense</u> (within 12 months) — revocation — <b>1 year</b> . §§53-3-220(1)(a)(viii) and 53-3-225(1)(a)
Other:	Points may be reduced upon completion of a Defensive Driving Course. UAC R708-3 — 3 and R708-3-5(1)(b)

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<sup>479</sup>I. Reckless Driving is defined as operating a vehicle either (1) “in willful or wanton disregard for the safety of persons or property” or (2) “while committing three or more moving traffic violations under Title 41, Chapter 6, Traffic Rules and Regulations, in a series of acts within a single continuous period of driving.” II. A person commits a Class A misdemeanor if that person recklessly engages in conduct, not amounting to a felony, that creates a substantial risk of death or serious injury to another person. §76-5-112. Such conduct could include acts committed while operating a motor vehicle. A person convicted of a Class A misdemeanor is subject to an imprisonment term of not more than 1 year and/or a fine of not more than \$2,500. §§76-3-204(1) and 76-3-301(1)(c)

Commercial Motor Vehicle (CMV) Operators<sup>480</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>481</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §53-3-414(6)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §53-3-414(6)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §53-3-414(6)

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<sup>480</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §53-3-102(5)(a)

<sup>481</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §53-3-402(16)(a) and (b)

## JURISDICTION:

VERMONT

## General Reference:

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 regulations<sup>482</sup> 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) and 1081(c)

II. Based on engineering and traffic investigations, the State may increase or decrease the above speed limit on non-interstate highways.<sup>483</sup> Title 23, §§1003 and 1081(c)

III. Based on engineering and traffic investigations, a municipal or city 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) and (b) and 1081(c)

IV. Without an engineering and traffic investigation, a municipal government may establish a speed limit on all or a portion on any unpaved highway within its jurisdiction at not more than 50 mph or less than 35 mph. Title 23, §1007(a).  
Note: Although a formal engineering and traffic investigation is not required, the law does provide that the municipality consider “neighborhood character, abutting land use, bicycle and pedestrian use and physical characteristics of the highways....” Title 23, §1007(a)(1)

V. Based upon an investigation, the State may establish a safe maximum speed for any bridge or elevated structure. Title 23, §1083(b) and (c)

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<sup>482</sup>These 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.

<sup>483</sup>On 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

Basis for a Speed Law Violation: (continued)

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) and 1082.

Posted (Minimum) Speed Limit:

Note: Via signs, "specified traffic" (e.g., slower-moving traffic) may be directed to use designated lanes. Title 23, §1038(3)

Other:

I. A local government may establish special speed limits via regulations for construction zones or for special occasions. Title 23, §§1010 and 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)

III. No person shall tow a trailer<sup>484</sup> >35 mph. Title 23, §1083(d)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All speed law violations are traffic violations and are considered Civil Actions. Title 23, §2302(a) and (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 **\$1000**.<sup>485</sup> Title 23, §2302(b) and (c)  
Not more than **\$50** for exceeding the maximum safe speed for a bridge or elevated structure. Title 23, §§1083(b) and 1096(a)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

An offender may be required to attend a driver-retraining course. Title 23, §§721 and 722

Other:

<sup>484</sup>This applies only to trailers that are exempt from certain weight requirements of Title 23, §1307.

<sup>485</sup>Speeding offense penalties are normally determined via a waiver schedule established by the Judicial Bureau. Title 4, §1102(b)(1) and (d)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension** via a point system.<sup>486</sup> Title 23, §2501 et seq.

Term of License Withdrawal

(Days, Months, Years, etc.):

**≥30 days.** Title 23, §2506

Mandatory Minimum Term of

Withdrawal:

Suspensions under the point system appear to be mandatory.  
Title 23, §2506

Miscellaneous Sanctions

Not Included Elsewhere:

The penalty for speed violations in construction and maintenance work zones shall be twice the penalty for non-work site violations. Title 23, §1010(b)

Other Criminal Actions Related to Speeding:Excessive Speed<sup>487</sup>:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Misdemeanor. Title 13, §1 and Title 23, §1097

First offense — not more than **3 months**; second offense — not more than **6 months**. Title 23, §1097

Mandatory Minimum Term:

Fine (\$ Range):

**None**First offense — not more than **\$300**; second 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 system. Title 23, §2501 et seq.

Length of Term of

Licensing Withdrawal:

**≥30 days.** Title 23, §2506

Mandatory Action — Minimum

Length of License

<sup>486</sup>**Point System:** I. An offender is subject to license suspension if that person accumulates 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-day suspension for 15 points; 90-day suspension for 20 points: 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

<sup>487</sup>"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

Other Criminal Actions Related to Speeding:  
(continued)

Withdrawal:	Suspensions under the point system appear to be mandatory. Title 23, §2506
Other:	An offender may be required to attend a driver-retraining course. Title 23, §§721 and 722
<u>Negligent Motor Vehicle Operation</u> <sup>488</sup> :	Misdemeanor. Title 13, §1 and Title 23, §1091(a)(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>1 year</b> ; <u>subsequent offense</u> — not more than <b>2 years</b> . Title 23, §1091(a)(3)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<u>First offense</u> — not more than <b>\$1,000</b> ; <u>subsequent offense</u> — not more than <b>\$3,000</b> . Title 23, §1091(a)(3)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension.</b> <sup>489</sup> Title 23, §2506
Length of Term of Licensing Withdrawal:	<u>First offense</u> — <b>30 days</b> ; <u>second offense</u> — <b>90 days</b> ; <u>subsequent offense</u> — <b>6 months</b> . Title 23, §2506
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> — <b>30 days</b> ; <u>second offense</u> — <b>90 days</b> ; <u>subsequent offense</u> — <b>6 months</b> . Title 23, §2506 Note: These suspensions appear to be mandatory.
Other:	An offender may be required to attend a driver- retraining course. Title 23, §§721 and 722
<u>Grossly Negligent Motor Vehicle Operation</u> <sup>490</sup> :	<u>First offense</u> — <b>Misdemeanor</b> ; <u>subsequent offense</u> — <b>Felony</b> ; <u>Offense Involving Either Serious Bodily Injury or Death-Felony</u> . Title 13, §1 and Title 23, §1091(b)(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>First offense</u> — not more than <b>2 years</b> ; <u>subsequent offense</u> — not more than <b>4 years</b> ; <u>Offense Involving either Serious Bodily Injury or Death</u> — not more than <b>15 years</b> . Title 23, §1091(b)(3)
Mandatory Minimum Term:	<b>None</b>

<sup>488</sup>The standard for "negligence" is "ordinary negligence" using the usual standard "of duty to exercise ordinary care." Title 23, §1091(a)(2)

<sup>489</sup>Suspension can also be via the **Point System**. Licensing action under this system must be imposed if it would result in a longer suspension period. Title 23, §2506

<sup>490</sup>"Gross negligence" is defined as "conduct that involved a gross deviation from the care that a reasonable person would have exercised in that situation." Title 23, §1091(b)(2)

Fine (\$ Range):	<u>First offense</u> — not more than <b>\$5,000</b> ; <u>subsequent offense</u> — not more than <b>\$10,000</b> ; <u>Offense Involving Either Serious Bodily Injury or Death</u> — not more than <b>\$15,000</b> . Title 23, §1091(b)(3)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension.</b> Title 23, §2506
Length of Term of Licensing Withdrawal:	<u>First offense</u> — <b>30 days</b> ; <u>second offense</u> — <b>90 days</b> ; <u>subsequent offense</u> — <b>6 months</b> . Title 23, §2506
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> — <b>30 days</b> ; <u>second offense</u> — <b>90 days</b> ; <u>subsequent offense</u> — <b>6 months</b> . Title 23, §2506 These suspensions appear to be mandatory.
Other:	I. An offender may be required to attend a driver-retraining course. Title 23, §§721 and 722 II. <b>Surcharge:</b> In addition to any fine sanction, there is a surcharge of <b>\$50</b> that is used to fund drunk-driving law enforcement. Title 23, §1091(d)

Commercial Motor Vehicle (CMV) Operators<sup>491</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>492</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. Title 23, §4116(d)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . Title 23, §4116(d)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . Title 23, §4116(d)

<sup>491</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. Title 23, §4103(4)

<sup>492</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or careless or negligent driving. Title 23, 4103(16)(A) and (B).

JURISDICTION:

VIRGINIA

General Reference:

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.<sup>493</sup> §46.2-861

Statutory Speed Limit:  
See Other below

70 mph on Interstate 85; 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  
65 mph on Virginia Route 288 §46.2-870  
55 mph on other interstate highways, limited-access highways with divided roadways, non-limited access highways with four or more lanes and all State primary highways §46.2-870  
55 mph on all other highways for passenger motor vehicles, busses, pickup or panel trucks or motorcycles §46.2-870  
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  
35 mph on highways within a city or town excluding interstate or other limited access divided highways §46.2-875  
35 mph on non-surface treated highways §46.2-873.1  
25 mph in a business or residential district §46.2-874

Posted (Maximum) Speed Limit:

I. Based on traffic engineering investigations, the Commonwealth Transportation Commission or other authority may either (1) decrease the speed limits established under §46.2-870 or (2) increase or decrease the speed limits established under §§46.2-873 through 46.2-875 on any highway under its jurisdiction.<sup>494</sup> §§46.2-873.1 and 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  
III. A town with population between 14,000 and 15,000 may prohibit driving  $\geq 20$  mph in excess of the speed limit in a residence district. §46.2-874.1

<sup>493</sup>Driving too fast for conditions is a reckless driving offense. §46.2-861

<sup>494</sup>The 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.

Basis for a Speed Law Violation: (continued)

IV. A city with a population between 9,000 and 11,000 may prohibit motor vehicle operations at a speed >15 mph in excess of the maximum speed limit in a residence district. §46.2-874.1

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

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

Other:

I. (1) On any highway where the maximum speed limit is ≤55 mph, the maximum speed limit for a school bus is either 45 mph or the “minimum speed allowable” whichever is greater; (2) On any interstate highway or other highway where the speed limit is >55 mph, the maximum speed limit for a school bus is 55 mph; (3) A school bus cannot be driven >35 mph when taking on or discharging children between the first and last stop (not including the school). §46.2-871

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 when workers are present. §46.2-878.1

V. The maximum speed for passenger vehicles that are towing utility, camping or boat trailers having gross weight of ≤2,500 lbs. shall be the same as for other passenger vehicles. §46.2-876

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 and 46.2-868. All other speed law violations are traffic infractions. §§46.2-113, 46.2-873, 46.2-878.1 and 46.2-878.2

Other

A violation of §46.2-874.1 is a Civil Penalty.

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**.

Mandatory Minimum Term:

**None**

Fine:

Amount (\$ Range):

Class 1 misdemeanor — not more than **\$2,500**. §18.2-11(a)  
Traffic infraction — not more than **\$200**.<sup>495</sup> §§46.2-113 and 46.2-878.2<sup>496</sup>

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 and 46.2-505

Other:

**Important:** If a person exceeds the speed limit by 15 mph or more while driving a vehicle designed to transport property and which has a gross weight rating of ≥26,001 lbs. inclusive of a towed vehicle with a gross weight rating ≥10,000 lbs., the fine is not more than **\$500 in addition** to any other sanction. §§46.2-113 and 46.2-341.20

Licensing Action:

Type of Licensing Action

(Susp/Rev):

I. Class 1 Misdemeanor offense — **suspension**. §46.2-392

II. **Suspension** via a point system.<sup>497</sup> §§46.2-492 et seq.

<sup>495</sup>The fine for exceeding the maximum posted speed limit in a work zone is not more than **\$500**. §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(E)

<sup>496</sup>Sec. 46.2-878.2 makes it a traffic infraction with fine of not more than **\$200** to exceed the maximum posted speed limit on certain specially signed highways in residential districts. These signs must indicate both the maximum allowable speed and the penalty imposed for speeding. The State must develop criteria for the installation of such signs.

<sup>497</sup>**Point System:** I. An offender's license is subject to suspension if that person accumulates 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 (includes **all** violations noted to be reckless driving offenses) — 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; speeding generally (no speed indicated) — 4 points; speeding in vehicles with special permits or while towing another vehicle — 4 points; speeding in a school crossing, a business/residential district, a city or town, on a bridge or in a work zone — 4 points; aggressive driving — 4 points; improper driving — 3 points; impeding traffic — 3 points; and, speeding 1 to 9 mph above the speed limit — 3 points. §46.2-492. III. Persons under 18 years old who receive points are subject to the following sanctions: For a first violation where points have been assigned, the person shall be directed to attend a driver improvement clinic. For a second violation where points have been assigned, the person shall have the driving privileges **suspended for 90 days**. For a third violation where points have been assigned, the person shall have the driving privileges **revoked** for either **1 year** or until reaching 18 years old whichever is the longer revocation period. §46.2-334.01(A)(1), (2) and (3). **Comment:** The provisions of §46.2-334.01 appear to have superseded those of §46.2-498 et seq. with regard to offenders <18 years old. In addition, the regulations (24 VAC 20-30 — 10 et seq.) that promulgated the point system have been withdrawn due to changes in statutory law. No new regulations have been promulgated to replace them. Instead, the State has issued various informational documents that describe the present point system to the public.

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

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

I. Class 1 misdemeanor offense — **10 days to 6 months.** §46.2-392  
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 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  
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:

I. Mandatory civil penalty of **\$100** for violating §46.2-874.1  
II. A civil penalty of **\$100** in addition to any other penalty provided by law for violating §46.2-874.1

Other Criminal Actions Related to Speeding:

Racing on Highway<sup>498</sup>:  
Sanctions:

**Class 1 misdemeanor.** §§46.2-865 and 46.2-868

Criminal Sanction:

Not more than **12 months.** §18.2-11(a)

Imprisonment (Term):

**None.**

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$2,500.** §18.2-11(a)

Mandatory Minimum Fine:

**None.**

Administrative Licensing Action:

Licensing Authorized and  
Type of Action:

First, second and third offense — **Suspension** §46.2-865; 4th offense — **Revocation.** §46.2-394

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

<sup>498</sup>Racing on the highways is a reckless driving offense. §46.2-865

	II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 and 46.2-505
	III. An offender also accumulates points for this offense.
	<b>Class 1 misdemeanor.</b> §§46.2-862 and 46.2-868
<u>Exceeding the Speed Limit</u> <sup>499</sup> :	
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>12 months.</b> §18.2-11(a)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$2,500.</b> §18.2-11(a)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	I. <b>Suspension</b> via court order. §46.2-393 II. <b>Suspension</b> via a point system. §§46.2-492 et seq.
Length of Term of Licensing Withdrawal:	I. <u>Suspension</u> via court order — <b>60 days to 6 months.</b> §46.2-393 II. <u>Suspension</u> via a point system- <b>90 days</b> or until the offender completes a driver improvement clinic. §46.2-506 (B)
Mandatory Action — Minimum Length of License Withdrawal:	I. <u>Suspension</u> via court order — <b>none.</b> Note: This licensing action is discretionary with the court. II. <u>Suspension</u> via a point system- <b>90 days</b> 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 and 46.2-505
	<b>Class 1 misdemeanor.</b> §§46.2-852, 46.2-864 <sup>501</sup> and 46.2-868
<u>Reckless Driving</u> <sup>500</sup> :	
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than <b>12 months.</b> §18.2-11(a)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$2,500.</b> §18.2-11(a)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	

<sup>499</sup>The "Exceeding the Speed Limit" offense is a reckless driving offense and is defined to mean driving either (1) ≥20 mph over a posted speed limit of ≤30 mph, (2) ≥60 mph where the posted speed limit is 35 mph, (3) ≥20 mph over a posted speed limit of ≥40 mph or (4) ≥80 mph regardless of the posted speed limit. §46.2-862

<sup>500</sup>In 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.

<sup>501</sup>“(i) driving a motor vehicle at a speed of 20 miles per hour or more in excess of the maximum speed limit or (ii) driving in excess of 80 miles per hour regardless of the maximum speed limit.” Section 46.2-862.

Other Criminal Actions Related to Speeding:  
(continued)

Type of Licensing Action  
(Susp/Rev):

- I. **Suspension** via court order. §46.2-392
- II. **Suspension** via a point system. §§46.2-492 et seq.

Length of Term of License  
Withdrawal Action:

- I. Suspension via court order — **10 days to 6 months.**<sup>502</sup> §46.2-392
- II. Suspension 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:

- 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
- 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:

- 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 and 46.2-505
- III. If a driver commits one or more of several listed violations, that person is guilty of aggressive driving which carries the sanction of a Class 1 misdemeanor (6 mo. jail and/or \$1,000) or a Class 2 misdemeanor (12 mo. jail and/or \$2,500) if committed with intent to injure another. §46.1-868.1(a) and (b)
- IV. If a person commits reckless driving while driving a vehicle designed to transport property and which has a gross weight rating of ≥26,001 lbs. inclusive of a towed vehicle with a gross weight rating ≥10,000 lbs., the fine is not more than **\$500 in addition** to any other sanction. §§46.2-113 and 46.2-341.20

Improper Driving<sup>503</sup>:  
Sanction:  
Criminal:  
Imprisonment (Term):

Traffic infraction. §46.2-869

**None**

<sup>502</sup>For a violation of §46.2-864, the discretionary suspension period is **60 days to 6 months**. §46.2-393

<sup>503</sup>The court or an attorney for the Commonwealth 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 officers 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.

Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$500.</b> §46.2-869
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a point system. §§46.2-492 et seq.
Length of Term of License Withdrawal Action:	
	<u>Suspension</u> via a point system- <b>90 days</b> 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- <b>90 days</b> or until the offender completes a driver improvement clinic. §§46.2-506(B). <b>Note:</b> 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 and 46.2-505

Commercial Motor Vehicle (CMV) Operators<sup>504</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>505</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §46.2-341.20(B)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days.</b> §46.2-341.20(B)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days.</b> §46.2-341.20(B)

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<sup>504</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §46.2-341.

<sup>505</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §46.2-341.20(A)(1) and (2)

## JURISDICTION:

WASHINGTON

## General Reference:

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.<sup>506</sup>  
 §46.61.400(1) and (3)

## Statutory Speed Limit:

60 mph on State highways §46.61.400(2)(c) **Important:** See "II" below under Posted (Maximum) Speed Limit below.

## See Other 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.<sup>507</sup> §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. 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. However, a posted speed limit cannot be established >60 mph or <20 mph. §46.61.415(1) and (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 respective jurisdictions. §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

<sup>506</sup>In 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, 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

<sup>507</sup>I. 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

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 the normal and reasonable movement of traffic. §46.61.425(1)
- II. No person shall drive continuously in the left lane of a multi-lane roadway when doing so 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)

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 respective jurisdictions. §46.61.425(2)

Other:

- I. 60 mph is the maximum speed limit for vehicles weighing >10,000 lbs.<sup>508</sup>
- 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) and 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:

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<sup>508</sup>Based on engineering and traffic investigations, the State Secretary of Transportation may establish a lower speed limit for these vehicles. §§46.61.405 and 46.61.410(2)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Fine:	
Amount (\$ Range):	Not more than <b>\$250</b> <sup>509</sup> §46.63.110(1)
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	N/A
Other:	I. For traffic infractions, an offender may be allowed to perform community service in lieu of a fine. §46.63.120(2) II. <b>Double Fines:</b> There is a mandatory fine for exceeding the speed limit in either a marked school/playground crosswalk or a construction zone which is <b>double</b> the normal amount. §§46.61.440(2) and 46.61.527(3)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> -- based upon frequent violations <sup>510</sup> §46.20.291(3)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than <b>1 year</b> . §46.20.311(1)(a)
Mandatory Minimum Term of Withdrawal:	<b>None.</b> This licensing action is discretionary. <sup>511</sup> §46.20.291. Note: If a person's license is suspended, an occupational license is available. §46.20.391(2)
Miscellaneous Sanctions Not Included Elsewhere:	<b>Public Safety and Education Assessment:</b> In addition to any other fine, an offender is subject to two public safety and education assessments and 1 monetary penalty. The first assessment is equal to 60 percent of any fine imposed. The second is equal to 50 percent of the first. The third is a fixed

<sup>509</sup>**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 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 — **\$22**; 6 to 10 mph over the speed limit — **\$32**; 11 to 15 mph over the speed limit — **\$47**; 16 to 20 mph over the speed limit — **\$62**; 21 to 25 mph over the speed limit — **\$77**; 26 to 30 mph over the speed limit — **\$97**; 31 to 35 mph over the speed limit — **\$122**; 36 to 40 mph over the speed limit — **\$147**; >40 mph over the speed limit — **\$177**. II. For speed limits ≤40 mph, the following fine schedule applies: 1 to 5 mph over the speed limit — **\$32**; 6 to 10 mph over the speed limit — **\$37**; 11 to 15 mph over the speed limit — **\$52**; 16 to 20 mph over the speed limit — **\$72**; 21 to 25 mph over the speed limit — **\$97**; 26 to 30 mph over the speed limit — **\$122**; 31 to 35 mph over the speed limit — **\$147**; >35 mph over the speed limit — **\$177**. III. The following fine schedule applies for other speeding and other related offenses: speeding too fast for conditions — **\$37**; impeding traffic — **\$37**; speeding in State parks — **\$37**; and, on a multilane highway, failure to drive in the right lane except when traveling at a speed greater than the traffic flow — **\$37**. Washington Court Rule 6.2

<sup>510</sup>Licensing action is based upon frequent traffic law violations that indicate disrespect for these laws. §46.20.291(3). A person is considered a frequent violator of the traffic laws if committing 4 traffic offenses within 12 months or 5 such offenses within 24 months. WAC 308-104-035

<sup>511</sup>In lieu of suspension, the licensing agency may place the offender on probation on such terms as it considers appropriate. §46.20.335. In addition, if the offender's license has been suspended, that person may be eligible for occupational driving privileges. §46.20.391

penalty of \$10. (This penalty does not apply to speeding offenses in construction zones.) §§3.62.090(1) and (2) and 46.63.110(8)

**Other Monetary Penalties:** An offender is also subject to a \$5 fee that is used to support the emergency medical services and trauma case system. §46.63.110(7)

Other Criminal Actions Related to Speeding:

Racing on Highway<sup>512</sup>:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

**Gross misdemeanor** §§46.61.500(1) and 46.61.530

Not more than **1 year**. §46.61.500(1)

Mandatory Minimum Term:

**None**

Fine (\$ Range):

Not more than **\$5,000**. §46.61.500(1)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension**. §46.61.500(2); third 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) and 46.20.311; third offense (within 2 years) — Revocation — **2 years**. §§46.20.285(7) and 46.20.311(2)

Mandatory Action — Minimum

Length of License

Withdrawal:

Suspension — **none**<sup>513</sup> §46.61.500(2); Revocation — third offense (within 2 years) — **2 years**. §§46.20.285(7) and 46.20.311(2)

Other:

I. There is a penalty assessment of \$500. §7.68.035(1)(a) and (2)

II. **Public Safety and Education Assessment:** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60 percent of any fine imposed. The second is equal to 50 percent of the first. §3.62.090(1) and (2)

Gross misdemeanor. §46.61.500(1)

Reckless Driving<sup>514</sup>:

Sanction:

Criminal:

Imprisonment (Term):

Not more than **1 year**. §46.61.500(1)

Mandatory Minimum Term  
of Imprisonment:

**None**

<sup>512</sup>Racing on the highways is considered a reckless driving offense. §46.61.530

<sup>513</sup>An offender is eligible for occupational driving privileges. §46.20.391(1). However, such privileges are **not** available if the offender has had a previous offense that requires mandatory suspension or revocation within 1 year. §46.20.391(3)(a)

<sup>514</sup>Exceeding the maximum lawful speed limit is *prima facie* evidence of reckless driving. §46.61.465 and *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)

Fine (\$ Range): Not more than **\$5,000**. §46.61.500(1)  
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action  
(Susp/Rev): **Suspension** §46.61.500(2); third 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) and 46.20.311; third offense (within 2 years) — Revocation — **2 years**. §§46.20.285(7) and 46.20.311(2)

Mandatory Term of License

Withdrawal Action: Suspension — none §46.61.500(2); Revocation — third offense (within 2 years) — **2 years**. §§46.20.285(7) and 46.20.311(2)

Other:

**I. Penalty Assessment:** There is a mandatory penalty assessment of **\$500**. §7.68.035(1)(a) and (2)  
**II. Public Safety and Education Assessment:** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60 percent of any fine imposed.  
**III. 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 is 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) and (5)

Negligent Driving<sup>515</sup>:

**Traffic infraction**. §46.61.525(1)(a) and (c)

Sanction:

Criminal:  
Imprisonment (Term): **None**

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<sup>515</sup>Negligent 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 reasonably 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) operating a motor vehicle in a negligent manner likely to endanger persons or property, and (2) exhibiting 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 and had been consuming it according to prescription directions and warnings. 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) and (2), 9A.20.010(2), 9A.20.021(3), and 46.61.5249

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 violation. 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. §46.20.291.  
Note: If a person's license is suspended, an occupational  
license is available. §46.20.391(2)

Other:

I. For traffic infractions, an offender may be allowed to  
perform community service in lieu of a fine. §46.63.120

**II. Public Safety and Education Assessment and Penalty:**

In addition to any other fine, an offender is subject to two  
public safety and education assessments. The first assessment  
is equal to 60 percent of any fine imposed. The second is  
equal to 50 percent of the first. The third is a fixed penalty of  
\$10. §§3.62.090(1) and (2) and 46.63.110(7)

**III. Other Monetary Penalties:** An offender is also subject  
to a \$5 fee that is used to support the emergency medical  
services and trauma case system. §46.63.110(6)

Commercial Motor Vehicle (CMV) Operators<sup>516</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV, if within a 3-  
year period, while driving such a vehicle that person either (1)  
commits 2 "serious traffic violations"<sup>517</sup> or (2) commits 3 such  
violations. §46.25.090(5)

Period of Disqualification:

Two serious violations (within 3 years) — not less than **60  
days; three serious violations** (within 3 years) — not less than  
**120 days.** §46.25.090(5)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days; three  
serious violations** (within 3 years) — **120 days.**  
§46.25.090(5)

<sup>516</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §46.25.010(6)

<sup>517</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving.  
§46.25.010(16)(a) and (b)

## JURISDICTION:

WEST VIRGINIA

## General Reference:

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:

55 mph on open country highways, controlled-access highways and interstate highways. §17C-6-1(b)(3) and (d). Note: The law provides that the speed limit "shall be not be less than" 55 mph for controlled-access and interstate highways. (or 65 mph where posted). §17C-6-1(d)  
25 mph in a business or residential district §17C-6-1(b)(2)  
15 mph in a school zone<sup>518</sup> §17C-6-1(b)(1)

## Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Commissioner of Highways 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.  
II. Based on engineering and traffic investigations, a local government may decrease the above speed limits at intersections.<sup>519</sup> §§17C-2-8(a)(5) and (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. However, no speed limit shall be >55 mph. §17C-6-3(b)  
IV. 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. 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. §17C-6-3(d)  
VI. Based upon an investigation, the Commissioner of Highways may establish safe maximum speed limits for bridges or elevated structures. §17C-6-5(b) and (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

<sup>518</sup>This 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)

<sup>519</sup>If 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)

Basis for a Speed Law Violation: (continued)

- close as 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”<sup>520</sup> or a local government may establish minimum speed limits for the highways under their respective jurisdictions. §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.<sup>521</sup> §17C-6-4  
 II. A vehicle that is not equipped with pneumatic tires cannot be driven >10 mph. §17C-6-5(a)  
 III. Speed limits must be posted for “construction zones.” §17C-3-4b(a)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All speed law violations are misdemeanors. §§17C-6-1(e) and (f), 17C-3-4b, 17C-6-3a(c), 17C-6-5(e), 17C-6-4, 17C-7-(c) and 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:**

First offense — **none**; second offense (within 1 year) — **none**; third or subsequent offense (within 2 years) — **None**. Exception: third or subsequent offense (within 2 years) where the offender exceeded the speed limit by  $\geq 15$  mph — not more than **6 months**. §17C-6-1(e)

**Speeding <10 mph over the Speed Limit on a Controlled-Access or Interstate Highway: None.**

**Speeding in a School Zone: None.** Exception: Exceeding the Speed Limit  $\geq 15$  mph when one or more children are in the school zone — not more than **6 months**. §17C-6-1(f)

## Criminal Sanctions:

## Imprisonment:

Term (Day, Month, Years, etc.)

<sup>520</sup>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 and 17C-1-27

<sup>521</sup>Trucks weighing  $\leq 8,000$  lbs. may be driven at the same speed as passenger cars. §17C-6-4

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term:	<b>Speeding in a Construction Zone:</b> $\geq 15$ mph Over the Speed Limit — not more than <b>20 days</b> . §17C-3-4b(c)
Fine:	Violation of (1) the Minimum Speed Rule, (2) the Posted Minimum Speed Limit, (3) the Speed Limit for Vehicles with Pneumatic Tires and (4) Speed Limit Established for a Bridge or Elevated Structure: <b>None</b> .
Amount (\$ Range):	All other speed law violations: <u>first offense</u> — not more than <b>10 days</b> ; <u>second offense</u> (within 1 year) — not more than <b>20 days</b> ; <u>subsequent offense</u> — not more than <b>6 months</b> . §§17C-6 — 4 and 17C-18-1(b)
Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	Basic Speed Rule Violation or Exceeding Speed Limit: <u>first offense</u> — not more than <b>\$100</b> ; <u>second offense</u> (within 1 year) — not more than <b>\$200</b> ; <u>third or subsequent offense</u> (within 2 years) — not more than <b>\$500</b> . §17C-6-1(e)
Traffic School:	Speeding <10 mph Over the Speed Limit on a Controlled-Access or Interstate Highway: Not more than <b>\$5</b> plus court costs. §17C-6-1(g).
Other:	Speeding in School Zone: <b>\$100 to \$500</b> . §17C-6-1(f)
	Speeding in a Construction Zone: Not more than <b>\$200</b> . §17C-3-4b(b) and (c)
	Violation of (1) the Minimum Speed Rule, (2) the Posted Minimum Speed Limit, (3) the Speed Limit for Vehicles with Pneumatic Tires and (4) Speed Limit Established for a Bridge or Elevated Structure: <u>first offense</u> — not more than <b>\$100</b> ; <u>second offense</u> (within 1 year) — not more than <b>\$200</b> ; <u>third or subsequent offense</u> (within 2 years) — not more than <b>\$500</b> . §§17C-6-3a(c) and 17C-6-5(e)
	All other speed law violations: <u>first offense</u> — not more than <b>\$100</b> ; <u>second offense</u> (within 1 year) — not more than <b>\$200</b> ; <u>subsequent offense</u> — not more than <b>\$500</b> . §17C-18-1(b)
	<b>None</b>
	If an offender successfully completes a Driver Improvement Program, points may be deducted from the driving record. CSR §91-5-8
	<b>Alternative Sentences:</b> In lieu of either a fine or incarceration sanction (except mandatory incarceration via statute), a court may impose one of the following sentences: (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 government entities, charitable or other non-profit organizations which have been approved by the court. §62-11A-1a(a)(1), (2) and (3) and (c)(1)

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

Licensing Action: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> based on Frequent Violation of the Traffic Laws. <sup>522</sup> §17B-3-6(a)(3) and (4) Note: No abstract of a conviction for exceeding the speed limit by <10 mph on either a controlled-access or interstate highway is transmitted to the licensing agency. §17C-6-1(h) and (i) This provision does not apply to persons who have been issued Commercial Driver's Licenses and who were operating a Commercial Motor Vehicle at the time of the offense. §17C-6-1(h) and (i)
Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of	Not more than <b>1 year</b> . §17B-3-8
Withdrawal:	<b>None</b> . License action is discretionary. §17B-3-6(a)
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term):	<b>Misdemeanor</b> . §17C-6-8(a) and (b)  <u>First offense — none; second offense — 6 to 60 days; subsequent offense — 60 days to 4 months.</u> §17C-6-8(b)
Mandatory Minimum Term: Fine (\$ Range):	<b>None</b> <u>First offense — \$50 to \$100; second offense — \$50 to \$500; subsequent offense — \$100 to \$1,000.</u> §17C-6-8(b)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Revocation</b> . §17C-6-8(c)

<sup>522</sup>**Point System:** The licensing agency has established the following point system to assist it in identifying offenders who may be subject to licensing action because of frequent violations of the traffic laws. I. When an offender has accumulated 6 — 8 points, that person may be subject to either a warning letter, probation for not more than 1 year or license suspension for not more than 1 year. An offender who accumulates 12-13 points is subject to a 30-day suspension; 14-15 points is subject to a 45-day suspension; 16-17 points, a 60-day suspension; 18-19 points, a 90-day suspension; and 20 or more point, suspension until less than 12 points remain on the record. (Points remain on a person's record for 2 years.) CSR §91-5 — 7 (7.9) and (7.10). 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 15mph or more over the posted limit — 5 points; speeding ≥10 but <15 mph over the posted limit — 3 points; speeding ≥5 but <10 mph over the posted limit-2 points; and driving too fast for conditions — 3 points. CSR §91-5-7(7.2).

Other Criminal Actions Related to Speeding  
(continued)

Length of Term of Licensing Withdrawal:	<u>First offense</u> — <b>6 months</b> ; <u>second offense</u> (within 2 years) — <b>2 years</b> ; <u>Subsequent offense</u> (within 5 years) — <b>5 years.</b> §17C-6-8(c)
Mandatory Action — Minimum Length of License Withdrawal:	<u>First offense</u> — <b>6 months</b> ; <u>second offense</u> (within 2 years) — <b>2 years</b> ; <u>subsequent offense</u> (within 5 years) — <b>5 years.</b> §17C-6-8(c). These revocation periods appear to be mandatory.
Other:	See <b>Alternative Sentences.</b>
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term):	Misdemeanor. §§17C-5-3(a) and 17C-18-1(a)  <u>First offense</u> — <b>5 to 90 days</b> ; <u>subsequent offense</u> — <b>10 days to 6 months.</b> §17C-5-3(c)
Mandatory Minimum Term of Imprisonment: Fine (\$ Range):	<b>None</b> <u>First offense</u> — <b>\$25 to \$500</b> ; <u>subsequent offense</u> — <b>\$50 to \$1,000.</b> §17C-5-3(c)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension</b> Based on Frequent Violation of the Traffic Laws. §17B-3-6(a)(3) and (4); <b>Revocation</b> — 3 reckless driving convictions within 24 months. §17B-3-5(5)
Length of Term of License Withdrawal Action:	<u>Suspension</u> — not more than <b>1 year.</b> §17B-3-8. <u>Revocation</u> — <b>1 year.</b> §17B-1-1(q)
Mandatory Term of License Withdrawal Action:	<u>Suspension</u> — <b>none.</b> License action is discretionary. §17B-3-6(a) <u>Revocation</u> — <b>1 year.</b> §17B-1-1(q)
Other:	If an offender successfully completes a Driver Improvement Program, points may be deducted from the driving record. CSR §91-5-8 See <b>Alternative Sentences.</b>

Commercial Motor Vehicle (CMV) Operators<sup>523</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>524</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §17E-1-13(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §17E-1-13(e)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §17E-1-13(e)

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<sup>523</sup> A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §17E-1 — 3 and 49 CFR §383.5

<sup>524</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §17E-1-3

JURISDICTION:

WISCONSIN

General Reference:

Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

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 conditions and having regard for the actual and potential hazards then existing. §346.57(2)

Statutory Speed Limit:

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 semi-urban 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 jurisdiction. However, no speed limit can be >65 mph on freeways or expressways or 55 mph on other highways.<sup>525</sup> §§346.57(5) and 349.11(1)(a), (2)(a), (8)(a) and (8m)  
 II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdiction. However, no

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<sup>525</sup>In 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) and (c)

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit:	<p>speed limit can be &gt;55 mph.<sup>526</sup> §§346.57(5) and 349.11(1)(a), (3)(a) and (8m)</p> <p><b>Note:</b> State or local government maximum speed limits established under either I or II above must be uniformly applicable to <u>all</u> types of motor vehicles. However, there is an exception. A lower speed limit may be established for vehicles that, because of their weight or size, are operating under a special permit. §349.11(8)(c) and (8m)(c)</p> <p>III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures. §349.11(4)</p> <p>IV. Local governments may establish temporary speed limits on highways that are under going construction or maintenance. §349.11(10)</p>
Minimum Speed Limit:	<p>I. No person shall drive a motor vehicle at a speed so slowly as to impede the normal and reasonable movement of traffic. §346.59(1)</p> <p>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)</p>
Posted (Minimum) Speed Limit:	<p>Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. §349.11(1)(b). Note: specified traffic lanes may be designated for certain speeds. §346.13(3)</p>
Other:	<p>No person shall drive a vehicle that is equipped with metal or solid rubber tires &gt;15 mph. §346.58</p>

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All speed law violations are Civil Forfeiture Offenses. §§346.17(2), 346.60 and 939.12
Other:	N/A

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	<b>None</b>

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<sup>526</sup>In addition, a local government cannot modify the maximum statutory speed of 15 mph in a safety zone. §349.11(3)(b). Such government must obtain State approval to modify speed limits within corporate limits or within a semi-urban district outside corporate limits. In addition, it cannot reduce by 10 mph (15 mph on rustic roads) or less statutory speed limits without State approval. §349.11(3)(c)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

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** — first 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 Limits**<sup>527</sup> — **\$30 to \$300.**

§346.60(2)(a)

**Violating the Minimum Speed Law (Impeding Traffic)** —first 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)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

An offender may have points deducted from the driving record if that person participates in driver improvement counseling, a traffic safety school, or a defensive driving course. WAC 101.07

Other:

I. The above minimum and maximum fines (forfeitures) are **double** if the following offenses occur in 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.<sup>528</sup> §346.60(3m)(a)II. The above minimum and maximum fines (forfeitures) are **double** if a person 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 any type of highway (road). §§118.08(1) and 346.60(3m)(b)

Licensing Action:

Type of Licensing Action (Susp/Rev):

**Suspension** via the courts. §343.30(1) and (1n)**Suspension or Revocation:** Based upon repeated violation of the traffic laws via a point system.<sup>529</sup><sup>527</sup>This 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)<sup>528</sup>The “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) and 346.57<sup>529</sup>**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 accumulating 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; and obstructing traffic/driving excessively slowly-2 points. §343.32(2)(b) and WAC Trans. 101.02

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

	§343.32(2)(a)
Term of License Withdrawal (Days, Months, Years, etc.):	<u>Suspension</u> via the courts: (1) For speeding $\geq 25$ mph over the 65 or 55 mph speed limit- <b>15-day suspension</b> . §343.30(1n). (2) For other violations — not more than <b>1 year</b> . §343.30(1) <u>Suspension or Revocation</u> via a point system- <b>2 months to 1 year</b> . §343.32(3) and WAC Trans. 101.04
Mandatory Minimum Term of Withdrawal:	<u>Suspension</u> via the courts: (1) For speeding $\geq 25$ mph over the 65 or 55 mph speed limit- <b>15-day suspension</b> . §343.30(1n). (2) For other violations — <b>none</b> . Note: Licensing action is discretionary §343.30(1). <u>Suspension or Revocation</u> via a point system — <b>none</b> . Note: A person is eligible for occupational driving privileges. §343.32(6)
Miscellaneous Sanctions Not Included Elsewhere:	<b>Bicycle Operators:</b> I. A person who exceeds the speed limit while operating a bicycle is subject to a Civil Forfeiture of not more than <b>\$20</b> . §346.60(5)(a). II. A person who obstructs traffic while operating a bicycle is subject to a Civil Forfeiture of not more than <b>\$10</b> . §346.60(5)(b)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions:	Civil Forfeiture. §§346.94(2) and 346.95(2)
Criminal Sanction: Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term: Fine (\$ Range):	<b>\$20 to \$400</b> . §346.95(2)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<b>Suspension</b> via the courts. §343.30 <b>Suspension or Revocation:</b> Based upon repeated violation of the traffic laws via a point system. §343.32(2)(a)
Length of Term of Licensing Withdrawal:	<b>Suspension</b> via the courts — not more than <b>1 year</b> . §343.30(1) <b>Suspension or Revocation</b> via a point system- <b>2 months to 1 year</b> . §343.32(3) and WAC Trans. 101.04
Mandatory Action — Minimum Length of License Withdrawal:	<b>Suspension</b> via the courts — <b>none</b> . Note: Licensing action is discretionary. §343.30(1)

Other Criminal Actions Related to Speeding:  
(continued)

	<b>Suspension or Revocation</b> via a point system — <b>none</b> . Note: A person is eligible for occupational driving privileges. §343.32(6)
Other:	N/A
<u>Reckless Driving</u> <sup>530</sup> :	Civil Forfeiture, misdemeanor or felony. §§346.62(2), (3) and (4), 939.12 and 939.60
Sanction:	
Criminal:	
Imprisonment (Term):	<b>Endangering Persons or Property: first offense</b> (Forfeiture) — <b>none</b> ; <b>subsequent offense</b> (within 4 years)(misdemeanor) — not more than <b>1 year</b> in the county jail. §346.65(1)(b) <b>Causing Bodily Harm</b> (misdemeanor) — <b>30 days to 1 year</b> in the county jail. §346.65(3) <b>Causing Great Bodily Harm-Felony</b> <sup>531</sup> - <b>90 days to 2 years and 3 months</b> . §346.65(5)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<b>Endangering Persons or Property: first offense</b> (Forfeiture) — <b>\$25 to \$200</b> ; <b>subsequent offense</b> (within 4 years) (misdemeanor) — not more than <b>1 year</b> in county jail. §346.65(1)(b) <b>Causing Bodily Harm</b> (misdemeanor) — <b>\$300 to \$2,000</b> . §346.65(3) <b>Causing Great Bodily Harm</b> (Felony) — <b>\$600 to \$2,000</b> . §346.65(5)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the courts. §343.30 <b>Suspension or Revocation:</b> Based upon repeated violation of the traffic laws via a point system. §343.32(2)(a) <b>Causing Great Bodily Harm-Revocation</b> . §343.31(1)(a)
Length of Term of License Withdrawal Action:	<b>Suspension</b> via the courts — not more than <b>1 year</b> . §343.30(1) <b>Suspension or Revocation</b> via a point system- <b>2 months to 1 year</b> . §343.32(3) and WAC Trans. 101.04 <b>Causing Great Bodily Harm</b> — <b>1 year</b> . §343.31(3)(a)

<sup>530</sup>"Reckless driving" is defined as driving a vehicle so as to (1) endanger the safety of any person or property via negligent operation, (2) cause bodily harm to another via negligent vehicle operation, or (3) cause great bodily harm to another via negligent vehicle operation. §346.62(2), (3) and (4)

<sup>531</sup>If a crime is punishable by imprisonment in one of the State's prisons, it is a felony. §939.60

Other Criminal Actions Related to Speeding:  
(continued)

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 occurs in a highway maintenance, construction area or utility work area. §346.65(5m)

Inattentive Driving<sup>532</sup>:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

**Civil Forfeiture**. §§346.89(1) and 346.95(2)

**None**

**\$20 to \$400**. §346.95(2)

**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 system. §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**. §343.32(3) and 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:

N/A

<sup>532</sup>Inattentive Driving: Driving a motor vehicle while "so engaged or occupied as to interfere with the safe driving of such vehicle." §346.89(1)

Commercial Motor Vehicle (CMV) Operators<sup>533</sup>:Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>534</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period.  
§343.315(2)(f)

Period of Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**.  
§343.315(2)(f)

Period of Mandatory Disqualification:

Two serious violations (within 3 years) — **60 days**; three serious violations (within 3 years) — **120 days**.  
§343.315(2)(f)

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<sup>533</sup> A 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  $\geq 26,001$  lbs., is designed to transport 15 or more persons, or is transporting hazardous materials requiring that the vehicle be placarded. §340.01(8)

<sup>534</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §343.315(2)(f)(1) and (3)

## JURISDICTION:

WYOMING

## General Reference:

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)  
 65 mph on other highways §31-5-301(b)(iv)  
 30 mph in an urban district §31-5-301(b)(ii)  
 20 mph in a school zone or crossing §31-5-301(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.<sup>535</sup> §§31-5-301(c) and 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 jurisdictions.<sup>536</sup> §§31-5-301(c) and 31-5-303(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 respective jurisdictions. §31-5-305(a) and (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 respective jurisdictions. §31-5-304(b)

## Other:

N/A

<sup>535</sup>The 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

<sup>536</sup>However, a local government cannot increase a speed limit to >55 mph within an urban district and, except as noted, it 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) and (b)

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: N/A

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  $\geq 76$  but  $\leq 80$  mph: **None**
- II. Exceeding the 75 mph Speed Limit by  $> 80$  mph: **None**
- III. Exceeding the 65 mph Speed Limit by  $\geq 66$  but  $\leq 70$  mph: **None**
- IV. Exceeding the 65 mph Speed Limit by  $> 70$  mph: **None**
- V. Other Speeding or Speed-related violations: first offense — not more than **20 days**; second offense (within 1 year) — not more than **30 days**; subsequent offenses (within 1 year) — not more than **6 months**. §31-5-1201(b)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

- I. Exceeding the 75 mph Speed Limit by  $\geq 76$  but  $\leq 80$  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  $\geq 66$  but  $\leq 70$  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: first offense — not more than **\$200**; second 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  $> 80$ : The minimum fine of **\$35** may be mandatory.
- II. Exceeding the 65 mph Speed Limit by  $> 70$  mph: The minimum fine of **\$25** may be mandatory.
- III. Other Speeding or Speed-related Violations: **None**

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

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 (1) exceed 80 mph on an interstate highway with a posted speed limit of 75 mph, (2) exceed 70 mph on other highways with a posted speed limit of 65 mph, or (3) exceed a construction zone speed limit by 6 mph are subject to a fine of **\$100**. This fine appears to be mandatory. §§31-5-1201(g) and 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)<sup>537</sup>

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

Not more than **12 months**. §31-7-129(a)

**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 exceeded by more than 4 mph. §31-5-1201(d)(v)

Other Criminal Actions Related to Speeding:

Speed or Acceleration Contest<sup>538</sup>:

Misdemeanor. §§6-10-101 and 24-1-110

Sanctions:

Criminal Sanction:

Not more than **10 days**. §24-1-110(c)

Imprisonment (Term):

**None**

Mandatory Minimum Term:

**\$10 to \$100**. §24-1-110(c)

Fine (\$ Range):

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

<sup>537</sup>Driver 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 or for exceeding the 65 mph speed limit where the offender's speed was ≤70 mph. §31-5-301(d)

<sup>538</sup>The law prohibits a person from engaging in either a speed or acceleration contest without State or local government approval. §24-1-110(a)

Other Criminal Actions Related to Speeding:  
(continued)

Length of License  
Withdrawal:

**None.** Licensing action is discretionary with the licensing agency.

Other:

N/A

Reckless Driving:

**Misdemeanor.** §§31-5-229 and 31-5-1201(a)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **6 months.** §31-5-1201(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):

**Suspension** §31-7-128(a)(ii); subsequent offense (within 5 years) — **Revocation.** §31-7-127(a)(iii)

Length of Term of License

Withdrawal Action:

First offense — **90 days** §31-7-128(a)(i); second offense (within 5 years) — **6 months** §31-7-128(a)(ii); subsequent offense (within 5 years) — **1 year.** §31-7-127(a)(iii) and (b)

Mandatory Term of License

Withdrawal Action:

First offense — **90 days** §31-7-128(a)(i); second offense (within 5 years) — **6 months** §31-7-128(a)(ii); subsequent offense (within 5 years) — **1 year.** §31-7-127(a)(iii) and (b)

Other:

**Surcharge:** An offender is assessed a surcharge of **\$100.** This surcharge is in addition to any other sanction. §1-40-119(a)(ii)

Commercial Motor Vehicle (CMV) Operators<sup>539</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations"<sup>540</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §31-7-305(f)

Period of Disqualification:

Two serious violations (within 3 years)-Not less than **60 days**; three serious violations (within 3 years)-Not less than **120 days.** §31-7-305(f)

Period of Mandatory Disqualification:

Two serious violations (within 3 years)-**60 days**; three serious violations (within 3 years)-**120 days.** §31-7-305(f)

<sup>539</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §31-7-102(a)(viii)

<sup>540</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §31-7-102(a)(xli)(A) and (B)

<b>JURISDICTION:</b>	<b>UNIFORM VEHICLE CODE (UVC)</b>
General Reference:	The UVC as revised by the National Committee on Uniform Traffic Laws and Ordinances in 2000
<u>Basis for a Speed Law Violation:</u>	
Basic Speed Rule:	No person shall drive a vehicle faster 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. <sup>541</sup> §11-803 II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdiction. <sup>542</sup> §11-804(a) and (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) and (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 respective jurisdictions. §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:	All speed law violations are misdemeanors. §17-101(a)
Other:	N/A

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<sup>541</sup>The 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

<sup>542</sup>However, a local government can neither (1) increase the maximum speed limit within an urban district to more than 55 mph nor (2) decrease the maximum speed limit outside of an urban district to less than 35 mph. §11-804(a)(2) and (3). In addition, no more than 6 speed limit alterations shall be made per street or highway mile and the difference between adjacent speed limits shall not be more than 10 mph. §11-804(e). Note: Any alteration of speed limits on State highways or extensions thereof by a local government must be approved by the State. §11-804(d)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

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

First offense — **none**; second offense (within 1 year) — **none**; third or subsequent offense (within 1 year) — not more than **6 months**. §17-101(b)

Mandatory Minimum Term:

**None**<sup>543</sup>

Fine:

Amount (\$ Range):

First offense — not more than **\$200**; second offense (within 1 year) — not more than **\$300**; third or subsequent offense (within 1 year) — not more than **\$500**. §17-101(b)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

Other:

N/A

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension**-Based on a point system promulgated by regulations. §6-207(a)(2) and (b)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year**. §6-212(a)

Mandatory Minimum Term of

Withdrawal:

Possible under a point system

Miscellaneous Sanctions

Not Included Elsewhere:

N/A

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor. §§11-809 and 17-101(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

First offense — **none**; second offense (within 1 year) — **none**; third or subsequent offense (within 1 year) — not more than **6 months**. §§11-809(d) and 17-101(b)

Mandatory Minimum Term:

**None**

<sup>543</sup>Unless 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)

Other Criminal Actions Related to Speeding:  
(continued)

Fine (\$ Range): First offense — not more than **\$200**; second offense (within 1 year) — not more than **\$300**; third or subsequent offense (within 1 year) — not more than **\$500**. §§11-809(d) and 17-101(b)

Mandatory Minimum Fine: **None**

Administrative Licensing Action:

Licensing Authorized and Type of Action: **Suspension**. §6-207(a)(8). Suspension is also possible via the point system §6-207(b)

Length of Term of

Licensing Withdrawal: Not more than **1 year**. §6-212(a)

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. Following a conviction for racing on the highway, the registrations of the vehicle or vehicles registered in the name of such person may be suspended. The UVC does not recommend a suspension period. §17-301

Reckless Driving:

**Misdemeanor**. §§11-909 and 17-101(a)

Sanction:

Criminal:

Imprisonment (Term):

First offense — **5 days to 90 days**; second or subsequent offense — **10 days to 6 months**. §11-909(b)

Mandatory Minimum Term  
of Imprisonment:

**None**

Fine (\$ Range):

First offense — **\$25 to \$500**; second or subsequent offense — **\$50 to \$500**. §11-909(b)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** via the point system. §6-207(a)(3) and (b)

Length of Term of License

Withdrawal Action:

Not more than **1 year**. §6-212(a)

Mandatory Term of License

Withdrawal Action:

Possible under a point system.

Other:

The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

Commercial Motor Vehicle (CMV) Operators<sup>544</sup>:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle that person either (1) commits 2 "serious traffic violations" <sup>545</sup> within a 3-year period or (2) commits 3 such violations within a 3-year period. §6-514(e)
<u>Period of Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — not less than <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — not less than <b>120 days</b> . §6-514(e)
<u>Period of Mandatory Disqualification:</u>	<u>Two serious violations</u> (within 3 years) — <b>60 days</b> ; <u>three serious violations</u> (within 3 years) — <b>120 days</b> . §6-514(e)

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<sup>544</sup>A 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 require that the vehicle be placarded in accordance with U.S. Department of Transportation regulations. §6-500(17)

<sup>545</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. §6-500(20)(a) and (b)

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**National Highway  
Traffic Safety  
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