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Summary of State Speed Laws

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INTRODUCTION

The National Highway Traffic Safety Administration is responsible for reducing vehicle-related fatalities and injuries on our nation's highways. Research has shown that effective State and local traffic safety laws play an important role in helping to reduce motor vehicle crashes. This publication provides the status of State statutes or regulations that are concerned with either speed limit or speed-related violations. Local laws are not reported.

This document includes a summary chart which identifies the key provisions of State speeding laws, as well as two graphical representations of key speed related legislation by State. In addition, the narrative provides a detailed description of these laws in every State, the District of Columbia, and Puerto Rico. Laws described in this document include basic speed laws, as well as other speed-related laws (see Explanations below). This documentation includes code and case law citations to assist individuals conducting additional research in this area of the law, and which can be used to facilitate the comparison of State laws in the subject areas.

EXPLANATIONS

Basic Speed Rule:

This 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.

Minimum Speed Rule:

This 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 compliance with law.

Racing on the Highway:

This 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.

Drag Racing:

Either as part of the offense of highway racing or as a separate statutory crime, the offense of "drag racing" is usually 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.

Reckless Driving:

This is generally defined as driving any vehicle in willful or wanton disregard for the safety of persons or property. **Note:** Speed is not necessarily a factor in this offense.

Statutory Speed Limit:

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

Posted (Maximum) Speed Limit:

Even though specific speed limits may have been established via legislation, State laws usually allow either State or local authorities to set highway speed limits above or below the statutory ones. Prior to taking such action on any portion of a highway, the law normally requires that governmental authorities conduct a study to determine the safe speed limit for that part of the highway. State laws may also allow such authorities to specify different speed limits on all

or selected highways (or portions thereof) either for various times of the day or for various types of vehicles (e.g., trucks).

Speed limits established under these laws are not effective until appropriate speed limit signs are posted on the highway. *Caution: This document 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: Unless otherwise stated, the fine sanctions listed in this document 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 define both as the 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.

Automated Speed Enforcement:

A number of States utilize automated speed enforcement, i.e., the use of imaging technology by law enforcement to determine if a violation of the speed law has occurred. Legislative provisions vary widely regarding this issue. In some cases the use of automated speed enforcement is expressly permitted through a statutory provision. In other cases the use of automated speed enforcement is expressly prohibited by statutory provision. In still other cases no statutory provision exists, yet it can be inferred by case law that automated speed enforcement is used in that State. In some States automated speed enforcement is permitted only

under certain circumstances, as described by statutory provision. Lastly, in some States no statutory provision exists and it cannot be inferred through existing legislation or case law the status of the utilization of automated speed enforcement.

For the purposes of this Digest the status of the States’ laws with regards to automated speed enforcement is categorized as follows:

No by S.P.: Automated speed enforcement is expressly prohibited by statutory provision.

Yes by S.P.: Automated speed enforcement is expressly permitted by statutory provision.

Permitted (without S.P.): Based on related legislation or case law it can be inferred that automated speed enforcement is permitted.

Limited: Automated speed enforcement is expressly permitted under certain conditions, i.e. when adopted by local governments or under certain conditions.

No Statutory Provision: There is no legislation or case law addressing automated speed enforcement.

Commercial Motor Vehicle (CMV) Operators:

Generally among the States, a commercial motor vehicle is defined as a vehicle designed to carry passengers or property and has a gross vehicle weight of 26,000 lbs., or more, is designed to transport 16 or more persons, or is transporting hazardous materials that require such vehicle be placarded in accordance with State or Federal laws.

**OVERVIEW NARRATIVE OF KEY PROVISIONS OF STATE SPEED LAWS
(As of October 8, 2012)**

Prior to 1995, Federal funding was withheld from those States that did not establish a maximum posted speed limit of 55 miles per hour (mph). In 1995, Congress repealed the 55 mph National Maximum Speed Limit and gave States the power to establish maximum speed limits. Since that time, most of the States have increased the maximum posted speed limit above 55 mph for passenger vehicles, trucks, or for both. Currently, only four States and the District of Columbia have maximum posted speed limits of 55 mph or lower for cars. One State has established a maximum posted speed limit of 85 mph; thirteen States have established maximum posted speed limits of 75 mph; another seventeen have established maximum posted speed limits of 70 mph.

THE ADJUDICATION OF SPEED VIOLATIONS AND SANCTIONS—FINES, JAIL TIME, and LICENSING ACTIONS

All 50 States, the District of Columbia and Puerto Rico impose fines for speed law violations. State fines for violations of speed laws can increase substantially with repeated violations—maximum State fines vary from \$50.00 to \$2,500.

While many States do not identify maximum jail sentences for speed law violations, twenty-four States do. The maximum jail time imposed by the States for speed law violations varies dramatically, from 15 days to one year. In some States, legislation permits the imposition of sentences that include both fines and jail time; other States permit sentences of either a fine or jail for speed violations.

State laws often also provide for specific licensing actions that may be imposed upon drivers for speed law violations. Many States employ a system of points on the driver's license, and all States provide for the suspension or revocation of a driver's license, depending upon the violation.

OTHER CRIMINAL ACTIONS RELATED TO SPEEDING

Most States also have laws defining other specific criminal actions related to speeding. For example, forty-five States and Puerto Rico have passed laws regarding Racing on Highway, and Maine and Vermont are the only States that have not passed laws regarding Reckless Driving. Less commonly, twenty-two States have passed laws regarding negligent/careless driving, and ten States have passed laws regarding aggressive driving. In many States these speed-related offenses are considered to be criminal actions.

AUTOMATED SPEED ENFORCEMENT

A recent trend in the enforcement of speed-related traffic violations is the utilization of automated speed enforcement technology. Currently 14 States, the District of Columbia and Puerto Rico have legislation permitting the use of automated speed enforcement to some degree (Yes by S.P. and Limited). An additional four States utilize automated speed enforcement without explicit legislation or case law. Fourteen States explicitly prohibit the use of automated speed enforcement, while 18 States do not address this issue legislatively.

Details regarding these specific issues for each State, the District of Columbia, and Puerto Rico are provided in the Key Provisions of State Speed Laws Charts and in the State-by-State analysis in this document.

Key Provisions of State Speed Laws through October 8, 2012¹

State	Maximum Posted Speed Limit (mph)	Automated Speed Enforcement ²	Maximum Punishment ³ (Fine and/or Jail Time)	Licensing Actions ⁴	Are There Laws for Other Criminal Actions Related to Speeding? ⁵			
					Racing on Highway ⁶	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
AL	70	No statutory provision	\$500 and/or 3 months	Suspension or revocation	✓	✓		
AK	55	Permitted (without S.P.)	\$300	Suspension or revocation	✓	✓	✓	
AZ	75	Permitted (without S.P.)	\$500 and/or 30 days	Suspension or revocation	✓	✓		✓
AR	60; 50 (trucks)	Limited (with explanation)	\$500 and/or 6 months	Suspension or revocation	✓	✓	✓	
CA ⁷	70; 55 (trucks)	Yes by S.P.	\$250	Suspension or revocation	✓	✓		
CO	75	Limited (with explanation)	\$100	Suspension or revocation	✓	✓	✓	
CT	65	No statutory provision	\$200	Suspension or revocation	✓	✓		
DE	65	No by S.P.	\$95	Suspension	✓	✓	✓	✓
DC ⁸	25	Yes by S.P.	\$250	Suspension or revocation		✓		
FL ⁹	70	No by S.P.	\$1,000	Suspension or revocation	✓	✓	✓	
GA ¹⁰	70	No by S.P.	\$2,000 and/or 12 months	Suspension	✓	✓		✓

¹ Key provisions of State statutes or regulations concerned with speed limit or speed-related violations. Provisions of local laws are NOT reported.

² Some States and many communities within certain States use imaging technology to enforce speeding laws. Please see p. iv of the Introduction to this document for the definitions of the categories utilized in this column. Please refer to the State-by-State analysis of this document for more details regarding the status of automated speed enforcement in each State.

³ Please refer to the State-by-State analysis of this document for the specific conditions in each State under which a maximum fine and/or a maximum jail sentence may be given for a speeding violation.

⁴ Please refer to the State-by-State analysis of this document for the specific conditions in each State for licensing suspension and/or revocation.

⁵ This list of laws is common for most States. However it is not inclusive of all the speed laws in each State. Please refer to each individual State for other speed laws.

⁶ Some States also include drag racing on the highway in addition to or in lieu of racing on the highway as a criminal action related to speeding.

⁷ California also includes reckless driving causing bodily injury, speed contest with bodily injury and serious bodily injury, and speed in excess of 100 mph as criminal actions related to speeding.

⁸ District of Columbia law also includes exceeding the speed limit by 30 mph as a criminal action related to speeding.

⁹ Florida law also includes exceeding the speed limit by 50 mph as a criminal action related to speeding.

¹⁰ Georgia law also includes driving in a circular or zigzag course (i.e., laying drags) as a criminal action related to speeding.

State	Maximum Posted Speed Limit (mph)	Automated Speed Enforcement ²	Maximum Punishment ³ (Fine and/or Jail Time)	Licensing Actions ⁴	Are There Laws for Other Criminal Actions Related to Speeding? ⁵			
					Racing on Highway ⁶	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
HI	None ¹¹	No statutory provision	\$500	Suspension or revocation	✓	✓		
ID	75; 65 (trucks)	No statutory provision	\$100	Suspension or revocation	✓	✓		
IL	65	Limited (with explanation)	\$2,500 and/or 1 year	Suspension or revocation	✓	✓		✓
IN	70; 65 (trucks)	No statutory provision	\$500 and/or 60 days	Suspension	✓	✓		✓
IA	70	Yes by S.P.	\$625 and/or 30 days	Suspension or revocation	✓	✓	✓	
KS	75	No statutory provision	\$500	Revocation, suspension, or restriction	✓	✓		
KY	70	No statutory provision	\$100	Suspension or revocation	✓	✓		
LA	70	Permitted (without S.P.)	\$500 and/or 90 days	Suspension, revocation, or cancellation	✓	✓	✓	
ME ¹²	75	No statutory provision	\$500	Suspension			✓	
MD	65	Limited (with explanation)	\$500	Suspension or revocation	✓	✓	✓	✓
MA	65	Permitted (without S.P.)	\$500	Suspension or revocation	✓	✓		
MI	70; 60 ¹³ (trucks)	No statutory provision	\$250	Suspension or revocation	✓	✓	✓	
MN ¹⁴	70	No by S.P.	\$1,000 and/or 90 days	Suspension or revocation		✓		
MS	70	No by S.P.	\$500 and/or 6 months	Suspension or revocation	✓	✓	✓	
MO	70	No statutory provision	\$1,000 and/or 1 year	Suspension or revocation	✓	✓		

¹¹ There is no set maximum speed limit. Rather, local authorities, by ordinances, can establish each jurisdiction's maximum speed limit.

¹² In Maine, exceeding the speed limit by 30 mph and driving to endanger are the criminal actions related to speeding.

¹³ On roadways posted less than 70 mph, the maximum speed limit for trucks is 55 mph.

¹⁴ Racing constitutes reckless driving in Minnesota.

SUMMARY OF SPEED LAWS, 12TH EDITION

State	Maximum Posted Speed Limit (mph)	Automated Speed Enforcement ²	Maximum Punishment ³ (Fine and/or Jail Time)	Licensing Actions ⁴	Are There Laws for Other Criminal Actions Related to Speeding? ⁵			
					Racing on Highway ⁶	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
MT	75; 65 (trucks)	Yes by S.P.	\$500	Suspension or revocation	✓	✓	✓	
NE	75	No by S.P.	\$300	Revocation	✓	✓	✓	
NV ¹⁵	75	No by S.P.	\$1,000 and/or 6 months	Suspension or revocation		✓		✓
NH	65	No by S.P.	\$1,000	Suspension or revocation	✓	✓	✓	
NJ	65	No by S.P.	\$200 and/or 15 days	Suspension	✓	✓	✓	
NM	75	No statutory provision	\$200	Suspension or revocation	✓	✓	✓	
NY	65	No statutory provision	\$600 and/or 90 days	Suspension or revocation	✓	✓		
NC	70	Yes by S.P.	\$1,000 and/or 60 days	Suspension or revocation	✓	✓		✓
ND	75	No statutory provision	\$500	Suspension or revocation	✓	✓		
OH	65; 55 (trucks)	Yes by S.P.	\$500 and/or 60 days	Suspension	✓	✓		
OK	75	No statutory provision	\$500 and/or 6 months	Suspension		✓		
OR	65	Yes by S.P.	\$2,000	Suspension	✓	✓	✓	
PA	65	Limited (with explanation)	\$500	Suspension or revocation	✓	✓	✓	
PR	65	Yes by S.P.	\$500	Suspension or revocation	✓	✓		
RI	50	No by S.P.	\$95	Suspension or revocation	✓	✓		✓
SC	70	No statutory provision	\$400 or 60 days	Suspension or revocation	✓	✓		

¹⁵ Nevada law includes an unauthorized speed contest in reckless driving.

State	Maximum Posted Speed Limit (mph)	Automated Speed Enforcement ²	Maximum Punishment ³ (Fine and/or Jail Time)	Licensing Actions ⁴	Are There Laws for Other Criminal Actions Related to Speeding? ⁵			
					Racing on Highway ⁶	Reckless Driving	Negligent/Careless Driving	Aggressive Driving
SD	75	No statutory provision	\$500 and/or 30 days	Suspension or revocation	✓	✓	✓	
TN	70	Yes by S.P.	\$50 and/or 30 days	Suspension or revocation	✓	✓		
TX	85	No by S.P.	\$200	Suspension or revocation	✓	✓		
UT	75	Limited (with explanation)	\$750 and/or 90 days	Suspension or revocation	✓	✓		
VT	55	No statutory provision	\$1,000	Suspension			✓	
VA	70	No by S.P.	\$2,500 and/or 12 months	Suspension or revocation	✓	✓		✓
WA	70; 60 (trucks)	Limited (with explanation)	\$250	Suspension or revocation	✓	✓	✓	
WV	55	No by S.P.	\$500 and/or 6 months	Suspension or revocation	✓	✓		
WI	65	No by S.P.	\$300	Suspension or revocation	✓	✓	✓	
WY	75	No statutory provision	\$500 and/or 6 months	Suspension or revocation	✓	✓		

SUMMARY OF SPEED LAWS, 12TH EDITION

Differential Speed Limits by Vehicle Type

State	Differential Speed Limits	Maximum Speed Limit (MPH) by Vehicle Type			
		Passenger Vehicles	Trucks	School Bus (carrying children)	Other Buses
AL		70			
AK	✓	55			
AZ		65			
AR	✓	60	50 (trucks)		
CA	✓	70	55 (trucks)	55	55
CO		75			
CT	✓	65		40	
DE		65			
DC		25			
FL		70			
GA	✓	70		40/55 ¹⁶	
HI		<i>None</i> ¹⁷			
ID	✓	75	65 (trucks)		
IL	✓	65	55 (trucks)		65/55
IN	✓	70	65 (trucks)		
IA		70			
KS	✓	75			
KY		70			
LA		70			

¹⁶ Bus speed limit depends on the posted highway speed. A bus may not exceed 40 mph on public roads, or 55 mph on the interstate.

¹⁷ There is no set maximum speed limit. Rather, local authorities, by ordinances, can establish each jurisdiction's maximum speed limit.

State	Differential Speed Limits	Maximum Speed Limit (MPH) by Vehicle Type			
		Passenger Vehicles	Trucks	School Bus (carrying children)	Other Buses
ME	✓	75		45	
MD	✓	65	45 (loaded dump trucks)		
MA	✓	65		40	
MI	✓	70	60 ¹⁸ (trucks)	55	
MN	✓	70			
MS ¹⁹	✓	70		45	
MO		70			
MT	✓	75	65 (trucks) ²⁰		
NE	✓	75			
NV	✓	75		55	
NH	✓	65			
NJ		65	See note ²¹		
NM		75			
NY	✓	65	55	55	
NC	✓	70		45/55	55
ND		75			
OH	✓	65	55 (trucks)		55
OK	✓	75		65/55	

¹⁸ On roadways posted less than 70 MPH, the maximum speed limit for trucks is 55 MPH.

¹⁹ All trucks, truck-trailers or passenger buses shall be required to reduce speed to 45 mph when visibility is bad during inclement weather. MS ST § 63-3-505.

²⁰ The maximum speed limits are 65 mph on completed sections of interstate highways and 60 mph during the daytime/55 mph during the nighttime on four-lane divided highways and completed sections of primary and secondary highways.

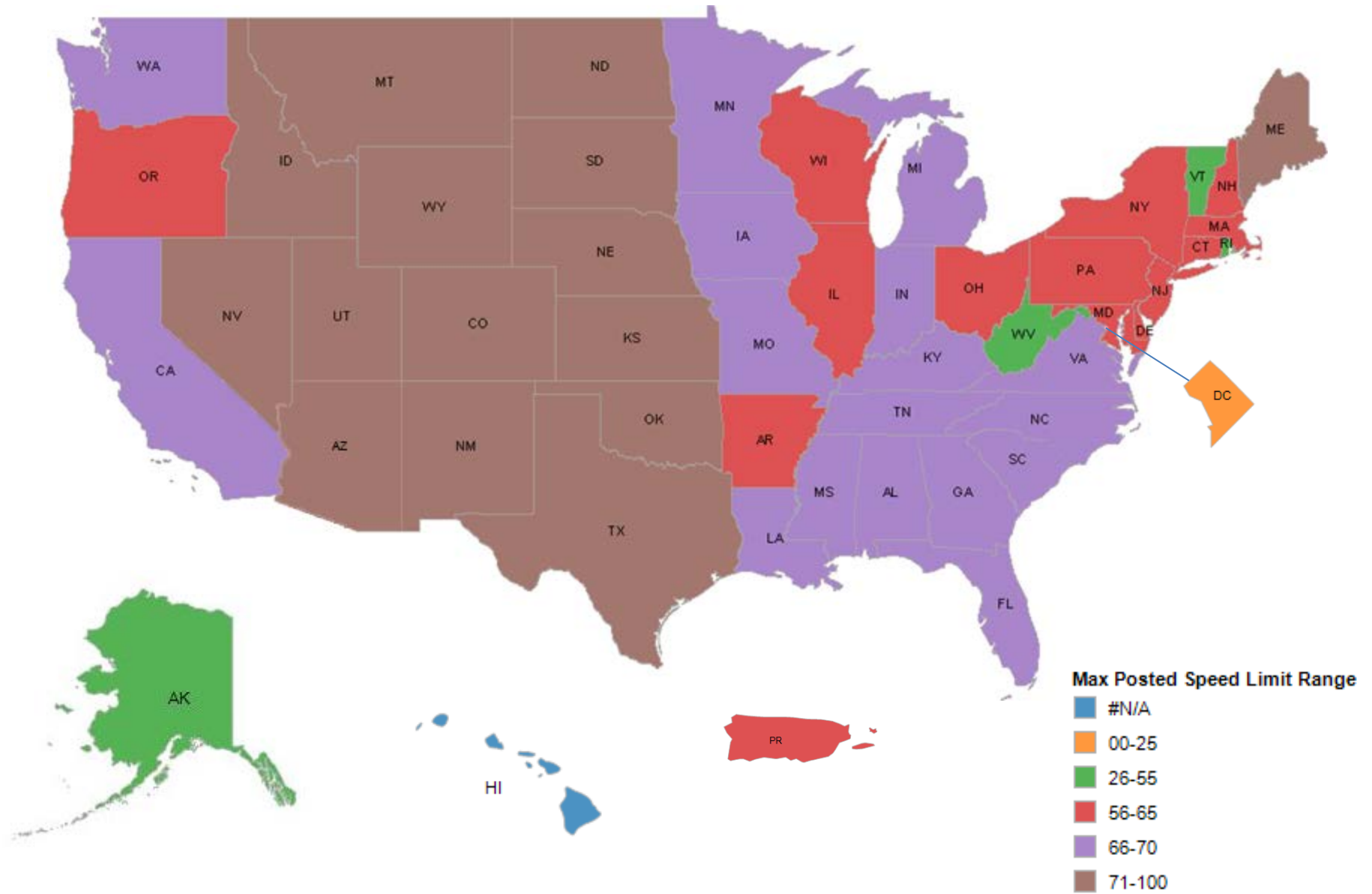
²¹ State has the ability to limit speeds of trucks to 5 MPH less than the posted speed limit. NJ ST § 39:4-98.1.

SUMMARY OF SPEED LAWS, 12TH EDITION

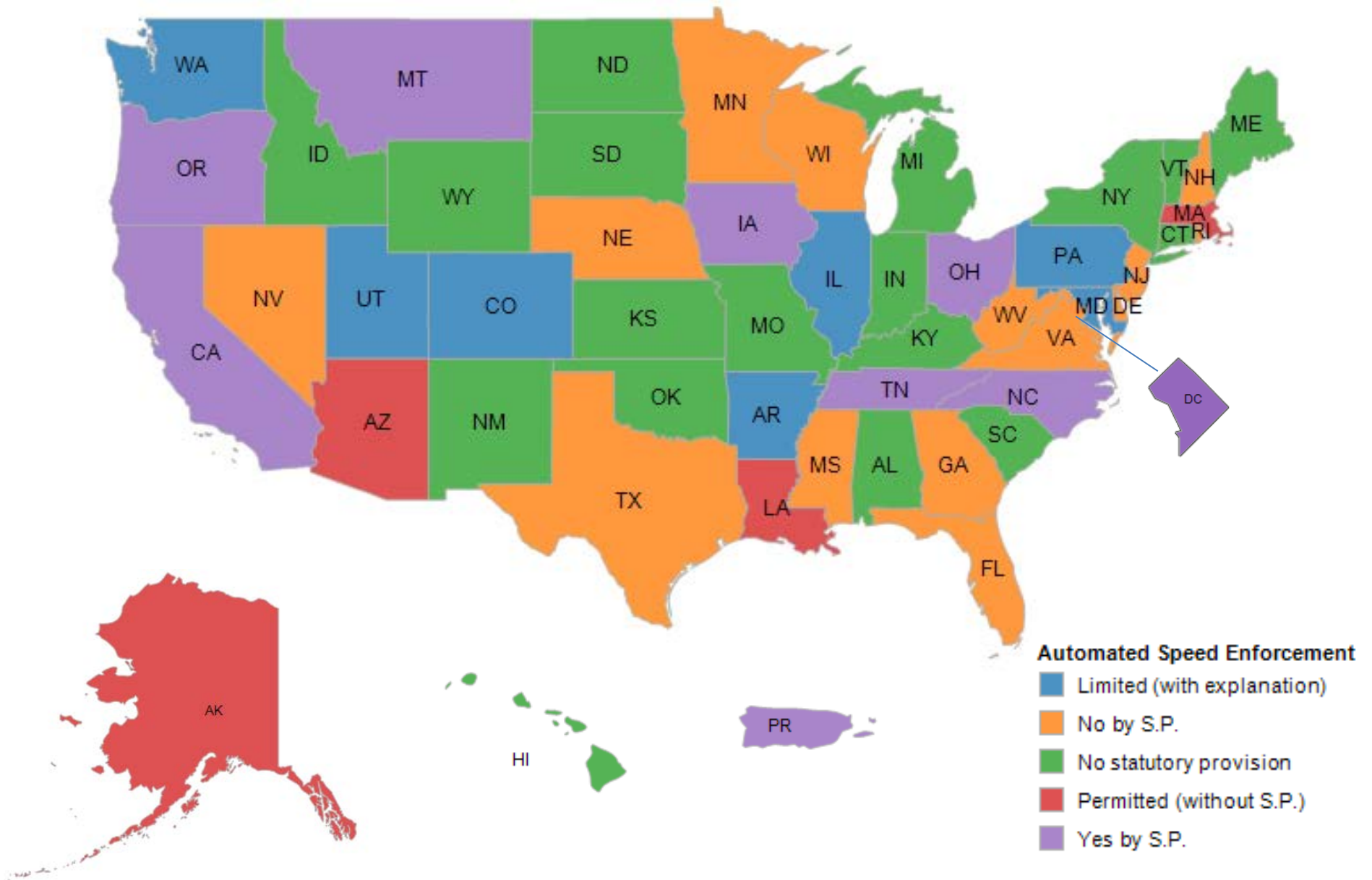
State	Differential Speed Limits	Maximum Speed Limit (MPH) by Vehicle Type			
		Passenger Vehicles	Trucks	School Bus (carrying children)	Other Buses
OR	✓	65	55 (trucks) ²²	55	55
PA	✓	65			
PR	✓	65	10 mph less than posted speed limit	10 mph less than posted speed limit	10 mph less than posted speed limit
RI		50			
SC	✓	70			55
SD	✓	75			
TN	✓	70		35 on unpaved roads	
TX	✓	80			
UT		75			
VT	✓	55			
VA	✓	70			45 (in 55); 60 (in 75)
WA	✓	70	60 (trucks)		
WV		55			
WI		65			
WY		75			

²² Oregon.gov Traffic Roadway Section – “55 mph-open and rural highways (all vehicles); trucks, school buses, worker transport buses on interstate highways”- http://www.oregon.gov/ODOT/HWY/TRAFFIC-ROADWAY/speed_zone_program.shtml

Maximum Posted Speed



Automated Speed Enforcement



JURISDICTION**ALABAMA**

Reference:

Code of Alabama
Alabama Administrative Code of Regulations (AL ADC)

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 existing. AL ST §32-5A-170.

Statutory Speed Limit:

30 mph in any urban district;
35 mph on any unpaved road;
45 mph on any county-maintained paved road in an unincorporated area;
55 mph on highways (except interstate highways or highways with four or more lanes);
70 mph on interstate highways;
65 mph on a highway with four or more lanes;
55 mph for vehicles carrying explosives, flammable liquids or hazardous wastes except as authorized by the Governor. AL ST §32-5A-171.

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations concerning safety, 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.²³ AL ST §32-5A-171(7); AL ST § 32-5A-172.
II. Based on engineering and traffic investigations concerning safety and subject to approval by the State Highway Department, local governments may increase or decrease the speed limits on the highways under their jurisdiction. AL ST §32-5A-173.
III. State or local authorities may set special maximum safe speed limits for either bridges or elevated structures.²⁴ AL ST §32-5A-176.
IV. The State Department of Transportation may establish speed limits on urban or rural construction zones along State and interstate highways and the county commission of a county may set the speed limits in urban and rural construction zones along county roads or highways.
AL ST § 32-5A-176.1.

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. AL ST §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. AL ST §32-5A-80(b).

²³ This includes the establishment of different highway speed limits for different types of vehicles, at different times of the day, for various weather conditions, or for other factors bearing on safe speeds. AL ST § 32-5A-172.

²⁴ Subsections (a), (b), and (c) of AL ST § 32-5A-176 have replaced AL ST § 32-5-92, in that AL ST § 32-5A-176(b) expands authority to local authorities with respect to bridges in their jurisdictions. Subsection (c) requires the posting of signs as a prerequisite to the raising of the conclusive presumption of the maximum safe speed. Under AL ST § 32-5-92, however, State and local officials are authorized to establish maximum safe speed limits for public bridges, causeways or viaducts. Because AL ST § 32-5A-176 does not list a specific criminal sanction, whereas AL ST § 32-5-92 does, those sanctions lists are likely to be controlling. They are: first offense - a jail term of not more than **10 days** 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**; third or subsequent offense (within 1 year of the 1st conviction) - a jail term of not more than **6 months** at hard labor and/or a fine of not more than **\$500**.

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.
AL ST §32-5A-174(b).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** There is no specific statutory provision addressing low speed vehicles, however, under the minimum speed limit law, above, these vehicles would be permitted on roads so long as they do not impede the normal and reasonable movement of traffic. AL ST § 32-5A-174(a).
Maximum Speed Permitted: **N/A**

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Misdemeanor** AL ST §32-5A-8(a).

Sanctions Following

Adjudication of a Speed Law

Violation:

Sanctions:

Imprisonment Term/Fine: **First offense** – Not more than **10 days** or not more than **\$100**;
Second offense (within 1 year after the date of first offense) – Not more than **30 days** and/or not more than **\$200**;
Third or subsequent offense (within 1 year after the date of first offense) – Not more than **3 months** and/or not more than **\$500**. AL ST § 32-5A-8(b).

Mandatory Minimum Term/Fine: **None**

Other Penalties:

Traffic School: **N/A**

Other: **Double Fines:** The fines double the amount usually prescribed if a person exceeds the posted speed limit in construction zone along a State or interstate highway, if construction personnel are present. However, upon conviction, no additional court costs shall be assessed. Additionally, any person convicted of a school speed zone violation shall be fined double the amount usually prescribed outside a school zone.
AL ST §32-5A-176.1(a), (c); AL ST § 32-5A-185.

Licensing Action:

Type (Suspension/Revocation): **Suspension** using a point system²⁵ that is based on the frequency and seriousness of the traffic offenses. AL ST § 32-5A-195(k).

Term of License Suspension: Not more than **1 year**. AL ST § 32-5A-195(m).

Mandatory Term: **None**

²⁵ **Point System: I.** The accumulation of points requiring the listed length of suspension must be within a two-year period: 12-14 points = 60 days; 15-17 points = 90 days; 18-20 points = 120 days; 21-23 points = 180 days; 24 or more points = 365 days. 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 26 mph or more over the speed limit = **5 points**; speeding in excess of the posted speed limit = **2 points**. AL ST § 32-5A-195; AL ADC 760-X-1-.07.

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 offender has the right to appeal this order. AL ST § 32-5-316.

Other Criminal Actions

Related to Speeding:

Racing on Highway:

Misdemeanor AL ST § 32-5A-8(a); AL ST § 32-5A-178(a).

Sanctions:

Imprisonment Term/Fine:

First offense – Not less than **5 days** or more than **90 days** and/or not less than **\$25** or more than **\$500**;

Second or subsequent offense – Not less than **10 days** or more than **6 months** and/or not less than **\$50** or more than **\$500**.

AL ST § 32-5A-178(d).

Mandatory Minimum Term/Fine: **None**

Licensing Action:

Type (Suspension/Revocation):

Suspension (Both statutorily and by the point system.)

AL ST §32-5A-178(d); AL ST § 32-5A-195(k)(8); AL ADC 760-X-1-.07.

Term of License Suspension/Revocation:

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

Additionally, a court may prohibit the offender from driving a motor vehicle for a period not exceeding **6 months**. AL ST § 32-5A-178(d).

Mandatory Term:

None

Reckless Driving:

Misdemeanor AL ST §32-5A-8(a); AL ST § 32-5A-190(a).

Sanctions:

Imprisonment Term/Fine:

First offense – Not less than **5 days** or more than **90 days** and/or not less than **\$25** or more than **\$500**;

Second or subsequent offense – Not less than **10 days** or more than **6 months** and/or not less than **\$50** or more than **\$500**.

AL ST § 32-5A-190(b).

Mandatory Minimum Term/Fine: **None**

Licensing Action:

Type (Suspension/Revocation):

Suspension (Both statutorily and by the point system.)

AL ST §32-5A-190(b); AL ADC 760-X-1-.07. However, for 3 offenses within 5 years = **revocation**. AL ST § 32-5A-195(j)(7).

Term of License Suspension/Revocation:

For **suspension** – Not more than **1 year**. AL ST § 32-5A-195(m); not more than **6 months**, if ordered by the court. AL ST § 32-5A-178(d).

For **revocation** – Not less than **6 months**. AL ADC 760-X-1-.02.

Mandatory Term:

Revocation – 6 months; Suspension – None

Automated Speed Enforcement:

No statutory provision

**Limitation of Use of Speed
Measurement Devices:**

No statutory provision

**Commercial Motor Vehicle
(CMV) Operators:**

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such vehicle that person commits 2 “serious traffic violations”²⁶ within a 3-year period or commits 3 such violations within a 3-year period.
AL ST § 32-6-49.11(e).

Period of Disqualification:

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

²⁶ “Serious traffic violation” includes excessive speeding, involving a single charge of any speed of 15 mph or more above the posted speed limit, and reckless driving. AL ST § 32-6-49.3(21).

JURISDICTION**ALASKA**

Reference:

Alaska Statutes
Alaska Administrative Code (AK ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:	No person shall drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway and weather conditions. 13 AK ADC 02.275.
Statutory Speed Limit:	55 mph on any roadway not providing an express limitation; 25 mph in a residential area; 20 mph in a business district; 15 mph in an alley; 13 AK ADC 02.275(b)
Posted (Maximum) Speed Limit:	I. Based upon engineering and traffic investigations, the above speed limits may be altered. ²⁷ 13 AK ADC 02.275(e); 13 AK ADC 02.280. II. Maximum safe speed limits may be established for bridges, elevated structures, tunnels and underpasses. 13 AK ADC 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 AK ADC 02.050(b).
Posted (Minimum) Speed Limit:	I. No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when it is necessary for safe operation or in compliance by statutes, regulations or ordinances. 13 AK ADC 02.295(a). II. A vehicle proceeding at less than the maximum authorized speed of traffic must be driven as close as practicable to the right-hand curb or edge of the road-way. 13 AK ADC 02.050(b).
Other:	I. Maximum speed when towing a mobile home = 45 mph; II. Maximum speed when passing a marked public school or playground crosswalk that is posted with an official school, school crossing or speed-control sign = 20 mph; III. Maximum speed when passing a school bus displaying flashing yellow lights = 20 mph. 13 AK ADC 02.325(e); 13 AK ADC 02.325(d); 13 AK ADC 02.325(b). A person speeding in a work zone or traffic safety corridor shall be fined double the amount provided. AK ST § 28.90.030.

Low Speed Vehicles:Permitted on Public Roads
(Yes / No):**Yes.** Permitted on roads with a maximum speed limit of 35 mph or a maximum speed of 45 mph , if such road is in a municipality with a population of less than 35,000 and a local ordinance has passed. AK ST § 28.35.261.

²⁷ This includes the establishment of different highway speed limits for different types of vehicles at different times of the day for various weather conditions, or for other factors bearing on safe speeds. 13 AK ADC 02.280(c).

Maximum Speed Permitted: **25 mph.** AK ST § 28.90.990(15).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Infraction**(not considered a criminal offense).
AK ST § 28.90.010(c), (d).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: Not more than **\$300.** AK ST § 28.90.010.

Mandatory Minimum Term / Fine: **None**

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 any consecutive 12-month period, or 9 or more points within any 24-month period. AK ST § 28.15.253.

Licensing Action:

Type (Suspension / Revocation): **Suspension or revocation** is through a point system.²⁸

Term of License Suspension /
Revocation: Not more than **1 year.** AK ST § 28.15.251

Mandatory Term: **None**

Other Criminal Actions Related to Speeding:

Racing on Highway: **Infraction** 13 AK ADC 02.330; AK ST § 28.90.010(c).

Sanctions:

Imprisonment Term / Fine: Not more than **\$300.** AK ST § 28.90.010.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** is through a point system.

Term of License Suspension /

Revocation: N/A

Mandatory Term: N/A

Reckless Driving: **Misdemeanor** AK ST § 28.35.400.

Sanctions:

Imprisonment Term / Fine: Not more than **1 year** and/or a fine of not more than **\$1,000.**

Mandatory Minimum Term / Fine: **None**

²⁸ A person's license shall be suspended or revoked for an accumulation of 12 or more points within any consecutive 12-month period, or 18 or more points accumulated during any 24-month period. AK ST § 28.15.221(b).

Licensing Action:

Type (Suspension / Revocation):

Revocation AK ST § 28.15.181(a)(6), (b).Term of License Suspension /
Revocation:²⁹First conviction – Not less than **30 days**;Second conviction (within 10 years after a prior conviction) – Not less than **1 year**;Third or subsequent conviction (within 10 years after a prior conviction) – Not less than **3 years**.

Mandatory Term:

The terms listed above appear to be mandatory.

Negligent Driving:³⁰**Infraction** AK ST § 28.35.410.Sanctions:

Imprisonment Term / Fine:

Not more than **\$300**. AK ST § 28.90.010.

Mandatory Minimum Term / Fine:

NoneLicensing Action:

Type (Suspension / Revocation):

N/A

Automated Speed Enforcement:**Permitted (without S.P.)**³¹Limitation of Use of Speed**No statutory provisions**Measurement Devices:Commercial Motor Vehicle (CMV)Operators:

Grounds for Disqualification:

A person shall be disqualified from operating a CMV if convicted of a “serious traffic violation”³² within 3 years preceding the date of the present offense arising out of a separate incident.³³
AK ST § 28.33.140(a)(6), (c).

Period of Disqualification:

Not less than **60 days** if previously convicted once;
Not less than **120 days** if previously convicted more than once. AK ST § 28.33.140(c).

²⁹ Subject to statutory prohibitions, a court may impose limitations on a driver’s license rather than ordering revocation upon finding: (1) that the person’s ability to earn a livelihood would be severely impaired; and (2) a limitation can be placed on the license that will enable the person to earn a livelihood without excess danger to the public. Such limitation shall be for not less than **60 days**. AK ST § 28.15.181(b).

³⁰ Negligent driving is a lesser-included offense of reckless driving. AK ST § 28.35.410(b).

³¹ See *Municipality of Anchorage v. Baxley*, 946 P.2d 894 (Alaska App. 1997). This case concerns the use of photo radar, and whether the specific defendants should have been found guilty of speeding in a school zone. There is no statutory provision for the use of photo radar (speed cameras), but considering the nature of this case, it appears that localities or municipalities in Alaska may use speed cameras (photo radar) to detect speeding.

³² “Serious traffic violation” includes exceeding the speed limit by 15 or more mph, reckless driving, negligent driving, driving a CMV without obtaining a license to drive such vehicle, or driving a CMV without the proper class of license to drive a CMV. AK ST § 28.33.190(16).

³³ The prior convictions include offenses of another law or ordinance with substantially similar elements. AK ST § 28.33.140(c).

JURISDICTION**ARIZONA**

Reference:

Arizona Revised Statutes Annotated
Arizona Administrative Code (AZ ADC)**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 circumstances, conditions and actual and potential hazards then existing. AZ ST § 28-701.

Statutory Speed Limit:³⁴

15 mph approaching a school crossing;
25 mph in a business or residential district;
65 mph in other locations, which includes interstate highways outside of urban areas with a population of 50,000 or more;
75 mph on an individual interstate system highway outside an urbanized area with a population of 50,000 or more or on all of the interstate system highways. AZ ST § 28-701(B); AZ ST § 28-702.04.

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Director of the State Department of Transportation may: (1) alter or vary the above statutory speed limits on the State highway system;³⁵ (2) increase the speed limit for vehicles greater than 26,000 lbs., (excluding motor vehicles designed to carry 16 or more passengers) or vehicles drawing a pole trailer that weighs 6,000 or more lbs.;³⁶ (3) increase the maximum speed limit to 75 mph on interstate highways outside of urban areas with a population of 50,000 or more; or (4) establish a safe maximum speed limit of any bridge or elevated structure. AZ ST § 28-702; AZ ST § 28-702.04(C); AZ ST § 28-706; AZ ST § 28-709(B).

II. Based on engineering and traffic investigations, local governments may increase (not greater than 65 mph) or decrease the speed limits on highways under their jurisdiction. AZ ST § 28-703.

Minimum Speed Limit:

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

II. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. AZ ST § 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. AZ ST § 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

³⁴ Exceeding this speed limit is “prima facie evidence that the speed is too great and therefore unreasonable.” AZ ST § 28-701(B).

³⁵ This includes the establishment of different highway speed limits for different types of vehicles, at different times of the day, for various weather conditions or for other factors bearing on safe speeds. AZ ST § 28-702. Additionally, on multiple lane highways with two or more separate roadways, different speed limits may be established on each roadway. AZ ST § 28-703.02.

³⁶ The Department may require these vehicles to operate only in certain lanes on specific highways. AZ ST § 28-736. However, unless a lower maximum speed limit is posted or the Department declares a greater maximum speed limit, then such vehicles shall not be driven at a speed greater than 65 mph. AZ ST § 28-709(A).

establish a minimum speed limit on a highway. AZ ST § 28-704(B).
Note: Slower moving traffic may be directed to use designated lanes.
 AZ ST § 28-729(3).

Other:

I. A person shall not: (1) exceed 35 mph approaching a school crossing; (2) exceed the posted speed limit in a business or residential district by more than 20 mph, or if no speed limit is posted, exceed 45 mph; or (3) exceed 85 mph in other locations. AZ ST § 28-701.02.
 II. A person shall not drive a vehicle equipped with solid rubber or cushion tires greater than 10 mph. AZ ST § 28-706(A).

Low Speed Vehicles:

Permitted on Public Roads

Yes. Permitted on public roads with a maximum speed of 35 mph.

(Yes/No):

Maximum Speed Permitted:

25 mph 49 CFR § 571.3

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication:

Civil Traffic Violation AZ ST § 28-121(B).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Basic Speed Law – Not to exceed **\$250**. AZ ST § 28-702.04; AZ ST § 28-1598.

Statutory Speed Law (AZ ST § 28-701; AZ ST § 28-701.02) (Class 3 misdemeanor) – Not more than **30 days** and/or a fine of not more than **\$500**. AZ ST § 13-707; AZ ST § 13-802; AZ ST § 28-701.02.

Driving Not More Than 10 MPH Over Limit – Civil penalty of **\$15 plus additional penalty assessments** (this may be deemed to be a “waste of finite resources”). AZ ST § 28-702.01.

Mandatory Minimum Term / Fine:

None

Other Penalties:

Traffic School:

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

II. The court may allow a violator to attend defensive driving school. The civil charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24-month period. AZ ST § 28-3392; AZ ST § 28-3394.

Other:

I. **Additional assessment.** Any person driving at a speed greater than the speed allowed by a traffic control device in a State highway work zone, shall be assessed an additional assessment on top of the civil violation fine. AZ ST § 28-710.

II. A person driving over 15 mph between portable signs placed on the highway indicating “school in session”, “stop when children are in

crosswalk” and “civil penalty will be doubled” is subject to a civil penalty and an additional assessment equal to the amount of the civil penalty. AZ ST § 28-797.

Licensing Action:

Type (Suspension / Revocation): Licensing action is through a point system.³⁷

Term of License Suspension /
Revocation:

I. 3 month suspension if 13-17 points in a 12-month period or 8-12 points in a 12-month period with successful completion of traffic school in a 24-month period;
II. 6 month suspension if 18-23 points in a 12-month period;
III. 12 months suspension if 24 or more points in a 36-month period.
AZ ADC R17-4-404(E).

Mandatory Term:

The terms above appear to be mandatory.

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.** AZ ST § 28-708.

Sanctions:

Imprisonment Term / Fine:³⁸

First offense– Not more than **6 months** & not less than **\$250**;
Second or subsequent offense (within 24 months of a first conviction)
– From **.33 months to 2 years**,³⁹ and not less than **\$500**.
AZ ST § 13-702; AZ ST § 13-707; AZ ST § 13-802;
AZ ST § 28-708(B).

Mandatory Minimum Term / Fine:

First offense – Not less than **\$250**;
Second or subsequent offense– Not less than **10 days**⁴⁰ and not less than **\$500**. AZ ST § 28-708(C), (D).

Licensing Action:

Type (Suspension / Revocation): Licensing action is through both the point system (8 points) and by court action. AZ ST § 28-708(F); AZ ADC R17-4-404, Table 1.

Term of License Suspension /
Revocation:

First offense – **Suspension** for not more than **90 days**;
Second or subsequent offense (within 24 months or within 84 months under AZ ST § 28-3304(A)(10)⁴¹) – **Revocation** for not more than **1 year**. AZ ST § 28-708(F); AZ ST § 28-3315(A).

³⁷ The following points are assessed for speeding and speed-related violations: (1) reasonable and prudent speed violation = **3 points**; (2) reckless driving, aggressive driving or racing on highways = **8 points**. AZ ADC R17-4-404, Table 1; AZ ST § 28-3315.

³⁸ A defendant may be ordered by the court to perform community restitution in addition to a fine or jail sentence. AZ ST § 28-708.

³⁹ Unless a specific sentence is otherwise provided, a term of imprisonment for a first felony offense shall be the presumptive sentence (1 year, for a Class 6 felony). However the court may take into consideration the minimum and maximum sentences permitted by law, as well as mitigating and aggravating factors. For a Class 6 felony, the range of imprisonment is approximately 4 months (.33 years) to 2 years. AZ ST § 13-702.

⁴⁰ The court may permit a defendant to continue school or employment for not more than 12 hours each day nor more than 5 days per week. In such case, the defendant shall spend the remaining days or parts of days in jail until the sentence is served. The court may allow the defendant to be out of jail only long enough to complete the defendant’s actual hours of employment or school. AZ ST § 28-708(E).

⁴¹ AZ ST § 28-3304(A)(10) states, in part, that the department shall immediately revoke the license of a driver upon receipt of the record of a final conviction of racing on highways or reckless driving.

Mandatory Term:	None
Reckless Driving: ⁴²	Class 2 misdemeanor. A second or subsequent violation ⁴³ within 24 months is a Class 1 misdemeanor. AZ ST § 28-693(A), (B), (D).
<u>Sanctions:</u>	
Imprisonment Term / Fine: ⁴⁴	<u>First offense</u> – Not more than 4 months and a fine of not more than \$750 ; <u>Second or subsequent offense</u> (within 24 months) – Not more than 6 months and a fine of not more than \$2,500. AZ ST § 28-693; AZ ST § 13-707; AZ ST § 13-802.
Mandatory Minimum Term / Fine:	20 days in jail for a second or subsequent offense. AZ ST § 28-693(D)(2). There is no mandatory minimum term for a first offense, or for a fine.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Licensing action is through both the point system (8 points) and by court action. AZ ST § 28-693; AZ ADC R17-4-404, Table 1.
Term of License Suspension / Revocation:	<u>First offense</u> – Suspension for not more than 90 days ; <u>Second or subsequent offense</u> (within 24 months or 84 months under AZ ST § 28-3304(A)(10)) – Revocation for not more than 1 year. AZ ST § 28-693; AZ ST § 28-3315.
Mandatory Term:	None
Aggressive Driving: ⁴⁵	Class 1 misdemeanor AZ ST § 28-695(B).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 6 months and a fine of not more than \$2,500. AZ ST § 28-695(B); AZ ST § 13-707; AZ ST § 13-802.
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Licensing action is through both the point system (8 points) and by court action. AZ ST § 28-695; AZ ADC R17-4-404, Table 1.
Term of License Suspension / Revocation:	<u>First offense</u> – Suspension for 30 days ; <u>Second or subsequent offense</u> – Revocation for 1 year. AZ ST § 28-695(C)(2), (D)(2).

⁴² A person commits reckless driving when he drives a vehicle in reckless disregard for the safety of persons or property. AZ ST § 28-693(A).

⁴³ The second or subsequent violation may include racing under AZ ST § 28-708.

⁴⁴ The court may permit a defendant to continue school or employment for not more than 12 hours each day nor more than 5 days per week. In such case, the defendant shall spend the remaining days or parts of days in jail until the sentence is served. The court may allow the defendant to be out of jail only long enough to complete the defendant's actual hours of employment or school. AZ ST § 28-693(F).

⁴⁵ A person commits "aggressive driving" if **both** of the following occur: (1) during a course of conduct the person drives at an excessive speed and commits **two** of the following violations: (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 too closely; or (e) failure to yield the right-of-way; and (2) the person's driving is an immediate hazard to another person or vehicle. AZ ST § 28-695(A).

Mandatory Term: The terms listed above are mandatory.

Other: First offenders must attend and successfully complete approved traffic survival school training and educational sessions approved by the Department. AZ ST § 28-695(C)(1).

Automated Speed Enforcement:**Permitted**

Although the statute mandating the department to enter in contracts with private vendors has been repealed, it appears that photo radar enforcement (speed cameras) are permitted. See Tonner v. Paradise Valley Magistrate's Court, 831 P.2d 448 (Ariz.App. Div.1, 1992).

Limitation of Use of Speed Measurement Devices:**No statutory provisions****Commercial Motor Vehicle (CMV) Operators:**

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such vehicle that person commits 2 "serious traffic violations"⁴⁶ within a 3-year period or 3 such violations within a 3-year period.
AZ ST § 28-3312(A)(5), (6).

Period of Disqualification:

Two serious violations (within 3 years) – at least **60 days**;
Three serious violations (within 3 years) – at least **120 days**.
AZ ST § 28-3312(A)(5), (6).

⁴⁶ "Serious traffic violation" means a conviction or finding for excessive speeding (15 mph or more above the speed limit), reckless driving, aggressive driving, and racing. AZ ST § 28-3312(J).

JURISDICTION

ARKANSAS

Reference:

Arkansas Code Annotated
Code of Arkansas Rules (AR ADC)

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. AR ST §27-51-201(a)(1).

Statutory Speed Limit:

Controlled-Access Highways — The maximum speed is determined through engineering and traffic studies and, for trucks with a 1 ½ ton or more capacity, shall be established at 10 mph below that established for automobiles. AR ST § 27-51-201(b)(1), (2).
30 mph in urban districts;
50 mph for trucks with a capacity of 1½ or more in other locations (except controlled-access highways);
60 mph for other vehicles in other locations (except controlled-access highways);
30 mph for any vehicle which is over width, over length, over height or the gross load of which is in excess of 64,000 lbs., excluding the front axle, even if operated under a special permit.
AR ST § 27-51-201(c).

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. AR ST § 27-51-204.
II. Based upon engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdictions. However no speed limit shall be greater than 45 mph, and if no speed is posted on a county road, then the presumptive speed limit is 40 mph. AR ST § 27-51-206(b); AR ST § 27-51-216.
III. Based upon investigation, the State Highway Commission may establish safe maximum speed limits for bridges or other elevated structures. AR ST § 27-51-209.

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.
AR ST § 27-51-208.
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. AR ST § 27-51-301(b).

Posted (Minimum) Speed Limit:

Based upon engineering and traffic studies, a minimum speed limit for any highway may be established. AR ST § 27-51-208. **Note:** Posted signs may direct slower moving traffic to use designated lanes.
AR ST § 27-51-302(2).

Other:

I. **55 mph** is the maximum speed while towing a manufactured home or mobile home. However, on highways with a posted speed limit of less than 55 mph, the posted speed limit applies. The Highway and Transportation Department may set speed limits less than 55 mph or that posted by placing a restriction on the oversize permit issued to any specific vehicle. AR ST § 27-51-210.

II. **10 mph** is the maximum speed while operating a vehicle equipped with solid rubber or cushion tires. AR ST § 27-51-211.

III. **25 mph** is the maximum speed when passing a school building or while in a school zone during school hours when students are present and outside the building. AR ST § 27-51-212; AR ST § 27-51-213.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. Public roads in which a slow speed would not impede the normal and reasonable movement of traffic. AR ST § 27-51-208.
N/A

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanor AR ST § 27-50-304. Speeding in excess of 15 mph over the posted speed limit is a **Class C Misdemeanor** AR ST § 27-50-302(a)(7).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

I. First offense – Not more than **10 days** or not more than **\$100**;
Second offense (within 1 year) – Not more than **20 days** and/or not more than **\$200**;
Third or subsequent offense (within 1 year) – Not more than **6 months** and/or not more than **\$500**. AR ST § 27-50-304.

II. **Speeding in School Zone:**

First offense – Not less than **1 day** or more than **10 days** or not less than **\$25** or more than **\$100**;
Second offense (within 1 year) – Not less than **5 days** or more than **25 days** and/or not less than **\$50** or more than **\$250**;
Third or subsequent offense (within 1 year) – Not less than **25 days** or more than **6 months** and/or not less than **\$250** or more than **\$1,000**. AR ST § 27-51-214.

Mandatory Minimum Term / Fine:

The terms and fines above are mandatory minimum.

Other Penalties:

Traffic School:

Attendance at driver's training school may be required. AR ST § 27-50-306(3).

Other:

Highway Work Zone: 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. AR ST § 27-50-408(b)(1)(A).

Driving Over 15 mph Over the Speed Limit: 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 **10 days** or a fine of not more than **\$100**. AR ST § 27-50-302(a)(7).

Licensing Action

Type (Suspension / Revocation): **Suspension** by the court or through a point system.⁴⁷
AR ST § 27-50-306(1); AR ADC 006.05.101 (Regulations 1-27-16-907; 5-27-16-907).

Term of License Suspension / Revocation: Not more than **1 year**.⁴⁸ AR ST § 27-50-306(1).

Speeding in School Zone:

Second offense (within 1 year) – **Suspension for 6 months**;
Third offense (within 1 year) – **Suspension for 1 year**. AR ST § 27-51-214(2)(B), (3)(B).

Mandatory Term: Mandatory terms apply only to speeding within school zone, listed above.

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 20,000 lbs., or more, in excess of 5 mph of the posted speed limit is subject to a fine of **\$50** for each mile per hour exceeding the posted speed limit in excess of 5 mph. This fine is in addition to all other fines and court costs. AR ST § 27-50-311.

Multiple Violations: Arkansas law provides that it is a **Class C Misdemeanor** to commit more than 3 violations within 12 months. AR ST § 27-50-302(b). Sanctions = jail for not more than **30 days** or a fine of not more than **\$500**. AR ST § 5-4-201(b)(3); AR ST § 5-4-401(b)(3).

Other Criminal Actions Related to Speeding:

Racing on Highway: **Class A misdemeanor** AR ST § 27-50-302(1); AR ST § 27-50-309.

Sanctions:

Imprisonment Term / Fine: Not more than **1 year** and/or not more than **\$2,500**.
AR ST § 5-4-201; AR ST § 5-4-401(b)(1).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** by the court or through the point system.
AR ST § 27-50-306(1).

Term of License Suspension / Revocation: Not more than **1 year**. AR ST § 27-50-306(1).

⁴⁷ **Point System: I.** If an offender accumulates 14 through 17 points = suspension for no more than 3 months; 18 - 23 points = no more than 6 months; 24 or more points = no more than 1 year. The Office of Driver Services has the discretion to take action with regard to suspension after the accumulation of points. **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 or aggressive driving =**3 points**; speeding up 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 or more over the limit =**8 points**; AR ADC 006.05.101 (Regulations 1-27-16-907; 5-27-16-907).

⁴⁸ The court may grant a conditional or restricted permit to drive during the suspension. AR ST § 27-50-306(2).

Mandatory Term:	None
Other:	<p><u>Second offense</u> (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;</p> <p><u>Third or subsequent offense</u> (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.</p> <p>AR ST § 27-51-102(b)(1), (2).</p>
Reckless Driving: ⁴⁹	Class B misdemeanor. AR ST § 27-50-302(2); AR ST § 27-50-308.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<p>I. Non-Injury-related offense:</p> <p><u>First offense</u> – not less than 5 days or more than 90 days and/or not less than \$25 or more than \$500;</p> <p><u>Second or subsequent offense</u> (within 3 years) – not less than 30 days or more than 6 months and/or not less than \$500 or more than \$1,000.</p> <p>II. Injury-related Offense:</p> <p><u>First offense</u> – not less than 30 days or more than 90 days and/or not less than \$100 or more than \$1,000;</p> <p><u>Second or subsequent offense</u>⁵⁰ (within 3 years) – not less than 60 days or more than 1 year and/or not less than \$500 or more than \$1,000. AR ST § 27-50-308.</p>
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	<p>Suspension or revocation by the court or through the point system.</p> <p>AR ST § 27-50-306(1).</p> <p>For 3 convictions within 12 months – Revocation</p> <p>AR ST § 27-16-905(5).</p>
Term of License Suspension / Revocation:	<p>Suspension for not more than 1 year AR ST § 27-50-306(1).</p> <p>Revocation for 1 year AR ST § 27-16-912.</p>
Mandatory Term:	There is a mandatory term for revocation, as listed above.
Careless & Prohibited Driving: ⁵¹	Violation. AR ST § 5-1-108; AR ST § 27-50-301; AR ST § 27-51-104.

⁴⁹ Any person who drives any vehicle in such a manner as to indicate a wanton disregard for the safety of persons or property is guilty of reckless driving. AR ST § 27-50-308.

⁵⁰ 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. AR ST § 27-50-308(b)(2)(B).

⁵¹ Any person who drives or operates any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property shall be found guilty of careless driving. Additionally, the following acts are prohibited: (1) improper or unsafe lane changes on public roadways; (2) driving onto or across private property to avoid intersections, stop signs, traffic control devices or traffic lights; (3) skidding, spinning or sliding of tires or vehicle; (4) driving too close to, or colliding with, parked or stopped vehicles, fixtures, persons or objects adjacent to the public thoroughfares; (5) driving a vehicle which has any part or object extended as to endanger persons or property; (6) failing to maintain control; (7) driving or operating a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or (8) failing to pay attention. AR ST § 27-51-104.

Sanctions:

Imprisonment Term / Fine: A fine not to exceed **\$100**. AR ST § 27-51-104.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): Suspension by the court or through the point system.

Term of License Suspension / Revocation: Not more than **1 year**. AR ST § 27-50-306(1).

Mandatory Term: **None**

Automated Speed Enforcement:

Limited. Automated enforcement devices may only be used to detect and enforce violations of traffic laws or ordinances within school zone or at railroad crossings. Law enforcement officer must be present and citation must be issued at time of violation. AR ST § 27-52-110; AR ST § 27-52-111.

Limitations of Use of Speed Measurement Devices:

Police traffic radar use is permitted. AR ST § 12-9-401; AR ST § 12-9-402; AR ST § 12-9-403.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 serious traffic violations⁵² within a 3-year period, or 3 such violations within a 3-year period. AR ST § 27-23-112(c).

Period of Disqualification: Second conviction of a serious violation (within 3 years) – **60 days**; Third or subsequent conviction of a serious violation (within 3 years) – **120 days**. AR ST § 27-23-112(c).

⁵² A “serious traffic violation” includes exceeding the speed limit by 15 or more mph, reckless driving, improper or erratic traffic lane changes or following too closely. AR ST § 27-23-103(37).

JURISDICTION

CALIFORNIA

Reference:

West’s Annotated California Vehicle Code (CA Veh)

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. In no event shall a person drive at a speed such as to endanger the safety of persons or property.
CA Veh § 22350.

Statutory Speed Limit:

65 mph,⁵³ CA Vehicle Code §22349(a); CA Veh § 22356.
55 mph on two lane undivided highway; CA Veh § 22349(b).
25 mph (*prima facie* limit) in a business or residence district, when approaching or passing a school building or school grounds, or when passing a senior citizen facility contiguous to a street other than a State highway; CA Veh § 22352(a)(2).
25 mph near a children's playground;⁵⁴ CA Veh §22357.1.
15 mph (*prima facie* limit) on any alley or when traversing either an uncontrolled railway crossing or uncontrolled highway intersection where the driver does not have a clear and unobstructed view.
CA Veh § 22352(a)(1).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic surveys, the State Department of Transportation may do the following: (1) establish speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 mph on the State highway system⁵⁵ (CA Veh § 22354); and (2) establish different speed limits for highway lanes on the State highway system.(CA Veh § 22364).
II. Based on engineering and traffic surveys, a local government may do the following: (1) decrease the 65 mph speed limit on applicable highways within its jurisdiction to 60, 55, 50, 45, 40, 35, 30 or 25 mph on highways (CA Veh § 22358(a); CA Veh § 22360); (2) lower the 25 mph speed limit to 15 or 20 mph for business and residential districts or school zones (CA Veh § 22358.4); (3) decrease the 25 mph to either 15 or 20 mph on streets under its jurisdiction having a width not more than 25 feet (CA Veh § 22358.3); (4) increase the 25 mph limit to 30, 35, 40, 45, 50, 55, 60 or 65 mph on highways under its jurisdiction (CA Veh § 22357).
III. Based on engineering and traffic surveys, the State or local government within their respective jurisdictions may do the following: (1) establish different *prima facie* speed limits for different roadways (CA Veh § 22361); (2) establish speed limits of 40, 35, 30 or 25 mph when ice or snow conditions exist (CA Veh § 22363); (3) establish a

⁵³ Based upon engineering and traffic surveys, the State Department of Transportation may increase the maximum speed limit to 70 mph. CA Veh§ 22356(a). **Note:** Neither the 65 mph nor 70 mph maximum speed limits apply to the following vehicles: (1) motortruck or truck tractor having 3 or more axles, or drawing any vehicle; (2) passenger vehicle or bus drawing any other vehicle; (3) school bus transporting any school pupil; (4) farm labor vehicle when transporting passengers; (5) vehicle transporting explosives; (6) trailer bus. CA Veh§ 22406.

⁵⁴ This limit is established by local authorities. 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. CA Veh§ 22357.1.

⁵⁵ 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. CA Veh§ 22355.

safe maximum speed limit (but not less than 5 mph) for bridges, elevated structures, tubes or tunnels on the highway under their respective jurisdictions (CA Veh § 22402; CA Veh § 22403; CA Veh § 22404; CA Veh § 22405).

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 speed limit lower than permitted in order to comply with air quality standards. CA Veh § 22365.

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.

CA Veh § 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. CA Veh § 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. CA Veh § 22400(b).

Other:

I. **25 mph** is the maximum speed for vehicles with solid tires and having a gross vehicle weight for 10,000 or more but less than 16,000 lbs.; (CA Veh § 22409)

II. **15 mph** is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight for 16,000 but less than 22,000 lbs.; (CA Veh § 22409)

III. **12 mph** is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight of 22,000 lbs., or more; (CA Veh § 22409)

IV. **55 mph**⁵⁶ is the maximum speed for the vehicles listed in CA Veh § 22406. These vehicles must be driven in the right-hand lane or as close as practicable to the right curb; (CA Veh § 22348(c))

V. **6 mph** is the maximum speed for vehicles equipped with metal tires; (CA Veh § 22410)

VI. A construction zone speed limit cannot be less than **25 mph**. (CA Veh § 22362)

Low Speed Vehicles:

Permitted on Public Roads

(Yes/No):

Maximum Speed Permitted:

Yes. Public roads with a posted speed limit of 35 mph or less.

CA Veh § 21260.

25 mph CA Veh § 385.5

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Infraction. CA Veh § 22351; CA Veh § 40000.1; CA Veh § 42001(a).

⁵⁶ 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 10,000 lbs., or more while in a descending grade. The speed limit for these vehicles may be established at 50, 45, 40, 35, 30, 25 or 20 mph. CA Veh §22407.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: First offense – Not more than **\$100**;⁵⁷
Second offense (within 1 year of a prior infraction) – Not more than **\$200**;
Third or subsequent offense (within 1 year of 2 or more prior infractions) – Not more than **\$250**. CA Veh § 42001(a)(1), (2), (3).

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: Court ordered traffic violator school. CA Veh § 42005.

Other: I. **Traffic Violation Points**.⁵⁸ An offender is assessed 1 point on his/her driving record. CA Veh § 12810(f).
 II. **Special State/County Penalties (Fines)**.⁵⁹

Licensing Action:

Type (Suspension / Revocation): **Suspension**. CA Veh § 13200.

Term of License Suspension / Revocation: First offense – Not more than **30 days**;
Second offense – Not more than **60 days**;
Third or subsequent offense – Not more than **6 months**.
 CA Veh § 13200.

Mandatory Term: **None**

Miscellaneous Sanctions Not Included Elsewhere: I. The following **fin**es apply to offenses involving exceeding the basic speed rule (CA Veh § 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 (CA Veh § 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. (CA Veh § 22407):
First offense – Not more than **\$100**;
First offense (where speed was 10 mph or more over the limit) – Not more than **\$200**;
Second or subsequent offense – Not more than **\$300**.
 CA Veh § 42000.5.

⁵⁷ 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. CA Streets &Highways § 97; CA Veh § 40310; CA Veh § 42010. CA Veh § 40310 provides that the California Judicial Council shall establish a uniform traffic fine schedule.

⁵⁸ **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. CA Veh § 12809; CA Veh § 12810; CA Veh § 12810.5; CA Veh § 12812; CA Veh § 13359.

⁵⁹ **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. CA Penal §1463(h); CA Code §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. CA Govt. §76000; CA Penal § 1463(h).**Note:** The portion of any fine that has been either suspended or reduced is not considered when calculating these assessments.

II. For speeding in a tank vehicle transporting greater than 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 6 months or less. CA Veh § 22406.5.

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).

CA Penal § 1209.5.

Other Criminal Actions Related to

Speeding:

Speed Contest:⁶⁰

Sanctions:

Imprisonment Term / Fine:

Misdemeanor CA Veh § 23109; CA Veh § 40000.15.

Speed Contest:

First offense– Not less than **24 hours** or more than **90 days** and/or not less than **\$355** nor more than **\$1,000**. **40 hours** of community service shall be ordered;

Subsequent offense (within 5 years) – Not less than **4 days** or more than **6 months** and/or not less than **\$500** nor more than **\$1,000**.

CA Veh § 23109(e), (f).

Speed Contest with Bodily Injury:

First offense – Not less than **30 days** nor more than **6 months** and/or not less than **\$500** nor more than **\$1,000**;

Subsequent offense (within 5 years) – Not less than **30 days** nor more than **6 months** and not less than **\$500** nor more than **\$1,000**.

CA Veh § 23109(e)(2), (f)(2).

Speed Contest with Serious Bodily Injury:⁶¹

Subsequent offense (within 5 years) – Not less than **30 days** nor more than **1 year** and not less than **\$500** nor more than **\$1,000**.

CA Veh § 23109(f)(3); CA Veh § 23109.1.

Exhibition or Aiding Speed:

Not more than **90 days** and/or not more than **\$500**.

CA Vehicle Code § 23109(i).

Mandatory Minimum Term / Fine:

Speed Contest:

First offense– **None**;

⁶⁰ 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.”

⁶¹ “Serious bodily injury” is defined as a serious impairment of physical condition, including, but not limited to: (1) loss of consciousness; (2) concussion; (3) bone fracture; (4) protracted loss or impairment of function of any bodily member or organ; (5) a wound requiring extensive suturing; and (6) serious disfigurement. CA Penal § 243(f)(4).

Subsequent offense (within 5 years) – Not less than **4 days** and/or not less than **\$500**. CA Veh § 23109(f).

Exhibition of Speed: None

Licensing Action:

Type (Suspension / Revocation): **For Speed Contest – Suspension.** CA Veh § 13352(a)(8); CA Veh § 23109(e), (f).

Term of License Suspension / Revocation:

Speed Contest:
First offense– **Suspension 90 days to 6 months.**
 CA Veh § 13352(a)(8); CA Veh § 23109(e);
Subsequent offense (within 5 years) – **Suspension 6 months.**
 CA Veh § 13352(a)(9); CA Veh § 23109(f)(4).

Exhibition of Speed: None

Mandatory Term:

Speed Contest: The 90-day term and 6-month term listed above are mandatory, if suspension is ordered by the court. CA Veh § 13352(8), (9).

Other:

I. Speed Contest:
First or subsequent offense (within 5 years) – If the vehicle is owned by the offender, it may be impounded from **1 day to 30 days**. CA Veh § 23109(h); CA Veh § 23109.2.
 II. For either offense, the court may order an offender to attend a traffic violator school. CA Veh § 42005.
 III. **Traffic Violation Points:** An offender is assessed 2 points on the driving record. CA Veh § 12810(d)(1).

Reckless Driving:⁶²

Misdemeanor CA Veh § 23103; CA Veh § 40000.15.

Sanctions:

Imprisonment Term / Fine: Not less than **5 days** or more than **90 days** and/or not less than **\$145** or more than **\$1,000**. CA Veh § 23103(c).

Mandatory Minimum Term / Fine:

The base term and fine listed above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** CA Veh § 13200; CA Veh § 13351(a)(2).

Term of License Suspension / Revocation:

First offense – **Suspension** not more than **30 days**;
Second offense – **Suspension** not more than **60 days**;
Third or subsequent offense – **Suspension** not more than **6 months**.
 CA Veh § 13200.

⁶² A person who drives a vehicle on a highway or in an off-street parking facility in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. CA Veh § 23103.

Three (3) or more offenses (within 12 months from the time of the first offense to the third offense) – **Revocation** for **3 years**.
CA Veh§ 13351(a)(2), (b).

Mandatory Term: The three-year revocation listed above is mandatory.

Other: I. The court may order an offender to attend a traffic violator school. CA Veh § 42005.
II. **Traffic Violation Points:** An offender is assessed 2 points on the driving record. CA Veh § 12810(c).
III. **Impoundment:** If the reckless driving offense involved motor vehicle operation at a speed of 100 mph or more, the vehicle owned and driven by the offender may be impounded for a first offense not more than **6 months** and for a second offense not more than **12 months**. CA Veh§ 23592. Additionally, under CA Vehicle Code § 23109.2, an officer may impound or seize the vehicle for not more than **30 days**.

Reckless Driving Causing Bodily Injury: **Misdemeanor/Felony** CA Veh § 23104; CA Veh § 40000.15; CA Veh § 40000.24; CA Penal §17.

Sanctions:

Imprisonment Term / Fine: First offense or subsequent (causing bodily injury) (**Misdemeanor**) – Not less than **30 days** or more than **6 months** (in the county jail) and/or not less than **\$220** or more than **\$1,000**;
Subsequent offense (causing great bodily injury) (**Felony**)– Not less than **30 days** or more than **6 months**⁶³ (in the county jail) and/or not less than **\$220** or more than **\$1,000**. CA Veh § 23104(a), (b); CA Veh § 23105.

Mandatory Minimum Term / Fine: The base terms and fines listed above are mandatory.

Licensing Action:

Type (Suspension / Revocation): **Revocation**⁶⁴ CA Veh § 13350(a)(3); CA Veh § 13351(a)(2).

Term of License Suspension / Revocation: **1 year**. CA Veh §13350(c).
Three (3) or more offenses (within 12 months) – **revocation** is for **3 years**. CA Veh § 13351(a)(2), (b).

Mandatory Term: Term above is mandatory.

Other: I. The court may order an offender to attend a traffic violator school. CA Veh § 42005.
II. **Traffic Violation Points:** An offender is assessed 2 points on the driving record. CA Veh § 12810(c).

⁶³ Under CA Penal §17, a person, who is punished by imprisonment in the State prison, is considered to have committed a felony. In this case, the punishment is “imprisonment in the State prison, by imprisonment in the county jail.” In other words, the defendant will be sentenced for a felony, but will serve such sentence in the county jail, rather than a State correctional/prison facility.

⁶⁴ The offender is also subject to license suspension for not more than 6 months under CA Veh§ 13201.

Speed in Excess of 100 MPH:	Infraction CA Veh § 22348(b).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<u>First offense</u> – Not more than \$500 ; <u>Subsequent offense</u> (within 3 years) – Not more than \$750 . CA Veh § 22348(b); CA Veh § 42000.1. See III, Other below.
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension. CA Veh § 22348(b); CA Veh § 13200.5; CA Veh § 13355(a), (b).
Term of License Suspension / Revocation:	<u>First offense</u> – Not more than 30 days . CA Veh § 22348(b)(1); CA Veh § 13200; <u>Second offense</u> (within 3 years) – 6 months . CA Veh § 22348(b)(2); CA Veh § 13355(a); <u>Third or subsequent offense</u> (within 5 years) – 1 year . CA Veh § 22348(b)(3); CA Veh § 13355(b).
Mandatory Term:	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. CA Veh § 22348(b)(1); CA Veh § 13200.5; CA Veh § 13355(a), (b).
Other:	I. Traffic Violator School (discretionary) CA Veh § 42005. II. Traffic Violation Points: An offender is assessed 2 points on the driving record. CA Veh § 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). CA Penal §1209.5.
<u>Automated Speed Enforcement:</u>	Yes by S.P. Automated traffic enforcement systems are permitted. CA Veh§ 21455.5.
<u>Limitation of Use of Speed Measurement Devices:</u>	Yes Use of photo radar is not permitted for speed enforcement. CA Veh § 21455.6(c).
<u>Commercial Motor Vehicle (CMV) Operators:</u>	
Grounds for Disqualification:	No person may operate a CMV if that person has been convicted of a “serious traffic violations” ⁶⁵ within a 3-year period or has been convicted of 3 such violations within a 3-year period while driving a CMV. CA Veh § 15306; CA Veh § 15308.
Period of Disqualification:	<u>Serious violation</u> (within 3 years) – 60 days ; <u>Three serious violations</u> (within 3 years) – 120 days . CA Veh § 15306; CA Veh § 15308.

⁶⁵ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. CA Veh § 15210(p).

JURISDICTION

COLORADO

Reference:

Colorado Revised Statutes

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. CO ST §42-4-1101(1).

Statutory Speed Limit:

65 mph on the interstate system;
55 mph on an open highway not on the interstate system;
30 mph in a residence district;
40 mph on open mountain highways;
25 mph in a business district;
20 mph on narrow, winding mountain highways or blind curves.
 CO ST § 42-4-1101(2).

Posted (Maximum) Speed Limit:

I. State and local authorities, based on traffic investigations and surveys, may alter (increase or decrease) the above speed limits.⁶⁶ Exceeding this speed limit is *prima facie* evidence that such speed was not reasonable. However, no posted speed limit may be greater than 75 mph. CO ST § 42-4-1101(4), (8)(d); CO ST § 42-4-1102.
 II. The State, based on traffic investigations and surveys, may establish maximum speed limits for elevated structures, and a driver shall not drive a vehicle over any bridge or other elevated structure at an unsafe speed. CO ST § 42-4-1104(2), (4).
 III. The State may establish highway maintenance, repair and construction zones. Such a zone must post appropriate signs that designate that increased penalties are in effect for speeding violations that are committed in such zones. CO ST § 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. CO ST § 42-4-1103(1).
 II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. CO ST § 42-4-1001(2); CO ST § 42-4-1103(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. CO ST § 42-4-1103(2).

Other:

I. **45 mph** for all vehicles in the business of transporting trash. CO ST § 42-4-1101(2)(e).
 II. No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other

⁶⁶ 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. CO ST § 42-4-1007(1)(c) This provision can be used to limit the speed of certain vehicles (e.g., trucks) on specific highway lanes.

traffic or by reason of weather or highway conditions.
CO ST § 42-4-1101(3).

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

CO ST § 42-4-109.5

Maximum Speed Permitted:

N/A

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Class A traffic infraction

CO ST § 42-4-603(5); CO ST § 42-4-1001(4);
CO ST § 42-4-1101(12); CO ST § 42-4-1103(5);
CO ST § 42-4-1104(4); CO ST § 42-4-1701(1).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

\$15-\$100 CO ST § 42-4-1701(3)(a)(I).

Mandatory Minimum Term / Fine:

Per Penalty Schedule⁶⁷
CO ST § 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 at his own expense. CO ST § 42-4-1717.

Other:

Double Fines: The penalties and surcharges imposed for speeding offenses are **doubled** if the offense occurred in a maintenance, repair or construction zone, or a “school zone.” CO ST § 42-4-614; CO ST § 42-4-615; CO ST § 42-4-1701(4)(c), (d).

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system.⁶⁸ CO ST § 42-2-127(1).

⁶⁷ The following fines and surcharges (respectively) are levied for speeding violations: **1-4 mph** over speed limit = **\$30** and (\$6); **5-9 mph** over speed limit = **\$70** and (\$10); **10-19 mph** over speed limit = **\$135** and (\$16); **20-24 mph** over speed limit = **\$200** and (\$32); **failure to decrease speed when hazardous conditions exist** = **\$100** and (\$10); **violation of minimum speed law** = **\$50** and (\$6); **violating posted maximum speed limits on elevated structures** = **\$30** and (\$6). CO ST § 42-4-1701(4)(a)(I)(L).

⁶⁸ **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 within 24 consecutive months. For provisional drivers, suspension would occur if accumulating 9 points within 12 consecutive months, 12 points within any 24 consecutive months or 14 points from the time the provisional license was issued. In the case of minor drivers, suspension would occur if 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. CO ST § 42-2-127(1)(a). **II. Point Schedule** – The following points are assigned for speeding violations: **5-9 mph** over speed limit = **1 point**; **10-19 mph** over speed limit = **4 points**; **20-39 mph** over speed limit = **6 points**; **40 mph or more** over speed limit = **12 points**; **failure to reduce speed when a special hazard exists** = **3 points**. No points are assessed for 1-4 mph over speed limit. If a person pays the fine and surcharge on or before the date payment is due, points shall be reduced as follows: **3 or more points** shall be reduced by 2 points; **2 points** shall be reduced by 1 point. CO ST § 42-2-127(5)(f), (5.5). **Note:** No points can be assessed against a person's driving record if the original citation was issued through an “automated vehicle identification system.” CO ST § 42-2-127(5.8); CO ST § 42-4-110.5(3).

Term of License Suspension / Revocation: Not more than **1 year**. CO ST § 42-2-132(1).

Mandatory Term: **None**. A probationary license with restrictions may be issued. CO ST § 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**. CO ST § 42-4-1101(12)(b). The sanctions for this offense are a jail term of **10 to 90 days** and/or a fine of **\$150 to \$300**, plus the offender must pay restitution and may be required to perform some community service. CO ST §42-4-1701(3)(a)(II). If such driving behavior occurs within a marked construction or repair zone, then it is a **Class 1 misdemeanor traffic offense**. CO ST § 42-4-1101(12)(b). The sanctions are a jail term of **10 day to 1 year** and/or a fine of **\$300 to \$1,000**. CO ST § 42-4-1701(3)(a)(II).

Other Criminal Actions Related to Speeding:

Speed Contest:⁶⁹ **Class 1 misdemeanor traffic offense**. CO ST § 42-4-1105(1).

Sanctions:
Imprisonment Term/Fine:⁷⁰ **Speed Contest:** Not less than **10 days** or more than **1 year** and/or not less than **\$300** or more than **\$1,000**.

Mandatory Minimum Term/Fine: The base terms above are mandatory minimums.

Licensing Action:
Type (Suspension / Revocation): **Suspension via a point system**. CO ST §42-2-127. For this offense, a driver is assessed **12 points** which results in suspension under the point system. CO ST § 42-2-127(5).

Term of License Suspension / Revocation: Not more than **1 year**. CO ST § 42-2-132(1).

Mandatory Term: **None**. A probationary license with restrictions may be issued. CO ST § 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. CO ST § 42-4-1717.

Speed Exhibition:⁷¹ **Class 2 misdemeanor traffic offense**. CO ST § 42-4-1105(2).

⁶⁹ It is unlawful to engage in a “speed contest” on a highway. A “speed contest” means the operation of one or more vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in attempt to gain advantage over one or more of the other race participants.

⁷⁰ A person found to be aiding and abetting a speed contest or speed exhibition may be found guilty of the actual crimes or speed contest or speed exhibition, and may be sentenced accordingly. Aiding and abetting includes obstructing or placing a barricade or obstruction, or assisting or participating in placing any such barricade or obstruction, on a highway. CO ST § 42-4-1105(3)(a); CO ST § 42-4-1703.

⁷¹ “Speed exhibition” means the operation of a motor vehicle to present a display of speed or power. This includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

Sanctions:

Imprisonment Term / Fine:⁷²

Speed Exhibition: Not less than **10 days** or more than **90 days** and/or not less than **\$150** or more than **\$300**. CO ST § 42-4-1701(3)(a)(II)(A).

Mandatory Minimum Term / Fine:

The base terms are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

Suspension though the point system. CO ST § 42-4-127. For this offense, a driver is assessed **5 points**.

Term of License Suspension / Revocation:

Not more than **1 year**. CO ST § 42-2-132(1).

Mandatory Term:

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

Other:

- I. A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. CO ST § 42-4-1717.
- II. Upon second conviction of either speed contest or speed exhibition, the court may order law enforcement involved in the case to place an “immobilization device”⁷³ on the vehicle(s) so operated for a period of **up to 14 days**.
- III. Upon third or subsequent conviction of either speed contest or speed exhibition, the court may order law enforcement involved in the case to place an immobilization device on the vehicle(s) so operated for a period of not less than **14 days** or more than **30 days**. CO ST § 42-4-1105(5)(a).

Reckless Driving:⁷⁴

Class 2 misdemeanor traffic offense. CO ST § 42-4-1401.

Sanctions:

Imprisonment Term / Fine:

First offense – Not less than **10 days** or more than **90 days** and/or not less than **\$150** or more than **\$300**. CO ST § 42-4-1701(3)(a)(II)(A).
Second or subsequent offense – Not less than **10 days** or more than **6 months** and/or not less than **\$50** or more than **\$1,000**. CO ST § 42-4-1401(2).

Mandatory Minimum Term / Fine:

The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system. CO ST § 42-2-127. For this

⁷² A person found to be aiding and abetting a speed contest or speed exhibition may be found guilty of the actual crimes or speed contest or speed exhibition, and may be sentenced accordingly. Aiding and abetting includes obstructing or placing a barricade or obstruction, or assisting or participating in placing any such barricade or obstruction, on a highway. CO ST § 42-4-1105(3)(a); CO ST § 42-4-1703.

⁷³ “Immobilization device” is a device locked into place over a wheel of a motor vehicle that prevents the vehicle from being moved. It is commonly referred to as a “traffic boot” or “boot.” The owner of the vehicle on which the device has been placed shall be assessed a daily fee of \$35 for each day the vehicle is ordered, and \$35 each day afterwards, for up to 14 days. Illegal removal of the device by the owner of the vehicle is a Class 2 misdemeanor traffic offense. CO ST § 42-4-1105(5)(d),(7),(8).

⁷⁴ A person found operating a motor vehicle in either a wanton or a willful manner so as to disregard the safety of persons or property may be found guilty of reckless driving. CO ST § 42-4-1401(1).

	offense, a driver is assessed 8 points . CO ST § 42-2-127 (5). Revocation for 3 reckless driving offense convictions within 2 years. CO ST § 42-2-125(1)(f).
Term of License Suspension / Revocation:	Suspension for not more than 1 year . CO ST § 42-2-132(1). Revocation for not less than 1 year . CO ST § 42-2-132(2).
Mandatory Term:	Suspension is not mandatory. A probationary license with restrictions may be issued. CO ST § 42-2-127(12). Revocation is for a mandatory period of not less than 1 year . ⁷⁵ CO ST § 42-2-132(2).
Other:	I. A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. CO ST § 42-4-1717.
Careless Driving: ⁷⁶ Careless Driving with bodily injury or death to another person:	Class 2 misdemeanor traffic offense Class 1 misdemeanor traffic offense CO ST § 42-4-1402.
<u>Sanctions:</u>	
Imprisonment Term/Fine:	I. <u>Non-injury/death-related offense</u> – Not less than 10 days or more than 90 days and/or not less than \$150 or more than \$300 . II. <u>Injury/Death-related offense</u> – Not less than 10 days or more than 1 year and/or not less than \$100 or more than \$1,000 . CO ST § 42-4-1701(3)(a)(II)(A).
Mandatory Minimum Term/Fine:	The base terms are mandatory minimums.
<u>Licensing Action:</u>	
Type (Suspension/Revocation):	Suspension via a point system . For this offense, a driver is assessed 4 points . CO ST § 42-2-127(5).
Term of License Suspension / Revocation:	Not more than 1 year . CO ST § 42-2-132(1).
Mandatory Term:	None . A probationary license with restrictions may be issued. CO ST § 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. CO ST § 42-4-1717.
Vehicular Assault:	Class 5 Felony CO ST § 18-3-205(1)(a).
<u>Sanctions:</u>	
Imprisonment Term/Fine:	Imprisonment from 1-3 years (with 2 years mandatory parole) and a fine of \$1,000 to \$100,000 .
Mandatory Minimum Term/Fine:	The base terms appear to be mandatory minimums.

⁷⁵ Only after the expiration of 1 year, may a person be entitled to apply for a new license. The law does not provide automatic approval of a new license upon application, however. CO ST § 42-2-132.

⁷⁶ A person found 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 may be found guilty of careless driving. CO ST § 42-4-1402(1).

Licensing Actions:

Type (Suspension/Revocation):

Revocation. CO ST § 42-2-125(1)(c).

Term of License Suspension /
Revocation:

Not more than **1 year.** CO ST § 42-2-132(1)

Mandatory Term:

None. It appears a probationary license with restrictions may be issued. CO ST § 42-2-127(12), (14).

Other:

If the injured person was pregnant and the defendant knew or should have known the injured person was pregnant, the minimum imprisonment sentence must be midpoint of the sentence but not more than twice the maximum. CO ST § 18-1.3-401.

Automated Speed Enforcement:

Limited

I. The State may use automated vehicle identification systems to detect speeding only within ongoing highway maintenance, repair or construction zones.

II. A local government may use automated vehicle identification systems to detect violations of traffic regulations only if posted notice is provided to drivers. CO ST § 42-4-110.5.

Limitation of Use of Speed Measurement Devices:

No statutory provisions. However, by implication, radar devices are permitted. CO ST § 42-4-1415 (prohibiting the use of radar jamming devices); City of Aurora v. McIntyre, 719 P.2d 727 (Colo., 1986) (discussing the reliability of radar devices dependent upon proper calibration of the tuning forks).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person's CDL privilege is suspended, if while driving a CMV, that person commits 2 "serious traffic violations"⁷⁷ within a 3-year period or 3 such violations within a 3-year period. CO ST § 42-2-403(2); 49 C.F.R. 383.51.

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days.** CO ST § 42-2-403(2); 49 C.F.R. 383.51.

⁷⁷ For purposes of Colorado law, a "serious traffic violation" includes exceeding the speed limit by 15 mph or more and reckless driving. However, arguably, careless driving could be included in this definition, since improper or erratic lane changes and following the vehicle ahead too closely are listed within the Federal definition of "serious traffic violation." CO ST § 42-2-403(2); 49 CFR 383.5.

JURISDICTION

CONNECTICUT

Reference:

Connecticut General Statutes Annotated
Regulations of Connecticut State Agencies (CT ADC)**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. CT ST §14-218a(a).

No person shall drive a motor vehicle at such a rate of speed as to endanger the life of any occupant. CT ST § 14-219(a).

Statutory Speed Limit:

65 mph on multiple lane, limited access highways that are suitable for such a speed limit; (CT ST §14-218a(b); CT ST § 14-219(a))**55 mph** upon other highways; (CT ST §14-219(a))**50 mph** for a school bus on a divided limited access highway; (CT ST §14-281a(a))**40 mph** for a school bus on all other highways, or where highway signs indicate lower speeds, then a school bus shall not exceed that posted speed. (CT ST §14-281a(a))

Posted (Maximum) Speed Limit:

The Office of the State Traffic Administration may determine speed limits⁷⁸ on any highway, bridge, or parkway.
CT ST §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.

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. CT ST §14-230(b).

Posted (Minimum) Speed Limit:

40 mph⁷⁹ on a limited access divided highway.
CT ST §14-220(a)

Other:

A person must obtain a special permit to operate a vehicle on a highway with a normal speed of not more than **15 mph** or less while transporting 3 or more persons for pleasure purposes (whether or not for hire). CT ST §14-221.**Low Speed Vehicles:****No statutory provisions****Adjudication of Speed Law Violations:**

Civil/Criminal Adjudication:

Infractions CT ST § 14-218a(c); CT ST §14-219(b);

⁷⁸ “[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. CT ST § 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 Office of the State Traffic Administration. CT ST § 14-218a(a).

⁷⁹ This minimum speed does not apply: (1) to highway maintenance vehicles; (2) to certain types of commercial vehicles on grades; or (3) when reduced speed is necessary for safe operation or in an emergency, or in compliance with the law or the direction of an officer. CT ST § 14-220(a), (b).

CT ST §14-220(c); CT ST §14-221; CT ST §14-230(d);
CT ST §14-281a(c).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

- I. Except for speed law offenses committed under CT ST §14-219, a fine of not more than **\$50**. CT ST §14-296.
- II. For speed law offenses committed under CT ST § 14-219, a fine of **\$35 to \$90**.⁸⁰ CT ST §51-164m(c).
- III. **\$35 to \$90** or **\$100 to \$150**(if the offender was operating a truck),⁸¹ for speeds: (1) **greater than 65 mph but 70 mph or less** on multiple line limited access highways with a speed limit of 65 mph; (2) **greater than 55 mph but 70 mph or less** on other multiple line limited access highways; and (3) **greater than 55 mph but 60 mph or less** on any other highway. CT ST §14-219(b); CT ST § 51-164m(c), (d).
- IV. **\$100 to \$150** or **\$150 to \$200**(if the offender was operating a truck), for speeds: (1) **greater than 70 mph but 85 mph or less** on multiple line limited access highways; and (2) **greater than 60 mph but 85 mph or less** on any other highway. CT ST §14-219(b), (c); CT ST § 51-164m(d).

Mandatory Minimum Term / Fine:

The base fines seem to be mandatory minimums.

Other Penalties:

Traffic School:

Driver Retraining Program. A driver may be required to complete a driver retraining program if he/she: (1) is 24 years or younger and commits 2 or more moving violations; or (2) is over the age of 24 and commits 3 or more moving violations. CT ST §14-111g.

Other:

Double Fines. If the speeding offenses occurred in a designated construction zone, the fine sanction is double the usual amount. CT ST § 14-212a(a).

Licensing Action:

Type (Suspension / Revocation):

- I. **Suspension or Revocation:** For offenses committed under CT ST § 14-219. CT ST §14-111b.
- II. **Suspension** under either the point system or for Unsafe Vehicle Operation for other speeding violations.⁸² CT ST §14-111;

⁸⁰ For offenses committed under CT ST § 14-219, the fine sanctions to be imposed are established by the superior court through a fine schedule. This schedule consists of a sliding fine scale which must be based upon the severity of the violation. CT ST § 51-164m.

⁸¹ A truck is defined as "every motor vehicle designed, used or maintained primarily for the transportation of property." CT ST § 14-260n(4).

⁸² **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 or less. Points remain on the driver's record for 24 months from the date of assessment. **II.** The following points are assessed for speeding violations: (1) Unreasonable speed (CT ST § 14-218a) = **1 point**; (2) Speeding (CT ST § 14-219) = **1 point**; (3) Failure to drive in right-hand lane = **1 point**; (4) Driving slowly/impeding traffic = **2 points**; (5) Racing = **4 points**; Operating school bus at an excessive speed = **5 points**. CT ADC § 14-137a-5; CT ADC § 14-137a-6; CT ADC § 14-137a-8. **History of Unsafe Operation.** If a person has had 4 unsafe moving traffic convictions within 2 years, his/her license is

CT ADC § 14-137- 82; CT ADC § 14-137a-5; CT ADC § 14-137a-8.

Term of License Suspension /
Revocation:

I. For offenses committed under CT ST §14-219:
First, second or third offenses (within 3 years of the first conviction) – Not more than **30 days** (but only if the court recommends suspension or revocation);
Fourth offense (within 2 years) – Not more than **30 days**;
Fifth offense (within 2 years) – Not more than **60 days**;
Subsequent offense (within 2 years) – Not more than **6 months**.
CT ST § 14-1(78); CT ST §14-111b(b), (c).
II. For Other Speeding Violations: **30 days** if the requisite number of points has been accumulated.

Mandatory Term:

None

**Other Criminal Actions Related to
Speeding:**

Racing on Highway:⁸³

Misdemeanor. CT ST § 14-224(c), (g); CT ST §53a-26(a).

Sanctions:

Imprisonment Term / Fine:

First offense– Not more than **1 year** and/or a fine of not less than **\$75** nor more than **\$600**;
Subsequent offense (within 10 years of first conviction) – Not more than **1 year** and/or a fine of not less than **\$100** nor more than **\$1,000**.
CT ST §14-1(78); CT ST §14-224(g).

Mandatory Minimum Term / Fine:

The base fines are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

Suspension under the point system or for Unsafe Vehicle Operation.
CT ST §14-111; CT ADC § 14-137-82;
CT ADC § 14-137a-5; CT ADC § 14-137a-8.

Term of License Suspension /
Revocation:

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

Mandatory Term:

The 30-day term appears to be mandatory.

Reckless Driving:⁸⁴

First offense – **Infraction**;
Second or subsequent offense – **Misdemeanor**. CT ST §14-222;
CT ST § 53a-26(a).

Sanctions:

Imprisonment Term / Fine:

First offense – Not more than **30 days** and/or not less than **\$100** or more than **\$300**;
Second or subsequent offense – Not more than **1 year** and/or not more

subject to a 30-day suspension. Such convictions include most speeding offenses and other rules of the road violations. CT ST § 14-111(a); CT ADC § 14-137-82.

⁸³ Under CT ST §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.”

⁸⁴ Reckless driving is defined as operating a motor vehicle: (1) recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions; (2) at a rate of speed as to endanger the life of any person (other the vehicle operator); or (3) at a rate of speed greater than 85 mph. CT ST § 14-222(a).

than **\$600**. CT ST §14-222(b)

Mandatory Minimum Term / Fine: The **\$100** fine for a first offense is a mandatory minimum.

Licensing Action:

Type (Suspension / Revocation): **Suspension** CT ST §14-111(b).

Term of License Suspension /
Revocation:

First offense – Not less than **30 days** or more than **90 days**;
Subsequent offense – Not less than **90 days**. CT ST §14-111(b).

Mandatory Term:

The base terms for first and subsequent offense are mandatory.

Automated Speed Enforcement:

No statutory provision⁸⁵

**Limitation of Use of Speed
Measurements Devices:**

No limitations. Police officers may use radar, laser, Vascar devices or any other devices in which the officers have training and which are in proper working condition. However, no hand-held radar or speed monitoring devices that emit non-ionizing radiation may be used. CT ST § 14-219c; CT ST § 7-294z.

**Commercial Motor Vehicle (CMV)
Operators:**

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”⁸⁶ within a 3-year period or 3 such violations within a 3-year period. CT ST §14-44k(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**.
CT ST § 14-44k(f).

⁸⁵ CT ST § 14-309 provides that no traffic safety measure or traffic control device, sign or marking shall be installed or maintained on any State highway unless the State Traffic Commission gives consent and written approval.

⁸⁶ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. CT ST § 14-1(80).

JURISDICTION

DELAWARE

Reference:

Delaware Code Annotated
Code of Delaware Regulations (DE ADC)

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 and without having regard to the actual and potential hazards then existing. Speed shall be so controlled as to avoid a collision. DE ST Title 21 §4168(a).
II. The driver of every vehicle shall drive at an appropriate speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. DE ST Title 21 § 4168(b).

Statutory Speed Limit:

65 mph on “all portions of Delaware State Route 1 located between the Red Lion Creek and the Appoquinimink River;”⁸⁷
55 mph on four-lane roadways and divided roadways;
50 mph on two-lane roadways;
25 mph in any business or residential district;
20 mph at school crossings where signs are in effect during specific time periods. DE ST Title 21 §4169(a), (d).

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.⁸⁸
DE ST 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 Safety and Homeland Security. DE ST 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.
DE ST 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.
DE ST Title 21 §4114(b).

Posted (Minimum) Speed Limit:

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

Other:

No person shall exceed the maximum posted speed limit which has

⁸⁷ Any speed in excess of this limit is “absolute evidence” that the speed is “not reasonable or prudent and that it is unlawful.” DE ST Title 21 § 4169(d).

⁸⁸ This includes the establishment of different highway speed limits for different types of vehicles, different times of the day, various weather conditions, or for other factors bearing on safe speeds. DE ST Title 21 § 4169(b).

been established for any bridge or elevated structure.
DE ST Title 21 §4173(a).

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On public roads where the maximum speed limit is 35 mph.
DE ST Title 21 § 2113A.
25 mph DE ST Title 21 § 2113A.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanor DE ST Title 21 § 4102.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

I. Sanctions for Violating Speed Rules:

First offense –Not less than **\$25** or more than **\$75**;

Subsequent offense (within 12 months) – Not less than **\$57.50** or more than **\$95**. DE ST Title 21 § 4205(a).

II. Sanctions for Violating Maximum or Posted Maximum Speed Limits: (DE ST Title 21 §4169 Violations):

First offense - **\$20**;

Subsequent offense (within 24 months) - **\$25**.

DE ST Title 21 § 4169(c)(1).

Mandatory Minimum Term / Fine:

The base terms listed above are mandatory minimums.

Other Penalties:

Traffic School:

There are no provisions for requiring traffic school for basic speed violations.

Other:

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

I. Exceeding the speed limit by more than 5 mph but less than 16 mph:

First offense - **\$1** per mile over the speed limit;

Subsequent offense - **\$2** per mile over the speed limit.

II. Exceeding the speed limit by more than 15 mph but less than 20 mph:

First offense - **\$2** per mile over the speed limit;

Subsequent offense - **\$3** per mile over the speed limit.

III. Exceeding the speed limit by more than 19 mph:

First offense - **\$3** per mile over the speed limit;

Subsequent offense - **\$4** per mile over the speed limit.

DE ST Title 21 § 4169(c).

Licensing Action:

Type (Suspension / Revocation): **Suspension.**⁸⁹ DE ST Title 21 §302; DE ST Title 21 § 2733.⁹⁰

Term of License Suspension /
Revocation: Not more than **1 year**. DE ST Title 21 § 2733(e).

Mandatory Term: The suspensions under the point system or for excessive speeding appear to be mandatory.

Other Criminal Actions Related to Speeding:

Racing on Highway:⁹¹ **Misdemeanor** DE ST Title 21 § 4102; DE ST Title 21 § 4172.

Sanctions:

Imprisonment Term / Fine: First offense – Not less than **10 days** or more than **30 days** and/or a fine of not less than **\$25** or more than **\$200**;
Subsequent offense – Not less than **15** or more than **60 days** and/or a fine of not less than **\$50** or more than **\$400**. DE ST Title 21 §4172(d).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension**. DE ST Title 21 §4172(d)

Term of License Suspension /
Revocation: First offense – Not more than **6 months**;
Subsequent offense – **1 year**. DE ST Title 21 §4172(d).

Mandatory Term: First offense — **1 month**.⁹² 2 DE ADC 2208-4.0;
Subsequent offense – **1 year**. DE ST Title 21 §4172(d);
2 DE ADC 2208-4.0.

Other: **2 points** assessed against driver's license. 2 DE ADC 2208-4.0.

⁸⁹ **Point System:** I. The following points are assigned for speeding and speed-related violations: **1-9 mph** over the speed limit = **2 points**; **10-14 mph** over the limit = **4 points**; **15-19 mph** over the limit = **5 points**; **20 mph or greater** over the speed limit = **5 points (additional actions may be taken, including suspension)**; **reckless driving = 6 points**; **aggressive driving = 6 points (additional actions may be taken, including suspension)**; **other moving violations = 2 points**. **II.** A violation of **1-14 mph** over the speed limit will not be assessed points on the first violation within any 3 year period if the ticket is paid through the Voluntary Assessment Center. A licensee who satisfactorily completes a defensive driving course shall have a 3-point credit. **III.** The following point accumulations shall result in the following suspension periods: **12 points = 2 months** (however this 2-month suspension will be imposed *only* if the driver fails to complete a "behavior modification/attitudinal driving course" within 90 days after notification); **14 points = 4 months**; **16 points = 6 months**; **18 points = 8 months**; **20 points = 10 months**; **22 points = 12 months**. In order to become eligible for reinstatement, the driver must have completed a "behavior modification/attitudinal driving course" within the previous 2 years as of the time of reinstatement. **IV. Additional suspensions:** (1) a conviction of **25 mph** over the speed limit = **1 month suspension**. The suspension period shall increase by 1 month for each additional 5 mile per hour over the 25 mph threshold. However, if the driver was driving 25-29 mph over the speed limit, he/she may elect to attend the driving course in lieu of a license suspension. (2) a conviction of driving **50 mph or more** over the speed limit or driving **100 mph or more = 1 year suspension**. 2 DE ADC 2208-4.0.

⁹⁰ The Department of Safety and Homeland Security may suspend a person's license based on whether such person is a habitual reckless or negligent driver. DE ST Title 21 § 2733(a)(4).

⁹¹ DE ST Title 21 § 4172(a) prohibits a person from racing, speed competitions, speed contests, drag racing or acceleration contests, etc. DE ST 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.

⁹² In the case of a wheel-spinning offense, there is no licensing sanction for a first offense. However, the mandatory year suspension applies for subsequent wheel-spinning offenses. 2 DE ADC 2208-4.0.

Malicious Mischief: ⁹³	Misdemeanor DE ST Title 21 § 4102; DE ST Title 21 § 4172A.
<u>Sanctions:</u> Imprisonment Term / Fine:	<p>I. Vehicle Operator: <u>First offense</u> – Not less than 10 days or more than 30 days and/or not less than \$25 or more than \$200; <u>Subsequent offense</u> – Not less than 15 days or more than 60 days and/or not less than \$50 or more than \$400.</p> <p>II. Vehicle Owner (who permits such act): <u>First offense</u> – Not less than 10 days or more than 30 days and/or not less than \$28.75 or more than \$230; <u>Subsequent offense</u> – Not less than 15 days or more than 60 days and/or not less than \$57.50 or more than \$460. DE ST Title 21 § 4172A(c), (d).</p>
Mandatory Minimum Term / Fine:	The base terms above are mandatory minimums.
<u>Licensing Action:</u> Type (Suspension / Revocation):	Suspension DE ST Title 21 § 4172A; 2 DE ADC 2208-4.0.
Term of License Suspension / Revocation:	<p><u>First offense</u> – Not more than 6 months; <u>Subsequent offense</u> – 1 year. DE ST Title 21 § 4172A.</p>
Mandatory Term:	<p><u>First offense</u> – 1 month; <u>Subsequent offense</u> – 1 year. DE ST Title 21 § 4172A; 2 DE ADC 2208-4.0.</p>
Other:	2 points assessed against driver’s license. 2 DE ADC 2208-4.0.
Reckless Driving: ⁹⁴	Misdemeanor. DE ST Title 21§ 4102; DE ST Title 21§ 4175(a).
<u>Sanctions:</u> Imprisonment Term / Fine:	<p><u>First offense</u> – Not less than 10 days or more than 30 days and/or not less than \$100 or more than \$300; <u>Subsequent offense</u> (within 3 years) – Not less than 30 days or more than 60 days and/or not less than \$300 or more than \$600. DE ST Title 21 § 4175(b).</p>
Mandatory Minimum Term / Fine:	<p><u>First offense</u> – \$100; (DE ST Title 21 § 4175(b)); <u>Subsequent offense</u> (within 3 years) – 30 days / \$300. DE ST Title 21 §4175(b).</p>

⁹³ A person who operates a motor vehicle in such a manner as to cause willful, wanton or reckless damage to or destruction of property owned by another person, party, company or corporation may be found guilty of malicious mischief by motor vehicle. DE ST Title 21 § 4172A.

⁹⁴ A person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property may be found guilty of reckless driving. DE ST Title 21 § 4175.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system.

Term of License Suspension / Revocation: Not more than **1 year**.

Mandatory Term: If the license is suspended, the term is mandatory.

Other: **6 points** assessed against driver’s license. 2 DE ADC 2208-4.0.

Aggressive Driving:⁹⁵ **Misdemeanor** DE ST Title 21§ 4102; DE ST Title 21§ 4175A.

Sanctions:

Imprisonment Term / Fine: First offense – Not less than **10** or more than **30 days** and/or not less than **\$100** or more than **\$300**;
Subsequent offense (within 3 years) – Not less than **30 days** or more than **60 days** and/or not less than **\$300** or more than **\$1,000**. DE ST Title 21 §4175A(c).

Mandatory Minimum Term / Fine: The base terms are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension** by statute, and by the point system. DE ST Title 21 § 4175A(c).

Term of License Suspension / Revocation: Not more than **1 year**. DE ST Title 21§ 2733(e); DE ST Title 21§ 4175A(c).

Mandatory Term: **30 days**. DE ST Title 21 § 4175A(c).

Other: I. An offender must complete a course of instruction on behavioral modification or attitudinal driving. DE ST Title 21 §4175A(d);
 II. An aggressive driving law violator may also be prosecuted for and convicted of the underling offenses. DE ST Title 21 §4175A(e);
 III. **6 points** assessed against driver’s license. 2 DE ADC 2208-4.0.

Careless⁹⁶ **or Inattentive Driving:**⁹⁷

Sanctions:

Imprisonment Term / Fine: First offense – Not less than **\$25** or more than **\$75**;
Subsequent offense (within 3 years) – Not less **\$50** or more than **\$95**.

⁹⁵ 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 (DE ST Title 21 § 4107); (2) failing to obey traffic-control signals (DE ST Title 21 § 4108); (3) overtaking on the right (DE ST Title 21 § 4117); (4) failing to drive within a marked lane for traffic (DE ST Title 21 § 4122); (5) following too closely (DE ST Title 21 § 4123); (6) failing to yield the right-of-way to approaching traffic when turning left (DE ST Title 21 § 4132); (7) failing to yield to approaching traffic when entering or crossing a roadway (DE ST Title 21 § 4133); (8) failing to signal when turning or stopping (DE ST Title 21 § 4155); (9) failing to stop at stop signs or yield at yield signs (DE ST Title 21 §4164); (10) overtaking and passing a stopped school bus with flashing lights (DE ST Title 21 § 4166(d)); (11) failing to obey the basic speed rule (DE ST Title 21 § 4168); (12) and, failing to obey a posted speed limit (DE ST Title 21 § 4169). DE ST Title 21 § 4175A(b).

⁹⁶ Careless Driving: Operating “a vehicle in a careless or imprudent manner, or without due regard for road, weather and traffic conditions then existing....” DE ST Title 21 § 4176(a).

⁹⁷ 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.” DE ST Title 21 § 4176(b).

DE ST Title 21 §4176(c).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system.

Term of License Suspension / Revocation: Not more than **1 year**. DE ST Title 21 § 2733(e).

Mandatory Term: N/A

Other: **2 points** assessed to driver’s license. 2 DE ADC 2208-4.0.

Automated Speed Enforcement:

No by S.P. Delaware law only permits local governments to use traffic light signal violation monitoring systems (red light cameras). Local governments may enact rules or regulations only when expressly authorized by law. There are no statutory provisions permitting State or local use of speed cameras. DE ST Title 21 § 4101.

Limitations of Use of Speed Measurement Devices:

No statutory provisions. However, by reference, speed measurement devices are permitted. DE ST Title 21 § 701(procedures involving arrest without a warrant for speed violations)

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is subject to CDL disqualification if, while driving a CMV, that person commits 2 “serious traffic violations”⁹⁸ within a 3-year period or 3 such violations within a 3-year period. DE ST Title 21§2612(e).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
DE ST Title 21§2612(e).

⁹⁸ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. DE ST Title 21 § 2603(41); 49 CFR 383.5.

JURISDICTION

DISTRICT OF COLUMBIA

Reference:

D.C. Code
Weil’s Code of D.C. Municipal Regulations (CDCR)

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 and having regard to the actual and potential hazards then existing; DC ST §50-2201.04(a); 18 DCMR 2200.3.
II. Speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street or highway in compliance with the legal requirements and the duty of all persons to use due care. 18 DCMR 2200.4.

Statutory Speed Limit:

25 mph on all streets and highways unless otherwise designated; 18 DCMR 2200.6.
15 mph in alleys; 18 DCMR 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. 18 DCMR 2200.8; 18 DCMR 2200.9.

Posted (Maximum) Speed Limit:

Based upon engineering and traffic investigations, the statutory speed limits may be increased or decreased on any highway, depending on weather conditions, hours of daylight or darkness, or at such other times as may be determined. DC ST §50-2201.03; 18 DCMR 2200.2.

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. 18 DCMR 2200.10.
II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 18 DCMR 2201.2.

Posted (Minimum) Speed Limit:

None

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):

Yes. On public roads in which such vehicle would not impede or block the normal and reasonable movement of traffic.

Maximum Speed Permitted:

25 mph 18 DCMR 9901.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Except as noted under Miscellaneous Sanctions, and where an offense constitutes reckless driving, all speed law violations are subject to a civil fine. DC ST §50-2201.04; 18 DCMR 2200.11.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Violation of Basic Speed Rule (unreasonable speed) - **\$100.**
Violation of the Minimum Speed Rule (Driving at Such a Slow Speed

as to Impede or Block Traffic) - **\$50**.
 Speed Limit Violations - **\$75 to \$250**. The fine imposed depends upon either the extent or type of the speeding offense.⁹⁹
 18 DCMR2600.1.

Mandatory Minimum Term / Fine: The fines set appear to be mandatory.

Other Penalties:

Traffic School: None

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** via the point system.¹⁰⁰
 DC ST § 50-1403.01; 18 DCMR303.

Term of License Suspension / Revocation:

I. **Suspension** may be from **2 to 90 days** depending upon the seriousness of the offense.
 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.
 III. **Revocation** (made mandatory by law) – **6 months** for first offense; **1 year** for second offense; **2 years** for third or subsequent offenses.
 18 DCMR306.

Mandatory Term: The terms above are mandatory.

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**. DC ST §50-2302.03(a).

Other Criminal Actions Related to Speeding:

Exceeding Speed Limit by 30 mph: 18 DCMR2200.12.

Sanctions:

Imprisonment Term / Fine: Imprisonment for not more than **90 days** or a fine of not more than **\$300**. 18 DCMR2200.12.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** DC ST §50-1403.01; 18 DCMR302.3.

⁹⁹ The following fines may be imposed: **up to 10 mph** over speed limit = **\$75**; **11-15 mph** over limit = **\$125**; **16-20 mph** over limit = **\$150**; **21-25 mph** over limit = **\$200**; **more than 25 mph** over limit = **\$250**. 18 DCMR 2600.1.

¹⁰⁰ I. The following points are assigned to speed violations: **speeding 11-15 mph over limit = 3 points; 16-20 mph over limit = 4 points; 21 mph or more over limit = 5 points; reckless driving = 12 points**. II. Accumulation of **8 points** = Director may order suspension; accumulation of **10 points** = Director shall order suspension; **accumulation of 12 points** = Director shall order revocation. III. Points assessed against a person shall be deleted 2 years after the date of assessment. 18 DCMR 301; 18 DCMR 303.

Term of License Suspension /
Revocation:

I. **Suspension – 2 to 90 days** depending upon the seriousness of the offense.

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.

III. **5 points** are assessed against a person's driving record.
18 DCMR303.

Mandatory Term:

The terms above appear to be mandatory.

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. DC ST §4-516(a).

Reckless Driving:¹⁰¹

DC ST § 50-2201.04.

Sanctions:

Imprisonment Term / Fine:

First offense – Not more than **3 months** and/or not more than **\$500**;
Second offense (within 2 years) – Not more than **1 year** and/or not more than **\$1,000**;

Third or subsequent offense (within 2 years of the first offense) – Not more than **1 year** and/or not more than **\$3,000**.

DC ST § 50-2201.04(c).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Revocation DC ST § 50-1403.01; 18 DCMR301.1(d).

Term of License Suspension /
Revocation:

First offense– **6 months**;

Second offense – **1 year**;

Third or subsequent offense – **2 years**; DC ST § 50-1403.01(b);
18 DCMR306.5.

Mandatory Term:

The terms above appear to be mandatory.

Other:

I. **Points.** A person is also assessed **12 points** against the driving record. 18 DCMR303.2(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.

DC ST §50-1301.37(a); DC ST § 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. DC ST §4-516(a).

¹⁰¹ Any person who drives any vehicle upon a highway carelessly and heedlessly in willful or 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, shall be guilty of reckless driving. DC ST § 50-2201.04.

Inattentive Driving:¹⁰² 18 DCMR2213.4.

Sanctions:

Imprisonment Term / Fine: A fine of **\$25**. 18 DCMR2600.1.

Mandatory Minimum Term / Fine: The fine listed above appears to be mandatory.

Licensing Action:

Type (Suspension / Revocation): **Suspension** if enough points are accumulated. **2 points** are assessed against a driver’s record. 18 DCMR303.1.

Automated Speed Enforcement:

Yes by S.P. Automated traffic enforcement systems may be used to detect moving infractions. DC ST § 50-2209.01.

Limitations of Use of Speed Measurement Devices:

No statutory provisions. By implication, the use of speed measurement devices is permitted. See *Watson v. U.S.*, 43 A.3d 276 (D.C. 2012) (discussing the officer’s use of a laser radar detection gun); 18 DCMR 736 (prohibiting the use of radar detectors and jammers).

Commercial Motor Vehicle (CMV)

Operators:

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”¹⁰³ within a 3-year period. DC ST § 50-406(a)(4); 18 DCMR1306.1(m); 18 DCMR1306.2.

Period of Disqualification:¹⁰⁴ Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
18 DCMR1306.9.

¹⁰² **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.” 18 DCMR 2213.4.

¹⁰³ The term “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. 18 DCMR 1306.2.

¹⁰⁴ Under DC ST § 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

Reference:

Florida 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 and having regard to the actual and potential hazards then existing.
 II. Speed shall be controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance or object entering the highway in compliance with legal requirements and the duty of all persons to use due care.
 III. The driver of every vehicle shall drive at an appropriately reduced speed when: (1) approaching and crossing an intersection or railway grade crossing; (2) approaching and going around a curve; (3) approaching a hill crest; (4) traveling upon any narrow or winding roadway; and (5) any special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
 FL ST § 316.183(1), (4).

Statutory Speed Limit:

70 mph on limited access highways; (FL ST §316.187(2)(a));
55 mph in all locations except as noted; (FL ST §316.183(2));
65 mph on a highway outside an urban area of 5,000 or more persons and which has four lanes divided by a median strip (FL ST § 316.187(2)(b));
30 mph in business and residence districts. (FL ST §316.183(2); FL ST § 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. However, the State cannot establish a speed limit greater than 70 mph and local jurisdictions cannot establish a maximum speed limit greater than 60 mph.
 FL ST § 316.187(1), (2)(c); FL ST § 316.189(1), (2)(b).
 II. Under separate statutory authority, the State Department of Transportation or a local government may reduce the speed limits otherwise proscribed by law on any highway (or part thereof) or bridge. Such action must be based on the need to avoid damage to such highway or bridge due to either its design or to weather-related conditions. FL ST § 316.555.

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.
 FL ST §316.183(5).
 II. The minimum speed limit on Interstate and Defense Highways with at least 4 lanes is 40 mph. However, when the post speed limit is 70 mph, the minimum speed limit is 50 mph. FL ST §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.
 FL ST §316.081(2).

Posted (Minimum) Speed Limit: After engineering and traffic investigations, the State or local governments (within their jurisdictions) may establish a minimum speed limit for a highway. FL ST §316.187(2)(c); FL ST § 316.189(3). **Note:** “Specified traffic” may be directed to use designated lanes. FL ST §316.089(3).

Other: I. No school bus shall exceed the posted speed limit, or 55 mph. FL ST §316.183(3).¹⁰⁵
 II. No person shall exceed the posted speed limit in a work zone. FL ST §316.183(6).
 III. No person shall exceed the posted speed limit in a school zone. FL ST §316.1895(10).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a maximum speed limit of 35 mph. FL ST § 316.2122.
 Maximum Speed Permitted: **25 mph** FL ST § 320.01(42).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Non-criminal traffic infraction / moving violation.** FL ST § 316.183(7); FL ST § 316.187(3), FL ST § 316.189(4), FL ST § 316.1895(10), FL ST § 316.655(1), FL ST § 318.13(3); FL ST § 318.14(1).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: I. Exceeding the Speed Limit where the offense is not adjudicated – **Fine - \$25 to \$250** (depending upon the extent of the violation).¹⁰⁶ FL ST §318.18(3)(b).
 II. Other moving violations where the offense is not adjudicated – **Fine - \$60.** FL ST §318.18(3)(a).
 III. Any speed law violation where the offender elects adjudication – 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. FL ST §318.14(5).

Mandatory Minimum Term / Fine: The established fines appear to be mandatory minimums.

Other Penalties:

Traffic School: A person may be required to attend a driver improvement school. FL ST § 318.14(5), (9).

¹⁰⁵ Effective January 1, 2013, the law will change so that no school bus may exceed the posted speed limits at any time.

¹⁰⁶ Speeding fines: **1-5 mph** over the speed limit = **warning**; **6-9 mph** over the limit = **\$25**; **10-14 mph** over the limit = **\$100**; **15-19 mph** over the limit = **\$150**; **20-29 mph** over the limit = **\$175**; **30 mph or more** over the limit = **\$250**; speeding by **up to 5 mph** in a legally posted school zone = **\$50**; exceeding the speed limit in a school zone (over 5 mph) = **double** the standard fine; exceeding the speed limit in a construction zone with posted signs (of speed limit and doubling of fines) and only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction = **double** the standard fine. FL ST § 318.18(3)(b).

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system or ¹⁰⁷ **Suspension/Revocation** by the courts.¹⁰⁸ FL ST §316.655(2); FL ST § 322.27(3).

Term of License Suspension / Revocation: **30 days to 1 year** depending upon the number of points accumulated. FL ST §322.27(3)(a),(b), (c).

Mandatory Term: **30 days**

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. FL ST §316.027(4); FL ST § 318.14(1).

Other Criminal Actions Related to Speeding:

Racing on Highway:¹⁰⁹ **Misdemeanor in the First Degree.** FL ST §316.191(3).

Drag Race Spectator: **Traffic Infraction/Moving Violation.** FL ST § 316.191(4).

Sanctions:

Imprisonment Term / Fine: **I. Racing: First offense** – Not more than **1 year** and not less than **\$500** or more than **\$1,000**;
Second offense(within 5 years) – Not more than **1 year** and not less than **\$1,000** or more than **\$3,000**;
Third or subsequent offense (within 5 years) – Not more than **1 year** and not less than **\$2,000** or more than **\$5,000**. FL ST § 316.191; FL ST § 775.082(4); FL ST § 775.083(1).

II. Spectator: A fine of **\$60**. FL ST § 316.191(4); FL ST § 318.18(3)(a).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Revocation** by the courts. FL ST § 316.191(3)(a); FL ST § 316.655(2).

Term of License Suspension / Revocation: **I. Racing:**
First offense – **Revocation for 1 year**;
Second offense (within 5 years) – **Revocation for 2 years**;
Third or subsequent offense (within 5 years) – **Revocation for 4years**. FL ST § 316.191(3).

¹⁰⁷ **Point System:** 12 points in a 12-month period = not more than **30 days**; 18 points within an 18-month period = not more than **3 months**; 24 points within a 36-month period = not more than **1 year**. FL ST § 322.27(3). The following offenses are assigned specific points: reckless driving, willful and wanton= **4 points**; unlawful speed resulting in crash= **6 points**; unlawful speed not in excess of 15 mph of lawful/posted speed= **3 points**; unlawful speed in excess of 15 mph = **4 points**.

¹⁰⁸ In determining whether to suspend or revoke a driver’s license, the court shall look at the totality of the circumstances resulting in conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the State. The court shall consider the following factors: (1) extent and nature of the driver’s violation; (2) the number of persons killed or injured as a result of the driver’s violation; and (3) the extent of property damage resulting from the driver’s violation. Additionally, beginning January 1, 2013, an accident shall be a condition to such suspension or revocation. FL ST § 316.655(2).

¹⁰⁹ “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. FL ST § 316.191(2)(a).

Mandatory Term:	The base terms for racing above are mandatory.
Other:	I. A person may be required to attend a driver improvement school. FL ST § 318.14(5), (9). II. If the offense caused the death of another person, the offender may be required to perform 120 hours of community service. FL ST § 318.14(1). III. The court may impound or immobilize the vehicle used in the offense. FL ST §316.191(5).
Reckless Driving: ¹¹⁰	Misdemeanor (Moving Violation). FL ST § 316.192; FL ST § 316.655(1); FL ST § 318.13(3); FL ST § 775.08(2); FL ST § 775.081(2). The law is not clear as to whether this is a first or second degree misdemeanor.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<u>First offense</u> – Not more than 90 days and/or a fine of not less than \$25 or more than \$500 ; <u>Subsequent offense</u> – Not more than 6 months and/or a fine of not less than \$50 or more than \$1,000 . FL ST § 316.192(2)(a), (b).
Mandatory Minimum Term / Fine:	The fines appear to be mandatory minimums.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension through the point system or Suspension/Revocation by the courts. FL ST § 316.655(2); FL ST § 322.27(3). <u>Third offense</u> (within 12 months)– Revocation . FL ST § 322.26(6).
Term of License Suspension / Revocation:	30 days to 1 year depending upon the number of points accumulated. FL ST § 322.27(3)(a), (b), (c). <u>Third offense</u> – 1 year . FL ST § 322.28(1).
Mandatory Term:	None
Other:	I. <u>First or subsequent offense</u> – A fee of \$5 is imposed for the purpose of funding the Emergency Medical Services Trust Fund. FL ST § 316.192(4). II. 4 points assessed against driving record. FL ST § 322.27.
Careless Driving: ¹¹¹	Infraction / Moving Violation . FL ST § 316.1925;

¹¹⁰ I. Reckless driving – damage to person or property of another = first degree misdemeanor. 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. FL ST § 316.192(3)(c)(1); FL ST § 775.082(4)(a) ; FL ST § 775.083(1)(d). II. Reckless driving – serious bodily injury to another person = third degree felony. 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. FL ST § 316.192(3)(c)(2); FL ST § 775.082(3)(d); FL ST § 775.083(1)(c).

¹¹¹ 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.” FL ST § 316.1925(1). “Aggressive careless driving” means committing 2 or more of the following acts simultaneously or in succession: (1) exceeding the posted speed limit (FL ST § 322.23(3)(3)); (2) unsafely or improperly changing lanes (FL ST § 316.085); (3) following another vehicle too closely (FL ST § 316.0895(1)); (4) failing to yield the right-of-way (FL ST § 316.079; FL ST § 316.0815;

FL ST § 316.655(1); FL ST § 318.13(3); FL ST § 318.14(1).

Sanctions:

Imprisonment Term / Fine: I. For Non-Adjudication Offenses – **Fine - \$60.** FL ST § 318.18(3).
II. For Adjudication Offenses – Not more than **\$500.**
FL ST § 318.14(5).

Mandatory Minimum Term / Fine: The \$60 fine appears to be mandatory.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system or **Suspension/Revocation** by the courts. FL ST § 316.655(2); FL ST § 322.27(3).

Term of License Suspension / Revocation: **30 days to 1 year** depending upon the number of points accumulated. FL ST § 322.27(3)(a),(b),(c).

Mandatory Term: **30 days**

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

Exceeding Speed Limit by 50 mph:

Infraction/Moving Violation. FL ST § 316.1926;
FL ST § 316.183(7); FL ST § 316.187; FL ST § 316.189.

Sanctions:

Imprisonment Term / Fine: First offense - **\$250**;
Second or subsequent offense (within 12 months) - **\$500** (statute calls for “double the amount listed in FL ST § 318.18(3)(b)).

Mandatory Minimum Term / Fine: The fines listed above appear to be mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system or **Suspension/Revocation** by the courts. FL ST § 316.655(2); FL ST § 322.27(3).

Term of License Suspension / Revocation: **30 days to 1 year** depending upon the number of points accumulated. FL ST § 322.27(3)(a),(b), (c).

Mandatory Term: **30 days**

Other: A person may be required to attend a driver improvement school. FL ST § 318.14(5), (9).

Automated Speed Enforcement:

No by S.P. By virtue of FL ST § 316.1906, speed cameras or other automated speed enforcement are excluded from use since only devices operated by trained law enforcement are permitted.

FL ST § 316.123); (5) improperly passing (FL ST § 316.083; FL ST § 316.084; FL ST § 316.085); (6) violating traffic control and signal devices (FL ST § 316.074; FL ST § 316.075). FL ST § 316.1923.

Limitations of Use of Speed Measurement Devices:

No limitations. FL ST § 316.1906 defines “radar” as law enforcement speed radar, any laser-based or microwave-based speed-measurement system employed by a law enforcement agency to detect motorists’ speed. This code section permits use of these types of devices.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹¹² within a 3-year period or 3 such violations within a 3-year period.
FL ST § 322.61(1), (2).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**; Three serious violations (within 3 years) – **120 days**. FL ST § 322.61(1), (2).

¹¹² “Serious traffic violations” include reckless driving, careless driving and unlawful speed of 15 mph or more over the posted speed limit. FL ST § 322.61(1).

JURISDICTION

GEORGIA

Reference:

Code of Georgia 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 and having regard for the actual and potential hazards then existing.
 II. Every person shall drive at a reasonable and prudent speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching and traversing 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.
 GA ST § 40-6-180.

Statutory Speed Limit:

70 mph on interstate system or on physically divided highways outside of urban areas with a population of 50,000 or more;
65 mph on the interstate system inside urban areas with a population 50,000 or more or on State divided highways without full access control;
55 mph on other locations;
35 mph on unpaved county road;
30 mph in urban or residential district.
 GA ST §40-6-181(b).

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. Such a maximum speed limit may be declared to be effective at all times as are indicated upon such signs; and differing limits may be established for different times of day, different varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs. In no case shall the maximum speed limit for any highway be established at higher than the maximum speed limits set forth in GA ST § 40-6-181 (above) for that type of highway. GA ST §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. GA ST §40-6-183(a).
 III. The State or local government within its jurisdiction may establish a maximum speed limit in a construction zone. GA ST §40-6-188.
 IV. Based on engineering and traffic investigations, the Department of Transportation may determine the maximum speed of vehicles on any bridge or elevated structure. GA ST § 40-6-185(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.
 GA ST §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. GA ST §40-6-184(a)(2).

III. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. GA ST §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. GA ST §40-6-184(b). **Note:** Traffic-control devices may be erected directing specific traffic (buses, trucks, etc.) to use a designated lane. GA ST § 40-6-48(4).

Other:

I. A school bus shall not be operated at a speed greater than 40 mph on a public road, or greater than 55 mph on interstate/defense highway system while transporting children to and from school activities. GA ST §40-6-160(a).

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

GA ST § 40-6-362.

Maximum Speed Permitted:

25 mph GA ST § 40-1-1(25.1).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanor. GA ST §40-6-1(a).

Other:

Speeding in a Construction Zone is a **misdemeanor of a high and aggravated nature.** GA ST §40-6-188(e).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

I. A fine of up to **\$500** depending on the speed.¹¹³ GA ST § 40-6-1(b).
 II. Speeding in a Construction Zone – Not less than **\$100** or more than **\$2,000** and/or not more than **12 months.** GA ST §40-6-188(e).

Mandatory Minimum Term / Fine:

The base terms listed appear to be mandatory minimums.

Other Penalties:

Traffic School:

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

Licensing Action:

¹¹³ **5 mph or less** over the speed limit = **no fine**; **6-10 mph** over the limit= not more than **\$25**; **11-14 mph** over the limit = not more than **\$100**; **15-18 mph** over the limit = not more than **\$125**; **19-23 mph** over the limit = not more than **\$150**; **24-33 mph** over the limit = not more than **\$500**. GA ST § 40-6-1(b).

Type (Suspension / Revocation):	Suspension through the point system. ¹¹⁴ GA ST §40-5-57(c)(1)(A). Persons Under 21 Years Old: A person under 21 years old who is convicted of a speeding offense with an assigned point value of 4 or more points is subject to suspension. GA ST § 40-5-57.1.
Term of License Suspension / Revocation:	1 to 3 years depending on the number of points accumulated. ¹¹⁵ GA ST §40-5-57(d). Persons Under 21 Years Old: <u>First offense – 6 months;</u> <u>Second or subsequent offense – 12 months.</u> Such person's license cannot be reinstated until that person has completed a defensive driver program. GA ST §40-5-57.1.
Mandatory Term:	120 days for first and second assessments; 6 months & 12 months for persons under 21, as listed above. GA ST § 40-5-57.1; GA ST § 40-5-84.

Other Criminal Actions Related to Speeding:

Racing on Highway: ¹¹⁶	Misdemeanor. GA ST §40-6-186(b), (c).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 12 months in jail and/or a fine of not more than \$1,000 . GA ST §17-10-3(a)(1).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension. GA ST §40-5-54(a)(4); GA ST § 40-6-186(c). Suspension via the point system. GA ST §40-5-57. <u>Persons Under 21 Years Old:</u> Suspension. GA ST §40-5-57.1.
Term of License Suspension / Revocation: ¹¹⁷	I. <u>First offense:</u> 12 months , with eligibility to apply for return of license;

¹¹⁴ Point System: Aggressive driving = 6 points; Reckless driving = 4 points; 14-18 mph over the speed limit = 2 points; 19-23 mph over the limit = 3 points; 24-33 mph over the limit = 4 points; 34 mph or more over the limit = 6 points; all other moving traffic violations which are not speed violations = 3 points. The commissioner shall suspend the driver's license of any person who has accumulated a violation point count of 15 or more points in any consecutive 24 month period, from the date of conviction. At the end of the period of suspension, the violation point count shall be reduced to zero points. GA ST § 40-5-57(c).

¹¹⁵ The following point assessment counts shall result in the following periods of suspension: first assessment = suspension of 1 year; second assessment (within 5 years) = 3 years; third assessment (within 5 years) = 2 years. For the 1st assessment, a driver may apply for the return of his license provided he provides certificate of completion of an approved defense driving course and payment of \$210 (or \$200 if by mail). For the 2nd assessment, a driver may apply for the return of his license upon proof of completion of an *advanced* defense driving course and payment of \$310 (or \$300 if by mail). For the 3rd assessment, a driver may apply for the return of his license upon proof of completion of an advanced defense driving course and payment of \$410 (or \$400 if by mail). GA ST § 40-5-57; GA ST § 40-5-84.

¹¹⁶ 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....” GA ST § 40-6-186(b).

¹¹⁷ 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. GA ST § 40-5-64.

Second or subsequent offense: 12 months, with eligibility to apply for return of license. However payment is \$510 (or \$500 if by mail).

II. Via the point system **1 to 3 years** depending on the number of points that have been accumulated. GA ST §40-5-57.

III. 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. GA ST §40-5-57.1.

Mandatory Term: Mandatory terms apply to person under 21 years old, and person who have had 3 assessments due to point accumulation.

Other: I. A driver may be required to attend a driver improvement course. GA ST § 40-5-57(c)(1)(C).
II. A driver shall be assessed **3 points** against his driving record. GA ST § 40-5-57.

Reckless Driving: **Misdemeanor.** GA ST §40-6-390.

Sanctions:

Imprisonment Term / Fine: Not more than **12 months** and/or not more than **\$1,000**. GA ST §40-6-390(b).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. GA ST §40-5-57.
Persons Under 21 Years Old: **Suspension.** GA ST §40-5-57.1.
Term of License Suspension / **1 to 3 years** depending on the number of points accumulated.
Revocation: GA ST §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. GA ST §40-5-57.1.

Mandatory Term: **2 years** upon reaching the requisite point assessment for the third time within 5 years. GA ST § 40-5-57(d).

Persons Under 21 Years Old:

First offense – 6 months;

Second or subsequent offense – 12 months. GA ST §40-5-57.1.

Other: I. A driver may be required to attend a driver improvement course. GA ST § 40-5-57(c)(1)(C).
II. A driver shall be assessed **4 points** against his driving record. GA ST § 40-5-57.

“Laying Drags”:¹¹⁸

Sanctions:

Imprisonment Term / Fine: **Misdemeanor.** GA ST §40-6-251(a), (d).
Not more than **12 months** in jail and/or a fine of not more than **\$1,000**.
GA ST § 17-10-3(a)(1).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** via the point system. GA ST §40-5-57.

Term of License Suspension /
Revocation: **1 to 3 years** depending on the number of points accumulated.
GA ST §40-5-57(d).

Mandatory Term: **Two years** upon reaching the requisite point assessment for the third time within 5 years. GA ST § 40-5-57(d).

Other: I. A driver may be required to attend a driver improvement course.
GA ST § 40-5-57(c)(1)(C).
II. A driver shall be assessed **3 points** against his driving record.
GA ST §40-5-57.

Aggressive Driving:¹¹⁹

Misdemeanor of a high and aggravated nature.

GA ST §40-6-397(a), (b).

Sanctions:

Imprisonment Term / Fine: Not more than **12 months** and/or not more than **\$5,000**.
GA ST § 17-10-4(a).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. GA ST §40-5-57.

Term of License Suspension /
Revocation: **1 to 3 years** depending on the number of points accumulated.
GA ST §40-5-57(d).

Mandatory Term: **Two years** upon reaching the requisite point assessment for the third time within 5 years. GA ST § 40-5-57(d).

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

¹¹⁸ No driver of any motor vehicle shall operate the vehicle upon the public streets, highways, public or private driveways, airport runways, or parking lots 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, except to avoid a collision or injury or damage. GA ST § 40-6-251.

¹¹⁹ 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 GA ST § 40-6-42 (overtaking and passing); GA ST § 40-6-48 (driving on roadways laned for traffic); GA ST § 40-6-49 (following too closely); GA ST § 40-6-123 (turning movements; signals required on turning; changing lanes, slowing or stopping); GA ST § 40-6-184 (impeding traffic; minimum speed in left-hand lanes); GA ST § 40-6-312 (operating motorcycle on roadway laned for traffic); or GA ST § 40-6-390 (reckless driving) with such intent. A person commits aggressive driving when he or she intentionally fails to provide a four-foot safety margin when passing bicyclists or pedestrians.” GA ST § 40-6-397(a).

II. A person shall have **6 points** assessed against his driving record. GA ST §40-5-57(c)(1)(C).

Automated Speed Enforcement:

No by S.P. Speed detection devices (which include only laser or radar-type devices) are conditionally permitted. Speed detection devices do not include speed cameras or photo radar. GA ADC 464-10-.01.

Limitations of Speed Measurement Devices:

No. LASER, RADAR, VASCAR, and electronic digital speed computer timing devices are permitted. GA ST § 40-14-17; GA ADC 464-10-.01.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

I. A person is disqualified from operating a CMV if, while driving such a vehicle, that person commits 2 “serious traffic violations”¹²⁰ within a 3-year period or 3 such violations within a 3-year period. GA ST §40-5-151(f).

II. A person is disqualified from operating a CMV if that person is convicted of a major traffic violation.¹²¹ GA ST § 40-5-151(a).

Period of Disqualification:

I. Serious traffic violations:

Two serious violations (within 3 years) – Not less than **60 days**;

Three serious violations (within 3 years) – Not less than **120 days**.

GA ST §40-5-151(f).

II. Major traffic violations:

First conviction – Not less than **1 year**, or a period of **3 years** (if vehicle is transporting hazardous material required to be placarded);

Second or subsequent conviction – **Life**.

GA ST § 40-5-151(a), (b), (c).

¹²⁰ A “serious traffic violation” includes speeding 15 mph or more over the speed limit and reckless driving. GA ST § 40-5-142(22).

¹²¹ A “major traffic violation” includes racing. GA ST § 40-5-142(18.2).

JURISDICTION

HAWAII

Reference:

Hawai'i Revised 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 and having regard to the actual and potential hazards and conditions then existing.

II. 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. HI ST §291C-101.

Statutory Speed Limit:

There are no statutory speed limit provisions listing specific speed limits. However, no person shall drive a motor vehicle at a speed exceeding “the applicable State or county speed limit”¹²² by **30 mph or more, or 80 mph or more** irrespective of the applicable State or county speed limit. HI ST § 291C-105(a)(1).

Posted (Maximum) Speed Limit:

I. The Director of Transportation and the counties, in their respective jurisdictions, shall establish maximum speed limits for school zones and construction areas and shall require the owner, general contractor, or other person responsible for construction to provide proper signs in construction areas. The Director of Transportation shall place official signs in school zones. Signs posted shall be plainly visible at all times under ordinary traffic conditions. HI ST § 291C-104(b).

II. Local governments may establish maximum speed limits on streets or highways under their jurisdiction.
HI ST §291C-163.

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a speed less than the minimum speed limit. HI ST § 291C-102(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.
HI ST §291C-41(b).

Posted (Minimum) Speed Limit:

I. The Director of Transportation may place signs establishing the minimum speed limit on any highway. HI ST § 291C-102.

II. Local governments may establish minimum speed limits on streets and highways under their jurisdiction. HI ST §291C-163.

¹²² “The applicable State or county speed limit” means: (1) the maximum speed limit established by county ordinance; (2) the maximum speed limit established by official signs placed by the director of transportation on highways under the director's jurisdiction; or (3) the maximum speed limit established pursuant to HI ST § 291C-104 by the director of transportation or the counties for school zones and construction areas in their respective jurisdictions. HI ST § 291C-105(b).

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On a public road with a speed limit of no greater than 35 mph.
HI ST § 291C-130.
25 mph 49 CFR 571.3.

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication:

Traffic infraction/violation. HI ST § 291C-161(a); HI ST § 291D-2;
HI ST § 701-107(5).

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine:

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**.
HI ST § 291C-161(b); HI ST § 291D-9(a), (b).

Mandatory Minimum Term / Fine:

None

Other Penalties:

Traffic School:

A person may be required to attend a driver training course.
HI ST § 291C-161(f).

Other:

Violators shall be assessed a surcharge of **\$25**. If, however, the limit was exceeded by more than 10 mph, an additional surcharge of **\$10** is imposed. HI ST §291C-102(b), (c).

Licensing Action:

Type (Suspension / Revocation):

Court-Ordered **Suspension** or **Revocation**. HI ST § 286-125;
HI ST § 291C-170.

Term of License Suspension /
Revocation:

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

Mandatory Term:

None. Licensing action is discretionary. HI ST §286-125;
HI ST § 286-128(b); HI ST § 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. HI ST §291D-12(4).

Other Criminal Actions Related to Speeding:

Racing on Highway:¹²³

Misdemeanor Infraction HI ST §291C-103; HI ST § 291D-2;

¹²³ 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, and no person shall in any manner participate in any race, competition, contest, test, or exhibition prohibited by this section. "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a 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 the vehicle or vehicles within a certain distance or time limit. "Racing" means the use of one or more vehicles in an attempt to outgain,

Exhibition of Speed/ Acceleration: ¹²⁴	HI ST § 701-107.
Sanctions:	
Imprisonment Term / Fine:	Racing: Not more than 6 months and/or a fine of not more than \$500 . HI ST § 291C-103(e). Racing & 30 mph above limit: Not more than 1 year and/or a fine of not more than \$2,000 , plus a surcharge of up to \$100 for the trauma system special fund. HI ST § 291C-103(f). Exhibition of speed: Not more than \$500 and/or a sentence of community service. HI ST § 291C-103(e).
Mandatory Minimum Term / Fine:	None
Licensing Action:	
Type (Suspension / Revocation):	Court-Ordered Suspension or Revocation via HI ST § 286-125; HI ST § 291C-103; HI ST § 291C-170.
Term of License Suspension / Revocation:	I. Under HI ST § 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 HI ST § 291C-170, the court is authorized to suspend or revoke a license for 1 year. III. For a racing (30 mph above limit) violation, a 1 year suspension shall apply for a second conviction within 5 years; and a 3 year suspension for a third or subsequent conviction within 5 years. HI ST § 291C-103(f).
Mandatory Term:	Licensing action is discretionary for racing and exhibition of speed. HI ST § 286-125; HI ST § 291C-170. However suspension is mandatory (as listed above) for racing & 30 mph or greater over the limit. HI ST § 291C-103(f).
Other:	I. A person may be required to attend a driver-training course. HI ST § 291C-161(e). II. Any offender who exceeds a speed limit by 30 mph or more is also subject to forfeiture of the vehicle used in addition to license suspension, fine and jail, as listed above. HI ST § 291C-103(f). III. A surcharge of up to \$100 may be ordered. HI ST § 291C-103(f)(3).
Reckless Driving: ¹²⁵	Petty misdemeanor. HI ST § 291-2; HI ST § 701-107(4).
Sanctions:	
Imprisonment Term / Fine:	Not more than \$1,000 and/or not more than 30 days ; HI ST § 291-2.
Mandatory Minimum Term / Fine:	None

outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes. HI ST §291C-103.

¹²⁴ "Exhibition of speed or acceleration" means the sudden acceleration of a vehicle resulting in the screeching of the vehicle's tires which is done to intentionally draw the attention of persons present toward the vehicle. HI ST §291C-103.

¹²⁵ Whoever operates any vehicle recklessly in disregard of the safety of persons or property is guilty of reckless driving of vehicle. HI ST § 291-2.

<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Court-Ordered Suspension or Revocation . HI ST § 286-125; HI ST § 291C-170.
Term of License Suspension / Revocation:	I. Under HI ST §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 HI ST §291C-170, the court is authorized to either suspend or revoke a license for 1 year.
Mandatory Term:	None . Licensing action is discretionary. HI ST §286-125; HI ST § 286-128(b); HI ST § 291C-170.
Inattention to Driving: ¹²⁶	Petty misdemeanor . HI ST § 291-12; HI ST § 701-107(4).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 30 days and/or a fine of not more than \$500 .
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Court-Ordered Suspension or Revocation via HI ST § 286-125; HI ST § 291C-170.
Term of License Suspension / Revocation:	I. Under HI ST § 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 HI ST § 291C-170, the court is authorized to either suspend or revoke a license for 1 year.
Mandatory Term:	Revocation – 1 year . HI ST § 286-126.
Other:	I. A person may be required to attend a driver-training course. HI ST § 291C-161(e). II. A surcharge of up to \$100 may be ordered. HI ST § 291-12.
Excessive Speeding:	Petty misdemeanor . HI ST § 291C-105.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<u>First offense</u> – Not less than 48 hours or more than 5 days or 36 hours community service, and not less than \$500 or more than \$1,000 ; <u>Second offense</u> (within 5 years) – Not less than 5 days or more than 14 days (of which at least 48 hours shall be served consecutively) or not less than 120 hours community service, and not less than \$750 or more than \$1,000 ;

¹²⁶ Inattention to driving 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 also includes operating a vehicle on a public highway while using a mobile telephone not used as a hands-free mobile telephone. HI ST § 291-12

Third or subsequent offense (within 5 years) – Not less than **10 days** or more than **30 days** (of which at least 48 hours shall be served consecutively) and a fine of **\$1,000**. HI ST § 291C-105.

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension**. HI ST § 291C-105.

Term of License Suspension / Revocation:

First offense: **30 days** or 15 days suspension & restricted license for the remainder of the 30-day period;
Second offense (within 5 years): **30 days**;
Third or subsequent offense (within 5 years): not less than **90 days or more than 1 year**. HI ST § 291C-105.

Mandatory Term:

First offense: **15 days**;
Second offense (within 5 years): **30 days**;
Third or subsequent offense (within 5 years): **90 days**

Other:

I. Driver retraining instruction course;
 II. Surcharge of **\$25** for the neurotrauma special fund;
 III. **\$75** assessment for driver education;
 IV. Surcharge of up to **\$100** for the trauma system special fund, if the court so orders. HI ST § 291C-105; HI ST § 286G-3.

Automated Speed Enforcement:

No statutory provision

Limitations of Use of Speed Measurement Devices:

No statutory provisions. It appears that, at a minimum, radar and laser units may be used. See e.g., *State v. Hong Guo*, 230 P.3d 434 (Hawai'i App., 2010); *State v. Assaye*, 216 P.3d 1227 (Hawai'i 2009).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹²⁷ within a 3-year period or 3 such violations within a 3-year period.
 HI ST § 286-240(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**.
 HI ST § 286-240(e).

¹²⁷ A “serious traffic violation” includes reckless driving and excessive speeding. HI ST § 286-231.

JURISDICTION

IDAHO

Reference:

Idaho Code (General Laws of Idaho Annotated)
 Idaho Infraction Rules (ID R INFR R.)
 Idaho Administrative Code (IDAPA)

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 and having regard to the actual and potential hazards then existing.
 II. 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 hillcrest, when traveling upon any narrow or winding highway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
 ID ST §49-654(1)

Statutory Speed Limit:

75 mph on interstate highways;
65 mph on State highways;
55 mph in other locations;
35 mph in residential, business, or urban districts.
 ID ST § 49-654(2).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits. However, no maximum posted speed limit can exceed either 75 mph for interstate highways or 65 mph for other State highways. ID ST §49-201(4).
 II. For highways within its jurisdiction, a local government, based on engineering and traffic investigations, may decrease the speed limit in a residential, business or urban districts or increase the speed limits above the statutory limit for an urban district but not greater than 65 mph on arterial highways. ID ST §49-207(2); ID ST § 49-208(1)(i).
 III. Local authorities within their jurisdictions may establish speed limits for public parks. ID ST § 49-208(1)(e).

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 compliance with the law. ID ST § 49-655.
 II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the highway. ID ST § 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.
 ID ST § 49-202(22).

II. Local authorities within their jurisdictions may establish minimum speed limits. ID ST § 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. ID ST § 49-656.

II. It shall be unlawful to operate any vehicle equipped with other than pneumatic tires on a highway at a rate of speed in excess of 20 mph for vehicles having a gross weight of not more than 10,000 lbs., and 12 mph for vehicles having a gross weight of more than 10,000 lbs. ID ST § 49-1003.

III. Vehicles with 5 or more axles and operating with a gross weight of more than 26,000 lbs., shall not exceed 65 mph on interstate highways. ID ST § 49-654(3).

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

ID ST § 49-663.

Maximum Speed Permitted:

25 mph. 49 CFR 571.3.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Infraction. ID ST § 49-110(5); ID ST § 49-236(2).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **\$100**¹²⁸ ID ST § 18-113A.

Mandatory Minimum Term / Fine:

None

Other Penalties:

Traffic School:

A defensive driving class may be offered. IDAPA 39.02.71.400.

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system.¹²⁹ ID ST § 49-326(2), (3).

Term of License Suspension / Revocation:

Suspension for not more than 1 year.¹³⁰ ID ST § 49-326(5).

Mandatory Term:

None. Restricted driving privileges may be granted. ID ST § 49-326(4); IDAPA 39.02.70.100.

¹²⁸ **Fixed Penalty:** The following fixed penalties, which include court costs, shall be assessed for speed-related infractions: (1) for exceeding the speed limit by: 1-15 mph **\$90**; 16 mph or more= **\$155**; (2) other moving infractions = **\$90**; (3) speeding in a construction zone = **\$106.50**; (4) speeding in a school zone = **\$156.60**; (5) other infractions = **\$72**. ID R INFR R. 9(b); ID ST § 49-1503.

¹²⁹ **I.** The following violations will receive the following number of points: (1) basic speed rule & maximum limits= **3-4 points**; (2) minimum speed regulation = **3 points**; (3) special speed limitations = **3-4 points** (except speeding in a construction zone = 4 points); (4) inattentive driving = **3 points**; (5) racing = **4 points**; (6) speeding 16 mph or more over the limit = **4 points**; other moving traffic violations = **3 points**. **T**ithe determination of the number of points depends on factors such as possibility of bodily injury or property damage. IDAPA 39.02.71.100; IDAPA 39.02.71.200.

¹³⁰ The following point accumulations shall result in the following suspension periods: (1) 12 or more points within a 12-month period = **30 days**; (2) 18 points within a 24-month period = **90 days**; (3) 24 points within a 36-month period = **6 months**. IDAPA 39.02.71.300. Three points may be removed from the record if such person completes a driving class. This can occur once every three years. IDAPA 39.02.71.400.

Other Criminal Actions Related to Speeding:

Racing on Highway:¹³¹

Misdemeanor. ID ST § 18-111; ID ST § 49-236(1); ID ST § 49-1424(1).

Sanctions:

Imprisonment Term / Fine:

Not more than **6 months** and/or not more than **\$1,000**. ID ST § 18-113(1); ID ST § 49-236(4).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system. ID ST § 49-326(2).

Term of License Suspension / Revocation:

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

Mandatory Term:

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

Other:

A fixed penalty of **\$90**. ID R INFR R. 9(b). **4 points** shall be assessed against the driving record. IDAPA 39.02.71.100; IDAPA 39.02.71.200.

Reckless Driving:¹³²

Misdemeanor ID ST § 18-111; ID ST § 49-236(1); ID ST § 49-1401(1).

Sanctions:

Imprisonment Term / Fine:

First offense – Not more than **6 months** and/or not more than **\$1,000**; Second or subsequent offense (within 5 years) – Not more than **1 year** and/or not more than **\$2,000**. ID ST § 49-1401(2).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension ID ST § 49-326(1)(f); ID ST § 49-1401(2). **Revocation**(for 3 reckless driving offense convictions within 12 months). ID ST § 49-325(1)(d)

Term of License Suspension / Revocation:

First offense– **30 days suspension**;
Second offense (within 2 years) – **90 days suspension**;
Third offense (within 3 years of the first conviction) – **1 year suspension**. ID ST § 49-326(1)(f)

Mandatory Term:

Suspensions– None. Restricted driving privileges may be granted. ID ST § 49-326(4).

¹³¹ “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...” ID ST § 49-1424(1).

¹³² Any person who drives or is in actual physical control of any vehicle upon a highway, or upon public or private property open to public use, carelessly and heedlessly or without due caution and circumspection, and at a speed or in a manner as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction, shall be guilty of reckless driving. ID ST § 49-1401(1).

Revocations – For 3 offenses within 12 months, the 1 year revocation appears to be mandatory. ID ST § 49-325(1)(d); ID ST § 49-326(5).

Other: A fixed penalty of **\$90**. ID R INFR R. 9(b); ID ST § 49-1503.

Inattentive Driving:¹³³ **Misdemeanor.** ID ST § 18-111; ID ST § 49-236(1); ID ST § 49-1401(3).

Sanctions:

Imprisonment Term / Fine: Not more than **6 months** and/or not more than **\$300**. ID ST § 18-113(1).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. ID ST § 49-326(2).

Term of License Suspension / **Suspension** for not more than 1 year. ID ST § 49-326(5).

Revocation:

Mandatory Term: **None.** Restricted driving privileges may be granted. ID ST § 49-326(4)

Other: A fixed penalty of **\$90**. ID R INFR R. 9(b); ID ST § 49-1503.

3 points shall be assessed against a driving record. IDAPA 39.02.71.100 IDAPA 39.02.71.200.

Automated Speed Enforcement: **No statutory provision.**

Limitations of Use of Speed Measurement Devices: **No statutory provisions.** It appears that, at a minimum, radar and laser are permitted. See e.g., *State v. Kessler*, 262 P.3d 682 (Idaho App., 2011); *State v. Williamson*, 166 P.3d 387 (Idaho App. 2007).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹³⁴ within a 3-year period or 3 such violations within a 3-year period. ID ST § 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**.
ID ST § 49-335(6).

¹³³ Inattentive driving shall be applicable 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 included offense of reckless driving. ID ST § 49-1401(3).

¹³⁴ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. ID ST § 49-120(11), with reference to 49 CFR 383.5.

JURISDICTION**ILLINOIS**

Reference:

West's Smith-Hurd Illinois Compiled Statutes Annotated
Illinois Administrative Code (IL ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:

I. 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.

II. A driver has a duty to decrease the speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

625 ILCS 5/11-601(a).

Statutory Speed Limit:

65 mph¹³⁵ on Illinois toll highways and highways that are divided and have at least 4 lanes;

55 mph on all other highways, roads or streets outside an urban district;

55 mph for Second Division Vehicles weighing 8,001lbs., or more;¹³⁶

30 mph in an urban district;

15 mph in an urban district alley.

625 ILCS 5/11-601.

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. 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 in an urban district 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 than 25 mph. 65 ILCS 5/11-40-1; 625 ILCS 5/11-208; 625 ILCS 5/11-604.

¹³⁵ The 65/55 mph speed limits, listed above apply to vehicles that are designed to carry not more than 10 persons (First Division vehicles) or Second Division vehicles which have a gross weight of 8,000 lbs., or less. 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 5/1-217; 625 ILCS 5/11-601(d).

¹³⁶ Unless some lesser speed restriction is established, the 55 mph speed limit restriction applies in the counties of Cook, DuPage, Kane, Lake, McHenry, and Will. However, outside of those counties, the maximum speed limit for a Second Division Vehicle is 65 mph on an interstate highway and 55 mph for all other highways, roads and streets. 625 ILCS 5/11-601(e), (f).

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:	<p>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).</p>
Other:	<p>I. The maximum speed limit for a bus is 65 mph on a 4-lane divided highway under the State Toll Highway Authority, 55 mph on other highways under the State Toll Highway Authority, and 55 mph on all other highways, streets or roads. 625 ILCS 5/11-601(f).</p> <p>II. 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); 624 ILCS 5/11-605.3.</p> <p>III. A person may not operate a motor vehicle at a speed in excess of the posted speed limit in a construction or maintenance zone. Special posted speed limits may be established for construction or maintenance zones. 625 ILCS 5/11-605.1.</p> <p>IV. Based on safety investigations, the State may establish maximum speed limits for bridges or other elevated structures. 625 ILCS 5/11-608.</p> <p>V. 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>VI. No person shall drive 31mph or more over the applicable maximum speed limit. 625 ILCS 5/11-601.5.</p>

Low Speed Vehicles:

Permitted on Public Roads (Yes/No):	<p>Yes. On public roads with a speed limit of 30 mph or less, or 35 mph or less if authorized by a local ordinance. 625 ILCS 5/11-1426.2(a), (e-5).</p>
Maximum Speed Permitted:	<p>25 mph 625 ILCS 5/1-140.7</p>

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication:	<p>Petty offense – First and second offenses; Class C misdemeanor – Third or subsequent offenses. 625 ILCS 5/16-104.</p>
Other:	<p>Class B misdemeanor – Driving 31 mph or more but less than 40 mph over the speed limit; Class A misdemeanor – Driving 40 mph or more over the speed limit. 625 ILCS 5/11-601.5.</p>

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

First or second offenses (Petty Offense) – A fine of not more than **\$1,000**;

Third or subsequent offenses (within 1 year) (Class C misdemeanor) – Not more than **30 days** and/or not more than **\$1,500**;

730 ILCS 5/5-4.5-75; 730 ILCS 5/5-4.5-65.

Driving 31 mph or more but less than 40 mph over speed limit (Class B misdemeanor): Not more than **6 months** and/or not more than **\$1,500**. 730 ILCS 5/5-4.5-60.

Driving 40 mph or more over speed limit (Class A misdemeanor):

Any term less than **1 year** and/or not more than **\$2,500**.

730 ILCS 5/5-4.5-55.

Speeding in School Zone (Petty Offense):

First offense – Not less than **\$150** or more than **\$1,000**;

Second or subsequent offense – Not less than **\$300** or more than **\$1,000**. 625 ILCS 5/11-605(e).

Speeding in Construction Zone (Petty Offense):

First offense – Not less than **\$250** or more than **\$1,000**;

Second offense – Not less than **\$750** or more than **\$1,000**.

625 ILCS 5/11-605.1(d).

Mandatory Minimum Term / Fine:

Speeding in School Zone = **\$150** for first offense; **\$300** for second or subsequent offense.

Speeding in Construction Zone = **\$250** for first offense; **\$750** for second or subsequent offense.

Other Penalties:

Traffic School:

An offender who is under 21 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 (Suspension / Revocation):

Suspension or Revocation based on 3 traffic offenses within a 12-month period, or repeated traffic law convictions which indicate a disrespect of the traffic laws. 625 ILCS 5/6-206(a)(2), (3).

Persons Under 21: 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)(36).

Speeding in Construction/Maintenance Zone: Suspension for **90 days** for second or subsequent offense. 625 ILCS 5/6-206(a)(41).

Term of License Suspension /
Revocation:

Suspension– Not more than **1 year**.
Revocation– **1 year**. 625 ILCS 5/6-208(a), (b).

A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation.¹³⁷

Mandatory Term:

Speeding in Construction/Maintenance Zone: 90 days.
625 ILCS 5/11-605.1.

Miscellaneous Sanctions Not
Included Elsewhere:

Speeding in School Zones carries an additional fine of **\$50** which is used for school safety purposes. 625 ILCS 5/11-605(f).

**Other Criminal Actions Related to
Speeding:**

Racing on Highway:

Class A misdemeanor – First offense;
Class 4 felony – Second or subsequent offense.
625 ILCS 5/11-506(d)(1)

Permitting vehicle to be used:

Class B misdemeanor – First offense;
Class A misdemeanor – Second or subsequent offense.
625 ILCS 5/11-506(d)(2)

Aggravated street racing:¹³⁸

Class 4 felony. 625 ILCS 5/11-506(d)(3).

Sanctions:

Imprisonment Term / Fine:

Racing: First offense – Any term of **less than 1 year** and/or not less than **\$250** or more than **\$2,500**;

Second or subsequent offense – Not less than **1 year** or more than **3 years** and/or not less than **\$500** or more than **\$25,000**. 730 ILCS 5/5-4.5-55; 730 ILCS 5/5-4.5-50; 730 ILCS 5/5-4.5-45.

¹³⁷ 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; 1-10 mph above the speed limit = 5 points; 11-14 mph above the speed limit = 15 points; 15-25 mph above the speed limit = 20 points; over 25 mph above the speed limit = 50 points; exceeding the maximum speed limit in a construction zone = 20 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 IL ADC §1040.20(c).

II. If a person's license is suspended or revoked pursuant to 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: 0-14 points = no action; 15-44 points = 2 month suspension; 45-74 points = 3 months; 75-89 points = 6 months; 90 through 99 points = 9 months; 100-109 points = 12 months; 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: 0-14 points = no action; 15-44 points = 4 month suspension; 45-74 points = 6 months; 75-109 points = 12 months; 110 or more points = revocation (1 year). 92 IL ADC § 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: 0-14 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: 0-14 points = no action; 15-109 points = 12 month suspension; 110 or more points = revocation (1 year) 92 IL ADC § 1040.40(c).

¹³⁸ Aggravated street racing is street racing which involves a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was the proximate cause of the injury. 625 ILCS 5/11-506(d)(3).

Permitting vehicle to be used:

First offense – Not more than **6 months** and/or not more than **\$1,500**;
Second or subsequent offense – Any term of **less than 1 year** and/or not more than **\$2,500**. 730 ILCS 5/5-4.5-55; 730 ILCS 5/5-4.5-60.

Aggravated street racing: Not less than **1 year** or more than **12 years** and/or not less than **\$500** or more than **\$25,000**. 625 ILCS 5/11-506(d)(3); 730 ILCS 5/5-4.5-50; 730 ILCS 5/5-4.5-45.

Mandatory Minimum Term / Fine: The base terms listed above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

Revocation. 625 ILCS 5/6-205(a)(14).

Term of License Suspension / Revocation:

1 year. 625 ILCS 5/6-208(b)(1).

Mandatory Term:

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

Other:

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

Reckless Driving:

Class A misdemeanor. 625 ILCS 5/11-503(a), (b).

Class 4 felony (if bodily harm is caused to a child or school crossing guard [while performing duties]). 625 ILCS 5/11-503(b-1).

Sanctions:

Imprisonment Term / Fine:

Class A misdemeanor: Any term **less than 1 year** and/or not more than **\$2,500**. 730 ILCS 5/5-4.5-55. **Class 4 felony:** Not less than **1 year** or more than **3 years** and/or not more than **\$25,000**. 730 ILCS 5/5-4.5-45.

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension or **Revocation** through the point system. Revocation upon 3 convictions within 12 months. 625 ILCS 5/6-205(a)(6).

Term of License Suspension / Revocation:

1 year. 625 ILCS 5/6-208(b)(1).

Mandatory Term:

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.

Aggravated Reckless Driving:¹³⁹

Class 4 felony 625 ILCS 5/11-503(a), (c).

Class 3 felony (if great bodily harm/permanent disability or disfigurement is caused to a child or a school crossing guard [while

¹³⁹ 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).

performing duties)). 625 ILCS 5/11-503(d).

Sanctions:

Imprisonment Term / Fine:

Class 4 felony – Not less than **1 year** or more than **3 years** and/or not more than **\$25,000**. 730 ILCS 5/5-4.5-45; 730 ILCS 5/5-4.5-50.
Class 3 felony – Not less than **2 years** or more than **5 years** and/or not more than **\$25,000**. 730 ILCS 5/5-4.5-40; 730 ILCS 5/5-4.5-50..

Mandatory Minimum Term / Fine:

Class 4 felony – 1 year.
Class 3 felony – 2 years.

Licensing Action:

Type (Suspension / Revocation):

Revocation upon 3 convictions within 12 months.
625 ILCS 5/6-205(a)(6).

Term of License Suspension /
Revocation:

Not more than **1 year**. 625 ILCS 5/6-208(b)(1).

Mandatory Term:

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:

Petty offense – First or second offenses;
Class C misdemeanor – Third offense (within 1 year).
625 ILCS 5/11-505; 625 ILCS 5/16-104.

Sanctions:

Imprisonment Term / Fine:

First or second offenses– Not more than **\$1,000**;
Third offense (within 1 year) – Not more than **30 days** and/or not more than **\$1,500**. 730 ILCS 5/5-4.5-75; 730 ILCS 5/5-4.5-65.

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension or Revocation based on 3 traffic offenses within a 12-month period, or on repeated traffic law convictions which indicate a disrespect of the traffic laws. 625 ILCS 5/6-206(a)(2), (3).

Term of License Suspension /
Revocation:

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

Mandatory Term:

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.

Automated Speed Enforcement:

Limited. Automated traffic control systems are permitted within safety zones, or when a State law enforcement officer is present at the scene and witnesses the event. In all other instances, speed cameras are prohibited. 625 ILCS 5/11-612; 625 ILCS 5/11-208.3; 625 ILCS

5/11-208.6; 208.8; 625 ILCS 5/6-306.5

**Limitations of Use of Speed
Measurement Devices:**

No statutory provisions. At a minimum, LIDAR devices are permitted. See *People v. Mann*, 922 N.E.2d 533 (Ill.App. 2 Dist. 2010). And, by implication, radar and laser devices are permitted, since jamming devices are specifically prohibited. See 625 ILCS 5/12-613.

**Commercial Motor Vehicle (CMV)
Operators:**

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹⁴⁰ within a 3-year period or 3 such violations within a 3-year period. 625 ILCS 5/6-514(e).

Period of Disqualification:

Two serious violations (within 3 years) – Not less than **2 months**;
Three serious violations (within 3 years) – Not less than **4 months**.
625 ILCS 5/6-514(e).

¹⁴⁰ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. 625 ILCS 5/6-500(26).

JURISDICTION**INDIANA**

Reference:

Indiana Code
Indiana Administrative Code (IN ADC)**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. IN ST §9-21-5-1; IN ST § 9-21-5-4.

Statutory Speed Limit:

70 mph (except for vehicles having a declared gross weight greater than 26,000lbs.) on an interstate or defense highway located outside an urban area with a population at least 50,000.

65 mph for vehicles having a declared gross weight greater than 26,000 lbs. on an interstate or defense highway located outside an urban area with a population at least 50,000.

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.

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.

55 mph on other highways.**30 mph** in an urban district.**15 mph** in an alley. IN ST § 9-21-5-2.

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or lower the above speed limits on any part of a highway. IN ST § 9-21-5-3; IN ST § 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. IN ST § 9-21-1-3(a)(5), (11); IN ST § 9-21-5-3; IN ST § 9-21-5-6(a), (b).

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic. IN ST § 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.
IN ST § 9-21-5-9; IN ST § 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 within its jurisdiction, may establish a minimum speed on any part of a highway. IN ST § 9-21-5-8

Other: I. A vehicle with a gross weight greater than 26,000 lbs. shall not be driven at speed greater than 65 mph. IN ST § 9-21-5-2.
II. An “oversized vehicle” shall not be driven at a speed greater than 55 mph. IN ST § 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. IN ST § 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, which must be 10 miles below the maximum established speed limit. IN ST § 9-21-5-11.
V. A vehicle that is not ordinarily operated at speed greater than 25 mph cannot be operated above this speed. Such vehicles include pulled, towed, self-propelled or animal-drawn vehicles. IN ST § 9-21-9-1
VI. A school bus cannot be driven greater than 60 mph on a Federal or State highway or greater than 40 mph on any country or township highway. IN ST § 9-21-5-14.

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of 35 mph or less. IN ST § 9-21-5-8.5.
Maximum Speed Permitted: **35 mph.** IN ST § 9-13-2-94.5.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Class C infraction** – Speed violation.
Class B infraction – Speed violation near a school when children are present; near a worksite when workers are present.
Class C misdemeanor – Operating a school bus while knowingly or intentionally exceeding the speed limit.
IN ST § 9-21-5-13; IN ST § 9-21-8-49; IN ST § 9-21-9-7.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:
Imprisonment Term / Fine: **Class C infraction** – Not more than **\$500.** IN ST § 34-28-5-4.
Class B infraction – Not more than **\$1,000.** IN ST § 34-28-5-4.
Class C misdemeanor – Not more than **60 days** and may be fined not more than **\$500.** IN ST § 35-50-3-4.

Mandatory Minimum Term / 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 IN ADC §1-4.5-7.

Other: **Exceeding Construction Zone Speed Limit:**
First offense – At least **\$300**;
Second offense (within 3 years) – At least **\$500**;
Third or subsequent offense (within 3 years) - **\$1,000**.
 IN ST § 9-21-5-11.

Licensing Action:

Type (Suspension / Revocation): **Suspension.**¹⁴¹ IN ST § 9-30-4-9(a)(4).

Term of License Suspension /
 Revocation: Not more than **1 year**. IN ST § 9-30-4-9(g).

Mandatory Term: **None**

**Other Criminal Actions Related to
 Speeding:**

Racing on Highway: **Class B misdemeanor.** IN ST § 9-21-6-1; IN ST § 9-21-6-3

Sanctions:

Imprisonment Term / Fine: Not more than **180 days** and may be fined not more than **\$1,000**.
 IN ST § 35-50-3-3.

Mandatory Minimum Term / Fine: **None.** A court may suspend the sentence in a misdemeanor. IN ST §
 35-50-3-1.

Licensing Action:

Type (Suspension / Revocation): **Suspension.** IN ST § 9-30-4-9(a)(4).

Term of License Suspension /
 Revocation: Not more than **1 year**. IN ST § 9-30-4-9(g).

Mandatory Term: **None.** A restricted license for employment is available.
 IN ST § 9-24-15-2.

Other: **8 points** assessed against driving record. 140 IN ADC § 1-4.5-10.

Reckless Driving:¹⁴² **Class B misdemeanor.** IN ST § 9-21-8-50; IN ST § 9-21-8-52.
Class A misdemeanor. IN ST § 9-21-8-52

Sanctions:

¹⁴¹ **Point System: I.** The following points have been assigned to speeding or speed-related violations: 1-15 mph over the speed limit = **2 points**; 16-25 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 1-15 mph in excess of limit = **6 points**; speeding in a school bus, where the speed is greater than 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** (plus mandatory suspension for a period of up to 1 year); criminal reckless driving = **8 points** (plus mandatory suspension for a period of up to 1 year). IN ST § 9-14-2-2; 140 IN ADC § 1-4.5-2; IN ADC § 1-4.5-10.

¹⁴² Reckless driving is defined as: (1) 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; (2) passing another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than 500 feet ahead; (3) driving in and out of a line of traffic, except as otherwise permitted; (4) speeding up or refusing to give half of the roadway to a driver desiring to either pass or overtake; (5) passing a school bus where the arm signal device is in an extended position; or (6) operating a tractor-trailer so as to endanger the safety or property of others, or block the flow of traffic. IN ST § 9-21-8-52(a); IN ST § 9-21-8-50.

Imprisonment Term / Fine:	Class B misdemeanor – Not more than 180 days and may be fined not more than \$1,000 ; Class A misdemeanor (bodily injury to a person) –Not more than 1 year and may be fined not more than \$5,000 . IN ST § 35-50-3-3; IN ST § 35-50-3-2.
Mandatory Minimum Term / Fine:	None.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension. IN ST § 9-30-4-9(a)(4).
Term of License Suspension / Revocation:	Not more than 1 year . If the offense resulted in property damage or bodily injury to another person, an offender's license is subject to suspension of not less than 30 days or more than 1 year. IN ST § 9-21-8-52(b); IN ST § 9-30-4-9(g).
Mandatory Term:	Limited. A restricted license for employment purposes may be issued. IN ST §9-24-15-2. However, there is a 30-day mandatory suspension if the offense resulted in property damage. IN ST § 9-21-8-52(b); 140 IN ADC §1-4.5-10(d).
Other:	6 points assessed against driving record. 140 IN ADC § 1-4.5-10.
Criminal Recklessness: ¹⁴³	Class A misdemeanor. IN ST § 35-42-2-2(b).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 1 year and may be fined not more than \$5,000 . IN ST § 35-50-3-2.
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension. IN ST § 9-30-13-1; 140 IN ADC § 1-4.5-10.
Term of License Suspension / Revocation:	Not less than 60 days or more than 2 years . IN ST § 9-30-13-1.
Mandatory Term:	The 60-day suspension is mandatory. IN ST § 9-30-13-1; 140 IN ADC §1-4.5-10(d).
Other:	8 points assessed against driving record. 140 IN ADC § 1-4.5-10(d).
Aggressive Driving: ¹⁴⁴	Class A misdemeanor. IN ST § 9-21-8-55.

¹⁴³ 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. IN ST § 35-42-2-2(b).

¹⁴⁴ A person commits aggressive driving if, 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 IN ST § 9-21-8-1; (2) Unsafe operation of a vehicle in violation of IN ST § 9-21-8-24.; (3) Overtaking another vehicle on the right by driving off the roadway in violation of IN ST § 9-21-8-6; (4) Unsafe stopping or slowing a vehicle in violation of IN ST § 9-21-8-26; (5) Unnecessary sounding of the horn in violation of IN ST § 9-19-5-2; (6) Failure to yield in violation of IN ST § 9-21-8-29 through IN ST § 9-21-8-34;(7) Failure to obey a traffic control device in violation of IN ST § 9-21-8-41; (8) Driving at an unsafe speed in violation of IC 9-21-5; (9) Repeatedly flashing the vehicle's headlights. IN ST § 9-21-8-55.

Sanctions:

Imprisonment Term / Fine: Not more than **1 year** and may be fined not more than **\$5,000**.
IN ST § 9-21-8-55; IN ST § 35-50-3-2.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension**. IN ST § 9-30-4-9(a).

Term of License Suspension /
Revocation: Not more than **1 year**. IN ST § 9-30-4-9(g).

Mandatory Term: **None**

Other: **2-6 points** may be assessed against a driving record.
140 IN ADC § 1-4.5-10.

Automated Speed Enforcement: **No statutory provision.**¹⁴⁵

Limitations of Use of Speed
Measurement Devices: **No statutory provisions.** It appears, however, that radar devices are permitted. See e.g., *State v. Bisard*, 973 N.E.2d 1229 (Ind. App., 2012).

Commercial Motor Vehicle (CMV)Operators:

Grounds for Disqualification: A person is subject to CDL disqualification if, while operating a CMV, that person commits 2 “serious traffic violations”¹⁴⁶ within a 3-year period or 3 or more violations within a 3-year period.
IN ST § 9-24-6-7.

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three or more serious violations (within 3 years) – **120 days**.
IN ST § 9-24-6-7.

¹⁴⁵ Indiana permits the use of automated traffic law enforcement systems which use sensors to photograph a motor vehicle as it proceeds through a tollgate or toll zone. This definition does not include detection of speed. See IN ST § 9-21-3.5-2. There are no provisions either permitting or prohibiting the use of speed cameras.

¹⁴⁶ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph, reckless driving, and aggressive driving.
IN ST § 9-24-6-6(a).

JURISDICTION**IOWA**

Reference:

Iowa Code Annotated
Iowa Administrative Code (IA ADC)**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. IA ST §321.285; IA ST § 321.288.

Statutory Speed Limit:

70 mph on interstate highways;(IA ST § 321.285(5)(a))
65 mph on other controlled-access, multilane highways;
 (IA ST § 321.285(5)(a))
55 mph on other highways or on surfaced secondary roads;
 (IA ST § 321.285(3))
45 mph in suburban districts;(IA ST § 321.285(2)(a)(3))
45 mph on roads under the control of the State Board of Regents;
 (IA ST § 262.68)
35 mph on State parks and preserve roads;(IA ST § 461A.36)
25 mph in a residence or school district;(IA ST § 321.285(2)(a)(2))
20 mph in a business district;(IA ST § 321.285(2)(a)(1))

Posted (Maximum) Speed Limit:

I. The State may also establish a speed limit of 65 mph on certain non-limited access divided multi-lane highways.
 IA ST § 321.285(5)(a).
 II. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the primary road system or a city government on streets within its jurisdiction (except primary road extensions). IA ST § 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.
 IA ST § 321.285(5)(b).
 IV. Local authorities have the authority to regulate the speed in public parks and alleys. IA ST § 321.236(5), (11).
 V. With State approval, a local government may increase the statutory speed limits listed above (in IA ST § 321.285). However, any new speed limit cannot exceed 55 mph. IA ST § 321.293.
 VI. The Natural Resource Commission may reduce the speed limit on State parks and preserve roads when such is needed to improve safety. IA ST § 461A.36.
 VII. The Board of Regents may establish lower speed limits on roads under their jurisdiction in the interest of safety. IA ST § 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.
 IA ST § 321.294.
 II. A vehicle which cannot attain and maintain a speed of 40 mph cannot be driven on the interstate system. IA ST § 321.285(5)(e).

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. IA ST § 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-lane highways including interstate highways. IA ST § 321.285(5).

Other:

I. Based on a safety investigation, the State may establish a safe maximum speed limit for any bridge or elevated structure.

IA ST § 321.295;

IA ST § 321.381A.

II. A person operating a motor vehicle shall reduce the speed to a reasonable and proper rate when: (1) approaching and passing a person walking in the traveled portion of the public highway; (2) approaching and passing an animal which is being led, ridden, or driven upon a public highway; (3) approaching and traversing a crossing or intersection of public highways, or a bridge, sharp turn, curve, or steep descent, in a public highway; (4) approaching and passing an emergency warning device displayed or an emergency vehicle displaying a revolving or flashing light; (5) approaching and passing a slow moving vehicle; and (6) approaching and passing through a sign-posted road work zone upon the public highway. IA ST § 321.288.

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

IA ST § 321.381A.

Maximum Speed Permitted:

25 mph. 49 CFR 571.3.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Simple misdemeanor. IA ST § 262.68; IA ST § 321.482; IA ST § 461A.57.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **30 days** and/or not less than **\$65** or more than **\$625.**¹⁴⁷ IA ST § 903.1(1)(a); see Schedule Violations.

Mandatory Minimum Term / Fine:

The fines listed appear to be mandatory minimums.

¹⁴⁷ **Schedule Violations.** Most speed law violations are considered “scheduled violations” for which the following fines are provided. IA ST § 805.8; IA ST § 805.8A. **I.** The fine schedule for speeding offenses in **speed zones greater than fifty-five mph** is as follows: not more than 5 mph over the speed limit = **\$20**; 6-10 mph over the limit = **\$40**; 11-15 mph over the limit = **\$80**; 16-20 mph over the limit = **\$90**; for each mile over 20 mph = **\$100 plus \$5.** IA ST § 805.8A(5)(b). **II.** In speed zones with a statutory speed limit (see “Statutory Speed Limit” above), the fine schedule for speeding violations is as follows: not more than 5 mph over the speed limit = **\$20**; 6-10 mph over the limit = **\$40**; 11-15 mph over the limit = **\$80**; 16-20 mph over the limit = **\$90**; for each mile over 20 mph = **\$100 plus \$5.** IA ST § 805.8A(5)(a). The fine schedule for the following violations is as follows: (1) violating the posted safe speed limit for a bridge or elevated structure = **\$50** (IA ST § 805.8A(5)(e)); violating the minimum speed rule (i.e., driving too slowly) = **\$100** (IA ST § 805.8A(8)); failing to drive in the right-hand lane of traffic when proceeding at a speed less than the normal speed of traffic = **\$100** (IA ST § 805.8A(6)(c)); failing to control vehicle and reduce speed to reasonable and proper rate = **\$100** (IA ST § 805.8A(6)(c)).

Other Penalties:

Traffic School: **Driver Improvement Program.**¹⁴⁸ IA ADC 761-615.43(1)(a).

Other:

Road Work Zone. For exceeding the speed limit in a road work zone, the fine is **doubled**. The schedule fine is as follows: not more than 10 mph over the limit = **\$150**; 11-20 mph over the limit = **\$300**; 21-25 mph over the limit = **\$500**; greater than 25 mph over the limit = **\$1,000**. IA ST § 321.1(66); IA ST § 805.8A(14)(i).

Licensing Action:

Type (Suspension / Revocation): **Suspension.**¹⁴⁹ IA ST § 321.210(1).

Term of License Suspension / Revocation: Not less than **30 days** or more than **1 year.**¹⁵⁰ IA ST § 321.212(1)(a); IA ADC 761-615.11(1).

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

Miscellaneous Sanctions Not Include Elsewhere:¹⁵¹ I. An offender is assessed an additional penalty of 35% of the fine imposed. IA ST § 911.1.
II. Civil Penalty. If an offender's license is suspended, that person is subject to a civil penalty of \$200 (if 19 years old or younger, the civil penalty is \$50). IA ST § 321.218A.

Other Criminal Actions Related to Speeding:

Drag Racing on Highway: **Simple misdemeanor.** IA ST § 321.278.

Sanctions:

Imprisonment Term / Fine: Not more than **30 days** and/or not less than **\$65** or more than **\$625**. IA ST § 903.1(1)(a).

¹⁴⁸ The licensing agency may require a person who is convicted of a speeding violation of 25-29 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. IA ADC 761-615.43(1)(a)(2) and (b).

¹⁴⁹ 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. IA ST § 321.210(1)(b).

¹⁵⁰ **I.** For licensing action based on habitual violations of the traffic laws, the following suspensions apply: 3 convictions within 12 months = 90 days; 4 convictions within 12 months = 120 days; 5 convictions within 12 months = 150 days; 6 convictions within 12 months = 180 days; and 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 not more than 10 mph over the speed limit in speed zones having limits between 34 and 56 mph. IA ST § 321.210(2)(d).

II. For licensing actions based on a serious violation (i.e. exceeding the speed limit by 25 mph or more), State regulations provide for graduated license suspension periods depending upon the speed of the vehicle; e.g., a person convicted of speeding 25 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).

¹⁵¹ **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 an aggravated misdemeanor are jail for not more than 2 years and/or a fine of not less than \$625 or more than \$6,250 and a surcharge that is equal to 32% of any fine imposed. IA ST § 321.279(2); IA ST § 903.1(2); IA ST § 911.1.

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 (IA ST § 702.13); (2) violates the drunk driving law (IA ST § 321J.2); (3) violates the controlled substance law (IA ST § 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 a fine of \$750 to \$7,500 and a surcharge that is equal to 32% of any fine imposed. IA ST § 321.279(3); IA ST § 902.9(5); IA ST § 911.1.

Mandatory Minimum Term / Fine:	\$65. IA ST § 903.1(1)(a).
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Revocation. IA ST § 321.209(6).
Term of License Suspension / Revocation:	<u>First offense</u> (with no personal injury or property damage) – At least 6 months. IA ST § 321.212(1)(c). <u>First offense</u> (with personal injury or property damage) or <u>subsequent offense</u> – Not more than 1 year. IA ST § 321.212(1)(a).
Mandatory Term:	None. A restricted license is available for employment, educational or medical purposes. IA ST § 321.215.
Other:	I. An offender is assessed an additional penalty of 35% of the fine imposed. IA ST § 911.1. II. Civil Penalty. If an offender's license is revoked, that person is subject to a civil penalty of \$200 (if age 19 or younger, the civil penalty is \$50) IA ST § 321.218A. III. Road Work Zone. For a violation of the careless driving law in a road work zone, the fine is doubled. The schedule fine is as follows: not more than 10 mph over the limit = \$150 ; 11-20 mph over the limit = \$300 ; 21-25 mph over the limit = \$500 ; greater than 25 mph over the limit = \$1,000. IA ST § 321.1(66); IA ST § 805.8A(14)(i).
Reckless Driving:	Simple misdemeanor. IA ST § 321.277.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 30 days and/or not less than \$65 or more than \$625. IA ST § 903.1(1)(a).
Mandatory Minimum Term / Fine:	\$65. IA ST § 903.1(1)(a).
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension. IA ST § 321.210(1)(f).
Term of License Suspension / Revocation:	Not less than 30 days or more than 1 year. IA ST § 321.212(1)(a); IA ADC 761.615.11.
Mandatory Term:	30 days. A restricted license is available for employment, educational or medical purposes. IA ST § 321.215(1).
Other:	I. An offender is assessed an additional penalty of 35 % of the fine imposed. IA ST § 911.1. II. Civil Penalty. If an offender's license is suspended, he/she is subject to a civil penalty of \$200. (If 19 years old or younger, the civil penalty is \$50.) IA ST § 321.218. III. Road Work Zone. For a violation of the careless driving law in a road work zone, the fine is doubled. The schedule fine is as follows: not more than 10 mph over the limit = \$150 ; 11-20 mph over the limit = \$300 ; 21-25 mph over the limit = \$500 ; greater than 25 mph over the limit = \$1,000. IA ST § 321.1(66); IA ST § 805.8A(14)(i).

Careless Driving:¹⁵²**Simple misdemeanor.** IA ST § 321.277A; IA ST § 321.482.Sanctions:

Imprisonment Term / Fine:

Not more than **30 days** and/or not less than **\$65** or more than **\$625**.
IA ST § 903.1(1)(a).

Mandatory Minimum Term / Fine:

\$65. IA ST § 903.1(1)(a).Licensing Action:

Type (Suspension / Revocation):

Suspension. IA ST § 321.210.Term of License Suspension /
Revocation:Not less than **30 days** or more than **1 year**. IA ST § 321.212(1)(a);
IA ADC C 761-615.11.

Mandatory Term:

30 days. A restricted license is available for employment, education
or medical purposes. IA ST § 321.215(1).

Other:

I. An offender is assessed an additional penalty of 35% of the fine
imposed. IA ST § 911.1.II. **Civil Penalty.** If an offender's license is suspended, that person is
subject to a civil penalty of \$200. (If 19 years old or younger, the civil
penalty is \$50.) IA ST § 321.218A.III. **Road Work Zone.** For a violation of the careless driving law in a
road work zone, the fine is doubled. The schedule fine is as follows:
not more than 10 mph over the limit = **\$150**; 11-20 mph over the limit
= **\$300**; 21-25 mph over the limit = **\$500**; greater than 25 mph over the
limit = **\$1,000**. IA ST § 321.1(66); IA ST § 805.8A(14)(i).**Automated Speed Enforcement:****Yes by S.P.**¹⁵³**Limitations of Use of Speed
Measurement Devices:****No statutory provisions.** It appears that radar devices are permitted,
since radar jamming devices are expressly prohibited.IA ST § 321.232. See, e.g., *State v. Predka*, 555 N.W.2d 202
(Iowa 1996).**Commercial Motor Vehicle (CMV)
Operators:**

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 offenses¹⁵⁴
within a 3-year period. IA ST § 321.208(6).

Period of Disqualification:

Two violations (within 3 years) – **60 days**;Three violations (within 3 years) – **120 days**. IA ST § 321.208(8).

¹⁵² “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. IA ST § 321.277A.

¹⁵³ It appears local governments may enact additional traffic regulations as long as they are not in conflict with the goal of uniformity throughout the State. IA ST § 321.235; IA ST § 321.236. In *City of Davenport v. Seymore*, 755 N.W.2d 533 (Iowa 2008), the court held that those statutes, along with others in the Iowa Code, do not preempt a local government from using automated traffic enforcement systems.

¹⁵⁴ Serious traffic violations include reckless driving and speeding 15 mph or more over the speed limit. IA ST § 321.208(6).

JURISDICTION**KANSAS**

Reference:

Kansas Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

I. 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.

II. 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. KS ST §8-1557.

Statutory Speed Limit:

75 mph on multi-lane highways as designated by the State Secretary of Transportation;

65 mph on all other highways except a county or township highway;

55 mph on a county or township highway;

30 mph in an urban district. KS ST §8-1558.

Posted (Maximum) Speed Limit:

I. The State Secretary of Transportation may decrease the above speed limits.¹⁵⁵ KS ST §8-1559(a)(1).

II. The State Secretary of Transportation or local government authorities may establish a speed limit in a construction zone. KS ST §8-1559(c); KS ST §8-1560(f).

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 in an urban district cannot be 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.

KS ST §8-1560(a),(b); KS ST § 1560a; KS ST § 1560b;

KS ST § 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 at greater than 65 mph. KS ST §8-1560(h).

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.

KS ST §8-1561(a).

¹⁵⁵ 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. KS ST § 8-1559(a), (d). In addition, the State may establish different highway speed limits for different types of vehicles (i.e., trucks), at different times of the day, for various weather conditions or for other factors bearing on safe speeds. KS ST § 8-1559(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. KS ST §8-1514(b).

Posted (Minimum) Speed Limit:

I. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a minimum speed limit on any highway or part thereof. KS ST §8-1561(b).

II. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a maximum speed limit on any bridge or elevated structure. KS ST §8-1563(c), (d).

Other:

II. A vehicle that is towing a house trailer shall not be operated at a speed greater than 55 mph. KS ST §8-1563(a).

II. A vehicle equipped with solid rubber tires shall not be operated at a speed greater than 10 mph. KS ST § 8-1563(b).

Low Speed Vehicles:

Permitted on Public Roads

(Yes/No):

Maximum Speed Permitted:

Yes. On public roads with a speed limit of 40 mph or less.

KS ST § 8-15,101.

25 mph. KS ST § 8-1488.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Traffic infractions. KS ST §8-2116; KS ST § 8-2118; KS ST § 21-5102.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **\$500.**¹⁵⁶ KS ST §21-6611(d).

Mandatory Minimum Term / Fine:

The fine schedule appears to be mandatory minimums.

Other Penalties:

Traffic School:

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

Other:

School / Construction Zones: For speeding violations committed within a school or construction zone, the fine is double the usual

¹⁵⁶ If a person either waives right to a trial or pleads guilty or no contest to a traffic infraction, the fine imposed shall be no greater than that specified in 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 **\$75**; 1-10 mph over the speed limit = **\$45**; 11-20 mph over the limit = **\$45plus \$6** for every mile over 10 mph; 21-30 mph over the limit = **\$105plus \$9** for every mile over 20 mph; 31 mph or more = **\$195plus \$15** for every mile above 30 mph. **II.** Other violation: impeding the normal flow of traffic = **\$45**; speeding on a motor-driven cycle = **\$75**; exceeding the post maximum safe speed on a bridge or elevated structure = **\$45**; failing to drive in the right lane when proceeding slower than the normal speed of traffic = **\$75.** KS ST § 8-2118(c).

amount for a speeding offense. KS ST §8-2118(e), (g).

Licensing Action:

Type (Suspension / Revocation): **Revocation, Suspension or Restriction.**¹⁵⁷ KS ST §8-255(a).

Term of License Suspension / Revocation: Not more than **1 year**. KS ST §8-256.

Mandatory Term: **None**

Miscellaneous Sanctions Not Included Elsewhere: **Assessment:** An offender is assessed **\$20** in addition to any fine. KS ST §12-4117(a).

Other Criminal Actions Related to Speeding:

Racing on Highway: **Class A, B or C misdemeanor.** KS ST §8-1565(a),(d); KS ST § 8-2116(b).

Sanctions:

Imprisonment Term / Fine: First offense(class C misdemeanor) – Not more than **1 month** and/or not more than **\$500**;
Second offense (within 1 year) (class B misdemeanor) – Not more than **6 months** and/or not more than **\$1,000**;
Third or subsequent offense (within 1 year of the first offense) (class A misdemeanor) – Not more than **1 year** and/or not more than **\$2,500**. KS ST § 21-6602; ; KS ST § 21-6611.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Revocation, Suspension or Restriction.** KS ST § 8-255(a)(1), (2).

Term of License Suspension / Revocation: Not more than **1 year**. KS ST §8-256.

Mandatory Term: **None**

Other: **Assessment.** An offender is assessed **\$20** in addition to any fine. KS ST § 12-4117(a).

Reckless Driving: **Misdemeanor.** KS ST §8-1566(a), (b).

Sanctions:

Imprisonment Term / Fine: First offense – Not less than **5 days** or more than **90 days** and/or not less than **\$25** or more than **\$500**;
Second or subsequent offense – Not less than **10 days** or more than **6**

¹⁵⁷ **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). KS ST § 8-255(a)(1), (2), (f). Exceeding an authorized limit of 55 mph but not exceeding 75 mph, by not more than 10 miles per hour is not considered a moving violation for purposes of this section. Exceeding the authorized limit of 30 mph but not exceeding 54 mph, by not more than 6 miles per hour is not considered a moving violation for purposes of this section. KS ST § 8-1560c.

months and/or not less than **\$50** or more than **\$500**.
KS ST §8-1566(b).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Revocation.** KS ST §8-254(a)(5).

Term of License Suspension /
Revocation:

Not more than **1 year.** KS ST §8-256.

Mandatory Term:

None. An offender may be issued restricted driving privileges.
KS ST §8-254(b).

Automated Speed Enforcement:

No statutory provision.

Limitations of Use of Speed
Measurement Devices:

No statutory provisions. It appears through case law that, at a minimum, radar and laser are permitted. See e.g., *State v. Thompson*, 250 P.3d 282 (Kan.App. 2011); *City of Wichita v. Parks*, 275 P.3d 351 (Kan.App. 2011).

Commercial Motor Vehicle (CMV)
Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹⁵⁸ within a 3-year period or 3 such violations within a 3-year period.
KS ST § 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**.
KS ST § 8-2,142(f)..

¹⁵⁸ “Serious traffic violation” includes excessive speeding (15 mph or more over the posted speed limit) and reckless driving.
KS ST § 8, 2128(v).

JURISDICTION

KENTUCKY

Reference:

Kentucky Revised Statutes
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. KY ST § 189.390(2).

Statutory Speed Limit:

70 mph on certain interstate highways and parkways;¹⁵⁹
65 mph on interstate highways and divided highways with four or more lanes;
55 mph on all other State highways;
35 mph in business or residential districts;
15 mph on off-street parking facilities. KY ST § 189.390.

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic investigations, the Secretary of Transportation may increase or decrease the speed limits on any highway. However, the speed limit on highways, including interstate and 4-lane divided highways which are located in urbanized areas, cannot exceed 65 mph. KY ST §189.390(4)(a).
II. With the approval of the 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. KY ST §189.390(5)(a), (b).
III. State and local authorities may reduce the speed limits on highways under their respective jurisdictions for reasons of highway design or to reduce highway damage or deterioration due to rain or other natural causes. KY ST §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. KY ST§189.390(7).
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. KY ST§189.300(2).

Posted (Minimum) Speed Limit:

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

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

KY ST § 186.282.

Maximum Speed Permitted:

25 mph. KY ST § 186.010(16).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Violation. KY ST§532.020(4).

¹⁵⁹ See KY ST § 189.390(4) for listing of interstate highways and parkways.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Speed Limit Violations – Not more than **\$100**.¹⁶⁰ KY ST §189.394.
Other Violations – Not less than **\$20** or more than **\$100**.
 KY ST §189.990(1); KY ST § 189.993(12).

Mandatory Minimum Term / Fine:

\$20. KY ST § 189.990(1); KY ST § 189.993(12).

Other Penalties:

Traffic School:

In lieu of other sanctions, a person may be required to attend a State Traffic School. A person is eligible to attend traffic school once in any one-year period. KY ST § 186.574.

Licensing Action:

Type (Suspension / Revocation):

Suspension.¹⁶¹ KY ST § 186.400; KY ST § 186.570; KY ST § 186.572; 601 KAR 13:025.

Term of License Suspension / Revocation:

Speeding Violations:90 days to 2 years. 601 KAR 13:025(3), (6), (8).

Speeding 26 mph or more over the speed limit:

First offense – 90 days;

Second offense – Not less than 1 year;

Subsequent offense – Not less than 2 years. 601 KAR 13:025.

Mandatory Term:

First offense – An offender may be placed on probation for 2 years¹⁶² 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 Younger Than 18 Years Old: These offenders may be allowed to participate in a court diversion program. Under this program, the court must prohibit the offender from driving for not

¹⁶⁰ Fines for speed limit violations are determined by a matrix that 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**. KY ST § 189.394(1). For speeding violations in excess of those shown in the matrix, the fine range is **\$60 to \$100**. KY ST § 189.394(2).

Important: These fines are **doubled** the usual amount if the offense occurred in a work zone or in an area near a school where flasher lights have been installed and are flashing, and a speed limit has been set. KY ST § 189.394(5), (7).

¹⁶¹ **Point System: I.** Under the point system, an offender's license is suspended for 6 months if he accumulates 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: up to and including 15 mph over the speed limit = **3 points**; 16-25 mph over the 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(5).

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. KY ST § 186.572.

¹⁶² 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(8).

more than 45 days and/or require the driver to complete a driver improvement clinic. KY ST § 189.990(28).

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class B misdemeanor

KY ST § 189.505; KY ST § 189.993(5); KY ST § 532.020(3).

Sanctions:

Imprisonment Term / Fine:

Not more than **30 days** and/or not less than **\$60** or more than **\$200**. KY ST § 189.993(5).

Mandatory Minimum Term / Fine:

\$60. KY ST § 189.993(5).

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system.

Term of License Suspension / Revocation:

90 days to 2 years. 601 KAR 13:025.

Mandatory Term:

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.

Other:

A person may be required to attend a State Traffic School. KY ST § 186.574.

Reckless / Careless Driving:¹⁶³

Violation. KY ST § 189.290(1); KY ST § 189.990(1); KY ST § 532.020(4).

Sanctions:

Imprisonment Term / Fine:

Not less than **\$20** or more than **\$100**. KY ST § 189.990(1).

Mandatory Minimum Term / Fine:

\$20. KY ST § 189.990(1).

Licensing Action:

Type (Suspension / Revocation):

Suspension or Revocation. KY ST § 186.560; KY ST § 186.570; 601 KAR 13:025.

Term of License Suspension / Revocation:

Suspension: Not less than **90 days** or more than **2 years** through the point system. 601 KAR 13:025.
Revocation (3 convictions of “reckless” driving within 12 months) – Not less than **2 years**. KY ST § 186.560(1)(e), (5).

¹⁶³ According to Attorney General Opinion 78-771 (November 16, 1978), there is no statutory difference between “reckless driving” and “careless driving.” The only difference would be the wording of the judgment of conviction in the district court. Section 189.290 states that an “operator of a motor vehicle shall operate the vehicle in a careful manner, with regard to the safety and convenience of pedestrians and other vehicles upon the highway.” Additionally, it states that “no person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.” Therefore it seems that the penalties (except points assessed) would be the same for either “careless” or “reckless” driving.

Mandatory Term: The terms for revocation above are mandatory.

Other: I. A person may be required to attend a State Traffic School.
KY ST § 186.574.
II. **4 points** shall be assessed against a driving record for **reckless driving**. **3 points** shall be assessed against a driving record for **careless driving**.

Automated Speed Enforcement: No statutory provision.

Limitations of Use of Speed Measurement Devices: No statutory provisions. It appears, based on case law, that radar and laser are permitted. See e.g., *Boyken v. Commonwealth*, 2012 WL 762019 (Ky. App., March 9, 2012) (unpublished); *Murrell v. Commonwealth*, 2004 WL 1175782 (Ky. App., May 28, 2004) (unpublished).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹⁶⁴ within a 3-year period or 3 such violations within a 3-year period.
KY ST § 281A.190(6).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
KY ST § 281A.190(6).

¹⁶⁴ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. KY ST § 281A.010(29).

JURISDICTION**LOUISIANA**

Reference:

West's Louisiana Statutes Annotated: Revised Statutes

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. LA R.S. §32:64(A).

Statutory Speed Limit:

70 mph on interstate and controlled access highways;
65 mph on other multi-lane divided highways which have partial or no control of access;
55 mph on other highways.
 LA R.S. §32:61(A).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits.¹⁶⁵ LA R.S. §32:61(B); LA R.S. § 32:63(A).
 II. The State can promulgate regulations regulating speed on Louisiana roads. LA R.S. § 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. LA R.S. § 32:41(A)(9); LA R.S. § 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.
 LA R.S. § 32:64(B).
 II. A person who is operating a motor vehicle on a multilane highway at less than the normal speed of traffic or at a speed slower than 10 mph than the post speed limit shall drive in the right-hand lane then available for traffic or as close as practicable to the right hand curb.
 LA R.S. § 32:71(B)(1)(c), (2).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit on any highway. LA R.S. § 32:63(B).
Note: Slower moving traffic may be directed to use designated lanes, when signs are posted. LA R.S. § 32:79(2).

Other:

VI. A person shall not operate a log loader at a speed greater than 40 mph. LA R.S. §47:502.1(B).

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

LA R.S. § 32:300.1.

Maximum Speed Permitted:

25 mph. LA R.S. § 32:1(40).

¹⁶⁵ 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. However, considering the language in LA R.S. § 32:64(A), it would make sense that such speed regulation is permitted.

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication: **Misdemeanors.** LA R.S. §32:57(A); LA C.Cr.P. Art. 933(4).

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine: **First offense** – Not more than **30 days** and/or not more than **\$175**;¹⁶⁶
Subsequent offense – Not more than **90 days** and/or not more than **\$500**. LA R.S. §32:57(A).

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: An offender may be required to attend a driver education, training or improvement program.¹⁶⁷ LA C.Cr.P. Art. 892.1.

Other: I. A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. LA R.S. §46:2633(B)(1)(a).
II. Any person found in violation on the Huey P. Long Bridge or the Lake Ponchartrain Causeway Bridge, shall pay an additional cost of **\$5**. LA R.S. § 32:57(G).
III. Any person found in violation in an active construction zone, where workers are on site, shall be fined **twice** the standard fine imposed. LA R.S. § 32:57(H).

Licensing Action:

Type (Suspension / Revocation): **Suspension, Revocation or Cancellation.**¹⁶⁸
LA R.S. §32:414(E)(3), (4).

Term of License Suspension / Revocation: Not more than **1 year**. LA R.S. §32:414(F)(2).

Mandatory Term: **None.** A person who has had his license suspended, revoked or cancelled for the first time may apply for driving privileges based on economic hardship. LA R.S. § 32:415.1(A).

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**

¹⁶⁶ For persons who operate a log loader in excess of 40 mph, the fine for a first offense is not more than \$100 and/or not more than 30 days. A subsequent violation carries a fine of not more than \$500 and/or not more than 90 days. LA R.S. § 47:502.1(B). In all other respects, the sanctions for this offense are the same as for other speeding violations.

¹⁶⁷ 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. LA C.Cr.P. Art. 892.1(B), (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 *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. LA C.Cr.P. Art. 892.1(E). Upon completion of the course, the court may set aside and dismiss the prosecution. However, the court can only set aside one charge for each course completed. LA C.Cr.P. Art. 892.1(H).

¹⁶⁸ The licensing agency is authorized to suspend, revoke or cancel a person's license upon a showing 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 that person is a habitually reckless or negligent driver. LA R.S. § 32:414(E)(3), (4).

a fine of not more than \$200. LA R.S. §48:1272(A).

Other Criminal Actions Related to Speeding:

Drag Racing or Racing on the Highway:

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. LA R.S. §32:65; LA C.Cr.P. Art. 933.

No personal injuries:

First offense – Not more than **30 days** and/or not more than **\$175**;

Subsequent offense – Not more than **90 days** and/or not more than **\$500**. LA R.S. §32:57(A).

Serious bodily injury¹⁶⁹ or death: Not less than **\$500** or more than **\$2,000** and/or not less than **1 year** or more than **5 years**.

LA R.S. § 32:65(D)(2)(a).

Mandatory Minimum Term / Fine:

For serious bodily injury/death, **\$500** and/or **1 year**.

LA R.S. § 32:65(2)(a).

Licensing Action:

Type (Suspension / Revocation):

Suspension, Revocation or Cancellation.

LA R.S. §32:414(E)(3), (4).

Term of License Suspension / Revocation:

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

Mandatory Term:

None

Other:

I. An offender may be required to attend a driver education, training or improvement program. LA C.Cr.P. Art. 892.1.

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

Reckless Vehicle Operation:¹⁷⁰

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. LA R.S. § 14:99; LA C.Cr.P. Art. 933

First offense– Not more than **90 days** and/or not more than **\$200**;

Subsequent offense – Not less than **10 days** or more than **6 months** and/or not less than **\$25** or more than **\$500**. LA R.S. §14:99.

Mandatory Minimum Term / Fine:

For subsequent offense, the mandatory minimum is **10 days** and/or **\$25**.

Licensing Action:

Type (Suspension / Revocation):

Suspension, Revocation or Cancellation.

LA R.S. §32:414(E)(3), (4).**Suspension** (mandatory) for 3 offenses within 12 months. LA R.S. §32:414(B)(5).

Term of License Suspension / Revocation:

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

Mandatory Minimum Term:

None

¹⁶⁹ “Serious bodily injury” means bodily injury which involves unconsciousness; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death. LA R.S. § 32:65(2)(b).

¹⁷⁰ “Reckless operation” of a vehicle is defined as driving in a criminally negligent or reckless manner. LA R.S. §14:99.

Other: I. An offender may be required to attend a driver education, training or improvement program. LA C.Cr.P. Art. 892.1.
II. A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. LA R.S. §46:2633.

Careless Vehicle Operation:¹⁷¹**Sanctions:**

Imprisonment Term / Fine:

Misdemeanor. LA R.S. § 32:58; LA C.Cr.P. Art. 933.

First offense – Not more than **30 days** and/or not more than **\$175**;
Subsequent offense – Not more than **90 days** and/or not more than **\$500**. LA R.S. § 32:57(A).

Mandatory Minimum Term / Fine:

None**Licensing Action:**

Type (Suspension / Revocation):

Suspension, Revocation or Cancellation.

LA R.S. §32:414(E)(3),(4).

Term of License Suspension /
Revocation:Not more than **1 year**. LA R.S. §32:414(F)(2).

Mandatory Term:

None

Other:

I. An offender may be required to attend a driver education, training or improvement program. C.Cr.P., Art. 892.1.
II. A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. LA R.S. § 46:2633(B).

Automated Speed Enforcement:**Permitted (without S.P.)**¹⁷²**Limitations of Use of Speed
Measurement Devices:****No statutory provisions.** The use of radar, at a minimum, is permitted. See *State v. Mitchell*, 52 So.2d 155 (La.App. 5 Cir. 2010).**Commercial Motor Vehicle (CMV)****Operators:**

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹⁷³ within a 3-year period or 3 such violations within a 3-year period.
LA R.S. § 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**.
LA R.S. §32:414.2(5).

¹⁷¹ Any person operating a motor vehicle on the public roads of this State shall drive in a careful and prudent manner, so as not to endanger the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless operation. LA R.S. § 32:58.

¹⁷² Local authorities may adopt ordinances enforcing the Louisiana traffic and safety laws, by means of police officers or by the use of traffic-control devices. LA R.S. § 32:21; LA R.S. § 32:41. See *LA. Atty. Gen. Op. No. 07-0062* (September 4, 2007) (holding that the local government’s use of a photographic traffic signal enforcement system is an alternate method of enforcement of an existing approved traffic control device).

¹⁷³ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. LA R.S. § 32:414.2(A)(d)(i),(ii).

JURISDICTION

MAINE

Reference:

Maine Revised Statutes Annotated Code of Maine Rules (ME ADC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing. ME ST Title 29-A § 2074.

Statutory Speed Limit:

45 mph on all other public ways. **Important:** 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. **15 mph** when passing a school during recess or when the students are going to or leaving the school. ME ST Title 29-A § 2074(1).

Posted (Maximum) Speed Limit:

I. The State is authorized to increase or decrease the above speed limits.¹⁷⁴ However, no posted speed limit can exceed 75 mph on the Interstate Highway System from the City of Old Town to the Town of Houlton, 65 mph for the Maine Turnpike and interstate or divided controlled-access highways, or 60 mph for all other roads. ME ST Title 23 §1973(2);ME ST 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.¹⁷⁵
 ME ST Title 29-A § 2075(3)(C), (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. ME ST 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. ME ST Title 29-A §2075(1-A).

Other:

I. A school bus may not be operated greater than 45 mph when transporting students. At other times, such vehicles cannot be operated at a speed greater than 55 mph. ME ST Title 29-A §2074(1)(E).
 II. Authorities may restrict the speed limit on a public way under construction or during maintenance and on any portion of the turnpike under construction or during maintenance when a lower rate of speed would minimize the danger of accident. A person may not operate a motor vehicle in excess of these speeds, as long as notice of the

¹⁷⁴ **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.

¹⁷⁵ 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. ME ST Title 29-A § 2075(3)(D). A “qualifying municipality” (a municipality with a population of 2,500 or more) may establish speed limits on its highways after notifying the State Department of Transportation that it intends to do so and after conducting traffic investigations. ME ST Title 29-A § 2075(3)(E).

maximum speed has been given by standard black and white speed limit signs on the way. Signs erected pursuant to this subsection must be covered or removed during hours when the speed limit is not restricted. ME ST Title 29-A § 2075(2).

III. For an offense of imprudent speed, the officer alleging the offense must provide a brief description of the offense and reason that officer considered the driver’s speed imprudent and what maximum speed the officer would consider prudent. ME ST Title 29-A § 2074(3-C).

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On public roads with a speed limit of 35 mph or less.
ME ST Title 29-A § 2089(2).
25 mph. ME ST Title 29-A § 101(32-A).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Non-Criminal traffic infractions. ME ST Title 29-A § 101(85);
ME ST Title 29-A § 103; ME ST Title 29-A § 104.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not less than **\$25** or more than **\$500**.¹⁷⁶ ME ST Title 29-A § 103(3);
ME ST Title 29-A § 2604.

Mandatory Minimum Term / Fine:

\$25. ME ST Title 29-A § 104. For exceeding the 65 mph speed limit or the 70 mph speed limit on the Interstate Highway System from the City of Old Town to the Town of Houlton by less than 30 mph on the Maine Turnpike or an interstate highway – not less than **\$50**.
ME ST Title 29-A § 2074(3-A).

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. ME ADC 29-250, Ch. 1 § 6.

Other:

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

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

Surcharges: 14% and 5% surcharges must be imposed on any fine for the purpose of funding jail/criminal operations.
ME ST Title 4 § 1057(2-A).

¹⁷⁶ Within these limits, the Chief Judge of the District Court establishes a fine schedule for traffic infractions. ME ST Title 4 § 164(12)(B).

Licensing Action:

Type (Suspension / Revocation): **Suspension**¹⁷⁷ ME ST Title 29-A §103(3); ME ST Title 29-A §2458(2)(B), (C).

Term of License Suspension / Revocation: Up to **15 days**. 3 previous suspensions within 3 years = **120 days**. ME ADC 29-250, Ch. 1 § 4, 5.

Mandatory Term: **None**. Suspension action is discretionary with the licensing agency. ME ST Title 29-A § 2458.

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. ME ST Title 29-A §2418.

Other Criminal Actions Related to Speeding:¹⁷⁸

Exceed Speed Limit by 30 MPH: **Class E crime.** ME ST Title 29-A §2074(3).

Sanctions:

Imprisonment Term / Fine: Not more than **6 months** in the county jail and/or not more than **\$1,000**. ME ST Title 17-A § 1252(2)(E); ME ST Title 17-A § 1301(1-A)(E).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension.** ME ST Title 29-A §2458(C); ME ADC 29-250, Ch. 1 § 3.

Term of License Suspension / Revocation: Up to **30 days**. ME ST Title 29-A § 2458(C); ME ADC 29-250, Ch. 1 § 3.

Mandatory Term: **None**

Other: I. An offender may be sentenced to perform community service for the benefit of the State, a local government, a school district or other public entity. ME ST 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

¹⁷⁷ **Point System: I.** An offender who accumulates 12 points within 1 year may have his license suspended for up to 15 days. If the offender has had 3 previous suspensions within 3 years, he is subject to a suspension for up to 120 days.

II. The following points are assigned for speeding or speed-related offenses: less than 15 mph over the speed limit = **4 points**; 15-29 mph over the speed limit = **6 points**; excessive acceleration = **4 points**; imprudent driving or speeding = **4 points**; failure to reduce speed on a grade or curve = **2 points**; obstructing the flow of traffic = **2 points**; speed under the posted minimum = **2 points**; squealing tires = **2 points**. ME ST Title 29-A § 2458(2)(C), (3); ME ADC 29-250, Ch. 1 § 4.

¹⁷⁸ **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. ME ST Title 29-A § 2463.

60 days. ME ST Title 29-A §2418.

III. Surcharges. 14% and 5% surcharges must be imposed on any fine for the respective purpose of funding jail/criminal operations. ME ST Title 4 § 1057(2-A).

Driving to Endanger:¹⁷⁹

Sanctions:

Imprisonment Term / Fine:

Class E crime. ME ST Title 29-A §2413(1).

Not more than **6 months** in the county jail and/or not more than **\$1,000**. ME ST Title 17-A§1252(1)(A), (2)(E); ME ST Title 17-A §1301(1-A(E)).

Aggravated Punishment – Class C crime – causing serious bodily injury:¹⁸⁰ Not more than **5 years**¹⁸¹ and/or not more than **\$5,000**. ME ST Title 17-A§ 1301(1)(C); ME ST Title 17-A §1252(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation):

Suspension by the court. ME ST Title 29-A §2413(3).

Suspension by the licensing agency. ME ST Title 29-A §2458(2)(H).

Term of License Suspension / Revocation:

Not less than **30** or more than **180 days**. ME ST Title 29-A §2413(3). **Aggravated Punishment:** Not less than **180 days** or more than **2 years**. If the court fails to suspend the license, it shall impose a sentencing alternative that involves a fine of not less than **\$575**.

Mandatory Term:

The base terms above are mandatory.

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. ME ST 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. ME ST Title 29-A §2418.

III. Surcharges. 14% and 5% surcharges must be imposed on any fine for the respective purpose of funding jail/criminal operations. ME ST Title 4 § 1057(2-A).

Automated Speed Enforcement:

No statutory provision.

Limitations of Use of Speed Measurement Devices:

No. Radar, laser or laser-like and instruments that calculate the distance and time compared to the motor vehicle driven by law

¹⁷⁹ A person commits this offense if, with criminal negligence, that person operates a motor vehicle in a manner that endangers the property or person of another, including the operator or passenger in the motor vehicle being driven. ME ST Title 29-A §2413(1). “Criminal negligence” is the failure to be aware of a risk that the person’s conduct will cause such a result, or failure to be aware of a risk that attendant circumstances exist, that involves a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation. ME ST Title 17-A § 35(4).

¹⁸⁰ “Serious bodily injury” means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health. ME ST Title 17-A § 2(23).

¹⁸¹ If the term of imprisonment is 9 months or less, the court shall specify a county jail as the place of imprisonment. If the term is more than 9 months, the court must commit the offender to the Department of Corrections. ME ST Title 17-A § 1252(1)(B).

enforcement are accepted as prima facie evidence of a motor vehicle's speed. ME ST Title 29-A § 2075(4).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person's CDL is suspended if, while driving a CMV, that person commits 2 “serious traffic violations”¹⁸² within a 3-year period or 3 such violations within a 3-year period.

ME ST Title 29-A § 1253(2)(C); ME ST Title 29-A § 2458(2)(M); ME ADC 29-250, Ch. 6 § 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**.
ME ST Title 29-A § 2458(2)(M); ME ADC 29-250, Ch. 6 § 5.

¹⁸² A “serious traffic violation” includes exceeding the speed limit by 15 or more mph or reckless driving. ME ADC 29-250, ch. 6 § 2(K).

JURISDICTION**MARYLAND**

Reference:

Annotated Code of Maryland. (References are to the Transportation Code, "Tran.")
Code of Maryland Regulations (MD ADC)

Basis for a Speed Law Violation:

Basic Speed Rule:

I. 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.

II. At all times, a driver shall control the speed of the vehicle, or reduce the speed, as necessary: (1) to avoid colliding with any person or any vehicle or other conveyance that is on or entering the highway; (2) when approaching and crossing an intersection at which cross traffic is not required to stop by a traffic control device; (3) when approaching and crossing a railroad grade crossing; (4) when approaching and going around a curve; (5) when approaching the crest of a grade; (6) when traveling on any narrow or winding roadway; and (7) when any special danger exists as to pedestrians or other traffic or because of weather or highway conditions. MD TRANS §21-801(a).

Statutory Speed Limit:

65 mph is the maximum speed limit that can be established on any highway;

55 mph on highways that are not interstate highways or expressways;

50 mph on undivided highways except as noted below;

35 mph on divided highways in residential districts;

30 mph on highways in business districts or on undivided highways in residential districts;

15 mph in alleys in Baltimore County. MD TRANS § 21-801.1.

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 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 greater than 65 mph on any highway or greater than 55 mph on highways which are not interstate highways or expressways. MD TRANS §21-801.1(d), (e)(1), (2); MD TRANS §21-802.

II. Based on engineering and traffic investigations, local governments¹⁸³ may establish posted speed limits.¹⁸⁴ However, a speed limit greater than 50 mph cannot be established in an urban district. In addition, a speed limit less than 25 mph cannot be established outside an urban district. MD TRANS §21-803.

III. A local government may establish a safe maximum speed limit for an alley. MD TRANS §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-

¹⁸³ County boards of education and university and college officials have the authority to establish speed limits on property within their jurisdictions. MD TRANS § 21-803.2.

¹⁸⁴ With the exception of Baltimore City, the State Highway Administration must approve the alteration of a speed limit on a State highway by a local authority. MD TRANS § 21-803(d).

mile of a school on highways under their respective jurisdictions.¹⁸⁵ However, such speed limit cannot be greater than 35 mph in a school zone where a school crossing guard is present. MD TRANS § 21-803.1(a), (e), (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. MD TRANS §21-804(a).
 II. A person who is driving a vehicle at 10 mph or more below the posted speed limit, or 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. MD TRANS §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. MD TRANS § 21-804(b); MD TRANS § 21-1409.

Other:

I. The State Highway Administration, a county, a municipal corporation, or Baltimore City may reduce speed limits in highway work zones, so long as the reduced limit is posted. MD TRANS §1-101(e); MD TRANS § 21-802.1.
 II. Following an investigation, the State Highway Administration may establish a maximum safe speed for any bridge or elevated structure. MD TRANS §21-806(b).
 III. Certain dump trucks cannot be operated at a speed greater than 45 mph when loaded. This restriction does not apply to divided highways with two or more lanes in each direction. MD TRANS §13-919(g).

Low Speed Vehicles:

Permitted on Public Roads
 (Yes/No):
 Maximum Speed Permitted:

Yes. On public roads with a speed limit of 35 mph or less. MD TRANS § 21-1125.
25 mph. MD TRANS § 11-130.1

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanor. MD TRANS §27-101(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **\$500.** MD TRANS §27-101(b).

Mandatory Minimum Term / Fine:

None

Other Penalties:

Traffic School:

An individual convicted of 1 or more moving violations may be required to attend a driver improvement program.

¹⁸⁵ 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. MD TRANS § 21-803(b)(2)

MD TRANS § 16-212.

Other: **School Zone:** A fine of double the amount of what would otherwise apply but not more than **\$1,000** may be imposed for exceeding a school zone speed limit. MD TRANS §27-101(r).
Work Zone: Any person convicted of exceeding the limit in a work zone is subject to a fine of not more than **\$1,000**. MD TRANS § 27-101(m).

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** through a point system.¹⁸⁶

Term of License Suspension / Revocation: **Suspension** – Not more than **1 year**. MD TRANS § 16-208(a).
Initial suspension – Not less than **2** or more than **30 days**;
Subsequent suspension – Not less than **15** or more than **90 days**. MD TRANS § 16-404(c)(1).

Revocation – Not more than **2 years**. MD TRANS § 16-208(b).
First revocation¹⁸⁷ – Not more than **6 months**;
Second revocation – Not more than **12 months**;
Second revocation (within 5 years) – Not more than **9 months**;
Fourth or subsequent revocation – Not more than **24 months**. MD TRANS § 16-404(c)(2).

Mandatory Term: An individual whose license has been revoked may apply for reinstatement *after* the following terms:
First revocation – **1 day** (or 6 months if driver has no license);
Second revocation – **1 year**;
Third revocation – **18 months**;
Fourth revocation – **2 years**. MD TRANS § 16-208(b).

However, 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.
 MD TRANS §16-405(a).

¹⁸⁶ **Point System: 1.8 points** (within 2 years) = **suspension; 12 points** (within 2 years) = **revocation**. MD TRANS § 16-404(a)(3).
II. The following points are assessed for speeding offenses and speed-related law violations: driving at a speed not reasonable and prudent = **1 point**; 1-9 mph over the limit = **1 point**; 1-9 mph over the limit in a speed/work zone = **1 point**; 10 mph over the speed limit = **2 points**; aggressive driving = **5 points**; reckless driving = **6 points**; speeding 30 mph or more over the limit = **5 points**; participating in a race or speed contest on a highway = **5 points**; exceeding the 65 mph posted speed limit by 20 mph or more = **5 points**; any moving violation contributing to an accident = **3 points**; driving below minimum posted speed limit = **1 point**; driving in negligent manner = **1 point**. MD TRANS § 16-402(a); MD ADC 11.17.13.02. **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**; Third or subsequent violation – An offender’s license **may** be suspended for **not more than 180 days**. MD TRANS § 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. MD TRANS § 16-103(c); MD TRANS § 16-113(d).

¹⁸⁷ These periods are *additional* revocation periods for drivers who have had their license revoked. MD TRANS § 16-404(c)(2).

Other Criminal Actions Related to Speeding:

Race or Speed Contest on Highway: **Misdemeanor.** MD TRANS §21-1116; MD TRANS § 27-101(a).

Sanctions:

Imprisonment Term / Fine: Not more than **\$500**. MD TRANS §27-101(b).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** through a point system.

Term of License Suspension / Revocation: See *License Suspension/Revocation*, above.

Revocation:

Mandatory Term: See Mandatory Term, above.

Other: **Points:** 5 points assessed against driver's license.
MD TRANS § 16-402(a).

Reckless Driving:¹⁸⁸

Misdemeanor. MD TRANS § 21-901.1(a); MD TRANS § 27-101.

Sanctions:

Imprisonment Term / Fine: Not more than **\$1,000**. MD TRANS §27-101(g).

Mandatory Minimum Term / Fine:

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** through a point system.

Term of License Suspension / Revocation: See *License Suspension/Revocation*, above.

Revocation:

Mandatory Term: See *Mandatory Term*, above.

Other: **Points:** 6 points assessed against driver's license.
MD TRANS § 16-402(a).

Negligent Driving:¹⁸⁹

Misdemeanor. MD TRANS § 21-901.1(b); MD TRANS §27-101(a).

Sanctions:

Imprisonment Term / Fine: Not more than **\$500**. MD TRANS §27-101(b).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** through a point system.

Term of License Suspension / Revocation: See *License Suspension/Revocation*, above.

Revocation:

Mandatory Term: See Mandatory Term, *above*.

¹⁸⁸ "Reckless driving" is defined as operating a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property. MD TRANS § 21-901.1(a).

¹⁸⁹ "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. Negligent driving is a lesser included offense of reckless driving. MD TRANS § 21-901.1(b); See *Jones v. State*, 924 A.2d 336 (2007) (aff'd, 941 A.2d 1082 (2008)).

Other: **Points:** 1 point assessed against driving record;
MD ADC 11.17.13.02.

Aggressive Driving:¹⁹⁰ **Misdemeanor.** MD TRANS § 21-901.2; MD TRANS §27-101(b).

Sanctions:
Imprisonment Term / Fine: Not more than **\$500.** MD TRANS §27-101(b).

Mandatory Minimum Term / Fine: **None**

Licensing Action:
Type (Suspension / Revocation): **Suspension or Revocation** through a point system.
Term of License Suspension /
Revocation: See License Suspension/Revocation, above.
Mandatory Term: See Mandatory Term, *above*.

Other: **I. Points:** 5 points assessed against driver’s license.
MD TRANS § 16-402(a).

Automated Speed Enforcement: **Limited:** The following counties/cities are permitted to enforce speed violations by using a “speed monitoring system” which produces recorded images of motor vehicles traveling at least 12 mph over the posted speed limit on a highway, in work zones, in a residential district, and in school zones with a maximum posted speed limit of 35 mph. Anyone found in violation is subject to a **civil penalty** of not more than **\$40.** MD TRANS § 21-809.

Limitations of Use of Speed Measurement Devices: **No.** Use of radar detectors is permitted.
MD CTS & JUD PRO § 10-301.

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”¹⁹¹ within a 3-year period 3 such violations within a 3-year period.
MD TRANS §16-812(f), (g); MD ADC 11.11.12.03.

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days.** MD TRANS §16-812(f), (g); MD ADC 11.11.12.03.

¹⁹⁰ Aggressive Driving is defined as violating three or more of the following provisions “during a single and continuous period of driving”: (1) MD TRANS § 21-202 (Traffic Lights with Steady Indication); (2) MD TRANS § 21-303 (Overtaking and Passing Vehicles); (3) MD TRANS § 21-304 (Passing on Right); (4) MD TRANS § 21-309 (**Driving on Laned Roadways**); (5) **MD TRANS § 21-310** (Following Too Closely); (6) MD TRANS § 21-403 (Failure to Yield Right-of-Way); and (7) MD TRANS § 21-801.1(Exceeding a Maximum Speed Limit). MD TRANS § 21-901.2.

¹⁹¹ 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) and reckless driving. MD TRANS § 16-803(j)(1).

JURISDICTION

MASSACHUSETTS

Reference:

Massachusetts General Laws Annotated
Code of Massachusetts Regulations (CMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

I. 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.
II. Every person operating a motor vehicle shall decrease the speed of the same when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.
MA ST 90 § 17.

Statutory Speed Limit:

65 mph on certain parts of interstate highways;¹⁹²
55 mph on any other way;
50 mph on divided highways outside a thickly populated business district;
40 mph on any other highway outside a thickly populated business district;
25 mph inside a thickly populated business district;
20 mph in an established school zone or within a senior safety center zone, if established;
15 mph within 1/10 mile of a vehicle which is selling merchandise and is displaying flashing amber lights. MA ST 90 §17.

Posted (Maximum) Speed Limit:

The State or a local government may regulate the speed limit on a highway. MA ST 90 § 18.

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:

See Posted (Maximum) Speed Limit, above. **Note:** MA ST 90 § 18, appears to account for increase and decrease in speed limits on highway, by virtue of its language.

Other:

I. No vehicle with a load weighing 4 or more tons when equipped with metallic tires shall be operated at a speed greater than 4 mph.
MA ST 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.¹⁹³
III. Except on limited access highways, a school bus shall not be driven greater than 40 mph while actually engaged in carrying school children. MA ST 90 §17.
IV. An operator may not operate a vehicle at a rate of speed in excess

¹⁹² 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. MA ST 90 § 17A.

¹⁹³ See, e.g., 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 Memorial Bridge; 304 CMR 12.23(1), (2) which regulates speed in certain forests and parks; 740 CMR 23.03 which regulates commercial ground transportation driver speeds.

or less than that of the minimum speed indicated except when traveling in a “creeper lane,” acceleration lane, or deceleration lane, has mechanical failure, or is an over-weight or over-size vehicle (but such vehicle must be capable of maintaining a minimum speed of 20 mph.¹⁹⁴ 730 CMR 7.08, Table 9.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On public roads with a speed limit of 30 mph or less.
MA ST 85 § 2E; MA ST 90 § 1F;
25 mph. MA ST 90 § 1.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Civil Motor Vehicle Infractions MA ST 90C §1.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Basic Speed Rule; Speed Limit Violations– Not less than **\$50.**¹⁹⁵
MA ST 90 § 20.
Exceeding the speed limit by more than 10 mph – An additional fine of **\$10 per mile per hour** over the speed limit. MA ST 90 §20.

Mandatory Minimum Term / Fine:

\$50 for basic speed rule/speed limit violations.
\$35 for second offense exceeding 65 mph speed limit; **\$75** for subsequent offense exceeding 65 mph speed limit. MA ST 90 § 20.

Other Penalties:

Traffic School:

N/A

Other:

I. A surcharge of **\$50** is assessed for the Head Injury Treatment Services Trust Fund. MA ST 90 §20.
II. The fine is doubled for exceeding the posted speed limit in a construction zone. MA ST 90 § 17; 730 CMR 7.08(12).
III. Exceeding 4 mph While Operating Vehicles with Metallic Tires with a Load greater than 4 tons – Not more than \$100.
MA ST 85 § 32.

¹⁹⁴ The following speed limits apply to portions of the Massachusetts Turnpike only: **65 mph/40 mph (minimum)** on the turnpike between the NY State border and interchange 14 in Weston, eastbound, and from interchange 15 in Newton to the NY State border, westbound; **55 mph/40 mph (min.)** on all other portions of the turnpike; **35 mph/20 mph (min.)** in Callahan and Sumner Tunnels; **40 mph/20 mph (min.)** in Ted Williams Tunnel; **45 mph** in Prudential Tunnel; **45 mph** in Thomas P. O’Neill, Jr. Tunnel. 730 CMR 7.08, Table 9.

¹⁹⁵ **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 MA ST 85 § 30; MA ST 85 § 30A, and which is overweight, is subject to the following fine sanctions: first offense – Not more than **\$100**; second offense (within 12 months) - **\$100-\$150**; subsequent offense - **\$150-\$300**. MA ST 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-\$75**; subsequent offense (within 12 month) - **\$75-\$150**. MA ST 90 § 20. **III. Speed violations on Massachusetts Turnpike:** Speeding over the limit= not less than **\$50**; reasonable & proper speed violation = not less than **\$50/\$50 in tunnel**; dangerous speed = not less than **\$50/\$500 in tunnel**; careless/negligent driving = not less than **\$50/\$500 in tunnel**; violation of minimum speed limit = not less than **\$20/\$20 in tunnel**; speeding in construction zone = not less than **\$100/\$100 in tunnel** (this fine may be doubled). The maximum fine is \$500. 730 CMR 7.12, Table 10; 730 CMR 7.08(12). **IV. Speed violations under Metropolitan District Commission** – first offense – not more than **\$200**. 350 CMR 4.02.V. **Speed violations under Forest and Parks authority** - **\$10**. 304 CMR 12.23..

Licensing Action: **IMPORTANT.** Action is limited to certain speed law violations. Courts may recommend suspension or revocation to the licensing registrar. MA ST 90 § 27.

Type (Suspension / Revocation): **Revocation** MA ST 90 §17.

Term of License Suspension / Revocation: Third or subsequent conviction (within 12 months) –**30 days**. MA ST 90 § 17.

Mandatory Term: **30 days**. MA ST § 17.

Other Criminal Actions Related to Speeding:

Drag Racing: **Misdemeanor.** MA ST 90 §17B; MA ST 274 § 1.

Sanctions:

Imprisonment Term / Fine: Not more than **\$1,000** or not more than **2½ years**. MA ST 90 § 17B.
Persons under 18 who hold junior operator’s license or learners permit:
First offense – Not less than **\$250**;
Subsequent offense – Not less than **\$500**. MA ST 90 § 17B.

Mandatory Minimum Term / Fine: Persons under 18 years old (if a fine is ordered): **\$250** for 1st offense; **\$500** for subsequent offense.

Licensing Action:

Type (Suspension / Revocation): **Suspension.** MA ST 90 §17B; MA ST 90 § 20.

Term of License Suspension / Revocation: First offense– Not less than **30 days**;
Subsequent offense – Not less than **180 days**. MA ST 90§17B.

For persons under 18 who hold a junior operator’s license or learners permit:
First offense – **1 year**.
Subsequent offense – **3 years**. MA ST 90 § 17B.

Mandatory Term: The base terms above are mandatory.

Other: **For persons under 18 who hold a junior operator’s license or learners permit:**
 I. A **\$500** reinstatement fee following 1st offense suspension, and a **\$1,000** reinstatement fee following a subsequent offense;
 II. Completion of a road rage program sponsored by the trial court and Department of State Police;
 III. Completion of a registrar-selected program that encourages attitudinal changes in young drivers;
 IV. Successful completion of a driving test. MA ST 90 § 17B.

Reckless Driving:¹⁹⁶ **Misdemeanor.** MA ST 90 § 24(2)(a); MA ST 274 §1.

Sanctions:

Imprisonment Term / Fine: Not less than **2 weeks** or more than **2 years** and/or not less than **\$20** or more than **\$200**. MA ST 90 §24(2)(a).

¹⁹⁶ The law makes it an offense to operate a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered. Additionally, this section makes it a crime to operate a motor vehicle on a highway upon a bet or wager in a race for the purpose of making a record. MA ST 90 § 24(2)(a).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Revocation.** MA ST 90 §24(2)(b).

Term of License Suspension /
Revocation:

First offense– Not less than **60 days**;
Subsequent offense(within 3 years) – Not less than **1 year**.
MA ST 90 §24(2)(c).

Mandatory Term:
Other:

The terms above are mandatory.
I. The registrations of any vehicles owned by the offender may be
revoked. MA ST 90 §24(2)(b).
II. **Surcharge:**¹⁹⁷ A defendant must pay a surcharge of **\$250** for the
purpose of funding head injury treatment services.
MA ST 90 § 24(2)(a).

Automated Speed Enforcement:

Permitted (without S.P.).¹⁹⁸

**Limitations of Use of Speed
Measurement Devices:**

No statutory provisions. Use of radar, at a minimum, appears to be
permitted. See *Police Dept. of Groveland v. Gallant*, 926 N.E.2d 1195
(Mass.App.Ct. 2010).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a
vehicle that person commits 2 “serious traffic violations”¹⁹⁹ within a
3-year period 3 such violations within a 3-year period.
MA ST 90F §9(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**.
MA ST 90F §9(E).

¹⁹⁷ This surcharge only applies to violations of the law related to negligent driving that endangers either lives or the public’s safety.

¹⁹⁸ The State Treasurer is authorized to pay the cost of installing suitable traffic control signs, or safety devices, and constructing necessary safety improvements at high-accident locations in cities and towns, in accordance with the following procedure.
MA ST 90 § 33B. This does not specifically include or exclude speed cameras.

¹⁹⁹ 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) and operating a motor vehicle as to endanger or reckless driving. MA ST 90F § 1.

JURISDICTION

MICHIGAN

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. Additionally, a person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. MI ST §257.627(1).

Statutory Speed Limit:

70 mph on freeways (60 mph max. for trucks greater than 10,000 lbs., or vehicles drawing another vehicle or trailer). MI ST § 257.628(8).
55 mph on other highways. MI ST § 257.628(1), (8).
35 mph on a highway segment with 45-59 vehicular access points within ½ mile. MI ST § 257.627(2).
45 mph on a highway segment with 30-44 vehicular access points within ½ mile. MI ST § 257.627(2).
25 mph (prima facie unlawful speed) in business or residential districts, in public parks or in school zones²⁰⁰ or on a highway with 60 or more vehicular access points within ½ mile.
 MI ST §257.627(2); MI ST § 257.627a(2).

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. MI ST §258.628(1).
 II. Local authorities may increase or decrease the 25 mph speed limit in a school zone. MI ST § 257.627a(4);MI ST § 257.606(1)(k).
 III. Local authorities may increase or decrease the prima facie speed limits within their jurisdictions. However, a prima facie speed limit outside either a business or residential district shall not be less than 25 mph. A prima facie speed limit of not less than 15 mph may be established for publicly owned parks or playgrounds. MI ST § 257.629(1), (3), (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. MI ST § 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. MI ST § 257.629b(1).

²⁰⁰ 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. MI ST § 257.627a(2). If, in order to attend classes, school children must cross a State highway with a speed limit of 35 mph or greater, 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. MI ST § 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 less than 25 mph. MI ST § 257.627(a)(6).

- Minimum Speed Limit: I. See the Basic Speed Rule above.
II. The minimum speed limit on freeways is 55 mph.
MI ST § 257.628(7).
- Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, State and local governments may establish minimum speed limits on highways under their jurisdictions. MI ST § 257.628(1).
- Other: I. A person entering and passing through a work zone where a normal lane or part of the lane of traffic has been closed shall not exceed 45 mph, unless a different speed limit is determined. MI ST § 257.627(9).
II. A person operating a school bus shall not exceed 55 mph.
MI ST § 257.627(7).
III. A person operating a truck weighing greater than 10,000 lbs., shall not exceed 55 mph on highways, streets, or freeways, but shall not exceed 60 mph if the maximum speed is 70 mph.²⁰¹
MI ST § 257.627(6).
IV. A person shall not exceed the maximum safe posted speed limit that has been established for a bridge, causeway or viaduct.
MI ST § 257.631(1).
V. In the Lower Peninsula, towed mobile homes more than 14-1/3 feet wide shall not exceed a speed of 45 mph or 10 miles per hour below the speed limit whichever is lower. MI ST § 257.719b(d).
VI. It is prima facie unlawful to operate a vehicle at a speed exceeding 15 mph in a mobile park home. MI ST § 257.627(4).
VII. Certain combinations of vehicles shall not be operated at a speed greater than 15 mph.²⁰² MI ST § 257.719(4).

Low Speed Vehicles:

- Permitted on Public Roads (Yes/No): **Yes.** On public roads with speed limits not exceeding 35 mph.
MI ST § 257.660(7).
Maximum Speed Permitted: **25 mph.** MI ST § 257.25b; MI ST § 257.660; 49 CFR 571.3.

Adjudication of Speed Law

Violations:

- Civil/Criminal Adjudication: **Civil Infraction.** MI ST § 257.627(14); MI ST § 257.628(7);
MI ST § 257.629(6); MI ST § 257.629b(2).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

- Imprisonment Term / Fine: **Civil infraction:** The number of miles per hour over the speed limit determines the fine. MI ST § 257.629c.²⁰³

²⁰¹ If reduced loading is being enforced on any highway, the maximum speed is 35 mph. A person operating a modified agriculture vehicle shall not exceed 45 mph. MI ST § 257.627(6).

²⁰² The combinations include a truck hauling more than 1 trailer or semi-trailer, and a truck tractor hauling more than 2 semi-trailers or 1 semi-trailer and a trailer. However, this reduced speed does not apply to farm tractors hauling 2 wagons or garbage/refuse trucks hauling up to 4 trailers (with a combined length of not more than 55 feet). MI ST § 257.719(4)(a).

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**. MI ST § 257.907(3).

Mandatory Minimum Term / Fine: See Footnote below regarding mandatory minimums.

Other Penalties:

Traffic School:

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

Other:

I. Costs not greater than \$100 are assessed for speeding while operating a commercial motor vehicle. MI ST § 257.907(4).
II. Points are assessed against the driving record. MI ST § 257.629c.

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system.²⁰⁴
MI ST § 257.320(1)(d), (2); MI ST § 257.320a; MI ST § 257.629c.

Term of License Suspension /
Revocation:

Not more than **1 year**. MI ST § 257.320(4).

Mandatory Term:

None

Miscellaneous Sanctions Not
Included Elsewhere:

Important: 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 double that otherwise prescribed by law. MI ST § 257.601b.
II. A driver who commits a moving violation (including a speed violation) that results in 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).
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

²⁰³ However, the following **minimum** fines shall apply to persons who exceed the speed limit on highways or freeways with a maximum speed limit 55 mph or more: 1-5 mph over the limit = **\$10**; 6-10 mph over the limit = **\$20**; 11-15 mph over the limit = **\$30**; 16-25 mph over the limit = **\$40**; 26 mph or more over the limit = **\$50**. MI ST § 257.629c.

²⁰⁴ **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. MI ST § 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: more than 15 mph = **5 points**; by 11-15 mph = **4 points**; by 10 mph or less = **3 points**; Drag racing = **4 points**; Exceeding the speed by more than 15 mph = **4 points**; Careless driving = **3 points**; Exceeding the speed by: 10 mph or less = **2 points**; 11-15 mph = **3 points**. MI ST § 257.320a(1). III. However, the following points are assessed for exceeding the speed limit on limited access highways where the speed limit is not more than 55 mph and the offender is determined responsible or responsible "with an explanation" to a civil infraction: 1-5 mph over the limit = **no points**; 6-10 mph over the limit = **1 point**; 11-15 mph over the limit = **2 points**; 16-25 mph over the limit = **3 points**; and 26 mph or more over the limit = **4 points**. MI ST § 257.629c.

to license revocation for not less than 5 years (mandatory).
MI ST § 257.303(2), (4); MI ST § 257.601b; MI ST § 257.601c

Other Criminal Actions Related to Speeding:

Drag Racing on Highway:²⁰⁵

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. MI ST § 257.626a; MI ST § 257.901(1).

Not more than **90 days** and/or not more than **\$100**.
MI ST § 257.901(2).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system. MI ST § 257.320(1)(d), (2);
MI ST § 257.320a(1).

Term of License Suspension /
Revocation:

Not more than **1 year**. MI ST § 257.320(4).

Mandatory Term:

None

Other:

4 points assessed against driving record. MI ST § 257.320a(1).

Careless or Negligent Driving:²⁰⁶

Sanctions:

Imprisonment Term / Fine:

Civil infraction. MI ST § 257.626b; MI ST § 257.907.

Not more than **\$250**. **Note:** Each district court and each municipal court may establish a schedule of civil fines, costs and assessments to be imposed for civil infractions that occur within the respective district or city. MI ST § 257.907(3).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system. MI ST § 257.320(1)(d), (2);
MI ST § 257.320a(1).

Term of License Suspension /
Revocation:

Not more than **1 year**. MI ST § 257.320(4).

Mandatory Term:

None

Other:

3 points assessed against the driving record. MI ST § 257.320a(1).

Reckless Driving:²⁰⁷

Misdemeanor. MI ST § 257.626(a); MI ST § 257.901(1).

²⁰⁵ The offense of “drag racing” on a highway is defined as operating a motor vehicle in a speed or acceleration contest for the purpose of making a record, or where two or more vehicles accelerate in an attempt to out-distance each other. MI ST § 257.626a.

²⁰⁶ 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. MI ST § 257.626b

²⁰⁷ 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. MI ST § 750.90e. Depending upon the

Sanctions:

Imprisonment Term / Fine:

Not more than **93 days** and/or not more than **\$500**.
MI ST § 257.626(b).

Serious Impairment of Body Function: Felony – Not more than **5 years** and/or not less than **\$1,000** or more than **\$5,000**, including forfeiture of the vehicle or immobilization. MI ST § 257.626(3).

Death: Felony – Not more than **15 years** and/or not less than **\$2,500** or more than **\$10,000**, including forfeiture of the vehicle or immobilization. MI ST § 257.626(4).

Mandatory Minimum Term / Fine:

Serious Impairment of Body Function: **\$1,000;**
Death: **\$2,500.** MI ST § 257.626.

Licensing Action:

Type (Suspension / Revocation):

Suspension through the point system. MI ST § 257.320(1)(d), (2);
MI ST § 257.320a(1).

Suspension/Revocation. MI ST § 257.303(2)(a);
MI ST § 257.319(3)(b).

Term of License Suspension /
Revocation:

First offense - Suspension for **90 days**;

Second offense - (within 7 years) - Revocation for **1 year, 45 days**.

However, the revocation is for 5 years if the offender had a previous revocation within 7 years. MI ST § 257.303(4)(a)(i), (ii);

MI ST § 257.319(3)(b).

Mandatory Term:

The base terms above are mandatory.

Other:

6 points assessed against driving record. MI ST § 257.301a(1).

Automated Speed Enforcement:

No statutory provision

**Limitations of Use of Speed
Measurement Devices:**

No statutory provisions. It appears, at a minimum, that radar and laser devices are permitted. See *In re Nebel*, 777 N.W.2d 132 (Mich. 2010); *People v. Filipi*, 2010 WL 3184371 (Mich.App., August 12, 2010) (not reported).

**Commercial Motor Vehicle (CMV)
Operators:**

Grounds for Disqualification:

A person's CDL is suspended if, while driving a CMV, that person commits two "serious traffic violations"²⁰⁸ within a 36-month period or 3 such violations within a 36-month period. MI ST § 257.319b(1)(a), (b).

Period of Disqualification:

Two serious violations (within 36 months) – **60 days**;

Three serious violations (within 36 months) – **120 days**.

MI ST § 257.319b(1)(a), (b).

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

²⁰⁸ A "serious traffic violation" includes exceeding the speed limit by 15 or more mph and careless driving. MI ST § 257.319b(10)(b).

JURISDICTION

MINNESOTA

Reference:

Minnesota Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions. The driver of any vehicle shall drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway 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. MN ST § 169.14, subds. 1, 3.

Statutory Speed Limit:

A speed in excess of the following limits is prima facie evidence that such a speed is not reasonable and prudent. MN ST §169.14, subd. 2

- 1) **70 mph** on interstate highways outside urban area limits;
 - 2) **65 mph** on non-interstate freeways and highways and interstates within urban area limits;
 - 3) **55 mph** on highways in all other locations;
 - 4) **35 mph** in a rural residential district if adopted by the road authority having such jurisdiction;
 - 4) **30 mph** in an urban district;
 - 5) **25 mph** on residential roadways;²⁰⁹
 - 6) **10 mph** in alleys.
 - 7) **10-30 mph** in manufactured home parks;²¹⁰
 - 8) **10 mph** in recreational camping areas.
- MN ST §327.27, subd. 2, 2a.

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. MN ST § 169.14, subds. 4,5.
- II. If the Commissioner establishes a speed limit of greater than 30 mph for a highway within an urban district, the local government may reduce such limit for quarter-mile segments to 30 mph. MN ST §169.14, subd. 5b.
- III. Based on engineering and traffic investigations, local governments may establish speed limits in school zones.²¹¹ The speed limit in such zone cannot be less than 15 mph nor more than 20 mph below the established speed limit where such speed limit is normally 40 mph or

²⁰⁹ This becomes effective if such a speed limit is adopted by the authority having jurisdiction over such roadway and signs erected. MN ST § 169.14, subd. 2(a)(8), (b).

²¹⁰ The speed limit in a manufactured home park is 10 mph. MN ST § 327.27, subd. 2. However, by local ordinance, this limit may be increased to no more than 30 mph. MN ST § 327.27, subd. 2a.

²¹¹ 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. MN ST §169.14, subd. 5a

greater. MN ST §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. MN ST §169.14, subd. 5c.

V. The State Commissioner (on trunk highways) and local governments (on streets and roads under their jurisdiction) may establish temporary speed limits in work zones.

MN ST §169.14, subd. 5d(a). The minimum speed limit in these zones is 20 mph. However, the speed in such zone shall neither be less than 15 mph below the normal speed limit nor more than 40 mph.

Exception: On divided highways, the speed limit in such zones cannot be greater than 55 mph. MN ST §169.14, subd. 5d(b), (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 less than 15 mph nor more than 30 mph below the established speed limits.

MN ST §169.14, subd. 5a(a).

VII. Based on engineering and traffic investigations, the governmental authority over a park may establish speed limits therein.²¹² MN ST § 169.14, subd. 5e. The speed limit cannot be less than 20 mph. In addition, existing speed limits cannot be reduced by more than 15 mph. MN ST §169.14, subd. 5e.

VIII. Based on investigations, the State Commissioner may establish a safe maximum speed for bridges or elevated structures.

MN ST §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.

MN ST §169.965, subd. 1.

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. MN ST §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. Additionally, official signs may be erected to direct slow-moving traffic to use a designated lane. MN ST § 169.18, subsd. 7, 10.

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Commissioner may establish minimum speed limits on any part of a trunk highway. MN ST §169.14, subd. 8.

Other:

A person is prohibited from operating a vehicle which is pulling another with chains and tow bars more than 35 mph.

²¹² 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. MN ST §169.14, subd. 5e

MN ST §168.055.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On public roads with speed limits of 35 mph or less.
MN ST § 169.224, subd. 3.
25 mph. MN ST § 169.011, subd. 47.

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication:

Petty Misdemeanor. MN ST §169.89, subd. 1(1).
However, a third or subsequent violation within 12 months =
misdemeanor. MN ST §169.89, subd. 1(2).

Other:

It is a misdemeanor for a person to operate a vehicle which is pulling another with chains and tow bars more than 35 mph.
MN ST §168.056.

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine:

Petty Misdemeanor Offense– Not more than **\$300**.
MN ST §169.89, subd. 2

Misdemeanor Offense– Not more than **90 days** and/or not more than **\$1,000**. MN ST § 609.02(3); MN ST§609.03(3).

Mandatory Minimum Term / Fine:

Petty Misdemeanor Offense– **None**.

Misdemeanor Offense– Not less than or more than 30% of the maximum statutory fine or 30% of the maximum fine for the specific offense in a uniform fine schedule (if lower than the statutory maximum). This may be reduced to \$50 based on undue hardship.
MN ST §609.101, subds. 4, 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. MN ST §169.89, subd. 5

Licensing Action:

Type (Suspension / Revocation):

Suspension.²¹³ MN ST §171.16, subds. 1, 2;
MN ST § 171.18, subd. 1, (2), (4).

Third or subsequent offense (within 12 months) – **Revocation.**²¹⁴
MN ST §171.17, subd. 1(6).

²¹³ **I.** The court, in 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. MN ST § 171.16, subd. 2. **II.** The licensing agency on its own initiative can suspend an offender's license if the violation contributed to an accident that resulted in death, personal injury or property damage or the offender is a habitual violator of the traffic laws. MN ST § 171.18, subd. 1(a)(2), (4).

²¹⁴ 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. MN ST §171.17, subd. 1(a)(6).

Term of License Suspension /
Revocation:

Suspension. The law providing for court-recommended suspensions does not state either minimum or maximum suspension periods. MN ST §171.16, subds. 1, 2. However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than 1 year. MN ST §171.18, subd. 3(d).

Mandatory Term:

Revocation. The law does not provide for a maximum revocation period.

None. 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. MN ST §171.30.

Miscellaneous Sanctions Not
Included Elsewhere:

Construction Zone: A person who violates the “work zone speed limit” is assessed an additional surcharge which is equal to the fine but not less than **\$25**. MN ST §169.14, subd. 5d(f).

School Zone: A person who violates the “school zone speed limit” is assessed an additional surcharge which is equal to the fine but not less than **\$25**. MN ST § 169.14, subd. 5a(d).

Other Criminal Actions Related to Speeding:

Reckless or Careless Driving:²¹⁵
Sanctions:

Misdemeanor. MN ST §169.13, subds. 1, 2.

Imprisonment Term / Fine:

Not more than **90 days** and/or not more than **\$1,000**.
MN ST § 609.02, subd. 3; MN ST § 609.03(3).

Mandatory Minimum Term / Fine:

30% of the maximum statutory fine or 30% of the maximum fine for the specific offense in a uniform fine schedule (if lower than the statutory maximum). This may be reduced to \$50 based on undue hardship. MN ST § 609.101, subds. 4, 5(b).

Licensing Action:

Type (Suspension / Revocation):

Suspension. MN ST § 171.16, subds. 1, 2;
MN ST §171.18, subd. 1(2), (4).

Term of License Suspension /
Revocation:

Suspension. The law providing for court-recommended suspensions does not state either minimum or maximum suspension periods. MN ST § 171.16, subds. 1, 2. However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than 1 year. MN ST § 171.18, subd. 3(d).

²¹⁵ **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. **Racing:** “Racing” means willfully comparing or contesting relative speeds by operating one or more vehicles. Racing constitutes reckless driving, whether or not the speed is in excess of the maximum speed limit prescribed by law. MN ST § 169.13, sub. 1(a), (b). **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. MN ST § 169.13, subd. 2. Both offenses are misdemeanors. MN ST §169.13, subds. 1, 2.

Revocation. The law does not provide for a maximum revocation period.

Mandatory Term:

None. 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. MN ST § 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.
MN ST § 169.89, subd. 5.

Automated Speed Enforcement:

No by S.P. A city is authorized to regulate traffic by means of police officers or traffic-control signals only. MN ST § 169.04(a)(2). Therefore, the use of speed cameras would be in direct conflict with that statute, and with MN ST § 169.06, subd. 4(a), which mandates a driver to obey a traffic-control device or police officer.²¹⁶

Limitations of Use of Speed Measurement Devices:

Yes. Radar devices are permitted. MN ST § 169.14, subds. 10, 11.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if, while driving such a vehicle, that person commits 2 “serious traffic violations”²¹⁷ within a 3-year period or 3 such violations within a 3-year period.
MN ST § 171.165, subd. 1; 49 C.F.R. 384.218; 49 C.F.R. 384.219.

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
MN ST § 171.165, subd. 1; 49 C.F.R. 384.218; 49 C.F.R. 384.219.

²¹⁶ See *State v. Kuhlman*, 729 N.W.2d 577 (Minn. 2007) (holding the use of automated photo-enforcement of traffic signals was in direct conflict with the law). By virtue of this case analysis, speed cameras would be in direct conflict as well.

²¹⁷ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph or reckless driving. 49 C.F.R. 383.51.

JURISDICTION

MISSISSIPPI

Reference:

Mississippi Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

I. No person shall operate a vehicle on the highways of the State at a speed greater than 65 miles per hour. MS ST §63-3-501.

II. The driver or operator of any motor vehicle must decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic. MS ST § 63-3-505.

Statutory Speed Limit:

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

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Commission may decrease the above speed limits which become effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway, and 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 less than 15 mph. MS ST § 63-3-503.

II. Whenever the State Highway Commission shall lower the maximum speed limit in response to Federal laws, regulations or guidelines for purposes of energy conservation, local authorities shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed limit of 55 mph. MS ST § 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. MS ST §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. MS ST §63-3-603(d).

Posted (Minimum) Speed Limit:

30 mph on federally designated highways when no hazard exists. MS ST §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. MS ST §63-3-509(2).

Other:

I. A school bus shall not be operated at a speed greater than 45 mph while transporting children to and from school on regular routes. However, such bus may be operated at a speed not greater than 50 mph on authorized school trips. MS ST §37-41-47.

II. All trucks, truck-trailers or passenger buses shall be required to

reduce speed to 45 mph when visibility is bad during inclement weather. MS ST §63-3-505.

III. The State Highway Commission may establish safe maximum speed limits for bridges or elevated structures. MS ST §63-3-513

IV. Speed limits may be established for highway work zones. MS ST §63-3-516(1).

V. A governmental entity that operates and maintains a toll road may establish the maximum speed for motor vehicles operated on any toll road not greater than 80 mph. MS ST § 63-3-501.

Low Speed Vehicles:

No statutory provisions

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanor MS ST §37-41-47; MS ST § 63-9-11(1).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

First conviction – Not more than **10 days** or not more than **\$100**;
Second conviction(within 1 year) – Not more than **20 days** and/or not more than **\$200**;
Third or subsequent conviction (within 1 year after the 1st conviction) – Not more than **6 months** and/or not more than **\$500**.
 MS ST § 63-9-11(2).

Special Note: If the offender exceeded the posted speed limit (MS ST §63-3-503) but did not exceed the maximum speed limit (MS ST §63-3-501), the sanction is only half of that noted above.
 MS ST §63-3-503.

Operating a School Bus in Excess of either 45 or 50 mph – Not less than **\$25** or more than **\$100**.²¹⁸ MS ST §37-41-47.

Mandatory Minimum Term / Fine:

A State assessment may not be suspended. For a violation by a school bus driver, the mandatory minimum is \$25.

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. MS ST §63-9-11(3).

Other:

Highway Work Zone:

First offense: Not more than **\$250**;
Second and subsequent offenses: A fine of double the maximum fine imposed for 2nd, 3rd or subsequent offenses as listed above (MS ST § 63-9-11). MS ST §63-3-516(1).

²¹⁸ In addition to this sanction, the driver may be discharged from further employment as a school bus driver or carrier and his contract as such may be terminated.

Surcharge: A surcharge not exceeding \$10 may be assessed by the court. MS ST § 63-9-31.

Traffic Ticket Surcharge: A surcharge not exceeding \$1 may be assessed by any municipality with a population of 15,000 or more. MS ST § 63-9-33.

Licensing Action:

Type (Suspension / Revocation):

Suspension²¹⁹ MS ST § 63-1-53(2).

Term of License Suspension / Revocation:

Note: The law does not specify either a minimum or maximum suspension period for speeding violations.

Mandatory Term:

None

Miscellaneous Sanctions Not Included Elsewhere:

I. For speed law violations, there is a mandatory State assessment of \$90.50, in addition to any fine. Such assessment shall not be suspended. MS ST § 99-19-73(1).
II. Additional assessments shall be imposed.²²⁰

Other Criminal Actions Related to Speeding:

Reckless Driving:

Misdemeanor MS ST § 63-3-1201; MS ST § 63-9-11(1).

Sanctions:

Imprisonment Term / Fine:

First offense: Not less than **\$5** or more than **\$100**;
Subsequent offense: Not more than **\$500** and/or not more than **10 days**. MS ST § 63-3-1201.

Mandatory Minimum Term / Fine:

Any State assessment shall not be suspended. MS ST § 99-19-73.

Licensing Action:

Type (Suspension / Revocation):

Suspension. MS ST § 63-1-53(2)(c), (3).
Revocation – 3 or more offenses within 12 months. MS ST § 63-1-51(1)(e).

Term of License Suspension / Revocation:

For suspension, the law does not provide a minimum or maximum period. For revocation, the period is 1 year. MS ST § 63-1-51(1).

Mandatory Term:

The 1-year term for revocation appears to be mandatory.

Other:

State assessment: \$90.50. MS ST § 99-19-73(1).
Reckless driving violation assessment: \$10. MS ST § 99-19-73(5).
Surcharge: A surcharge not exceeding \$10 may be assessed by the court. MS ST § 63-9-31.
Traffic Ticket Surcharge: A surcharge not exceeding \$1 may be assessed by any municipality with a population of 15,000 or more.

²¹⁹ 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," or has been a habitually reckless or negligent driver. MS ST § 63-1-53(2).

²²⁰ **Assessments:** exceeding the posted speed limit by at least 10 mph but not more than 20 mph = **\$10**; exceeding by at least 20 mph but not more than 30 mph = **\$20**; exceeding by 30 mph or more = **\$30**; reckless driving = **\$10**; careless driving = **\$10**. MS ST § 99-19-73(5).

MS ST § 63-9-33.

Careless Driving:²²¹

Sanctions:

Imprisonment Term / Fine:

Misdemeanor MS ST § 63-3-1213; MS ST § 63-9-11(1).

Not less than **\$5** or more than **\$50**.

Mandatory Minimum Term / Fine:

\$5 plus any State assessment.

Licensing Action:

Type (Suspension / Revocation):

Suspension. MS ST § 63-1-53(2)(c)(3).

Term of License Suspension /
Revocation:

The law does not provide a minimum or maximum suspension period.

Mandatory Term:

N/A

Other:

State assessment: \$90.50. MS ST § 99-19-73(1).

Careless driving violation assessment: \$10. MS ST §99-19-73(5).

Surcharge: A surcharge not exceeding \$10 may be assessed by the court. MS ST § 63-9-31.

Traffic Ticket Surcharge: A surcharge not exceeding \$1 may be assessed by any municipality with a population of 15,000 or more. MS ST § 63-9-33.

Racing and Drag Racing:²²²

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. MS ST § 63-3-1215; MS ST § 63-9-11(1).

Not more than **\$1,000** and/or not more than **6 months**.
MS ST § 63-3-1215(4).

Mandatory Minimum Term / Fine:

Any State assessment shall not be suspended. MS ST § 99-19-73.

Licensing Action:

Type (Suspension / Revocation):

Suspension. MS ST § 63-1-53(2)(c)(3).

Term of License Suspension /
Revocation:

The law does not provide a minimum or maximum suspension period.

Mandatory Term:

None

Other:

State assessment: \$90.50. MS ST § 99-19-73(1).

Other misdemeanor assessment: \$106.75. MS ST § 99-19-73(6).

Surcharge: A surcharge not exceeding \$10 may be assessed by the court. MS ST § 63-9-31.

²²¹ "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 of reckless driving. MS ST § 63-3-1213.

²²² "Drag race" means the operation of two (2) 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, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on the public roads of this State. "Racing" means the use of one or more vehicles in an attempt to out gain, out distance, or prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long distance driving routes on the public roads of this State. MS ST § 63-3-1215(2), (3).

Traffic Ticket Surcharge: A surcharge not exceeding \$1 may be assessed by any municipality with a population of 15,000 or more. MS ST § 63-9-33.

Automated Speed Enforcement:

No by S.P. All localities are prohibited from using automated enforcement. MS ST § 63-3-519.

Limitations of Use of Speed Measurement Devices:

Yes. The Mississippi Highway Safety Patrol is prohibited from setting up radar on highways within municipalities with a population in excess of 15,000. MS ST § 63-3-519.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person's CDL is suspended if while driving a CMV that person commits 2 “serious traffic violations”²²³ within a 3-year period or 3 such violations within a 3-year period. MS ST § 63-1-216(1)(d).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
 MS ST § 63-1-216(1)(d).

²²³ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. MS ST§ 63-1-203(r).

JURISDICTION**MISSOURI**

Reference:

Missouri Statutes Annotated

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. MO ST §304.012.1.

Statutory Speed Limit:

70 mph on rural interstates and freeways. **65 mph** on rural expressways. **60 mph** on urban interstate highways, expressways and freeways, and other roads except State two-lane “lettered” roads outside of urban areas. **55 mph** on State two-lane “lettered” roads. MO ST §304.010.2.

Posted (Maximum) Speed Limit:

I. The State may increase the maximum speed limit to 60 mph on State two-lane “lettered” roads. MO ST §304.010.2(5).
 II. Local governments with State approval may establish speed limits on the streets or roads within their jurisdiction. MO ST § 304.010.6; MO ST § 304.010.7.
 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. MO ST §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. MO ST § 77.520, MO ST § 79.410; MO ST § 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 at greater than 70 mph. MO ST § 304.010.3.

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. MO ST §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. MO ST §304.015.5(3).

Posted (Minimum) Speed Limit:

40 mph on interstate highways.²²⁴ MO ST §304.011.2.

Other:

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of

²²⁴ There is an exception for certain agricultural-type vehicles being operated on such highways with special permits for short distances. Additionally, there is an exception if slower speed is required for the safe operation of the vehicle because of weather or other special conditions. MO ST § 304.011.2(2).

such vehicle and the traffic upon and the condition of the roadway.
MO ST § 304.017.1.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):
Maximum Speed Permitted:

Yes. On public roads with a speed limit of 35 mph or less.
MO ST § 304.029.2.
25 mph. MO ST § 304.029.6; 49 CFR 571.3.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

- I. Driving 5 mph or less over the speed limit is an **infraction**.
MO ST § 304.009.1.
- II. Driving at less than the normal speed of traffic and not driving in the right lane is a **Class C misdemeanor**. If such violation causes an immediate threat of an accident, then it is a **Class B misdemeanor**. If an accident results from such violation, it is a **Class A misdemeanor**.
MO ST § 304.015.9.
- III. Driving 20 mph or greater over the speed limit is a **Class B Misdemeanor**. MO ST § 304.010.11.
- IV. A violation of the basic speed rule is a **Class B Misdemeanor**.
MO ST § 304.012.2.
- V. A violation of the basic speed rule that results in an accident is a **Class A misdemeanor**. MO ST § 304.012.2.
- VI. Driving so as to impede traffic is an unclassified traffic regulations **misdemeanor**. MO ST § 304.011.1; MO ST § 304.570.
- VII. A violation of the posted speed limit established under MO ST § 304.351.7 (prima facie evidence of careless and imprudent driving) is a **Class C misdemeanor**. MO ST § 304.351.8.
- VIII. All other speed law violations, including driving less than 40 mph on an interstate, are **Class C misdemeanors**. MO ST § 304.011.3.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Infraction– Not more than **\$200**. MO ST § 560.016.1(4).
Class A misdemeanor– Not more than **1 year** and/or not more than **\$1,000**. MO ST § 558.011.1(5); MO ST § 560.016.1(1).
Class B misdemeanor– Not more than **6 months** and/or not more than **\$500**. MO ST § 558.011.1(6); MO ST § 560.016.1(2).
Class C misdemeanor– Not more than **15 days** and/or not more than **\$300**. MO ST § 558.011.1(7); MO ST § 560.016.1(3).
Unclassified Traffic Regulation Misdemeanor– Not more than **1 year** and/or not less than **\$5** or more than **\$500**. MO ST § 304.570.

Mandatory Minimum Term / Fine:

None

Other Penalties:

Traffic School:

If a person pays the fine and costs associated with speed law violations, he/she also consents to attendance at any driver improvement program ordered by the court and consent to verification of such attendance. MO ST § 302.302.5; MO ST § 476.385.4.

Other: **Additional Fine:** If a person violates MO ST § 302.010 of the speed laws while in a construction (or work) zone, that person is assessed an additional fine of \$35, for a first offense. For a subsequent offense, the additional fine is \$75. MO ST § 304.582.1. If the violation occurs when workers are present and a warning is posted, the additional fine is \$250 for a first offense. For a subsequent offense, the additional fine is \$300. MO ST § 304.582.2.

Surcharge: A surcharge of \$2 shall be assessed for benefit of the Spinal Cord Injury Fund. MO ST § 304.027.2.
A surcharge of \$2 shall be assessed for benefit of the Brain Injury Fund. MO ST § 304.028.2.

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** under the point system.²²⁵
MO ST § 302.302; MO ST § 302.304.

Term of License Suspension /
Revocation: **30 days to 1 year.**²²⁶ MO ST § 302.304.

Mandatory Term: **None.** Note: An offender is eligible for hardship driving privileges.²²⁷
MO ST § 302.309.3(1).

Miscellaneous Sanctions Not
Included Elsewhere: **Travel Safe Zone:** Any person found guilty of a moving violation (MO ST § 302.010) or speeding violation (MO ST § 304.009; MO ST § 304.010) within a travel safe zone²²⁸ shall be fined double the amount of the fine authorized to be imposed by law.
MO ST § 304.590.2; MO ST § 304.590.3.

Other Criminal Actions Related to
Speeding:

Racing on Highway: **Note:** Local governments may prevent racing on the highways.²²⁹

²²⁵ **Point System: I.** An offender's license is subject to suspension if that person accumulates 8 points in 18 months. MO ST § 302.304.3. Initial suspension = 30 days; second suspension = 60 days; third or subsequent suspension = 90 days. MO ST § 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. MO ST § 302.304.7; MO ST § 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**. MO ST § 302.302.1(2). Careless and imprudent driving = **4 points**. MO ST § 302.302.1(4). An additional 2 points are assessed if a violation resulted in either a personal injury or property damage. MO ST § 302.302.3. However, no points are assessed for driving 5 mph or less over the speed limit. MO ST § 304.009.1.

²²⁶ Under most circumstances, a license cannot be suspended or revoked for more than 1 year. MO ST § 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. MO ST § 302.304.4; MO ST § 302.304.7.

²²⁷ 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. MO ST § 302.309.3(2).

²²⁸ A "travel safe zone" means an area upon or around any highway which is visibly marked by the State Department of Transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the State Dept of Transportation. MO ST § 304.590.1.

²²⁹ **I.** A Third Class City (a city or town with population of 3,000 or more) may enact an ordinance prohibiting highway racing. MO ST § 72.030; MO ST § 77.520; MO ST § 77.590. The maximum sanctions that can be established for violating this prohibition are an imprisonment term of not more than 1 year and/or a fine of not more than \$1,000. MO ST § 77.590. **II.** A Fourth Class City (generally a city or town with population at least 500 but less than 3,000) may enact an ordinance prohibiting highway racing. MO ST § 72.040.1; MO ST § 79.410. The maximum sanctions that can be established for violating this prohibition are an imprisonment term of not more than 90 days and/or a fine of not more than \$500. MO ST § 79.470.

Reckless Driving:	Class B misdemeanor. If accident results, Class A misdemeanor. MO ST § 304.012.1; MO ST § 304.012.2.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Class B misdemeanor – Not more than 6 months and/or not more than \$500. MO ST § 558.011.1(6); MO ST § 560.016.1(2). Accident: Class A misdemeanor – Not more than 1 year and/or not more than \$1,000. MO ST § 558.011.1(5); MO ST § 560.016.1(1).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension or Revocation under the point system. MO ST § 302.302 ; MO ST § 302.304.
Term of License Suspension / Revocation:	30 days to 1 year. MO ST § 302.304.
Mandatory Term:	None. Note: An offender is eligible for hardship driving privileges. MO ST § 302.309.3(1).
Other:	4 points assessed against driving record. 6 points assessed against driving record if accident results. MO ST § 302.302.1; MO ST § 302.302.3. Surcharge: A surcharge of \$2 shall be assessed for benefit of the Spinal Cord Injury Fund. MO ST § 304.027. A surcharge of \$2 shall be assessed for benefit of the Brain Injury Fund. MO ST § 304.028.
Endangerment of Highway Worker: ²³⁰	Unclassified Traffic Regulation Misdemeanor. MO ST § 304.570; MO ST § 304.585.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than \$1,000. MO ST § 304.570. Aggravated Endangerment (resulting in death or injury): Not more than \$5,000 (injury); Not more than \$10,000 (death).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Revocation
Term of License Suspension / Revocation:	Not more than 1 year. MO ST § 304.304; MO ST § 304.585.3.
Mandatory Term:	None. Note: An offender is eligible for hardship driving privileges. MO ST § 302.309.3(1).
Other:	4 points assessed against driving record. MO ST § 304.585.2.

²³⁰ A person shall be deemed to commit the offense of “endangerment of a highway worker” upon conviction for the following, but not limited to: exceeding the posted speed limit by 15 mph or more, and careless and imprudent driving, when the offense occurs within a construction zone or work zone, as defined in MO ST § 304.580. No person shall be cited or convicted for this offense for any act or omission if such act or omission resulted in whole or in part from mechanical failure of the person’s vehicle or from the negligence of another person or a highway worker. MO ST § 304.585.

12 points assessed against driving record if injury or death results.
 MO ST § 304.585.3.
Surcharge: A surcharge of \$2 shall be assessed for benefit of the Spinal Cord Injury Fund. MO ST § 304.027.
 A surcharge of \$2 shall be assessed for benefit of the Brain Injury Fund. MO ST § 304.028.

Automated Speed Enforcement:

No statutory provisions.

Limitations of Use of Speed Measurement Devices:

No statutory provisions. However, it appears that, at a minimum, the use of radar is permitted. See *State v. Murphy*, 358 S.W.3d 126 (Mo.App. S.D. 2011).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”²³¹ within a 3-year period or 3 such violations within a 3-year period.
 MO ST § 302.755.5.

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**.
 MO ST § 302.755.5.

²³¹ A “serious traffic violation” includes careless, reckless, imprudent driving and excessive speeding. MO ST § 302.700.2(30).

JURISDICTION

MONTANA

Reference:

Montana Code Annotated
Administrative Rules of Montana (ARM)**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. MT ST § 61-8-303(3).

Statutory Speed Limit:

75 mph²³² at all times on Federal-aid interstate highways outside an urbanized area with population 50,000 or more. **65 mph** at all times on Federal-aid interstate highways within an urbanized area with a population 50,000 or more. **70 mph** during the daytime²³³ and **65 mph** during the nighttime on any other public highway. **25 mph** in an urban district. MT ST § 61-8-303(1).

Posted (Maximum) Speed Limit:

I. The State Department of Transportation, based on engineering and traffic investigations which indicate that a greater or lesser 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. MT ST § 61-8-309(1).

II. Based on engineering and traffic investigations, the State may establish safe maximum speed limits for bridges or other elevated structures. MT ST § 61-8-313(2), (3).

III. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed limits on highways under its jurisdiction.²³⁴ MT ST § 61-8-310(1).

IV. A local government may establish speed limits on county roads without an engineering and traffic investigation. MT ST § 61-8-310(1)(c), (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 (MT ST § 61-8-303). MT ST § 7-14-2113; MT ST § 61-8-310(3).

VI. The State Department of Transportation or a local government must establish appropriate speed limits in construction zones and work zones. **Note:** This authority may also extend to utility

²³² 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. MT ST § 61-8-303(2).

²³³ "Daytime" means one-half hour before sunrise to one-half hour after sunset. "Nighttime" means any other hour except daytime. MT ST § 61-8-303(5).

²³⁴ I. However, the following limitations apply: (1) the posted speed limit in an urban district cannot be greater than 65 mph during the nighttime (MT ST § 61-8-310(1)(b)); (2) the posted speed limit outside an urban district cannot be less than 35 mph on a paved road or less than 25 mph on an unpaved road. MT ST § 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 less than 15 mph. MT ST § 61-8-310(1)(d).

companies and private contractors. MT ST § 61-8-314(2), (3), (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. MT ST § 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. MT ST § 61-8-321(3).
- 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. MT ST § 61-8-311(3).
- Other: I. For trucks with more than 1 ton manufacturer’s rated capacity, except for the maximum statutory limits per MT ST § 61-8-303 and speed limits established per MT ST § 61-8-309; MT ST § 61-8-310, the maximum speed limits are 65 mph on completed sections of interstate highways and 60 mph during the daytime/55 mph during the nighttime on four-lane divided highways and completed sections of primary and secondary highways. MT ST § 61-8-312(1)(a), (b).
 II. Except for the maximum statutory limits per MT ST § 61-8-303 and speed limits established per MT ST § 61-8-309; MT ST § 61-8-310, special permit vehicles cannot be driven greater than 55 mph. MT ST § 61-8-312(2).
 III. A vehicle with solid rubber or cushion tires cannot be driven greater than 10 mph. MT ST § 61-8-313(1).

Low Speed Vehicles:

No statutory provisions

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Misdemeanor** MT ST § 61-8-314(5); MT ST § 61-8-711(1).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: **Violation of Statutory Speed Limits** (MT ST § 61-8-303):
 1-10 mph over the speed limit = **\$20**;
 11-20 mph over the speed limit = **\$40**;
 21-30 mph over the speed limit = **\$70**;
 31 mph or more over the speed limit = **\$100**. MT ST § 61-8-725(1).
Other Speed Law Violations:
First offense – Not less than **\$10** or more than **\$100**;
Second offense (within 1 year of 1st conviction) – Not less than **\$25** or more than **\$200**;
Third or subsequent offense (within 1 year after the 1st conviction) – Not less than **\$50** or more than **\$500**. MT ST § 61-8-711(2).

Mandatory Minimum Term / Fine: The base terms above appear to be mandatory minimums.

Other Penalties:

Traffic School:

Driver Improvement Program: MT ST § 61-2-302; ARM 23.3.203.

Other:

Double Fine: The fines are double the usual amount for exceeding the posted speed limit in a work zone. MT ST § 61-8-314(5)(a).Licensing Action:

Type (Suspension / Revocation):

Suspension through point system²³⁵ – frequent violator of the traffic laws.**Revocation** – Habitual Traffic Offender.²³⁶ MT ST § 61-11-201, *et seq.*Term of License Suspension /
Revocation:**Suspension– 6 months. Note:** The law limits a suspension to a maximum period of **1 year**. MT ST § 61-5-208.**Revocation (Habitual Offender) – 3 years.** MT ST § 61-11-211;
MT ST § 61-11-212.

Mandatory Term:

Suspension– None. Licensing action is discretionary.**Revocation (Habitual Offender) – 1 year.**Other Criminal Actions Related to
Speeding:**Unauthorized Speed Contest
(Drag Racing):****Misdemeanor** MT ST § 61-8-308; MT ST § 61-8-717.Sanctions:

Imprisonment Term / Fine:

Not less than **\$50** or more than **\$500** and/or not more than **6 months**. MT ST § 61-8-717.

Mandatory Minimum Term / Fine:

\$50Licensing Action:

Type (Suspension / Revocation):

Suspension or Revocation – See Driver Rehabilitation and Habitual Offender point systems respectively.²³⁷

²³⁵ **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**; reckless driving = **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 greater than 65 mph at night on an interstate = **3 points**; speeding greater than 55 mph at night on other highways = **3 points**; driving certain trucks greater than 55 mph at night/ greater than 60 mph at other times / greater than 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 greater than 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**; careless driving = **2 points**. MT ST § 61-5-205; ARM 23.3.202(1), (2), (3). **Important:** A violation of the statutory speed limits under MT ST §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. MT ST § 61-8-725(2).

²³⁶ **Habitual Offender Point System:** **I.** 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**. MT ST § 61-11-203(2)(h), (i), (l). **Important:** A violation of the statutory speed limits under MT ST § 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. MT ST § 61-8-725(2).

Term of License Suspension / Revocation: Mandatory Term:	N/A
Other:	5 points assessed against driving record.
Reckless Driving: <u>Sanctions:</u> Imprisonment Term / Fine:	Misdemeanor MT ST § 61-8-301; MT ST § 61-8-711(1). <u>First offense</u> – Not more than 90 days and/or not less than \$25 or more than \$300 ; <u>Subsequent offense</u> – Not less than 10 days or more than 6 months and/ or not less than \$50 or more than \$500 . MT ST § 61-8-715(1). Reckless driving resulting in death or serious bodily injury: Not more than 1 year and/or not more than \$10,000 . MT ST § 61-8-715(2).
Mandatory Minimum Term / Fine:	The base terms above are mandatory minimums.
<u>Licensing Action:</u> Type (Suspension / Revocation):	Suspension or Revocation – See Driver Rehabilitation and Habitual Offender point systems respectively. Revocation – 3 reckless driving convictions within 12 months. MT ST § 61-5-205(1)(f).
Term of License Suspension / Revocation:	Suspension or Revocation — Not more than 1 year. MT ST § 61-5-208.
Mandatory Term:	None
Other:	5 points assessed against driving record.
Careless Driving: ²³⁸ <u>Sanctions:</u> Imprisonment Term / Fine:	Misdemeanor MT ST § 61-8-302; MT ST § 61-8-711(1); MT ST § 61-8-716. <u>First conviction</u> – Not less than \$10 or more than \$100 ; <u>Second conviction</u> (within 1 year) – Not less than \$25 or more than \$200 ; <u>Third or subsequent conviction</u> (within 1 year after the 1 st conviction) – Not less than \$50 or more than \$500 . MT ST § 61-8-302; MT ST § 61-8-711. Careless driving resulting in death or serious bodily injury: Not

²³⁷ An offender may be issued restricted driving privileges after 1 year of the revocation period provided that person participates in a driver rehabilitation program. MT ST § 61-2-302(2)(a)(ii).

²³⁸ 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.” MT ST § 61-8-302.

more than **\$5,000** and/or not more than **6 months**. MT ST § 61-8-716.

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** – See Driver Rehabilitation and Habitual Offender point systems respectively.

Term of License Suspension / Revocation: N/A

Mandatory Term: N/A

Other: **2 points** assessed against driving record.

Automated Speed Enforcement:

Yes by S.P. Local authorities are permitted to regulate traffic by means of police officers or other traffic control devices. MT ST § 61-12-101(2).²³⁹

Limitations of Use of Speed Measurement Devices:

No. The speed of a vehicle may be measured by the use of radio microwaves or other electrical devices. MT ST § 61-8-702.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A commercial driver's license is suspended if while driving a CMV a person commits more than 1 "serious traffic violation"²⁴⁰ within a 3-year period or commits 3 or more such violations within a 3-year period. MT ST § 61-8-803(1).

Period of Disqualification: More than one (1) serious violation (within 3 years) – **60 days**; 3 or more serious violations (within 3 years) – **120 days**. MT ST § 61-8-803(1).

²³⁹ See 45 A.G. Op. 7 (1993) (holding that the city of Billings was not precluded by State statute from enacting a photo-radar ordinance regulating speeding).

²⁴⁰ A "serious traffic violation" includes exceeding the speed limit by 15 or more mph and reckless driving. MT ST § 61-8-803(2).

JURISDICTION**NEBRASKA**

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. A 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 hillcrest, 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. NE ST § 60-6,185.

Statutory Speed Limit:

75 mph on interstate highways;²⁴¹
65 mph on a State freeway²⁴² or expressway,²⁴³
60 mph on other State highways;²⁴⁴
55 mph upon any dustless-surfaced highway not part of the State highway system;
50 mph upon a non-dustless-surfaced highway not part of the State highway system;
25 mph in a residential district;
20 mph in a business district. NE ST § 60-6,186.

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. 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 less than 35 mph outside a residential or business district. NE ST § 60-6,186(2); NE ST § 60-6,190(1), (3).

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.
 NE ST § 60-6,193(1), (2), (6).
 II. On a freeway, no motor vehicle can be operated at less than 40 mph.²⁴⁵ NE ST § 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.
 NE ST § 60-6,131(2).

²⁴¹ **Exceptions:** The maximum speed limit is 60 mph on any portion of the interstate highway in Douglas County, on Interstate 180 in Lancaster County and on Interstate 129 in Dakota County. NE ST § 60-6,186(1)(h)(i),(ii).

²⁴² A “freeway” is defined as “an expressway with full control of access.” NE ST § 39-1302(18).

²⁴³ 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.” NE ST § 39-1302(14).

²⁴⁴ The Department of Roads may, where existing design and traffic conditions allow, according to an engineering study, authorize a speed limit 5 miles per hour greater.

²⁴⁵ The State or a local government may alter this minimum speed limit on a freeway. NE ST § 60-6,193(2).

Posted (Minimum) Speed Limit: The State or a local government may establish minimum posted speed limits for a highway. NE ST § 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 areas, when conspicuously placed signs are erected. However, the speed in such zones may be increased to a limit not greater than the maximum limit provided by law. NE ST § 60-6,188(1), (3).
 II. Based upon an investigation, the State or a local government may establish safe maximum speed limits for bridges, causeways, viaducts or other elevated structures. NE ST § 60-6,189(2).
 III. A vehicle towing a mobile home shall not be driven at a speed greater than 50 mph. NE ST § 60-6,187(1).
 IV. No person shall operate a “livestock forage vehicle” at a speed greater than 20 mph in a business district, greater than 25 mph in a residential district or greater than 50 mph on any other highway except a freeway outside a business or residential district. However, these speed limits may be altered by NE ST § 60-6,190. NE ST § 60-6,305(3).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of not more than 35 mph. NE ST § 60-6,380.
 Maximum Speed Permitted: **25 mph.** NE ST § 60-628.01.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Traffic infractions** (but are disposed of in the same manner as misdemeanors). NE ST § 60-672; NE ST § 60-682; NE ST § 60-682.01; NE ST § 60-688.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: **Exceeding the Speed Limit:** 1-5 mph over the speed limit = **\$10**; 6-10 mph = **\$25**; 11-15 mph = **\$75**; 16-20 mph = **\$125**; 21-35 = **\$200**; 36 mph or more = **\$300**. NE ST § 60-682.01.

Traffic Infractions Where Penalty Not Specified:

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 **\$300**.
 NE ST § 60-689.

Mandatory Minimum Term / Fine: The specific fines for exceeding the speed limit appear to be mandatory.

Other Penalties:

Traffic School: The court may require a person who has been convicted of a moving violation to attend a driver improvement school. NE ST §60-691.

Other:	The fines listed for “Exceeding the Speed Limit” above, shall be doubled if the violation occurs within maintenance, repair or construction zone (marked with posted signs), or in a school crossing zone (marked with posted signs). NE ST § 60-682.01(2).
<u>Licensing Action:</u> Type (Suspension / Revocation):	Revocation through point system. ²⁴⁶ NE ST § 60-499(4); NE ST § 60-4,183.
Term of License Suspension / Revocation:	Revocation through point system = 6 months . NE ST § 60-499; NE ST § 60-4,182; NE ST § 60-4,183.
Mandatory Term:	None . Any motor vehicle except a commercial motor vehicle may be operated under an employment driving permit as provided by NE ST § 60-4,129 or a medical hardship driving permit as provided by NE ST § 60-4130.01.
Miscellaneous Sanctions Not Included Elsewhere:	Revocation by court order – Not less than 10 days or more than 1 year . ²⁴⁷ NE ST §60-496.
<u>Other Criminal Actions Related to Speeding:</u>	
Racing on Highway:	Class II misdemeanor . NE ST § 60-6,195(1), (3).
<u>Sanctions:</u> Imprisonment Term / Fine:	Not more than 6 months and/or not more than \$1,000 . NE ST §28-106(1).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u> Type (Suspension / Revocation):	Possible Revocation through point system. NE ST §60-499; NE ST § 60-4,182; NE ST § 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.
Term of License Suspension / Revocation:	Revocation through point system = 6 months . NE ST § 60-499; NE ST § 60-4,183.
Mandatory Term:	None . Any motor vehicle except a commercial motor vehicle may be operated under an employment driving permit as provided by NE ST §

²⁴⁶ **Point System: I.** If an offender accumulates 12 points within 2 years = **revocation for 6 months**, with mandatory attendance at 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. NE ST § 60-4,183. An offender under age 21 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. NE ST § 60-4,130.03. **II.** Points have been assigned as follows: willful reckless driving = **6 points**; reckless driving = **5 points**; careless driving = **4 points**; negligent driving = **3 points**; speeding up to 5 mph over the speed limit = **1 point**; 6-10 mph = **2 points**; 11-35 = **3 points**; more than 35 mph = **4 points**. However, on highways with a maximum speed limit of 60, 65 or 70 mph, the following points are assigned: **1 point** for exceeding by not more than 10 mph; **2 points** for exceeding by more than 10 but not more than 15 mph; **3 points** for exceeding more than 15 but not more than 35 mph. NE ST § 60-4,182.

²⁴⁷ 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); NE ST § 60-496.

60-4,129 or a medical hardship driving permit as provided by NE ST 60-4130.01.

Other: I. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. NE ST §60-691.
II. **Revocation** by court order – Not less than **10 days** or more than **1 year**.

Willful Reckless Driving:²⁴⁸

Sanctions:

Imprisonment Term / Fine:

Class I, II or III misdemeanor. NE ST § 60-6,214 – 6,218.

First offense (Class III misdemeanor) – Not more than **3 months** and/or not more than **\$500**;

Second offense (Class II misdemeanor) – Not more than **6 months** and/or not more than **\$1,000**;

Third or subsequent offense (Class I misdemeanor) – Not more than **1 year** and/or not more than **\$1,000**. NE ST § 28-106(1).

Mandatory Minimum Term / Fine: **None.**

Licensing Action:

Type (Suspension / Revocation):

Court-ordered Revocation. NE ST § 60-6,216 – 6,218; NE ST § 60-498(7).

Term of License Suspension / Revocation:

First conviction – Not less than **30 days** or more than **1 year**. NE ST § 60-6,216;

Second conviction – Not less than **60 days** or more than **2 years**. NE ST 60-6,217;

Third or subsequent conviction – Not less than **1 year**. NE ST 60-6,218.

Mandatory Term:

The terms above are mandatory.²⁴⁹

Other:

I. Second conviction – Impoundment of vehicle for not less than **2 months** or more than **1 year** if motor vehicle is registered in offender's name. NE ST § 60-6,217.

II. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. NE ST § 60-691.

III. **Revocation** by court order where there has been danger to life, limb or property – Not less than **10 days** or more than **1 year**. **Note:** This action is discretionary. NE ST § 60-496.

IV. **6 points** assessed against driving record. NE ST § 60-4,182.

Reckless Driving:

Sanctions:

Imprisonment Term / Fine:

Class I, II or III misdemeanor. NE ST § 60-6,213; NE ST § 60-6,215; NE ST § 60-6,217; NE ST § 60-6,218.

First offense (Class III misdemeanor) – Not more than **3 months**

²⁴⁸ "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" NE ST § 60-6,214.

²⁴⁹ An employment driving permit is not available. NE ST § 60-4,129.

and/or not more than **\$500**;
Second offense (Class II misdemeanor) – Not more than **6 months**
 and/or not more than **\$1,000**;
Third or subsequent offense (Class I misdemeanor) – Not more than **1 year** and/or not more than **\$1,000**. NE ST § 28-106(1).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): First offense – **Revocation** through point system. NE ST § 60-499; NE ST § 60-4,183.
Second or subsequent offense – **Revocation**. NE ST § 60-6,217; NE ST § 60-6,218.

Term of License Suspension / Revocation: Revocation through point system – **6 months**. NE ST § 60-499; NE ST § 60-4,182; NE ST § 60-4,183.

(Court-ordered revocation) :
Second conviction – Not less than **60 days** or more than **2 years**. NE ST § 60-6,217.
Third or subsequent conviction – Not less than **1 year**. NE ST § 60-6,218.

Mandatory Term: The terms above appear to be mandatory.

Other: I. Second conviction – Impoundment of vehicle for not less than **2 months** or more than **1 year** if motor vehicle is registered in offender’s name. NE ST § 60-6,217.
 II. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. NE ST § 60-691.
 III. **Revocation** by court order where there has been danger to life, limb or property – Not less than **10 days** or more than **1 year**. **Note:** This action is discretionary. NE ST § 60-496.
 IV. **5 points** assessed against driving record. NE ST § 60-4,182.

Careless Driving.²⁵⁰ **Traffic Infraction**. NE ST § 60-672; NE ST § 60-682; NE ST § 60-6,212.

Sanctions:

Imprisonment Term / Fine: 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 **\$300**. NE ST § 60-689.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): Revocation through point system. NE ST § 60-499; NE ST § 60-4,182;

²⁵⁰ “Careless driving” is defined as operating a motor vehicle “carelessly or without due caution so as to endanger a person or property.” NE ST § 60-6,212.

NE ST § 60-4,183.

Term of License Suspension /
Revocation:
Mandatory Term:

6 months. NE ST § 69-499; NE ST § 60-4,182; NE ST § 60-4,183.

Other:

None. A person is eligible for either employment or medical hardship driving privileges. NE ST § 60-4,129; NE ST § 60-4,130; NE ST § 60-4,130.01.
I. The court may require a person who has been convicted of a moving violation to attend a driver improvement school. NE ST § 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. NE ST § 60-496.
III. **4 points** assessed against driving record. NE ST § 60-4,182.

Automated Speed Enforcement:

No by S.P. Peace officers only are directed and authorized to enforce Nebraska Rules of the Road. Additionally, the code provides for various types of speed determinations to include visual observations which must be corroborated by a radar or laser gun or other type of electronic speed measurement device. NE ST § 60-683; NE ST § 60-6,192.

Limitations of Use of Speed Measurement Devices:

No. Officers may use radio microwave, mechanical or electronic speed measurement devices to track speed. NE ST § 60-6,192.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”²⁵¹ within a 3-year period or 3 such violations within a 3-year period. NE ST § 60-4,168(4).

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**.
NE ST § 60-4,168(4).

²⁵¹ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph, willful reckless driving and reckless driving. NE ST § 60-4,168(8).

JURISDICTION**NEVADA**

Reference:

Nevada Revised Statutes
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, or at a rate of speed greater than that posted by a public authority.
NV ST §484B.600.

Statutory Speed Limit:

I. A person shall not operate any vehicle at a speed greater than 75 mph. NV ST §484B.600(1)(d).
II. A person shall not operate a motor vehicle at a speed of greater than 15 mph in a school zone for an elementary school or any school that includes pupils in elementary school grades; or greater than 25 mph in an area designated as a school zone for a high school or a school crossing zone. ²⁵² NV ST §484B.366(1), (2).

Posted (Maximum) Speed Limit:

I. The State Department of Transportation may adopt speed limits of not more than 75 mph on highways constructed and maintained by it. Such authority includes the establishment of lower speed limits where necessary to protect public health and safety or for trucks, overweight and oversized vehicles, or trailers drawn by motor vehicles and buses. NV ST §484B.613.
II. After appropriate studies, the State may establish special speed zones on a highway where a hazard exists. NV ST §484B.620(1).
III. After an appropriate investigation, the State may establish the maximum safe speed limits for bridges and elevated structures. NV ST § 484B.633(2).
IV. Except for State constructed and maintained highways, local governments and unincorporated towns may establish speed limits within their jurisdictions. NV ST § 269.185(1)(b);
NV ST § 484B.610(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. NV ST §484B.623(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. NV ST §484B.627.

²⁵² The speed limits in these zones do not apply on a day when the school is not in session; in a fixed zone during times when the sign designating the zone indicates that the speed limit is not in effect or the yellow lights of the operational speed limit beacon are not flashing, or during the period from a half hour after school is no longer in operation to a half hour before school is next in operation. NV ST § 484B.363(1). "Speed limit beacon" is a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate the speed limit is in effect in a school or school crossing zone. NV ST § 484B.363(7). **Note:** Local governments are required to post the hours in which these speed limits are in effect. NV ST § 484B.367.

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. NV ST §484B.623.
Other:	<p>I. A person shall not drive a school bus at speed greater than 55 mph while transporting students to and from school or while on a school activity. NV ST §484B.360.</p> <p>II. A person shall not drive a vehicle equipped with solid rubber tires or cushion tires greater than 10 mph. NV ST §484B.633(1).</p> <p>III. A person driving at a speed lower than the prescribed limits is still required to decrease speed when: (1) approaching and crossing an intersection; (2) approaching and going around a curve; (3) approaching a hill crest; (4) traveling upon any narrow or winding highway; or (5) when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions. Additionally a driver must decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care. NV ST § 484B.603.</p>

Low Speed Vehicles:

Permitted on Public Roads (Yes/No):	Yes. On public roads with a speed limit of 35 mph or less. NV ST § 484B.637(2).
Maximum Speed Permitted:	25 mph. NV ST § 484B.637(1)(b).

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication:	Misdemeanor NV ST § 193.170; NV ST § 484A.900(1).
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Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine:	Basic Speed Not more than 6 months ²⁵³ and/or not more than \$1,000. NV ST § 193.150(1).
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Mandatory Minimum Term / Fine:	Basic Speed –None. A person may be sentenced to perform a fixed period of community service in lieu of all or part of the punishment. NV ST § 193.150(2).
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Other Penalties:

Traffic School:	I. A person who has been convicted of a second offense may be
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²⁵³ 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 not more than 70 mph; (2) when the posted speed limit is 65 mph and the offender is driving not more than 75 mph; or (3) when the posted speed limit is 70 mph and the offender is driving not more than 75 mph. This violation is not considered a moving violation and is not recorded on a person's driving record. NV ST § 484B.617(1), (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 an urban district or in 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." NV ST § 484B.617(3).

ordered by the court to attend a driver training school.

NV ST § 484A.900(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. NV ST § 483.477.

Other:

Construction Zone: A person who exceeds the posted speed limit in a construction zone is subject to a doubled penalty. 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. NV ST § 484B.130(1), (2).

Licensing Action:

Type (Suspension / Revocation):

I. **Suspension** through point system.²⁵⁴ NV ST § 483.473; NV ST § 483.475; NAC 483.500; 483.510.

II. **Suspension**– 6 offenses within 5 years with a point value of 4 or greater. NV ST § 483.475(4).

Term of License Suspension / Revocation:

I. **Suspension** through point system – **6 months to 1 year**. NV ST § 483.475(3).

II. **Suspension**– **1 year** upon 6th conviction within 5 years, if all such convictions carried a point value of 4 or more. NV ST § 483.475(4).

Mandatory Term:

I. Suspension via point system. Under certain conditions, an offender is eligible for restricted driving privileges for employment and other necessities.²⁵⁵ NV ST § 483.490.

II. Suspension – 1 year mandatory for 6 offenses within 5 years with a point value of 4 or more. A restricted license is not available. NV ST § 483.475(4).

Miscellaneous Sanctions Not Included Elsewhere:

Alternative to Imprisonment or Fine: The court may order an offender to participate in community service in lieu of all or part of an imprisonment or fine. NV ST § 193.150(2).

Other Criminal Actions Related to Speeding:

Reckless Driving (Speed Contest on Highway).²⁵⁶

Misdemeanor. NV ST § 484B.653; NV ST § 484B.900(1).

²⁵⁴ **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**. NV ST § 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 at least 41 miles per hour over the speed limit = **5 points**; speeding at least 31 but not more than 40 miles per hour over the limit = **4 points**; driving without due care/ imprudent driving = **4 points**; speeding in school zone 1-15 miles per hour over the limit = **4 points**; speeding at least 21 but not more than 30 miles per hour over the speed limit = **3 points**; speeding 11 but not more than 20 miles per hour over the speed limit = **2 points**; speeding at least 1 but not more than 10 miles per hour over the speed limit = **1 point**; excessive speeding for the conditions = **2 points**. NAC 483.510.

²⁵⁵ For a suspension based on a first or second accumulation of 12 points within 12 months, an offender is eligible for restricted driving privileges. NV ST § 483.475(3)(a), (b). However, such privileges are not available for a third such accumulation. NV ST § 483.475(3)(c).

Sanctions:

Imprisonment Term / Fine:

Reckless Driving:

First offense: Not less than **\$250** or more than **\$1,000** and/or not more than **6 months**;

Second offense: Not less than **\$1,000** or more than **\$1,500** and/or not more than **6 months**;

Third and subsequent offense: Not less than **\$1,500** or more than **\$2,000** and/or not more than **6 months**. NV ST § 484B.900(3).

Speed Contest:

First offense: Not less than **\$250** or more than **\$1,000** and not less than **50 hours** or more than **99 hours of community service**; and may be sentenced to not more than **6 months**;

Second offense: Not less than **\$1,000** or more than **\$1,500** and not less than **100 hours** or more than **199 hours of community service**; and may be sentenced to not more than **6 months**;

Third or subsequent offense: Not less than **\$1,500** or more than **\$2,000** and **200 hours of community service**; and may be sentenced to not more than **6 months**. NV ST § 484B.653(4).

Mandatory Minimum Term / Fine: The base terms above are mandatory.

Licensing Action:

Type (Suspension / Revocation):

I. **Suspension** through point system. NV ST § 483.473; NV ST § 483.475; NAC 483.500; NAC 483.510.

II. **Suspension** – 6 offenses within 5 years with a point value of 4 or more. NV ST § 483.475(4).

III. **Revocation**– 3 Reckless Driving convictions within 1 year. NV ST§483.460(1)(b)(4).

IV. **Suspension** by court (for **speed contest**). NV ST § 484B.653(5).

Term of License Suspension / Revocation:

I. **Suspension** through points system = **6 months to 1 year**. NV ST § 483.475(3).

II. **Suspension** (6 offense within 5 years) = **1 year**. NV ST § 483.475(4).

III. **Revocation** (3 reckless driving convictions within 1 year) = **1 year**. NV ST§ 483.460(1)(b)(4).

IV. **Suspension** by court (for **speed contest**) = Not less than **6 months** or more than **2 years**. NV ST § 484B.653(5).

Mandatory Term:

I. **Suspension** through point system. Under certain conditions, an offender is eligible for restricted driving privileges for employment and other necessities. NV ST § 483.490.

II. **Suspension** (6 offenses within 5 years) – appears to be mandatory, since a restricted license is not available. NV ST § 483.475(4).

²⁵⁶ A person commits the offense of “reckless driving” if that person drives in willful or wanton disregard of the safety of persons or property or drives a vehicle in an unauthorized speed contest on a public highway. NV ST § 484B.653(1).

Other:	<p>III. Revocation (3 reckless driving convictions within 1 year). NV ST §483.460(1)(b)(4). This revocation does not appear to be mandatory. A restricted license for employment and other necessities is available. NV ST § 483.490.</p> <p>I. 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. NV ST § 483.477.</p> <p>II. 8 points shall be assessed against a driving record. NAC 483.510.</p> <p>III. Death or Injury-related Offense: Reckless driving is a Category B felony if it involved willful or wanton disregard of the safety of persons or property that resulted in either death or substantial bodily injury. The criminal sanctions for this offense are either imprisonment for not less than 1 year or more than 6 years and/or a fine of not less than \$2,000 or more than \$5,000. NV ST § 484B.653(6). In addition, a person's license is revoked for 3 years. NV ST §483.460(1)(a)(1). After one-half of the revocation period has "expired," an offender may be issued a restricted license for employment and for other necessities. NV ST § 483.490.</p>
Aggressive Driving: ²⁵⁷	Misdemeanor NV ST § 484B.650(3).
<u>Sanctions:</u>	
Imprisonment Term /Fine:	<p><u>First offense:</u> Not less than \$250 or more than \$1,000 and/or not more than 6 months;</p> <p><u>Second offense:</u> Not less than \$1,000 or more than \$1,500 and/or not more than 6 months;</p> <p><u>Third or subsequent offense:</u> Not less than \$1,500 or more than \$2,000 and/or not more than 6 months. NV ST § 484B.650(3).</p>
Mandatory Minimum Term / Fine:	The base terms above are mandatory minimums.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	<p><u>First offense</u> – Suspension;</p> <p><u>Subsequent offense</u> (within 2 years) – Revocation.</p> <p>NV ST § 484B.650(4). Note: This licensing action is consecutive to any other license suspension or revocation, and suspension by the court for a first offense is discretionary. NV ST § 484B.650(6).</p>
Term of License Suspension / Revocation:	<p><u>First offense</u> – Not more than 30 days;</p> <p><u>Subsequent offense</u> (within 2 years) – 1 year. NV ST § 484B.650(4).</p>
Mandatory Term:	First offense (suspension) is not mandatory; Subsequent offense

²⁵⁷ 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 one or more of the following acts: (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 greater than 75 mph; **II.** Commits **TWO (2)** or more of the following offenses: (a) failing to obey a traffic control device (NV ST § 484B.300); (b) overtaking and passing another vehicle on the right by driving off the paved portion of the highway (NV ST § 484B.210); (c) driving unsafely or improperly upon a highway that has marked lanes for traffic (NV ST § 484B.223); (d) following another vehicle too closely (NV ST § 484B.127); or (e) failing to yield the right of way (NV ST §§ 484B.250 to 484B.267); **AND III.** Creates an immediate hazard, regardless of its duration, to another vehicle or to another person. NV ST § 484B.650(1).

(revocation) is mandatory – **1 year**. NV ST § 484B.650(4)(a), (b).

Other:

I. First offense – An offender is required to attend a course on traffic safety. NV ST § 484B.650(7). **Note:** If the offender successfully completes this course, three (3) points may be canceled from the driving record. NV ST § 484 B.650(8).

II. There is no specific point assessment for “aggressive driving.” However, for reckless driving, 8 points are assessed, for careless driving, 6 points are assessed, and for driving without due care or imprudent driving, 4 points are assessed. NAC 483.510.

Automated Speed Enforcement:

No by S.P. The use of photographic, video or digital equipment is permitted only if held in the hand or installed within a police cruiser. NV ST § 484.910.

Limitations of Use of Speed Measurement Devices:

No. At a minimum, radar devices are permitted. See e.g., *Hallmark v. Eldridge*, 189 P.3d 646 (Nev. 2008).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”²⁵⁸ within a 3-year period or 3 such violations within a 3-year period. NV ST § 483.908; NAC 706.247(1); 49 CFR 383.51(c)

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
NV ST § 483.908; NAC 706.247(1); 49 CFR 383.51(c).

²⁵⁸ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NV ST § 483.908; NAC 706.247(1); 49 CFR 383.5.

JURISDICTION

NEW HAMPSHIRE

Reference:

New Hampshire Revised Statutes Annotated
New Hampshire Code of Administrative Rules (NHADC)**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. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the way in compliance with legal requirements and the duty of all persons to use due care. NH ST § 265:60(I).

Statutory Speed Limit:

Operating a motor vehicle above the following speed limits is considered prima facie evidence that such speed is not reasonable or prudent and is unlawful.

65 mph on the interstate system and other highways designated via statute;²⁵⁹

55 mph on other highways;

35 mph in rural residential districts and Class V highways outside the compact part of a city or town;

30 mph in a business or urban residential district;

25 mph for a vehicle equipped with a transponder through a toll booth/gate;

10 mph below the usual posted speed limit in a school zone;²⁶⁰

10 mph below the usual posted speed limit but in no case greater than 45 mph on a portion of a highway where persons are at work.

NH ST § 265:60(II).

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.²⁶¹ NH ST § 265:62(I); NH ST § 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 less than 25 mph. NH ST § 265:62(IV).

²⁵⁹ 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. NH ST§ 265:60(II)(e).

²⁶⁰ This limit is in effect from 45 minutes before until 45 minutes after school hours. NH ST§ 265:60(II)(a).

²⁶¹ 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. NH ST§ 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.” NH ST§ 265:62(I); NH ST§ 236:7. However, the law does not specifically state whether different highway speed limits can be established for different types of vehicles.

III. Based on engineering and traffic investigations, local governments may increase or decrease prima facie speed limits within their jurisdictions.²⁶² NH ST § 265:63(I), (II).

IV. Based on engineering and traffic investigations, the State Commissioner of transportation may establish safe maximum speed limits for bridges and other elevated structures. NH ST § 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. NH ST § 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. NH ST § 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. NH ST § 265:64(II). **Note:** Specified traffic may be directed by posted signs to use designated lanes. NH ST § 265:24(III).

Other:

I. A person shall not drive a vehicle that is towing a house trailer greater than 45 mph. NH ST § 265:66(I).

II. A person shall not drive a vehicle that is equipped with solid rubber or cushion tires greater than 10 mph. NH ST § 265:66(II).

III. **35 mph** if on a motor-driven cycle in the night time unless such motor-driven vehicle is equipped with headlamps or lamps which are adequate to reveal a person at a distance of 300 feet ahead. NH ST § 265:65.

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of 35 mph or less.

(Yes/No):

NH ST § 265:158.

Maximum Speed Permitted:

25 mph. NH ST § 259:66-b.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Violation.²⁶³ NH ST § 265:2; NH ST § 625:9(II)(b).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **\$1,000.** NH ST §651:2(IV)(a).

Mandatory Minimum Term / Fine:

Fines for Violation of Basic Speed Law:

1-10 mph = **\$50**

11-15 mph = **\$75**

16-20 mph = **\$100**

21-25 mph = **\$200**

²⁶² 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. NH ST § 265:63(I).

²⁶³ A violation does not constitute a crime. NH ST § 625:9(II)(b).

26+30 mph = **\$350 minimum**(offender must appear in court)
NH ST § 265:60(V)

Fines for Violation of Posted Speed Limit 70 mph:

1-5 mph = **\$65**

6-10 mph = **\$100**

11-15 mph = **\$150**

16-20 mph = **\$250**

21-25 mph = **\$350**

26 mph or more =offender must appear in court. NH ST § 265:60(VI)

Other Penalties:

Traffic School:

An offender may be required to attend a Driver Attitude Training program. NH ST § 263:56-e; NH ADC SAF-C 212.08.

Licensing Action:

Type (Suspension / Revocation):

I. **Suspension** by court order. NH ST § 263:57.

II. **Suspension** through point system.²⁶⁴ NH ST § 263:56(I)(c), (II).

III. **Revocation** for 3 traffic offenses within 1 year.

NH ST § 263:55; NH ST § 263:56.

Term of License Suspension /
Revocation:

I. **Suspension** by court order – Not more than **30 days**.

NH ST § 263:57.

II. **Suspension** through a point system – Not more than **1 year**.

NH ST § 263:56(I)(c), (III).

III. Revocation for 3 traffic offenses within 1 year – Not less than **30 days** or more than **1 year**. NH ST § 263:55; NH ST § 263:56(III).

Mandatory Term:

I. **Suspension** by court order –**None**. The court has discretionary authority. NH ST § 263:57.

II. **Suspension** through point system – Suspension under this system appears to be mandatory. NH ST § 263:56 (I)(c), (II); NH ADC Saf-C 212.04(b).

III. **Revocation** for 3 traffic offenses within 1 year – The **30-day**

revocation period appears to be mandatory. NH ST § 263:55.

Other Criminal Actions Related to
Speeding:

Racing on Highway:

Violation. NH ST § 265:75.

Sanctions:

Imprisonment Term / Fine:

Not more than **\$1,000**. NH ST § 651:2 (IV)(a).

²⁶⁴ **Point System: I. Age 21 or older:** 12 points in 1 calendar year = up to **3 months**; 18 points in 2 consecutive calendar years = up to **6 months**; 24 points in 3 consecutive calendar years = up to **1 year**. **Age 18-20:** 9 points in 1 calendar year = up to **3 months**; 15 points in 2 consecutive calendar years = up to **6 months**; 21 points in 3 consecutive calendar years = up to **1 year**. **Under 18 years of age:** 6 points in one calendar year = up to **3 months**; 12 points in 2 consecutive calendar years = up to **6 months**; 18 points in 3 consecutive calendar years = up to **1 year**. NH ADC 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 or more above the limit = **4 points**; failing to drive in the right lane when operating a slow-moving vehicle = **4 points**; negligent driving = **4 points**; exceeding the speed limit by less than 25 mph above the limit = **3 points**. NH ADC Saf-C 212.03. **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.” NH ST § 263:14(III)(d).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): The licensing actions listed for speeding violations also apply to this offense.

Other: I. An offender may be required to attend a Driver Attitude Training program. NH ST § 263:56-e; NH ADCSaf-C 212.08.
II. **6 points** assessed against driving record. NH ADCSaf-C 212.03.

Reckless Driving:²⁶⁵

Violation. NH ST § 265:79.

Sanctions:

Imprisonment Term / Fine: First offense – Not less than **\$500**;
Second offense – Not less than **\$750** or more than **\$1,000**.
NH ST § 265:79.

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Revocation.** NH ST § 263:65; NH ST § 265:79.

Term of License Suspension /
Revocation: First offense– **60 days**;
Second offense– **60 days to 1 year.** NH ST § 265:79.

Mandatory Term: **60 days.** NH ST §263:70.

Other: I. An offender may be required to attend a Driver Attitude Training program. NH ST § 263:56-e; NH ADCSaf-C 212.08.
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 death or injury to another person. NH ST § 263:56(I)(g), (III)(a).
III. **6 points** assessed against driving record. NH ADCSaf-C 212.03.

Negligent Driving:

Violation. NH ST§ 265:79-b.

Sanctions:

Imprisonment Term / Fine: First offense – No less than **\$250** or more than **\$500**;
Second or subsequent offense – Not less than **\$500** or more than **\$1,000**. NH ST § 265:79-b.

Mandatory Minimum Term / Fine: The base fines above appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation): The licensing actions listed for speeding violations also apply to this offense.

Other: I. An offender may be required to attend a Driver Attitude Training

²⁶⁵ “Recklessly” is defined as when a person is aware of and consciously disregards a substantial and unjustifiable risk. The risk must be of such a nature and degree that, considering the circumstances known to him, its disregard constitutes a gross deviation from the conduct that a law-abiding person would observe in the situation. NH ST § 626:2(II)(c).

program. NH ST § 263:56-e; NH ADCSaf-C 212.08.
 II. **4 points** assessed against driving record. NH ADCSaf-C 212.03.

Automated Speed Enforcement:

No by S.P. Highway “surveillance” is prohibited on public ways of the State or within its political subdivision. NH ST § 236.130.

Limitations of Use of Speed Measurement Devices:

No. It appears that the use of radar, at a minimum, is permitted. See *State v. Cochrane*, 897 A.2d 952 (N.H. 2006).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”²⁶⁶ within a 3-year period or 3 such violations within a 3-year period.
 NH ST § 263:94(VI).

Period of Disqualification:

Two serious violations (within 3 years) – Not less than **60 days**;
Three serious violations (within 3years) – Not less than **120 days**.
 NH ST § 263:94(VI).

²⁶⁶ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NH ST § 259:98-a (I), (II).

JURISDICTION**NEW JERSEY**

Reference:

New Jersey Statutes Annotated
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.²⁶⁷ NJ ST § 39:4-98.

Statutory Speed Limit:

65 mph on selected portions of State eligible public highways²⁶⁸ 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. NJ ST § 39:4-98.4; NJ ST § 39:4-98.5.

It is unlawful for a person to exceed the following speed limits:

50 mph in all other locations except as otherwise provided;

35 mph in suburban business or residential district;

25 mph in a (non-suburban) business or residential district;

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.

NJ ST § 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 speed limits.²⁶⁹ NJ ST § 39:4-8(b); NJ ST § 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. NJ ST § 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. NJ ST § 27:23-27; NJ ST § 27:25A-21(c), (e).

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except

²⁶⁷ I. On highways under the jurisdiction of the New Jersey Transportation and New Jersey Turnpike 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. NJ ST § 27:23-27; NJ ST § 27:25A-21(c). II. On highways under the jurisdiction of the Port Authority of New York and New Jersey, no vehicle shall be operated carelessly or negligently, or in disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property. NJ ST § 32:1-154.3; NJ ST § 32:1-154.18(2).

²⁶⁸ 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....” NJ ST § 27:1B-3(l). Public highways, under the jurisdiction of counties or municipalities, are not eligible for the 65 mph speed limit. NJ ST § 39:4-98.4.

²⁶⁹ By 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. NJ ST § 39:4-98.9(a).

when reduced speed is necessary for safe operation thereof.
NJ ST § 27:23-27; NJ ST § 27:25A-21(d); NJ ST § 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. NJ ST § 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 10,000 lbs., and over, on highways having 4 or more lanes with maximum speed limits of 50 mph or greater. However, such reduced limit can only be 5 mph below the normal speed limit. NJ ST § 39:4-98.1.
II. A person shall not operate a motor vehicle greater than 4 mph across a sidewalk. NJ ST § 39:4-100.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):

Yes. On public road with a posted speed limit of 25 mph. However, the commissioner, in his/her discretion may permit the use of low speed vehicles on public roads with a maximum speed limit of 35 mph. NJ ST § 39:4-31.1.

Maximum Speed Permitted:

25 mph. NJ ST § 39:1-1.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Motor Vehicle Offense.²⁷⁰ NJ ST § 27:25A-21; NJ ST § 27:23-32; NJ ST § 39:4-104; NJ ST § 39:4-203.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not less than **\$50** or more than **\$200** and/or not more than **15 days**.
NJ ST § 39:4-104; NJ ST § 39:4-203.

Mandatory Minimum Term / Fine:

\$50. NJ ST § 39:4-104.

Other Penalties:

Traffic School:

Driver Improvement Program. NJ ST § 39:5-30.2; NJ ST § 39:5-30.4; NJ ST § 39:5-30.9; NJAC §13:19-10.2(b).

Other:

\$1.00 is added to any fine for the “Body Armor Replacement” fund;
\$1.00 is added to any fine for the “N.J. Spinal Cord Research” fund.
NJ ST § 39:5-41(d), (e).

²⁷⁰ 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, 251(N.J. 1999), *State v. Schreiber*, 585 A.2d 945 (N.J. 1991).

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system.²⁷¹ NJ ST § 39:5-30.5, *et seq.*

Term of License Suspension /
Revocation:

Suspension (point system):

Generally – Not less than **30** or more than **180 days**;

First violation (within 1 year of restoration of driving privilege) – Not less than **45 days** or more than **90 days**;

Second violation (within 1 year of restoration of driving privilege) – Not less than **90 days** or more than **180 days**.

NJ ST § 39:5-30.8; NJ ST § 39:5-30.10.

3 suspensions within 3 years: Discretionary suspension for up to 3 years. NJ ST § 39:5-30b.

Mandatory Term:

The base terms above are mandatory. NJ ST § 39:5-30.2;
NJ ST § 39:5-30.8; NJ ST § 39:5-30.10.

Miscellaneous Sanctions Not
Included Elsewhere:

I. The fine for speeding in an area with a designated speed limit of 65 mph shall be **doubled**. NJ ST § 39:4-98.6.

II. The fine for exceeding the speed limit by 20 mph or more shall be **doubled**. NJ ST § 39:4-98.7.

III. The fine for exceeding the speed limit within a construction zone shall be **doubled**. NJ ST § 39:4-203.5(b).

**Other Criminal Actions Related to
Speeding:**

Racing on Highway:

Motor Vehicle Offense. NJ ST § 39:4-52.

Sanctions:

Imprisonment Term / Fine:

First offense – Not less than **\$25** or more than **\$100**;

Subsequent offense – Not less than **\$100** or more than **\$200**.

NJ ST § 39:4-52.

Mandatory Minimum Term / Fine:

The base fines above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

The licensing actions listed for speeding violation also apply to this offense.

²⁷¹ **Point System: I.** For the indicated point accumulations in a period of **2 years or less**, the following suspension periods apply: 12-15 points = 30 days suspension; 16-18 points = 60 days suspension; 19-21 points = 90 days suspension; 22-24 points = 120 days suspension; 25-27 points = 150 days suspension; and 28 points or more = not less than 180 days suspension. For the indicated point accumulations in a period **greater than 2 years**, the following suspension periods apply: 12-14 points = 30 days suspension; 15-18 points = 30 days suspension; 19- 22 points = 60 days suspension; 23-26 points = 90 days suspension; 27-30 points = 120 days suspension; 31-35 points = 150 days suspension; and 36 points or more = not less than 180 days suspension. NJ ST § 39:5-30.8; NJ ADC § 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**; driving in an unsafe manner (third or subsequent conviction) = **4 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 by 1-14 mph = **2 points**; exceeding speed limit by 15-29 mph = **4 points**; exceeding speed limit by 30 mph or more = **5 points**. NJ ST § 39:4-97.2; 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. NJ ST § 39:5-30; NJ ST § 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: (1) a speeding offense where that person exceeded the authorized speed limit by 20 mph; (2) reckless driving; (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. NJ ST § 39:5-30(e).

Term of License Suspension /
Revocation:
Mandatory Minimum Term:
Other:

I. **Double Fines:** For racing on a public highway with a speed limit of 65 mph, the fine is double the usual amount. NJ ST § 39:4-98.6.
II. **5 points** assessed against driving record. NJAC § 13:19-10.1.
III. Driver Improvement Program. NJ ST § 39:5-30.2;
NJ ST § 39:5-30.4; NJ ST § 39:5-30.9; NJAC §13:19-10.2(b).
IV. **\$1.00** is added to any fine for the “Body Armor Replacement” fund; **\$1.00** is added to any fine for the “N.J. Spinal Cord Research” fund. NJ ST § 39:5-41(d), (e).

Reckless Driving:

Motor Vehicle Offense NJ ST § 39:4-96.

Sanctions:

Imprisonment Term / Fine:

First conviction – Not less than **\$50** or more than **\$200** and/or not more than **60 days**;
Second or subsequent conviction – Not less than **\$100** or more than **\$500** and/or not more than **3 months**. NJ ST § 39:4-96.

Mandatory Minimum Term / Fine:

The base fines above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

The licensing actions listed for speeding violations also apply to this offense.

Term of License Suspension /
Revocation:
Mandatory Term:
Other:

I. **Double Fines:** For racing on a public highway with a speed limit of 65 mph, the fine is double the usual amount. NJ ST § 39:4-98.6.
II. **5 points** assessed against driving record. NJAC § 13:19-10.1.
III. Driver Improvement Program. NJ ST § 39:5-30.2;
NJ ST § 39:5-30.4; NJ ST § 39:5-30.9; NJAC §13:19-10.2(b).
IV. **\$1.00** is added to any fine for the “Body Armor Replacement” fund; **\$1.00** is added to any fine for the “N.J. Spinal Cord Research” fund. NJ ST § 39:5-41(d), (e).

Careless Driving:

Motor Vehicle Offense. NJ ST § 39:4-97.

Sanctions:

Imprisonment Term / Fine:

Not less than **\$50** or more than **\$200** and/or not more than **15 days**.
NJ ST § 39:4-104.

Mandatory Minimum Term / Fine:

\$50

Licensing Action:

Type (Suspension / Revocation):

The licensing actions listed for speeding violations also apply to this offense.

Term of License Suspension /
Revocation:
Mandatory Term:

Other: I. **Double Fines:** For racing on a public highway with a speed limit of 65 mph, the fine is double the usual amount. NJ ST § 39:4-98.6.
 II. **2 points** assessed against driving record. NJAC § 13:19-10.1.
 III. Driver Improvement Program. NJ ST § 39:5-30.2;
 NJ ST § 39:5-30.4; NJ ST § 39:5-30.9; NJAC §13:19-10.2(b).
 IV. **\$1.00** is added to any fine for the “Body Armor Replacement” fund; **\$1.00** is added to any fine for the “N.J. Spinal Cord Research” fund. NJ ST § 39:5-41(d), (e).

Unsafe Driving.²⁷²**Sanctions:**

Imprisonment Term / Fine:

Motor Vehicle Offense. NJ ST § 39:4-97.2.

First conviction – Not less than **\$50** or more than **\$150**;
Second conviction – Not less than **\$100** or more than **\$250**;
Third conviction – Not less than **\$200** or more than **\$500**;
Subsequent conviction – **\$500**. NJ ST § 39:4-97.2

Mandatory Minimum Term / Fine:

The base fines above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation):

The licensing actions listed for speeding violations also apply to this offense.

Term of License Suspension /
Revocation:

Mandatory Term:

Other:

I. **Double Fines:** For racing on a public highway with a speed limit of 65 mph, the fine is double the usual amount. NJ ST § 39:4-98.6.
 II. **4 points** assessed against driving record upon the 3rd or subsequent conviction. NJ ST § 39:4-97.2; NJAC 13:19-10.1.
 III. Driver Improvement Program. NJ ST § 39:5-30.2; NJ ST § 39:5-30.4; NJ ST § 39:5-30.9; NJAC §13:19-10.2(b).
 IV. **\$1.00** is added to any fine for the “Body Armor Replacement” fund; **\$1.00** is added to any fine for the “N.J. Spinal Cord Research” fund. NJ ST § 39:5-41(d), (e).
 V. A surcharge of **\$250**. NJ ST § 39:4-97.2(f).

Automated Speed Enforcement:**No by S.P.** The use of photo radar²⁷³ is prohibited. NJ ST § 39:4-103.1**Limitations of Use of Speed Measurement Devices:**

No. Speed measurement devices are permitted. See e.g., *State v. Herrera*, 48 A.3d 1009 (N.J. 2012); *Matter of Admissibility of Motor Vehicle Speed Readings Produced by LTI Marksman 20-20 Laser Speed Detection System*, 714 A.2d 381 (N.J. Super.L. 1998).

Commercial Motor Vehicle (CMV)**Operators:**

Grounds for Disqualification:

A person's privilege to operate a CMV is suspended if while driving such a vehicle that person commits 2 "serious traffic violations"²⁷⁴ within a 3-year period or 3 such violations within a 3-year period.

²⁷² “[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.” NJ ST § 39:4-97.2.

²⁷³ “Photo radar” means a device used primarily for highway speed limit enforcement substantially consisting of a radar unit linked to a camera, which automatically produces a photograph of a vehicle traveling at a speed in excess of the legal limit. NJ ST § 39:4-103.1.

Period of Disqualification: NJ ST § 39:3-10.20(f).
Two serious violations (within 3 years) – Not less than **60 days**;
Three serious violations (within 3 years) – Not less than **120 days**.
NJ ST § 39:3-10.20(f).

²⁷⁴ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NJ ST § 39:3-10.11.

JURISDICTION**NEW MEXICO**

Reference:

New Mexico Statutes Annotated
New Mexico Administrative Code**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. NM ST § 66-7-301(B).
Statutory Speed Limit:	75 mph on highways; 30 mph in business and residential districts; 15 mph in a posted school zone. ²⁷⁵ NM ST § 66-7-301(A).
Posted (Maximum) Speed Limit:	I. Based on engineering and traffic investigations, the secretary of highway and transportation may increase or decrease the above speed limits on any highway within its jurisdiction, so long as such speed limit is not greater than 75 mph. NM ST § 66-7-303(A). II. Based on engineering and traffic investigations and subject to approval by the secretary of highway and transportation, a local government may increase or decrease the above speed limits on any highway within its jurisdiction. NM ST § 66-7-303(B); NM ST § 66-7-304. III. Based upon investigations, the State Transportation Commission may establish safe maximum speed limits for bridges and other elevated structures. NM ST § 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. NM ST § 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. NM ST § 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. NM ST § 66-7-305(B). Note: Slower moving traffic may be directed to use designated lanes by posted signs. NM ST § 66-7-317(C).
Other:	I. The State or a local government may establish speed limits in construction zones. NM ST § 66-7-303.1. II. A person shall not operate a motor vehicle that is equipped with solid rubber or cushion tires at a speed greater than 10 mph. NM ST § 66-7-306(A).

²⁷⁵ This speed limit is in effect when children are going to or leaving a school. NM ST § 66-7-301(A)(1).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of 35 mph or less.
 Maximum Speed Permitted: **25 mph.** NM ST § 66-1-4.12(A).

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication: **Penalty assessment misdemeanors.**²⁷⁶ NM ST § 66-8-7(A);
 NM ST § 66-8-116(A).

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine: **\$15- \$200.**²⁷⁷ NM ST § 66-8-116(A).

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: A driver may have to complete a Driver Improvement Course.
 NM ADC 18.19.5.57.

Other: In lieu of a court appearance, an offender may elect to pay a penalty assessment.²⁷⁸ NM ST § 66-8-116. For a penalty assessment, an offender is assessed additional fees to cover various costs.
 NM ST § 66-8-116.3.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system²⁷⁹ based on frequent violation of the traffic laws.²⁸⁰ NM ST § 66-5-30(A)(3), (11).

Term of License Suspension / Revocation: Not more than **1 year.** NM ST § 66-5-32.

²⁷⁶ The term “penalty assessment misdemeanor” does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person. NM ST § 66-8-116(B).

²⁷⁷ An offender who is cited for a penalty assessment misdemeanor may elect to appear in court. In such cases, the fine imposed cannot exceed the penalty assessment established for a penalty assessment offense under NM ST § 66-8-116(A).

²⁷⁸ **Penalty Assessments:** The following monetary assessments are assigned for speeding violations: Driving so as to impede traffic or not driving in the right lane when not proceeding at the normal speed or traffic = **\$10**; speeding under NM ST § 66-7-306 (driving greater than 10 mph with solid rubber or cushion tires; speeding on a bridge) = **\$15**; speeding up to and including 10 mph over the limit or exceeding other posted speed limits = **\$15**; 11-15 mph = **\$30**; 16-20 mph = **\$65**; 21-25 mph = **\$100**; 26-30 mph = **\$125**; 31-35 mph = **\$150**; greater than 35 mph = **\$200**. NM ST § 66-8-116(A). Speeding in a construction zone results in an assessment twice the penalty assessment established for the equivalent miles per hour over the speed limit.
 NM ST § 66-8-116(D).

²⁷⁹ **Point System: I.** An offender's license is suspended for not more than 3 months if accumulating between 7-10 points within 1 year, and a recommendation has been made from a municipal or magistrate judge. NM ST § 66-5-30(A)(11); NM ADC 18.19.5.54. However, the offender is subject to a 12-month suspension if he/she accumulates 12 or more points within 12 consecutive months. NM ADC 18.19.5.55. **II.** The following points have been assigned for speeding or speed-related violations: speeding at least 26 mph over the speed limit = **8 points**; reckless driving = **6 points**; racing on highway = **6 points**; speeding 16-25 mph over the speed limit = **5 points**; speeding 6-15 mph over the speed limit = **3 points**; careless driving = **3 points**; not proceeding at the normal speed of traffic except when driving in the right lane = **3 points**. NM ADC 18.19.5.52. **Note:** The point schedule does not assign points for driving at such a slow speed as to impede traffic. **III.** Points assessed to a driver will be expunged automatically by the end of the 12th month following the month in which the violation for which the points were assessed occurred. NM ADC 18.19.5.51.

²⁸⁰ **Exception:** The licensing agency cannot suspend an offender's license for a speeding violation unless the offender was driving greater than 75 mph on highways or in posted limit construction zones. NM ST § 66-7-302.1.

Mandatory Minimum Term: **None. Note:** An offender is eligible for limited driving privileges for educational or employment purposes. NM ST § 66-5-35.

Miscellaneous Sanctions Not Included Elsewhere: N/A

Other Criminal Actions Related to Speeding:

Drag Racing on Highway: **Misdemeanor.** NM ST § 66-8-115.

Sanctions:

Imprisonment Term / Fine: Not more than **90 days** and/or not more than **\$300**.
NM ST § 66-8-7(B).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): The licensing actions listed for speeding violations also apply to this offense.

Term of License Suspension / Revocation:

Mandatory Minimum Term:

Other:

I. A driver may have to complete a driver improvement Course.
NM ADC 18.19.5.57.

II. **6 points** assessed against driving record. NM ADC 18.19.5.52.

Reckless Driving:²⁸¹

Sanctions:

Imprisonment Term / Fine: **First conviction** – Not less than **5 days** or more than **90 days** and/or not less than **\$25** or more than **\$100**;
Subsequent conviction – Not less than **10 days** or more than **6 months** and/or not less than **\$50** or more than **\$1,000**. NM ST § 66-8-113(B).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension.** NM ST § 66-8-113(C).
Revocation for 3 offenses within 12 months. NM ST § 66-5-29(A)(7).

Term of License Suspension / Revocation:

Suspension – Not more than **90 days**. NM ST § 66-8-113(C).

Revocation for 3 offenses within 12 months – **1 year**.
NM ST § 66-5-29(B).

Mandatory Minimum Term:

None. An offender is eligible for limited driving privileges for employment purposes. NM ST § 66-5-35.

Other:

I. Suspension is also possible through points system based on frequent violations of the traffic laws or habitually reckless or negligent

²⁸¹ Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and 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 is guilty of reckless driving. NM ST § 66-8-113(A).

driving. NM ST § 66-5-30(A)(3), (4).
 II. A driver may have to complete a driver improvement Course.
 NM ADC 18.19.5.57.
 III. **6 points** assessed against driving record. NM ADC 18.19.5.52.

Careless Driving:²⁸²

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. NM ST § 66-8-114(A), (B).

Not more than **90 days** and/or not more than **\$300**.
 NM ST § 66-8-7(B).

Mandatory Minimum Term / Fine:

None.

Licensing Action:

Type (Suspension / Revocation):

The licensing actions listed for speeding violations also apply to this offense.

Term of License Suspension /
 Revocation:

Mandatory Minimum Term:

Other:

I. A driver may have to complete a driver improvement Course.
 NM ADC 18.19.5.57.
 II. **3 points** assessed against driving record. NM ADC 18.19.5.52.

Automated Speed Enforcement:

No statutory provision.

**Limitations of Use of Speed
 Measurements Devices:**

No. At a minimum, radar devices are permitted. See *State v. Harrison*, 238 P.3d 869 (N.M. 2010)

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”²⁸³ within a 3-year period or 3 such violations within a 3-year period.
 NM ST § 66-5-68(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**.
 NM ST § 66-5-68(H).

²⁸² The offense of “careless driving” includes operating a vehicle without giving “full time and entire attention” to vehicle operation, or 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, including the non-emergency use of a handheld wireless communication device for text messaging or electronic communication.” NM ST § 66-8-114.

²⁸³ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NM ST § 66-5-54(T).

JURISDICTION**NEW YORK**

Reference:

McKinney's Consolidated Laws of New York (Vehicle and Traffic Law)
New York Code of Rules and Regulations (NYCRR)

Basis for a Speed Law Violation:

Basic Speed Rule:

I. 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.
II. The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when approaching and passing by an emergency situation involving any authorized emergency vehicle which is parked, stopped or standing on a highway and which is displaying one or more red or combination red and white lights, when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of weather or highway conditions, including, but not limited to a highway construction or maintenance work area.
NY VEH & TRAF § 1180(a), (e).

Statutory Speed Limit:

55 mph. NY VEH & TRAF § 1180(b);
NY VEH & TRAF § 1180-a(1).
65 mph on parts of certain designated highways.²⁸⁴
NY VEH & TRAF § 1180-a(2).

Posted (Maximum) Speed Limit:

I. The State Department of Transportation may establish maximum speed limits greater than or less than mph:²⁸⁵ (1) on highways under its jurisdiction;²⁸⁶ (2) on county or town roads not in cities or villages by request from a county or town; or (3) on highways on State educational, institutional or agency grounds by request from the controlling organizations.
NY VEH & TRAF § 1620(a); NY VEH & TRAF § 1622(1);
NY VEH & TRAF § 1623(a).
II. Certain State-created public authorities and commissions may establish maximum speed limits less than 55 mph on highways under their jurisdictions.²⁸⁷ NY VEH & TRAF § 1180(c), (d)(1);
NY VEH & TRAF § 1180-a(1); NY VEH & TRAF § 1630(5).
III. Towns²⁸⁸ may establish maximum speed limits less than 55 mph on roads within their exclusive jurisdictions.

²⁸⁴ A speed limit of **65 mph** may be established on the following highways. See NY VEH & TRAF § 1180-a(2), (3) for specific road names.

²⁸⁵ Usually, such speed limits cannot be less than 25 mph, or less than 15 mph in a school zone. NY VEH & TRAF § 1620(a); NY VEH & TRAF § 1622(1). However, on highways within certain designated areas, the speed limit within a county or town cannot be less than 30 mph. NY VEH & TRAF § 1622(2).

²⁸⁶ This applies to State-maintained highways outside of cities with a population in excess of 1 million and on Indian reservations. NY VEH & TRAF § 1620(a).

²⁸⁷ Usually, such speed limits cannot be less than 25 mph, or less than 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 less than 10 mph may be established in parks, and a speed limit of not less than 15 mph may be established for passage through toll plazas. NY VEH & TRAF § 1630(5).

NY VEH & TRAF § 1180(c), (d)(1); NY VEH & TRAF § 1180-a(1); NY VEH & TRAF § 1662-a.

IV. Cities and villages may establish maximum speed limits less than 55 mph²⁸⁹ on roads within their exclusive jurisdictions.

NY VEH & TRAF § 1180(c), (d)(1); NY VEH & TRAF § 1180-a(1); NY VEH & TRAF § 1643.

V. A city or village may establish maximum speeds of not less than 15 mph on certain private driveway or parking areas.

NY VEH & TRAF § 1640-a(2-a).

VI. Other local authorities or school districts may establish speed limits less than 55 mph on driveways or parking fields under their jurisdictions. NY VEH & TRAF § 1180(d)(1);

NY VEH & TRAF § 1670(3).

VII. The State Department of Transportation may prohibit a local government from establishing maximum speed limits on certain designated State maintained highways. NY VEH & TRAF § 1624(a).

VIII. Except as provided under NY VEH & TRAF § 1180-a(2), (3), cities, villages, towns, counties, public authorities and divisions and offices of the State Department of Transportation are prohibited from establishing speed limits greater than 55 mph.

NY VEH & TRAF § 1180-a(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.

NY VEH & TRAF § 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.

NY VEH & TRAF § 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 exceeding 1 million.

NY VEH & TRAF § 1181(b); NY VEH & TRAF § 1620(b);

NY VEH & TRAF § 1642(a)(5). **Note:** Official traffic control devices may direct slower moving traffic to use designated lanes.

NY VEH & TRAF § 1128(c).

Other:

I. The State or local government may establish maximum safe speed limits on bridges and elevated structures on their respective highways.

²⁸⁸ “Towns” means suburban towns governed by Town Law Article 3-a or other towns with a population greater than 50,000. NY VEH & TRAF § 1662-a. The established speed limit within designated areas of a town cannot be less than 30 mph, except that on certain designated highways, the speed limit cannot be less than 25 mph. Nevertheless, a speed limit of not less than 15 mph may be established in school zones. In the community of Point Lookout, Town of Hempstead, a speed limit of not less than 15 mph may be established. NY VEH & TRAF § 1662-a.

²⁸⁹ **I.** The established speed limit within designated areas of a city or village cannot be less than 30 mph, except that on certain designated highways, the speed limit cannot be less than 25 mph. A speed limit of not less than 15 mph may be established in school zones. In Buffalo and Rochester, a speed limit of not less than 15 mph may be established on a highway within a city park. NY VEH & TRAF § 1643. **II.** In cities with a population exceeding 1 million, speed limits less than 25 mph but in no case less than 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.” NY VEH & TRAF § 1642(a)(26).

NY VEH & TRAF § 1180(d)(1); NY VEH & TRAF § 1620(c);
 NY VEH & TRAF § 1644; NY VEH & TRAF § 1652;
 NY VEH & TRAF § 1663.

II. The State or a local government may establish maximum and minimum speed limits on restricted highways that are under construction or reconstruction. NY Highway § 104-a; NY VEH & TRAF § 1180(d)(2); NY VEH & TRAF § 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 less than 25 mph. In addition, the usual speed limit cannot be exceeding the work area speed limit by more than 20 mph. NY VEH & TRAF § 1180(f).

IV. State university boards of trustees are authorized to adopt State traffic laws, which could include speed limits, on university streets. NY EDUC § 360(1).

V. School vehicles, when engaged in pupil transportation, cannot be driven greater than 55 mph. However, local school districts may adopt a lower operating speed for such vehicles. NY EDUC § 3624.

VI. No person shall drive a commercial motor vehicle (CMV) with gross weight of greater than 10,000 lbs., (greater than 18,000 lbs., if using a radar/laser speed detector) greater than 55 mph or above the posted speed limit. NY VEH & TRAF § 1180(g)(i).

Low Speed Vehicles:

Permitted on Public Roads
 (Yes/No):
 Maximum Speed Permitted:

Yes. On public road with a speed limit of 35 mph or less.
 15 NYCRR 102.10.
25 mph. 15 NYCRR 102.10

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Traffic infractions. NY VEH & TRAF § 1180;
 NY VEH & TRAF § 1800(a); NY EDUC § 360(2).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Basic Speed Rule: Not more than **15 days** and/or not less than **\$45** or more than **\$150**. NY VEH & TRAF § 1180(h)(2).

Violating the Posted Minimum Speed Limit or Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic):

First offense – Not more than **15 days** and/or not more than **\$150**;

Second offense(within 18 months) – Not more than **45 days** and/or not more than **\$300**;

Subsequent offense (within 18 months) – Not more than **90 days** and/or not more than **\$450**. NY VEH & TRAF § 1800(b).

Exceeding 55/65 mph or the Posted Speed Limits:²⁹⁰(1) Not more than 10 mph – Not less than **\$45** or more than **\$150**; (2) 11-30 mph – Not more than **15 days** and/or not less than **\$90** or more than **\$300**; (3) More than 30 mph – Not more than **30 days** and/or not less than **\$180** or more than **\$600**. NY VEH & TRAF § 1180(h)(1).

Established Construction Zones or CMV Speed Limit Violations:
(1) Not more than 10 mph – Not less than **\$90** or more than **\$150**;
(2) 11-30 mph - Not more than **30 days** and/or not less than **\$180** or more than **\$300**;²⁹¹ (3) More than 30 mph – Not more than **30 days** and/ or not less than **\$360** or more than **\$600**.²⁹²
NY VEH & TRAF § 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**.
NY VEH & TRAF § 1809-d.

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Other Penalties:

Traffic School: The court may order an offender to attend a Driver Improvement Clinic. 15 NYCRR § 131.4(b).

Other:

School Speed Zone: 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 up to 10 mph – Not less than **\$90** or more than **\$300**;
(2) 11-30 mph- Not less than **\$180** or more than **\$600** and/or not more than **15 days**; (3) More than 30 mph – Not less than **\$360** or more than **\$1200** and/or not more than **30 days**. NY VEH & TRAF § 1180(h)(4).

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation**– Based upon habitual or persistent traffic law violations (point system).²⁹³ NY VEH & TRAF § 510(3)(d).
Revocation– Based on 3 or more offenses within 18 months involving exceeding the speed limit.

²⁹⁰ For a second offense (within 18 months), the penalty shall be not more than **30 days** and/or the maximum fine increased by **\$150**; subsequent offense (within 18 months), the penalty shall be not more than **30 days** and/ or the maximum fine increased by **\$375**. NY VEH & TRAF § 1180(h)(5).

²⁹¹ Where the vehicle is in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or transporting flammable gas, radioactive materials or explosives, the fine shall be **\$300** and/or not more than **30 days**. NY VEH & TRAF § 1180(h)(3)(ii).

²⁹² Where the vehicle is in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or transporting flammable gas, radioactive materials or explosives, the fine shall be **\$600** and/or not more than **30 days**. NY VEH & TRAF § 1180(h)(3)(iii).

²⁹³ **Point System: I.** An offender may be required to attend a Driver Improvement Clinic if he accumulates 7 to 10 points within 18 months. 15 NYCRR§ 131.4(b) The licensing agency may take licensing action (suspension or revocation) if the offender has accumulated 11 or more points within 18 months or at 9 or more points resulting from speeding violations within 18 months. 15 NYCRR § 131.4(c). **II.** The following points have been assigned to speeding or speed-related violations: speeding in excess of 40 mph over the speed limit = **11 points**; speeding 31-40 mph over the speed limit = **8 points**; speeding 21-30 mph over the speed limit = **6 points**; reckless driving = **5 points**; speeding 11-20 mph over the speed limit = **4 points**; other violations related to exceeding the speed limit = **3 points**. 15 NYCRR § 131.3(a), (b).

	NY VEH & TRAF § 510(2)(a)(iv).
Term of License Suspension / Revocation:	Suspension or Revocation – Based upon habitual or persistent traffic law violations (point system) – The law does not provide specific suspension or revocation periods. ²⁹⁴ NY VEH & TRAF § 510(3)(d).
	Revocation – Based upon 3 or more offenses within 18 months involving speeding – at least 6 months . NY VEH & TRAF § 510(6)(a).
Mandatory Minimum Term:	Suspension or Revocation – Based upon habitual or persistent traffic law violations (point system) – None . ²⁹⁵ Note: Suspension or revocation action is "permissive." NY VEH & TRAF § 510(3)(d).
	Revocation – Based on 3 or more offenses within 18 months involving speeding – 6 months .
Miscellaneous Sanctions Not Included Elsewhere:	The registrations of the vehicles owned by the offender may also be suspended or revoked. NY VEH & TRAF § 510(2)(a), (3).
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Drag Racing on Highway Sanctions:</u>	Misdemeanor NY VEH & TRAF § 1182(1).
Imprisonment Term / Fine:	<u>First offense</u> – Not more than 30 days and/or not less than \$300 or more than \$525 ; <u>Second offense</u> (within 12 months) – Up to 1 year, 1 day and/or a fine of not less than \$525 or more than \$750 . NY VEH & TRAF § 1182.
Mandatory Minimum Term / Fine:	The base fines above are mandatory minimums.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Revocation NY VEH & TRAF § 510(2)(a)(vi), (vii).
Term of License Suspension / Revocation:	<u>First offense</u> – At least 6 months ; <u>Second offense</u> (within 3 years) – 1 year . NY VEH & TRAF § 510(2)(a).
Mandatory Minimum Term:	The terms above are mandatory.
Other:	I. The registrations of the vehicles owned by the offender may also be revoked. NY VEH & TRAF § 510(2)(a). II. The court may order an offender to attend a Driver Improvement Clinic. 15 NY ADC §131.4.

²⁹⁴ In the case of “permissive” revocations, the law provides that a “new” license cannot be issued for at least **30 days**. NY VEH & TRAF § 510(6)(g).

²⁹⁵ 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. NY VEH & TRAF § 530.

Reckless Driving:	Misdemeanor NY VEH & TRAF § 1212; NY VEH & TRAF § 1801(1).
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<u>First offense</u> – Not more than 30 days and/or not less than \$100 or more than \$300 ; <u>Second offense</u> (within 18 months) – Not more than 90 days and/or not less than \$100 or more than \$525 ; <u>Subsequent offense</u> (within 18 months) – Not more than 180 days and/or not less than \$100 or more than \$1125 . NY VEH & TRAF § 1801(1).
Mandatory Minimum Term / Fine:	\$100 NY VEH & TRAF § 1801(1).
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension or Revocation – Based upon dangerous driving or habitual or persistent traffic law violations (point system). NY VEH & TRAF § 510(3)(a), (d).
Term of License Suspension / Revocation:	None. ²⁹⁶ The law does not provide specific suspension or revocation periods. NY VEH & TRAF § 510(3).
Mandatory Minimum Term:	None. Suspension or revocation action is “permissive.” NY VEH & TRAF § 510(3).
Other:	I. The registrations of the vehicles owned by the offender may also be revoked. NY VEH & TRAF § 510(2)(a). II. The court may order an offender to attend a Driver Improvement Clinic. 15 NY ADC § 131.4. III. 5 points assessed against driving record. 15 NY ADC § 131.3.
<u>Automated Speed Enforcement:</u>	No statutory provisions
<u>Limitations of Use of Speed Measurement Devices:</u>	No. At a minimum, the use of radar and laser devices are permitted. See e.g., <i>People v. Goess</i> , 2012 WL 603735 (N.Y.Sup.App.Term) (February 15, 2012) (unreported); <i>People v. Les</i> , 2012 WL 3139766 (N.Y.Sup.App.Term) (July 12, 2012) (unreported).
<u>Commercial Motor Vehicle (CMV) Operators:</u>	
Grounds for Disqualification:	A person's CDL is suspended if while operating a CMV that person commits 2 “serious traffic violations” ²⁹⁷ within a 3-year period or 3 such violations within a 3-year period. NY VEH & TRAF § 510-a(3)(a), (b).

²⁹⁶ 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. NY VEH & TRAF § 530(2).

²⁹⁷ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NY VEH & TRAF § 510-a(4)(a).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
 NY VEH & TRAF § 510-a(3)(a), (b).

JURISDICTION

NORTH CAROLINA

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. NC ST § 20-141(a).

Statutory Speed Limit: **70 mph** on the interstate highway system or other controlled-access highways;²⁹⁸
55 mph on highways outside municipal corporate limits;
35 mph on highways inside municipal corporate limits.
 NC ST § 20-141(b), (d).

Posted (Maximum) Speed Limit: I. Based on engineering and traffic investigations, the 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).
 NC ST § 20-141(d), (f), (g).
 II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on streets under their jurisdictions. However, the maximum speed limit on any street cannot exceed 55 mph. NC ST § 20-141(e), (f).
 III. Except for overweight or oversized vehicles requiring special permits to use the highways or when weather or highway conditions require a slower speed, speed limits shall apply uniformly to all types of vehicles. NC ST § 20-141(l).
 IV. Local authorities may post lower speed limits than provided for under NC ST § 20-141(b) on public school property and on private school property subject to the approval of governing body of the private school. NC ST § 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.
 NC ST § 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. NC ST § 20-146(e).
 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.
 NC ST § 20-146(b).

²⁹⁸ 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 greater than 70 mph. NC ST § 20-141(d)(2).

Posted (Minimum) Speed Limit: **40 mph** on interstate and primary highways with a posted speed limit of 55 mph;²⁹⁹
45 mph on interstate and primary highways with a posted speed limit of 60 mph or greater. NC ST § 20-141(c)(1), (2).
 Based on engineering and traffic investigations, the Department of Transportation or a local government may establish a minimum speed limit on the streets and highways under their jurisdictions. NC ST § 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 less than 20 mph. NC ST § 20-141.1.
 II. The Department of Transportation may establish safe maximum speed limits for bridges, causeways or viaducts. NC ST § 20-144.
 III. A school bus which is occupied by one or more child passengers shall not be driven greater than 45 mph on State highways and public vehicular areas. A school activity bus which is occupied by one or more child passengers shall not be driver greater than 55 mph on highways and public vehicular areas of North Carolina. NC ST § 20-218(b).³⁰⁰
 IV. When transporting persons, an activity bus which is owned by a nonprofit organization shall not be driven greater than 55 mph. NC ST § 20-218.2.

Low Speed Vehicles:

Permitted on Public Roads **Yes.** On public roads with a speed limit of 35 mph or less.
 (Yes/No): NC ST § 20-121.1.
 Maximum Speed Permitted: **25 mph.** NC ST § 20-4.01(27)(h)

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: Except as noted, **infractions** (non-criminal offenses). NC ST § 14-3.1; NC ST § 20-176(a).
 Excessive Speeding = **Class 2 misdemeanor.**³⁰¹ NC ST § 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.**
 NC ST § 20-218(c); NC ST § 20-218.2.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:
 Imprisonment Term / Fine: Infraction – Not more than **\$100.** NC ST § 20-176(b).

²⁹⁹ This limit does not apply to vehicles that are towing other vehicles. NC ST § 20-141(c).

³⁰⁰ It seems that the latter part of NC ST § 20-218(b) may apply to interstate highways, while the former may apply to State highways.

³⁰¹ It is a Class 2 misdemeanor to operate a motor vehicle greater than 15 mph over the posted speed limit, or greater than 80 mph. NC ST § 20-141(j1).

Class 3 misdemeanor – Not more than **\$200** and/or **1-20 days**.
NC ST § 15A-1340.23(b), (c)(2).

Class 2 misdemeanor – Not more than **\$1,000** and/or **1-60 days**.³⁰²
NC ST § 15A-1340.23(b), (c)(2).

Mandatory Minimum Term / Fine: **None**. See Highway Work Zone and School Property, below.

Other Penalties:

Traffic School:

Driver Improvement Clinic. NC ST § 20-16(e).

Other:

Highway Work Zone: There is a fine of **\$250** (mandatory) for exceeding the speed limit in a highway work zone.

NC ST § 20-141(j2).

School Zone or School Property: For exceeding the posted speed limit in a school zone or on public or private school property where such limit was established pursuant to NC ST § 20-141(e1), there is a mandatory fine of **\$250**. NC ST § 20-141(e1); NC ST § 20-141.1.

Speeding in Excess of 25 mph Over Posted Speed Limit: A driver shall be ineligible for a disposition of prayer for judgment continued. NC ST § 20-141(p).

Licensing Action:

Type (Suspension / Revocation):

I. Suspension through a point system.³⁰³ NC ST § 20-16(a)(5), (c).

II. Suspension for 2 offenses within 12 months of speeding greater than 55 but less than 80 mph.³⁰⁴ NC ST § 20-16(a)(9).

III. Suspension for driving greater than 75 mph on a highway with a posted speed limit of less than 70 mph. NC ST § 20-16(a)(10).

IV. Suspension for driving greater than 80 mph on a highway with a posted speed limit of 70 mph. NC ST § 20-16(a)(10a).

³⁰² The period of incarceration is determined by the number of prior misdemeanor offense convictions. **I.** For Class 1 misdemeanors, if the offender either has had no priors 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. NCST §15A-1340.23(c)(2).

³⁰³ **Point System: I.** A person's license is subject to suspension if accumulating 12 points within 3 years, or 8 points in the 3-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for 1 or more traffic offenses. **II.** The following points have been assigned to speeding or speed-related offenses: aggressive driving = **5 points** (6 points if operating a CMV); reckless driving = **4 points** (5 points/CMV); exceeding the posted speed limit of 55 mph = **3 points** (4 points/CMV); exceeding the posted speed limit in a school zone = **3 points** (4 points/CMV); and all other speed violations = **2 points** (3 points/CMV). NC ST § 20-16(a)(5), (c).

³⁰⁴ This category also includes one or more charges of reckless driving and one or more charges of speeding greater than 55 but less than 80 mph; or one or more charges of aggressive driving and one or more charges of speeding greater than 55 but less than 80 mph. NC ST § 20-16(a)(9).

Term of License Suspension / Revocation:	<p>I. Suspension through a point system – Not more than 60 days.³⁰⁵ NC ST § 20-16(c).</p> <p>II. Suspension for 2 offenses within 12 months of speeding greater than 55 but less than 80 mph – Not more than 6 months. NC ST § 20-19(a).</p> <p>III. Suspension for driving greater than 75 mph on a highway with a posted speed limit of less than 70 mph – Not more than 12 months. NC ST § 20-19(b).</p> <p>IV. Suspension for driving greater than 80 mph on a highway with a posted speed limit of 70 mph – Not more than 1 year. NC ST § 20-19(c).</p>
Mandatory Minimum Term:	None – generally, suspension is or appears to be discretionary. NC ST § 20-16(a)(5), (10a); NC ST § 20-19(a), (b).
Miscellaneous Sanctions Not Included Elsewhere:	<p>Required Suspension For Operating a Motor Vehicle: (1) greater than 15 mph over the speed limit and also driving greater than 55 mph; or (2) greater than 80 mph – 30 days.³⁰⁶ NC ST § 20-16.1(a).</p> <p>Note: A longer license suspension is authorized if other provisions of law so provide. NC ST § 20-16.1(e).</p> <p>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. NC ST § 20-16.01.</p>

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	<p><u>Prearranged Speed Competition on a Highway</u> – Class 1 misdemeanor. NC ST § 20-141.3(a).</p> <p><u>Willful Speed Competition</u> – Class 2 misdemeanor. NC ST § 20-141.3(b).</p>
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<p><u>Prearranged Speed Competition on a Highway</u>– The amount of the fine is discretionary with the court; 1-120 days. NC ST § 15A-1340.23(b), (c)(2).</p> <p><u>Willful Speed Competition</u> – Not more than \$1,000 and/or 1-60 days. NC ST § 15A-1340.23(b), (c)(2).</p>
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	<p><u>Prearranged Speed Competition on a Highway</u> – Revocation. NC ST § 20-141.3(d).</p> <p><u>Willful Speed Competition</u> – Suspension. NC ST § 20-141.3(e).</p>
Term of License Suspension / Revocation:	<p><u>Prearranged Speed Competition on a Highway</u> – 3 years. NC ST § 20-141.3(d).</p>

³⁰⁵ This is for a first suspension. For a second suspension, the term shall not exceed 6 months. For a subsequent suspension, the term shall not exceed 1 year. NC ST § 20-16(c).

³⁰⁶ 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. NC ST § 20-16.1(b)(1).

Willful Speed Competition – Not more than **1 year**.
NC ST § 20-141.3(e).

Mandatory Minimum Term: Prearranged Speed Competition on a Highway – **18 months**.³⁰⁷
Willful Speed Competition – **None**. NC ST § 20-141.3(e).

Other: I. Driver Improvement Clinic. NC ST § 20-16(e).
II. Seizure and forfeiture of the vehicle used in a pre-arranged speed contest. NC ST § 20-141.3(g).

Reckless Driving:³⁰⁸ **Class 2 misdemeanor**. NC ST § 20-140(a), (b), (d).

Sanctions:

Imprisonment Term / Fine: **1-60 days**, and/or not more than **\$1,000**. NC ST § 15A-1340.23(b), (c)(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. NC ST § 20-16(a)(5), (c).
Suspension for 1 or more charges of reckless driving and 1 or more charges of speeding greater than 55 mph but less than 80 mph. NC ST § 20-16(a)(9).
Revocation for 2 reckless driving offenses within 12 months. NC ST § 20-17(a)(6).

Term of License Suspension / Revocation: **Suspension** through a point system – Not more than **60 days**. NC ST § 20-16(c).
Revocation for 2 reckless driving offenses within 12 months – **12 months**. NC ST § 20-17(a)(6).

Mandatory Minimum Term: **Suspension** through a point system – **None**. NC ST § 20-16(a)(5), (c).
Note: Suspension action by the licensing agency appears to be discretionary.
Revocation for 2 reckless driving offenses within 12 months – **12 months**. NC ST § 20-17(a)(6).

Other: I. **Required Suspension for Operating a Motor Vehicle:** (1) greater than 15 mph over the speed limit and also driving greater than 55 mph; or (2) greater than 80 mph and reckless driving – **60 days**. NC ST § 20-16.1(d). **Note:** This action appears to be mandatory. A longer license suspension is authorized if other provisions of law so provide. NC ST § 20-16.1(e).
II. **Driver Improvement Clinic**. NC ST § 20-16(e).
III. **Commercial Motor Vehicle:** A person who commits a violation

³⁰⁷ 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. NC ST §20-141.3(d)

³⁰⁸ “Reckless driving” includes driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or 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. NC ST § 20-140(a), (b). Reckless driving is a lesser included offense of aggressive driving. NC ST § 20-141.6(d).

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. NC ST § 20-16.01.

IV. **4 points** assessed to driving records (5 points if commercial motor vehicle). NC ST § 20-16(a)(5)(c).

Aggressive Driving:³⁰⁹

Sanctions:

Imprisonment Term / Fine:

Class 1 misdemeanor. NC ST § 20-141.6

The amount of the fine is discretionary with the court;
1-120 days. NC ST § 15A-1340.23(b), (c)(2).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system. NC ST § 20-16(a)(5), (c).
Suspension for 1 or more charges of aggressive driving and 1 or more charges of speeding greater than 55 mph but less than 80 mph. NC ST § 20-16(a)(9).
Revocation for 2 aggressive driving offenses within 12 months. NC ST § 20-17(a)(6).

Term of License Suspension / Revocation:

Suspension through a point system – Not more than **60 days.** NC ST § 20-16(c).
Revocation for 2 aggressive driving offenses within 12 months – **1 year.** NC ST § 20-17(a)(6); NC ST § 20-19(f).

Mandatory Minimum Term:

Suspension through a point system – **None.** NC ST § 20-16(a)(5), (c).
Note: Suspension action by the licensing agency appears to be discretionary.
Revocation for 2 aggressive driving offenses within 12 months – **12 months.** NC ST § 20-17(a)(6).).

Other:

I. Required Suspension for Operating a Motor Vehicle: (1) greater than 15 mph over the speed limit and also driving greater than 55 mph; or (2) greater than 80 mph and reckless driving – **60 days.** NC ST § 20-16.1(d).
Note: This action appears to be mandatory. A longer license suspension is authorized if other provisions of law so provide. NC ST § 20-16.1(e).
II. Driver Improvement Clinic. NC ST § 20-16(e).
III. 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

³⁰⁹ A person who operates a motor vehicle on a street, highway, or public vehicular area is guilty of aggressive driving if the person: (1) violates the speed laws or speeds in a school zone; and (2) drives carelessly and heedlessly in willful or wanton disregard of the rights or safety of others. In order to prove a violation of driving carelessly and heedlessly in willful or wanton disregard, it must be shown that the person committed two or more of the following offenses while speeding: (a) running through a red light (NC ST § 20-158(b)(2), (3), (c)(2), (3)); (b) running through a stop sign (NC ST § 20-158(b)(1), (c)(1)); (c) illegal passing (NC ST § 20-149; NC ST § 20-150); (d) failing to yield right-of-way (NC ST § 20-155; NC ST §20-156; NC ST §20-158(b)(4), (c)(4); NC ST §20-158.1); (e) following too closely (NC ST §20-152).

law. NC ST § 20-16.01.

IV. **5 points** assessed to driving records (6 points if commercial motor vehicle). NC ST § 20-16(a)(5)(c).

Automated Speed Enforcement:

Yes by S.P. The use of a “traffic control photograph system” (both speed and red light violations) is permitted, so long as appropriate advance warning signs are conspicuously posted (not more than 300 feet from the location of the system). NC ST § 160A-300.1.

Limitations of Use of Speed Measurement Devices:

No. The use of speed-measuring instruments, which include radar time-distance, and LIDAR are approved for use in determining the speed of a vehicle. 12 NC ADC 9A.0103(29); NC ST § 17C-6(a)(13).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³¹⁰ within a 3-year period or 3 such violations within a 3-year period. NC ST § 20-17.4(d).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
NC ST § 20-17.4(d).

³¹⁰ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph or reckless driving. NC ST § 20-4.01(41a).

JURISDICTION

NORTH DAKOTA

Reference:

North Dakota Century Code Annotated (NDCC)

Basis for a Speed Law Violation:

Basic Speed Rule:

I. 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.
 II. 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.³¹¹ NDCC § 39-09-01.
 III. Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person. NDCC§ 39-09-01.1.

Statutory Speed Limit:

75 mph on access-controlled, paved and divided, multilane interstate highways;
70 mph on paved and divided multilane highways;
65 mph on paved two-lane highways if posted for that speed;
55 mph on gravel, dirt or loose surface highways, and on two-lane county and township highways if there is no speed limit posted;
25 mph in a business or residential district or a public park;
20 mph in a school zone³¹² unless a lower speed limit has been posted. NDCC§ 39-09-02(1).

Posted (Maximum) Speed Limit:

I. Based on engineering/traffic investigations, the State may increase or decrease the speed limits on the State highway system.³¹³ NDCC§ 39-09-04; NDCC § 39-09-07; NDCC § 39-09-07.1.
 II. Based on engineering and traffic investigations, a local government may increase (but not greater than 55 mph) or decrease the above speed limits on the highways under its jurisdiction. NDCC§ 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. NDCC§ 39-09-09(1).
 II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as

³¹¹ A violation of this provision is considered “careless driving.” NDCC § 39-09-01.

³¹² This speed limit applies when the school is in recess and when children are going to and from school. NDCC § 39-09-02(1)(b).

³¹³ 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. NDCC §39-09-04.

practicable to the right-hand curb or edge of the roadway.
NDCC§ 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). NDCC§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. NDCC§ 39-09-09(2).

Other:

I. The law establishes a speed limit of 20 mph in certain situations where a driver's view is obstructed. NDCC§ 39-09-02(1)(a), (c), (d).
II. Special speed limits may be established on a State highway. NDCC§ 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. NDCC§ 39-09-04.1(2), (3).
IV. A person shall not operate a vehicle that is equipped with solid rubber tires greater than 10 mph. NDCC§ 39-09-04.1(1).

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with a speed limit of not more than 35 mph.
NDCC § 39-29.1-07.

(Yes/No):

Maximum Speed Permitted:

25 mph. NDCC § 39-29.1-01

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Non-criminal offense / infraction NDCC§ 39-07-06;
NDCC§ 39-06.1-02.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Violating Basic Speed Rule - **\$30.** NDCC§ 39-06.1-06(4);
NDCC§ 39-09-01.
Violating Posted/Maximum Speed Limits³¹⁴ – See Fee Schedule.
Driving a Vehicle Equipped with Solid Rubber Tires Greater Than 10 mph – **\$20.** NDCC§ 39-06.1-06(2); NDCC§ 39-06.1-09.
Exceeding the Maximum Safe Posted Speed Limit on Bridges, Causeways or Viaducts – **\$20.** NDCC§ 39-06.1-06(2); NDCC§ 39-06.1-09.

³¹⁴ **I. General Fee Schedule:** 1-5 mph over the speed limit = \$5; 6-10 mph over the speed limit = \$5 plus \$1 for each mph over 5 mph; 11-15 mph over the speed limit = \$10 plus \$1 for each mph over 10 mph; 16-20 mph over the speed limit = \$15 plus \$2 for each mph over 15 mph; 21-25 mph over the speed limit = \$25 plus \$3 for each mph over 20 mph; 26-35 mph over the speed limit = \$40 plus \$3 for each mph over 25 mph; 36-45 mph over the speed limit = \$70 plus \$3 for each mph over 35 mph; 46 mph or more over the speed limit = \$100 plus \$5 for each mph over 45 mph. NDCC §39-06.1-06(3). **II. Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits Greater Than 55 mph:** 1-10 mph over the speed limit = \$2 for each mph over 5 mph over the limit; 11 mph or more over the speed limit = \$20 plus \$5 for each mph over 10 mph over the limit. NDCC § 39-06.1-06(7). **III. Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits Greater Than 65 mph:** a fee of \$5 for each mph over the limit. NDCC § 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: 1-10 mph over the speed limit = \$80; and, 11 mph or more over the speed limit = \$80 plus \$2 for each mph over 10 mph. **Note:** This fee does not apply unless individuals engaged in construction are present at the time and place of the violation and posted speed limit signs State “Minimum Fee \$80”. NDCC § 39-06.1-06(13).

Driving Too Slowly or Violating Minimum Posted Speed Limit– **\$20**.
 NDCC§ 39-06.1-06(2); NDCC§ 39-06.1-09.
Infraction – Not more than **\$500**. NDCC§ 12.1-32-01(7).

Mandatory Minimum Term / Fine: The fines listed above may be mandatory minimums

Other Penalties:

Traffic School:

A person issued a summons for a basic speeding violation may appear before the court and elect an approved driver training course in lieu of entry of points on the record. This does not apply to persons who have made this election within the preceding 12 months.
 NDCC § 39-06.1-10.1.

Other:

Subsequent infraction. A person who has been convicted of a subsequent infraction offense within 1 year may be sentenced as though convicted of a Class B misdemeanor. NDCC§ 12.1-32-01(7). The sanctions for a Class B misdemeanor are an imprisonment term of not more than **30 days** and/or a fine of not more than **\$1,000**. NDCC§ 12.1-32-01(6).

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system.³¹⁵ NDCC§ 39-06.1-10.

Term of License Suspension / Revocation:

7 or more days. NDCC§ 39-06.1-10(2).

Mandatory Minimum Term:

Suspensions through a point system appear to be mandatory.

Miscellaneous Sanctions Not Included Elsewhere:

N/A

Other Criminal Actions Related to Speeding:

Exhibition of Driving and Drag Racing on Highway:³¹⁶

Non-Criminal Offense NDCC§ 39-08-03.1; NDCC§ 39-07-06.

³¹⁵ **Point System: I.** An offender who accumulates 12 points is subject to a 7-day license suspension. If he accumulates 13 or more points, the license is suspended for 7 days for each point over 11. NDCC § 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; failure to use care = **2** points. NDCC § 39-06.1-10(3)(a); NDCC § 39-06.1-10(3)(b). **III.** The following points have been assigned for exceeding the speed limit: 11-15 mph over the speed limit = 1 point; 16-20 mph over the speed limit = 3 points; 21-25 mph over the speed limit = 5 points; 26-35 mph over the speed limit = 9 points; 36-45 mph over the speed limit = 12 points; 46 mph or more over the speed limit = 15 points. NDCC § 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 greater than 65 mph: 6-10 mph over the speed limit = 1 point; 11-15 mph over the speed limit = 3 points; 16-20 mph over the speed limit = 5 points; 21-25 mph over the speed limit = 7 points; 26-30 mph over the speed limit = 10 points; 31-35 mph over the speed limit = 12 points; 36 mph or more over the speed limit = 15 points. NDCC § 39-06.1-10(3)(a)(33). **Persons Under 18 Years Old:** A person under 18 who has accumulated more than 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 approved commercial driver training school. In addition, that person must satisfy all other requirements for licensing prior to being issued a driver's license. NDCC § 14-10-01; NDCC § 39-06-01.1.

³¹⁶ I. "Drag racing" is defined as operating: (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.

Sanctions:

Imprisonment Term / Fine: Drag Racing – \$100.
Exhibition Driving– \$50. NDCC§ 39-08-03.1(1).

Mandatory Minimum Term / Fine: The fines appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. NDCC§ 39-06.1-10.

Term of License Suspension / **7 or more days.** NDCC§ 39-06.1-10(2).
Revocation:

Mandatory Minimum Term: Suspensions through a point system appear to be mandatory.

Other: **10 points** assessed for drag racing;
3 points assessed for exhibition of driving. NDCC§ 39-06.1-10(3).

Reckless Driving: **Class B misdemeanor** NDCC§ 39-08-03.

Sanctions:

Imprisonment Term / Fine: Not more than **30 days** and/or not more than **\$1,000.**
NDCC§ 12.1-32-01(6).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. NDCC§ 39-06.1-10.

Term of License Suspension / **7 or more days.** NDCC§ 39-06.1-10(2).
Revocation:

Mandatory Minimum Term: Suspensions through a point system appear to be mandatory.

Other: **8 points** assessed against driving record. NDCC§ 39-06.1-10(3).

Aggravated Reckless Driving:³¹⁷ **Class A misdemeanor** NDCC§ 39-08-03.

Sanctions:

Imprisonment Term / Fine: Not more than **1 year** and/or not more than **\$2,000.**
NDCC§ 12.1-32-01(5).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. NDCC§ 39-06.1-10. **Revocation**
if there was “serious bodily injury.”³¹⁸ NDCC§ 39-06-31(2).

NDCC § 39-08-03.1(2)(a). II. “Exhibition driving” is defined as: (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. NDCC § 39-08-03.1(2)(b).

³¹⁷ “Aggravated reckless driving” is reckless driving which “inflicts injury upon the person of another.” NDCC § 39-08-03.

³¹⁸ “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.” NDCC § 12.1-01-04(29).

Term of License Suspension / Revocation:	Suspensions through point system – 7 or more days . NDCC§ 39-06.1-10(2). Revocation – 1 year or for such period as recommended by the court. NDCC§ 39-06-31.
Mandatory Minimum Term:	Both suspension and revocation appear to be mandatory.
Other:	12 points assessed against driving record. NDCC§ 39-06.1-10(3).
Care in Operating Vehicle: ³¹⁹ <u>Sanctions:</u>	Non-Criminal Offense NDCC§ 39-06.1-06(5); NDCC§ 39-09-01.1.
Imprisonment Term / Fine:	Not less than \$10 or more than \$30 . NDCC§ 39-06.1-06(5).
Mandatory Minimum Term / Fine:	\$10
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension through a point system. NDCC§ 39-06.1-10.
Term of License Suspension / Revocation:	7 or more days . NDCC§ 39-06.1-10(2).
Mandatory Minimum Term:	The suspension term appears to be mandatory.
Other:	2 points assessed against driving record. NDCC§ 39-06.1-10(3).
<u>Automated Speed Enforcement:</u>	No statutory provision
<u>Limitations of Use of Speed Measurement Devices:</u>	No. The speed of any motor vehicle may be measured by the use of radio microwaves or other electrical devices. NDCC§ 39-03-15.
<u>Commercial Motor Vehicle (CMV) Operators:</u>	
Grounds for Disqualification:	A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations” ³²⁰ within a 3-year period or 3 such violations within a 3-year period. NDCC§ 39-06.2-10(5).
Period of Disqualification:	<u>Two serious violations</u> (within 3 years) – Not less than 60 days ; <u>Three serious violations</u> (within 3 years) – Not less than 120 days . NDCC§ 39-06.2-10(5).

³¹⁹ 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.” NDCC § 39-09-01.1.

³²⁰ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. NDCC §39-06.2-02(27).

JURISDICTION**OHIO**

Reference:

Ohio Revised Code Annotated
Ohio Administrative Code (OH ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:

No person shall operate a motor vehicle, trackless trolley or streetcar 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, and no person shall operate such vehicle at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead. OH ST § 4511.21(A).

Statutory Speed Limit:

65 mph on certain interstate and State freeways and rural highways;
55 mph for vehicles weighing more than 8,000 lbs., empty weight and noncommercial buses on interstate and State freeways;
55 mph on other freeways inside and outside of municipal corporations;
55 mph on highways outside of municipal corporations except for certain freeways;
50 mph (*prima facie* speed limit) on State routes within municipal corporations outside urban districts, controlled-access highways and expressways within municipal corporations;
35 mph (*prima facie* speed limit) on State routes and through highways;³²¹
25 mph (*prima facie* speed limit) on municipal corporation streets;³²²
20 mph (*prima facie* speed limit) in school zones during recess or when children are going to or leaving school;
15 mph (*prima facie* speed limit) on alleys within a municipal corporation. OH ST § 4511.21(B).

Posted (Maximum) Speed Limit:

Based on geometric and traffic characteristics studies, the State or local government³²³ 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. OH ST § 4511.21(H), (I). However, a local authority may not modify or alter the basic speed rule or authorize by ordinance a speed in excess of 55 mph. OH ST § 4511.21(J).

Minimum Speed Limit:

I. No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. OH ST § 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.

³²¹ This speed limit applies within municipal corporations outside business districts but does not include controlled-access highways and expressways within municipal corporations or State routes within municipal corporations outside urban districts. OH ST § 4511.21(B)(3).

³²² This does not include State routes outside business districts, through highways outside business districts, and alleys. OH ST § 4511.21(B)(2).

³²³ Local governments must either request or obtain State approval for any speed limit changes on the streets or highways within their jurisdictions. OH ST § 4511.21(H), (J).

OH ST § 4511.25(B)(1).

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 under 30 mph or over 50 mph. OH ST § 4511.22(B).

Other: I. Based upon an investigation, the State may establish safe maximum speed limits for bridges or other elevated structures.
OH ST § 4511.23.
II. The owner of a private road or driveway located in a residential area containing 20 or more dwelling units may establish a legal posted speed limit on such road or driveway of not less than 25 mph.
OH ST § 4511.211.

Low Speed Vehicles:

N/A. However, on March 9, 2011, a bill (S.B. 114) was introduced to establish conditions and provide a definition for low speed vehicles, where low speed vehicle would be permitted on public roads with a speed limit of 35 mph or less. The maximum permitted speed of such vehicle would be 25 mph.

Adjudication of Speed Law**Violations:**

Civil/Criminal Adjudication: **Misdemeanor** OH ST § 4511.21(P); OH ST § 4511.99.

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine:

First & second offenses (minor misdemeanor) – Not more than **\$150**;
Third offense (within 1 year) (4th degree misdemeanor) – Not more than **30 days** and/or not more than **\$250**.

Subsequent offense (within 1 year) (3rd degree misdemeanor) – Not more than **60 days** and/or not more than **\$500**.

OH ST § 2929.24; OH ST § 2929.28(A)(2); OH ST § 4511.21(P).

Speeding Resulting in Death Within a Construction Zone (vehicular homicide) = **1st degree misdemeanor**–Not more than **180 days** and/or not more than **\$1,000**.

Speeding Resulting in Death (vehicular manslaughter) = **2nd degree misdemeanor**–Not more than **90 days** and/or not more than **\$750**.

OH ST § 2903.06(A)(3), (A)(4).

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: A remedial driving course may be taken. OH ST § 4510.037.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system.³²⁴ OH ST § 4510.036;
OH ST § 4510.037.

Term of License Suspension /
Revocation:

Suspension through the point system – **6 months**.³²⁵
OH ST § 4510.037(B).

Suspension (death resulting from speeding within a construction zone)
– **1-5 years**

Suspension (death resulting from speeding) – **3 months – 2 years**.
OH ST § 2903.06(C), (D); OH ST § 4510.02

Mandatory Minimum Term:

None. The offender may be placed on probation with conditions in lieu of suspension. OH ST § 4510.038.

Miscellaneous Sanctions Not
Included Elsewhere:

I. First offense of driving: (1) faster than 35 mph in a business district of a municipal corporation; (2) faster than 55 mph on other portions; or (3) faster than 35 mph in a school zone during either recess or when children are going either to or leaving the school = **4th degree misdemeanor**. OH ST § 4511.21(P)(2).

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.³²⁶

OH ST § 4511.21(P)(3); OH ST § 4511.98; OH ADC 5501:2-10-02.

**Other Criminal Actions Related to
Speeding:**

Street Racing:³²⁷

1st Degree Misdemeanor. OH ST § 4511.251(C).

Sanctions:

Imprisonment Term / Fine:

Not more than **180 days** and/or not more than **\$1,000**.

³²⁴ **Point System: I.** A person who accumulates 12 or more points within a 2-year period = class D suspension (6 months). A person who has at least 2 points but less than 12 points within a 2-year period may enroll in a course of remedial driving instruction and receive a credit of 2 points. However, this does not apply to a person who has been ordered by the court to attend a remedial driving course. A 2-point credit shall only be permitted once in any 3-year period, and only 5 times during that person's lifetime. OH ST § 4510.037(B), (C). Any remedial driving course must require its student to attend at least 50% of the course in person (as opposed to online or teleconference). OH ST § 4510.037(L). **II.** The following points have been assigned to speeding and speed-related offenses: vehicular homicide = **6 points**; vehicular manslaughter = **6 points**; street racing = **6 points**; reckless driving = **4 points**; exceeding speed limit by more than 30 mph = **4 points**; exceeding speed limit by more than 10 mph = **2 points**; exceeding speed limit of less than 55 mph by more than 5 mph = **2 points**; all other moving violations = **2 points**. OH ST § 4510.036.

³²⁵ **I.** The following classes of suspension with time period are effective when a court orders suspension: Class 1 = life; Class 2 = 3 years to life; Class 3 = 2-10 years; Class 4 = 1-5 years; Class 5 = 6 months – 3 years; Class 6 = 3 months – 2 years; Class 7 = a definite period not to exceed 1 year; Class 8 = a definite period not to exceed 6 months. **II.** The following classes of suspension with time period are effective when the bureau of motor vehicles orders suspension: Class A = 3 years; Class B = 2 years; Class C = 1 year; Class D = 6 months; Class E = 3 months; Class F = until conditions are met. OH ST § 4510.02(A), (B).

³²⁶ If, however, the offender alleges in an affidavit filed with the court prior to sentencing, that the offender is indigent and is unable to pay the fine imposed, the court shall not impose a double fine if it find that the offender is an indigent person and unable to pay the fine. OH ST § 4511.21(P)(3).

³²⁷ "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, or any exhibition of speed or acceleration that is inconsistent with the normal operation of a vehicle on a public road, street or highway." OH ST § 4511.251.

OH ST § 2929.24(A)(1); OH ST § 2929.28(A)(2)(a)(i).

Mandatory Minimum Term / Fine: **None**Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system. OH ST § 4507.036;
OH ST § 4507.037.
Suspension by court action. OH ST § 4511.251(C).

Term of License Suspension /
Revocation: **Suspension** through point system – **6 months**. OH ST § 4510.037.
Suspension by court action – Not less than **30 days** or more than **3 years**.

Mandatory Minimum Term: The base terms are mandatory. No judge shall suspend the first 30 days. OH ST § 4511.251(C).

Other: I. A remedial driving course may be taken. OH ST § 4510.037.
II. **6 points** against driving record. OH ST § 4510.036.

Reckless Driving:³²⁸Sanctions:

Imprisonment Term / Fine: **Minor Misdemeanor**. OH ST § 4511.20; OH ST § 4511.201.
First offense – Not more than **\$150**;
Second offense (within 1 year) (**4th degree misdemeanor**) – Not more than **30 days** and/or not more than **\$250**;
Subsequent offense (within 1 year) (**3rd degree misdemeanor**) – Not more than **60 days** and/or not more than **\$500**.
OH ST § 2929.28(A)(2); OH ST § 4511.20; OH ST § 4511.201.

Mandatory Minimum Term / Fine: **None**Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system. OH ST § 4507.036;
OH ST § 4507.037.

Term of License Suspension /
Revocation: **Suspension** through point system – **6 months**. OH ST § 4510.037.

Mandatory Minimum Term: **None**. The offender may be placed on probation with conditions in lieu of suspension. OH ST § 4510.038.

Other: I. A remedial driving course may be taken. OH ST § 4510.037.
II. **4 points** against driving record. OH ST § 4510.036.

Operation Without Reasonable Control: **Minor Misdemeanor**. OH ST § 4511.202.

Sanctions:

Imprisonment Term / Fine: Not more than **\$150**. OH ST § 2929.28(A)(2).

Mandatory Minimum Term / Fine: **None**

³²⁸ This applies to reckless driving on both streets and highways (OH ST § 4511.20) and any other private or public property (OH ST § 4511.201).

Licensing Action:

Type (Suspension / Revocation):

Suspension through point system. OH ST § 4507.036;
OH ST § 4507.037.Term of License Suspension /
Revocation:**Suspension** through point system – **6 months**. OH ST § 4510.037.

Mandatory Minimum Term:

None. The offender may be placed on probation with conditions in lieu of suspension. OH ST § 4510.038.

Other:

I. A remedial driving course may be taken. OH ST § 4510.037.

II. **2 points** against driving record. OH ST § 4510.036.Automated Speed Enforcement:**Yes by S.P.** A local authority may use a traffic law photo-monitoring device to enforce any traffic law *only* after it has erected signs giving notice. OH ST § 4511.094.Limitations of Use of Speed
Measurements Devices:**No**. It appears the use of any speed measurement device is permitted. See e.g., OH ST § 4511.091.Commercial Motor Vehicle (CMV)
Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³²⁹ within a 3-year period or 3 such violations within a 3-year period.
OH ST § 4506.16(D)(5), (6).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
OH ST § 4506.16(D)(5), (6).

³²⁹ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. OH ST § 4506.01(GG).

JURISDICTION**OKLAHOMA**

Reference:

Oklahoma Statutes Annotated
Oklahoma Administrative Code (OK ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:

I. 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 and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

II. The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

OK ST Title 47 §11-801(A), (E).

Statutory Speed Limit:

75 mph on the turnpike system and designated segments of the rural interstate system;
70 mph on four-lane highways or “super two-lane” highways;³³⁰
65 mph on other highways;
55 mph on a county road and in the State Capitol Area;
35 mph in a State park or wildlife refuge;
25 mph in a school zone on any highway outside of a municipality and in 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.

OK ST Title 47 § 11-801(B), (F).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase or decrease³³¹ the above speed limits.³³² OK ST Title 47 § 11-802;
 OK ST Title 47 § 11-803(D).

II. The State Turnpike Authority has the authority to enforce traffic laws and general laws on the turnpikes. OK ST Title 47 § 11-1402.

III. Subject to certain limitations³³³ and based on engineering and traffic investigations, local governments may increase or decrease the maximum speed limits. OK ST Title 47 §11-803(B).

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.³³⁴

³³⁰ 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.” OK ST Title 47 § 11-801(B)(2)(b).

³³¹ On interstate highways within corporate limits, the speed limit cannot be decreased to less than 60 mph. OK ST Title 47 § 11-803(D).

³³² Under separate provisions of law, the State Transportation Commission may establish maximum speeds for controlled access highways. OK ST Title 47 § 11-801(C).

³³³ 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. OK ST Title 47 § 11-803(A)(2), (3).

OK ST Title 47 §11-803(D)

V. The Department of Transportation, based on engineering and traffic investigations, may establish school zone speed limits greater than 25 mph at specific locations. OK ST Title 47 § 11-801(B)(5).

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.

OK ST 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.

OK ST Title 47 §11-301(B).

Posted (Minimum) Speed Limit:

I. The State Transportation Commission may establish minimum speeds for controlled access highways. OK ST Title 47 §11-801(C).

II. 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. OK ST Title 47 §11-804(b).

Other:

I. No person shall drive a school bus greater than 65 mph on multilane divided highways, turnpikes and the interstate highway system, and less than 55 mph on paved two-lane highways.

OK ST 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. OK ST Title 47 §11-806(A), (B).

III. The State may post special speed limits on State or Federal highways under construction or repair. OK ST Title 47 §11-806(c).

IV. A person shall drive a vehicle equipped with either solid rubber or metal tires 10 mph. OK ST Title 47 §11-801(B)(8).

Low Speed Vehicles:

Permitted on Public Roads

(Yes/No):

Maximum Speed Permitted:

Yes. On public roads with a speed limit of not greater than 35 mph.

OK ST Title 47 § 11-805.1.

25 mph. OK ST Title 47 § 1-134.1.

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication:

Misdemeanor. OK ST Title 47§ 11-102; OK ST Title 47 § 11-807(C); OK ST Title 47 § 11-1401(L); OK ST Title 47 § 17-101(A).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

I. Statutory Speed Law Violations. (OK ST Title 47 § 11-801(B),

³³⁴ However, a local government cannot establish a speed limit that is lower than 60 mph, or to a limit that is “substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies.” OK ST Title 47 § 11-803(D).

(F)) – a fine of not less than **\$10** or more than **\$205**,³³⁵ and/or for:
First offense – not more than **10 days**;
Second offense (within 1 year) – not more than **20 days**;
Third or subsequent offense (within 1 year of the 1st conviction) – not more than **6 months**. OK ST Title 47 § 11-801(G).

II. Speed Law Violations. (OK ST Title 47§ 11-301;
 OK ST Title 47 § 11-801, *et. seq.*; OK ST Title 47 § 11-1402) :
 Not less than **\$5** or more than **\$500** and/or for:
First offense – not more than **10 days**;
Second offense (within 1 year) – not more than **20 days**;
Third or subsequent offense (within 1 year of 1st conviction) – not more than **6 months**. OK ST Title 47§ 11-807(C);
 OK ST Title 47 § 17-101(B)(1).

Mandatory Minimum Term / Fine: The fines above are mandatory minimums.

Other Penalties:

Traffic School:

Driver Improvement or Defensive Driving Course.

OK ST Title 47 § 6-206.1; OK ADC 595:10-7-10. **Note:** An offender can reduce the number points on the driving record by taking this course.

Other:

I. Anyone who drives at a speed in excess of the posted reduced speed limit sign in toll booth shall be fined doubled the amount.

OK ST Title 47 § 11-806.2.

II. Anyone who drives at a speed in excess of the reduce speed limit in a school zone shall be fined doubled the amount.

OK ST Title 47 § 11-806.1.

III. Any person who violates any erected construction/work zone sign shall be fined not less than **\$100** or more than **\$1,000** and/or subject to a jail sentence of not more than **30 days**.

OK ST Title 47 § 11-1302(G).

Type (Suspension / Revocation): **Suspension.**³³⁶ OK ST Title 47 § 6-206(B).

³³⁵ The following fines apply: 1-10 mph over the speed limit = **\$10**; 11-15 mph over the limit = **\$20**; 16-20 mph over the limit = **\$35**; 21-25 mph over the limit = **\$75**; 26-30 mph over the limit = **\$135**; 31-35 mph over the limit = **\$155**; 36 mph or more over the limit = **\$205**. OK ST Title 47 § 11-801(G).

³³⁶ **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 he accumulates 10 or more points. Suspension periods are determined by the number of prior suspensions as follows: first suspension = **1 month**; second suspension = **3 months**; third suspension = **6 months** (not subject to modification); fourth or subsequent suspension = **12 months** (not subject to modification). OK ADC 595:10-7-6. **II.** The following points have been assigned to speeding and speed-related violations: reckless driving = **4 points**; speeding greater than 25 mph over the speed limit = **3 points**; inattentive driving resulting in collision = **2 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**; impeding traffic and driving less than 40 mph = **1 point**. OK ADC 595:10-7-2. **III.** Credit points shall be allowed in the following instances: (1) **2 points** shall be credited upon successful completion of an approved Driver Improvement/Defensive Driving Course. This credit shall be given once every 24 months, provided only one full course shall be acknowledged once every 24 months; (2) **2 points** shall be credited when the person has gone 12 consecutive months without any point-related traffic conviction (includes speeding); (3) upon reinstatement of driving privilege after a point-based suspension, the point level

Term of License Suspension / Revocation: Not more than **1 year**. OK ST Title 47 §6-208

Mandatory Minimum Term: Third and subsequent suspensions are not subject to modification of the suspension period or terms.

Miscellaneous Sanctions Not Included Elsewhere: I. A **\$25** reinstatement fee shall be paid when after the expiration of a license suspension or revocation period. OK ST Title 47 § 6-212(C).
II. A **\$20** court fee upon conviction. OK ST Title 20 § 1313.5(B).

Other Criminal Actions Related to Speeding:

Reckless Driving: **Misdemeanor.** OK ST Title 47§ 11-102; OK ST Title 47 § 11-901(A); OK ST Title 47§ 17-101(A).

Sanctions:
Imprisonment Term / Fine: First offense - Not less than **5 days** or more than **90 days** and/or not less than **\$100** or more than **\$500**;
Second or subsequent offense– Not less than **10 days** or more than **6 months** and/or not less than **\$150** or more than **\$1,000**.
OK ST Title 49 § 11-901(B).

Mandatory Minimum Term / Fine: The base terms above are mandatory minimums.

Licensing Action:

Type (Suspension / Revocation): **Suspension.** OK ST Title 47 § 6-206(B).

Term of License Suspension / Revocation: Not more than **1 year**. OK ST Title 47 §6-208.

Mandatory Minimum Term: Third and subsequent suspensions are not subject to modification of the suspension period or terms.

Other: I. A **\$25** reinstatement fee shall be paid when after the expiration of a license suspension or revocation period. OK ST Title 47 § 6-212.
II. Driver Improvement or Defensive Driving Course.
OK ST Title 47 § 6-206.1; OK ADC 595:10-7-10.
III. **4 points** assessed against driving record. OK ADC 595:10-7-2.
IV. A court fee of **\$155**. OK ST Title 20 § 1313.6.

Endangerment of Highway Worker:³³⁷ **Misdemeanor.** OK ST Title 47§ 11-102; OK ST Title 47 § 11-1303; OK ST Title 47 § 17-101(A).

Sanctions:

shall be reduced to 5 points or less; and (4) the point level shall be reduced to zero if a person is not convicted of any pointable traffic violation for 3 consecutive years, however the point base cannot be reduce to below zero. OK ADC 595:10-7-10.

³³⁷ A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone: (1) exceeding the posted speed limit by fifteen (15) mph or more; (2) failing to merge; (3) failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area; (4) driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or (5) intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person. OK ST Title 47 § 11-1303(A).

Imprisonment Term / Fine: **No Injury/Death** – In addition to the penalties listed in OK ST Title 47 § 11-1302(G); OK ST Title 47 § 17-101(B) (see Speed Law Violations above), a fine of not more than **\$1,000**.

Aggravated Endangerment (injury) – In addition to the penalties listed in OK ST Title 47 § 11-1302(G); OK ST Title 47 § 17-101(B) (see Speed Law Violations above), a fine of not more than **\$5,000**.

Aggravated Endangerment (death) – In addition to the penalties listed in OK ST Title 47 § 11-1302(G); OK ST Title 47 § 17-101(B) (see Speed Law Violations above), a fine of not more than **\$10,000**.

OK ST Title 47 § 11-1303.

Mandatory Minimum Term / Fine: **\$5**. OK ST Title 47 § 17-101(B).

Licensing Action:

Type (Suspension / Revocation): **Suspension**. OK ST Title 47 § 6-206(B).

Term of License Suspension / Revocation:

Not more than **1 year**. OK ST Title 47 §6-208

Mandatory Minimum Term:

Third and subsequent suspensions are not subject to modification of the suspension period or terms.

Other:

I. A **\$25** reinstatement fee shall be paid when after the expiration of a license suspension or revocation period. OK ST Title 47 § 6-212.

II. Driver Improvement or Defensive Driving Course.

OK ST Title 47 § 6-206.1; OK ADC 595:10-7-10.

III. A court fee of **\$20**. OK ST Title 47 § 20-1313.5.

Automated Speed Enforcement:

No statutory provision

Limitations of Use of Speed Measurement Devices:

No. It appears the use of speed measurement devices is permitted. Additionally, the use of radar detectors and jammers is prohibited. Points are assessed when there are radar checked speed violations and VASCAR speed violations. OK ST Title 47 § 16-114; OK ST Title 47 § 11-808; OK ST Title 47 § 11-808.1; OK ADC 595:10-7-2

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³³⁸ within a 3-year period or 3 such violations within a 3-year period.

OK ST Title 47 § 6-205.2(F).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;

Three serious violations (within 3 years) – **120 days**.

OK ST Title 47 § 6-205.2(F).

³³⁸ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. OK ST Title 47 § 6-205.2(F)(1), (2).

JURISDICTION

OREGON

Reference:

Oregon Revised Statutes
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. OR ST § 811.100(1).

Statutory Speed Limit:³³⁹

It is *prima facie* evidence of a violation of the basic speed rule to exceed the following speed limits (OR ST § 811.100(2)):
65 mph on rural interstate highways;
55 mph on other highways;
25 mph in a public park; in a residential district if it is not located within a city and the highway is neither an arterial nor a collector highway; and on the ocean shore;
20 mph in a school zone,³⁴⁰ and in a business district;
15 mph in an alley or narrow residential roadway.
 OR ST § 811.105(2); OR ST § 811.111(1).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Department of Transportation may increase or decrease the above *prima facie* speed limits on highways outside an urban area. OR ST § 810.180(5).³⁴¹
 II. The Department of Transportation may not establish a designated speed of more than 70 mph on specified sections of interstate highways.³⁴² OR ST § 810.180(3)(a).
 III. The Department of Transportation may establish a designated speed on a State highway outside of a city, which may not exceed 55 mph, if there is no limit established. OR ST § 810.180(4)(a).
 IV. A local authority may establish by ordinance or order a temporary designated speed for highways in its jurisdiction that is lower than the statutory speed, only if the temporary speed is necessary to protect

³³⁹ It appears there are two different types of speed references: “designated speed” and “statutory speed.” “**Designated speed**” means the speed that is designated by a road authority as the maximum permissible speed for a highway and that may be different from the statutory speed for the highway. “**Statutory speed**” means the speed that is established as a speed limit under OR ST § 811.111, or is established as the speed the exceeding of which is *prima facie* evidence of violation of the basic speed rule under OR ST § 811.105. OR ST § 810.180(1), (2).

³⁴⁰ This speed limit only applies when “children are present” or a flashing light indicates that children may be arriving or leaving a school. OR ST § 811.106; OR ST § 811.111(1)(e). “[C]hildren are present at any time and on any day when children walking within a crosswalk or waiting on the curb or shoulder of the highway at a crosswalk.” OR ST § 811.124.

³⁴¹ Under other provisions, the 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. OR ST § 810.180(5)(f).

³⁴² This applies to motor vehicles other than: (1) motor trucks with a gross vehicle weight of more than 10,000 lbs., or a truck tractor with gross vehicle weight of more than 8,000 lbs.; (2) a school bus; (3) a school activity vehicle; (4) a worker transport bus; (5) a bus operated for transporting children to and from church or a church activity or function; (6) any vehicle used for the transportation of persons for hire by a nonprofit entity. OR ST § 810.180(3); OR ST § 811.111(1)(b). Additionally, the designated speeds for these types of vehicles must be at least 5 miles per hour lower than the designated speed for all other vehicles on the specified section of the interstate. OR ST § 810.180(3)(b).

any portion of the highway or safety of workers in construction zones. A sign giving notice of the temporary speed must be posted. OR ST § 810.180(8).

V. A local authority may establish an emergency speed on any highway under its jurisdiction that is different from the existing speed on the highway, so long posted sign give notice. An emergency speed may be effective for not more than 120 days. OR ST § 810.180(9).

Minimum Speed Limit:

I. No person shall impede the normal and reasonable movement of traffic. OR ST § 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. OR ST § 811.315(1).

III. Under certain conditions, a road authority may establish by ordinance a designated speed for a highway under its jurisdiction that is 5 mph lower than the statutory speed. OR ST § 810.180(10).

Posted (Minimum) Speed Limit:

N/A

Low Speed Vehicles:

Permitted on Public Roads

Yes. On public roads with speed limit of not more than 35 mph.

(Yes/No):

OR ST § 811.512.

Maximum Speed Permitted:

25 mph. OR ST § 801.331.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Traffic violations. OR ST § 801.557; OR ST § 811.100.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Class A- D traffic violations³⁴³ – Varying fines from not less than **\$250** to not more than **\$2,000**.

OR ST § 153.018(2); OR ST § 811.100(4); OR ST § 811.109;

OR ST § 811.130.

Mandatory Minimum Term / Fine:

It appears the only mandatory minimum fine is **\$1,150** imposed when convicted of driving 100 mph or greater. This is a presumptive fine. OR ST § 811.109.

Other Penalties:

Traffic School:

A defensive driving course may be required. OR ST § 809.270(1).

Other:

School and Work Zones: The minimum fine for a person convicted of a misdemeanor is **20 percent** of the new maximum fine, and **2**

³⁴³ I. Basic speed rule violation (Class B traffic violation) = **maximum \$1,000**; 1-10 mph over speed limit (Class D traffic violation) = **maximum \$250**; 11-20 mph over limit (Class C traffic violation) = **maximum \$500**; 21-30 mph over limit (Class B traffic violation) = **maximum \$1,000**; over 30 mph over limit (Class A traffic violation) = **maximum \$2,000**. OR ST § 153.018(2); OR ST § 811.109. II. For exceeding the maximum or posted speed limit on highways with a speed limit of **65 mph or greater**: 10 mph or less over the limit (Class C traffic violation) = **maximum \$500**; 11-20 mph over the limit (Class B traffic violation) = **maximum \$1,000**. III. Driving 100 mph or greater = **fine of \$1,150**. OR ST § 811.109.

percent of the new maximum fine if the person is convicted of a felony. OR ST § 811.230; OR ST § 811.235.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the Driver Improvement Program.³⁴⁴
OR ST § 809.480.

Term of License Suspension / **30 days.** OAR 735-072-0027.
Revocation:

Mandatory Minimum Term: The 30-day suspension period appears to be mandatory.

Miscellaneous Sanctions Not **Reinstatement fee** if license is suspended/revoked: **\$75.**
Included Elsewhere: OR ST § 807.370. **Community Service** of not more than **48 hours.**
OR ST § 137.128;OR ST § 137.129(1).

Other Criminal Actions Related to

Speeding:

Speed Racing on Highway: **Class A Traffic Violation.** OR ST § 801.557;
OR ST § 811.125(1), (2).

Sanctions:

Imprisonment Term / Fine: Not more than **\$2,000.** OR ST § 153.018(2)

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the Driver Improvement Program.
OR ST § 809.480.

Term of License Suspension / **30 days.** OAR 735-072-0027.
Revocation:

Mandatory Minimum Term: The 30-day suspension period appears to be mandatory.

Other:

I. Reinstatement fee if license is suspended/revoked: **\$75.**
OR ST § 807.370.
II. 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

³⁴⁴ **Driver Improvement Program: I.** A driver whose record review date is on or after the person has reached 18 years of age is subject to the Adult Driver Improvement Program. DMV will look back from the record review date to the incident date that resulted in a conviction or the date of a preventable accident to determine if a person is subject to the Adult Driver Improvement Program. **II.** DMV will restrict the license or instruction permit of an adult driver who within the 18-month period immediately prior to the record review date has: (a) Three driver improvement violations; (b) Three preventable accidents; or (c) A combination of driver improvement violations and preventable accidents that total three. Such restriction includes no driving between midnight - 5 a.m. (unless driving between home & work for purposes of employment), and is imposed for **30 days** (notification letter sent which must be carried at all times the person is driving the motor vehicle). The imposition of this restriction shall be delayed for any adult: (1) whose driving privileges are cancelled, suspended or revoked until such are granted by the DMV or fully reinstated; or (2) who has not been granted driving privileges. If the adult driver gets another violation that would total 4 in a 24-month period prior to the record review date, the DMV shall suspend driving privileges or the right to apply for driving privileges. This will supersede the pending restriction (if any). **III.** No pending restriction will be imposed if: (1) 5 years have elapsed from the date the pending restriction was imposed; and (2) the driver has no record of a violation in the last 18 months prior to the granting of driving privileges or full reinstatement of driving privileges. **IV.** Driving privileges are suspended if a driver has 4 violations within a 24-month period immediately prior to the record review date, for **30 days.** OAR 735-072-0027.

within 12 months of the date of the current offense.

OR ST § 811.109(4).

III. If a person drives 100 miles per hour or greater, a court shall impose the following: a fine of **\$1,150** and a suspension of driving privileges for not less than **30 days** nor more than **90 days**.

OR ST § 811.109(5).

IV. **Community Service** of not more than **48 hours** in lieu of a fine.

OR ST § 137.128; OR ST § 137.129.

VII. A defensive driving course may be required. OR ST § 809.270(1).

Reckless Driving:³⁴⁵

Class A misdemeanor. OR ST § 811.140(1), (3).

Sanctions:

Imprisonment Term / Fine:

A maximum of **1 year** and/or a fine of not more than **\$6,250**.

OR ST § 161.615; OR ST § 161.635; OR ST § 811.140(3).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension. OR ST § 809.411(3).

Term of License Suspension /

Revocation:

First offense – **90 days**;

Second offense (within 5 years) – **1 year**;

Third or subsequent offense (within 5 years) – **3 years**. OR ST § 809.411(1)(c); OR ST § 809.428(1).

Mandatory Minimum Term:

The terms above are mandatory.

Other:

I. **Community Service** of not more than **160 hours** in lieu of jail time or a fine. OR ST § 137.128; OR ST § 137.129.

II. **Reinstatement fee** if license is suspended/revoked: **\$75**.

OR ST § 807.370.

III. An offender may be required to complete a defensive driving course. OR ST § 809.270(1).

IV. **Incarceration and Medical Costs:** A city or county may seek reimbursement from an offender for the costs of medical care and incarceration. OR ST § 169.150; OR ST § 169.151.

V. **School and Work Zones:** The minimum fine for a person convicted of a misdemeanor is **20 percent** of the new maximum fine, and **2 percent** of the new maximum fine if the person is convicted of a felony. OR ST § 811.230; OR ST § 811.235.

VI. A defensive driving course may be required. OR ST § 809.270(1).

Careless Driving:³⁴⁶

Class B Traffic Violation.

Class A Traffic Violation (if it contributes to an accident).

OR ST § 801.557; OR ST § 811.135.

³⁴⁵ The same sanctions, criminal and administrative, 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.” OR ST § 811.231.

³⁴⁶ 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.” OR ST § 811.135(1).

Sanctions:

Imprisonment Term / Fine:³⁴⁷ Not more than **\$1,000**.
Not more than **\$2,000** (if accident). OR ST § 153.018(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the Driver Improvement Program.
OR ST § 809.480.

Term of License Suspension / **30 days**. OAR 735-072-0027.

Revocation:

Mandatory Minimum Term: The 30-day suspension period appears to be mandatory.

Other:

- I. **Community Service** of not more than **48 hours** in lieu of jail time or a fine. OR ST § 137.128; OR ST § 137.129.
- II. **Reinstatement fee** if license is suspended/revoked: **\$75**.
OR ST § 807.370.
- III. An offender may be required to complete a defensive driving course. OR ST § 809.270(1).
- IV. **Incarceration and Medical Costs:** A city or county may seek reimbursement from an offender for the costs of medical care and incarceration. OR ST § 169.150; OR ST § 169.151.
- V. **School and Work Zones:** The minimum fine for a person convicted of a misdemeanor is **20 percent** of the new maximum fine, and **2 percent** of the new maximum fine if the person is convicted of a felony. OR ST § 811.230; OR ST § 811.235.
- VI. A defensive driving course may be required. OR ST § 809.270(1).

Automated Speed Enforcement:

Yes by S.P.: Speed cameras are permitted. OR ST § 810.434.

Limitations of Use of Speed Measurement Devices:

No. It appears that, at a minimum, radar, lidar and laser devices are permitted. See e.g., *State v. Mills*, 274 P.3d 230 (Or.App. 2012); *State v. Jaffe*, 258 P.3d 1293 (Or.App. 2011);

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person's CDL is suspended, if while driving a CMV, that person commits 2 "serious traffic violations"³⁴⁸ within a 3-year period or 3 such violations within a 3-year period. OR ST § 809.413(6)(a), (b).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
OR ST § 809.413(6)(a), (b).

³⁴⁷ In addition to any other penalty imposed for an offense committed under this section, if the court determines that the commission of the offense described in this section contributed to the serious physical injury or death of a vulnerable user of a public way, the court shall: (1) impose a sentence that requires the person to complete a traffic safety course and perform between 100-200 hours of community service (which includes activities related to driver improvement and providing public education on traffic safety); (2) impose a fine of up to \$12,500 and suspend driving privileges for 1 year (such fine and suspension of driving privileges shall be suspended upon successful completion of the traffic safety course and community service); and (3) set a hearing date up to one year from the sentencing date for review. OR ST § 811.135(3).

³⁴⁸ A "serious traffic violation" includes exceeding the speed limit by 15 or more mph and reckless driving. OR ST § 801.477(2).

JURISDICTION**PENNSYLVANIA**

Reference:

Pennsylvania 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 and having regard to the actual and potential hazards then existing.

II. 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 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. 75 Pa.C.S.A. § 3361.

Statutory Speed Limit:

65 mph on certain interstate highways and freeways;³⁴⁹

55 mph on other highways;

35 mph in urban districts;

25 mph in residential districts;³⁵⁰

15 mph in a school zone.

75 Pa.C.S.A. § 3362(a); 75 Pa.C.S.A. § 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.³⁵¹ Such speed limits “may vary for different weather conditions and other factors bearing on safe speeds.” 75 Pa.C.S.A. § 3363.

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. 75 Pa.C.S.A. § 3364(a), (b)(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.³⁵²

75 Pa.C.S.A. §3301(b)(1).

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. 75 Pa.C.S.A. § 3364(c).

³⁴⁹ Likewise, the maximum speed limit on the Pennsylvania Turnpike is 55 mph unless a maximum speed limit of 65 mph has been posted. 75 Pa.C.S.A. § 6110(a).

³⁵⁰ This speed limit applies if the highway is not a numbered route and is functionally classified by the department as a local highway. 75 Pa.C.S.A. § 3362(a)(1.2).

³⁵¹ However, a maximum speed limit so established cannot exceed the statutory 65 mph speed limit for certain interstate highways and freeways or 55 mph for other highways. 75 Pa.C.S.A. § 3363.

³⁵² 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. 75 Pa.C.S.A. § 3313(d)(1).

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. 75 Pa.C.S.A. § 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. 75 Pa.C.S.A. § 3365(c).

Low Speed Vehicles: N/A

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication: **Summary Offense.** 75 Pa.C.S.A. § 3362(c); 75 Pa.C.S.A. § 3365(d); 75 Pa.C.S.A. § 6502(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:
 Imprisonment Term / Fine: Except for the Offenses Indicated Below - \$25.³⁵³
 75 Pa.C.S.A. § 6502(a).

Exceeding the Maximum or Posted Maximum Speed Limit:

I. **\$42.50** for exceeding 65 mph;
 II. **\$35** for other speeding violations.
 Plus **\$2** for each mile in excess of 5 mph over the maximum speed limit. 75 Pa.C.S.A. § 3362.

Exceeding the Maximum Speed Limit for Bridges, School Zones and Hazardous Grades- **\$35**, plus **\$2** for each mile in excess of 5 mph over the maximum speed limit. If the violation is in a school zone, the person shall be fined not more than **\$500** if he/she exceeds the maximum speed limit by more than 11 mph. 75 Pa.C.S.A. § 3365(d).

Mandatory Minimum Term / Fine: It appears the fines listed are mandatory.

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. 75 Pa.C.S.A. § 1538(a); 75 Pa.C.S.A. § 1549(a).

Other: **Surcharges:** For exceeding the maximum or posted maximum speed limit and other speed violations, an offender is assessed mandatory surcharges of **\$30** (6-15 mph over the speed limit); **\$40** (16-25 mph over the speed limit); **\$50**(at least 26 mph over the speed limit). 75 Pa.C.S.A. § 6506(a)(1), (4).

³⁵³ This fine applies to violations of the Basic Speed Rule, the Minimum Speed Rule, the Posted Minimum Speed Limits, and Turnpike Regulations.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system.³⁵⁴ 75 Pa.C.S.A. § 1535; 75 Pa.C.S.A. § 1538; 75 Pa.C.S.A. § 1539.

Term of License Suspension / Revocation:

Suspension through point system:
First offense – **5 days** for each point (minimum of 11 points);
Second offense – **10 days** for each point (minimum of 11 points);
Third offense – **15 days** for each point (minimum of 11 points);
Subsequent offense – **1 year**. 75 Pa.C.S.A. § 1539(b).

Mandatory Minimum Term:

None. An offender is eligible for an occupational limited license. 75 Pa.C.S.A. § 1553.

Miscellaneous Sanctions Not Included Elsewhere:

Work Zones: For a violation of either the Basic Speed Rule (75 Pa.C.S.A. § 3361) or Maximum or Posted Maximum Speed Limits (75 Pa.C.S.A. § 3362) in a construction or maintenance area manned by workers acting in their official capacities and an official sign is posted, the fines are **double** the usual amount. 75 Pa.C.S.A. § 3326(c), (c.1). Violators are also subject to a 15-day suspension when the department has received an accident report or the person exceeded the speed limit by 11 mph or more. 75 Pa.C.S.A. § 1535(e).

Excessive Speeding: An offender who has been convicted of exceeding the maximum or posted maximum speed limit by 31 mph or more is subject to driver improvement school, license examination or license suspension for not more than 15 days. 75 Pa. C.S.A. § 1538(d).

Other Criminal Actions Related to Speeding:

Summary Offense. 75 Pa.C.S.A. § 3367(b), (d).

Racing on Highway:

³⁵⁴ **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 not more than **15 days**. 75 Pa.C.S.A. § 1538(b)(iii). 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 not more than **30 days**. 75 Pa.C.S.A. § 1538(c).

II. The following points have been assigned to speeding and speed-related violations: basic speed rule violation = **2 points**; careless driving = **3 points**; exceeding speed limit in school zone = **3 points**; exceeding the maximum or posted maximum speed limit by 6-10 mph = **2 points**; exceeding the maximum or posted maximum speed limit by 11-15 mph = **3 points**; exceeding the maximum or posted maximum speed limit by 16-25 mph = **4 points**; exceeding the maximum or posted maximum speed limit by 26-30 mph = **5 points**; exceeding the maximum or posted maximum speed limit by 31 mph or more = **5 points**. 75 Pa.C.S.A. § 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. **Removal of Points:** Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person is not under suspension or revocation or has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter. When a driver's record is reduced to zero points and is maintained at zero points for 12 consecutive months, any accumulation of points thereafter shall be regarded as an initial accumulation of points. 75 Pa.C.S.A. § 1537. **Drivers Under 18:** A driver younger than 18 years old is subject to the following additional license suspensions if that person drives 26 mph or greater over the posted speed limit or 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. 75 Pa.C.S.A. § 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. 75 Pa.C.S.A. § 1503(c)(3).

Sanctions:

Imprisonment Term / Fine: First offense – **\$200**;
Subsequent offense – Not less than **\$200** or more than **\$1,000** and/or not more than **6 months**. 75 Pa.C.S.A. § 3367(d); 75 Pa.C.S.A. § 6503.

Mandatory Minimum Term / Fine: **\$200**.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system. 75 Pa.C.S.A. § 1535; 75 Pa.C.S.A. § 1538; 75 Pa.C.S.A. § 1539.
Suspension (for conviction). 75 Pa.C.S.A. § 1532(b).
Revocation for 3 convictions of racing (habitual offender). 75 Pa.C.S.A. § 1542(b)(2).

Term of License Suspension / Revocation:

Suspension through point system:
First offense – **5 days** for each point (minimum of 11 points);
Second offense – **10 days** for each point (minimum of 11 points);
Third offense – **15 days** for each point (minimum of 11 points);
Subsequent offense – **1 year**. 75 Pa.C.S.A. § 1539(b).
Suspension (for conviction) – **6 months**. 75 Pa.C.S.A. § 1532(b).
Revocation – **5 years**. 75 Pa.C.S.A. § 1542(d).

Mandatory Minimum Term:

The terms above are mandatory. An offender is not eligible for occupational driving privileges. 75 Pa.C.S.A. § 1553(d)(11).

Other:

A surcharge of **\$30**. 75 Pa.C.S.A. § 6506(a)(1).

Reckless Driving:

Summary Offense. 75 Pa.C.S.A. § 3736.

Sanctions:

Imprisonment Term / Fine: A fine of **\$200**. 75 Pa.C.S.A. § 3736

Mandatory Minimum Term / Fine:

\$200. 75 Pa.C.S.A. § 3736.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system. 75 Pa.C.S.A. § 1535; 75 Pa.C.S.A. § 1538; 75 Pa.C.S.A. § 1539. **Suspension** (for conviction). 75 Pa.C.S.A. § 1532(b).
Revocation for 3 convictions of reckless driving (habitual offender). 75 Pa.C.S.A. § 1542(b)(1).

Term of License Suspension / Revocation:

Suspension through point system:
First offense – **5 days** for each point (minimum of 11 points);
Second offense – **10 days** for each point (minimum of 11 points);
Third offense – **15 days** for each point (minimum of 11 points);
Subsequent offense – **1 year**. 75 Pa.C.S.A. § 1539(b).
Suspension (for conviction) – **6 months**. 75 Pa.C.S.A. § 1532(b).
Revocation – **5 years**. 75 Pa.C.S.A. § 1542(d).

Mandatory Minimum Term: The terms above are mandatory. An offender is not eligible for occupational driving privileges. 75 Pa.C.S.A. § 1553(d)(11).

Other: A surcharge of **\$30**. 75 Pa.C.S.A. § 6506(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 an official sign is posted, the fines are **double** the usual amount. 75 Pa.C.S.A. § 3326(c).

Careless Driving: **Summary Offense.** 75 Pa.C.S.A. § 3714.

Sanctions:

Imprisonment Term / Fine: **Careless Driving - \$25.** 75 Pa.C.S.A. § 3714; 75 Pa.C.S.A. § 6502.
Careless Driving (unintentional death) - **\$500.**
 75 Pa.C.S.A. § 3714(b).
Careless Driving (serious bodily injury) - **\$250.**
 75 Pa.C.S.A. § 3714(c).

Mandatory Minimum Term / Fine: The fines above appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. 75 Pa.C.S.A. § 1535; 75 Pa.C.S.A. 1538; 75 Pa.C.S.A. 1539.
Suspension (for conviction). 75 Pa.C.S.A. § 1532(b).

Term of License Suspension / Revocation:

Suspension through point system:
First offense – **5 days** for each point (minimum of 11 points);
Second offense – **10 days** for each point (minimum of 11 points);
Third offense – **15 days** for each point (minimum of 11 points);
Subsequent offense – **1 year.** 75 Pa.C.S.A. § 1539(b).
Suspension (for conviction) – **6 months.** 75 Pa.C.S.A. § 1532(b).

Mandatory Minimum Term: **None.** It appears that occupational driving privileges may be permitted. 75 Pa.C.S.A. § 1553.

Other: A surcharge of **\$30**. 75 Pa.C.S.A. § 6506(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 an official sign is posted, the fines are **double** the usual amount. 75 Pa.C.S.A. § 3326(c).

Automated Speed Enforcement: **Limited** Automatic red light enforcement systems are permitted in a “city of the first class”³⁵⁵ or municipality upon passage of an ordinance. 75 Pa.C.S.A. § 3116.

Limitation of Use of Speed **Yes** PA State Police may use radar; any other officer may use an

³⁵⁵ “City of the first class” is not listed within the definitions for this title.

Measurement Devices:

electronic speed timing device. 75 Pa.C.S.A. § 3368(c).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁵⁶ within a 3-year period or 3 such violations within a 3-year period.
75 Pa.C.S.A. § 1611(g).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
75 Pa.C.S.A. § 1611(g).

³⁵⁶ A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. 75 Pa.C.S.A. § 1603.

JURISDICTION

PUERTO RICO

Reference:

Laws of Puerto Rico Annotated³⁵⁷

Basis for a Speed Law Violation:

Basic Speed Rule:

The speed of a vehicle or motor vehicle shall be regulated all times with due care, taking into account the width, traffic, use and condition of the public highway. No one shall drive at a speed greater than that which allows the driver to exercise proper control of the vehicle and shall reduce its speed or stop when needed to prevent an accident. Pursuant to the requirements stated above, every person shall drive at a safe and adequate speed when approaching and crossing an intersection or railroad crossing, when approaching the summit of a slope, when traveling on a narrow or winding road or when there is special danger to pedestrians or other traffic, or due to the weather or the condition of the public highway. 9 L.P.R.A. § 5121.

Statutory Speed Limit:

65 mph on expressways;
55 mph on public roads upon determination by the Secretary of Transportation;
45 mph in rural zones except where a speed limit of 55 mph is posted;
35 mph on public roads with four or more lanes upon determination by the Secretary of Transportation;
25 mph in urban zones, except on public roads with four or more lanes and in school zones located in a rural zone;
15 mph in school zones located in urban zones.³⁵⁸ 9 L.P.R.A. § 5122.

Posted (Maximum) Speed Limit:

Based on traffic engineering research, the Secretary of Transportation and local authorities may declare safe, reasonable maximum speed limits. 9 L.P.R.A. § 5124; 9 L.P.R.A. §5604.

Minimum Speed Limit:

I. No person shall drive at a speed of less than 20 mph under the established maximum speed limit, unless reduced speed is required or necessary. 9 L.P.R.A. § 5123(a).
 II. All persons driving slower than the regular speed of traffic shall drive in the extreme right-hand lane. 9 L.P.R.A. § 5151.

Posted (Minimum) Speed Limit:

I. The Secretary of Transportation or local authorities may declare, based on traffic engineering research, a minimum speed limit. 9 L.P.R.A. § 5123(b); 9 L.P.R.A. §5604.
 II. When there are two or more lanes in the same direction on a public highway, it shall be illegal to drive in the left lane at a speed below the maximum speed limit. 9 L.P.R.A. § 5123(c).

Other:

I. Every motor vehicle that transports hazardous materials shall not exceed 30 mph in rural zones and 15 mph in urban zones.

³⁵⁷ Updated through July 2011.

³⁵⁸ The speed limit in school zones shall be from 6:00 A.M. until 7:00 P.M. on school days or other hours or periods that are posted or identified by fixed signs, signs with variable messages, blinking yellow traffic lights or other traffic control devices or combinations thereof. 9 L.P.R.A. § 5122(c).

9 L.P.R.A. § 5122(d).

II. The maximum speed for all heavy motor vehicles, public or private buses or school transportation shall be 10 mph or less that that allowed in any zone (except school zones, where the maximum speed shall be 15 mph). 9 L.P.R.A. § 5122(f).

Low Speed Vehicle:

N/A

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Administrative Offense. 9 L.P.R.A. § 5122(g).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

\$50 (plus an additional **\$5** per mile per hour when driving in excess of the maximum speed limit).
\$500 when driving 100 mph or more. 9 L.P.R.A. § 5122 (g)(2).
\$50 when in violation of the minimum speed limit or driving at a speed 20 mph below the established maximum speed limit.
 9 L.P.R.A. § 5123(a), (b).

Mandatory Minimum Term / Fine:

The fines above appear to be mandatory.

Other Penalties:

Traffic School:

N/A

Other:

School Zone: Any person exceeding the maximum speed limit in a school zone when such zone has been specifically identified (signs, traffic control devices, etc.) shall be fined **\$100** plus an additional **\$5** for each additional mile over the speed limit in that school zone. If a traffic accident or any bodily harm to a person is caused, it shall be a misdemeanor. 9 L.P.R.A. § 5122(h).
Heavy Motor Vehicle, Etc.: Operating a heavy motor vehicle, public bus or school bus in excess of the maximum speed limit is a misdemeanor offense, punishable by:
First conviction – a fine of not less than **\$250** or more than **\$500** and driver’s license suspension of **1 month**;
Second conviction – a fine of not less than **\$500** or more than **\$1,000** and suspension of **6 months**;
Third conviction – a fine of not less than **\$1,000** or more than **\$5,000** and suspension for **life**. 9 L.P.R.A. § 5122(i).
Driving in the Left Lane (below speed limit): A fine of **\$100**.
 9 L.P.R.A. § 5123(c).

Licensing Action:

Type (Suspension / Revocation):

Revocation or Suspension (3 separate convictions for traffic law violation within 1 year). 9 L.P.R.A. § 5069(c).
Suspension through point system. 9 L.P.R.A. § 5072.

Term of License Suspension / Revocation: **Suspension/Revocation**(based on convictions) – Not more than **1 year**. Title 9 L.P.R.A. § 5069.

Suspension through point system – no terms or point accumulations are listed in statute. Title 9 L.P.R.A. § 5072.

Mandatory Minimum Term: **None**

Other Criminal Actions Related to Speeding:

Drag or Speed Racing / Acceleration Competitions: **Misdemeanor**. 9 L.P.R.A. § 5127.

Sanctions:

Imprisonment Term / Fine: **First conviction** – A fine of **\$3,000**;
Subsequent conviction – Not less than **\$3,000** or more than **\$5,000** and/or not more than **6 months**. 9 L.P.R.A. § 5127.

Mandatory Minimum Term / Fine: The terms above appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation): **First conviction** – **Suspension**;
Subsequent conviction – **Revocation**. 9 L.P.R.A. § 5127.

Term of License Suspension / Revocation: **Suspension – 6 months; Revocation** – (no term listed in statute). 9 L.P.R.A. § 5127.

Mandatory Minimum Term: It appears that the 6 month term is mandatory.

Other: The Court shall order seizure of the vehicle. 9 L.P.R.A. § 5127

Reckless or Negligent Driving: **Misdemeanor**. 9 L.P.R.A. § 5128.

Sanctions:

Imprisonment Term / Fine:³⁵⁹ **First conviction** – Not less than **\$500** or more than **\$1,000**;
Second or subsequent conviction (within 3 years) – Not more than **\$5,000** and/or not more than **6 months**.

Mandatory Minimum Term / Fine: **\$500**

Licensing Action:

Type (Suspension / Revocation): **Second conviction** (within 3 years) – **Suspension**;
Third or subsequent conviction (within 3 years) – **Revocation** .
Title 9 L.P.R.A. § 5128.

Term of License Suspension / Revocation: **Suspension – 3 months; Revocation – permanent**.
Title 9 L.P.R.A. § 5128.

Mandatory Minimum Term: The terms above appear to be mandatory.

³⁵⁹ If such reckless or negligent driving causes damage or injury to: a construction/maintenance worker or a member of the public safety service agency who is attending to a traffic accident or rendering emergency assistance, the fine shall be not less than **\$1,000** or more than **\$2,000**. Title 9 L.P.R.A. § 5128.

Automated Speed Enforcement:

Yes by S.P. Local authorities are permitted to install or authorize special devices to control the speed of motor vehicles, so long as it obtains written consent from the Department of Transportation. 9 L.P.R.A. § 5604; 9 L.P.R.A. § 5001(90).

Limitations of Use of Speed Measurement Devices:

No information available.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁶⁰ within a 3-year period or 3 such violations within a 3-year period. 49 CFR 383.51.

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
 49 CFR 383.51.

³⁶⁰ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. 49 CFR 383.5.

JURISDICTION**RHODE ISLAND**

Reference:

Generals Laws of Rhode Island
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.³⁶¹ RI ST § 31-14-1.

II. The driver of every vehicle shall drive at an appropriate reduced 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, when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions and in the presence of emergency vehicles displaying flashing lights, tow trucks, transporter trucks, and roadside assistance vehicles displaying flashing amber lights while assisting a disabled motor vehicle. RI ST § 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:

50 mph during the daytime in all other location not noted below;
45 mph during the nighttime in other locations not noted below;
25 mph in a business or residential district;
20 mph in a school zone (within 300 feet of school grounds when the school is open and warning signs are posted). RI ST § 31-14-2(a).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Traffic Commission may increase or decrease the prima facie speed limits. RI ST §31-14-4; RI ST § 31-14-4.1.

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. RI ST § 31-14-5.

III. A local government may increase the prima facie speed limits on through highways and other highways with limited intersections. However, a local government cannot establish a daytime speed limit greater than 50 mph or a nighttime limit greater than 45 mph. RI ST § 31-14-6.

IV. Based on engineering and traffic investigations, a local government may decrease the prima facie speed limits on streets outside a business or residential district under its jurisdiction. However, a speed limit of less than 35 mph may not be established. RI ST § 31-14-7.

V. Based on an investigation, the State Traffic Commission may establish safe maximum speed limits for bridges and other elevated structures. RI ST § 31-14-12(b).

Note: The State Traffic Commission must approve speed limit alterations by local governments on State highways. RI ST § 31-14-8.

³⁶¹ Under other provisions of law, a person is also required to exercise due care to avoid colliding with pedestrians or human powered vehicles. RI ST § 31-18-8.

- 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. RI ST § 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. RI ST § 31-15-2.
- Posted (Minimum) Speed Limit: N/A
- Other: I. No person shall drive a vehicle equipped with solid rubber or cushion tires greater than 10 mph. RI ST § 31-14-11.
 II. The State or a local government may establish “temporary traffic control zones” on highways that are undergoing construction or maintenance. RI ST § 31-14-12.1.

Low Speed Vehicles:

- Permitted on Public Roads **Yes.** On public roads on Prudence Island with a posted speed limit of 25 mph or less between 6:00 a.m. and 6:00 p.m. RI ST § 31-19.4-1.
 (Yes/No):
 Maximum Speed Permitted: **25 mph.** RI ST § 31-19.4-1

Adjudication of Speed Law

Violations:

- Civil/Criminal Adjudication: **Civil violations.**³⁶² RI ST § 31-27-13(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

- Imprisonment Term / Fine: As per the **Violation Fine Schedule.**³⁶³ RI ST § 31-41.1-4(a), (b).

- Mandatory Minimum Term / Fine: *The fines listed in the schedule, below, appear to be mandatory.*

Other Penalties:

- Traffic School: **Rehabilitative Driving Course:** The court may order an offender to attend a Rehabilitative Driving Course. RI ST § 31-41.1-6(d).

Other:

- 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. RI ST § 31-10.3-31(j).
Work Zones: Fines, penalties and costs are **doubled** for a speed violation for exceeding the posted limit in a posted “temporary traffic

³⁶² 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. RI ST § 31-27-13(a).

³⁶³ **Violation Fine Schedule:** The following administrative fines are assessed for certain speed law violations. **I.** Driving below the minimum speed (i.e., impeding traffic) = **\$95**; violating the basic speed rule = **\$95**; exceeding the posted speed limit on bridges and structures = **\$95**; driving in the right lane when not driving at the normal speed of traffic = **\$85**; violating the law regarding due care by drivers = **\$95**. **II.** For a first offense of speeding 1-10 mph over the posted speed limit = **\$95**. For a second offense (within 12 months) = **\$10 per mph** over the speed limit. For a third or subsequent offense (within 12 months) = **\$15 per mph** over the speed limit. **III.** For a first offense of speeding 11 mph or more over the posted speed limit = a mandatory fine of **\$10 per mph** over the speed limit. For a second offense (within 12 months) = a mandatory fine of **\$15 per mph** over the speed limit. For a third or subsequent offense (within 12 months) = a mandatory fine of **\$20 per mph** over the speed limit. RI ST § 31-41.1-4(a), (b).

control zone” (construction or maintenance zones).
RI ST § 31-14-12.1(b).

Licensing Action:

Type (Suspension / Revocation):

Suspension or Revocation (based on conviction or frequency of offenses). RI ST § 31-11-7(a)(1);RI ST § 31-41.1-4.

Term of License Suspension /
Revocation:

Suspension– Not more than **1 year**. RI ST § 31-11-7(a)(2).
Revocation– Indeterminate. **Note:** The law does not provide for a general period of maximum revocation.

Under separate statutory provisions, the court may **suspend** a person's license as follows:

Speeds up to and including 10 mph over the speed limit – Not more than **30 days**. RI ST § 31-41.1-4(b)(i).

Speeds 11 mph or greater over the speed limit – Not more than **60 days**. RI ST § 31-41.1-4(b)(2).

Mandatory Minimum Term:

None

Miscellaneous Sanctions Not
Included Elsewhere:

EMS Special Assessment: In addition to any fine, an offender must be assessed **\$1**. RI ST § 31-27-18.

**Other Criminal Actions Related to
Speeding:**

Street Racing on Highway:

Misdemeanor (first conviction); **Felony** (second or subsequent conviction within 5 years). RI ST § 31-27-22.

Sanctions:

Imprisonment Term / Fine:

First conviction – Not more than **1 year**, not less than **\$500** or more than **\$1,000** and **10-60 hours** of community service;

Second conviction (within 5 years) – Not more than **2 years**, not less than **\$1,000** and **60-100 hours** of community service;

Third or subsequent conviction (within 5 years) – Not more than **5 years**, **\$2,500** fine and not less than **100 hours** of community service. RI ST § 31-27-22(b).

Racing with 1 or more passengers in vehicle: Not more than **5 years**, not more than **\$5,000** and not more than **100 hours** of community service (to be served in addition to and consecutively to the sentence for racing). RI ST § 37-27-22(c).

Mandatory Minimum Term / Fine:

The base terms above are mandatory.

Licensing Action:

Type (Suspension / Revocation):

Suspension. RI ST § 31-27-22.

Term of License Suspension /
Revocation:

First conviction – Not less than **90 days** or more than **6 months**;

Second conviction (within 5 years) – Not less than **6 months** or more than **2 years**;

Third or subsequent conviction (within 5 years) - Not less than **1 year** or more than **5 years**.

Racing with 1 or more passengers in vehicle: No less than **1 year**.
RI ST § 31-27-22(b), (c).

Mandatory Minimum Term: The base terms above are mandatory.

Other: The vehicle used in the race may be impounded for not less than 1 day or more than 30 days. RI ST § 31-27-22(d).
EMS Special Assessment: In addition to any fine, an offender must be assessed **\$1**. RI ST § 31-27-18.

Reckless Driving: **Misdemeanor** (first conviction);
Felony (second or subsequent conviction). RI ST § 31-27-4.

Sanctions:
Imprisonment Term / Fine: First offense – Not more than **1 year** and/or not more than **\$1,000**;
Second or subsequent offense – Not less than **1 year** and/or no less than **\$1,000**. RI ST § 11-1-2; RI ST § 31-27-4.

Mandatory Minimum Term / Fine: **None**. The court has authority to suspend a sentence.
RI ST § 12-19-8.

Licensing Action:
Type (Suspension / Revocation): **Suspension**. RI ST § 31-11-7.
Revocation (if 3 convictions of reckless driving within 12 months).
RI ST § 31-11-6.

Term of License Suspension /
Revocation: **Suspension** – not more than **1 year**. RI ST § 31-11-7.
Revocation – **3 years**. RI ST § 31-11-6.

Mandatory Minimum Term: It appears that the term for revocation is mandatory.

Other: **EMS Special Assessment:** In addition to any fine, an offender must be assessed **\$1**. RI ST § 31-27-18.

Aggressive Driving:³⁶⁴ **Civil Violation**. RI ST § 11-1-2; RI ST § 31-27.1-4.

Sanctions:
Imprisonment Term / Fine: Not less than **\$260** or more than **\$500**. RI ST § 31-27.1-4.

Mandatory Minimum Term / Fine: **\$260**. RI ST § 31-27.1-4.

Licensing Action:
Type (Suspension / Revocation): **Suspension**. RI ST § 31-27.1-4.

Term of License Suspension /
Revocation: **30 days**. RI ST § 31-27.1-4.

³⁶⁴ “Aggressive driving” means that an individual, coincident to operating a motor vehicle in violation of the speed laws, engages in conduct which violates 2 or more of the following sections of law:(1) Obedience to traffic control devices (RI ST § 31-13-4); (2) Overtaking on the right (RI ST § 31-15-5); (3) Driving within a traffic lane (RI ST § 31-15-1); (4) Following too closely (interval between vehicles) (RI ST § 31-15-12); (5) Yielding right of way (RI ST § 31-15-12.1; RI ST § 31-17-1; RI ST § 31-17-2; RI ST § 31-17-4; RI ST § 31-17-6; RI ST § 31-17-7; RI ST § 31-17-8);(6) Entering the roadway (RI ST § 31-15-14; RI ST § 31-17-3; RI ST § 31-17-5);(7) Use of turn signals (RI ST § 31-16-5; RI ST § 31-16-6; RI ST § 31-16-8; RI ST § 31-16-9);(8) Relating to school buses, special stops, stop signs and yield signs; and(9) Use of emergency break-down lane for travel (RI ST § 31-15-16).

Revocation:	
Mandatory Minimum Term:	This is mandatory.
Other:	For a conviction of a first offense, the driver may be required to attend an approved educational program designed to improve the safety and habits of drivers. RI ST § 31-27.1-4. EMS Special Assessment: In addition to any fine, an offender must be assessed \$1. RI ST § 31-27-18.
Driving as to Endanger:	Felony. RI ST § 11-1-2; RI ST § 31-27-1; RI ST § 31-27-1.1; RI ST § 31-27-1.2.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	<u>Resulting in Death</u> – Not less than 1 year or more than 10 years and/or not less than \$5,000 . RI ST § 31-27-1; RI ST § 31-27-14. <u>Resulting in Personal Injury</u> – Not less than 1 year or more than 5 years and/or not less than \$5,000 . RI ST § 31-27-1.1; RI ST § 31-27-14. <u>Resulting in Physical Injury</u> – Not less than 1 year or more than 2 years and/or not less than \$5,000 . RI ST § 31-27-1.2; RI ST § 31-27-14.
Mandatory Minimum Term / Fine:	None. The court has authority to suspend a sentence. RI ST § 12-19-8.
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	<u>Resulting in Death</u> – Suspension . RI ST § 31-27-1; RI ST § 31-27-1.1; RI ST § 31-27-1.2.
Term of License Suspension / Revocation:	<u>Resulting in Death</u> – Not more than 5 years . RI ST § 31-27-1. <u>Resulting in Personal Injury</u> ³⁶⁵ – Not more than 3 years . RI ST § 31-27-1.1. <u>Resulting in Physical Injury</u> – Not more than 1 year . RI ST § 31-27-1.2.
Mandatory Minimum Term:	None
Other:	EMS Special Assessment: In addition to any fine, an offender must be assessed \$1. RI ST § 31-27-18.
<u>Automated Speed Enforcement:</u>	No by S.P. The law permits the installation of an automated traffic violation detection system to detect violations of traffic control systems. However, the law excludes the use of speed cameras, which indicates their prohibition. RI ST § 31-41.2-3; RI ST § 31-41.2-3.1.
<u>Limitations of Use of Speed Measurement Devices:</u>	No. It appears that, at a minimum, the use of radar is permitted by the Rhode Island State Police. RI ADC 39-1-138:I.18; see <i>State v. DelBonis</i> , 862 A.2d 760 (R.I. 2004).

³⁶⁵ “Serious bodily injury” which is defined as physical injury that creates a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. RI ST § 31-27-1.1(b).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person's CDL is suspended if while operating a CMV that person commits 2 "serious traffic violations"³⁶⁶ within a 3-year period or 3 such violations within a 3-year period. RI ST § 31-10.3-31(b)(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**.
RI ST § 31-10.3-31(b)(6).

³⁶⁶ A "serious traffic violation" includes exceeding the speed limit by 15 or more mph or reckless driving. RI ST § 31-10.3-3(26).

JURISDICTION

SOUTH CAROLINA

Reference:

Code of Laws of South Carolina 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 and having regard to the actual and potential hazards then existing.

II. The driver of a vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, approaching a hillcrest, when traveling upon any narrow bridge, narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

SC ST § 56-5-1520(A), (F).

Statutory Speed Limit:

70 mph on the interstate highway system and other freeways;
60 mph on multilane divided primary highways;
55 mph in other locations or on other sections of highways;
40 mph on unpaved roads;
30 mph in an urban district.³⁶⁷

SC ST § 56-5-1520(B), (C).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the 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.³⁶⁸ SC ST § 56-5-1520(E); SC ST § 56-5-1530.

II. Except as noted in III, based on engineering and traffic investigations, local authorities within their respective jurisdictions may increase or decrease the above speed limits.³⁶⁹

SC ST § 56-5-1520(E); SC ST § 56-5-1540(a).

III. Based on engineering and traffic investigations, a local authority may establish a maximum speed limit of less than 30 mph in an urban district. However, this authority does not apply to highways within the State highway system. SC ST § 56-5-1520(D).

IV. Based upon investigation, the Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. SC ST § 56-5-1570(d).

V. The governing boards of State institutions may establish speed limits on the streets, drives and alleys under their jurisdiction.

SC ST § 56-21-10(1).

VI. The State Department of Mental Health may promulgate

³⁶⁷ “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.” SC ST § 56-5-1520(C).

³⁶⁸ This includes the establishment of different highway speed limits for different types of vehicles, at different times of the day, for various weather conditions, or for other factors bearing on safe speeds. SC ST § 56-5-1530(A).

³⁶⁹ A speed limit cannot be established at greater than 70 mph. SC ST § 56-5-1540(a)(2). In addition, outside of an urban district, a speed limit cannot be established at less than 35 mph. SC ST § 56-5-1540(a)(3). **Note:** The Department of Transportation must approve any alteration of a speed limit on State highways or extensions thereof. SC ST § 56-5-1540(d).

regulations “governing and controlling” the roads and streets within areas of the State Hospital and Midlands Center. SC ST § 56-21-70. Such regulations would likely 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.

SC ST § 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.

SC ST § 56-5-1810(b).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Department of Transportation or local governments may establish minimum speed limits on their respective streets and highways. SC ST § 56-5-1560(b).

Other:

I. Manufactured, modular or mobile home must not be operated at a speed in excess of 10 mph below the maximum posted speed when the speed limit is greater than 45 mph. They shall never be operated in excess of 55 mph. SC ST § 56-5-1520(B)(4).

III. No person shall tow a house trailer greater than 45 mph.

SC ST § 56-5-1570(a).

V. No person shall drive a vehicle that is equipped with solid rubber or cushion tires greater than 10 mph. SC ST § 56-5-1570(b).

VI. No person shall drive a public school bus greater than 45 mph on highways with posted speed limits above 55 mph. A special variance may be issued which allows a person to drive such a bus greater than 45 mph on highways with posted speed limits above 55 mph.

However, in no event shall a person drive a public school bus greater than 55 mph. SC ST § 59-67-515.

Low Speed Vehicles:

Permitted on Public Roads

(Yes/No):

Maximum Speed Permitted:

Yes. On public roads with a speed limit of 35 mph or less.

SC ST § 56-2-100.

25 mph. SC ST § 56-1-10(19).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Misdemeanors³⁷⁰ SC ST § 56-5-730; SC ST § 56-5-1520(G);

SC ST § 56-5-1535(a); SC ST § 56-5-6190; SC ST § 56-21-60.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Violating Statutory Maximum Speed Limits:

³⁷⁰ **Important:** The law does not appear to make driving a public school bus in excess of the speed limitations established via SC ST § 59-67-515 a criminal offense (e.g., a misdemeanor). In addition, there appears to be no licensing action associated with such a violation.

First Offense:

1-10 mph over limit – Not less than **\$15** or more than **\$25**.

11-14 mph over limit – Not less than **\$25** or more than **\$50**.

15-24 mph over limit – Not less than **\$50** or more than **\$75**.

≥25 mph above limit – Not less than **\$75** or more than **\$200** or not more than **30 days**;

91 mph or more over the limit – Not less than **\$150** or more than **\$400** or not more than **60 days**. SC ST § 56-5-1520(G).

Subsequent offense (for all): Not more than **\$100** or not more than **30 days**. SC ST § 56-5-6190.

Violating Traffic Regulations on State Hospital and Midlands

Center Grounds: Not less than **\$2** or more than **\$50** or not more than **15 days**. SC ST § 56-21-100.

All Other speed law-related violations: Not more than **\$100** or not more than **30 days**. SC ST § 56-5-6190; SC ST § 56-21-60.

Mandatory Minimum Term / Fine: The base terms above may be mandatory.

Other Penalties:

Traffic School: An offender who completes a defensive driving course shall have 4 points deducted from the driving record. SC ST § 56-1-770.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system.³⁷¹ SC ST § 56-1-720; SC ST § 56-1-740; SC ST § 56-1-750.

Term of License Suspension / Revocation: Not more than **6 months**. SC ST § 56-1-740 (A).

Mandatory Minimum Term: **None**. The Department may issue a restricted license for work and education purposes. SC ST § 56-1-740(B)(1).

Miscellaneous Sanctions Not Included Elsewhere: **Highway Work Zone:** A person who exceeds the specially posted speed limit in a highway work zone is subject to a jail sentence of not more than **30 days** and/or a fine of not less than **\$75** or more than **\$200**. SC ST § 56-5-1535(a).

Temporary Work Zone: A person who fails to maintain a safe speed for road conditions is subject to a fine of not less than **\$300** or more than **\$500**. SC ST § 56-5-1536(E).

³⁷¹ **Point System: I.** The following points are assessed to the following violations: reckless driving = **6 points**; driving fast for conditions or speeding 1-10 mph over limit = **2 points**; 11-24 mph over limit = **4 points**; 25 mph or more over limit = **6 points**. SC ST § 56-1-720. **II.** A driver's license may be suspended for not more than 6 months upon a showing that the driver demonstrates a disrespect and disregard for traffic laws. 12 points indicates disrespect and disregard. **III.** The following point accumulations result in the corresponding suspension periods: 12-15 points = **3 months**; 16-17 points = **4 months**; 18-19 points = **5 months**; 20 points or more = **6 months**. SC ST § 56-1-740. In computing the total number of points charged, those points accrued from 12-24 months preceding the last violation shall be counted at one half their established value and those resulting from violations which occurred more than 24 months prior to the last violation shall not be counted. SC ST § 56-1-750.

Other Criminal Actions Related to Speeding:

Racing on Highway:	Misdemeanor. SC ST § 56-5-730; SC ST § 56-5-1590; SC ST § 56-5-6190.
Sanctions:	
Imprisonment Term / Fine:	Not less than \$200 or more than \$600 and/or not less than 2 months or more than 6 months . SC ST § 56-5-1620.
Mandatory Minimum Term / Fine:	The base terms above for a driver are mandatory.
Licensing Action:	
Type (Suspension / Revocation):	Revocation. SC ST § 56-5-1620.
Term of License Suspension / Revocation:	1 year. SC ST § 56-5-1620.
Mandatory Minimum Term:	None. The Department may issue a restricted license for work and education purposes. SC ST § 56-1-740(B)(1).
Other:	Any person who acquiesces in or permits the driving of his/her car is subject to not more than \$100 , not more than 30 days in jail and a 3-month license and registration suspension. SC ST § 56-5-1620.
Reckless Driving:	Misdemeanor. SC ST § 56-5-730; SC ST § 56-5-2920; SC ST § 56-5-6190.
Sanctions:	
Imprisonment Term / Fine:	Not less than \$25 or more than \$200 or not more than 30 days . SC ST § 56-5-2920.
Mandatory Minimum Term / Fine:	\$25
Licensing Action:	
Type (Suspension / Revocation):	<u>First offense</u> – Suspension through the point system; <u>Subsequent offense</u> (within 5 years) – Suspension . SC ST § 56-5-2920.
Term of License Suspension / Revocation:	<u>First offense</u> – 3-6 months through the point system. SC ST § 56-1-740 <u>Subsequent offense</u> – 3 months . SC ST § 56-5-2920.
Mandatory Minimum Term:	None. The department may issue a restricted license for work and education purposes. SC ST § 56-1-740(B)(1).
Other:	An offender shall have 6 points added to his driving record. SC ST § 56-1-720. An offender who completes a defensive driving course shall have 4 points deducted from the driving record. SC ST § 56-1-770.
<u>Automated Speed Enforcement:</u>	No statutory provision
<u>Limitations of Use of Speed Measurement Devices:</u>	No statutory provisions. However, the use of speed detection jamming devices is unlawful. SC ST § 56-5-3870. And, it appears that

radar devices are permitted. See e.g., *State v. Jackson*, 717 S.E.2d 609 (S.C.App. 2011).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁷² within a 3-year period or 3 such violations within a 3-year period.
SC ST § 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**.
SC ST § 56-1-2110(F).

³⁷² A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. SC ST §56-1-2030(22).

JURISDICTION

SOUTH DAKOTA

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. SD ST § 32-25-3.

Statutory Speed Limit:

75 mph on interstate highways (SD ST § 32-25-4);
70 mph on divided four-lane highways in rural areas (SD ST § 32-25-7.1);
65 mph on other streets or highways (SD ST § 32-25-1.1);
55 mph on township roads (SD ST § 32-25-9.2);
25 mph on urban streets that do not have posted speed limits (SD ST § 32-25-12);
15 mph in a school zone during a recess or when children are going to or leaving school during the opening or closing hours. (SD ST § 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. SD ST § 32-25-7; SD ST § 32-25-10.
 II. Local governments may establish “speed zones” upon the streets or highways under their jurisdictions or regulate speed on public parks. SD ST § 32-14-3; SD ST § 32-14-4; SD ST § 32-25-9.1; SD ST § 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. (SD ST § 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. SD ST § 32-25-18; SD ST § 32-25-19.
 IV. A county road district may establish speed limits on the roads under its jurisdiction. SD ST § 31-12A-21(6); SD ST § 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. SD ST § 32-25-5.1.
 II. It is unlawful to operate a motor vehicle at less than 40 mph on an interstate highway. SD ST § 32-25-5.
 III. A person driving a slow-moving vehicle shall drive as closely as possible to the right-hand edge/curb of a highway. SD ST § 32-26-1.

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Transportation Commission may establish a minimum speed limit on a highway. SD ST § 32-25-5.2.

- Other:
- I. The State Transportation Commission may promulgate regulations establishing the maximum speed for any motor vehicle, trailer, or wagon.³⁷³ SD ST § 32-25-6.
 - II. No person shall tow a manufactured home or mobile home with a width greater than 102 inches at a speed greater than 55 mph on an interstate highway or greater than 45 mph on any other highway. SD ST § 32-25-6.1.
 - III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires greater than 10 mph. SD ST § 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. SD ST § 32-25-13; SD ST § 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. SD ST § 32-25-19.1.
 - VI. Certain overweight vehicles which are hauling agricultural products may be driven on the highways not greater than 50 mph. SD ST § 32-22-42.2.

Low Speed Vehicles:

- Permitted on Public Roads (Yes/No): **Yes.** On public roads with a posted speed limit of not more than 35 mph. SD ST § 32-25-27.
- Maximum Speed Permitted: **25 mph.** SD ST § 32-3-1(5A).

Adjudication of Speed Law**Violations:**

- Civil/Criminal Adjudication: **Class 2 misdemeanor** SD ST § 32-22-42.2; SD ST § 32-25-1.1*et seq.*; SD ST § 32-26-1.

Sanctions Following an Adjudication of a Speed Law Violation:**Sanctions:**

Imprisonment Term / Fine: **\$500 and/or 30 days.**³⁷⁴ SD ST § 22-6-2.

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: N/A

Other: The fines are doubled for exceeding the “limited” posted speed limit in a construction zone. However, the maximum fine cannot be greater than **\$500**. SD ST § 32-25-19.1.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through point system.³⁷⁵ SD ST § 32-12-49;

³⁷³ Such regulations apply to the following types of vehicles: (1) any motor vehicle, trailer, or wagon including the load weighing more than 10,000 lbs.; (2) any motor vehicle, trailer or wagon having a gross weight more than 8,000 lbs., on one axle; and (3) any motor vehicle, trailer or wagon having a gross load greater than 600 lbs., per inch width of tire as defined in the statute. SD ST § 32-25-6.

³⁷⁴ If they are financially able, offenders may be required to pay for the cost of their confinement in a county jail. SD ST § 24-11-45.

SD ST § 32-12-49.1.

Term of License Suspension /
Revocation:**60 days to 1 year.** SD ST § 32-12-49.3.

Mandatory Minimum Term:

None. 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. SD ST § 32-12-49.4.Miscellaneous Sanctions Not
Included Elsewhere:For persons operating commercial motor vehicles who commit a 4th or subsequent excessive speeding offense under Chapter 32-25 (speed regulation), the court may cancel the vehicles' "compensation plates" for 1 year.³⁷⁶ SD ST § 32-25-22.**Other Criminal Actions Related to
Speeding:****Racing on Highway:**³⁷⁷**Class 2 misdemeanor.** SD ST § 32-25-23; SD ST § 32-25-25.Sanctions:

Imprisonment Term / Fine:

\$500 and/or 30 days. SD ST § 22-6-2.

Mandatory Minimum Term / Fine:

NoneLicensing Action:

Type (Suspension / Revocation):

Suspension through the point system. SD ST § 32-12-49.1.Term of License Suspension /
Revocation:

No specific terms are listed.

Mandatory Minimum Term:

N/A

Reckless Driving:**Class 1 misdemeanor.** SD ST § 32-24-1.Sanctions:

Imprisonment Term / Fine:

1 year and/or \$2,000. SD ST § 22-6-2.

Mandatory Minimum Term / Fine:

NoneLicensing Action:

Type (Suspension / Revocation):

First offense – **Suspension** (through point system).
SD ST § 32-12-49.1.Second or subsequent offense – **Revocation.** SD ST § 32-12-49.1.

³⁷⁵ **Point System: I.** An offender's license is subject to suspension if accumulating 15 points within 12 months or 22 points within 24 months. SD ST § 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**; 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.) SD ST § 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**. SD ST § 32-12-49.3.

³⁷⁶ 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. SD ST § 32-9-6; SD ST § 32-9-7.

³⁷⁷ Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes. SD ST § 32-25-25.

Term of License Suspension / Revocation: **Revocation – 30 days to 1 year.** SD ST § 32-24-3.
Mandatory Minimum Term: **None.** A restricted license may be granted. SD ST § 32-24-3.

Other: **6 points** assessed against driving record. SD ST § 32-12-49.3.

Careless Driving:³⁷⁸ **Class 2 misdemeanor.** SD ST § 32-24-8.

Sanctions:

Imprisonment Term / Fine: **\$500** and/or **30 days.** SD ST § 22-6-2.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. SD ST § 32-12-49.1.

Term of License Suspension / Revocation: No specific terms are listed.

Mandatory Minimum Term: N/A

Other: **2 points** assessed against driving record. SD ST § 32-12-49.3.

Exhibition Driving:³⁷⁹ **Class 2 misdemeanor.** SD ST § 32-24-9.

Sanctions:

Imprisonment Term / Fine: **\$500** and/or **30 days.** SD ST § 22-6-2.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through the point system. SD ST § 32-12-49.1.

Term of License Suspension / Revocation: No specific terms are listed.

Mandatory Minimum Term: N/A

Other: **2 points** assessed against driving record. SD ST § 32-12-49.3.

Automated Speed Enforcement: **No statutory provision**

Limitations of Use of Speed Measurement Devices: **No statutory provisions.** It appears, at a minimum, that radar devices are permitted. See e.g., *State v. Labine*, 733 N.W.2d 265 (S.D. 2007).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁸⁰ within a 3-year period or 3 such violations within a 3-year period.

³⁷⁸ “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.” SD ST § 32-24-8.

³⁷⁹ “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.” SD ST § 32-24-9.

SD ST § 32-12A-40; SD ST § 32-12A-41.

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**.
SD ST § 32-12A-40; SD ST § 32-12A-41.

³⁸⁰ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph, reckless driving and careless driving. SD ST § 32-12A-1(31).

JURISDICTION

TENNESSEE

Reference:

Tennessee Code Annotated
Rules and Regulations of the State of Tennessee (TN ADC)

Basis for a Speed Law Violation:

Basic Speed Rule:

Notwithstanding any speed limit or zone in effect at the time, or right of way rules that may be applicable, every driver of a motor vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control and by devoting full time and attention to operating the vehicle, under existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm. TN ST § 55-8-136(b).

Statutory Speed Limit:

70 mph on controlled-access State highways or interstate highways with four or more lanes. TN ST § 55-8-152(c).
65 mph on all other highways or roads. TN ST § 55-8-152(a).

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. TN ST § 55-8-152(f)(1)(A).
II. Based on engineering and traffic investigations, the department of transportation may lower the speed limits in business, urban or residential districts. TN ST § 55-8-153(a).
III. Local governments may establish speed limits including lowering the maximum speed limits on roads and streets under their jurisdictions, so long as such speed does not exceed 55 mph. TN ST §55-8-152(f)(1)(C); TN ST §55-8-153(d).
IV. The department of transportation may establish a safe maximum speed limit for any bridge or elevated structure. TN ST § 55-8-156(b).
V. Based on engineering investigations, a local government may establish special speed limits adjacent to schools. This limit cannot be less than 15 mph.³⁸¹ TN ST § 55-8-152(d).
VI. The department of transportation may establish special speed limits at school entrances and exits and from controlled-access highways. TN ST § 55-8-152(d).

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. TN ST § 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

³⁸¹ 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 recess when warning flashers are in operation, or 90 minutes before or after the opening or closing of a school. TN ST § 55-8-152(d)(1)(B).

speed less than 55 mph. TN ST § 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. TN ST § 55-8-115(b).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the department of transportation or a local government may establish a minimum speed limit for a highway. TN ST § 55-8-154(b).

Note: Officials signs may be erected directing slower moving traffic to use designated lanes. TN ST § 55-8-123(3).

Other:

I. No person shall operate a vehicle with solid rubber or cushion tires greater than 10 mph. TN ST § 55-8-156(a).

II. When transporting pupils, no person shall operate a school bus greater than the posted speed limit or greater than 35 mph on unpaved roadways. TN ST § 49-6-2110(b).

Low Speed Vehicles:

Permitted on Public Roads

(Yes/No):

Maximum Speed Permitted:

Yes. On public roads with a posted speed limit of 35 mph or less.

TN ST § 55-8-191.

25 mph. TN ST § 55-1-122.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Class C misdemeanor. TN ST § 49-6-2113; TN ST § 55-8-152(f)(2); TN ST § 55-8-154; TN ST § 55-8-156; TN ST § 55-10-301(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Not more than **30 days** and/or not more than **\$50**.

TN ST § 40-35-111(e)(3).

Mandatory Minimum Term / Fine:

None.

Other Penalties:

Traffic School:

An offender may be required to attend a driver education course in addition to or in lieu of any other sanction. TN ST § 55-10-301(b)(1).

Other:

I. A fee of up to **75 cents** and a fee of up to **\$2.00** may be levied.³⁸² TN ST § 55-10-315.

II. Additional fine of **\$5**.³⁸³ TN ST § 55-8-152(g)(1). The court may in its discretion order community service for the defendant in lieu of a fine. TN ST § 40-35-103(6).

³⁸² Only municipalities with a population of not less than 160,000 or more than 170,000 by ordinance may levy such fees. The levy of up to 75 cents shall be used for traffic safety, traffic education and drug education programs. The levy of up to \$2 shall be used to purchase and/or maintain an automated information system to support enforcement of traffic safety laws. TN ST § 55-10-315.

³⁸³ Only counties with a population of not less than 67,500 or more than 67,600 may assess this additional fine, which shall be placed in a fund to be established by such county for the sole purpose of erecting and maintaining highway signs. TN ST § 55-8-152(g)(2).

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system.³⁸⁴ TN ST § 55-50-505(a)(1); TN ADC 1340-01-04.

Term of License Suspension / Revocation: **6 months (12 months for certain subsequent offenders).**³⁸⁵ TN ADC 1340-01-04-.04(7)(c), (8)(b), (c).

Mandatory Minimum Term: **6 or 12 months.** Action is limited to certain subsequent offenders.³⁸⁶ TN ADC 1340-01-04-.04(8)(b), (c).

Miscellaneous Sanctions Not Included Elsewhere: **Construction Zones:** A person who violates a speed limit in a construction zone when workers are present commits a **Class B misdemeanor**. However, the offender is only subject to a fine sanction of not less than **\$250** or more than **\$500**. TN ST § 55-8-152(f)(2); TN ST § 55-8-153(e). **Note:** The minimum fine appears to be mandatory.

Other Criminal Actions Related to Speeding:

Drag Racing:³⁸⁷ **Class B misdemeanor.** TN ST § 55-10-502.

³⁸⁴ **Point System: I.** An offender who for the first time accumulates 12 points within 12 months is subject to 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 a 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 or 12-month license suspension, depending on the person's driving record. 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 1-5 mph = **1 point**; exceeding the speed limit 6-15 mph = **3 points**; exceeding the speed limit 16-25 mph = **4 points**; exceeding the speed limit 26-35 mph = **5 points**; exceeding the speed limit 36-45 mph = **6 points**; exceeding the speed limit by 46 mph or more = **8 points**; reckless driving = **6 points**; driving less than the posted minimum speed limit = **3 points**; careless or negligent driving = **4 points**; (Note: This is a municipal ordinance violation); reckless endangerment by vehicle = **8 points**; miscellaneous traffic violations not specified = **3 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 = **4 points**; exceeding the speed limit 1-5 mph = **2 points**; exceeding the speed limit 6-15 mph = **4 points**; exceeding the speed limit 16-25 mph = **5 points**; exceeding the speed limit 26-35 mph = **6 points**; exceeding the speed limit by 36 mph or more = **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 1-5 mph = **2 points**; exceeding the speed limit 6-14 mph = **4 points**; exceeding the speed limit 15-25 mph = **5 points**; exceeding the speed limit 26-35 mph = **6 points**; exceeding the speed limit 36-45 mph = **7 points**; exceeding the speed limit by 46 mph or more = **8 points**; excessive speeding (15 mph or more over speed limit indicated on citation but not on court document) = **6 points**; reckless driving = **7 points**; careless or negligent driving = **5 points**. The following points have been assigned for speeding in a construction zone by a commercial vehicle: speeding violations where the vehicle's speed was not noted on the citations = **5 points**; exceeding the speed limit 1-5 mph = **3 points**; exceeding the speed limit 6-14 mph = **5 points**; exceeding the speed limit 15-25 = **6 points**; exceeding the speed limit 26-35 mph = **7 points**; exceeding the speed limit 36-45 mph = **8 points**; exceeding the speed limit 46 mph or more = **9 points**; excessive speeding (15 mph or more over speed limit indicated on citation but not on court document) = **7 points**; reckless driving = **8 points**; careless or negligent driving = **6 points**; speed less than minimum = **5 points**; miscellaneous traffic violations = **4 points**. TN ADC 1340-01-04-.03; TN ADC 1340-01-04-.04.

³⁸⁵ **Point System Suspensions:** Offenders are subject to a **6-month license suspension** under 2 conditions: (1) accumulating 12 pts within 12 months for the 1st time and not participating in the driver improvement program; or (2) accumulating 12 pts for the 2nd 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 a driver improvement program in lieu of a suspension and a license suspension under the point system. TN ADC 1340-01-04-.04.

³⁸⁶ Offenders who have accumulated 12 pts 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. TN ADC 1340-01-04-.04(7)(g). Under "extreme circumstances" such an offender may be placed on administrative probation in lieu of a suspension. TN ADC 1340-01-04-.04(7)(h).

Sanctions:

Imprisonment Term / Fine: Not more than **6 months** and/or not more than **\$500**.
 TN ST § 40-35-111(e)(2).
Serious Bodily Injury (Class D Felony) – Not less than **2 years** or more than **12 years** and a possible fine not to exceed **\$5,000**.
 TN ST § 39-13-106(b); TN ST § 40-35-111(b)(4); TN ST § 55-10-502.

Mandatory Minimum Term / Fine: Racing resulting in serious bodily injury appears to have a mandatory minimum of 2 years.

Licensing Action:

Type (Suspension / Revocation): **Revocation**. TN ST § 55-10-503(a)(1), (b).
 Term of License Suspension / Revocation: First offense – **1 year**. TN ST § 55-10-503(a)(1);
Second offense (within 10 years) – **Permanent revocation**.
 TN ST § 55-10-503(b).

Mandatory Minimum Term: First offense – **None**. **Note:** An offender is eligible for restricted driving privileges. TN ST § 55-10-503(a)(2).
Second offense (within 10 years) – **Permanent revocation**.
 TN ST § 55-10-503(b).

Other: I. An offender may be required to attend a driver education course.
 TN ST § 55-10-301(b)(1).
 II. A fee of up to **75 cents** and a fee of up to **\$2.00** may be levied.
 TN ST § 55-10-315.
 III. Additional fine of **\$5**. TN ST § 55-8-152(g)(1).
 IV. Vehicle is subject to seizure and forfeiture.
 TN ST § 55-10-502(c); TN ST § 40-33-102.

Reckless Driving:

Sanctions:

Imprisonment Term / Fine: **Class B misdemeanor**. TN ST § 55-10-205(a), (b).
 Not more than **6 months** and/or not more than **\$500**.
 TN ST § 40-35-111(e)(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. TN ST § 55-50-505(a)(1);
 TN ADC 1340-01-04.
Revocation(second conviction within 12 months).
 TN ST § 55-50-501(a)(6).

³⁸⁷ “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 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 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 1 or more motor vehicles.” TN ST § 55-10-501(1).

Term of License Suspension /
Revocation:

Suspension – 6 months (12 months for certain subsequent offenders). TN ADC 1340-01-04-.04(7)(c), (8)(b), (c).

Revocation (second conviction within 12 months) – **1 year.**
TN ST § 55-50-502(f)(3).

Mandatory Minimum Term:

Revocation (second conviction within 12 months) – **1 year.**
TN ST § 55-50-502(f)(3).³⁸⁸

Other:

I. An offender may be required to attend a driver education course.
TN ST § 55-10-301(b)(1).

II. A fee of up to **75 cents** and a fee of up to **\$2.00** may be levied.
TN ST § 55-10-315.

III. Additional fine of **\$5**, and **\$50**. TN ST § 55-8-152(g)(1); TN ST § 55-10-205.

IV. **8 points** assessed to driving record. TN ADC 1340-01-04-.03.

Automated Speed Enforcement:

Yes by S.P. Automated traffic enforcement is permitted statewide for traffic violations. However, traffic enforcement cameras that monitor speed shall not be permitted on any public road or highway within 1 mile of a reduction of speed limits. TN ST § 55-8-198(a), (l).

Limitations of Use of Speed Measurement Devices:

No. Radar, laser and other similar devices used to measure the speed of motor vehicles are admissible in evidence so long as the officer operating the device has been trained. TN ST § 24-7-124;
TN ADC 1110-03-.09.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁸⁹ within a 3-year period or commits 3 such violations within a 3-year period.
TN ST § 55-50-405(a)(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**.
TN ST § 55-50-405(a)(5).

³⁸⁸ 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.
TN ST § 55-50-502(e)(4).

³⁸⁹ 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), reckless, careless and negligent driving. TN ST § 55-50-102(51); 49 CFR § 383.5.

JURISDICTION

TEXAS

Reference:

Texas Revised Statutes Annotated (Transportation 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, and shall control the speed of a vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care. 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.
TX TRANSP § 545.351.

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.
85 mph on part of a highway system if such part is designed to accommodate such speed and it is determined that the speed limit is reasonable and safe for that part of the highway system;
(TX TRANSP § 545.353(h-2))
80 mph on part of Interstate Highway 10 or Interstate Highway 20 in Crockett, Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or Ward Counties; (TX TRANSP § 545.353(h-1))
75 mph (TX TRANSP § 545.353(h))
70 mph on "numbered" highways and farm/ranch-to-market roads outside an urban district;³⁹⁰
60 mph on highways that are not "numbered" and that are outside of an urban district;
30 mph in an urban district;
15 mph in an alley, on a beach, or on a road adjacent to a public beach if declared by the commissioners court of the county.
TX TRANSP § 545.352(b).

For counties with a population more than 78,000, this authority may be delegated to the county engineer. TX TRANSP § 251.159.

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

³⁹⁰ 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. TX TRANSP § 545.352(b)(2). A "light truck" is defined as a truck with a carrying capacity of not more than 2,000 lbs., and includes pick-up trucks, panel delivery trucks and carry-all trucks. TX TRANSP § 545.352(d)(2).

outside of any municipality.³⁹¹ TX TRANSP § 545.353(a), (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.³⁹² TX TRANSP § 545.354(a), (d).

III. Based on engineering and traffic investigations, county court commissioners may increase the prima facie speed limits on highways under their jurisdictions. In addition, they may declare lower speed limits if the prima facie limits are unreasonable or unsafe.³⁹³

TX TRANSP § 545.355(a). For counties with a population greater than 78,000, this authority may be delegated to the county engineer. TX TRANSP § 251.159.

IV. Based on engineering and traffic investigations, municipalities may alter the prima facie speed limits on highways under their jurisdictions.³⁹⁴ TX TRANSP § 545.356(a), (b).

V. Texas law gives United States military commanders the authority to alter the prima facie speed limits on State highways within a United States military reservation.³⁹⁵ TX TRANSP § 545.358.

VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their respective jurisdictions. TX TRANSP § 545.361(e).

VII. The State Transportation Commission and local governments are required to hold public hearings upon request once each calendar year to consider prima facie speed limits on highways that are under their respective jurisdictions and that are near public or private elementary or secondary schools or institutions of higher education.

TX TRANSP § 545.357.

VIII. The Commissioners Court of a county may request the Texas Transportation Commission to establish prima facie speed limits for farm/ranch-to-market roads without improved shoulders that are lower than those provided for under TX TRANSP § 545.352.

TX TRANSP § 545.353(a).

IX. A local authority may regulate the speed of a vehicle in a public park. TX TRANSP § 542.202(a)(6).

X. The State may establish a speed limit of 85 mph on a part of the State highway system if engineering and traffic investigations reveal that 85 mph is a reasonable speed and that part of the highway system is designed for travel at such a speed. TX TRANSP § 545.353(h-2).

Minimum Speed Limit:

I. No person shall drive so slowly as to impede the normal and

³⁹¹ However, the following limitations apply: a speed limit cannot be established greater than 75 mph; and the speed limits established per TX TRANSP § 545.352(b)(5) for certain vehicles outside an urban district cannot be changed. TX TRANSP § 545.353(d).

³⁹² However, a speed limit cannot be established greater than 75 mph. TX TRANSP § 545.354(e)(2).

³⁹³ However, a speed limit can neither be established greater than 75 mph nor less than 30 mph. TX TRANSP § 545.355.

³⁹⁴ However, a speed limit cannot be established greater than 60 mph. TX TRANSP § 545.356(a), (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. TX TRANSP § 545.359.

³⁹⁵ However, a speed limit cannot be established greater than 60 mph. TX TRANSP § 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. TX TRANSP § 545.359.

reasonable movement of traffic. TX TRANSP § 545.363(a).

II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. TX TRANSP § 545.051(b).

Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdictions. TX TRANSP § 545.363(b).
Note: Official traffic control devices may be erected directing slow-moving traffic to use designated lanes. TX TRANSP § 545.060(c).

Other: I. Operating vehicles in the following types of situations in excess of the given speed limits is prima facie evidence that such speed is not reasonable and prudent and is unlawful. TX TRANSP § 545.352(a).
A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or 55 mph, whichever is less. TX TRANSP § 623.101(a).
B) A school bus with a commercial motor vehicle inspection cannot be driven greater than 60 mph outside an urban district on a “numbered” highway or farm-to-market road. TX TRANSP §545.352(b)(4)(A).
C) A school bus without a commercial motor vehicle inspection cannot be driven greater than 50 mph outside an urban district. TX TRANSP §545.352(b)(4)(B).
D) A school bus with or without a commercial motor vehicle inspection cannot be driven greater than 50 mph outside an urban district on a highway that has not been “numbered”. TX TRANSP §545.352(b)(4)(B).
II. 30 mph is the maximum speed limit in a county park that borders the Gulf of Mexico. TX TRANSP §750.002.
III. A vehicle equipped with solid rubber or cushion tires may not be operated greater than 10 mph. TX TRANSP § 545.361(b)
IV. Self-propelled agricultural machinery used for planting “food materials” and not designed for transportation purposes may not be operated greater than 30 mph. TX TRANSP § 545.361(d).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of 35 mph or less. TX TRANSP § 551.303.
Maximum Speed Permitted: **25 mph.** TX GOVT § 2158.001(5).

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication: **Misdemeanor.** TX TRANSP § 542.301;TX TRANSP § 750.002(b).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:
Imprisonment Term / Fine: Not less than **\$1** or more than **\$200.** TX TRANSP § 542.401; TX TRANSP § 750.002(b).

Mandatory Minimum Term / Fine: **\$1**

Other Penalties:

Traffic School: N/A

Other: **Double Fines:**³⁹⁶ If a speeding offense occurs in a construction zone when workers are present, the minimum and maximum fines are doubled. TX TRANSP § 542.404.
State Traffic Fine of \$30. TX TRANSP § 542.4031.

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** at the discretion of the licensing agency. This action is based on habitually reckless or negligent vehicle operation or habitual violation of the traffic laws.³⁹⁷
TX TRANSP § 521.292(a)(2), (3); TX TRANSP § 521.294.

Term of License Suspension / Revocation: **Revocation – Indefinite Period.** TX TRANSP § 521.312(a).
Suspension – Not more than 1 year. TX TRANSP § 521.293.

Mandatory Minimum Term: **Revocation**– The revocation period cannot be probated and, therefore, appears to be mandatory. TX TRANSP § 521.309
Suspension– None. A suspension may be probated and is, therefore, not mandatory.³⁹⁸ TX TRANSP § 521.309.

Other Criminal Actions Related to Speeding:

Racing on Highway:
First offense – **Class B misdemeanor;**
Second offense – **Class A misdemeanor;**
Third or subsequent offense – **State Jail felony;**
Resulted in bodily injury – **3rd Degree felony;**
Resulted in serious bodily injury or death – **2nd Degree felony.**
TX TRANSP § 545.420; TX Penal Code § 12.21;
TX Penal Code § 12.22; TX Penal Code § 12.33;
TX Penal Code § 12.34; TX Penal Code § 12.35

Sanctions:

Imprisonment Term / Fine: First offense – Not more than **\$2,000** and/or not more than **180 days.**
TX Penal Code § 12.22.
Second offense – Not more than **\$4,000** and/or not more than **1 year.**
TX Penal Code § 12.21.
Third or subsequent offense – Not less than **180 days** or more than **2 years** and may be fined not more than **\$10,000.**
TX Penal Code § 12.35.
Bodily injury – Not less than **2 years** or more than **10 years** and may

³⁹⁶ 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. TX TRANSP § 472.022(a), (d).

³⁹⁷ 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. TX TRANSP § 521.292(b).

³⁹⁸ If a license suspension is probated, the offender must be placed on probationary status for a period of not less than **90 days** or more than **2 years.** TX TRANSP § 521.309(e).

be fined not more than **\$10,000**. TX Penal Code § 12.34.
Seriously bodily injury or death – Not less than **2 years** or more than **20 years** and may be fined **\$10,000**. TX Penal Code § 12.33.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** (Discretionary) based on either habitually reckless/negligent vehicle operation or habitual violation of the traffic laws. TX TRANSP § 521.292 (a)(1), (2); TX TRANSP § 521.294.

Term of License Suspension / Revocation:

Revocation – Indefinite Period. TX TRANSP § 521.312(a).
Suspension – Not more than 1 year. TX TRANSP § 521.293.

Mandatory Minimum Term:

Revocation – The revocation period cannot be probated and, therefore, appears to be mandatory. TX TRANSP § 521.309
Suspension – None. A suspension may be probated and is, therefore, not mandatory. TX TRANSP § 521.309.

Other:

Double Fines: If a speeding offense occurs in a construction zone when workers are present, the minimum and maximum fines are doubled. TX TRANSP § 542.404.
State Traffic Fine of \$30. TX TRANSP § 542.4031.
Incarceration Costs: 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. TX CRIM PRO Art. 42.038(a), (c).
Community Service: A court may impose community service in lieu of active jail time, and require a defendant to pay an administrative fee of \$50. TX CRIM PRO Art. 42.036.
Forfeiture/Impoundment: A peace officer may require a vehicle used in a race to be taken to the nearest government garage storage center for a period not to exceed 15 days. If the defendant has been convicted previously of racing, the vehicle shall be forfeited if the defendant owned the vehicle at the time of the offense or is an owner of the vehicle at the time of the conviction. TX TRANSP § 545.420(i), (j).

Reckless Driving:

Misdemeanor. TX TRANSP § 545.401.

Sanctions:

Imprisonment Term / Fine:

Not more than **\$200** and/or not more than **30 days**.
 TX TRANSP § 545.401(b).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension or Revocation** (Discretionary) based on either habitually reckless/negligent vehicle operation or habitual violation of the traffic laws. TX TRANSP § 521.292 (a)(1), (2); TX TRANSP § 521.294.

Term of License Suspension /
Revocation:

Revocation – Indefinite Period. TX TRANSP § 521.312(a).
Suspension – Not more than 1 year. TX TRANSP § 521.293.

Mandatory Minimum Term:

Revocation – The revocation period cannot be probated and, therefore, appears to be mandatory. TX TRANSP § 521.309
Suspension – None. A suspension may be probated and is, therefore, not mandatory. TX TRANSP § 521.309.

Other:

Double Fines: If an offense occurred in a construction zone when workers were present, the maximum fine is doubled. TX TRANSP § 542.404.
State Traffic Fine of \$30. TX TRANSP § 542.4031.
Incarceration Costs: 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. TX CRIM PRO Art. 42.038(a), (c).
Community Service: A court may impose community service in lieu of active jail time, and may require a defendant to pay an administrative fee of \$50. TX CRIM PRO Art. 42.036.

Automated Speed Enforcement:

No by S.P. Photographic enforcement systems may only be used to detect violations of traffic-control signals (red light cameras). TX TRANSP § 707.006; TX TRANSP § 707.003.

Limitations of Use of Speed Measurement Devices:

No. It appears, at a minimum, that radar devices are permitted. In fact, the use of a radar interference device is prohibited. See *State v. Mendoza*, 365 S.W.3d 666 (Tex.Crim.App. 2012); TX TRANSP § 547.616.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”³⁹⁹ within a 3-year period or 3 such violations within a 3-year period. TX TRANSP § 522.081(a)(1), (2).

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**.
TX TRANSP § 522.081(a)(1), (2).

³⁹⁹ A “serious traffic violation” includes exceeding the speed limit by 15 and more mph and reckless driving. TX TRANSP § 522.003(25).

JURISDICTION

UTAH

Reference:

Utah Code Annotated
Utah Administrative Code (UT ADC)

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, including when approaching and crossing an intersection or railroad grade crossing; approaching and going around a curve; approaching a hill crest; traveling upon any narrow or winding roadway; and approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions. UT ST § 41-6a-601(1).

Statutory Speed Limit:

55 mph, except as noted, on highways or streets;
25 mph in an urban district;
20 mph in a “reduced speed school zone.”
UT ST § 41-6a-601(2); UT ST § 41-6a-604.

Posted (Maximum) Speed Limit:

I. Based on traffic engineering and safety studies, the Department of Transportation may establish different speed limits on highways under its jurisdiction.⁴⁰⁰ UT ST § 41-6a-602. **Note:** The maximum posted speed limit cannot exceed 65 mph on regular highways or 75 mph on limited access ones. UT ST § 41-6a-602(3).
II. Based on traffic engineering and safety studies, a local government may establish different speed limits on highways under its jurisdiction. UT ST § 41-6a-603. **Note:** The maximum posted speed limit cannot exceed those noted above. UT ST § 41-6a-602(3); UT ST § 41-6a-603(2).

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. UT ST § 41-6a-605.
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. UT ST § 41-6a-701(3).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Department of Transportation or a local government may establish a minimum speed limit for a highway on highways within their respective jurisdictions. UT ST § 41-6a-605(3).

Other:

The governor may, by proclamation, alter speed limits on State highways in time of war or emergency. UT ST § 41-6a-601(4).

⁴⁰⁰ This includes the establishment of different highway speed limits for different types of vehicles, at different times of the day, for highway construction, for various weather conditions, or for other highway safety factors. UT ST § 41-6a-602(2). **Note:** The 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.” UT ST § 41-6a-702(4)(a).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of 35 mph or less. UT ST § 41-6a-1502(5).
 Maximum Speed Permitted: **25 mph.** UT ST § 41-6a-102(28).

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication: **Class C misdemeanor.** UT ST § 41-6a-202(1); UT ST § 41-6a-604(2).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: Not more than **90 days** and/or not more than **\$750.**⁴⁰¹ UT ST § 76-3-204(3); UT ST § 76-3-301(1)(e).

Mandatory Minimum Term / Fine: The following mandatory minimum fines are imposed for **driving greater than 20 mph in a “reduced speed school zone”:**

First offense:

21-29 mph = **\$50**;
 30-39 mph = **\$125**;
 40 mph or more = **\$275.**

Second or subsequent offense:

21-29 mph = **\$50**;
 30-39 mph = **\$225**;
 40 mph or more = **\$525** UT ST § 41-6a-604(2)(a).

Note: The court may order community service in lieu of these fines or any portion of such fine. The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for driving 30 mph or more over the speed limit for a first offense or a second or subsequent offense within 3 years. UT ST § 41-6a-604(2)(b).

Other Penalties:

Traffic School: An offender may reduce the number of points on the driving record by completing a Defensive Driving Course. UT ADC R708-3-3; UT ADC R708-3-5(1)(b).

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system.⁴⁰² UT ST § 53-3-221(1)(f), (4).

⁴⁰¹ 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. UT ST § 76-3-301.5.

⁴⁰² **Point System: I. Offenders Age 21 Years and Older:** The following accumulation of points and suspension periods apply: 200-399 points = 3 months; 400-599 points = 6 months; 600 or more points = 1 year. 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.” UT ADC R708-3-6. **Offenders Under the Age of 21:** The following accumulation of points and suspension periods apply: 140-199 points = license “denial” for 30 days; 140-199 (within 3 years of first denial) = 60-day denial; 140-199 (within 3 years of 2nd denial) = 90-day denial; 200-249 points = 60-day suspension; 250-349 points = 90-day suspension; 350-449 points = 6-month suspension; 450 points or more = 1-year suspension. Also, “[a] third or

Term of License Suspension / Revocation: Not more than **1 year**. UT ST § 53-3-221(9)(a).
 Mandatory Minimum Term: **None**. 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 and notice is posted is subject to a fine which is double the amount of the fines in the Uniform Recommended Fine Schedule. UT ST § 41-6a-209(2)(a).

Other Criminal Actions Related to Speeding:

Racing on Highway: **Class B misdemeanor.** UT ST § 41-6a-606.

Sanctions:
 Imprisonment Term / Fine: Not more than **6 months** and/or not more than **\$1,000**.
 UT ST § 76-3-204(2); UT ST § 76-3-301(d).

Mandatory Minimum Term / Fine: **None**

Licensing Action:
 Type (Suspension / Revocation): **Suspension.** UT ST § 41-6a-606(4)(a).

Term of License Suspension / Revocation: **First offense – 60 days;**
Second offense (within 3 years) – **90 days.** UT ST § 41-6a-606(4)(a);
 UT ST §53-3-220(1)(a)(xvi).

Mandatory Minimum Term: The terms above appear to be mandatory.

Other: **60 points** assessed against driving record. An offender may reduce the number of points on the driving record by completing a Defensive Driving Course. UT ADC R708-3-3; UT ADC R708-3-5(1)(b).

Reckless Driving:⁴⁰³ **Class B misdemeanor.** UT ST § 41-6a-528.
Class A misdemeanor (risk of death or serious injury).
 UT ST § 76-5-112.

Sanctions:
 Imprisonment Term / Fine: Not more than **6 months** and/or not more than **\$1,000**.
 UT ST § 76-3-204(2); UT ST § 76-3-301(d).

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.” UT ADC 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**; careless driving = **50 points**; negligent driving = **50 points**; speeding too fast for conditions = **50 points**; speeding 1-10 mph over the speed limit = **35 points**; speeding 15-19 mph over the speed limit = **55 points**; speeding 21 mph or more over the speed limit = **75 points**; exceeding the speed limit by less than 11 mph on an interstate = **35 or 55 points**; speeding too fast for conditions = **50 points**; exceeding the speed limit in a school zone = **35 points/55 points**; driving too slow = **50 points**. UT ST § 53-3-209(2); UT ST § 53-3-221(4); UT ADC R708-3-4(2); and the Point Violation Code Table as prepared by the Utah Driver License Division of the Department of Public Safety <http://publicsafety.utah.gov/dld/documents/acdmasterapr2010.pdf>.

⁴⁰³ Reckless Driving is defined as operating a vehicle “in willful or wanton disregard for the safety of persons or property” or “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.”

Risk of Death or Serious Injury: Not more than **1 year** and/or a fine of not more than **\$2,500**. UT ST § 76-3-204(1); UT ST § 76-3-301(1)(c).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system based on a conviction of a serious traffic offense or frequent traffic law violations. UT ST § 53-3-221(1)(d), (f).

Suspension (by the court):

First offense – If the court recommends suspension, the division may suspend the license for 3 months after a hearing. UT ST § 53-3-220(1)(a)(viii).

Revocation (based on 2 convictions within 12 months). UT ST § 53-3-220(1)(a)(viii).

Term of License Suspension / Revocation:

Suspension (point system) – Not more than **1 year**. UT ST § 53-3-221(8)(a).

Suspension (by the court) – **3 months**. UT ST § 53-3-220(1)(a)(viii).

Revocation (2 convictions within 12 months) – **1 year**. UT ST § 53-3-220(1)(a)(viii); UT ST § 53-3-225(1)(a).

Mandatory Minimum Term:

The revocation period of 1 year is mandatory. UT ST § 53-3-225(1)(a).

Other:

80 points assessed against driving record. An offender may reduce the number of points on the driving record by completing a Defensive Driving Course. UT ADC R708-3-3; UT ADC R708-3-5(1)(b).

Automated Speed Enforcement:

Limited: “Photo radar”⁴⁰⁴ is permitted in school zones or other areas with a posted speed limit of 30 mph or less; a law enforcement officer must also be present, signs must be posted providing notice to motorists of the use of photo radars, and photo radars must be approved by the appropriate local governing body. UT ST § 41-6a-608.

Limitations of Use of Speed Measurement Devices:

No. It appears, at a minimum, that radar and laser devices are permitted, and the use of radar jamming devices is prohibited. UT ST § 41-6a-609; see e.g., *State v. Lafond*, 68 P.3d 1043 (Utah App. 2003).

Commercial Motor Vehicle (CMV) Operators:

⁴⁰⁴ “Photo Radar” means a device used primarily for highway speed limit enforcement substantially consisting of a low power Doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph. UT ST § 41-6a-608.

Grounds for Disqualification:	A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations” ⁴⁰⁵ within a 3-year period or 3 such violations within a 3-year period. UT ST § 53-3-414(6)
Period of Disqualification:	<u>Two serious violations</u> (within 3 years) – Not less than 60 days ; <u>Three serious violations</u> (within 3 years) – Not less than 120 days . UT ST § 53-3-414(6).

⁴⁰⁵ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. UT ST §53-3-402(18).

JURISDICTION**VERMONT**

Reference:

Vermont 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, having regard for the actual and potential hazards then existing. In every event, speed shall be controlled as necessary to avoid colliding with any person, vehicle or other object on or adjacent to the highway. VT ST Title 23 § 1081(a).

II. The driver of every vehicle shall drive at an appropriate, reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when special hazards exist. VT ST Title 23 § 1081(d).

Statutory Speed Limit:

50 mph on any highways. VT ST Title 23 § 1081(b).

Posted (Maximum) Speed Limit:

I. The State may establish via regulations speed limits for interstate, limited-access and controlled-access highways. The traffic committee shall not set a speed limit exceeding 55 mph on any highway. VT ST Title 23§ 1004(a), (b); VT ST Title 23§ 1081(c).

II. Based on engineering and traffic investigations, the State may increase or decrease the above speed limit on non-interstate highways.⁴⁰⁶ VT ST Title 23 § 1003; VT ST Title 23§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 greater than 50 mph or less than 25 mph. VT ST Title 23§ 1007(a), (b); VT ST Title 23§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. VT ST 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...”VT ST Title 23 §1007(a)(1).

V. Based upon an investigation, the State may establish a safe maximum speed for any bridge or elevated structure. VT ST Title 23 § 1083(b), (c).

Minimum Speed Limit:

I. Although this State does not have a minimum speed rule, it does have a statute that requires a person who is impeding traffic to “pull off the highway at the first opportunity to allow the traffic to pass before proceeding. “VT ST Title 23 § 1082.

II. A person driving at less than the normal speed of traffic shall drive

⁴⁰⁶ On these highways, different speed limits may be established for different types of vehicles, for different times of the day, for various weather conditions and for other factors bearing on safe speeds. VT ST Title 23 § 1003.

in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. VT ST Title 23 § 1031(b); VT ST Title 23§1082.

Posted (Minimum) Speed Limit: N/A

Other: I. A local government may establish special speed limits via regulations for construction zones or for special occasions. VT ST Title 23 § 1010; VT ST Title 23 §1081(c).
 II. A person shall not drive a vehicle that is equipped with iron, steel or solid rubber tires greater than 10 mph. VT ST Title 23 § 1083(a).
 III. No person shall tow a trailer⁴⁰⁷ greater than 35 mph. VT ST Title 23 § 1083(d).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Traffic violation** (Civil Actions). VT ST Title 23 § 2302(a), (b).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: Not more than **\$1,000**.⁴⁰⁸ VT ST Title 23 § 2302(b), (c).
 Not more than **\$50** for exceeding the maximum safe speed for a bridge or elevated structure. VT ST Title 23 § 1083(b); VT ST Title 23§1096(a).

Mandatory Minimum Term / Fine: **None**

Other Penalties:

Traffic School: An offender may be required to attend a driver-retraining course. VT ST Title 23§ 721; VT ST Title 23§722.

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system.⁴⁰⁹ VT ST Title 23 § 2501*et. seq.* **Suspension** based on report of law enforcement that the safety of the public has or will be imperiled.⁴¹⁰ VT ST Title 23 § 671(b).

⁴⁰⁷ This applies only to trailers that are exempt from certain weight requirements of VT ST Title 23 § 1307.

⁴⁰⁸ Speeding offense penalties are normally determined by a waiver schedule established by the Judicial Bureau. VT ST Title 4 § 1102(b)(1), (d).

⁴⁰⁹ **Point System: I.** An offender is subject to license suspension if that person accumulates at least 10 points within a 2-year period. VT ST Title 23 § 2505. The following suspension periods are imposed for the indicated point accumulations: 10 points = **10 days**; 15 points = **30 days**; 20 points = **90 days**; each additional 5 points thereof = **additional 30 days**; for death or serious bodily injury = **1 year** in addition to the suspension under the point values. VT ST 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 VT ST Title 23 § 1083 = **2 points**; ; negligent vehicle operation = **10 points**; exceeding the posted State or local speed limit by less than 10 mph = **2 points**; exceeding the posted State or local speed limit by 11-20 mph = **3 points**; exceeding the posted State or local speed limit by 21-30 mph = **5 points**; exceeding the posted State or local speed limit by more than 30 mph = **8 points**. VT ST Title 23 § 2502.

⁴¹⁰ This is a discretionary action by the commission, who may suspend such license without a hearing. VT ST Title 23 § 671(b).

Term of License Suspension / Revocation: **Suspension** (point-based) – Any period from **10 days** to **over 90 days**. VT ST Title 23 § 2506.
Suspension (based on report) – Not more than **15 days**. VT ST Title 23 § 671(b).

Mandatory Minimum Term: Suspensions under the point system appear to be mandatory.

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. VT ST Title 23 § 1010(b).

Other Criminal Actions Related to Speeding:

Excessive Speed:⁴¹¹ **Misdemeanor.** VT ST Title 13 § 1; VT ST Title 23 § 1097.

Sanctions:
 Imprisonment Term / Fine: First conviction – Not more than **3 months** and/or not more than **\$300**;
Second conviction – Not more than **6 months** and/or not more than **\$500**. VT ST Title 23 § 1097.

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** through a point system. VT ST Title 23 § 2501*et. seq.*
Suspension based on report of law enforcement that the safety of the public has or will be imperiled. VT ST Title 23 § 671(b).

Term of License Suspension / Revocation: **Suspension** (point-based) – Any period from **10 days** to **over 90 days**. VT ST Title 23 § 2506.
Suspension (based on report) – Not more than **15 days**. VT ST Title 23 § 671(b).

Mandatory Minimum Term: Suspensions under the point system appear to be mandatory.

Other: **8points** assessed against driving record. VT ST Title 23 § 2506.
 An offender may be required to attend a driver-retraining course. VT ST Title 23 § 721; VT ST Title 23§722.

Negligent Motor Vehicle Operation:⁴¹² **Misdemeanor.** VT ST Title 13 § 1; VT ST Title 23 § 1091.

Sanctions:
 Imprisonment Term / Fine: First offense – Not more than **1 year** and/or not more than **\$1,000**;
Subsequent offense – Not more than **2 years** and/or not more than **\$3,000**. VT ST Title 23 § 1091(a)(3).

Mandatory Minimum Term / Fine: **None**

⁴¹¹ “Excessive speed” is defined as operating a motor vehicle on a public highway at a speed of 60 mph or more and at least 30 mph in excess of a State speed zone or local speed limit. VT ST Title 23 § 1097.

⁴¹² The standard for “negligence” is ordinary negligence examining whether the person breached a duty to exercise ordinary care. VT ST Title 23 § 1091(a)(2).

Licensing Action:

Type (Suspension / Revocation): **Suspension** based on conviction. VT ST Title 23 § 2506.

Suspension through a point system. VT ST Title 23 § 2501*et. seq.*
Suspension based on report of law enforcement that the safety of the public has or will be imperiled. VT ST Title 23 § 671(b).

Term of License Suspension /
 Revocation:

Suspension (based on conviction):
First conviction – **30 days**;
Second conviction – **90 days**;
Third or subsequent conviction – **6 months** (or under the point system, whichever is greater). VT ST Title 23 § 2506.

Suspension (point-based) – Any period from **10 days** to **over 90 days**. VT ST Title 23 § 2506.
Suspension (based on report) – Not more than **15 days**. VT ST Title 23 § 671(b).

Mandatory Minimum Term:

Suspensions under the point system appear to be mandatory.

Other:

10points assessed against driving record. VT ST Title 23 § 2506. An offender may be required to attend a driver-retraining course. VT ST Title 23§ 721; VT ST Title 23§722.

Grossly Negligent Motor Vehicle Operation.⁴¹³

Misdemeanor (first offense).
Felony (subsequent offense or resulting in serious bodily injury or death). VT ST Title 13 § 1; VT ST Title 23 § 1091.

Sanctions:

Imprisonment Term / Fine:

First offense (misdemeanor) – Not more than **2 years** and/or not more than **\$5,000**;
Subsequent offense (felony) – Not more than **4 years** and/or not more than **\$10,000**;
Resulting in serious bodily injury or death⁴¹⁴ (felony) – Not more than **15 years** and/or not more than **\$15,000**. VT ST Title 23 § 1091(b)(3).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation): **Suspension** based on conviction. VT ST Title 23 § 2506.

Suspension through a point system. VT ST Title 23 § 2501*et. seq.*
Suspension based on report of law enforcement that the safety of the public has or will be imperiled. VT ST Title 23 § 671(b).

Term of License Suspension /
 Revocation:

Suspension (based on conviction):
First conviction – **30 days**;

⁴¹³ “Gross negligence” is defined as “conduct that involved a gross deviation from the care that a reasonable person would have exercised in that situation.” VT ST Title 23 §1091(b)(2).

⁴¹⁴ A person may be convicted of a separate violation for each decedent or person injured if serious bodily injury or death results to more than one person. Additionally, these provisions do not limit or restrict the prosecution for manslaughter. VT ST Title 23 § 1091(b)(3), (c).

Second conviction – **90 days**;
Third or subsequent conviction – **6 months** (or under the point system, whichever is greater).

If a fatality occurs, suspension shall be for **1 year in addition to** the suspension under the point values. VT ST Title 23 § 2506.

Suspension (point-based) – Any period from **10 days** to **over 90 days**. VT ST Title 23 § 2506.

Suspension (based on report) – Not more than **15 days**. VT ST Title 23 § 671(b).

Mandatory Minimum Term: The terms for a conviction-based suspension appear to be mandatory.

Other: I. A surcharge of **\$50** in additional to any fine, upon a conviction for grossly negligent operation of a motor vehicle. VT ST Title 23 § 2506.
 III. An offender may be required to attend a driver-retraining course. VT ST Title 23 § 721; VT ST Title 23§722.

Automated Speed Enforcement: **No statutory provision.**

Limitations of Use of Speed Measurement Devices: **No.** It appears that the use of speed measurement devices is permitted. See e.g., *State v. de MacedoSoares*, 26 A.3d 37 (Vt. 2011); VT R RCP Rule 80.6.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”⁴¹⁵ within a 3-year period or 3 such violations within a 3-year period. VT ST Title 23 § 4116(d).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
 VT ST Title 23 § 4116(d).

⁴¹⁵ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph, and reckless or negligent driving. VT ST Title 23 § 4103(16).

JURISDICTION

VIRGINIA

Reference:

Virginia Code Annotated

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.⁴¹⁶ VA ST § 46.2-861.

Statutory Speed Limit:

70 mph(VA ST § 46.2-870)

60 mph on U.S. Routes 29, 58, 360, 460, and 17 (between the town of Port Royal and Saluda where they are nonlimited access, multilane, divided highways); (VA ST § 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; (VA ST § 46.2-870)

55 mph on all other highways for passenger motor vehicles, buses, pickup or panel trucks or motorcycles; (VA ST § 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; (VA ST § 46.2-870)

35 mph on highways within a city or town excluding interstate or other limited access divided highways; (VA ST § 46.2-875)

35 mph on non-surface treated highways; (VA ST § 46.2-873.1)

25 mph in a business or residential district. (VA ST § 46.2-874)

Posted (Maximum) Speed Limit:

I. Based on traffic engineering investigations, the Chief Executive Officer for Transportation or other authority may decrease the speed limits established under VA ST § 46.2-870, or increase or decrease the speed limits established under VA ST §§ 46.2-873⁴¹⁷ through VA ST § 46.2-875 on any highway under its jurisdiction.⁴¹⁸ VA ST § 46.2-873.1; VA ST § 46.2-878.

II. Based on an investigation, the Chief Executive Officer for Transportation may establish a safe maximum speed limit for public bridges, causeways, viaducts or tunnels. VA ST § 46.2-881.

III. A town with population between 14,000 and 15,000 may prohibit driving 20 mph or more in excess of the speed limit in a residence district. VA ST § 46.2-874.1.

IV. The governing bodies of the City of Falls Church or the City of Manassas may prohibit motor vehicle operations at a speed of 15 mph or more in excess of the maximum speed limit in a residence district. VA ST § 46.2-874.1.

V. The maximum speed limit on any highway designated a “rural rustic road”⁴¹⁹ shall be 35 mph. However, all speed limits on such

⁴¹⁶ Driving too fast for conditions is a reckless driving offense. VA ST § 46.2-861.

⁴¹⁷ This applies only to the Counties of Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren and Wythe. VA ST § 46.2-873.1.

⁴¹⁸ The Chief Executive Officer for Transportation may establish different speed limits for different times of the day. VA ST § 46.2-878.

⁴¹⁹ A “rural rustic road” is a road or road segment located in a low-density development area and has an average daily traffic volume of no more than 1,500 vehicles per day. VA ST § 33.1-70.1.

roads in effect until 7/1/2008, shall remain in effect unless and until changed subsequent to a traffic engineering study.
VA ST § 46.2-873.2.

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.
VA ST § 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. VA ST § 46.2-804(1).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, either the Chief Executive Officer or a local government may establish a minimum speed for a highway. VA ST § 46.2-877.

Other:

I. The maximum speed limit for a school bus shall be 45 mph or the minimum speed allowable, whichever is greater, on any highway where the maximum speed is 55 mph or less. The speed limit for a school bus shall be 60 mph on all interstate highways or where the maximum speed is more than 55 mph. VA ST § 46.2-871.

II. On highways with a speed limit 55 mph or more, vehicles operating under a special permit issued by the Chief Executive Officer for Transportation under VA ST § 46.2-1139 cannot be driven greater than 55 mph. VA ST § 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, by an ordinance, may decrease the speed limit in any school-crossing zone to 15 mph. VA ST § 46.2-873.

IV. Special speed limits may be established for highway work zones when workers are present. VA ST § 46.2-878.1.

V. The maximum speed for passenger vehicles that are towing utility, camping or boat trailers having gross weight not exceeding 2,500 lbs., shall be the same as for other passenger vehicles. VA ST § 46.2-876.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):

Yes. On public roads with a speed limit of not greater than 35 mph.
VA ST § 46.2-908.3.

Maximum Speed Permitted:

25 mph. VA ST § 46.2-100

**Adjudication of Speed Law
Violations:**

Civil/Criminal Adjudication:

Traffic infraction. VA ST § 46.2-113; VA ST § 46.2-873;
VA ST § 46.2-878.1; VA ST § 46.2-878.2.

Class 1 misdemeanor (violation of the Basic Speed Rule).
VA ST § 46.2-861; VA ST § 46.2-868.

Civil Penalty (speed limit violation in residence districts).
VA ST § 46.2-874.1

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: **Class 1 misdemeanor**– Not more than **12 months** and/or not more than **\$2,500**. VA ST § 18.2-11(a).

Traffic infraction –\$200.⁴²⁰ VA ST § 46.2-878.2.⁴²¹

Mandatory Minimum Term / Fine: **\$200** unless the court orders 20 hours community service. VA ST § 46.2-878.2

Other Penalties:

Traffic School: The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.

Licensing Action:

Type (Suspension / Revocation): Class 1 Misdemeanor offense – **Suspension**. VA ST § 46.2-392. **Suspension** through a point system.⁴²² VA ST § 46.2-492*et seq.*

Term of License Suspension / Revocation: Class 1 misdemeanor offense – Not less than **10 days** or more than **6 months**. VA ST § 46.2-392. Suspension through a point system – **90 days** or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B).

Mandatory Minimum Term: This appears to be mandatory.

Miscellaneous Sanctions Not Included Elsewhere: I. Mandatory civil penalty of **\$100** for violating VA ST § 46.2-874.1. II. A civil penalty of **\$100** in addition to any other penalty provided by law for violating VA ST § 46.2-874.1, with regard to speeding in the City of Falls Church and the City of Manassas.

Other Criminal Actions Related to Speeding:

Racing on Highway:⁴²³

Class 1 misdemeanor. VA ST § 46.2-865; VA ST § 46.2-868.

Class 6 felony (if serious bodily injury). VA ST § 46.2-865.1(1).

Unclassified felony (if death). VA ST § 46.2-865.1(2).

⁴²⁰ The fine for exceeding the maximum posted speed limit in a work zone is not more than **\$500**. VA ST § 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**. VA ST § 46.2-873(E).

⁴²¹ Sec. 46.2-878.2 makes it a traffic infraction with fine of **\$200** in addition to any other penalties. These signs must indicate both the maximum allowable speed and the penalty imposed for speeding. The Commonwealth must develop criteria for the installation of such signs.

⁴²² **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. VA ST §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 or more above the speed limit = **6 points**; racing on the highway = **6 points**; speeding 10-19 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**; speeding 1-9 mph above the speed limit = **3 points**. VA ST § 46.2-492. **III. Persons under 18** 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. VA ST§ 46.2-334.01(A)(1), (2), (3).

⁴²³ Racing on the highways is a reckless driving offense, and includes those who aided or abetted the race. VA ST § 46.2-865; VA ST § 46.2-866.

Sanctions:

Imprisonment Term / Fine: Not more than **12 months** and/or not more than **\$2,500**.
VA ST § 18.2-11(a).

Serious bodily injury – Not less than **1 year** or more than **5 years**, or not more than **12 months** and/or not more than **\$2,500**.

VA ST § 18.2-10(f); VA ST § 46.2-865.1.

Death – Not less than **1 year** or more than **20 years**.

VA ST § 46.2-865.1.

Mandatory Minimum Term / Fine: **Death** – there is a mandatory 1 year to serve. VA ST § 46.2-865.1.

Licensing Action:

Type (Suspension / Revocation): **Suspension** (1st, 2nd, 3rd offenses). VA ST § 46.2-865.
Revocation (4th offense). VA ST § 46.2-394.

Term of License Suspension / Revocation: **Suspension** – Not less than **6 months** or more than **2 years**.
VA ST § 46.2-865.

Revocation – **5 years**. VA ST § 46.2-394.

Mandatory Minimum Term: **Suspension** – **6 months**.
Revocation – **5 years**.

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 Commonwealth. VA ST § 46.2-867.
II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.
III. **6 points** assessed against driving record. VA ST § 46.2-492.

Reckless Driving:⁴²⁴ **Class 1 misdemeanor**. VA ST § 46.2-852; VA ST § 46.2-868.
Class 6 felony (if death). VA ST § 46.2-868.

Sanctions:

Imprisonment Term / Fine: Not more than **12 months** and/or not more than **\$2,500**.
VA ST § 18.2-11(a).
Death – Not less than **1 year** or more than **5 years**, or not more than **12 months** and/or not more than **\$2,500**. VA ST § 18.2-10(f).

Mandatory Minimum Term / Fine: **Death** – **1 year**

Licensing Action:

Type (Suspension / Revocation): **Suspension** by court order. VA ST § 46.2-392.
Suspension through point system. VA ST § 46.2-492*et seq.*

⁴²⁴ In Virginia, “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.” VA ST § 46.2-852. **Important:** Under Virginia law, the term “reckless driving offense” includes numerous moving violations.

Term of License Suspension / Revocation:	<p>Suspension (court order) – Not less than 10 days or more than 6 months. VA ST § 46.2-392.</p> <p>Suspension (point system) – 90 days or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B).</p>
Mandatory Minimum Term:	<p>Suspension (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. VA ST § 46.2-392.</p> <p>Suspension (point system) – 90 days or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B). Note: This licensing action appears to be mandatory.</p>
Other:	<p>I. If the offender has caused the death of another person, the discretionary suspension period is not more than 12 months. VA ST § 46.2-396.</p> <p>II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.</p> <p>III. 6 points assessed against driving record.</p>
Exceeding the Speed Limit. ⁴²⁵	Class 1 misdemeanor . VA ST § 46.2-862; VA ST § 46.2-868.
<u>Sanctions:</u>	
Imprisonment Term / Fine:	Not more than 12 months and/or not more than \$2,500 . VA ST § 18.2-11(a).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u>	
Type (Suspension / Revocation):	Suspension by court order. VA ST § 46.2-392. Suspension through point system. VA ST § 46.2-492 <i>et seq.</i>
Term of License Suspension / Revocation:	<p>Suspension (court order) – Not less than 60 days or more than 6 months. VA ST § 46.2-393.</p> <p>Suspension (point system) - 90 days or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B).</p>
Mandatory Minimum Term:	The 90-day suspension period appears to be mandatory.
Other:	<p>I. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.</p> <p>II. 6 points assessed against driving record. VA ST § 46.2-492.</p>
Aggressive Driving. ⁴²⁶	Class 2 misdemeanor . VA ST § 46.2-868.1.

⁴²⁵ The “Exceeding the Speed Limit” offense is a reckless driving offense and is defined to mean driving 20 mph or more over a posted speed limit or driving in excess of 80 mph more regardless of the posted speed limit. VA ST § 46.2-862.

⁴²⁶ A person is guilty of aggressive driving if (i) the person violates one or more of the following: VA ST § 46.2-802 (Drive on right side of highways), § 46.2-804 (Failure to observe lanes marked for traffic), VA ST § 46.2-816 (Following too closely), VA ST § 46.2-821 (Vehicles before entering certain highways shall stop or yield right-of-way), VA ST § 46.2-833.1 (Evasion of traffic control devices), VA ST § 46.2-838 (Passing when overtaking a vehicle), VA ST § 46.2-841 (When overtaking vehicle may pass on right), VA ST § 46.2-842 (Driver to give way to overtaking vehicle), § 46.2-842.1 (Driver to give way to certain overtaking vehicles on divided highway), VA ST §

Class 1 misdemeanor (if intent to injure). VA ST § 46.2-868.1(B).

Sanctions:

Imprisonment Term / Fine:

Class 2 misdemeanor – Not more than **6 months** and/or not more than **\$1,000**. VA ST § 18.2-11(b).

Class 1 misdemeanor – Not more than **12 months** and/or not more than **\$2,500**. VA ST § 18.2-11(a).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension by court order. VA ST § 46.2-392.

Suspension through point system. VA ST § 46.2-492*et seq.*

Term of License Suspension / Revocation:

Suspension (court order) – Not less than **60 days** or more than **6 months**. VA ST § 46.2-393.

Suspension(point system) - **90 days** or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B).

Mandatory Minimum Term:

The **90-day** suspension period appears to be mandatory.

Other:

- I. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.
- II. **6 points** assessed against driving record. VA ST § 46.2-492.

Improper Driving:⁴²⁷

Sanctions:

Imprisonment Term / Fine:

Traffic infraction. VA ST § 46.2-869.

Not more than **\$500**. VA ST § 46.2-869.

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension through a point system. VA ST § 46.2-492*et seq.*

Term of License Suspension / Revocation:

Suspension (point system) - **90 days** or until the offender completes a driver improvement clinic. VA ST § 46.2-506(B).

Mandatory Minimum Term:

This appears to be mandatory.

Other:

- I. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. VA ST § 46.2-498; VA ST § 46.2-505.
- II. **3 points** assessed against driving record. VA ST § 46.2-492.

Automated Speed Enforcement:

No by S.P. The law provides only for the establishment of local ordinances concerning red light cameras and photo-monitoring systems or automatic vehicle identification systems at toll facilities or in high

46.2-843 (Limitations on overtaking and passing), any provision of Article 8 (VA ST § 46.2-870 *et seq.*) of Chapter 8 of Title 46.2 (Speed), or VA ST § 46.2-888 (Stopping on highways); and (ii) that person is a hazard to another person or commits an offense in clause (i) with the intent to harass, intimidate, injure or obstruct another person. VA ST § 46.2-868.1.

⁴²⁷ The court or an attorney for the Commonwealth may reduce any reckless driving offense to improper driving if “the degree of culpability is slight.” VA ST § 46.2-869.

occupancy toll lanes. The exclusion of speed cameras from the code indicates speed cameras are not permitted. See VA ST § 15.2-968.1; VA ST § 33.1-56.3; VA ST § 46.2-819.1.

Limitations of Use of Speed Measurement Devices:

No. The law provides that the speed of any vehicle may be determined by laser, radar or a microcomputer device that measures time and distance. VA ST § 46.2-882.

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”⁴²⁸ within a 3-year period or 3 such violations within a 3-year period. VA ST § 46.2-341.20(C).

Period of Disqualification:

Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**.
 VA ST § 46.2-341.20(C).

⁴²⁸ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. VA ST § 46.2-341.20(A).

JURISDICTION**WASHINGTON**

Reference:

Revised Code of Washington Annotated
Washington Administrative Code**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 and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

II. The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway 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 hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

WA ST § 46.61.400(1), (3).

Statutory Speed Limit:

60 mph on State highways;
50 mph on county roads;
25 mph on city and town streets. WA ST § 46.61-400(2).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the secretary of transportation may decrease the above speed limits on any State highway.⁴²⁹ WA ST § 46.61.405.

II. Based on engineering and traffic investigations, the secretary of transportation may increase the above speed limits on any State highway. However, a posted speed limit cannot be greater than 70 mph. WA ST § 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 greater than 60 mph or less than 20 mph. WA ST § 46.61.415(1), (2).

IV. The secretary of transportation or a local government may establish maximum speed limits for bridges, elevated structures, tunnels or underpasses within their respective jurisdictions. WA ST § 46.61.450.

V. 15 mph in State park camps, picnic, headquarters or general public assemblage areas or 25 mph in other park areas. WAC 352-20-030.

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

⁴²⁹ **I.** The 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. WA ST § 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. WA ST § 46.61.415(5). **II.** The secretary of transportation also has the authority to establish different highway speed limits for different types of vehicles, at different times of the day, for various weather conditions, or for other factors bearing on safe speeds. WA ST § 46.61.405; WA ST § 46.61-410; WA ST § 46.61-415(4).

WA ST § 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.

WA ST § 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.

WA ST § 46.61.100(2).

Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the secretary of transportation or a local government may establish a minimum speed limit for highways, streets or roads within their respective jurisdictions. WA ST § 46.61.425(2).

Other: I. 60 mph is the maximum speed limit for vehicles weighing greater than 10,000 lbs. WA ST § 46.61.410(2)
 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. WA ST § 46.61.440(1), (2).
 III. A person cannot operate a vehicle that is equipped with solid rubber or hollow center cushion tires greater than 10 mph. WA ST § 46.61.455.
 IV. The secretary of transportation may establish a speed limit for any roadway construction zone using traffic control devices. WA ST § 46.61.527(2).

Low Speed Vehicles:

Permitted on Public Roads: **Yes.** On public roads with a speed limit of 35 mph or less.
 (Yes/No): WA ST § 46.61.725.
 Maximum Speed Permitted: **25 mph.** WAC 204-10-021; 49 CFR 571.3.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Traffic infraction.** WA ST § 46.61.100(4); WA ST § 46.63.020.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: Not more than **\$250.**⁴³⁰ WA ST § 46.63.110(1).

Mandatory Minimum Term / Fine: **None.**

⁴³⁰ **Fine Schedule:** The State Supreme Court is required to establish a monetary penalty schedule for traffic infractions. WA ST § 46.63.110. Under this law, the court has established the following fines for speeding offenses, by way of Infraction Rules for Courts of Limited Jurisdiction (“WA R INFR LTD JURIS IRLJ”) Rule 6.2: **I.** For speed limits over 40 mph, the following fine schedule applies: 1-5 mph over the speed limit = **\$27**; 6-10 mph = **\$37**; 11-15 mph = **\$52**; 16-20 mph = **\$67**; 21-25 mph = **\$82**; 26-30 mph = **\$102**; 31-35 = **\$127**; 36-40 mph = **\$152**; over 40 mph = **\$182**. **II.** For speed limits 40 mph or less, the following fine schedule applies: 1-5 mph over the speed limit = **\$37**; 6-10 mph = **\$42**; 11-15 mph = **\$57**; 16-20 mph = **\$77**; 21-25 mph = **\$102**; 26-30 mph = **\$127**; 3-35 mph = **\$152**; over 35 mph = **\$182**. **III.** The following fine schedule applies for other speeding and other related offenses: speeding too fast for conditions = **\$42**; impeding traffic = **\$42**; speeding in State parks = **\$42**; on a multilane highway, failure to drive in the right lane except when traveling at a speed greater than the traffic flow = **\$42**. WA R INFR LTD JURIS IRLJ Rule 6.2.

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. WA ST § 46.63.120(2).
 II. **Double Fines:** There is a mandatory fine for exceeding the speed limit in either a marked school/playground crosswalk or a construction zone which is double the normal amount. WA ST § 46.61.440(3); WA ST § 46.61.527(3)

Licensing Action:

Type (Suspension / Revocation): **Suspension** based upon frequent violations.⁴³¹ WA ST § 46.20.291(3).

Term of License Suspension / Revocation: Not more than **1 year**. WA ST § 46.20.311(1)(a).

Mandatory Minimum Term: **None**. This licensing action is discretionary.⁴³² WA ST § 46.20.291.
Note: If a person's license is suspended, an occupational license is available. WA ST § 46.20.391(2).

Miscellaneous Sanctions Not Included Elsewhere:

Public Safety and Education Assessment: 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 70 % of any fine imposed. The second is equal to 50 % of the first. WA ST § 3.62.090(1), (2).
Other Monetary Penalties: An offender is also subject to each of the following fees per infraction: **\$20** (this does not apply to speeding offenses in construction zones); **\$5** (emergency medical services and trauma care system); **\$10** (auto theft prevention); **\$2** (traumatic brain injury). WA ST § 46.63.110(7), (8)(a).

Other Criminal Actions Related to Speeding:

Racing on Highway:⁴³³ **Gross misdemeanor.** WA ST § 46.61.500(1); WA ST § 46.61.530.

Sanctions:

Imprisonment Term / Fine: Up to **364 days** and not more than **\$5,000**.
 WA ST § 46.61.500(1).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension.** WA ST § 46.61.500(2).
Revocation (3rd conviction within 2 years). WA ST § 46.20.285(7).

⁴³¹ Licensing action is based upon frequent traffic law violations that indicate disrespect for these laws. WA ST § 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.

⁴³² In lieu of suspension, the licensing agency may place the offender on probation on such terms as it considers appropriate. WA ST § 46.20.335. In addition, if the offender's license has been suspended, that person may be eligible for occupational driving privileges. WA ST § 46.20.391.

⁴³³ Racing on the highways is considered a reckless driving offense. WA ST § 46.61.530.

Term of License Suspension / Revocation:	Suspension – Not less than 30 days . WA ST § 46.61-500(2). Revocation – 1 year . WA ST § 46.20.285.
Mandatory Minimum Term:	Suspension – None . ⁴³⁴ Revocation period appears to be mandatory.
Other:	I. There is a penalty assessment of \$500 . WA ST § 7.68.035(1)(a), (2). II. Public Safety and Education Assessment: 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 70 % of any fine imposed. The second is equal to 50 % of the first. WA ST § 3.62.090(1), (2). III. Other Monetary Penalties: An offender is also subject to each of the following fees per infraction: \$20 (this does not apply to speeding offenses in construction zones); \$5 (emergency medical services and trauma care system); \$10 (auto theft prevention); \$2 (traumatic brain injury). WA ST § 46.63.110(7), (8)(a).
Reckless Driving: ⁴³⁵ <u>Sanctions:</u> Imprisonment Term / Fine:	Gross misdemeanor . WA ST § 46.61.500. Up to 364 days and not more than \$5,000 . WA ST § 46.61.500(1).
Mandatory Minimum Term / Fine:	None
<u>Licensing Action:</u> Type (Suspension / Revocation):	Suspension . WA ST § 46.61.500(2). Revocation (3 rd conviction within 2 years). WA ST § 46.20.285(7).
Term of License Suspension / Revocation:	Suspension – Not less than 30 days . WA ST § 46.61-500(2). Revocation – 1 year . WA ST § 46.20.285.
Mandatory Minimum Term:	Suspension – None (occupational driving privileges may be granted). Revocation period appears to be mandatory.
Other:	I. There is a penalty assessment of \$500 . WA ST § 7.68.035(1)(a), (2). II. Public Safety and Education Assessment: 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 70 % of any fine imposed. The second is equal to 50 % of the first. WA ST § 3.62.090(1), (2). III. Other Monetary Penalties: An offender is also subject to each of the following fees per infraction: \$20 (this does not apply to speeding offenses in construction zones); \$5 (emergency medical services and

⁴³⁴ An offender is eligible for occupational driving privileges. WA ST § 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. WA ST § 46.20.391(3)(a).

⁴³⁵ Exceeding the maximum lawful speed limit is *prima facie* evidence of reckless driving. WA ST § 46.61.465; *State v. Amurri*, 753 P.2d 540 (Wash. App. 1988). In addition, it is unlawful for any person to operate a motor vehicle while embracing another individual if such would prevent the free and unhampered operation of the vehicle. A violation of this prohibition is *prima facie* evidence of reckless driving. WA ST § 46.61.665.

trauma care system); **\$10** (auto theft prevention); **\$2** (traumatic brain injury). WA ST § 46.63.110(7), (8)(a).

IV. 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 up to **364 days** 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**. WA ST § 9A.20.021(2); WA ST § 46.61.527(4), (5).

Negligent Driving.⁴³⁶

Sanctions:

Imprisonment Term / Fine:

Traffic infraction. WA ST § 46.61.525(1)(a), (c).

\$250. WA ST § 46.61.525(c).

Mandatory Minimum Term / Fine:

None

Licensing Action:

Type (Suspension / Revocation):

Suspension– Based upon frequent violation. WA ST § 46.20.291(3).

Term of License Suspension /
Revocation:

Not more than **1 year**. WA ST § 46.20.311(1).

Mandatory Minimum Term:

None. This licensing action is discretionary. WA ST § 46.20.291.
Note: If a person's license is suspended, an occupational license is available. WA ST § 46.20.391(2).

Other:

I. For traffic infractions, an offender may be allowed to perform community service in lieu of a fine. WA ST § 46.63.120.

II. Upon the third violation, a person must retake and successfully pass the driver licensing examination in order to keep his/her driver's license. WA ST § 46.61.525.

III. **Public Safety and Education Assessment:** 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 70 % of any fine imposed. The second is equal to 50 % of the first. WA ST § 3.62.090(1), (2).

IV. **Other Monetary Penalties:** An offender is also subject to each of the following fees per infraction: **\$20** (this does not apply to speeding offenses in construction zones); **\$5** (emergency medical services and trauma care system); **\$10** (auto theft prevention); **\$2** (traumatic brain injury). WA ST § 46.63.110(7), (8)(a).

⁴³⁶ 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." WA ST § 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." WA ST § 46.61.525(2). **Important:** A person commits negligent driving in the first degree, a misdemeanor, if such person operates a motor vehicle in a negligent manner likely to endanger persons or property, and exhibits 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**. WA ST § 7.68.035(1)(a), (2); WA ST § 9A.20.010(2); WA ST § 9A.20.021(3); WA ST § 46.61.5249.

Automated Speed Enforcement:

Limited. Speed cameras are permitted in school zones and arterial streets in cities with a population over 5,000 only. However, if a local legislative authority enacts an ordinance authorizing the use of speed cameras, then such use shall be permitted. WA ST § 46.63.170.

Limitations of Use of Speed Measurement Devices:

No. It appears that speed measuring devices are permitted. WA ST CR LTD JURIS CrRLJ 6.13 (Criminal Rules for Court of Limited Jurisdiction).

Commercial Motor Vehicle (CMV)

Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV, if within a 3-year period, while driving such a vehicle that person commits 2 “serious traffic violations”⁴³⁷ or commits 3 such violations.
WA ST § 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**.
WA ST § 46.25.090(5).

⁴³⁷ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. WA ST § 46.25.010(18).

JURISDICTION**WEST VIRGINIA**

Reference:

West Virginia Code
West Virginia Code of State Rules (WV ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:

I. No person may drive a vehicle at speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards.

II. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

III. The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

WV ST § 17C-6-1(a), (c).

Statutory Speed Limit:

55 mph on open country highways, controlled-access highways and interstate highways. **Note:** The law provides that the speed limit “shall be not be less than” 55 mph for controlled-access and interstate highways;

25 mph in a business or residential district;

15 mph in a school zone.

WV ST § 17C-6-1(b), (d).

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State road commissioner may increase or decrease the above speed limits on any interstate or State highway. WV ST § 17C-6-2.

II. Based on engineering and traffic investigations, a local government may decrease the above speed limits at intersections.⁴³⁸
WV ST § 17C-2-8(a)(5), (10); WV ST § 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 greater than 55 mph. WV ST § 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 less than 35 mph. WV ST § 17C-6-3(c).

V. A local government may decrease the 25 mph speed limit in a residential district. WV ST § 17C-6-3(d).

VI. Based upon an investigation, the Commissioner of Highways may establish safe maximum speed limits for bridges or elevated structures. WV ST § 17C-6-5(b), (c).

⁴³⁸ 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. WV ST § 17C-6-3(e).

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. WV ST § 17C-6-3a(a).
 II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. WV ST § 17C-7-1(b).

Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the State road commissioner or a local government may establish minimum speed limits for the highways under their respective jurisdictions. WV ST § 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.⁴³⁹ WV ST § 17C-6-4.
 II. A vehicle that is not equipped with pneumatic tires cannot be driven greater than 10 mph. WV ST § 17C-6-5(a).
 III. Speed limits must be posted for “construction zones.” WV ST § 17C-3-4b(a).

Low Speed Vehicles:

Permitted on Public Roads (Yes/No): **Yes.** On public roads with a speed limit of not more than 25 mph. WV ST § 17A-3-2(c).
 Maximum Speed Permitted: **25 mph.** WV ST § 17A-1-1(uu).

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Misdemeanor.** WV ST § 17C-3-4b; WV ST § 17C-6-1(e), (f); WV ST § 17C-6-3a(c); WV ST § 17C-6-5(e); WV ST § 17C-7-1(c); WV ST § 17C-18-1(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Basic Speed Rule Violation or Exceeding Speed Limit:

First offense – Not more than **\$100**;

Second offense (within 1 year) – Not more than **\$200**;

Third or subsequent offense (within 2 years) – Not more than **\$500**.

Third or subsequent offense (15 mph or more over speed limit) – Not more than **\$500** and/or not more than **6 months**.

WV ST § 17C-6-1(e).

Speeding less than 10 mph over the Speed Limit on a Controlled-Access or Interstate Highway: Not more than **\$5** plus court costs.

WV ST § 17C-6-1(g).

⁴³⁹ Trucks weighing 8,000 lbs., or less may be driven at the same speed as passenger cars. WV ST § 17C-6-4.

Speeding in a School Zone: Not less than **\$100** or more than **\$500**.⁴⁴⁰ WV ST § 17C-6-1(f).

Speeding in a Construction Zone: Not more than **\$200**.⁴⁴¹ WV ST § 17C-3-4b(b).

Violation of: the Minimum Speed Rule; the Posted Minimum Speed Limit; the Speed Limit for Vehicles with Pneumatic Tires; Speed Limit Established for a Bridge or Elevated Structure:

First offense – Not more than **\$100**;

Second offense (within 1 year) – Not more than **\$200**;

Third or subsequent offense (within 2 years) – Not more than **\$500**.
WV ST § 17C-6-3a(c); WV ST § 17C-6-5(e).

All other speed law violations:

First offense – Not more than **\$100** or not more than **10 days**;

Second offense (within 1 year) – Not more than **\$200** and/or not more than **20 days**;

Subsequent offense – Not more than **\$500** and/or not more than **6 months**. WV ST § 17C-18-1(b).

Mandatory Minimum Term / Fine: Speeding in a school zone requires a fine of not less than **\$100**, which may be mandatory. WV ST § 17C-6-1.

Other Penalties:

Traffic School:

If an offender successfully completes a Driver Improvement Program, points shall be deducted from the driving record. WV ADC §91-5-8.

Other:

Alternative Sentences: In lieu of either a fine or incarceration sanction (except mandatory incarceration per 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) a work release program where the offender is required to spend the 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 (8 hours of work = 1 day); (3) a community service program with government entities, charitable or other non-profit organizations which have been approved by the court; or (4) a day-reporting center program, which includes counseling, employment training, alcohol or drug testing or other medical testing.
WV ST § 62-11A-1a(a), (c)(1).

Licensing Action:

Type (Suspension / Revocation):

Suspension based on frequent violation of the traffic Laws.⁴⁴²

⁴⁴⁰ If, however the driver exceeded the speed limit by 15 mph or more in the presence of one or more children, then the driver shall be fined not less than **\$100** or more than **\$500** and/or confined in jail for not more than **6 months**. WV ST § 17C-6-1(f).

⁴⁴¹ Any person who exceeds the post speed limit by 15 mph or more in a construction zone shall be fined not more than **\$200** and/or not more than **20 days**. WV ST § 17C-3-4b(c).

⁴⁴² **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

WV ST § 17B-3-6(a)(3), (4). **Note:** No abstract of a conviction for exceeding the speed limit by less than 10 mph on either a controlled-access or interstate highway is transmitted to the licensing agency. 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. WV ST § 17C-6-1(h), (i). Additionally, the division shall issue a temporary license to any student of college or university in West Virginia whose license has been suspended for any reason other than a serious traffic violation (i.e., reckless driving) or driving under the influence, in order to permit such student to drive only to and from the college/university or to and from class at the college/university during the period of suspension. WV ST § 17B-3-6(e).

Term of License Suspension /
Revocation:
Mandatory Minimum Term:

Not more than **1 year**. WV ST § 17B-3-8.

None. Licensing action is discretionary. WV ST § 17B-3-6(a).

**Other Criminal Actions Related to
Speeding:**

Racing on Highway:

Misdemeanor. WV ST § 17C-6-8(a), (b).

Sanctions:

Imprisonment Term / Fine:

First offense – Not less than **\$50** or more than **\$100**;

Second offense – Not less than **\$50** or more than **\$500** and/or not less than **6 days** or more than **60 days**;

Third and subsequent offense – Not less than **\$100** or more than **\$1,000** and/or not less than **60 days** or more than **4 months**.
WV ST § 17C-6-8(b).

Mandatory Minimum Term / Fine:

The base terms above appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation):

Suspension based on frequent violation of the traffic Laws.
WV ST § 17B-3-6(a)(3), (4).

Revocation. WV ST § 17C-6-8(c).

Term of License Suspension /
Revocation:

First offense – **6 months**;

Second offense (within 2 years) – **2 years**;

Third or subsequent offense (within 5 years) – **5 years**.

WV ST § 17C-6-8(c).

Mandatory Minimum Term:

The terms above appear to be mandatory.

Other:

I. See **Alternative Sentences**, above.

II. **2 points** may be assessed against the driving record, if racing is

accumulates 12-13 points is subject to a 30-day suspension; 14-15 points = 45-day suspension; 16-17 points = 60-day suspension; 18-19 points = 90-day suspension; 20 or more points = suspension until less than 12 points remain on the record. (Points remain on a person's record for 2 years.) WV ADC §91-5-7 (7.9), (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 15 mph or more over the posted limit = **5 points**; speeding 10-14 mph over the posted limit = **3 points**; speeding 5-9 mph over the posted limit = **2 points**; driving too fast for conditions = **3 points**; all other moving violations = **2 points**. WV ADC § 91-5-7(7.2).

considered to be a “moving violation.” WV ADC § 91-5-7(7.2).
 III. If an offender successfully completes a Driver Improvement Program, points shall be deducted from the driving record. WV ADC §91-5-8.

Reckless Driving:

Sanctions:

Imprisonment Term / Fine:

Misdemeanor. WV ST§ 17C-5-3(a); WV ST § 17C-18-1(a).

First conviction – Not less than **5 days** or more than **90 days** and/or not less than **\$25** or more than **\$500**;
Second or subsequent conviction – Not less than **10 days** or more than **6 months** and/or not less than **\$50** or more than **\$1,000**.
 WV ST § 17C-5-3(c).

Mandatory Minimum Term / Fine:

The terms above appear to be mandatory.

Licensing Action:

Type (Suspension / Revocation):

Suspension Based on Frequent Violation of the Traffic Laws. WV ST § 17B-3-6(a)(3), (4);
Revocation (3 reckless driving convictions within 24 months).
 WV ST § 17B-3-5(5).

Term of License Suspension / Revocation:

Suspension –Not more than **1 year**. WV ST § 17B-3-8.
Revocation – **1 year**. WV ST § 17B-1-1(q).

Mandatory Minimum Term:

The 1-year revocation period appears to be mandatory.

Other:

I. See **Alternative Sentences**, above.
 II. **6 points** assessed against driving record. WV ADC § 91-5-7(7.2).
 III. If an offender successfully completes a Driver Improvement Program, points shall be deducted from the driving record. WV ADC§91-5-8.

Automated Speed Enforcement:

No by S.P. The use of any “traffic law photo-monitoring device” is prohibited to determine the compliance with, or to detect a violation of, a municipal or county ordinance or any provision of the West Virginia Code that governs or regulates the operation of motor vehicles. WV ST § 17C-6-7a.

Limitations of Use of Speed Measurement Devices:

No. However, evidence of speeding as calculated by a radar device shall be admitted as prima facie evidence of speeding, whereas, evidence obtained by Vascar is merely probative. WV ST § 17C-6-7; 53 W. Va. Opp.Atty.Gen. 300 (September 5, 1969).

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”⁴⁴³ within a 3-year period or 3 such violations within a 3-year period.

⁴⁴³ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph or reckless driving. WV ST § 17E-1-3(34).

WV ST § 17E-1-13(c)(1), (2).

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**.
WV ST § 17E-1-13(c).

JURISDICTION**WISCONSIN**

Reference:

Wisconsin Statutes Annotated
Wisconsin Administrative Code (WI ADC)**Basis for a Speed Law Violation:**

Basic Speed Rule:

I. 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. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care.

WI ST § 346.57(2).

II. The operator of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, when passing school children, highway construction or maintenance workers or other pedestrians, and when special hazard exists with regard to other traffic or by reason of weather or highway conditions. WI ST § 346.57(3).

Statutory Speed Limit:

65 mph on any freeway or expressway when posted;
55 mph on highways not posted;**45 mph** on designated rustic roads;
35 mph on highways within semi-urban district outside city or village corporate limits;
35 mph on outlying district highways within city or village corporate limits; **35 mph** on certain highway in business, industrial and residential districts; **25 mph** on service roads with city or village corporate limits; **25 mph** on other highways within city or village corporate limits; **15 mph** in an alley; **15 mph** in a safety zone occupied by pedestrians and where a “public passenger vehicle” has stopped to receive or discharge passengers; **15 mph** in a “school crossing”; **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”;
15 mph in town parks or recreation area when children are going to or from or playing within such areas. WI ST § 346.57.

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 shall exceed 65 mph on freeways or expressways or 55 mph on other highways.⁴⁴⁴
 WI ST § 346.57(5); WI ST § 349.11(1)(a), (2)(a), (8)(a), (8m).
 II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdiction. However, no speed limit shall exceed 55 mph.⁴⁴⁵

⁴⁴⁴ 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. WI ST § 349.11(2)(b), (c).

⁴⁴⁵ In addition, a local government cannot modify the maximum statutory speed of 15 mph in a safety zone.

WI ST § 346.57(5); WI ST § 349.11(1)(a), (3)(a), (8m).

Note: State or local government maximum speed limits established under I or II above must be uniformly applicable to all types of motor vehicles. However, a lower speed limit may be established for vehicles that, because of their weight or size, are operating under a special permit. WI ST § 349.11(8)(c), (8m)(c).

III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures. WI ST § 349.11(4).

IV. Local governments may establish temporary speed limits on highways that are undergoing construction or maintenance. WI ST § 349.11(10).

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a speed so slowly as to impede the normal and reasonable movement of traffic. WI ST § 346.59(1).

II. A person driving at less than the normal speed of traffic shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. WI ST § 346.05(3).

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. WI ST § 349.11(1)(b). **Note:** specified traffic lanes may be designated for certain speeds. WI ST § 346.13(3).

Other:

No person shall drive a vehicle that is equipped with metal or solid rubber tires greater than 15 mph. WI ST § 346.58.

Low Speed Vehicles:

Permitted on Public Roads
(Yes/No):

Yes. On public roads with a speed limit of 35 mph or less. WI ST § 346.94(22).

Maximum Speed Permitted:

25 mph. WI ST § 340.01(27h); 49 CFR 571.3.

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication:

Civil Forfeiture Offense. WI ST § 346.17(2); WI ST § 346.60; WI ST § 939.12.

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine:

Violating the Basic Speed Law, Pedestrian/Passenger Safety Zone Speed Limits:
First offense – Not less than **\$40** or more than **\$300**;

WI ST § 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. WI ST § 349.11(3)(c).

Second or subsequent conviction (within 1 year) – Not less than **\$80** or more than **\$600**. WI ST § 346.60(3).

Violating the 65 mph Speed Limit: Not less than **\$50** or more than **\$300**. WI ST § 346.60(2)(b).

Violating Other Speed Limits:⁴⁴⁶ Not less than **\$30** or more than **\$300**. WI ST § 346.60(2)(a).

Violating the Minimum Speed Law (Impeding Traffic):

First offense – Not less than **\$20** or more than **\$40**;

Second or subsequent conviction (within 1 year) – Not less than **\$50** or more than **\$100**. WI ST § 346.60(1).

Failing to Maintain Speed Except in Right Lane: Not less than **\$30** or more than **\$300**. WI ST § 346.17(2).

Mandatory Minimum Term / Fine: **None** – the statutes indicate that a person “may” be required to forfeit those amounts.

Other Penalties:

Traffic School:

An offender shall have up to 3 points deducted from his driving record if he satisfactorily completes driver improvement counseling, a traffic safety school, or a defensive driving course. WI ADC § Trans 101.07.

Other:

I. The above minimum and maximum fines (forfeitures) are **doubled** 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.⁴⁴⁷ WI ST § 346.60(3m)(a).

II. The above minimum and maximum fines (forfeitures) are **doubled** 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).

WI ST § 46.60(3m)(b).

Licensing Action:

Type (Suspension / Revocation):

Suspension by the courts. WI ST § 343.30(1), (1n).

Suspension or Revocation: Based upon repeated violation of the traffic laws through a point system.⁴⁴⁸ WI ST § 343.32(2)(a).

⁴⁴⁶ This includes a violation of WI ST § 346.58 which prohibits a person from driving a motor vehicle that is equipped with metal or solid rubber tires greater than 15 mph. WI ST § 346.60(2)(a).

⁴⁴⁷ The “double fine” sanction for speeding in a construction zone does not apply in certain 15 mph school, park or safety zones, on 35 mph highways located in certain business, industrial or residential areas and on 45 mph highways which have been designated as rustic roads. WI ST § 346.60(3m)(a); WI ST § 346.57.

⁴⁴⁸ **Point System: I.** An offender's license is subject to the following suspension or revocation periods, if the number of points were accumulated within a 12-month period: 12-16 points = **2 months**; 17-22 points = **4 months**; 23-30 points = **6 months**; more than 30 points = **1 year**. WI ADC § 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 or more over the speed limit = **6 points**; imprudent speed or driving too fast for conditions = **4 points**; speeding 11-19 mph over the speed limit = **4 points**; inattentive driving = **4 points**; unnecessary acceleration = **4 points**; speeding 10 mph or less in excess of the posted speed limit = **3 points**; obstructing traffic/driving excessively slowly = **2 points**. WI ST § 343.32(2)(b); WI ADC § Trans 101.02.

Term of License Suspension /
Revocation: **Suspension** by the courts:
(1) For speeding 25 mph or more over the 65 or 55 mph speed limit =
15 days. WI ST § 343.30(1n).
2) For other violations – Not more than **1 year**. WI ST § 343.30(1).
Suspension or Revocation through point system:
2 months to 1 year. WI ST § 343.32(3); WI ADC § Trans 101.04.

Mandatory Minimum Term: **Suspension**(courts): for speeding 25 mph or more over the 65 or 55
mph speed limit = **15 days**.
All others: **None**. A person is eligible for occupational driving
privileges. WI ST § 343.32(6).

Other Criminal Actions Related to Speeding:

Racing on Highway: **Civil Forfeiture**. WI ST § 346.94(2); WI ST § 346.95(2).

Sanctions:

Imprisonment Term / Fine: Not less than **\$20** or more than **\$400**. WI ST § 346.95(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** by the courts. WI ST § 343.30.
Suspension or Revocation: Based upon repeated violation of the
traffic laws through point system. WI ST § 343.32(2)(a).

Term of License Suspension /
Revocation: **Suspension** (courts) – Not more than **1 year**. WI ST § 343.30(1).
Suspension or Revocation through point system:
2 months to 1 year. WI ST § 343.32(3); WI ADC § Trans 101.04.

Mandatory Minimum Term: **None**. Licensing action is discretionary, and a person may be eligible
for occupational driving privileges. WI ST § 343.30(1);
WI ST § 343.32(6).

Other: **6 points** assessed against driving record. WI ST § 343.32(2)(b);
WI ADC § Trans 101.02.

Reckless Driving:⁴⁴⁹

Civil Forfeiture
Misdemeanor(second or subsequent reckless driving offense; bodily
harm by negligent operation of vehicle);
Felony(great bodily harm by negligent operation of vehicle).
WI ST § 346.62; WI ST § 346.65; WI ST § 939.12; WI ST § 939.60.

Sanctions:

⁴⁴⁹ “Reckless driving” is defined as driving a vehicle so as to endanger the safety of any person or property by negligent operation; cause bodily harm to another by negligent operation of the vehicle; or cause great bodily harm to another by negligent operation of the vehicle. WI ST § 346.62. “Bodily harm” means physical pain or injury, illness, or any impairment of physical condition. WI ST § 939.22(4). “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. WI ST § 939.22(14).

Imprisonment Term / Fine:

Reckless Driving:First offense – Not less than **\$25** or more than **\$200**;Second or subsequent offense (within 4 years) – Not less than **\$50** or more than **\$500** and/or not more than **1 year**. WI ST § 346.65(1).**Causing Bodily Harm by Negligent Driving:** Not less than **\$300** or more than **\$2,000** and may be imprisoned for not less than **30 days** or more than **1 year**. WI ST § 346.65(3).**Reckless Driving On or Across Railroad Crossing:** Not less than **\$300** or more than **\$1,000**, plus a surcharge.⁴⁵⁰**Causing Great Bodily Harm by Negligent Driving:** Not more than **\$10,000** and/or not more than **3 years, 6 months**. WI ST § 346.65(5); WI ST § 939.50(3)(i).

Mandatory Minimum Term / Fine:

NoneLicensing Action:

Type (Suspension / Revocation):

Suspension by the courts. WI ST § 343.30.**Suspension or Revocation:** Based upon repeated violation of the traffic laws through point system. WI ST § 343.32(2)(a).**Revocation** (conviction for causing great bodily harm). WI ST § 343.31(3)(a).

Term of License Suspension / Revocation:

Suspension (courts) – Not more than **1 year**. WI ST § 343.30(1).**Suspension/Revocation** (point system) – **2 months to 1 year**.

WI ST § 343.32(3); WI ADC § Trans 101.04.

Revocation (conviction) – **1 year**. WI ST § 343.31(3)(a).

Mandatory Minimum Term:

The only mandatory term appears to be that from revocation upon conviction, under WI ST § 343.31(3)(a).

Other:

I. The forfeitures/fines listed above shall be **doubled** if the operator drives recklessly or negligently where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic. WI ST § 346.65(5m).II. **6 points** assessed against driving record. WI ST § 343.32(2)(b); WI ADC § Trans 101.02.**Inattentive Driving:**⁴⁵¹**Civil Forfeiture.** WI ST § 346.89(1); WI ST § 346.95(2).Sanctions:

⁴⁵⁰ This surcharge is for railroad crossing improvement, and shall be equal to 50% of the forfeiture amount ordered. If the forfeiture is suspended in whole or in part, the railroad crossing improvement surcharge shall be reduced in proportion to the suspension. WI ST § 346.65(4r)(a), (b).

⁴⁵¹ "Inattentive Driving" means driving a motor vehicle while "so engaged or occupied as to interfere with the safe driving of such vehicle." WI ST § 346.89(1).

Imprisonment Term / Fine: Not less than **\$20** or more than **\$400**. WI ST § 346.95(2).

Mandatory Minimum Term / Fine: **None**

Licensing Action:

Type (Suspension / Revocation): **Suspension** by the courts. WI ST § 343.30.
Suspension or Revocation: Based upon repeated violation of the traffic laws through point system. WI ST § 343.32(2)(a).

Term of License Suspension /
Revocation: **Suspension** (courts) – Not more than **1 year**. WI ST § 343.30(1).
Suspension or Revocation through point system – **2 months to 1 year**. WI ST § 343.32(3); WI ADC § Trans 101.04.

Mandatory Minimum Term: **None**. Licensing action is discretionary, and a person may be eligible for occupational driving privileges. WI ST § 343.30(1); WI ST § 343.32(6).

Other: **4 points** assessed against driving record. WI ST § 343.32(2)(b); WI ADC § Trans 101.02.

Automated Speed Enforcement: **No by S.P.** State and local authorities may not use photo radar speed detection to determine compliance with any of the speed laws or local ordinances in conformity therewith. WI ST § 349.02(3).

Limitations of Use of Speed Measurement Devices: **No.** It appears that speed measuring devices are permitted. *., State v. Maas*, 657 N.W.2d 439 (Wis.App. 2002)

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations”⁴⁵² within a 3-year period or 3 such violations within a 3-year period.
WI ST §343.315(2)(f).

Period of Disqualification: Two serious violations (within 3 years) – **60 days**;
Three serious violations (within 3 years) – **120 days**. WI ST § 343.315(2)(f).

⁴⁵² A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. WI ST § 343.315(2)(f).

JURISDICTION**WYOMING**

Reference:

Wyoming 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 and having regard to the actual and potential hazards then existing.

II. 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 hillcrest, 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. WY ST § 31-5-301(a).

Statutory Speed Limit:

75 mph on interstate highways;
65 mph on other paved highways;
55 mph on unpaved roadways;
30 mph in an urban district;
20 mph in a school zone or crossing. WY ST § 31-5-301(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.⁴⁵³ WY ST § 31-5-301(c); WY ST § 31-5-302. The State highway system includes city streets that are designated as State highways. WY ST § 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. WY ST § 31-5-109(a)(ix); WY ST § 31-5-301(c); WY ST § 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. WY ST § 31-5-305(a),(b).

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. WY ST § 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. WY ST § 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. WY ST § 31-5-109(a)(xiv); WY ST § 31-5-304(b).

⁴⁵³ The State may also establish different highway speed limits for different types of vehicles, at different times of the day, for various weather conditions or for other factors bearing on safe speeds. WY ST § 31-5-302.

Other: A commercial vehicle operator must comply with the maximum speed limits established above. Failure to comply subjects that operator to the sanctions provided under WY ST § 31-5-1201. WY ST § 31-18-604.

Low Speed Vehicles: N/A

Adjudication of Speed Law

Violations:

Civil/Criminal Adjudication: **Misdemeanor.** WY ST § 31-5-1201(a).

Sanctions Following an Adjudication of a Speed Law Violation:

Sanctions:

Imprisonment Term / Fine: **Speeding 76-80 mph in a 75 mph zone: \$5** for each mile per hour in excess of the legal speed limit, not to exceed \$25. WY ST § 31-5-1201(d)(i).

Speeding 66-70 mph in a 65 mph zone: \$5 for each mile per hour in excess of the legal speed limit, not to exceed \$25. WY ST § 31-5-1201(d)(i).

Speeding 70 mph or more in a 65 mph zone: \$25 plus \$3 per mile for each mile in excess of 70 mph with assessed court costs.⁴⁵⁴ WY ST § 31-5-1201(d)(ii).

Speeding 80 mph or more in a 75 mph zone: Not less than **\$35** or more than **\$500** with assessed court costs. WY ST § 31-5-1201(d)(iii).

Other speed-related violations:

First conviction – Not more than **\$200** and/or not more than **20 days**;

Second conviction (within 1 year) – Not more than **\$300** and/or not more than **30 days**;

Third or subsequent conviction (within 1 year of 1st conviction) – Not more than **\$500** and/ or not more than **6 months**.

WY ST § 31-5-1201(b).

Mandatory Minimum Term / Fine: **\$25 plus \$3** for speeding 70 mph or more in a 65 mph zone appears to be mandatory.

\$35 for speeding 80 mph or more in a 75 mph zone appears to be mandatory.

Other Penalties:

Traffic School: N/A

Other: **Special Fine for Heavy Vehicle Operators:** When operating motor vehicles with a gross vehicle weight exceeding 26,000 lbs., persons who exceeds a speed of 80 mph on an interstate highway with a posted speed limit of 75 mph, or exceeds a speed of 70 mph on other highways with a posted speed limit of 65 mph is subject to a fine of

⁴⁵⁴ There are no court costs for exceeding the 65 or 75 mph speed limits, by 1-4 mph. WY ST § 31-5-1201(d)(v).

\$100. Any person who exceeds a construction zone speed limit by 6 mph are subject to a fine of **\$300**. These fines appear to be mandatory. WY ST § 31-5-1201(g); WY ST § 31-18-704.

Exceeding posted speed limit in school zone by more than 10 mph:
First conviction: Not less than **\$200** or more than **\$750**;
Subsequent conviction (within 1 year): Not less than **\$400** or more than **\$1,000**. WY ST § 31-5-1201(e).

Licensing Action:

Type (Suspension / Revocation):

Suspension based upon repeated violations of the traffic laws.⁴⁵⁵
WY ST § 31-7-129(a)(i).

Term of License Suspension /
Revocation:

Not more than **12 months**. WY ST § 31-7-129(a).

Mandatory Minimum Term:

None. Licensing actions is discretionary.

**Other Criminal Actions Related to
Speeding:**⁴⁵⁶

Drag Racing on Highway:

Misdemeanor. WY ST § 6-10-101; WY ST § 24-1-110.

Sanctions:

Imprisonment Term / Fine:

Not less than **\$10** or more than **\$100** and/or not more than **10 days**.
WY ST § 24-1-110(c).

Mandatory Minimum Term / Fine:

The **\$10** fine may be mandatory.

Licensing Action:

Type (Suspension / Revocation):

Suspension based upon repeated violations of the traffic laws.
WY ST § 31-7-129(a)(i).

Term of License Suspension /
Revocation:

Not more than **12 months**. WY ST § 31-7-129(a).

Mandatory Minimum Term:

None. Licensing actions is discretionary.

Reckless Driving:

Misdemeanor. WY ST § 31-5-229; WY ST § 31-5-1201(a).

Sanctions:

Imprisonment Term / Fine:

Not more than **\$750** and/or not more than **6 months**.
WY ST § 31-5-1201(f).

Mandatory Minimum Term / Fine:

None

Licensing Action:

⁴⁵⁵ Convictions shall not be considered for driver license suspensions for speeding violations of less than 80 miles per hour where the posted speed limit is at least 65 miles per hour or less than 6 miles per hour over the posted speed limit in all other instances and zones, except speeding violations in school zones, or construction zones. WY ST § 31-5-1201(d)(iv). Additionally, speeding violations of up to 80 miles per hour where the posted speed limit is at least 65 miles per hour, or less than 6 miles per hour over the posted speed limit in all other instances and zones, except violations for exceeding the speed limit in a school zone, or construction zone, and violations received while operating a commercial motor vehicle, shall not be made a part of the abstracts or records kept by the department of transportation. WY ST § 31-5-301(d).

⁴⁵⁶ There is no statute for "careless" or "negligent" driving. However, local authorities may establish ordinances for such driving behavior. See, e.g., *State ex rel. Suchta v. District court of Sheridan County*, 283 P.2d 1023 (Wyo. 1955); *Swisse v. City of Sheridan*, 561 P.2d 712 (Wyo. 1977).

Type (Suspension / Revocation):	Suspension. WY ST § 31-7-128(a). Revocation (2 convictions within 5 years). WY ST §31-7-127(a)(iii), (b).
Term of License Suspension / Revocation:	Suspension: <u>First conviction</u> – 90 days ; <u>Subsequent conviction</u> (within 5 years) – 6 months . WY ST § 31-7-128(a). Revocation (2 convictions within 5 years) – 1 year . WY ST §31-7-127(a)(iii), (b).
Mandatory Minimum Term:	These terms appear to be mandatory.
Other:	Surcharge: An offender is assessed a surcharge of not less than \$150 or more than \$350 for a first plea or conviction, and not less than \$200 or more than \$400 for any subsequent plea or conviction. This surcharge is in addition to any other sanction. WY ST § 1-40-119(a)(ii).
<u>Automated Speed Enforcement:</u>	No statutory provision
<u>Limitations of Use of Speed Measurement Devices:</u>	No. It appears that, at a minimum, the use of radar is permitted. ., <i>Michaels v, State ex rel. Dept. of Transp.</i> , 271 P.3d 1003 (Wyo. 2012)
<u>Commercial Motor Vehicle (CMV) Operators:</u>	
Grounds for Disqualification:	A person is disqualified from operating a CMV if while driving such a vehicle that person commits 2 “serious traffic violations” ⁴⁵⁷ within a 3-year period or 3 such violations within a 3-year period. WY ST § 31-7-305(f).
Period of Disqualification:	<u>Two serious violations</u> (within 3 years) – Not less than 60 days ; <u>Three serious violations</u> (within 3 years) – Not less than 120 days . WY ST § 31-7-305(f).

⁴⁵⁷ A “serious traffic violation” includes exceeding the speed limit by 15 or more mph and reckless driving. WY ST § 31-7-102(a)(xli).

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