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Minnesota's Speed Limit

Background and Issues

Recent congressional action has restored complete authority to the states to set their own highway speed limits. This information brief gives a brief history of speed limit law and summarizes Minnesota's present speed limits.

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Minnesota's Speed Limit Law before 1974

Prior to the enactment of the nationwide 55 m.p.h. speed limit in 1974, Minnesota's basic law¹ made it illegal to drive at a speed greater than was "reasonable and prudent under the conditions." It went on to set out specific speed limits:

Urban districts ²	30 m.p.h.
Other areas, daytime	65 m.p.h.
Other areas, nighttime	55 m.p.h.
Alleys	10 m.p.h.

These limits were considered "prima facie limits," meaning that speeds in excess of those limits were not automatically illegal. A person driving over these limits was presumed to be driving at a speed that was not "reasonable and prudent," but had the opportunity to prove that under all of the prevailing circumstances at the time (weather, road condition, etc.) the speed was nonetheless reasonable and prudent and therefore lawful. The only exception was within city limits where all speed limits became absolute limits, and any violation was automatically unlawful.

State law gives the Department of Transportation (MnDOT) the power to designate higher or lower speed limits on any segment of street or highway in the state, including local roads, but only after an engineering and traffic study. Local authorities are given limited power to set speed limits on their own streets or highways in the case of residential roadways, school zones, alleys, park roads, and local highway work zones.

The 1974 National Speed Limit

In 1974, Congress responded to widespread energy shortages by, among other things, deciding to make highway travel more fuel-efficient by adopting a nationwide maximum 55 m.p.h. speed limit. It did so by requiring each state to adopt such a maximum speed limit on pain of losing all of its federal highway aid.³

In Minnesota, the legislature in its 1974 session chose not to write the 55 m.p.h. limit into law but rather delegated to the Commissioner of Highways (later the Commissioner of Transportation) the authority to designate the speed limit by executive order on recommendation of the governor.⁴ Any speed in excess of the designated speed was made automatically unlawful, thereby ending the concept of prima facie limits. Soon after, the Commissioner of Highways issued an executive order designating 55 as the statewide maximum speed limit.⁵ The pre-1974 speed limit law was retained in Minnesota Statutes, but its enforcement was suspended for as long as the executive order is in effect.

In 1987, Congress allowed states to increase their speed limits to 65 m.p.h. on interstate highways everywhere except within major metropolitan areas. The 1987 Legislature did not pass a bill to adopt the higher limit; but in June of 1987, the Commissioner of Transportation adopted a new executive order authorizing the 65 m.p.h. limit on interstate highways located outside urbanized areas over 50,000 population.⁶

Repeal of the National Speed Limit

As part of the 1995 National Highway System Designation Act, Congress repealed all federal mandates relating to speed limits.⁷ Early discussions in Congress tended toward retaining the 55 limit for trucks and buses while allowing 65 for cars; but the final version of the bill removes the mandate for all types of vehicles.

Minnesota Action

The 1996 legislative session produced a change in Minnesota's basic speed limit law, but the change was relatively modest and in the end did not even go into effect.

The 1996 law⁸ retains 55 m.p.h. as the basic speed limit outside urban areas and on Interstate highways in metropolitan areas, and also keeps 65 m.p.h. as the limit on other Interstate highways. Its only change is to increase from 55 to 65 the speed on multi-lane controlled-access highways outside metropolitan areas. "Controlled-access highways" are those where the road authority maintains control over highway access, and adjacent landowners have no right of access to the highway except that granted by the road authority. A MnDOT analysis indicated that this provision would increase speed limits on about 760 miles on non-Interstate freeways and expressways.

While repealing the 1974 law that gave MnDOT the power to designate statewide energy-saving speed limits, the legislature in another provision of the 1996 law⁹ authorized the Commissioner of Transportation to designate by executive order speed limits for all freeways and expressways in the state. Unlike MnDOT-designated speed zones on specific segments of streets or highways, these speed limits do not have to be preceded by a traffic investigation and can apply to entire categories of roadways.

Immediately after passage of the 1996 law Governor Arne Carlson directed MnDOT to use this new authority to prevent the increase on non-Interstate freeways and expressways from going into effect, thus keeping the speed limit on those roads at 55 m.p.h. The governor's office stated that he took this action because of concerns for highway safety, particularly after the legislature rejected his budget recommendation that the State Patrol be increased by 40 additional state troopers.

The executive order issued at the governor's direction¹⁰ sets a 65 m.p.h. limit on all Interstate highways outside metropolitan areas and on a short segment of Trunk Highway No. 52 between I-90 and just south of Rochester. The 55 m.p.h. limit applies on all other roads outside urban districts, except where a speed zone has been established after an engineering and traffic study.

Resolving the "Dimler Amendment"

In 1986, the legislature passed an amendment proposed by Representative Chuck Dimler that prohibited the Department of Public Safety from entering onto any driver's permanent driving record a speeding violation that was not more than 10 m.p.h. over the limit set in the executive orders. At the time, it applied only to violations of the 55 limit; but its terms made it also applicable to the 65 limit on rural interstates that was adopted by order in 1987. However, the law has not been uniformly interpreted to give it that effect.

The 1996 Legislature made it clear that the 10 m.p.h. "tolerance" in the Dimler amendment would in the future apply only to violations of the 55 m.p.h. speed limit. No tolerance would be given for violations of any 65 m.p.h. limit. As before, the tolerance would not be available for violations of urban 30 m.p.h. limits.

Legislative Options

The 1997 Legislature will have the opportunity to again address speed limit issues free of federal restrictions. It could repeal the executive order that now prevents the 65 m.p.h. limit from being applied to non-Interstate freeways and expressways, thus allowing the 1996 legislative change to take effect. Failure to do so will retain the existing limits, which allow 65 m.p.h. only on rural Interstate highways. It could also increase the speed limit on two-lane rural highways from 55 to 60 or 65 m.p.h.

Other Safety Options

The 1996 debate brought forward a number of arguments to the effect that higher speed limits would be acceptable only if accompanied by other measures to promote highway safety. Among these safety proposals are:

- ▶ **Authorizing primary enforcement of the seat belt law.** The law that requires Minnesota motorists to wear seat belts¹¹ allows police to give citations for violations only if they stop the violator for another traffic infraction. In recent years many persons and organizations in highway safety, law enforcement, insurance, and health care have urged that the seat belt law be given "primary enforcement," meaning that an officer could cite any violator

regardless of whether the violator had committed another infraction. Supporters argue that primary enforcement would significantly increase seat belt use and thus reduce the severity of highway accidents. Opponents argue that primary enforcement is unnecessary and an additional infringement on personal choice.

- ▶ **Repealing the Dimler amendment.** Many law enforcement agencies have long criticized the Dimler amendment as implying a license to speed to some drivers. They argue that those drivers who can afford multiple speeding tickets now don't have to worry about their drivers licenses being suspended or insurance rates going up because of their repeated violations. Supporters of the present law argue that otherwise-safe drivers shouldn't have to be penalized with major increases in insurance rates because of minor speeding violations.
- ▶ **Prohibiting radar detectors.** Federal motor carrier rules ban radar detectors in commercial vehicles, but they are still legal for private cars in most states, including Minnesota. Critics of "fuzzbusters" claim that they serve no purpose other than to assist motorists to break the law and cite studies that suggest that their use is associated with unlawful speeds. Manufacturers of the devices respond that they serve a safety purpose by regularly reminding motorists to slow down.
- ▶ **Intensifying enforcement of speed laws.** One argument on the speed limit controversy holds that intensified enforcement of existing laws will provide more safety benefits than enacting new ones. Speeding is now a petty misdemeanor with a maximum fine of \$100; a minimum fine of \$50 or \$75 for a first offense could be imposed, rising for repeated violations. Many law enforcement agencies support photo radar—combining a camera with radar to record speed violations automatically—as a means of greatly increasing police efficiency. Governor Carlson is again likely to propose an increase in the number of State Patrol troopers to provide 24-hour patrolling on trunk highways outside the metropolitan area.
- ▶ **Motor vehicle lights-on law.** Among the proposals arising in the legislature for the first time in 1996 was a proposal to link higher speed limits with a requirement that motor vehicles display their headlights at all times, night and day. (This is already required for motorcycles.) Supporters of this proposal argued that research has demonstrated that the increase in vehicle visibility from a lights-on law reduces traffic crashes. Opponents suggested that such a requirement should only come if all vehicles are required to be equipped so as to have their lights on automatically whenever the vehicle is in motion, a requirement that can most feasibly be imposed only at the federal level.

Conclusion

A number of state legislatures did act in 1996 to increase their speed limits, some substantially. Although only a few months of experience with these higher limits will be available when the Minnesota Legislature reconvenes, highway crash statistics from these other states are likely to be watched carefully as this issue is again taken up.

Endnotes

1. Minnesota Statutes, section 169.14.
2. An "urban district" is defined as a "street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more." Minnesota Statutes, section 169.01, subdivision 59.
3. 23 U.S. Code, section 154.
4. Laws 1974, chapter 79, coded as Minnesota Statutes, section 169.141.
5. Commissioner of Highways Order No. 54539, March 1, 1974.
6. Commissioner of Transportation Order No. 72477, June 16, 1987.
7. S440, 104th Congress, section 205.
8. Laws 1996, chapter 455, article 1, section 5.
9. Laws 1996, chapter 442, article 1, section 6.
10. Commissioner of Transportation Order no. 81657, May 2, 1996.
11. Minnesota Statutes, section 169.686, subdivision 1.