

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/13/2015**

Amendment to: HB 1242

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill changes the fees for certain speeding violations.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill would have no substantial impact to NDDOT.

The bill would impact the revenue that is generated by speeding violations. However, this impact cannot be determined at this time because it is not known what deterrent impact may result thus affecting the amount of speeding violations and the resulting fees.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Glenn Jackson

**Agency:** NDDOT

**Telephone:** 328-4792

**Date Prepared:** 01/15/2015

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**Requested by Legislative Council**  
**01/13/2015**

Bill/Resolution No.: HB 1242

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**2015 HOUSE TRANSPORTATION**

**HB 1242**

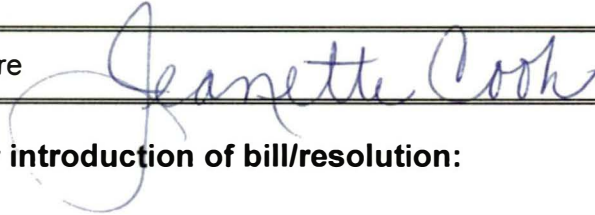
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1242  
1/29/2015  
#22908

☐ Subcommittee  
Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A bill relating to fees for speeding.

### Minutes:

Attachment #1

**Chairman Dan Ruby** opened the hearing on HB 1242.

**Representative Kretschmar** spoke to introduce HB 1242. This bill proposes to increase the fees for speeding in North Dakota. A interim committee worked on this bill, and I think it is a reasonable increase in fees for speeding in our state. North Dakota has about the lowest speeding fines in this area of the United States. I personally think they should be raised a reasonable amount. This bill almost got passed last session. I hope you will seriously consider passing this bill.

**Sgt. Gail Wischmann, Cass County Sheriff's Office**, spoke on behalf of Sheriff Lennie and the Sheriff's Office to support HB 1242. She provided written testimony. See attachment #1.

**Vice Chairman Lisa Meier:** What are the fees for going over the speed limit in a school zone in Minnesota?

**Sgt. Gail Wischmann:** I don't know.

**Vice Chairman Lisa Meier:** I see on this bill, that we are increasing the fine in a school zone from \$40 to \$80. How do you feel about that?

**Sgt. Gail Wischmann:** I don't see that as a fine that is out of the boundaries, especially, when you are talking about the lives of children.

**Chairman Dan Ruby:** The bill that came out of the interim committee had many forms. One form went to conference committee, and this is the bill that came out. I believe that the school zones were set up to be consistent with the construction zones. Before we had brackets, and now a highway that is 55 mph or less the fee is a flat \$2 per mile over the speed limit. If you are on a 60-65 mph speed limit road, then it is \$4 per mile over the

speed limit. There is no change on this bill for the interstates. It is still \$5 per mile over the speed limit.

**Representative Ben Hanson:** Could you give me what the equivalent fines would be in the neighboring states?

**Sgt. Gail Wischmann:** I could not.

**Representative Chris Olson:** Do you think that the speed limits in North Dakota are excessively high? What is your opinion of the speed as it is?

**Sgt. Gail Wischmann:** I would agree with the current speed limits.

(9:37)

There was no further support for HB 1242.

There was no opposition to HB 1242.

The hearing on HB 1242 was closed.

**Chairman Dan Ruby** called for discussion on HB 1242.

**Rep. Mark Owens:** Speeding in a school zone in Minnesota is \$378.

**Representative Rick C. Becker:** It doesn't appear that there is a big increase. I like the idea that we are getting rid of brackets. My concern is with the school zone. Unlike the construction zone, the school zone exists around the clock; is that correct?

**Representative Kathy Hawken:** No, it is just when the lights are flashing. It is about ½ an hour before and after school.

**Representative Rick C. Becker:** If that is correct, then I don't have a problem.

**Representative Mike Schatz:** None of the small schools have lights that I know of. They have signs that designate the school zone.

**Chairman Dan Ruby:** I don't have a problem with it because it is consistent with the construction zone. If you want to strike it, I wouldn't object.

**Representative Chris Olson:** If a highway has a 70 mph speed limit, and you are driving 80, you would get a fee of \$100?

**Chairman Dan Ruby:** No, \$5.00 times 10 mph is \$50.

**Representative Robin Weisz:** The way I read this in code, the school zone, if it is posted, it is under the speed limit all the time. and the fee would apply.

**Rep. Mark Owens:** In some cases there is a sign that says, "School Zone" and below that it says "When children are present". I think that is what limits when it is a school zone.

**Chairman Dan Ruby:** I believe Representative Robin Weisz had the correct interpretation. If it is posted as a school zone by city ordinance, then it is.

**Representative Chris Olson:** Are we considering this because of some sort of serious issue that we have in North Dakota, like recent accidents?

**Chairman Dan Ruby:** There has been an ongoing discussion about the deterrents of our speeding fines, and whether or not they are adequate. Many times law enforcement gets laughed at because the fines are so low. So, the question has been asked if the fee is enough of a deterrent to keep people from speeding, and if so is it punitive enough for them not to want to do it again.

**Representative Gary Paur:** I wonder if the points aren't more of a deterrent.

**Chairman Dan Ruby:** Yes, our fines have been lower because of the point issue as well. That affects your insurance too.

**Representative Robin Weisz:** I question if we have a problem with speeding, if we do then we should change the fines. If we don't then why are we changing it? I agree that the cities have a problem, but then we should work on that.

**Representative Ben Hanson:** As I see it, it is more of an update than a change in fee. When inflation is such that the fine is no longer a penalty, then the fines need to be changed.

**Representative Kathy Hawken:** When we went to 75 mph speed limit, the original bill had the points and the fines and the speed. When it was finally passed, it only had the speed. I think we need to be in an upward trend with fees if we want people to slow down. The fees that we charge are truly a joke. As far as the school zones, I think that \$80 is a bargain. When you have a chance of hitting a young person, the fine should be a whole lot more than \$80.

**Representative Rick C. Becker:** Back when the speed limit was 65 or 55, there were proponents for increased fines if you were going 10 mph over the speed limit because of the danger. Now the speed limit is 75 mph which used to be considered far too dangerous.

**Representative Rick C. Becker** moved to amend HB 1242 to change on Line 22-23 and strike the \$80 and change it to \$50.

**Representative Chris Olson** seconded the motion.

**Representative Lois Delmore:** Could we please have a law officer come in and give us clarification on the school zones? The reason that we brought the speed limit to where it is in a construction zone is that we don't want to wait until someone gets killed, and then think we should raise the fines.

**Chairman Dan Ruby:** I am going to support the motion to alleviate the fears that we have here.



**A roll call vote was taken: Aye 5 Nay 7 Absent 2  
The motion failed.**

**Representative Kathy Hawken moved a DO PASS on HB 1242.  
Representative Lois Delmore seconded the bill.**

**Vice Chairman Lisa Meier:** I would like to go back and make sure that we check with the local law authority to clarify the issues on which we have questions.

**Chairman Dan Ruby:** We can do that.

**Representative Kathy Hawken withdrew the motion.  
Representative Lois Delmore withdrew the second.**

**Chairman Dan Ruby:** We will hold HB 1242

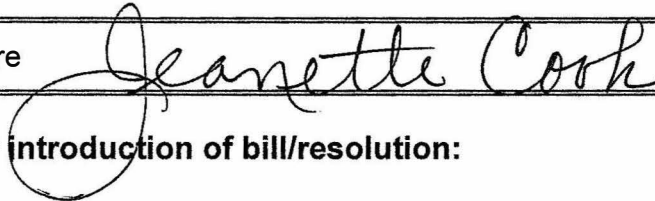
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB1242  
2/6/2015  
#23416

☐ Subcommittee  
Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution:**

A bill relating to fees for speeding

**Minutes:**

Attachment #1

**Chairman Dan Ruby** brought HB 1242 to the committee for discussion.

**Rep. Mark Owens** provided an amendment for HB 1242 and explained his intent. See attachment #1.

Discussion.

**Representative Chris Olson:** *Add to the amendment P. 3 Line 14 - change 55 to 50.*

**Rep. Mark Owens** moved the amendment (15.0735.01001) in addition to above change.

**Representative Chris Olson** seconded the motion.

Discussion.

**A roll call vote was taken: Aye 7 Nay 5 Absent 2**  
**The motion carried.**

**Vice Chairman Lisa Meier** moved a **DO NOT PASS** as amended.  
**Representative Robin Weisz** seconded the motion.

**Rep. Mark Owens:** That was not my intent. I was trying to enhance the fees at the lower speed limits in the cities. I didn't notice the doubling of the fines.

**Chairman Dan Ruby:** At the lower end it quadrupled the fines, but at the 60-65 it is a reduction of the fees. I can't support that.

**Representative Robin Weisz:** The issue that we have always heard is that the cities cannot increase speeding fees locally. This does address that. It doesn't cover any other issues in cities, like running stop signs.

**Chairman Dan Ruby:** I would agree with going to \$3.00 on the 60-60 mph roads.

**Vice Chairman Lisa Meier and Representative Robin Weisz withdrew their motion.**

Representative Chris Olson moved a DO PASS. No second.

**Chairman Dan Ruby:** We were going to work on another amendment before we proceed with the motion.

**Representative Chris Olson:** What do we find is flaw with the bill right now? Because I think it looks good.

**Chairman Dan Ruby:** I don't think it does what the bill sponsor wanted it to do in all areas. I know the sponsor did not want to see a reduction in fees on the higher speeds.

**Representative Rick C. Becker:** I would like more clarification.

**Chairman Dan Ruby:**

<u>FEES</u>	<u>NOW</u>		
On 55 mph speed limits and less -	1-5 mph-\$5	6-10 mph-\$6-10	11-15 mph-\$11-15
	<u>WITH THIS AMENDMENT</u>		
	\$4-20	\$24-40	\$44-60 ect.

**Representative Lois Delmore moved to amend HB 1242.**  
**On Line 22 Change 4 to 3 and on Line 16 change 4 to 3.**

**Chairman Dan Ruby:** That makes a higher scale on the low end and still will be a slight bump in the 60-65 mph roads.

Discussion.

**Representative Ben Hanson seconded the motion to amend.**  
**A voice vote was taken. The motion carried.**

**Representative Chris Olson** I move to amend Line 19 on Page 3 ..

**Rep. Mark Owens:** Line 19 has been struck.

**Representative Chris Olson** withdrew his motion.

**Chairman Dan Ruby:** Now all fees will be \$3.00 per mile over the speed limit. We won't need the brackets. It would be better cleaned up to read that way.

**Representative Lois Delmore moved a DO PASS on HB 1242 as amended.**

**Representative Lois Delmore withdrew her motion.**

**Chairman Dan Ruby:** Are you satisfied with the \$80.00 fine in a school zone?

**Representative Lois Delmore:** I think children are just as important as construction workers.

Discussion about language of "school zone". Decision to make on change.

**Representative Lois Delmore moved a DO PASS as amended on HB 1242.  
Representative Ben Hanson seconded the motion.**

Amendment to be condensed to \$3.00 per mile over the speed limit, which is the same as the previous motion. Language can be cleaned up by Legislative Council.

**A roll call vote was taken: Aye 9 Nay 3 Absent 2  
The motion carried.**

**Representative Ben Hanson will carry HB 1242.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1242

Page 2, line 22, replace "two" with "four"

Page 3, line 15, remove ", but lower than seventy miles [112.65 kilometers] an"

Page 3, line 16, remove "hour"

Page 3, line 16, replace "four" with "two"

Page 3, line 17, remove "On a highway on which the speed limit"

Page 3, remove lines 18 through 20

Renumber accordingly

P.3 Line 14 - change 55 to 56.

February 6, 2015

sk  
2/16/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1242

Page 2, line 11, overstrike "Except as provided in"

Page 2, line 11, remove "subsection 6"

Page 2, line 11, overstrike ", for" and insert immediately thereafter "For"

Page 2, line 22, replace "two" with "three"

Page 3, line 14, overstrike "On a highway on which the speed limit is posted in excess of"

Page 3, line 14, remove "fifty-five"

Page 3, line 14, overstrike "miles"

Page 3, line 15, overstrike "[104.61"

Page 3, line 15, remove "88.51"

Page 3, line 15, overstrike "kilometers] an hour"

Page 3, line 15, remove ", but lower than seventy miles [112.65 kilometers] an"

Page 3, line 16, remove "hour"

Page 3, line 16, overstrike ", for a violation of section 39-09-02, or equivalent ordinance, a fee of"

Page 3, line 16, remove "four"

Page 3, line 17, overstrike "dollars for each mile"

Page 3, line 17, remove "an"

Page 3, line 17, overstrike "hour over the limit."

Page 3, line 17, remove "On a highway on which the speed limit"

Page 3, remove lines 18 through 20

Page 3, line 21, remove "7."

Page 3, line 26, replace "8." with "7."

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1242**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☒ Adopt Amendment  
☐ Do Pass    ☐ Do Not Pass    ☐ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider    ☐ \_\_\_\_\_

Motion Made By Representative Rick C. Becker Seconded By Representative Chris Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore		X
Vice Chairman Meier		X	Rep. Hanson		X
Rep. Rick Becker	X		Rep. Nelson		A
Rep. Frantzvog	A				
Rep. Hawken		X			
Rep. Olson	X				
Rep. Owens		X			
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut		X	<b>MOTION FAILED</b>		
Rep. Weisz		X			

Total (Yes) 5 No 7

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

On lines 22-23 strike \$80 and change to \$50.

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1242**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 15.0735.01001 plus additional change

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Mark Owens Seconded By Representative Chris Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby		X	Rep. Delmore	X	
Vice Chairman Meier		X	Rep. Hanson	X	
Rep. Rick Becker		X	Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken	A				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur		X			
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 7 No 5

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

p. 3 Line 14 - change 55 to 50  
and 15.0735.01001



**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1242**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
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☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Representative Lois Delmore Seconded By Representative Ben Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens					
Rep. Paur			<b>VOICE VOTE</b>		
Rep. Schatz			<b>MOTION CARRIED</b>		
Rep. Sukut					
Rep. Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

P. 2 Line 22 change 4 to 3  
P. 3 Line 16 change 4 to 3

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1242**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Representative Lois Delmore Seconded By Representative Ben Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier		X	Rep. Hanson	X	
Rep. Rick Becker		X	Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	A				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz		X			
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 9 No 3

Absent 2

Floor Assignment Representative Ben Hanson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1242: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1242 was placed on the Sixth order on the calendar.

Page 2, line 11, overstrike "Except as provided in"

Page 2, line 11, remove "subsection 6"

Page 2, line 11, overstrike ", for" and insert immediately thereafter "For"

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Renumber accordingly

**2015 TESTIMONY**

**HB 1242**

HB 1242  
1-29-15  
#1

Testimony House Bill 1242 Sgt Gail Wischmann Cass County Sheriff's Office

January 29, 2015

HB1242. Good afternoon chairman and representatives. I am Sgt Gail Wischmann with the Cass County Sheriff's Office. I am entering my 33rd year with Cass County and today I am here on behalf of Sheriff Laney and the Cass County Sheriff's office.

It has been long debated and considered whether or not traffic fines should be increased. The time has come to end the debate and raise the traffic fines appropriately.

As the saying goes "speed kills" that is something we unfortunately see all too often whether it is in a construction zone, at an intersection to beat the red light or driving too fast for conditions. You also have the other side of the coin where drivers are ignoring railroad crossing signs or going around road closed signs with irreversible outcomes.

This is not about punishment through monetary means or the attitude that a ticket is no big deal, what's a few dollars for the ticket. This is about getting a drivers attention no matter their age and perhaps even the attention of those who may be with the driver.

It is time ND takes a stance and raise traffic fines.

Gail Wischmann  
Administrative Sergeant  
Cass County Sheriff's Office  
Direct #701-241-5839

15.0735.01001  
Title.

HB1242  
2-6-15  
# 1

Prepared by the Legislative Council staff for  
Representative Owens  
February 2, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1242

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