

**2019 HOUSE TRANSPORTATION**

**HB 1239**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1239  
1/18/2019  
#31063

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Jeanette Cook
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### Explanation or reason for introduction of bill/resolution:

A bill relating to the effect of state law on city or county ordinances and to statutory fees for noncriminal traffic offenses; and to provide a penalty.

### Minutes:

Attachments 1-2
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**Chairman Ruby** opened the hearing on HB 1239.

**Representative Owens** introduced HB 1239. I did not intend to double the fines on commercial vehicles. The bill is all about increasing the fines for non-criminal violations driving along the highways. I wanted to bring this bill for two reasons. Number 1: North Dakota fines are a joke. It is all about risk and reward. People chose to drive through North Dakota because the reward is greater than the risk of getting caught. No one thinks that when they drive into Minnesota if they have been ticketed or heard of someone who has been ticketed. These fines are about deterrents, not about making money. If the Highway Patrol writes a ticket the fines go to the Common Schools Trust Fund. This is about deterrent, and the safety of officers who write a ticket for \$20. We have a similar situation in our towns and cities, so the last paragraph of the bill allows cities and counties to raise the fines up to twice as much.

**Vice Chairman Rick C. Becker:** You are giving us an emotional plea when you say to us we are risking our law enforcement officers lives. You told us it is not worth an officer's life for a \$20 ticket. I would reject that premise out-of-hand because an officer's life is also not worth a \$100 ticket or any amount. Is that what you are suggesting?

**Representative Owens:** No, I am not looking to raise the fines until they equal the cost of life. I just want to say that the fines are so low, that it reaches a point that we think, "Why bother?"

**Vice Chairman Rick C. Becker:** Minnesota has a higher speeding fines. Do they have data to show that the traffic fatalities on the highway per capita are a lot lower than ours?

**Representative Owens:** We can get the data from the fatality accident and injury report. Not all the accidents are related to speeding.

**Vice Chairman Rick C. Becker:** It would be nice if we were making these decisions on actual outcomes. I would rather we raise the fines because we know it will have a desired effect.

**Representative Hanson:** If we raise the fines, could we make up the cost of pulling people over? I have heard that we lose money every time someone is pulled over.

**Representative Owens:** I don't think it would be easy to calculate with all the factors that are involved. If we raise the fines, it would be common sense that there would be more equality. The fines from the Highway Patrol go into the Common Schools Trust Fund, so those would not make a difference.

**Representative Jones:** Have you heard from North Dakota people that they appreciated the low fines in North Dakota? My constituents appreciate the low fines in North Dakota.

**Representative Owens:** I appreciate the low fines, but I believe we need to use the fines as more of a deterrent.

**Representative Hanson:** Would you support an amendment that removes p. 3 Lines 13-26 to remove the application to commercial fines?

**Representative Owens:** Yes, I would like to have that considered. It should not have been there and was an unintended consequence.

**Representative Hager:** I don't think the amount of the fine is always the deterrent. The income level of the people has a lot to do with what may constitute a high fine and be a deterrent. The income level in my district is low. A \$20 fine may be a lot to someone who only make \$7.25 an hour, which is three hours of work.

**Representative Owens:** You also have to keep in mind that currently, officers have the ability to reduce the speed on a ticket to reduce the fine. If you make less money, I think that the fine would be a greater deterrent.

**Chairman Ruby:** You have not mentioned the factor that we also use points as deterrents. I think points do act as a deterrent, why wasn't it included on this bill?

**Representative Owens:** I just didn't want to include it on this bill. Points don't make any difference to drivers from out of state.

(21:00)

**Greg Fetsch, Cavalier County Sheriff,** spoke to support HB 1239 and provided written testimony. See attachment #1. He also stated the North Dakota Sheriffs' Association supports this bill.

**Chairman Ruby:** In the statistics that you gave us about the fatalities, were some of them included in more than one of the categories?

**Greg Fetsch:** I do not know.  
(12:16)

**Ryan Gellner, the North Dakota Association of Counties,** spoke to support HB 1239 and provided written testimony. See attachment #2. He stated that data about fatalities would definitely show up in more than one category.

**Jeff Solensoos** (name illegible), 27 years of law experience, spoke to support HB 1239. He also believes that North Dakota fines are a joke. Most of the accidents in his city are from accidents of drivers that are driving without due regard. Those drivers feel that the risk is worth it, since the fines are so small. If we assess more points to a driver and suspend their license, they won't have insurance. Then they get into an accident, and someone else is left paying for the bill.

**Chairman Ruby:** If people fail to pay a fine, then their license would also be suspended. Isn't that the same?

**Jeff Solensoos:** Yes, that would be correct.

There was no further support for HB 1239.

There was no opposition or neutral testimony on HB 1239.

The hearing on HB 1239 was closed.

**Chairman Ruby:** This bill deals with multiple areas. It was an across the board doubling of all the fines. The intention was not to include the CDL portion.

**Representative Paulson:** On the last section does it allow cities to double the fines again?

**Representative Owens:** Yes, it allows cities and other political subdivisions to increase up to but not to exceed an additional 100% increase. The focus of that was that while the state has its requirements, in the cities where the greater populations are there can be greater harm. The deterrent needs to be greater.

**Representative Hanson moved an amendment to remove lines 13-26 on Page 3.**

**Representative Westlind seconded the motion.**

**A voice vote was taken. The motion carried. Vote 1.**

**Representative Owens moved to remove the overstrike (over \$500) and remove the line under \$1000 on P. 2.**

**Representative Westlind seconded the motion.**

**A voice vote was taken. The motion carried. Vote 2.**

**Vice Chairman Rick C. Becker moved a DO NOT PASS as amended on HB 1239.**

**Representative Kading seconded the motion.**

**Chairman Ruby:** I would need the bill to have substantial work done before I support it. I have not been opposed to the increase in fines that are for the cities. It is more likely that an accident might occur there. On the interstate this bill proposes taking the mph over the speed

limit X 10, which would equal the fine. It is currently X 5. I like how that is. I don't know that I like the idea to allow the cities to raise the fines 100%.

**Representative Owens:** I still would like to raise the fines, even on state roads. If the motion for a DO NOT PASS does not pass, I would completely support taking everything but Section 3 out.

**Representative Hanson:** I would like to remind the committee about the compelling testimony from Sheriff Fetsch that provided data that shows the positive outcome of increasing fines. It shows that increasing fines does save lives and reduce crashes. I also believe that we should allow local control in North Dakota, so if a city want to have a different set of fines, I do embrace that. The third benefit is that we should make sure that our fines cover the cost of processing the violation.

**Representative O'Brien:** There are some of these fines that I think are too high.

**Chairman Ruby:** There are some that I also think are too high.

**Vice Chairman Rick C. Becker:** I don't know if the data is accurate. It was reported that the fatalities decreased 1% to 12%. That is a wide range. If the fines were going to the Highway Patrol, then breaking even would be a compelling argument. But since they go to the Common Schools Trust Fund, it isn't. I think the increases are phenomenal. We have increased the fines in the past few sessions. The higher fines have a much greater impact on low income people than higher income people. Those are some of the reasons that I am voting yes for the DO NOT PASS.

**Representative Paulson:** If this DO NOT PASS is effective; then would we be done working with this bill?

**Chairman Ruby:** Yes.

**A roll call vote was taken: Aye 3 Nay 8 Absent 3  
The motion failed. Vote 3.**

**Chairman Ruby:** I would like to see some changes before the bill will be acceptable to me. We can hold the bill for now.

**Representative Owens:** I will work on an amendment.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1239  
1/25/2019  
#31505

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature Jeanette Cook
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### Explanation or reason for introduction of bill/resolution:

A bill relating to the effect of state law on city or county ordinances and to statutory fees for noncriminal traffic offences; and to provide a penalty.

### Minutes:

Attachment #1
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**Chairman Ruby brought HB 1239 back before the committee.**

**Representative Owens** provided a possible amendment. See attachment #1. He stated that the changes he is proposing still include the changes about commercial vehicles. He couldn't remember if we had passed an amendment to remove it.

**Representative Hanson:** We did already pass an amendment to delete the commercial section.

**Chairman Ruby:** Line 16 the littering one was removed and the motor carriers on a previous amendment.

**Representative Owens** reviewed the changes as written in the amendment. See attachment #1. Change Page 2, line 14 to line 15 and P 2, line 15 to line 14.

**Representative Owens** will get a Christmas tree version of the bill from LC, so it will be easier to understand the changes.

**Chairman Ruby:** We will bring this to see the Christmas tree version.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1239-3  
1/31/2019  
# 31948

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature   Jeanette Cook
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### Explanation or reason for introduction of bill/resolution:

A bill relating to the effect of state law on city or county ordinances and to statutory fees for noncriminal traffic offences; and to provide a penalty.

### Minutes:

Attachments 1-2
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**Chairman Ruby** brought HB 1239 back before the committee.

**Representative Owens** provided amendments and a Christmas Tree version for HB 1239. See attachments #1-2. An explanation was given. The amendment changes some of the non-moving violations back to the way they were. The Christmas Tree version shows the changes.

**Chairman Ruby:** Do you plan to leave Section 3 in there?

**Representative Owens:** Yes.

**Chairman Ruby:** There used to be a conflict between a fee and a fine. Now, they have determined that, "Anything that is a monetary penalty is considered a fine." So, according to the constitution that would require the fines in the counties to be going to the Common Schools Trust Fund. The city fines go directly to the city, so that goes to their general fund. It is one area that we could require that to go to the road fund, but I'm sure they wouldn't be happy about that. I thought that maybe it would be more acceptable to the body if the difference went into roads, since we are always looking for more money for roads. I will still have problems with the 100% increase, since we are already raising the rates.

**Representative Owens:** I left the 100% in the bill because I talked to some Chiefs of Police, and they were adamant that they want the deterrents not the money. The cities feel that their hands are tied right now because our fines are not a deterrent.

**Representative Paur:** I don't like line 16 on p. 2 where we drop the littering back to \$250. We just raised it last session. It was mainly to do with Hwy 85, where they were having real trouble with that. They have probably put up signs, and now we are going to change it again?

I think it made people think twice. You would not want to be the 1 in 1000 that was caught and had to pay a \$500 fine.

**Vice Chairman Rick C. Becker:** I think the county could keep the fine at \$500, since according to the amendment, they could double the fines.

**Chairman Ruby:** No, this is city ordinance. It doesn't apply to county.

**Representative Owens moved the amendments and add to the amendment – remove Section 3.**

**Representative Westlind seconded the motion.**

**A roll call vote was taken: Aye 14 Nay 0 Absent 0**

**The motion carried.**

**Representative Owens moved a DO PASS as amended on HB 1239.**

**Representative Hanson seconded the motion.**

**Vice Chairman Rick C. Becker:** I am going to resist. I understand the idea of deterrents, but feel comfortable that most of my constituents don't want me to raise the fines.

**Representative Weisz:** I think the only part I liked about the bill was stripped out. I don't think we have problems on the highways. The issues seem to be in the cities. I would like the cities to have increases if they think it would help. I will resist the motion.

**Representative Paur:** I will vote no on this. People keep talking about Minnesota. I go down there quite often. I don't see that the high fines are slowing people down. They drive faster than those in North Dakota, and they have a lower speed limit.

**Chairman Ruby:** Since we are raising the speed limit in one of our bills, maybe it wouldn't hurt to have a little more deterrent to keep people from driving 90-100. I will support the motion.

**A roll call vote was taken: Aye 5 Nay 9 Absent 0**

**The motion failed.**

**Vice Chairman Rick C. Becker moved a DO NOT PASS as amended on HB 1239.**

**Representative Weisz seconded the motion.**

**A roll call vote was taken: Aye 9 Nay 5 Absent 0**

**The motion carried.**

**Representative Weisz will carry HB 1239.**



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1239

- Page 1, line 1, remove ", and subsection 2"
- Page 1, line 2, remove "of section 40-05-06"
- Page 2, line 4, remove the overstrike over "fifty"
- Page 2, line 4, remove "one hundred"
- Page 2, line 6, remove the overstrike over "fifty"
- Page 2, line 6, remove "one hundred"
- Page 2, line 9, remove the overstrike over "one"
- Page 2, line 9, remove "two"
- Page 2, line 10, remove the overstrike over "one"
- Page 2, line 10, remove "two"
- Page 2, line 13, remove the overstrike over "one"
- Page 2, line 13, remove "two"
- Page 2, line 14, remove the overstrike over "two hundred fifty"
- Page 2, line 14, remove "five"
- Page 2, line 15, remove "hundred"
- Page 2, line 16, replace "one thousand" with "two hundred fifty"
- Page 2, line 17, remove the overstrike over "thirty"
- Page 2, line 17, remove "sixty"
- Page 2, line 18, remove the overstrike over "thirty"
- Page 2, line 18, remove "sixty"
- Page 2, line 20, remove the overstrike over "one hundred fifty"
- Page 2, line 20, remove "three hundred"
- Page 2, line 21, remove the overstrike over "three"
- Page 2, line 21, remove "six"
- Page 2, line 23, remove the overstrike over "two"
- Page 2, line 24, remove the overstrike over "hundred fifty"
- Page 2, line 24, remove "five hundred"
- Page 2, line 31, replace "20" with "15"
- Page 3, line 1, replace "30" with "25"

DA 1/31/19  
Zof2

Page 3, line 2, replace "50" with "35"  
Page 3, line 3, replace "80" with "50"  
Page 3, line 4, replace "140" with "90"  
Page 3, line 5, replace "\$200" with "\$140"  
Page 3, line 18, remove the overstrike over "~~one~~"  
Page 3, line 18, remove "two"  
Page 3, line 21, remove the overstrike over "~~two hundred fifty~~"  
Page 3, line 21, remove "five hundred"  
Page 3, line 24, remove the overstrike over "~~five hundred~~"  
Page 3, line 24, remove "one thousand"  
Page 3, line 26, remove the overstrike over "~~fifty~~"  
Page 3, line 26, remove "one hundred"  
Page 3, line 31, replace "eighty" with "one hundred"  
Page 4, line 1, replace "eighty" with "one hundred"  
Page 4, line 6, remove "sixty"  
Page 4, line 7, remove "sixty"  
Page 4, line 12, replace "\$160" with "\$100"  
Page 4, remove lines 13 through 19  
Renumber accordingly

Date: 1-18-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE

ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1239

House Transportation

Committee

☐ Subcommittee

Amendment LC# or Description:

Remove p. 3 Lines 13-26

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

Hanson

Seconded By

Westlund

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY			REP LAURIEBETH HAGER		
VICE CHAIR BECKER			REP KARLA ROSE HANSON		
REP JIM GRUENEICH			REP MARVIN NELSON		
REP TERRY JONES					
REP TOM KADING					
REP EMILY O'BRIEN					
REP MARK OWENS					
REP BOB PAULSON					
REP GARY PAUR					
REP ROBIN WEISZ					
REP GREG WESTLIND					

*Vote  
Vote  
Carried*

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

Absent \_\_\_\_\_

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

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

Remove lines 13-26

Date: 1-18-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1239

House Transportation

Committee

☐ Subcommittee

Amendment LC# or Description: p.2 Line 16 Remove overstrike

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

Owens

Seconded By

Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY			REP LAURIEBETH HAGER		
VICE CHAIR BECKER			REP KARLA ROSE HANSON		
REP JIM GRUENEICH			REP MARVIN NELSON		
REP TERRY JONES					
REP TOM KADING					
REP EMILY O'BRIEN					
REP MARK OWENS					
REP BOB PAULSON					
REP GARY PAUR					
REP ROBIN WEISZ					
REP GREG WESTLIND					

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

Absent \_\_\_\_\_

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

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

p.2 Line 16 (1059) Remove overstrike and  
Remove \$1000.  
underlined over \$500

Date: 1-18-19  
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE

ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1239

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 Becker Seconded By Kading

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY		X	REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON		X
REP JIM GRUENEICH	A		REP MARVIN NELSON		X
REP TERRY JONES		X			
REP TOM KADING	X				
REP EMILY O'BRIEN		X			
REP MARK OWENS		X			
REP BOB PAULSON		X			
REP GARY PAUR	A				
REP ROBIN WEISZ	A				
REP GREG WESTLIND		X			

Total (Yes) 3 No 8

Absent 3

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

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

Date: 1-31-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE

ROLL CALL VOTES

BILL/RESOLUTION NO. HB1239

House Transportation

Committee

☐ Subcommittee

Amendment LC# or Description: 19.0559.02001 Remove Sec. 3

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 Owens

Seconded By Westlund

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ	X				
REP GREG WESTLUND	X				

Total (Yes) 14 No 0

Absent 0

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

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

Remove Sect. 3

Date: 1-31-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1239

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0559.02002

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 Owens Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER		X
VICE CHAIR BECKER		X	REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH		X	REP MARVIN NELSON	X	
REP TERRY JONES		X			
REP TOM KADING		X			
REP EMILY O'BRIEN		X			
REP MARK OWENS	X				
REP BOB PAULSON		X			
REP GARY PAUR		X			
REP ROBIN WEISZ		X			
REP GREG WESTLIND	X				

Total (Yes) 5 No 9

Absent 0

Floor Assignment Failed

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



Date: 1-31-19  
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1239

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0559.02002

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 Becker Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY		X	REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON		X
REP JIM GRUENEICH	X		REP MARVIN NELSON		X
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS		X			
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ	X				
REP GREG WESTLIND		X			

Total (Yes) 9 No 5

Absent 0

Floor Assignment Weisz

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



**REPORT OF STANDING COMMITTEE**

**HB 1239: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", and subsection 2"

Page 1, line 2, remove "of section 40-05-06"

Page 2, line 4, remove the overstrike over "~~fifty~~"

Page 2, line 4, remove "one hundred"

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Page 3, line 2, replace "50" with "35"

Page 3, line 3, replace "80" with "50"

Page 3, line 4, replace "140" with "90"

Page 3, line 5, replace "\$200" with "\$140"

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Page 3, line 21, remove "five hundred"

Page 3, line 24, remove the overstrike over "~~five hundred~~"

Page 3, line 24, remove "one thousand"

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Page 3, line 26, remove "one hundred"

Page 3, line 31, replace "eighty" with "one hundred"

Page 4, line 1, replace "eighty" with "one hundred"

Page 4, line 6, remove "sixty"

Page 4, line 7, remove "sixty"

Page 4, line 12, replace "\$160" with "\$100"

Page 4, remove lines 13 through 19

Renumber accordingly

**2019 TESTIMONY**

**HB 1239**

HB1239  
1-18-19  
#1

Testimony Prepared for the  
**House Transportation**

January 17, 2019

By: Greg Fetsch, Cavalier County Sheriff

**RE: House Bill 1239**

Chairman Ruby, and Transportation Committee members my name is Greg Fetsch the Sheriff in Cavalier County. I'm here to testify in support of House Bill 1239 which looks to raise traffic fines. The incredibly low traffic fines we have currently in the state has been recognized by those of us in law enforcement for years.

Reckless drivers put others at risk, and they're contributing to the rise in crashes we're seeing on our roads nationwide.

I'd like to begin my testimony by giving you a time-line of vehicle crashes, fatalities and injuries that law enforcement is responding to in North Dakota.

In North Dakota (*Using dating from 2017 North Dakota Crash Summary*):

- One motor-vehicle crash happens every 34 minutes.
- Every 2 hours one person is injured in a crash.
- Every 3 days one person dies in a crash.
- Every 3 ¾ hours, a speed related crash occurs.
- Every 13 days there is one speed-related vehicle fatality.
- Every 7 days one unbelted vehicle occupant dies.
- Every 10 hours one alcohol related crash occurs.
- Every 7 days one alcohol related fatality happens.

Penalties for traffic violations are part of the traffic law enforcement chain. According to deterrence theory, a sufficiently high chance of detection of a violation and a sufficiently high penalty will deter drivers from committing traffic violations.

I firmly believe that if we can decrease traffic violations - we will save lives.

A 2016 meta-analysis (SWOC Institute for Road Safety Research) indicated that increasing traffic fines by 50% or more are associated with a 15% decrease in violations. An increase in fines was associated with a 5-10% reduction in all crashes and a 1-12% reduction in fatal crashes following penalty increases.

Chairman Ruby, and members of the committee, evidence shows that the size of the fine has a direct effect of violation behavior. I urge you to pass House Bill 1239.



Testimony to the  
**House Transportation Committee**  
Prepared January 16, 2019  
by Ryan Gellner, North Dakota Association of Counties

**Regarding: HB 1239**

1-18-19  
# 2

My Name is Ryan Gellner, representing the North Dakota Association of Counties.

The North Dakota Association of Counties and the North Dakota County Commissioners Association support HB 1239.

In North Dakota there are over ten-thousand miles of county roads that counties are ultimately responsible for. In 94 fatal crashes in 2018 (Preliminary data from NDDOT), 27-percent of those fatal crashes happened on Country Roads. Doing whatever we can to protect those driving on county roads, or any road for that matter, is an important part of that responsibility.

North Dakota's fine structure for the violation of our traffic laws is one of the lowest in the nation. The Association of Counties supports fines that provide greater deterrence to speeding, reckless and unsafe driving practices.

Studies have shown that fine increases are associated with a 5-10% reduction in all crashes, and a 1-12% reduction in fatal crashes. Our Association feels that the increase of traffic fines in HB 1239 will have an immediate positive impact on roadway safety. We firmly believe that the size of the fine will directly and positively affect driving behavior.

Thank you Chairman Ruby, and all the Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.

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Page 2, line 4. Remove overstrike and delete underlined.

Page 2, line 6. Remove overstrike and delete underlined.

Page 2, line 9. Remove overstrike and delete underlined.

Page 2, line 10. Remove overstrike and delete underlined.

Page 2, line 13. Remove overstrike and delete underlined.

Page 2, line <sup>15</sup>~~14~~. Delete underlined.

Page 2, line <sup>14</sup>~~15~~. Remove overstrike and delete underlined.

Page 2, line 16. Delete overstrike and underlined; after "of" insert "two hundred fifty".

Page 2, line 17. Remove overstrike and delete underlined.

Page 2, line 18. Remove overstrike and delete underlined.

Page 2, line 20. Remove overstrike and delete underlined.

Page 2, line 21. Remove overstrike and delete underlined.

Page 2, line 23. Remove overstrike.

Page 2, line 24. Remove overstrike and delete underlined.

Page 2, line 31. Change "underlined 20" to "underlined 15"

Page 3, line 1. Delete "underlined 30" and insert "underlined 25"

Page 3, line 2. Delete "underlined 50" and insert "underlined 35"

Page 3, line 3. Delete "underlined 80" and insert "underlined 50"

Page 3, line 4. Delete "underlined 140" and insert "underlined 90"

Page 3, line 5. Delete "underlined 200" and insert "underlined 140"

Page 3, delete lines 13-26.

Page 3, line 31. Delete "underlined eighty" and insert "underlined 100"

Page 4, line 1. Delete "underlined eighty" and insert "underlined 100"

Page 4, line 5. Delete "underlined sixty"

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Page 4, line 6. Delete "underlined sixty"

Page 4, line 11. Delete overstrike and underlined; after Fee delete "\$80" and insert after Fee "\$100"

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1239

- Page 2, line 4, remove the overstrike over "~~fifty~~"
- Page 2, line 4, remove "one hundred"
- Page 2, line 6, remove the overstrike over "~~fifty~~"
- Page 2, line 6, remove "one hundred"
- Page 2, line 9, remove the overstrike over "~~one~~"
- Page 2, line 9, remove "two"
- Page 2, line 10, remove the overstrike over "~~one~~"
- Page 2, line 10, remove "two"
- Page 2, line 13, remove the overstrike over "~~one~~"
- Page 2, line 13, remove "two"
- Page 2, line 14, remove the overstrike over "~~two hundred fifty~~"
- Page 2, line 14, remove "five"
- Page 2, line 15, remove "hundred"
- Page 2, line 16, replace "one thousand" with "two hundred fifty"
- Page 2, line 17, remove the overstrike over "~~thirty~~"
- Page 2, line 17, remove "sixty"
- Page 2, line 18, remove the overstrike over "~~thirty~~"
- Page 2, line 18, remove "sixty"
- Page 2, line 20, remove the overstrike over "~~one hundred fifty~~"
- Page 2, line 20, remove "three hundred"
- Page 2, line 21, remove the overstrike over "~~three~~"
- Page 2, line 21, remove "six"
- Page 2, line 23, remove the overstrike over "~~two~~"
- Page 2, line 24, remove the overstrike over "~~hundred fifty~~"
- Page 2, line 24, remove "five hundred"
- Page 2, line 31, replace "20" with "15"
- Page 3, line 1, replace "30" with "25"
- Page 3, line 2, replace "50" with "35"
- Page 3, line 3, replace "80" with "50"



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Page 3, line 4, replace "140" with "90"

Page 3, line 5, replace "\$200" with "\$140"

Page 3, line 18, remove the overstrike over "~~one~~"

Page 3, line 18, remove "two"

Page 3, line 21, remove the overstrike over "~~two hundred fifty~~"

Page 3, line 21, remove "five hundred"

Page 3, line 24, remove the overstrike over "~~five hundred~~"

Page 3, line 24, remove "one thousand"

Page 3, line 26, remove the overstrike over "~~fifty~~"

Page 3, line 26, remove "one hundred"

Page 3, line 31, replace "eighty" with "one hundred"

Page 4, line 1, replace "eighty" with "one hundred"

Page 4, line 6, remove "sixty"

Page 4, line 7, remove "sixty"

Page 4, line 12, replace "\$160" with "\$100"

Renumber accordingly

Sixty-sixth  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1239

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Introduced by

Representative Owens

Senator Kreun

1 A BILL for an Act to amend and reenact sections 12.1-01-05 and 39-06.1-06, and subsection 2  
2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city  
3 or county ordinances and to statutory fees for noncriminal traffic offenses; and to provide a  
4 penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12.1-01-05. Crimes defined by state law ~~shall~~may not be superseded by city or county**  
9 **ordinance or by home rule city's or county's charter or ordinance.**

10 ~~No~~Except as provided in section 40-05-06, an offense defined in this title or elsewhere by  
11 law ~~shall~~may not be superseded by any city or county ordinance, or city or county home rule  
12 charter, or by an ordinance adopted pursuant to such a charter, and all ~~such~~ offense definitions  
13 ~~shall~~ have full force and effect within the territorial limits and other jurisdiction of home rule cities  
14 or counties. This section ~~shall~~does not preclude any city or county from enacting any ordinance  
15 containing penal language when otherwise authorized to do so by law.

16 **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **39-06.1-06. Amount of statutory fees.**

19 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
20 be as follows:

21 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of ~~twenty~~forty dollars  
22 except for a violation of any traffic parking regulation on any state charitable or penal  
23 institution property or on the state capitol grounds, a fee in the amount of ~~five~~ten  
24 dollars, excluding a violation of subsection 11 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of ~~twenty~~ forty dollars, except for:
- a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty ~~one hundred~~ dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty ~~one hundred~~ dollars.
  - c. A violation of section 39-21-41.2, a fee of ~~twenty-five~~ fifty dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one ~~two~~ hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one ~~two~~ hundred dollars.
  - f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one ~~two~~ hundred dollars.
  - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred ~~fifty-five~~ hundred dollars.
  - h. A violation of section 39-10-59, a fee of ~~five hundred~~ one thousand ~~two hundred~~ fifty dollars.
  - i. A violation of section 39-09-01, a fee of thirty ~~sixty~~ dollars.
  - j. A violation of section 39-09-01.1, a fee of thirty ~~sixty~~ dollars.
  - k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one~~ two hundred dollars.
  - l. A violation of subsection 1 of section 39-08-20, one hundred ~~fifty-three~~ hundred dollars for a first violation and three ~~six~~ hundred dollars for a second or subsequent violation in three years.
3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred ~~fifty~~ five hundred dollars.
4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:
- | Miles per hour over<br>lawful speed limit | Fee   |
|---|---|
| 1 - 5                                     | \$ <u>5</u> <del>10</del>   |
| 6 - 10                                    | \$ <u>5</u> <del>10</del> plus \$1/each mph over 5 mph over limit |

1	11 - 15	\$ <del>1020</del> 15 plus \$1/each mph over 10 mph over limit
2	16 - 20	\$ <del>1530</del> 25 plus \$2/each mph over 15 mph over limit
3	21 - 25	\$ <del>2550</del> 35 plus \$3/each mph over 20 mph over limit
4	26 - 35	\$ <del>4080</del> 50 plus \$3/each mph over 25 mph over limit
5	36 - 45	\$ <del>7014</del> 90 plus \$3/each mph over 35 mph over limit
6	46 +	\$ <del>100</del> <del>200</del> 140 plus \$5/each mph over 45 mph over limit

5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over

lawful speed limit

Fee

1 - 10      \$~~2~~4/each mph over limit

11 +      \$~~20~~40 plus \$5/each mph over 10 mph over limit

6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, ~~one~~two hundred dollars;
- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, ~~two hundred~~ ~~fifty~~five hundred dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, ~~five hundred~~one thousand dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, ~~fifty~~one hundred dollars.

7. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of ~~five~~ten dollars for each mile per hour over the limit.

8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of ~~fortyeighty~~eightyone hundred dollars for one through ten miles per hour over the posted speed; and ~~fortyeightyone hundred~~ dollars, plus ~~one dollar~~two dollars for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of ~~eightyone hundred~~sixty dollars for one through ten miles per hour over the posted speed; and ~~eightyone hundred~~sixty dollars plus ~~two~~four dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee ~~\$80~~\$160\$100".

**SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance ~~regulating~~that regulates the operation or equipment of ~~a motor vehicles~~vehicle or ~~regulating~~which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may ~~not~~ exceed by one hundred percent the ~~limits~~limit for an equivalent ~~categories~~category of ~~violations~~violation, set forth in section 39-06.1-06.