

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1113

2007 HOUSE TRANSPORTATION

HB 1113

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1113

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-12-2007

Recorder Job Number: 1006

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1113. All Representatives were present. HB 1113 relates to traffic fees.**

**Rep. Gruchalla introduced the bill.**

**Rep. Gruchalla:** This bill came about as a result of my previous life in law enforcement. After seeing the inequities have occurred over the years in the traffic fine structure. You will hear testimony that the thirty nine codes has a fixed dollar amount of twenty dollars all through it and it's been that way for over thirty years, since it has been updated. Since that time a lot of the home rule cities have adopted different fine structures or raised them. So this is just an attempt to gain some parity. Right now you can be stopped at the same stop sign in certain cities and you might get fined twenty dollars if it's a highway patrolman or deputy and it could be sixty dollars if it is a city policeman or one hundred dollars if you were in another city. So it's just a bill trying to get things back in order. The money for traffic fines as everybody knows in our state goes into the school fund, so it's not a revenue producer for law enforcement. They don't get any money out of that fine structure. There are other people here to testify, so thank you very much.

**Jim Thorson**, Chief Deputy with the Cass County Sheriff's Office spoke in support of the bill.

See written testimony.

**Rep. Ruby:** Do you think the motorist realizes that who is pulling them over whether the fine is lower or higher?

**Thorson:** I don't think so.

**Rep. Thorpe:** I think the rational personally; I feel is anything outside of the city doesn't have near the impact as the heavy traffic in the cities on a lot of these offenses. Wouldn't you think that that is part of the reason for the variances in the county?

**Thorson:** I think probably the reason that it is where it is is that it was set a long time ago. Municipal courts have adjusted theirs.

**Rep. Thorpe:** And that is the point I wanted to make. There is a variable there as to the severity of the offense.

**Thorson:** I do think however those points assessed are the same whether it be in a municipality or out on a roadway.

**Rep. Thorpe:** Wouldn't you agree that the offense the big consequence is all of the sudden; the individual will find that they are looking at risk insurance and the cost of this insurance that should be the big detour ant.

**Thorson:** We recently did a study and in Cass County we had an excess of seven thousand suspended drivers. I think the people are more concerned about points assessed against their driving privileges than they are with the fine that they pay.

**Rep. Thorpe:** I guess I was fishing for the point the raising the fee on the infraction is going to be a bigger detour ant.

**Thorson:** I am not sure that the fine is going to be a large deterrent. I think we are just seeking parity across the state.

**Keith Ternes**, Chief of Police for the City of Fargo spoke in support of the bill. See written testimony.

**Rep. Owens:** You stated that safety issues and concerns of poor driving in neighborhoods was part of traffic issue, as opposed to a state issue. Is it your contention though, that the cause of the lower fees across the state contributes to that driving behavior that transcends as you come into Fargo?

**Ternes:** No, I can't say that because prior to last year there was a significant amount of disparity between the traffic fines and the city of Fargo, and the traffic fines and the city of Moorhead, MN. For me to tell you that driving behavior changed as soon as people drove across the river into Minnesota would not be true. Like I said, I firmly believe that right now there is little to no detour ant effect especially in the rural areas of the state. If you are traveling on the interstate, state highway, because of the low traffic fines.

**Rep. Delmore:** I am just looking at this Fargo police information and I am wondering if one of the reasons that you increase the fees the way you did in Fargo was because of what is listed here under Moorehead. Is that more of a slash line types of adjustment that you made?

**Ternes:** Simply because the fines in Moorehead were higher is not the sole reason for us adjusting ours. What we recognized is that our fines, although higher when compared to the existing state traffic fines, we are still lower in cities of comparable size. In other words, we try to take a look at cities who should have some of the same traffic issues and problems that the city of Fargo has, and so, looking at them and seeing that they were low when compared to those other cities, but with the same issues, we recognized that it was time to increase ours. Looking at the bill as it is proposed, although much smaller in scale than in ratio, I think to some extent you will see the same type of response state wide of almost fifty percent.

**Rep. Delmore:** What other major cities in North Dakota had already raised their fees that you wanted to align your fees?

**Ternes:** The cities that I have listed. Bismarck, Grand Forks.

**Rep. Delmore:** They have raised theirs already.

**Ternes:** Those that are outlined in the century code, yes.

**Rep. Ruby:** Apparently this bill is trying to get some parity from the committee and if you look at some of the other fines, like DUI, DUS, no insurance, those are all possible. Why isn't there a push to do the same with almost every fine?

**Ternes:** I can't speak to why those violations either or were not included but what I can tell you is that in the city of Fargo we try to structure our increase around one critical dynamic and that is the number of traffic crashes that are occurring as a result of poor driving. So our increases in the city were focused primarily on not just moving violations, but the violations that we could make a very strong argument towards that they were contributing to a high number of the almost four thousand crashes a year occurring within the city. We did not increase our fines across the board.

**Rep. Delmore:** Have you figured out the ratio of citations given by the patrol in Fargo vs. those by your local law enforcement, are there significant patrol citations?

**Ternes?** I don't have an exact number, what I do know is that based on the volume of work those two departments have in and of themselves; they spend very little time within the city.

**Rep. Schmidt:** The district that I represent is all rural people. They don't drive in Fargo very often, but they have to go there for medical centers. Say they are going down the street in Fargo, Grandpa's driving and Grandma says, you gotta get in the left lane. So he pulls into the left lane and doesn't cause an accident. Horns honk and an officer is in the area and sees this. What citation would he be cited on?

**Ternes:** It happens everyday in Fargo where somebody from out of town goes down the one way, the wrong way, because they don't know. In those instances, hopefully the officers exercise good discretion and can accomplish the same thing maybe by issuing a warning as opposed to a ticket. If a ticket is issued, it would be under the city fine schedule and it would be the higher fine.

**Colonel Bryan Klipfel**, Superintendent of the North Dakota Highway Patrol provided written information for the committee. See attached.

**Mitch Rumble**, North Dakota police officer, spoke in support of the bill. When I started my career in law enforcement, the fines were either twenty dollars or forty dollars for speeding. If you were going seventy five miles an hour in a fifty five mile an hour zone, the fine was twenty dollars. Now, the fines are lower than they were thirty years ago. In 1978, the fee for going sixty eight in a fifty five zone was twenty dollars and now its thirteen dollars. In 1978 the fine for seventy six in a fifty five zone was forty dollars and it's now twenty eight dollars. The current fee schedule I believe is outdated and it encourages people to exceed the speed limit and not obey it.

**Connie Sprynczynatyk**, of the league of cities, spoke in support of the bill.

**Connie:** You can guess that community leaders are all interested in this issue. When we have parking violations, the local fines are tied to the same section of the century code that you are dealing with in this bill. Yesterday I received a potential bill draft from one of Fargo's city attorney's who is working on this issue and so I would like to bookmark with the committee that perhaps, whether we use the bill draft that deals with violation regarding operation of vehicle equipment, or if we modify one of the sections in this bill, the request is going to be that we have specific language that allows a home rule city by ordinance to establish fees in excess of what is now limited by state law. So I would bow to your preferences.

**Tracy Buzick**, Trooper from Hillsboro, handed out information to the committee. See attached.

There were no questions from the committee.

**Chairman Weisz allowed time for opposition to HB 1113**

**Dwayne Wahl**, representing himself, spoke against the bill. First of all I think that this bill is mainly going to impact the rural areas because from Fargo to Hillsboro to Grand Forks to Bismarck the more populated areas, already have fines that they feel are adequate for their area. What is wrong with each town adjusting to their needs. Everybody from this point has been saying, well we gotta be the same all the way across, but we don't have the same scenarios in Wishek or Ashley that they do in Fargo. Why should the fine structure be the same?

There were no questions from the committee.

**Jack Potter**, Bismarck resident, spoke in opposition to the bill .

**Potter:** I'm here because I heard a Rep. Gruchalla on the radio last week making reference to increasing the fines because he wanted to be in balance with Fargo. My first reaction was, so what!. How many people that he represents have called him and asked him to raise the fine? I think I know the answer. After sitting here this morning and listening, these officers are here, have stated themselves that it doesn't help. One person said there were seven thousand people in Cass County that don't have licenses. To raise fines for parity or balance makes no sense. I have heard them talk about the speeding as a main issue, more accidents. I guess I would disagree. I think probably there are a lot of inattentive things going on that cause accidents. I think those issues need to be addressed with education of new drivers and possibly the existing drivers. I have been in sales for thirty years and I drive in a lot of the cities in North Dakota. I see people of all ages, who runs stop signs and among that group are officers. Police, highway patrol and sheriffs. I encourage you to defeat this bill.

**There were no questions for Potter.**

**There was no further opposition. Chairman Weisz closed the hearing on HB 1113. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1113

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-19-2007

Recorder Job Number: 1451

Committee Clerk Signature

*Lisa M. Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1113. All Representatives were present.**

**HB 1113 relates to traffic fees.**

**Rep. Thorpe:** I had a problem with the increases across the board. See attached amendments. There is a lot of just moving violations and safety related. The reason I told them that I opposed that is as long as I have been here, we have always been discussing the cost of social services, the uninsured motorists and I don't know about the rest of you, but in my district, I have an awful lot of folks that at the end of the month, when their next paycheck is coming, they probably don't have any extra money to purchase or pay insurance premium. Those folks out there only have so much money and if we are going to skim their pocket book, we are just going to have more uninsured drivers. Therefore, I have the amendments.

**Rep. Weisz:** So, you are taking out all of the increases on the fines for speeding and removing the non-moving violation, does the committee understand?

**Rep. Thorpe:** On the speeding, it was my understanding that this amendment would show that five dollars a mile over the posted speed limit.

**Rep. Weisz:** How come we removed the overstrike?

**Rep. Weisz:** Okay, left the fine for speeding in, left the moving violation increases in, and took out the non-moving violation increase.

**Rep. Thorpe:** I believe that's right.

**Rep. Gruchalla:** I don't have any problem with the amendments. The increases were to raise the twenty dollar fee, which is the standard fee for violations all throughout the 39 code and to raise it up to fifty is apparently it was 1956 when the bill went in to put it at twenty dollars and if you calculate that out, it would be somewhere between eighty and one hundred dollars. This changes that twenty to a fifty, so it looks like a big jump but in essence I think the legislature in 1956 wanted it to be a pretty strict fee at that point. As far as the non moving violations, I don't have a problem.

**Rep. Thorpe moved to adopt the amendment. Rep. Myxter seconded.**

**Roll Call Vote: 10 yes. 3 no. 0 absent. Amendments were adopted.**

**Rep. Thorpe moved a DO PASS AS AMENDED. Rep. Myxter seconded.**

**Roll Call Vote: 5 yes. 8 no. 0 absent. Motion failed.**

**Rep. Kelsch moved a DO NOT PASS. Rep. Ruby seconded.**

**Roll Call Vote: 8 yes. 5 no. 0 absent. Motion carried.**

**Carrier: Rep. Weisz**

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 1, line 1, remove "39-04-55 and" and remove "subsection 1 of"

Page 1, line 2, remove "section 39-08-03.1, and sections 39-08-18,", remove "39-10.1-01,",  
after the fifth comma insert "and", and remove the sixth comma

Page 1, line 3, remove "39-21-09, and 39-21-50"

Page 1, remove lines 5 through 21

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

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

Page 2, line 31, overstrike "not less than", remove "twenty", overstrike "dollars nor more than",  
and replace "sixty" with "fifty"

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 3, line 11, remove the overstrike over "~~twenty~~" and remove "fifty"

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 4, remove lines 15 through 31

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 5, remove lines 1 through 30

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 6, remove lines 21 through 29

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 7, remove lines 1 through 3

Page 7, remove lines 22 through 29

**House Amendments to HB 1113 (70375.0101) - Transportation Committee 01/19/2007**

Page 8, remove lines 1 through 22

Renumber accordingly

Date: 1-19-07  
Roll Call Vote #: 1113

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_ #1

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken move to add amendment

Motion Made By Thorpe Seconded By Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		✓	Rep. Delmore	✓	
Vice Chairman Ruby		✓	Rep. Gruchalla		✓
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 10 No 3

Absent 0

Floor Assignment Weisz

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

Pass

Date: 1-19-07  
Roll Call Vote #: HB 1113

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_

#2

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended

Motion Made By Rep. Thorpe Seconded By Rep. Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		✓	Rep. Delmore	✓	
Vice Chairman Ruby		✓	Rep. Gruchalla	✓	
Rep. Dosch		✓	Rep. Myxter	✓	
Rep. Kelsch		✓	Rep. Schmidt		✓
Rep. Owens		✓	Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut		✓			
Rep. Vigasaa		✓			

Total Yes 5 No 5

Absent Motion failed

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

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

Date: 1-19-07  
Roll Call Vote #: HB 1113

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_

#3

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do not pass

Motion Made By Kelsch Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore		✓
Vice Chairman Ruby	✓		Rep. Gruchalla		✓
Rep. Dosch	✓		Rep. Myxter		✓
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe		✓
Rep. Price		✓			
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 8 No 5

Absent \_\_\_\_\_

Floor Assignment Rep. Weisz

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

REPORT OF STANDING COMMITTEE

HB 1113: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "39-04-55 and" and remove "subsection 1 of"

Page 1, line 2, remove "section 39-08-03.1, and sections 39-08-18,", remove "39-10.1-01,", after the fifth comma insert "and", and remove the sixth comma

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Page 7, remove lines 1 through 3

Page 7, remove lines 22 through 29

Page 8, remove lines 1 through 22

Renumber accordingly

2007 TESTIMONY

HB 1113

## TESTIMONY IN FAVOR OF HOUSE BILL 1113

Mr. Chairman and members of the committee, my name is Jim Thoreson. I am a Chief Deputy with the Cass County Sheriff's Office and I am here to speak in support of House Bill 1113.

The purpose in our office bringing this issue to our local legislators was an attempt to create some parity for fines assessed for traffic offenses throughout the state; whether it is in State Court or Municipal Court. Our office does not have a financial stake in this matter as all of the citations our deputies issue into State Court, the fines go to the State.

I have provided a spread sheet our office has put together regarding fines from various Municipal Courts across the State. We had contacted Municipal Court Clerks in Fargo, West Fargo, Grand Forks, Bismarck, Jamestown, Dickinson, and Minot; and had them send us their fee schedules. As you can see, the fine amounts vary from city to city, but the fines in State Court are consistently lower than any Municipal Court in the State.

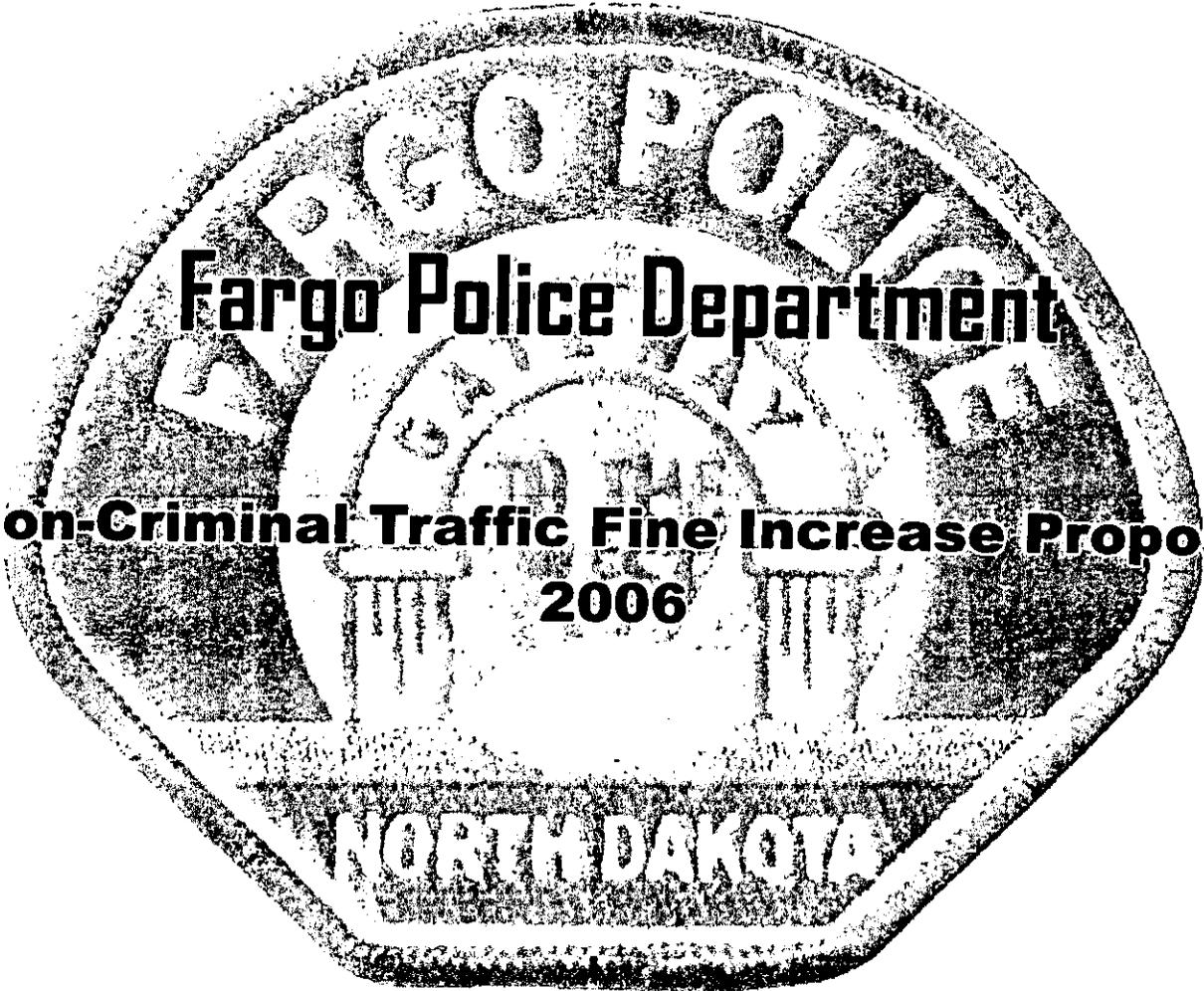
Again, our support for this Bill is in the interest of parity across the State. It should not be that if a Cass County Sheriff's Deputy cites a motorist for a stop sign violation, the penalty is \$20.00; and if a Fargo Policeman cites a motorist for the same stop sign violation, the penalty is \$100.00.

Our job is not to be revenue producers, but rather provide for traffic safety on our roads and highways. I can't tell you how many times I have heard, however, of an individual who has been cited saying, "You have got to be kidding," when told of a

\$20.00 penalty. By increasing the fines to a comparable level with Municipal Courts, it may provide a deterrent factor that will keep our roadways safer.

Thank you for your time and I will be happy to answer any questions you may have.

	State of North Dakota	Fargo Municipal Court	West Fargo Municipal Court	Grand Forks Municipal Court	Bismarck Municipal Court	Jamestown PD	Dickinson Municipal Court	Minot Municipal Court
Speeding 1- 10 Over	\$10	\$75	\$25	\$31	\$40	\$25	\$30	\$50
11 -15 Over	\$15	\$100	\$35	\$51	\$60	\$30	\$45	\$75
16 - 20 Over	\$25	\$125	\$45	\$61	\$85	\$40	\$60	\$100
21 - 25 Over	\$40	\$150	\$60	\$81	\$115	\$55	\$75	\$125
26 - 30 Over	\$55	\$175	\$85	\$111	\$145	\$70	\$90	\$150
Seatbelts	\$20	\$60	\$30	\$71	\$40	\$30	\$40	\$40
Child Restraint	\$25	\$60	\$30	\$101	\$40	\$30	\$40	\$40
Stop Sign	\$20	\$100	\$30	\$71	\$50	\$30	\$40	\$40
Red Light	\$20	\$100	\$30	\$101	\$50	\$30	\$40	\$40
DUS	\$300	\$300	\$350	\$251	\$350	\$200	\$300	\$500
DUI	\$300	\$500	\$400	\$507	\$350	\$500	\$500	\$500
No Insurance	\$150	\$150	\$250	\$151	\$350	\$150	\$200	\$300



# Fargo Police Department

## Non-Criminal Traffic Fine Increase Proposal 2006

Prepared by Sergeant Mike Mitchell, Traffic Safety Unit Supervisor, and Detective  
Leo Rognlin, Crime Analyst  
February 7, 2006

## Introduction

The Fargo Police Department recently conducted an analysis of the city's bail/fine schedule relative to non-criminal traffic violations. The analysis compared Fargo's fines for traffic violations such as speeding, careless driving, stop sign and red-light violations, etc., to the fines established by other cities of comparable size. Considering Fargo has not increased fines for traffic violations since 1996, and the costs for providing traffic safety services (police/fire/engineering/streets) have increased, it seems appropriate for the City to consider increasing the current fine schedule.

The analysis also considered what (if any) increase in traffic fines was necessary to deter the motoring public from committing a traffic violation in Fargo, thus reducing the number of traffic crashes occurring within the city and improving traffic safety overall. Conceptually speaking, drivers who compromise the safety of others while using Fargo's roadways (i.e. those violating the city's traffic laws) should be responsible for incurring the expenses associated with the city's traffic safety resources.

Finally, the residents of Fargo continue to be extremely concerned with traffic safety and the enforcement of traffic laws. Speeding, red-light running, and careless driving throughout the city are concerns which are brought to the attention of the police department on a daily basis. The police department continues to make traffic safety and enforcement of traffic laws a top priority. Everyday, patrol officers are expected to spend a significant amount of time engaged in traffic enforcement activities within their assigned patrol areas. The creation and development of the department's Traffic Safety Unit (TSU), which consists of officers assigned specifically to traffic enforcement duties (motorcycle patrol, crash investigations, etc.), demonstrates the commitment the department has made continues to make towards addressing the city's traffic concerns.

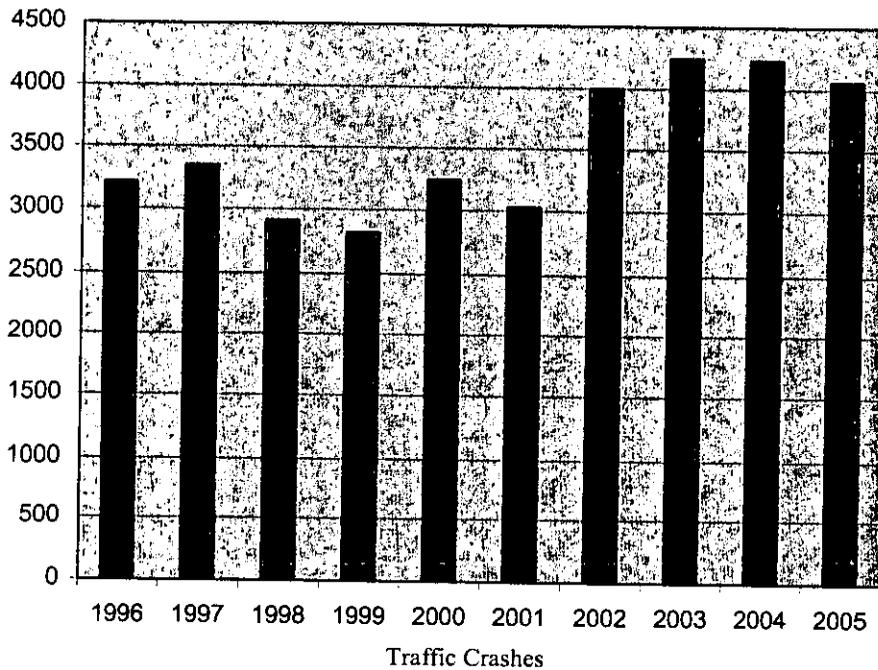
**Non-Criminal Traffic Fine Comparison:**

The table compares the existing traffic fines for non-criminal traffic violations in the City of Fargo with other cities of comparable size:

Citation	Fargo	Bismarck	Grand Forks	West Fargo	North Dakota Highway Patrol	Moorhead	Sioux Falls	Billings
Failure to Obey Stop Sign	\$60	\$50	\$71	\$30	\$20	\$132	\$94	\$95
Failure to Obey Traffic Signal (red-light)	\$60	\$50	\$101	\$30	\$20	\$132	\$94	\$95
Following too Close	\$60	\$50	\$41	\$30	\$20	\$132	\$94	\$95
Failure to Yield	\$60	\$50	\$41	\$30	\$20	\$132	\$94	\$95
Wrong Way on a One Way Street	\$60	\$50	\$71	\$30	\$20	\$132	\$94	\$95
Careless Driving	\$100	\$100	\$101	\$60	\$30	\$182	\$94	\$95
Seat Belt Violation	\$40	\$40	\$71	\$30	\$20	\$107	\$20	\$30
Failure to Display Vehicle License	\$60	\$40	\$31	\$30	\$20	\$122	\$69	\$95
Exhibition Driving	\$120	\$150	\$101	\$50	\$50	\$122	\$94	\$95
Failure to have Vehicle Under Control	\$60	\$50	\$51	\$50	\$30	\$132	\$94	\$95
Speeding: 10 MPH Over Limit	\$50	\$40	\$51	\$25	\$10	\$122	\$79	\$95
15 MPH Over Limit	\$70	\$60	\$51	\$35	\$15	\$142	\$99	\$95
20 MPH Over Limit	\$90	\$85	\$61	\$45	\$25	\$142	\$119	\$95
25 MPH Over Limit	\$120	\$115	\$81	\$60	\$40	\$152	\$119	\$95
30 MPH Over Limit	\$170	\$145	\$111	\$85	\$55	\$182	\$179	\$95

**Traffic Citations and Traffic Crashes for the City of Fargo:**

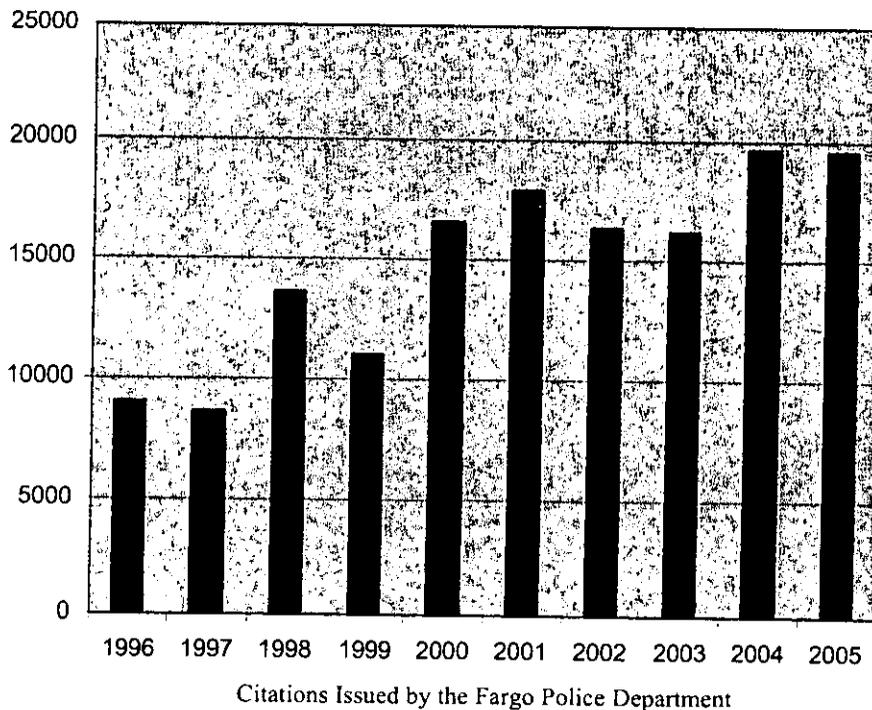
The tables below represent the number of traffic citations issued by the Fargo Police Department and the number of traffic crashes reported within the city each year for the past ten years, and includes a ten-year average. (The percentage of change demonstrates an increase or decrease from the previous year).



Year	#	% Change
2005	4052	-4%
2004	4217	-1%
2003	4241	6%
2002	3997	24%
2001	3023	-8%
2000	3252	13%
1999	2819	-3%
1998	2905	-15%
1997	3350	4%
1996	3208	

Annual Average = 3506

Increase from 1996 to 2006 = 26 %



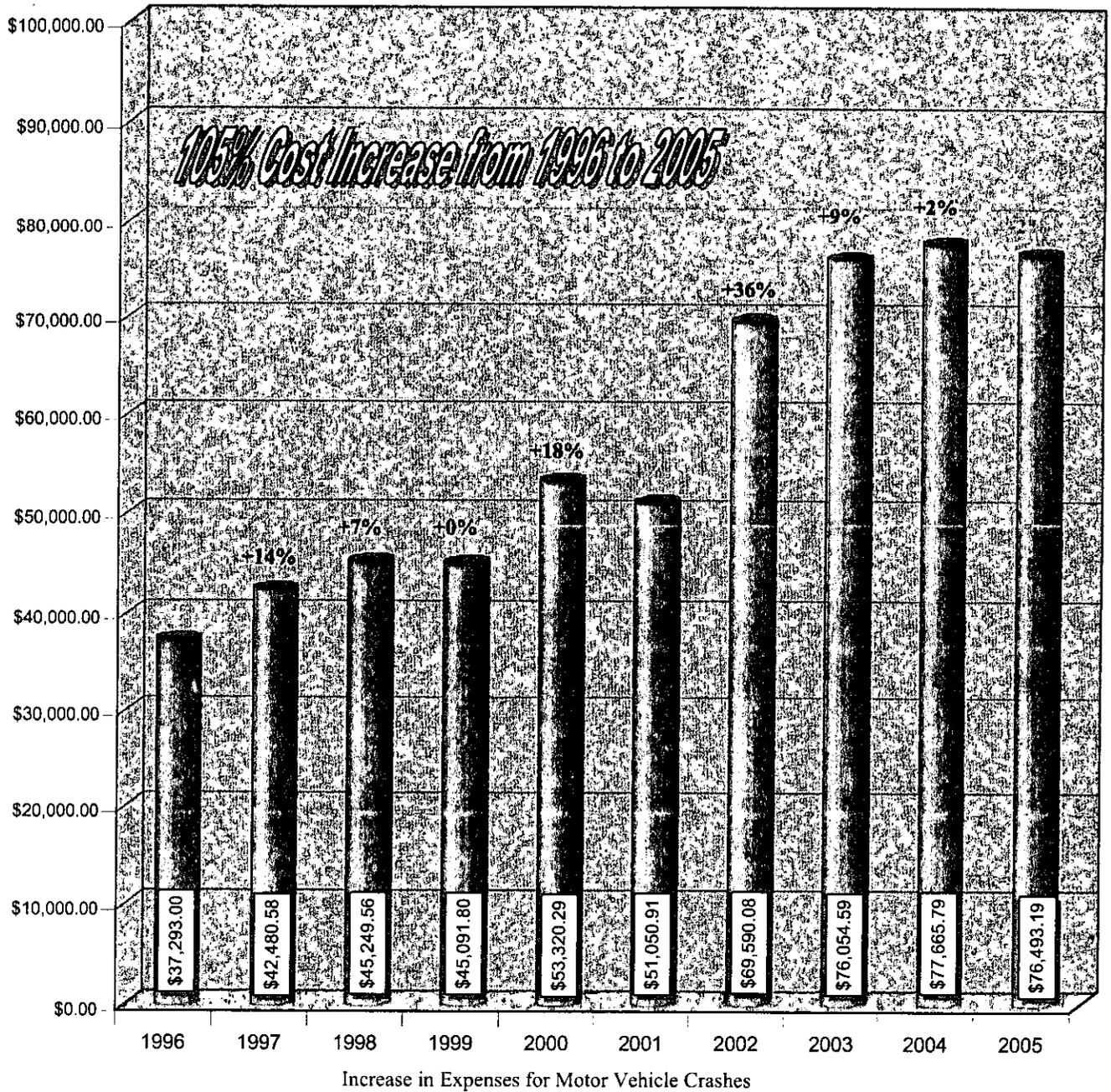
Year	#	% Change
2005	19605	-1%
2004	19704	18%
2003	16219	-1%
2002	16321	-10%
2001	17929	7%
2000	16607	34%
1999	11042	-23%
1998	13622	37%
1997	8622	-5%
1996	9088	

Annual Average = 14876

Increase from 1996 to 2006 = 116 %

**Expenses for Motor Vehicle Crash Response and Investigation:**

The table below demonstrates the increase in costs over the past ten years for police response to motor vehicle crashes. The information presumes that on average, one police officer responded to each crash and spent one hour completing the crash investigation.



Note: The costs reflected are extremely conservative and do not include the costs for other city services; i.e. fire and/or street department response, traffic engineering analysis, towing services, police support services.

**Non-Criminal Traffic Fine Increase Proposal:**

The table below represents the proposed increase in fines for non-criminal traffic violations within the City of Fargo:

Citation	North Dakota Highway Patrol										Fargo's Proposed Fine
	Fargo	Bismarck	Grand Forks	West Fargo	Moorhead	Sioux Falls	Billings				
Failure to Obey Stop Sign	\$60	\$50	\$71	\$30	\$132	\$94	\$95				\$100
Failure to Obey Traffic Signal (red-light)	\$60	\$50	\$101	\$30	\$132	\$94	\$95				\$100
Following too Close	\$60	\$50	\$41	\$30	\$132	\$94	\$95				\$100
Failure to Yield	\$60	\$50	\$41	\$30	\$132	\$94	\$95				\$100
Wrong Way on a One Way Street	\$60	\$50	\$71	\$30	\$132	\$94	\$95				\$100
Careless Driving	\$100	\$100	\$101	\$60	\$182	\$94	\$95				\$300
Seat Belt Violation	\$40	\$40	\$71	\$30	\$107	\$20	\$30				\$60
Failure to Display Vehicle License	\$60	\$40	\$31	\$30	\$122	\$69	\$95				\$100
Exhibition Driving	\$120	\$150	\$101	\$50	\$122	\$94	\$95				\$150
Failure to have Vehicle Under Control	\$60	\$50	\$51	\$50	\$132	\$94	\$95				\$100
Speeding :10 MPH Over Limit	\$50	\$40	\$51	\$25	\$122	\$79	\$95				\$75 1 - 10 Miles Over Limit
15 MPH Over Limit	\$70	\$60	\$51	\$35	\$142	\$99	\$95				\$100 11 - 15 Miles Over Limit
20 MPH Over Limit	\$90	\$85	\$61	\$45	\$142	\$119	\$95				\$125 16 - 20 Miles Over Limit
25 MPH Over Limit	\$120	\$115	\$81	\$60	\$152	\$119	\$95				\$150 21 - 25 Miles Over Limit
30 MPH Over Limit	\$170	\$145	\$111	\$85	\$182	\$179	\$95				\$175 26 - 30 Miles Over Limit

*Tracy Buzick*

Below are the current fee schedule and the proposed fees in HB 1113

Below shows a comparison of the current ND fines and proposed HB1113 fines to the average ND Municipal fines and average Tri-State fines. The Red number indicates the current/proposed fine is below the municipal and tri-s state fines.

SPEED OVER LIMIT	CURRENT FINE SCHEDULE		
	55 zone	65 zone	70-75 ZONE
10 MPH	\$10	\$20	\$50
15 MPH	\$15	\$45	\$75
20 MPH	\$25	\$70	\$100
25 MPH	\$40	\$95	\$125
30 MPH	\$55	\$120	\$150
35 MPH	\$70	\$145	\$175

SPEED (OVER LIMIT)	Current fine compared to				
	Municipal Average	55 Zone	65 Zone	70-75 zone	HB1113 Difference
10 MPH	\$43	-\$33	-\$23	\$7	\$7
15 MPH	\$61	-\$46	-\$16	\$14	\$14
20 MPH	\$82	-\$57	-\$12	\$18	\$18
25 MPH	\$107	-\$67	-\$12	\$18	\$18
30 MPH	\$149	-\$94	-\$29	\$1	\$1
35 MPH	\$168	-\$98	-\$23	\$7	\$7

SPEED (OVER LIMIT)	Current compared to Tri-State			HB1113 Difference	
	Tri-State Average	55 zone	65 zone		70-75 zone
10 MPH	\$74	-\$64	-\$54	-\$24	-\$24
15 MPH	\$94	-\$79	-\$49	-\$19	-\$19
20 MPH	\$127	-\$102	-\$57	-\$27	-\$27
25 MPH	\$137	-\$97	-\$42	-\$12	-\$12
30 MPH	\$182	-\$127	-\$62	-\$32	-\$32
35 MPH	\$225	-\$155	-\$80	-\$50	-\$50

**HB 1113 AS PROPOSED**

10 MPH	\$50.00
15 MPH	\$75.00
20 MPH	\$100.00
25 MPH	\$125.00
30 MPH	\$150.00
35 MPH	\$175.00
STOP SIGN	\$50
CHILD RESTRAINT	\$50
CARE REQUIRED	\$60

SPEED (OVER LIMIT)	Current compared to Tri-State			HB1113 Difference	
	Tri-State Average	55 zone	65 zone		70-75 zone
10 MPH	\$74	-\$64	-\$54	-\$24	-\$24
15 MPH	\$94	-\$79	-\$49	-\$19	-\$19
20 MPH	\$127	-\$102	-\$57	-\$27	-\$27
25 MPH	\$137	-\$97	-\$42	-\$12	-\$12
30 MPH	\$182	-\$127	-\$62	-\$32	-\$32
35 MPH	\$225	-\$155	-\$80	-\$50	-\$50

\*\* All dollar amounts are rounded to the nearest dollar (.5 rounded up).

South Dakota and Minnesota Traffic Law allows the County or Municipal Courts to add additional fees, each different by the governing agency. Clay County, MN and Kingsbury County, SD are in near the middle of the fee scale for their respective states. The fees are set by the governing agency, but are the fines are enforced by all agencies operating in that county/ Highway Patrol, Sheriff's Office etc.)

Reference: Municipal ordinances: Grand Forks: section 8, Minot: section 20, Bismarck: section 12, Wahpeton: section 5, Mandan municipal traffic code, Williston municipal traffic code, Fargo section 8, Mayville: section 16, West Fargo: section 13 Clay County, MN Traffic Code Kingsbury, SD Traffic Statute section 32 Montana: Title 61 Traffic Law

**Testimony to ND Legislature – HB # 1113 (Increase in Traffic Fines)**

*Chief Keith A. Ternes  
Fargo Police Department  
January 12, 2007*

Good morning. My name is Keith Ternes and I'm the Chief of Police for the City of Fargo. Thank you for the opportunity to testify before you this morning in support of House Bill # 1113.

Last year, the City of Fargo did locally what House Bill # 1113 proposes to do statewide – that being increasing traffic fines. In Fargo, we recognized the need to increase the fines for non-criminal traffic violations occurring within the city in an attempt to be responsive to several issues.

First is the fact that the residents of Fargo (not unlike residents throughout the entire state of North Dakota) continue to be extremely concerned with traffic safety and the enforcement of traffic laws. Incidents of speeding, red-light running, careless driving, and other traffic violations are brought to the attention of my department every day. And while Fargo police officers remain vigilant in their enforcement activities, people are simply tired of having their neighborhoods disrupted, or otherwise being placed at risk of being involved in a traffic crash, because of the poor and sometimes reckless driving behavior exhibited by some drivers. As we considered increasing the traffic fines in Fargo, one thing we realized rather quickly was that the existing traffic fines were having little to no deterrent effect on the poor driving behavior of some motorists.

You'll note in my handout that we compared our existing traffic fine schedule to those of other jurisdictions, both within North Dakota and outside of the state. What we discovered is that compared to the traffic fines in other cities across the state, the fines in Fargo were low in some areas, but much higher than the fines established by state statute. We also discovered the traffic fines in Fargo were considerably lower than the traffic fines established in other cities in the immediate region and of comparable size to Fargo.

Before committing to raising the traffic fines in Fargo, we also considered the high number of traffic crashes occurring within the city and the impact they were having on the limited number of police resources available. We also considered how the costs associated with utilizing police resources to respond to traffic crashes had increased over time.

What we discovered (which isn't all that surprising considering the continued increase in traffic in and around Fargo) is that the number of traffic crashes had increased in the past 10 years by 26%, going from 3200 crashes annually to a little over 4000! The overall costs to the City of Fargo to have police resources dedicated to respond to these motor vehicle crashes increased by an incredible 105% during this same 10-year time frame – going from roughly \$37,000.00 annually to just over \$76,000.00 a year.

The City of Fargo decided to take an approach which suggests, at least as a philosophy, that the expenses associated with the poor driving of some motorists – in other words, the drivers who are engaging in the careless or reckless driving behaviors most likely to contribute to the cause of a motor vehicle crash that exhaust the police department's resources, should be incurred by those same poor drivers - not the drivers who are obeying the traffic laws and driving in a safe and prudent manner.

But make no mistake; simply raising traffic fines by itself will not significantly alter the bad driving behaviors of some motorists. In order to have the desired impact on those poor driving behaviors and create the deterrent effect we are all looking for, I firmly believe two things must exist – the fear of getting a ticket and the fear of what it will cost. The existence of a higher fine without the continued commitment from law enforcement to issue traffic citations when warranted will create the same lackluster deterrent effect as what exists now because of the incredibly low traffic fine schedule established within the century code. Drivers simply are not deterred from speeding, driving through a stop sign, or committing any number of other traffic violations when the fine is only \$30.00!

As of today, I cannot testify to the improved driving behavior of Fargo motorists simply because the City of Fargo raised our traffic fines last year. I believe it is too early to tell what effect the higher fines have had on driving behavior. What I can tell you is that I believe drivers in Fargo are much more conscious of the fact that if they commit a traffic violation in Fargo and a police officer pulls them over, they will receive a traffic citation that will cost them more than the price of lunch!

House Bill 1113

Submitted by

Colonel Bryan Klipfel, Superintendent NDHP

January 12, 2007

Good morning, Mr. Chairman and members of the House Transportation Committee. My name is Bryan Klipfel and I am Superintendent of the North Dakota Highway Patrol. I would like to provide information regarding House Bill 1113, a bill whose purpose is threefold: to serve as a deterrent, to correct driver behavior, and to provide for increased public safety on our roadways.

Any penalty associated with committing a traffic violation is done for what purpose? As a law enforcement agency, we believe first that it is to serve as a preventative measure to stop the violation from occurring. But once a violation has occurred, its purpose focuses on correcting the improper driving behavior so the driver will be less likely to commit that violation again.

When I joined the Patrol in 1977, the fine structure that was in place then, for the most part, is the same as we have today, a \$20 fine. That \$20 fine in 1977 may have been a deterrent, but is that same \$20 fine a deterrent today and does it correct future driving behavior?

Prior to the start of this Legislative Session, our Law Enforcement Committee, which consists of troopers from around the state, was asked to poll their fellow troopers and identify areas they felt were a concern. The number one item identified was the need to increase certain fines.

The number one goal of the Highway Patrol, as identified in our strategic plan, is to provide public safety on highways. With public safety in the forefront of our minds, the fines that we strongly support for an increase are in the areas of failing to yield, stop sign, and seatbelt/child restraint violations. These types of driving violations represent the greatest potential risks to our citizens and are areas where we can best impact injuries and fatalities from occurring.

I have included a comparative chart of numerous communities within North Dakota that operate under a home rule charter. While House Bill 1113 attempts to restructure the fine system, our agency remains neutral on what the amounts of the fine should be, that is a decision for the Legislature.

City	Stop Sign/Light \$20/2 points	Child Restraint \$25/1 point	Seatbelt \$20/No points	Fail to Yield \$20/2 points
Grand Forks	\$71/\$101	\$101	\$71	\$41
Dickinson	\$40	\$0/1point	\$40	\$40
Fargo	\$100	\$60	\$60	\$100
Wahpeton	\$50	Points Only	\$20	\$50
West Fargo	\$30	\$30	\$30	\$30
Lisbon	Adopted state bond schedule on all traffic offenses			
Minot	\$50	\$0	\$40	\$50
Valley City	\$30	\$25/1 point	\$30	\$30
Jamestown	\$30	\$0	\$30	\$30
Devils Lake	\$20	\$0/1 point	\$20	\$20
Bismarck	\$50	\$40	\$40	\$50

Thank you, Mr. Chairman. I would be happy to answer any questions you have at this time.