

2013 HOUSE TRANSPORTATION

HB 1048

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1048
01/17/13
Job # 17377

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to fees for speeding.

Minutes:

Attachment #1

Chairman Ruby opened the hearing on HB 1048.

Tim Dawson, Legislative Council, introduced HB 1048. He staffed the interim transportation committee and is neither in support or opposed to the bill. He explained the bill. The bill has two concepts. The first for every speeding fee an additional \$20 is added. The second idea is to increase all of the fees, make them more logical, and get rid of one of the schedules for fees. It will go from three schedules to two schedules. When a law enforcement officer has pulled someone over, it should be easier to explain the fees. On page two there is a ladder. For every five mph additional over the limit you add on an extra dollar. The same type of pattern follows through in the bill. The schedule that was eliminated is on page three, lines 21 - 23. The school zone was changed to the same fee as a construction zone. The goal was consistency and clarity.

Chairman Ruby: In the first bracket, would it include ALL roads less than sixty-five mph? Does it allow city political subdivisions to have their fees increased as well? Weren't they previously limited?

Tim Dawson: You are correct. The first schedule relates to everything under sixty-five mph. The cities will be able to raise their fees, but are limited by this schedule.

Representative Fransvog: Where does it show that you add on a dollar?

Tim Dawson: We add \$20 on to every fee.

Chairman Ruby: Each step of the ladder increases a dollar.

Tim Dawson: If you look at the schedule itself, from 1 to 5 mph it is \$2, from 6 to 10 mph it is \$3, and so on. It goes up in increments dollar by dollar.

Representative Delmore: Is there any change in points in this bill or is it just for the fines?

Tim Dawson: It is just for the fines.

Representative Delmore: Do you know what the percent of increase is in this bill?

Tim Dawson: If I compared a sixty-five mph zone, before the fine for 5 mph over the speed limit was \$10, now it is \$30. Ten mph before was \$20, now it is \$50. It is more than double in those instances. The next 5 mph bracket it is \$50 to \$80. The next is \$75 to \$120. The next after that is \$100 to \$170. The proportion goes down as it gets higher.

Chairman Ruby: I don't remember discussing the overall concept of the increase in the committee. Where did this come from?

Tim Dawson: There was discussion in the committee as to raising the speeding fees. Then one of the legislators asked for a bill draft. I worked with that individual. After the discussion, he liked the two ideas for the committee to discuss. Either we should add on a base amount to everything, or you should increase the ladder, or do both. We decided to do both. The committee could then consider that.

Chairman Ruby: Is the maximum of the bracket on line 11 of page 2, \$80? If you go 1 mph faster, the fine would be \$100. Is that correct? It seems to do a substantial jump for just that one mile.

Tim Dawson: Yes, you are correct. Before, the fine was calculated by the bracket times the amount, then take the next bracket and times it by a different amount, and then add them together. To make it easier to explain and apply, we go back to zero and times it by the number over the speed limit. It is easier to explain.

Representative Heller: When was the last time the speeding fees were increased?

Tim Dawson: I will find that out for you.

Mike Reitan, Assistant Chief of the West Fargo Police Department testified in support of HB 1048. He provided written testimony. See attachment # 1. (14:45)

Chairman Ruby: In your example were there any points applied to your license in 1975 and would there be now?

Mike Reitan: To my knowledge the point system has not changed for these violations. It was in place in 1975 as well.

Connie Sprynzynatyk, North Dakota League of Cities: I am testifying in support of HB 1048. Once the courts decided that cities were tied to the state schedule for moving violations, established in 1953, there were a number of cities that were acting under the strength of an attorney general opinion that said cities had the ability to do that. We came in with legislation three times, to change the way municipalities set speeding fees. We believe the concentration of traffic in the city in combination with speed is more dangerous even than speed on a rural highway where there is very little traffic. While we still believe

we ought to set the fees by local ordinance according to local need, we are in support of this bill.

Chairman Ruby: When it comes to cities and counties, much of the talk is about raising the funds by raising the fees. Is it more about raising funds or the deterrent?

Connie Sprynzynatyk: It has always been about public safety and the deterrent of a higher fine; it has never about a revenue source.

Chairman Ruby: Mr. Reitan, have you looked at the bracketing? What do you think about the way they are set up?

Mike Reitan: I have looked at the bracketing, and think it will be fine. There is some officer discretion out on the roadway. In the places where there is a significant jump, and someone is just one mph over, the officer could drop it down to the lower bracket. When someone is pushing the upper end of the bracket, I would say that the officer's discretion would be to use the higher fee.

Chairman Ruby: Would you prefer that a simpler formula was developed, so that was seamless?

Mike Reitan: If you wanted to set significant fee for each mph and have it a single fee, it would be even easier to figure out. This matrix is substantially easier than what we are using now. (23:12)

There was no further support for HB 1048.
There was no opposition to HB 1048.

The hearing on HB 1048 was closed.

Chairman Ruby: We should think a bit more about the bracketing. In past sessions I have been supportive of increasing fines.

Representative Becker: My concern with the bill is the two brackets. One bracket is sixty-five and below, the other is above sixty five, which would include the interstate. The primary objective should be for public safety. I would have less of a problem with the bill if there were a different separation of the brackets, such as thirty-five and under or forty-five and under. I am also concerned about the amounts. Going 15 mph over the speed limit on the interstate, the way it currently is versus this bill, the fine is a \$222% increase. Going 21 mph on the interstate the fine by this bill would be a 206% increase. Driving on a state highway with a 65 mph speed limit and going 15 mph over the limit, the increase is 433%. Going 21 mph over the increase is 421%. I think the increases are substantial. I believe we need a very clear idea of why we would have such a substantial increase in the fines. If it is for public safety, that would be a good argument. I think that argument should take place residentially, not on the highways.

Representative Vigesaa: During the interim we received a chart that said what the fines will be at certain levels. Could we get a copy of that, so we can see what the fines will be?

Chairman Ruby: Yes, we can get that.

Representative Delmore: I think we need a better fiscal note on this bill. They must have some idea of not only what the revenue would be, but also where it would go.

Chairman Ruby: I will call the Department of Transportation and ask them to see if they can work on that.

Representative Weisz: A revised fiscal note will need to go through Legislative Council. If you just need some approximations, talk to the Department of Transportation.

Representative Kreun: It doesn't make any difference where the fines go. It is simply a deterrent issue. The costs of giving fines will never be more than the money collected. In some places we need the deterrent, such as a school zone where there are 2,500 cars going through a day, and there is a higher chance of an accident. Deterrent does work!

Chairman Ruby: The fiscal note would not have anything to do with counties and cities.

Representative Delmore: That was never my intent. If we ask the Department of Transportation I know they will spell it out. I would like to see what goes to local government, etc. I believe it is a legitimate request. I am not questioning deterrents; I know they work.

Representative Weisz: To clarify, we **have** increased fines in the last twenty years. It was in the 2003 or 2005 session. It was on the higher end. We also simplified the system from the old system.

Chairman Ruby: I was surprised that we didn't get any data on crashes or increase in speed related fatalities.

There was no further discussion.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1048
01-31-13
Job # 18101

Conference Committee

Committee Clerk Signature

Jeannette Cook

Minutes:

Attachment 1

Chairman Ruby brought HB 1048 back before the committee. He presented amendments. He has problems with the amount that the fines increased in the bill. This new proposal is still an increase, but not as much of an increase. See attachment #1. Chairman Ruby explained the amendments. A highway that had a speed limit of 55 mph or less, the fine would be \$3.00 for each mph over the speed limit. A highway that has a limit of over 55 mph, the fine will be \$6.00 for each mph over the speed limit.

Representative Weisz: On a sixty-five mph speed limit highway, under your scenario at 10 mph over the speed limit is \$60?

Chairman Ruby: Correct.

Representative Gruchella: What would it be now?

Chairman Ruby: It would be \$20.

There was discussion of various fines at different speeds.

Chairman Ruby: This would be simple to administer, but it is an increase.

Representative Weisz: All the testimony that we received came from the cities. Even though your amendment is better than the original bill, I don't think it addresses the issues that the cities are having. This has a smaller increase in the cities than on the highways. The argument is not the money, but the deterrent. I agree that there are issues in the cities.

Chairman Ruby: So, what is your solution?

Representative Weisz: I would offer an amendment that allows cities to set their fines two to three times higher than what we have, or make it unlimited. They could have the ability to set their fine schedule within their boundaries.

Representative Gruchella: We had a court ruling that says that cities cannot do that.

Representative Weisz: But **we** can do that.

Representative Gruchella: No.

Representative Weisz: Sure we can. Why can't we?

Representative Gruchella: That was the court ruling. The cities were setting their own fines, but the court said they can't do that.

Representative Weisz: So, the legislature will have to change it so they can.

(Background) That was under home rule charter.

Representative Weisz: The cities thought they had the ability, but the court said that they didn't. So, we need to let them do it.

Chairman Ruby: The question would be if it is not allowed statutorily, or constitutionally not allowed.

Representative Becker: Under your new amendment a fine for going 10 mph over the speed limit in a under 55 mph zone, the fine would be \$30 from the original \$15. That is a 100% increase. That is substantial by anyone's estimation.

Representative Kreun: But the fines haven't changed for a long time. If you think about how many years it has been (22), it is still not a very large increase. The other issue is that it is not necessarily the money; the issue still is the DETERRENT. There are issues of speeding through school zones and different things of that nature. The deterrent does work. We have all kinds of anecdotal evidence that deterrent is what we are after. Hitting the pocketbook is one thing that works. We may want to give each community the ability to set their own fines, because some communities have a problem and some don't. I think we should set a cap. I would like to try something of that nature.

Chairman Ruby: I am not totally set on this proposal if someone wants to look at what we can do for the cities.

Representative Schatz: I appreciate your amendments. I think that they are much better than the original bill. However, one of the beauties of living in North Dakota is the fact that we don't charge excessive fines. So, I don't think I would vote for the bill on the floor. I would vote for the amendments. I am of a mind to up the points not the fines. Fear of losing your license is a deterrent for me.

Representative Drovdal: Law enforcement says that our fines are way too low. People just laugh at them when they get stopped. It is really the only deterrent we have for out-of state people. They won't care about the points. If we are going to change this, I think it should be a decent one, so we won't have to revisit this anytime soon.

Chairman Ruby: Next time we take this up I would like to act on it.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1048

02-07-13

Job # 18791 (end of recording)

Conference Committee

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Ruby brought HB 1048 back to the committee. He distributed new amendments and explained them. See attachment #1.

Short discussion for clarification and examples of fines were given.

Representative Weisz moved the amendments.

Representative Kreun seconded the motion.

A voice vote was taken. All aye. The motion carried.

Representative Kreun moved a DO PASS as amended on HB 1048.

Representative Becker seconded the motion.

A roll call vote was taken. Aye 11 Nay 2 Absent 1

The motion carried.

Chairman Ruby will carry HB 1048.

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Amendment to: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Bill/Resolution No.: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.



Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013



13/1/13
JWC
CJMC

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1048

Page 1, line 1, after "39-06.1-06" insert "and subsection 2 of section 40-05-06"

Page 2, line 4, remove "subsection"

Page 2, line 4, overstrike "7"

Page 2, line 4, after "41" insert "subsection 10"

Page 2, line 5, remove "of twenty dollars in addition to the fee"

Page 2, overstrike lines 6 through 8

Page 2, line 9, overstrike "1 - 5"

Page 2, line 9, remove "\$2/each mph over limit"

Page 2, line 10, overstrike "6 - 10"

Page 2, line 10, remove "\$3/each"

Page 2, line 10, overstrike "mph over"

Page 2, line 10, overstrike "limit"

Page 2, line 11, overstrike "11 - 15"

Page 2, line 11, remove "\$4/each"

Page 2, line 11, overstrike "mph over"

Page 2, line 11, overstrike "limit"

Page 2, line 12, overstrike "16 - 20"

Page 2, line 12, remove "\$5/each"

Page 2, line 12, overstrike "mph over"

Page 2, line 12, overstrike "limit"

Page 2, line 13, overstrike "21 - 25"

Page 2, line 13, remove "\$6/each"

Page 2, line 13, overstrike "mph over"

Page 2, line 13, overstrike "limit"

Page 2, line 14, overstrike "26 - 35"

Page 2, line 14, remove "\$7/each"

Page 2, line 14, overstrike "mph over"

Page 2, line 14, overstrike "limit"

Page 2, line 15, overstrike "36 - 45"

2
g
p

Page 2, line 15, remove "\$8/each"

Page 2, line 15, overstrike "mph over"

Page 2, line 15, overstrike "limit"

Page 2, line 16, overstrike "46 +"

Page 2, line 16, remove "\$10/each"

Page 2, line 16, overstrike "mph over"

Page 2, line 16, overstrike "limit" and insert immediately thereafter "of two dollars for each mile per hour over the limit."

Page 2, line 24, overstrike "On a highway on which the speed limit is a speed"

Page 2, line 24, remove "in excess of"

Page 2, line 25, remove "sixty-five"

Page 2, line 25, overstrike "miles ["

Page 2, line 25, remove "104.61"

Page 2, line 25, overstrike "kilometers] an hour, for a violation of section 39-09-02, or"

Page 2, line 26, overstrike "an equivalent ordinance, a fee"

Page 2, line 26, remove "of twenty dollars in addition to the fee"

Page 2, line 26, overstrike "established as"

Page 2, overstrike lines 27 through 29

Page 2, line 30, overstrike "1 -"

Page 2, line 30, remove "5"

Page 2, line 30, remove "\$6/each"

Page 2, line 30, overstrike "mph over limit"

Page 2, line 31, remove "6"

Page 2, line 31, remove "- 10"

Page 2, line 31, remove "\$7/each"

Page 2, line 31, overstrike "mph over"

Page 2, line 31, overstrike "limit"

Page 3, remove lines 1 through 3

Page 3, line 4, overstrike "8."

Page 3, line 5, overstrike "9." and insert immediately thereafter "8."

Page 3, line 7, overstrike "10." and insert immediately thereafter "9."

Page 3, line 21, overstrike "11." and insert immediately thereafter "10."

302

Page 3, line 21, remove the overstrike over "On a highway on which the speed limit is posted in excess of sixty-five miles [104.61]"

Page 3, remove the overstrike over lines 22 and 23

Page 3, line 24, after "12." insert "11."

Page 4, after line 7, insert:

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

- 2. a. ~~For~~Except as otherwise provided under subdivision b, 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 the limits, for equivalent categories of violations, set forth in section 39-06.1-06.
- b. A home rule city may establish, by ordinance, a fee for the violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, if the fee is for driving in excess of speed limitations and the fee does not exceed two times the limits in section 39-06.1-06 or if the fee is for a moving violation other than driving in excess of speed limitations and does not exceed three times the limits in section 39-06.1-06."

Renumber accordingly

Date: 2-7-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1048**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 13, 0120, 02002

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Weisz Seconded By Kreun

Amendments

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Lois Delmore		
Vice Chairman Mark Owens			Rep. Edmund Gruchalla		
Rep. Rick Becker			Rep. Kylie Oversen		
Rep. David Drovdal					
Rep. Robert Frantsvog					
Rep. Brenda Heller					
Rep. Curtiss Kreun					
Rep. Mike Schatz					
Rep. Gary Sukut					
Rep. Don Vigesaa					
Rep. Robin Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-7-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1048**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0120.02002

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Kreun Seconded By Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Kylie Oversen		✓
Rep. David Drovdal		✓			
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	A				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Ruby

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

REPORT OF STANDING COMMITTEE

HB 1048: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1048 was placed on the Sixth order on the calendar.

Page 1, line 1, after "39-06.1-06" insert "and subsection 2 of section 40-05-06"

Page 2, line 4, remove "subsection"

Page 2, line 4, overstrike "7"

Page 2, line 4, after "44" insert "subsection 10"

Page 2, line 5, remove "of twenty dollars in addition to the fee"

Page 2, overstrike lines 6 through 8

Page 2, line 9, overstrike "1 - 5"

Page 2, line 9, remove "\$2/each mph over limit"

Page 2, line 10, overstrike "6 - 10"

Page 2, line 10, remove "\$3/each"

Page 2, line 10, overstrike "mph over"

Page 2, line 10, overstrike "limit"

Page 2, line 11, overstrike "11 - 15"

Page 2, line 11, remove "\$4/each"

Page 2, line 11, overstrike "mph over"

Page 2, line 11, overstrike "limit"

Page 2, line 12, overstrike "16 - 20"

Page 2, line 12, remove "\$5/each"

Page 2, line 12, overstrike "mph over"

Page 2, line 12, overstrike "limit"

Page 2, line 13, overstrike "21 - 25"

Page 2, line 13, remove "\$6/each"

Page 2, line 13, overstrike "mph over"

Page 2, line 13, overstrike "limit"

Page 2, line 14, overstrike "26 - 35"

Page 2, line 14, remove "\$7/each"

Page 2, line 14, overstrike "mph over"

Page 2, line 14, overstrike "limit"

Page 2, line 15, overstrike "36 - 45"

Page 2, line 15, remove "\$8/each"

Page 2, line 15, overstrike "mph over"

Page 2, line 15, overstrike "limit"

Page 2, line 16, overstrike "46 +"

Page 2, line 16, remove "\$10/each"

Page 2, line 16, overstrike "mph over"

Page 2, line 16, overstrike "limit" and insert immediately thereafter "of two dollars for each mile per hour over the limit."

Page 2, line 24, overstrike "On a highway on which the speed limit is a speed"

Page 2, line 24, remove "in excess of"

Page 2, line 25, remove "sixty-five"

Page 2, line 25, overstrike "miles ["

Page 2, line 25, remove "104.61"

Page 2, line 25, overstrike "kilometers] an hour, for a violation of section 39-09-02, or"

Page 2, line 26, overstrike "an equivalent ordinance, a fee"

Page 2, line 26, remove "of twenty dollars in addition to the fee"

Page 2, line 26, overstrike "established as"

Page 2, overstrike lines 27 through 29

Page 2, line 30, overstrike "1 -"

Page 2, line 30, remove "5"

Page 2, line 30, remove "\$6/each"

Page 2, line 30, overstrike "mph over limit"

Page 2, line 31, remove "6"

Page 2, line 31, remove "- 10"

Page 2, line 31, remove "\$7/each"

Page 2, line 31, overstrike "mph over"

Page 2, line 31, overstrike "limit"

Page 3, remove lines 1 through 3

Page 3, line 4, overstrike "8."

Page 3, line 5, overstrike "9." and insert immediately thereafter "8."

Page 3, line 7, overstrike "10." and insert immediately thereafter "9."

Page 3, line 21, overstrike "11." and insert immediately thereafter "10."

Page 3, line 21, remove the overstrike over "On a highway on which the speed limit is posted in excess of sixty-five miles [104.61]"

Page 3, remove the overstrike over lines 22 and 23

Page 3, line 24, after "42." insert "11."

Page 4, after line 7, insert:

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

2. a. ~~For~~Except as otherwise provided under subdivision b. 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 the limits, for equivalent categories of violations, ~~set forth~~ in section 39-06.1-06.
- b. A home rule city may establish, by ordinance, a fee for the violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, if the fee is for driving in excess of speed limitations and the fee does not exceed two times the limits in section 39-06.1-06 or if the fee is for a moving violation other than driving in excess of speed limitations and does not exceed three times the limits in section 39-06.1-06.

Renumber accordingly

2013 SENATE TRANSPORTATION

HB 1048

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1048

3/07/13

Recording job number: 19541

Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Fees for speeding

Minutes:

Attached testimony.

Chairman Oehlke opened the hearing on HB 1048

Timothy J Dawson Legislative Council, staffed the interim transportation committee I am here to explain the bill draft and not for or against the bill. As the bill was introduced it had a \$20/offense addition for speeding, it had two speed zones with ladder fees for each speed zone. Presently there are three different speed zones. There are penalties for 55, 60-65, higher than 65, 70-75, this bill made it into two groups. As amended it became even simpler: for 65 and under speed zones the fee is \$2/mph over the limit and for over 65 mph it is \$5/mph over the limit. The House added section 2 allowing a home rule city to charge up to two times the fees provided in this bill and allows charging up to three times for any other moving violation. The major changes are in page 2 line 16: \$2.00/mile/hour over the limit and that is the 65mph and lower zone. Lines 24-30 have been overstruck; it used to be the 60 and 65 mph zones. In page 3 lines 17-19, is the \$5/mile/hour over the limit for a zone that is above 65mph, so 70-75. In the school zone the fees increased to equal the fees for speeding in a construction zone. The intent is to make the laws more consistently clear, before it was impossible to explain or figure out without a chart. This way they know the penalty and can figure it out. Points were not addressed. Over two points goes in your record.

Vice Chairman Armstrong Section 2 subsection b: If pulled over by a city cop from a home rule city one fee, but if pulled over by the highway patrol for the exact same violation the fee will be less.

Representative Dan Ruby, District 38, the bill had substantial increases in the speeding fines; the comments were it would probably not pass in the House. We reached a compromise.

Senator Sitte If we go to \$3 and delete this home rule section then we would eliminate the issue about different fees, if highway patrol or city police, that way it would be more fair. Do you think the \$3 would be a problem on the House side?

Rep Ruby With some certainly, an increase across the board would be more consistent. We wouldn't be addressing the moving violations because they haven't gone up in a long time.

Mike Reitan, Assistant Chief of the West Fargo Police Department, in support of this bill, testimony # 1 disparate treatment Vice Chairman Armstrong mentioned is a concern for us. The bill, as it is now, is beneficial to the home rule communities, however I do not think it serves the rest of North Dakota. Speeding fees were meant as a deterrent, as time has progressed it no longer is. We are asking that the fees be adjusted in comparison to today's dollars.

Vice Chairman Armstrong: you work for the city, sheriff's office works for the county, the state patrol works for the state. They cite their tickets to their jurisdictional equivalent. If you changed it so the sheriff's office or the highway patrol started citing in the city court that would be a substantial shift in policy?

Mike Reitan: That is correct. They would also be faced with having to appear in court in two or more jurisdictions. The argument in the past has been the ability for the enforcing agency if they have to have different fine structures.

Connie Sprynczynatyk, Executive Director, North Dakota League of Cities, the league of cities has long supported the notion that if we have local traffic problems we should be able to address those problems locally. When we found out that we did not have authority to do it we came to you and asked to let us handle those issues locally. If you regulate the traffic by ordinance you may set the fines by ordinance that is the solution we prefer.

Susan Beehler, Mandan Resident, favors this bill and Connie Sprynczynatyk's home rule solution. Stiff penalties are a deterrent. Provided anecdotal account of how speeding has affected her personal and work life.

No additional testimony, hearing closed, hearing reopened

Col J Prochniak, North Dakota Highway Patrol in response to questions from the committee:

Since early 2009 traffic count has gone thru the roof all through the state, exponential growth in the northwest. Speeding is still the largest contributing factor in any of our crashes. Oftentimes speeding is also part of alcohol related crashes. We have seen that increased fines have made a tremendous difference in construction zones. In 65mph roads is where we have the majority of accidents. We approach this from purely a safety standpoint. We have a mechanism where state fees and fines go into the school distribution fund. This is not a revenue generator for us; this is about folks getting from point A to point B safely. I have never been in favor of outrageous fines, I think there is a happy medium if you set them too low there is no incentive to obey that speed limit. We do not cite to municipal court. , it does not matter where we are working it goes to district court

Hearing closed

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1048

3/28/2013

Recording job number 20647

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Fees for speeding

Minutes:

Attached testimony

Chairman Oehlke opened the discussion on HB 1048

Vice Chairman Armstrong I raise again my objection to the home rule, the sole difference in fines if this passes would be the color of the uniform of the law enforcement officer. This would be a severe equal protection problem if the level of the fine for the exact same conduct (running a stop sign) depends on who stops you.

Senator Campbell reviewed the fines, it is counterproductive the way it is drafted, I would leave the speeding fines the way they are

Senator Flakoll would the treatment be different if case goes to municipal or district court?

Vice Chairman Armstrong not on speeding tickets they are statutory.

Senator Campbell Moved **DO NOT PASS**

Senator Sitte second

Discussion followed. **Vice Chairman Armstrong** wants to fix the bill and pass it. **Senators Flakoll** and **Sinner** want to increase fines. **Senator Sitte** suggested doubling all the fines.

Roll call vote: **Motion failed** Yes 1 No 6 Absent not voting

Discussion followed regarding increasing the fees and home rule. Meeting adjourned so the committee can think about doubling the fines.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1048
3/29/2013
Recording job number 20674

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:
Fees for speeding

Minutes:

Attached testimony

Chairman Oehlke opened the **discussion on HB 1048**

Vice Chairman Armstrong moved to amend 1048 to remove section 2 subsection b and change some language in a if this amendment passes.

Discussion followed.

Vice Chairman Armstrong amended motion to: remove all of section 2

Senator Sinner second

Roll call vote: all in favor Yes 7 No 0 Absent not voting 0

Discussion followed regarding increasing/doubling the fines, and if that would be a deterrent.

Senator Sitte moved amendment to double fines

Chairman Oehlke we are going to delay making a decision until next week. In the meantime I encourage **Senator Sitte** and **Senator Sinner** to visit with some of the members of the House Transportation Committee and get their opinion on increasing fines.

Meeting adjourned

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1048
4/04/2013

Recording job number 20861

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:
Fees for speeding

Minutes:

Attached testimony: 3

Chairman Oehlke opened the discussion on HB 1048

Senator Sitte distributed handouts: Highway Patrol Classification of Offenses booklet, and a chart with speeding fines, attachment #1. She talked with Representative Weisz said the last time speeding fines were raised was in 20013, interstate 75mph. Discussed with committee chart, attachment #2, showing current fines, House Proposed fines and Senate proposed fines, House said they will not go over \$3/mph over the limit (segment 1:06-3:21)

Senator Flakoll hand out # 3: speed limit times \$1 + \$3/mph over speed limit (4:21- 5:40)

Discussion followed

Senator Flakoll moved to **Adopt Amendment 13.0120.03003.**

Senator Sinner second

Discussion followed (9:18 - 25:02)

Voice vote: Yes 6 No 1 Absent not voting 1

Senator Axness moved do pass as twice amended

Vice Chairman Armstrong seconded

Discussion followed on dividing the amendment on the floor (21:45-22:45)

Roll call vote: Yes 6 No 1 Absent not voting 1

Carrier: **Chairman Oehlke**

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Amendment to: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Bill/Resolution No.: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013

13.0120.03005
Title.04000

Adopted by the Transportation Committee

April 4, 2013

3/4/13
TD

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

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

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

Page 2, line 16, after "of" insert "a dollar amount equal to the posted limit plus"

Page 4, remove lines 4 through 18

Renumber accordingly

Date: 3/28/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1048**

Senate _____ **TRANSPORTATION** _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Campbell Seconded By Senator Sitte

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke		✓	Senator Tyler Axness		✓
Vice Chairman Kelly Armstrong		✓	Senator George Sinner		✓
Senator Margaret Sitte		✓			
Senator Tim Flakoll		✓			
Senator Tom Campbell	✓				

Total (Yes) 1 No 6

Absent _____

Floor Assignment _____

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

Date: 3/29/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1048

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number remove all of section 2

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Armstrong Seconded By Senator Sinner

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke			Senator Tyler Axness		
Vice Chairman Kelly Armstrong			Senator George Sinner		
Senator Margaret Sitte					
Senator Tim Flakoll					
Senator Tom Campbell					
<u>Voice Vote</u>					

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 4/04/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1048**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0120.03003

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Flakoll Seconded By Senator Sinner

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke			Senator Tyler Axness		
Vice Chairman Kelly Armstrong			Senator George Sinner		
Senator Margaret Sitte					
Senator Tim Flakoll					
Senator Tom Campbell					
Voice Vote					

Total (Yes) 6 No 1

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Page 2 line 16 insert "adoption amount equal to the posted limit plus"

Date: 4/04/13
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1048**

Senate _____ **TRANSPORTATION** _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number 13,0120,03005

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider ^{AS TWICE}

Motion Made By Senator Axness Seconded By Senator Armstrong

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	✓		Senator Tyler Axness	✓	
Vice Chairman Kelly Armstrong	✓		Senator George Sinner	✓	
Senator Margaret Sitte	✓				
Senator Tim Flakoll	✓				
Senator Tom Campbell		✓			

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Oehlke

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

REPORT OF STANDING COMMITTEE

HB 1048, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1048 was placed on the Sixth order on the calendar.

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

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

Page 2, line 16, after "of" insert "a dollar amount equal to the posted limit plus"

Page 4, remove lines 4 through 18

Renumber accordingly

2013 CONFERENCE COMMITTEE

HB 1048

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1048
04/16/13
Job # 21160

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

HB 1048 is a bill relating to speeding fines.

Minutes:

Attachment 1-3

Chairman Ruby brought the committee to order on HB 1048. The House did not concur with the Senate changes. He asked the Senators to explain the changes and the reasoning of those changes.

Senator Flakoll: Passed out a handout, Attachment 1, that was provided by Legislative Council regarding the history of traffic fines, points, etc. The date is 2001, but not much has happened since then. In terms of the changes that the Senate made to HB 1048, I think that there was general consensus that assessed fines can often be very difficult to understand by the general public. Sometimes they don't always reflect the differences in terms of high speed incidences versus lower speed incidences, to the extent that may be appropriate. Our challenge was to see if we could find a simpler formula for those fines. I think that both chambers agree that the majority feel that some sort of increase in fines is appropriate. The Senate amendments also reflect the risks of higher speed cost. The second change that we did was a removal of Section II of the HB regarding Home Rule. I think the Home Rule was a provision that didn't have tons of support in our committee. That is why it was taken out. Those are the two simple but significant changes.

Representative Heller: What do you mean by didn't have tons of support?

Senator Flakoll: That it didn't have very much support in committee. I think that the vote was unanimous. Historically there has been some concerns with cities such as Fargo, which was involved in a law suit in which they had to pay over \$1,000,000 back to the people because they were assessing fines for more than was provided for in law. The scenario presented by Senator Armstrong was that sometimes the fine depends on who you get pulled over by. Is it a city official in blue, or a Highway Patrol in brown, on the same section of road or street? Should the fine be different if you get pulled over by the Highway Patrol should the fine be different than if you are pulled over by someone within the city? The way the bill came to us, that might be the case, so we didn't feel comfortable with that and removed that language.

Representative Heller: You just didn't feel comfortable, or did you find out that it was against the law, or was it unconstitutional?

Senator Flakoll: What had been done in the past was taken to court, and the Supreme Court ruled that in the city of Fargo what they were doing was unconstitutional. This would have provided for the legalization of cities to have different fines than the state would have fines. We didn't feel that there should be different fines depending on who picks you up, a Highway Patrol or city police. We felt that a more uniform system across the state would be more appropriate.

Chairman Ruby: We have had people that are traditionally against increasing speeding fines that actually accepted that portion and supported it because it was thought that the cities could provide the level of deterrents that they wanted. We did discuss the different law enforcement agencies. The consensus was that it is not very predominant. You don't usually see the Highway Patrol patrolling within the city limits. On our side this was one of the compromise pieces to even go with an increase in fines. Some didn't want to do anything. The original bill we felt was quite excessive. To reduce it down to \$2.00 per mile, and then adding this provision was part of the compromise that got the majority of the committee to support the bill.

Senator Flakoll: Whatever fines that we select, Section II of the House version would allow them to either double or triple those fines. I am confused in the context that there are people that don't want to increase speeding fines, but want the fines that are picked to be doubled or tripled. I don't understand.

Chairman Ruby: That is a good point, there already is an increase, that all cities could have their fines increased. But, some felt that that still wasn't enough for their area, especially for sensitive areas of a city. Whatever we would do with the fines would obviously transferred to the cities. We also allowed the doubling of the moving violations in the cities which the committee felt was important.

Senator Flakoll: In the handout (attachment #1) on page three that may be something we want to consider, based upon your discussion in terms of specificity with school or construction zones, that type of thing. Both versions are more generic in nature in terms of moving violations. Maybe we want key it up in that respect, too.

Chairman Ruby: The reason that we didn't was last session there was a bill that increased ALL moving violations and speeding fines. That went down in flames. The idea was that we wanted to mainly address the speeding fines, and the Home Rule charter was added on for the cities to be able to affect some of their fines and give them more latitude in working on their deterrents in their areas. We thought that in our compromise that we would extend that, and some of the people were willing to vote for the bill.

Senator Flakoll: You had some different concerns than the Senate. I think we had more concerns about some of the high speed zones, like the interstate. I want to provide a handout for the committee related to information about the fatal crashes. See attachment #2. Part of our discussion was "Speed Kills". That is why we had heavier focus on the higher speeds versus the 25 mph speeds.

Chairman Ruby: As far as speed on the highways, since they are engineered for higher speeds, going 10 mph over the speed limit on a 75 mph highway is not as egregious as going 10 mph over in a residential area where it is 25 mph. Does your amendment remove the bracket on the interstates?

Senator Flakoll: All of ours were basically based on speed limit, \$2.00 per mile over the speed limit. We recognize that you don't hear about people getting pulled over for going 4 mph over the speed limit.

Chairman Ruby: I don't really have a problem with that or with our \$5.00 per mile over the speed limit. The concern I have with this is the discrepancy of the difference between a speeding fine of being 10 miles over on a 65, 70, and 75 mph highway. You will get a different fine for going that same different 10 mph over the speed limit when each of those highways is designed for the higher speeds. I like the consistency of having the fee for going 10 mph over the speed limit the same amount. We just left the higher ones alone. I was here when we raised those, and the reason for it was that when we increased the speed limits for the four lane highways and interstate. The idea was that law enforcement wasn't necessarily in support of that, so the \$5 per mile was higher.

Senator Campbell: I was the lone descent, since the vote was six to one. I agree with the House. The argument has been used that 'speed kills', but that is not the issue here. It is if increased fines will deter people from speeding. In my opinion it won't, even if these laws are enacted. In my opinion left lane traffic is always 4-9 mph over the speed limit no matter where you are at, what the speed limit is, and what the fines are. I didn't have one person in my district that wanted us to raise the speeding fines.

Chairman Ruby: I did appreciate the simplicity of what the Senate did here. It is easy to understand. That is why I wanted to get rid of the brackets. We doubled the fines. The only reduction was for an eleven mph and up for a sixty-five mph and over highway, and we left the 70 and 75 mph zones as they were. Initially, I suggested to my committee a three and a six, that increased everything to some extent. We looked for a happy medium.

Senator Sinner: We had Senator Armstrong on our committee, and he commented that not too many years ago in his area people would have been vehemently opposed to an increase in speeding fines. Now they are begging for increases, so people will slow down in the west. I would remind the committee, since 2009 the miles traveled in North Dakota by vehicles have increased by 25% from 8 billion miles in 2009 to over 10 billion miles in 2012. In 2011 the speed related crashes that were non-deer related were approximately 15,000. In 2012 they were about the same. In 2011 the Highway Patrol issued approximately 36,000 speeding fines in North Dakota. In 2012 approximately 42,000 were issued. Those are the people that are caught. We have a lot of people that are speeding in our state. I would propose to accede to the house version if you reduce that 70 and 75 zone down to 65. That is where the deaths are occurring on our two lane highways where people are trying to pass. I would work to get that approved in the Senate if you folks would do that.

Chairman Ruby: That would be to lower the speed limits on the four lane state highways and the interstate?

Senator Sinner: No, not the speed limits but change the escalator to a lower amount. It would be \$5 for each mile when you are on a 65 mph highway. So, it would affect all of the two lane highways that are 65 mph. If you are driving 70 mph on a 65 mph highway, your fine would be \$25; 75mph would be \$50. I would like to see that, and then I would agree with the House version of the bill.

Chairman Ruby: Okay, that is something for us to consider.

Senator Flakoll: One of the things that I think is helpful is to look at the different proposals. Could the intern make us one of those? It would be easier to compare. I think we need to do something in the terms of deterrent. To me, this is about safety for the driver and the others on the road. The top speeds are very dangerous.

Senator Flakoll: Attachment #3.

Representative Oversen: I would agree with Senator Sinner's compromise. I didn't think that we didn't do enough in the House. I would like to see the Senate proposal all laid out, so we can compare how the numbers are actually going to come out.

Chairman Ruby: Before we break we will consider that. As far as the Home Rule cities, is that out of the question? Do you want to think about that as far as moving violations, or is that a dead issue in the Senate?

Senator Flakoll: I will check to confirm.

Senator Sinner: We have a lot of folks that want the Home Rule. I know that my city does, and the League of Cities does. I can support it if it comes back in this bill. I do think it may create a problem in some areas such as Dickinson and Fargo. It creates a lot of confusion with the local residents.

Senator Campbell: I don't have a problem either way, but I don't believe these laws will deter speeders.

Chairman Ruby: I know there are some pretty desolate areas with 65 mph speed zones. You might be doing 10 mph over the speed limit and no one would know. I think that when you are in a city, and a small child runs out to get a ball, someone going 10 mph over the speed limit in those areas would be more dangerous than 10 mph over on a highway.

Senator Campbell: In regard to the 65 mph zones, I think that they are more dangerous than the interstates. I think what I am proposing is a decent compromise.

Senator Flakoll: In the case of Fargo, I think it was \$2,000,000 that they overcharged people. It is significant.

Chairman Ruby: We will adjourn and schedule another meeting.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1048
04-17-13 10:00 AM
Job # 21198

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

HB 1048 is a bill relating to speeding fines.

Minutes:

Attachment 1

Chairman Ruby: I have put some thought into the 65 mph zone. My initial intent with my version was to go to two brackets, but I see that it causes an issue with the 65 mph bracket because that has already been carved out on its own in the past. It was \$2 per mile up to 10 mph over, and after that it was \$20 plus \$5 per mile over. I would like to throw out the offer of keeping the \$2 per mile over the speed limit that the House version had up to the 55 mph speed limit, going to \$4 on the 65 mph speed limits, and leave the 70 and 75 mph at \$5. It would be increasing every bracket except the 70 mph and 75 mph. It would be a substantial increase in the first 10 mph over on the 65 mph speed limit zones. It doubles the fines in the first 10 miles per hour over the speed limit. From there on up the increased percentage increase is less, but it is still an increase. I think it is something that we could still get through the house. 4:00 minutes

Handout passed out to committee members by Senator Flakoll. See attachment #1.

Senator Sinner: Would you consider dropping the \$4 to the 55 mph roads? Those are dangerous roads.

Chairman Ruby: We are already doubling it. I would rather not.

Senator Sinner: I have another suggestion. Leave the \$2 in place up to 65 mph and anytime a car is going over 65 and is picked up for speeding, they get charged \$5 per mile for what they are over. This will really ramp up the fee in the lower zones if someone is driving 65 or over. It would be very simple. The 70-75 mph roads are our safest roads.

Chairman Ruby: That is why I am proposing to leave those alone. What are your thoughts on my proposal?

Representative Oversen: I would agree with Senator Sinner that we should bump up the 55 mph to \$5 per mile over, or the other proposal that he offered.

Chairman Ruby: I have concerns that would even make it.

Senator Sinner: What happens if it doesn't make it?

Chairman Ruby: The conference committee report could be killed and the bill could be sent back, or it could be taken up and killed on the floor. Then we are stuck with not increasing anything.

Senator Campbell: I like your compromise. I think it is realistic to get it passed.

Chairman Ruby: If we must have three brackets, I think that this is a good way of doing it.

Clarification of fine amounts and speeds. 11:15 minutes

Senator Flakoll: We have doubled the fines at a higher speed limit, but we still have a greater penalty for a larger margin over the speed limit.

Chairman Ruby: That is the intent. Let's discuss the other issue; the portion that dealt with the ability for the cities. 13:48

Senator Flakoll: The Senate had more issues with speed limits. The cities would define the problem as essentially somewhat different than that. I had a list that was provided to me from Tim Dawson with three major areas of offenses: the red light violation (39-10-05) is currently at \$20, the stop signs (39-10-44) is currently at \$20, care required (39-09-01.1) currently at \$30, and exhibition driving (39-08-03.1) currently at \$30. All of these fine amounts were put in place in 1973. Instead of just having blanket language about speeding we could just change care required and exhibition driving to \$50, and the stop sign/stop light to \$40 or \$50.

Chairman Ruby: Would it make sense to go to \$40 on all of them?

Discussion on fines and points for violations.

Unidentified speaker: Do you feel that \$40 is going to be a deterrent for people going through stop signs?

Senator Flakoll: No, it isn't a deterrent. It should be higher.

Chairman Ruby: Would it be possible to change the running of a red light or stop sign to \$40 and don't do anything on the others? The others are higher already in addition to the points.

Senator Flakoll: Would you bundle "Failure to Yield" with that?

Chairman Ruby: Sure.

Representative Heller: Under the Classifications of offenses there are numerous listing of 'Failure to Yield'. Are you saying all of them? (She read them.)

Senator Flakoll: I think the major ones would be the physical stop signs, the intersection lights, and a yield sign.

Representative Heller: I am against that motion with the failure to yield added.

Senator Sinner: Doesn't failure to yield also occur in an unmarked intersection?

Representative Gruchella: It is the same violation at an unmarked intersection.

Chairman Ruby: I would rather that we don't include unmarked intersection.

Senator Flakoll: Are we okay at \$40 or \$50?

Chairman Ruby: I am okay at \$40.

Senator Flakoll: We will go to a \$40 fine for a physical stop sign, a red light, and a yield sign?

Chairman Ruby: Yes.

Reiteration of the amendments. The intern was asked to draft the amendments.
The meeting was adjourned.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1048
04/18/13 5:00 PM
Job # 21253

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to fees for speeding.

Minutes:

Attachment 1-2

Chairman Ruby opened the hearing on HB 1048. A set of amendments was distributed to committee members. (13.0120.03010) See attachment #1. This would be working off of the 3,000 version. An additional handout was passed out. See attachment #2.

Chairman Ruby explained the amendments. See attachment #1. (0:30 - 4:00) There would be three brackets of \$2, \$4 and \$5 and three moving violations.

Senator Flakoll moved that the Senate recede from the Senate amendments as printed on 1249 of the House Journal and page 1099 of the Senate journal, and that engrossed HB 1048 be amended with the 3010 amendments as presented.

Senator Campbell seconded the motion.

Chairman Ruby: Further discussion?

Senator Flakoll: This will be one of those bills that no one gets exactly what they really want, but I think that it is a reasonable change. It provides some of law enforcement wants, some help for the cities, and sends a message that will result in safer highways.

Senator Sinner: My only complaint about this bill is that it takes out the Home Rule. I will vote against the bill for that reason. I would like the Home Rule to stay in there. I think that the fines at the lower speed limits are too low in this bill.

Representative Heller: According to your amendments if we are amending our bill that we sent to them, where do the amendments take out the Home Rule? This amendment does not state that it is taking out the language on page 4 regarding the Home Rule.

Chairman Ruby: That's true.

Representative Heller: I would also like to see the Home Rule in there. Was it ruled that that was unconstitutional?

Chairman Ruby: No, it wasn't.

Senator Flakoll: The state Supreme Court ruling was that what the cities were doing was against the law by having higher penalties and such. I believe that if we are amending the most recent version which would be the Senate version which did not include Home Rule, it would not have to be addressed.

Chairman Ruby: I think that if the Senate is receding from their amendments, it is back to the bill as it was sent from the House. We can have a separate conversation, but we all understand what this amendment does. Then we can have another discussion whether we leave this other language in or that gets amended out. We sent it over to you with the Home Rule in. That was one of the first things that the Senate removed. Since we have the motion on this one first, we'll take a vote on the amendment.

Senator Flakoll: Would the intent be to remove the Home Rule section?

Chairman Ruby: Our intent would be to discuss that now, if you want to make a motion to remove it.

Senator Flakoll: I would further amend to remove the Home Rule section of the bill as it came through to the Senate from the House.

Chairman Ruby: We have had the motion for this amendment to remove Section 2 of the bill, page 4 starting on line 4.

Senator Sinner: I think that we have to do one amendment at a time.

Chairman Ruby: We can always amend this amendment before we take it up.

Senator Sinner: Then you are going to have a different version of the amendment.

Chairman Ruby: Just add: removal of Section II to the amendments provided. (Attachment #1) We can amend the amendment before we pass it. That was your motion, right?

Senator Flakoll: I prefer to have it all bundled into one if we could.

Chairman Ruby: So, you are making a motion to remove Section II of the bill?

Senator Flakoll make a motion to remove Section II as it applies to Home Rule.

Representative Heller: I would like to ask Will, under Section II does 2A have to be removed, or was that just clean-up language? It doesn't look like that should be removed.

Chairman Ruby: A authorizes the changes of Subsection B.

Senator Sinner: What is the version of the bill that we are talking about?

Chairman Ruby: 3000, it can be removed. Those changes were required for Subsection B.

Senator Sinner: Would people be more comfortable if we just had a new set of amendments drafted?

Chairman Ruby: This is simple; Will just has to add: on page 4 remove lines 4-18. We will take a motion on that addition to the amendments.

**Senator Flakoll made that motion. Do we have a second?
Representative Heller seconded the motion.**

Senator Sinner: What are we actually doing on Home Rule?

Chairman Ruby: This amendment to the amendment is going to remove Section II of the 3000 of the bill which takes out the Home Rule flexibility for cites to double and triple the moving violations.

Senator Sinner: Did Senator Flakoll withdraw his first motion? We have two motions on the floor; neither one has been acted on. We have to act on the first motion before we can act on the second motion, do we not?

Chairman Ruby: No, because we were in discussion of that amendment. He made the first motion anyway, so it would have been easily changed.

Senator Sinner: On the Home Rule, the House left it in the bill because the fines were so low. The only fines that were affected in Home Rule were the fines that are in speed limits between 25 and 55. You didn't affect those. All we did was change the ones over 65 with the amendments that we are putting in here. We need to give some power to our cities to do what they need to do to have safety in their cities. The House voted for that strongly.

Chairman Ruby: That isn't exactly true because by going to \$2 per mile, we actually doubled the fines for the cities as well.

Senator Sinner: I know that, but the House left the Home Rule in.

Chairman Ruby: I know that, but going to the \$2 per mile, doubled the fines. Then if they could double it again, it would be quadrupling it.

Senator Sinner: The law that we are doing today for those cities is no different than what you passed. So, why can't we leave that in there? The change that the Senate made was a much larger increase on those lower speed limits. That is what our cities and local subdivisions are asking for.

Chairman Ruby: It was a higher increase at the lower end.

Senator Sinner: I'm asking that we vote no on the amendment to remove Section II and leave the Home Rule in.

Senator Flakoll: I think that would be terminal on the Senate side. The amendments related to stop signs and yield signs are what a lot of the cities have expressed a big concern with. That is as far as we would be able to get.

Chairman Ruby: Senator Sinner, do you believe that it would have come out if you hadn't affected the other fines this high?

Senator Sinner: I was thinking that Senator Armstrong removed the Home Rule before...

Chairman Ruby: When I came over to explain our version to the Senate that was one of the first things that was criticized. It was mainly because of which uniform was pulling you over. That is why I am going to support the amendment because of what you guys did right off the bat. The other fact is that we added the increase on the failure to yield, stop signs, and stop lights.

Additional discussion on examples of fines as a deterrent.

Senator Sinner: Let's give our Home Rule cities the power to do what they need to do for safety. This is a safety issue. Let's do it! Don't be afraid to stand up and fight for what is right here, folks.

Chairman Ruby: I understand that. We did get it passed with Home Rule on there. Some liked it, and some hated it. Some also like the other portions of not raising the 65 up and lowering it down and having it consistent with others, and we are losing that. I want to move the bar, too, but if we ask for all or nothing, we will get nothing.

Senator Sinner: This is the bill I would like to have with the Home Rule in it.

Senator Flakoll: I don't think that it would pass that way.

Senator Campbell: I believe that the majority wanted to remove the Home Rule.

Senator Sinner: We were in agreement because we were looking at much higher fines. I have had calls from law enforcement in Fargo and West Fargo that asked specifically to leave the Home Rule in.

Chairman Ruby: I know that they do want it.
We have the motion to remove Section II and place it on the amendment.

A roll call vote was taken on the amendment. (Remove Section II on Home Rule)
VOTE #1 Aye 4 Nay 2 Absent 0
The motion carried.

House Transportation Committee

HB 1048

04/18/13

Page 5

Chairman Ruby: We have a motion that the Senate recede from the Senate amendments and amend with the complete set of new amendments.

**A roll call vote was taken. Aye 5 Nay 1 Absent 0 VOTE #2
The motion carried.**

The Conference Committee was adjourned.

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Amendment to: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Bill/Resolution No.: HB 1048

- 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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 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 fee structure applied to speeding violations on state and local highways.

- 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.*

While this legislation increases the fees for speeding violations, it is not reasonably possible to determine the amount of additional revenues that might be generated by this legislation, the jurisdictions that would receive any additional revenues, or the changes in revenues that might result from any deterrent impact of this legislation. Outside of any possible net revenue impacts, this legislation should not materially impact expenditures or appropriations.

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.*

This legislation should not materially affect expenditures.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

This legislation should not materially affect appropriations.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 01/04/2013

1/18/13
CJN

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

That the Senate recede from its amendments as printed on page 1249 of the House Journal and page 1099 of the Senate Journal and that Engrossed House Bill No. 1048 be amended as follows:

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

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

Page 2, after line 3, insert:

"i. A violation for the failure to obey a red traffic-control signal, stop sign, or yield sign under section 39-10-05 or 39-10-24, a fee of forty dollars."

Page 2, line 16, replace "per" with "an"

Page 3, line 17, overstrike "sixty-five" and insert immediately thereafter "fifty-five"

Page 3, line 17, overstrike "104.61" and insert immediately thereafter "88.51"

Page 3, line 18, after "hour" insert "but lower than than seventy miles [112.65 kilometers] an hour"

Page 3, line 19, overstrike "five" and insert immediately thereafter "four"

Page 3, line 19, overstrike "per" and insert immediately thereafter "an"

Page 3, line 19, after the period insert "On a highway on which the speed limit is posted at seventy miles [112.65 kilometers] an hour or higher, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile an hour over the limit."

Page 4, remove lines 4 through 18

Renumber accordingly

2013 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Transportation

Bill/Resolution No. HB 1048 as (re) engrossed

Date: April 16-18, 2013

Roll Call Vote #: 2

- Action Taken**
- HOUSE accede to Senate amendments
 - HOUSE accede to Senate amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) 1249 -- 1099

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) HB 1048 was placed on the Seventh order of business on the calendar

Motion Made by: Senator Flakoll Seconded by: Senator Campbell

Representatives	4/16	4/17	4/18	Yes	No		Senators	4/16	4/17	4/18	Yes	No
Chairman Ruby	X	X	X	X			Senator Flakoll	X	X	X	X	
Representative Heller	X	X	X	X			Senator Campbell	X	X	X	X	
Representative Oversen	X	X	X	X			Senator Sinner	X	X	X		X

Vote Count Yes: 5 No: 1 Absent: 0

House Carrier Representative Ruby Senate Carrier Representative Flakoll

LC Number 13.0120 . 03011 of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1048, as engrossed: Your conference committee (Sens. Flakoll, Campbell, Sinner and Reps. Ruby, Heller, Oversen) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1249, adopt amendments as follows, and place HB 1048 on the Seventh order.

That the Senate recede from its amendments as printed on page 1249 of the House Journal and page 1099 of the Senate Journal and that Engrossed House Bill No. 1048 be amended as follows:

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

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

Page 2, after line 3, insert:

"i. A violation for the failure to obey a red traffic-control signal, stop sign, or yield sign under section 39-10-05 or 39-10-24, a fee of forty dollars."

Page 2, line 16, replace "per" with "an"

Page 3, line 17, overstrike "sixty-five" and insert immediately thereafter "fifty-five"

Page 3, line 17, overstrike "104.61" and insert immediately thereafter "88.51"

Page 3, line 18, after "hour" insert "but lower than than seventy miles [112.65 kilometers] an hour"

Page 3, line 19, overstrike "five" and insert immediately thereafter "four"

Page 3, line 19, overstrike "per" and insert immediately thereafter "an"

Page 3, line 19, after the period insert "On a highway on which the speed limit is posted at seventy miles [112.65 kilometers] an hour or higher, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile an hour over the limit."

Page 4, remove lines 4 through 18

Renumber accordingly

Engrossed HB 1048 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

HB 1048

Good Afternoon

Chairman Ruby, Vice Chair Owens and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of House Bill 1048. The bill before you today is meant to promote traffic safety through increased compliance with the speed regulations in the state of North Dakota.

I had hoped to provide a background as to when the current state wide fee structure was first implemented in North Dakota. In my research I was unable to locate the actual date of the legislation establishing current fees. Not finding the information I then asked a retired Highway Patrol Officer. The Trooper responded that the fees were established in the 1950s or the 1960s. He pointed out some change had been made to specific statutes over the years. Without a solid date I am forced to rely on my own personal experience.

In 1975 I received my first speeding ticket. I was driving 13 mph over the 25 mph limit and received a citation. The fee was \$13.00. In 1984 when I began my career in law enforcement in Casselton the fee for driving 13 mph over the 25 mph limit was \$13.00. If I were on the street today and clocked a violator doing 13 mph over the limit within your residential neighborhood the fee would \$13. Certainly my \$13.00 citation in 1975 had more impact on my driving behavior than would a \$13.00 citation today.

During conversations with other drivers you may have heard them comment how they adjust their driving habits when they enter Minnesota or South Dakota because of the existing harsher penalties. For comparison I would like to provide the following examples:

Speeding

Current ND

ND speeding in residential area 13 mph over the limit \$ 13
22 mph over the limit \$ 31

In comparison

Current MN

MN speeding in residential area 13 mph over the limit \$125 (fine \$40/ \$75
surcharge/ \$10 law library)
22 mph over the limit \$227 (fine \$70/ \$75
surcharge/ \$10 law library/ \$72 State general fund)

Current SD

SD speeding in residential area 13 mph over the limit \$110 (fine \$56/ \$40
liquidated costs/ \$14 surcharge)
22 mph over the limit \$150 (fine \$96/ \$40 liquated
costs/ \$ 14 surcharge)

Transportation Committee

House Bill 1048

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

In 2000 the City of West Fargo did raise traffic fees slightly above those set by the State of North Dakota following an Attorney General's opinion on the powers of Home Rule communities. While the increase in fees was not significant the public's awareness of the increase did affect driving habits within my city.

All drivers weigh their own gain against the perceived risk to themselves or the potential penalty they could face. If the risk or penalty is low or inconsequential a driver will be willing to accept the risk or penalty and overdrive the conditions or violate the law. Your friends and neighbors will tell you the harsher penalties imposed in Minnesota and South Dakota do affect how they drive. They follow the law.

During the 2009 and 2011 Legislative Session opposition indicated the increases were not warranted and would be unpopular in rural North Dakota. I believe our rural and urban areas are no longer so different. Traffic volumes, damaged road surfaces and driver distractions give drivers little margin of error when operating a motor vehicle. The importance of a driver to be motivated to obey the traffic regulation is paramount to the safety of those who share the roadway. The impact of oil development and higher traffic volumes has shown an increase of fees is warranted and necessary for improved public safety within our state.

Thank you for your consideration. I would be willing to answer any questions you may have.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1048

Page 2, line 5, replace "twenty" with "three"

Page 2, line 5, remove "in addition to the fee"

Page 2, overstrike lines 6 through 8

Page 2, line 9, overstrike "1 - 5 \$ 5"

Page 2, line 9, remove "\$2/each mph over limit"

Page 2, line 10, overstrike "6 - 10 \$ 5 plus \$1/each"

Page 2, line 10, remove "\$3/each"

Page 2 line 10, overstrike "mph over 5 mph over limit"

Page 2, line 11, overstrike "11 - 15 \$ 10 plus \$1/each"

Page 2, line 11, remove "\$4/each"

Page 2 line 11, overstrike "mph over 10 mph over limit"

Page 2, line 12, overstrike "16 - 20 \$ 15 plus \$2/each"

Page 2, line 12, remove "\$5/each"

Page 2, line 12, overstrike "mph over 15 mph over limit"

Page 2, line 13, overstrike "21 - 25 \$ 25 plus \$3/each"

Page 2, line 13, remove "\$6/each"

Page 2, line 12, overstrike "mph over 20 mph over limit"

Page 2, line 14, overstrike "26 - 35 \$ 40 plus \$3/each"

Page 2, line 14, remove "\$7/each"

Page 2, line 14, overstrike "mph over 25 mph over limit"

Page 2, line 15, overstrike "36 - 45 \$ 70 plus \$3/each"

Page 2, line 15, remove "\$8/each"

Page 2, line 15, overstrike "mph over 35 mph over limit"

Page 2, line 16, overstrike "46 + \$100 plus \$5/each"

Page 2, line 16, remove "\$10/each"

Page 2, line 16, overstrike "mph over 45 mph over limit" and insert immediately thereafter "for each mile per hour over the limit."

Page 2, line 24, remove "in excess"

Page 2, line 25, after "hour" insert "or higher"

Page 2, line 26, replace "twenty" with "six"

Page 2, line 26, remove "in addition to the fee"

Page 2, line 26, overstrike "established as"

Page 2, overstrike lines 27 through 29

Page 2, line 30, overstrike "1 - 10"

Page 2, line 30, remove "5"

Page 2, line 30, overstrike "\$2/each"

Page 2, line 30, remove "\$6/each"

Page 2 line 30, overstrike "mph over limit"

Page 2, line 31, overstrike "11"

Page 2, line 31, remove "6"

Page 2, line 31, overstrike "+"

Page 2, line 31, remove "- 10"

Page 2, line 31, overstrike "\$20 plus \$5/each"

Page 2, line 31, remove "\$7/each"

Page 2, line 31, overstrike "mph over 10 mph over limit"

Page 3, remove lines 1 and 2

Page 3, line 3, replace "21 +\$10/each mph over limit" with "for each mile per hour over the limit."

Renumber accordingly

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1048

Page 1, line 1, after "39-06.1-06" insert "and subsection 2 of section 40-05-06"

Page 2, line 4, overstrike "7"

Page 2, line 4, after "44" insert "10"

Page 2, overstrike lines 6 through 8

Page 2, line 9, overstrike "1 - 5"

Page 2, line 9, remove "\$2/each mph over limit"

Page 2, line 10, overstrike "6 - 10"

Page 2, line 10, remove "\$3/each"

Page 2, line 10, overstrike "mph over"

Page 2, line 10, overstrike "limit"

Page 2, line 11, overstrike "11 - 15"

Page 2, line 11, remove "\$4/each"

Page 2, line 11, overstrike "mph over"

Page 2, line 11, overstrike "limit"

Page 2, line 12, overstrike "16 - 20"

Page 2, line 12, remove "\$5/each"

Page 2, line 12, overstrike "mph over"

Page 2, line 12, overstrike "limit"

Page 2, line 13, overstrike "21 - 25"

Page 2, line 13, remove "\$6/each"

Page 2, line 13, overstrike "mph over"

Page 2, line 13, overstrike "limit"

Page 2, line 14, overstrike "26 - 35"

Page 2, line 14, remove "\$7/each"

Page 2, line 14, overstrike "mph over"

Page 2, line 14, overstrike "limit"

Page 2, line 15, overstrike "36 - 45"

Page 2, line 15, remove "\$8/each"

Page 2, line 15, overstrike "mph over"

Page 2, line 15, overstrike "limit"

Page 2, line 16, overstrike "46 +"

Page 2, line 16, remove "\$10/each"

Page 2, line 16, overstrike "mph over"

Page 2, line 16, overstrike "limit" and insert immediately thereafter "of two dollars for each mile per hour over the limit."

Page 2, line 24, overstrike "On a highway on which the speed limit is a speed"

Page 2, line 24, remove "in excess of"

Page 2, line 25, remove "sixty-five"

Page 2, line 25, overstrike "miles ["

Page 2, line 25, remove "104.61"

Page 2, line 25, overstrike "kilometers] an hour, for a violation of section 39-09-02, or"

Page 2, line 26, overstrike "an equivalent ordinance, a fee"

Page 2, line 26, remove "of twenty dollars in addition to the fee"

Page 2, line 26, overstrike "established as"

Page 2, overstrike lines 27 through 29

Page 2, line 30, overstrike "1 -"

Page 2, line 30, remove "5"

Page 2, line 30, remove "\$6/each"

Page 2, line 30, overstrike "mph over limit"

Page 2, line 31, remove "6"

Page 2, line 31, remove "- 10"

Page 2, line 31, remove "\$7/each"

Page 2, line 31, overstrike "mph over"

Page 2, line 31, overstrike "limit"

Page 3, remove lines 1 through 3

Page 3, line 4, overstrike "8."

Page 3, line 5, overstrike "9." and insert immediately thereafter "8."

Page 3, line 7, overstrike "10." and insert immediately thereafter "9."

Page 3, line 21, overstrike "11." and insert immediately thereafter "10."

Page 3, line 21, remove the overstrike over "~~On a highway on which the speed limit is posted in excess of sixty five miles [104.61~~"

Page 3, remove the overstrike over lines 22 and 23

Page 3, line 24, after "12." insert "11."

Page 4, after line 7, insert:

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

2. a. ~~For~~Except as otherwise provided under subdivision b. 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 the limits, for equivalent categories of violations, ~~set forth~~ in section 39-06.1-06.
- b. A home rule city may establish, by ordinance, a fee for the violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, if the fee is for driving in excess of speed limitations and the fee does not exceed two times the limits in section 39-06.1-06 or if the fee is for a moving violation other than driving in excess of speed limitations and does not exceed three times the limits in section 39-06.1-06."

Renumber accordingly

Current MN disregard stop sign \$ 135 (fine \$50/ \$75 surcharge/ \$10 law library)

Current SD disregard stop sign \$ 104 (fine \$50/ \$40 liquidated costs/ \$14 surcharge)

I think we can agree the higher fees do cause us to be more vigilant in our driving.

House Bill 1048 has been amended by the House Transportation Committee to allow home rule communities to set fees at a rate higher than elsewhere in the state. The provision allows leaders to address traffic safety at the local level. Unfortunately, the amendment also reduces the fee for speeding on a 65 MPH roadway to an amount less than what was set in 1985. The proposed reduction does little to discourage unsafe driving. The graph shows the amendment to House Bill 1048 and its implications. The highlighted figures represent the amended fee structure according to HB 1048. The figures that are not highlighted represent the current fee structure as it is now.

Speed	55 Zone	65 Zone	70 Zone	75 Zone
65	\$10 (\$20)	-	-	-
70	\$15 (\$30)	\$10 (\$10)	-	-
75	\$25 (\$40)	\$20 (\$20)	\$25 (\$25)	-
80	\$40 (\$50)	\$45 (\$30)	\$50 (\$50)	\$25 (\$25)
85	\$55 (\$60)	\$70 (\$40)	\$75 (\$75)	\$50 (\$50)
90	\$70 (\$70)	\$95 (\$50)	\$100 (\$100)	\$75 (\$75)

All drivers weigh their own gain against the perceived risk to themselves or the potential penalty they could face. If the risk or penalty is low or inconsequential a driver will be willing to accept the risk or penalty and overdrive the conditions or violate the law. Your friends and neighbors will tell you the harsher penalties imposed in Minnesota and South Dakota do affect how they drive. They follow the law.

During the 2009 and 2011 Legislative Session opposition indicated the increases were not warranted and would be unpopular in rural North Dakota. I believe our rural and urban areas are no longer so different. Traffic volumes, damaged road surfaces and driver distractions give drivers little margin of error when operating a motor vehicle. The importance of a driver to be motivated to obey the traffic regulation is paramount to the safety of those who share the roadway. The impact of oil development and higher traffic volumes has shown an increase of fees is warranted and necessary for improved public safety within our state.

Thank you for your consideration. I would be willing to answer any questions you may have.

Transportation Committee
House Bill 1048
Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

CHAPTER 432

HOUSE BILL NO. 1425
 (Representatives Whalen, Wald)
 (Senator Maixner)

SPEEDING PENALTIES

AN ACT to create and enact a new subsection to section 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalties for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and penalties for violating highway speed limits; and to provide a contingent effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. ~~For~~ Except as provided in section 2 of this Act, 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 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph 35 mph over limit
46 +	\$100 plus \$5/each mph 45 mph over limit

SECTION 2. A new subsection to section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is

sixty-five miles per hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Speed	Fee
66 - 70	\$ 10 plus \$1/each mph over 65
71 - 75	\$ 15 plus \$2/each mph over 70
76 - 80	\$ 25 plus \$3/each mph over 75
81 - 90	\$ 40 plus \$3/each mph over 80
91 - 100	\$ 70 plus \$3/each mph over 90
101 +	\$100 plus \$5/each mph over 100

*SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

(33) Operating Except as provided in section 4 of this Act, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance

6 - 10 mph over limit	1 point
11 - 15 mph over limit	2 points
16 - 20 mph over limit	3 points
21 - 25 mph over limit	4 points
26 - 35 mph over limit	6 points
36 - 45 mph over limit	8 points
46 + mph over limit	12 points

SECTION 4. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is sixty-five miles per hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Speed (mph)	Points
71 - 75	1
76 - 80	4
81 - 90	7
91 - 100	10
101 +	12

SECTION 5. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. ~~Fifty-five~~ Sixty-five miles [~~88.51~~ 104.61 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

* NOTE: Section 39-06.1-10 was also amended by section 1 of House Bill No. 1480, chapter 434.

SECTION 6. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the governor certifies to the secretary of state and to the highway commissioner that the federal restrictions on speed limits exceeding fifty-five miles per hour are no longer in effect, but only if that day is before July 1, 1987.

Approved March 28, 1985

[A to Z Index](#) | [FAQs](#) | [About BLS](#) | [Contact Us](#) | [Subscribe to E-mail Updates](#) 

[Follow Us](#) | [What's New](#) | [Release Calendar](#) | [Site Map](#)

Search BLS.gov 

[Home](#) | [Subject Areas](#) | [Databases & Tools](#) | [Publications](#) | [Economic Releases](#) | [Beta](#)

Databases, Tables & Calculators by Subject

SHARE ON:   

FONT SIZE:   PRINT: 

- TOP PICKS
- SERIES REPORT
- DISCONTINUED DATABASES
- FAQS
- SPECIAL NOTICES
- MORE SOURCES OF DATA

CPI Inflation Calculator

CPI Inflation Calculator

\$

in 

Has the same buying power as:

in 

[About this calculator](#)
[Mobile Browser?](#) [View full screen.](#)

About the CPI Inflation Calculator

The CPI inflation calculator uses the average [Consumer Price Index](#) for a given calendar year. This data represents changes in prices of all goods and services purchased for consumption by urban households. This index value has been calculated every year since 1913. For the current year, the latest monthly index value is used.

RECOMMEND THIS PAGE USING:  Facebook |  Twitter |  LinkedIn

TOOLS

- [Areas at a Glance](#)
- [Industries at a Glance](#)
- [Economic Releases](#)
- [Databases & Tables](#)
- [Maps](#)

CALCULATORS

- [Inflation](#)
- [Location Quotient](#)
- [Injury And Illness](#)

HELP

- [Help & Tutorials](#)
- [FAQs](#)
- [Glossary](#)
- [About BLS](#)
- [Contact Us](#)

INFO

- [What's New](#)
- [Careers @ BLS](#)
- [Find It! DOL](#)
- [Join our Mailing Lists](#)
- [Linking & Copyright Info](#)

RESOURCES

- [Inspector General \(OIG\)](#)
- [Budget and Performance](#)
- [No Fear Act](#)
- [USA.gov](#)
- [Benefits.gov](#)
- [Disability.gov](#)

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [Customer Survey](#) | [Important Web Site Notices](#)

U.S. Bureau of Labor Statistics | Postal Square Building, 2 Massachusetts Avenue, NE Washington, DC 20212-0001

13.0120.03004
Title.

Prepared by the Legislative Council staff for
Senate Transportation Committee
April 3, 2013

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

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

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

Page 4, remove lines 4 through 18

Re-number accordingly

FEE AND POINT SCHEDULE FOR SPEEDING

Speed (mph)	Speed Zones 55 or less	Speed Zones greater than 55 but less than 70 mph	PT
	Fee (\$)	Fee (\$)	
1-5 mph over limit	\$5	\$2/each mph over limit	0
6-10 mph over limit	\$5+ \$1/each mph over 5 mph over limit	\$2/each mph over limit	0
11-15 mph over limit	\$10+ \$1/each mph over 10 mph over limit	\$20+ \$5/each mph over 10 mph over limit	1
16-20 mph over limit	\$15+ \$2/each mph over 15 mph over limit	\$45+ \$5/each mph over 15 mph over limit	3
21-25 mph over limit	\$25+ \$3/each mph over 20 mph over limit	\$70+ \$5/each mph over 20 mph over limit	5
26-35 mph over limit	\$40+ \$3/each mph over 25 mph over limit	\$95+ \$5/each mph over 25 mph over limit	9
36-45 mph over limit	\$70+ \$3/each mph over 35 mph over limit	\$145+ \$5/each mph over 35 mph over limit	12
46+ mph over limit	\$100+ \$5/each mph over 45 mph over limit	\$195+ \$5/each mph over 45 mph over limit	15

FEE AND POINTS FOR SPEEDING IN SCHOOL ZONES

20 Zone	Fee	Pts	20 Zone	Fee	Pts	20 Zone	Fee	Pts
21-30	\$40	0	39	\$49	3	48	\$58	9
31	\$41	1	40	\$50	3	49	\$59	9
32	\$42	1	41	\$51	5	50	\$60	9
33	\$43	1	42	\$52	5	51	\$61	9
34	\$44	1	43	\$53	5	52	\$62	9
35	\$45	1	44	\$54	5	53*	\$63	9
36	\$46	3	45	\$55	5	*Regular fee becomes greater		
37	\$47	3	46	\$56	9			
38	\$48	3	47	\$57	9			

School Zone Criteria: During recess; during opening and closing hours of the school
 Fees: 1-10 mph over - \$40; 11 mph & higher-\$40 plus \$1 for each mph over 10 mph over the limit - unless a greater fee is applicable

FEE AND POINTS FOR SPEEDING IN CONSTRUCTION ZONES

35 Zone	55 Zone	60 Zone	Fee	Pts	35 Zone	55 Zone	60 Zone	Fee	Pts
36-45	56-65	61-70	\$80	0	58	78	83	\$106	5
46	66	71	\$82	1	59	79	84	\$108	5
47	67	72	\$84	1	60	80	85	\$110	5
48	68	73	\$86	1	61	81	86	\$112	9
49	69	74	\$88	1	62	82	87	\$114	9
50	70	75	\$90	1	63	83	88	\$116	9
51	71	76	\$92	3	64	84	79	\$118	9
52	72	77	\$94	3	65	85	90	\$120	9
53	73	78	\$96	3	66	86	91	\$122	9
54	74	79	\$98	3	67	87	92	\$124	9
55	75	80	\$100	3	68	88	93	\$126	9
56	76	81	\$102	5	69	89	94	\$128	9
57	77	82	\$104	5					

Construction Zone Criteria: 1) Must be signed "Minimum Fee \$80" 2) Construction workers must be present at the time and place of the violation
 Fees: 1-10 mph over—\$80; 11 mph and higher—\$80 plus \$2 for each mph over 10 mph over the limit

CLASSIFICATION OF OFFENSES



Compliments of
 NDPOA and NDHP

August 1, 2011

ATTACHMENT 1 page 1

PT	Bond/Fee	Section	Violation	8/11
ACCIDENT				
18	---	39-08-04	Leaving the scene of an accident involving personal injury (serious personal injury - C felony; death - B felony)	
14	----	39-08-05	B Misd Leaving the scene of an accident involving an attended vehicle, property damage	
14	----	39-08-07	A Misd Leaving the scene of an accident involving an unattended vehicle	
14	----	39-08-08	Infrac Leaving the scene of an accident with a fixed object	
6	\$50	39-08-09	Non-Crim Failure to give immediate notice of reportable accident	
6	----	39-09-01	Infrac Careless driving - causes and inflicts injury upon operator of snow removal equipment or causes damage in excess of \$1000	
ALCOHOL				
0	----	5-01-05.1	Intoxicated person (de-tox)	
0	----	5-01-08	B Misd Possessing, purchasing, furnishing money to purchase, or consuming an alcoholic beverage by an individual under 21	
0	----	5-01-09	A Misd Delivering alcoholic beverages to an individual under 21	
0	----	5-01-18	B Misd Illegal to possess or sell alcohol vaporizing device	
0	----	5-02-05	A Misd Violation of hours for licensed liquor establishment	
----	----	39-08-01	B Misd Drove or in actual physical control of a motor vehicle while under the influence of alcohol or drugs in excess of .08% blood alcohol concentration (1st & 2nd offense in 5-year period); A Misd - 3rd offense in a 5 year period; A Misd - 4th offense in a 7-year period; C Felony - 5th or subsequent offense in a 7-year period	
0	----	39-08-01.2	A Misd Serious bodily injury while violating 39-08-01 or 39-08-03 (death - C felony)	
0	----	39-08-01.4	A Misd DUI by person 21 or older with minor present	
2	\$50	39-08-18	Non-Crim Open receptacle containing an alcoholic beverage in or on vehicle (moving—if operator) (0 points if passenger)	
BACKING				
0	\$20	39-10-52(1)	Moving Backing so as to interfere with traffic	
0	\$20	39-10-52(2)	Moving Backing vehicle on controlled access highway	
BICYCLE				
0	\$5	39-10.1-04	Moving Clinging to a vehicle	
0	\$5	39-10.1-05	Moving Failed to ride as near to the right as possible	
DRIVER LICENSE				
4	\$20	39-06-01	Moving Drove without operator's license	
4	\$20	39-06.1-03	Non-Crim Violated or exceeded restrictions contained in temporary restricted driving certificate	
0	----	39-06-02(5)	---- Failure to obtain ND driver's license (cite under 39-06-01)	
2	----	39-06-04	Infrac Failed to comply with requirements of Class D instruction permit (age requirement, points, and the prohibition on electronic communication devices only applies to permits issued after 1/1/12)	
4	\$20	39-06-14	Moving Drove vehicle other than permitted by class license	
0	\$20	39-06-16	Moving Failed to have driver's license in possession or to physically surrender DL	
4	----	39-06-17	B Misd Violated driver's license or work permit restrictions (Violated eye lens restrictions - 3 points)	
4	\$20	39-06-17(6a,b)	Non-Mov Violated provisions of restricted driver's license (juvenile)	
4	\$20	39-06-17(6c,d)	Non-Mov Violated provisions of restricted driver's license issued after 1/1/12 (juvenile)	
0	----	39-06-20	---- Notice of change of name or address within 10 days	
0	----	39-06-40	B Misd Unlawful use of license—lending/use someone else's/refuse to surrender any operator's license, permit, or ID card	
0	----	39-06-40.1	B Misd Reproducing or altering operator's or driver's license, ID card, or permit - display or have in possession an altered driver's license	
0	----	39-06-42	B Misd Driving while license suspended or revoked (fourth or subsequent offense within 5 years - A Misd)	
2	\$20	39-06-44	Non-Mov Permitting unauthorized minor to drive	
2	\$20	39-06-45	Non-Mov Permitting unauthorized person to drive	
EQUIPMENT				
0	\$20	39-10-39	Moving No signal lamps or signals by hand or arm when required	
0	\$20	39-21-01	Moving Drove without headlamps when required	
0	\$20	39-21-03	Moving No headlamps (not operated - \$10 Non-Mov)	
0	\$20	39-21-04(1)	Moving Drove without taillamps when required	
0	\$20	39-21-04(3)	Moving No license plate light when required	
0	\$20	39-21-05	Moving Operated new vehicle upon roadway without required reflectors (not operated - \$10 Non-Mov)	
0	\$20	39-21-06	Moving Operated motor vehicle not equipped with stop lamps or turn signals	
0	\$20	39-21-06.1	Moving Operated motor vehicle while backup lights lighted	
0	\$20	39-21-08	Non-Mov No clearance lamps or reflectors when required	
0	\$20	39-21-08	Non-Mov No stop lamp - bus, truck, trailer, or semitrailer	
0	\$10	39-21-09	Non-Crim Improper color of clearance side marker, backup lamps, or reflectors	
0	\$10	39-21-09(3)	Non-Crim Only red light permitted to rear (see exemptions)	
0	\$20	39-21-10	Non-Mov Improper mounting of reflectors, clearance lamps, and marker lamps	
0	\$20	39-21-11	Non-Mov Visibility of reflectors, clearance lamps, and marker lamps	
0	\$20	39-21-12	Moving Operated vehicle in combination with insufficient/improper lights	
0	\$20	39-21-13	Moving No flag or lamp on projecting load (not operated - \$10 Non-Mov)	
0	\$20	39-21-14	Non-Mov No lamps or headlamps on high beam while parked	
0	\$20	39-21-15	Moving No lamps on farm tractor, equipment, or implements when required	

PT	Bond/Fee	Section	Offense	Violation	8/11
	\$20	39-21-16	Moving	No lamps on other vehicles and equipment	
	\$20	39-21-17	Moving	Operated vehicle with improperly aimed or mounted spot, fog, passing, or lamp	
0	\$20	39-21-18(4)	Moving	School bus not equipped with flashing signal lights/stop arm	
0	\$20	39-21-18.1	Moving	Improper use of flashing lights by mail carrier	
0	\$20	39-21-19	Moving	No signal lamps or stop lamps (not operated - \$10 Non-Mov)	
0	\$20	39-21-20(3)	Moving	Vehicle not equipped with high beam indicator	
1	\$20	39-21-21(1)	Moving	Failed to dim headlamps for approaching vehicles within 500 ft	
1	\$20	39-21-21(2)	Moving	Failed to dim headlamps when following another vehicle within 300 ft	
0	\$20	39-21-22	Moving	Vehicle equipped with improperly aimed or adjusted headlamps	
0	\$20	39-21-25	Moving	Operated vehicle while equipped with excessive number of lamps	
0	\$20	39-21-26(2)	Moving	Unauthorized red or green light visible from the front	
0	\$20	39-21-26(3)	Moving	Unauthorized flashing light	
0	\$20	39-21-27	Moving	Improperly operated school bus warning equipment or special lighting	
0	\$20	39-21-28(2)	Moving	Operated snow removal equipment upon highway without displaying proper lights	
0	\$20	39-21-29	Moving	Vehicle equipped with lamp which has not been approved	
2	\$20	39-21-32	Moving	Defective brakes on motor vehicle (not operated - \$10 Non-Mov)	
2	\$20	39-21-32(3)	Moving	Defective brakes or no safety chains on trailer	
2	\$20	39-21-33	Moving	Maintenance of brakes required	
0	\$20	39-21-36(1)	Moving	No horn	
0	\$20	39-21-36(2)	Moving	Operated vehicle equipped with unauthorized siren, whistle, or bell	
0	\$20	39-21-37	Moving	Defective muffler or no muffler (not operated - \$10 Non-Mov)	
0	\$20	39-21-38	Moving	No mirror	
0	\$20	39-21-39(1)	Moving	Drove vehicle with obstructed windshield or no windshield (not operated - \$10 Non-Mov)	
0	\$20	39-21-39(3)	Moving	Operated vehicle with faulty or no windshield wipers	
0	\$20	39-21-39(4)	Moving	Tinted windshield or windows (windows behind the operator are exempt if the vehicle is equipped with outside mirrors on each side)	
0	\$20	39-21-40(3)	Moving	Drove with studded tires when illegal (legal period - October 15 to April 15)	
0	\$20	39-21-40(3)	Moving	Operated vehicle with cleat, spike, or metal flange in contact with road surface (exceptions for farm machinery, school buses, and tire chains)	
1	\$25	39-21-41.2	Moving	Operator failed to provide child restraint device	
0	\$20	39-21-41.4	Moving	Front seat occupant not properly restrained (secondary offense only - mail carriers, implements of husbandry, and certain medical conditions are exempt)	
0	\$20	39-21-42	Moving	Certain vehicles to carry flares or other warning devices	
0	\$20	39-21-43	Moving	Failed to display flares	
0	\$20	39-21-44.1	Moving	Drove vehicle with leaking or sifting load	
0	\$20	39-21-44.2	Moving	Improper drawbar or connection between vehicles (not operated - \$10 Non-Mov)	
2	----	39-21-45.1	Infrac	Modification of motor vehicle	
2	----	39-21-46(2)	Infrac	Operated an unsafe vehicle	
0	\$20	39-21-50	Moving	Failed to display slow moving emblem or flashing amber light	
0	----	39-21-51	B Misd	Altered odometer or mileage recorders (more than one vehicle or a subsequent offense - C felony)	
FOLLOWING					
0	\$20	39-10-18(1)	Moving	Following too close	
0	\$20	39-10-18(2)	Moving	Failed to leave sufficient distance between trucks	
HEIGHT, WEIGHT, LENGTH					
0	\$100	39-12-08	Non-Crim	Operating without permit	
0	\$20	39-12-04	Moving	Overwidth, height, and length limitations	
0	\$100	39-12-04(1d)	Moving	Seasonal permit violation	
0	\$20	39-12-05	Moving	Overweight limitations on interstate system	
0	\$20	39-12-05.3	Moving	Overweight limitation on roads other than the interstate system	
0	\$20	39-12-06	Moving	Extended load on side of vehicle	
0	\$20	39-12-09	Moving	Operating or owner allowing the operation of a vehicle in violation of size or weight limitations.	
0	----	39-12-21	B Misd	Driver failed to stop or submit vehicle to weighing when ordered to do so by a police officer	
HIGHWAY					
0	----	24-03-05	A Misd	Defacing, removing, or traveling through any barricade on highway	
0	----	24-03-11	B Misd	Failed to erect warning signs at culvert, bridge, or on public roadway under repair	
0	----	24-06-27	B Misd	Obstructed or caused damage to highway ditch	
0	----	24-10-03	Infrac	Failed to close gates authorized on highway	
0	----	24-12-01	B Misd	Destruction to highway, rest area, bridge, picnic area, etc.	
0	----	24-12-02	B Misd	Obstructed or plowed up highway right of way	
0	----	24-12-04	B Misd	Caused damage to highway signs and markings	
MOBILE HOME					
0	\$20	39-10-52.2	Moving	Riding in housetrailer when prohibited	
0	\$100	39-18-01	Non-Crim	Mobile home dealer license violation	
0	----	39-18-03	B Misd	Failure to register mobile home, travel trailer, or housetrailer	
0	----	39-18-04	B Misd	Mobile home not equipped with adequate brakes, taillights, or stoplights	
MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS					
2	\$250	39-21-44	Non-Crim	Violations involving the transport of haz-mat or explosives	

ATTACHMENT 1 page 2

PT	Bond/Fee	Section	Violation	8/11
MOTOR CARRIER REGULATIONS				
0	\$500	39-21-46(3)	Crim	Operating vehicle: after driver placed out-of-service; with 10 or more out-of-service defects; or prior to repair after vehicle has been placed out of service
0	\$250	39-21-46(3)	Non-Crim	False record of duty status/log book; operating vehicle with 7-9 out-of-service defects
0	\$100	39-21-46(3)	Non-Crim	Driving excess hours; duty status/log book violations; operating vehicle with 4-6 out-of-service defects
0	\$50	39-21-46(3)	Non-Crim	Motor carrier safety regulation violations not listed above
MOTOR VEHICLE DEALERS				
0	---	39-04-17	Infrac	Certificate of notary violation
MOTORCYCLE AND MOPEDS (For motorcycle equipment see sections 39-21 and 39-27)				
2	\$20	39-10-2-02	Moving	Riding more than designed for or interfering with the operator
2	\$20	39-10-2-03	Moving	Overtaking or passing vehicle in same lane or more than two abreast
4	\$20	39-10-2-04	Moving	Clinging to a vehicle
2	\$20	39-10-2-05	Moving	Carrying passengers on motorcycle not equipped with passenger footrests
2	\$20	39-10-2-06	Moving	No helmet worn - driver or passenger under 18 (if the driver is required to wear protective headgear, any passenger must also regardless of age)
OFF-HIGHWAY VEHICLES (OHV)				
0	\$50	39-29-02	Infrac	Failed to register off-highway vehicle
0	\$20	39-29-09(1)	Infrac	Operated on roadway, shoulder, or inside bank or slope where prohibited
0	\$20	39-29-09(1)	Infrac	Operated OHV on paved highway with speed limit greater than 55 mph
0	\$20	39-29-09(1)	Infrac	Only class III OHV with a licensed driver age 16 or older may operate on a paved highway posted at a speed not exceeding 65 mph
0	\$20	39-29-09(2a)	Infrac	Crossed roadway other than 90-degree angle
0	\$20	39-29-09(2b)	Infrac	Failed to stop before crossing roadway
0	\$20	39-29-09(2c)	Infrac	Failed to yield right of way to oncoming traffic
0	\$20	39-29-09(2d)	Infrac	Crossing divided highway at other than an intersection
0	\$20	39-29-09(3)	Infrac	No brakes, headlamp, or taillamp (except for class I OHV)
0	---	39-29-09(5b)	B Misd	Careless, reckless, or negligent operation of OHV
0	---	39-29-09(5c)	B Misd	Drove OHV while under the influence of intoxicating liquor or drugs
0	---	39-29-09(5g)	B Misd	Operating on posted land
0	\$20	39-29-09(6)	Infrac	No valid driver's license in possession while operating an OHV
0	\$20	39-29-09(9)	Infrac	No helmet worn - operator or passenger under 18 years
0	\$20	39-29-09(10)	Infrac	Carried passenger on OHV
0	\$10	39-29-09.1	Infrac	Operated OHV on paved roadway w/o mirror, horn, speedometer, odometer, brake light, headlamp or motor of at least 350 cc
0	\$10	39-29-10	Infrac	Age 12 or over operating OHV without safety certificate or license
OVERTAKING				
2	\$20	39-10-11(1)	Moving	Drove to the right before safely clear while passing
2	\$20	39-10-11(2)	Moving	Failed to give way when overtaken
2	\$20	39-10-12	Moving	Overtook vehicle on the right when prohibited or unsafe
2	\$20	39-10-13	Moving	Overtook when unsafe
2	\$20	39-10-15	Moving	Overtook where prohibited
6	\$50	39-10-46(1)	Moving	Overtook or passed stopped school bus
6	\$50	39-10-46(2)	Moving	Improper use of school bus (school bus signs)
0	\$50	39-10-46.1	Moving	Registered owner permitted overtaking or passing of school bus
PARKING				
0	\$5	39-01-15(6)	Non-Mov	Mobility impaired certificate or license plate not prominently displayed
0	\$100	39-01-15(8)	Infrac	Mobility impaired certificate improperly used
0	\$100	39-01-15(10)	Non-Mov	Stopping, standing, or parking in mobility impaired designated parking space
2	\$20	39-10-47	Non-Mov	Stopping, standing, or parking outside of business or residential district upon the paved or main-traveled portion of a highway
0	\$5	39-10-48(4)	Non-Mov	Vehicle improperly parked on Capitol Grounds when prohibited
1	\$20	39-10-49	Non-Mov	Stopping, standing, or parking where prohibited
0	\$20	39-10-50	Non-Mov	Additional parking regulations
1	\$20	39-10-51	Non-Mov	Unattended motor vehicle improperly parked
1	\$20	39-10-54.1	Non-Mov	Opening door on vehicle when unsafe
PEDESTRIANS				
2	\$50	39-10-05	Moving	Failed to yield to pedestrian at a lighted traffic-controlled intersection
2	\$50	39-10-28	Moving	Failed to yield right of way to pedestrian in crosswalk
0	\$20	39-10-30	Moving	Driver failed to exercise due care upon approaching pedestrian
0	\$20	39-10-33.1	Moving	Driver failed to yield right of way to pedestrian on sidewalk
0	\$20	39-10-33.2	Moving	Pedestrian failed to yield right of way to authorized emergency vehicle
2	\$20	39-10-33.3	Moving	Driver failed to yield right of way to blind or visually impaired person
0	\$20	39-10-33.4	Moving	Pedestrian under influence of alcohol or drugs creating a hazard on roadway
0	\$20	39-10-34	Moving	Pedestrian standing on roadway soliciting ride or business
RAILROAD CROSSINGS				
3	\$50	39-10-41	Moving	Failed to stop for automatic RR crossing signal, flagman, or train; drove around crossing gate or barrier
3	\$50	39-10-42	Moving	Failed to stop for RR crossing marked with stop sign

PT	Bond/Fee	Section	Offense	Violation	8/11
0	\$20	39-10-43	Moving	Passenger bus, school bus, or vehicle carrying certain hazardous materials required to stop at RR crossing	
0	\$20	39-10-67	Moving	Improper movement of heavy equipment at RR grade crossing	
REGISTRATION					
1	\$20	39-04-11	Non-Mov	Failed to display number plates/tabs	
0	---	39-04-18	---	Failed to register vehicle upon becoming gainfully employed (cite under 39-04-37 - Section 1 as a \$100 non-moving violation)	
0	\$20	39-04-22	Moving	Exceeded gross weight for which registered	
0	\$20	39-04-37(1)	Moving	Failed to register motor vehicle (\$100 non-moving upon gainful employment)	
0	---	39-04-37	B Misd	Unlawful use of license plate or tab - Section 2, 3, 4, 5	
0	\$20	39-04-55	Moving	Failed to carry registration card in vehicle	
0	---	39-05-17	B Misd	Failure to transfer title of vehicle	
0	---	39-05-28	C Felony	Fraudulently defacing, destroying, or altering motor vehicle identification numbers	
0	---	39-19-03	Infrac	Failed to pay mile tax when required	
RIGHT OF WAY					
2	\$20	39-10-04	Moving	Disregarded traffic control device	
2	\$20	39-10-05	Moving	Drove through red light	
2	\$20	39-10-07	Moving	Failed to stop or yield for flashing red light/intersection	
2	\$20	39-10-07	Moving	Failed to exercise caution at flashing yellow light/intersection	
2	\$20	39-10-22	Moving	Failed to yield at intersection	
2	\$20	39-10-22.1	Moving	Failed to yield right of way when entering a freeway	
2	\$20	39-10-23	Moving	Turned left in front of approaching traffic	
2	\$20	39-10-24(2)	Moving	Failed to yield right-of-way at intersection marked with a stop sign	
2	\$20	39-10-24(3)	Moving	Failed to yield right-of-way at intersection marked with a yield sign	
2	\$20	39-10-25	Moving	Failed to yield entering roadway from any place other than another roadway	
2	\$50	39-10-26	Moving	Failed to yield to emergency vehicle or highway maintenance vehicle	
2	\$50	39-10-26(2)	Moving	Failed to change lanes for authorized emergency vehicle	
2	---	39-10-26(5)	Infrac	Failure to yield to emergency vehicle and causes an accident	
0	\$20	39-10-37	Moving	Failed to yield from stopped or parked position	
2	\$20	39-10-44(3)	Moving	Disregarded stop sign	
0	\$20	39-10-45	Moving	Driver emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway	
0	\$20	39-10-68	Moving	Entered intersection or RR grade crossing when roadway was obstructed	
2	\$20	39-10-72	Moving	Violated right of way to funeral procession	
SNOWMOBILE					
0	\$50	39-24-02	Moving	Failed to register snowmobile	
0	\$20	39-24-09(1)	Moving	Operated on shoulder of street, highway, or interstate when prohibited	
0	\$20	39-24-09(2a)	Moving	Crossed roadway other than 90-degree angle	
0	\$20	39-24-09(2b)	Moving	Failed to stop before crossing roadway	
0	\$20	39-24-09(2c)	Moving	Failed to yield right of way to oncoming traffic	
0	\$20	39-24-09(2d)	Moving	Crossed divided highway at other than an intersection	
0	\$20	39-24-09(3)	Moving	No brakes, headlamps, or taillamps	
0	---	39-24-09(5b)	B Misd	Careless, reckless, or negligent operation of snowmobile	
0	---	39-24-09(5c)	B Misd	Drove snowmobile while under the influence of intoxicating liquor or drugs	
0	---	39-24-09(5g)	B Misd	Operating on posted land	
0	\$20	39-24-09(6)	Moving	No valid driver's license in possession while operating snowmobile	
0	\$20	39-24-09(10)	Infrac	No helmet worn--operator or passenger under 18 years	
0	---	39-24-09(11)	B Misd	Operating or owner permitting operation of snowmobile without liability insurance	
0	\$100	39-24-09(12)	Moving	Operating within right of way of interstate	
0	\$20	39-24-09.1	Non-Mov	Age 12 or over operating snowmobile without certificate or license	
0	---	39-24.1-06	Non-Crim	Revocation of privilege to operate snowmobile upon refusal to submit to testing (schedule hearing to determine noncriminal statutory fee)	
0	---	39-24.1-12	A Misd	Operating snowmobile during period of prohibition	
0	---	39-24.1-13	B Misd	Fleeing or attempting to elude a peace officer (third or subsequent offense -- A Misd)	
TURNING					
0	\$20	39-10-35(1)	Moving	Turned right from wrong lane or turned too wide	
0	\$20	39-10-35(2)	Moving	Turned left from wrong lane or turned too wide	
0	\$20	39-10-36	Moving	Improper turn around (interfered with traffic or on a hill or curve)	
0	\$20	39-10-38	Moving	Neglected signal when required	
WRONG SIDE OR WRONG WAY					
2	\$20	39-10-08	Moving	Drove on left half of roadway not in overtaking	
2	\$20	39-10-14(1a)	Moving	Drove on left half of roadway on hill or curve	
2	\$20	39-10-14(1b)	Moving	Drove on left half of roadway at intersection or RR crossing	
2	\$20	39-10-16	Moving	Drove wrong way on one-way roadway	
0	\$20	39-10-17	Moving	Changed lanes without regard for other traffic	
0	\$20	39-10-19	Moving	Crossing the median	
2	\$20	39-10-20	Moving	Drove onto controlled-access highway other than entrances or exits	
0	\$250	39-10-21.1	Moving	Knowingly entered road closed due to hazardous conditions which is posted with a traffic-control device at the point of entry	
0	\$20	39-10-55	Moving	Driver failed to stay to the right while traveling through defiles or canyons or failed to give audible warning	

ATTACHMENT 1 Page 3

MISCELLANEOUS

0	\$25	12.1-31-03		Use of tobacco products by a minor (juvenile referral under 14 years old)
0	----	39-03-11	A Misd	Impersonating patrolman
0	----	39-07-08	B Misd	Violated written promise to appear
8	----	39-08-03	B Misd	Reckless driving
12	----	39-08-03	A Misd	Aggravated reckless driving
10	\$100	39-08-03.1	Moving	Drag racing (2.a)
3	\$50	39-08-03.1	Moving	Exhibition driving (2.b)
10	\$100	39-08-03.1	Moving	Racing (2.c)
0	----	39-08-19	B Misd	Willfully harassing or frightening any domestic animal with a motor vehicle
6	----	39-08-20	B Misd	Driving without liability insurance (in crash & owner—14 pts)
12	----	39-08-20	B Misd	Driving without liability insurance—second offense within 18 months
0	----	39-08-20(4)	B Misd	Failure to turn over plates by court order—result of second offense 3 yrs
0	\$100	39-08-23	Moving	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle
0	\$20	39-08-24	Moving	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18 (license issued after 1/1/12)
2	\$20	39-10-02	Moving	Failure to comply with a lawful order of police officer
0	\$20	39-10-38	Moving	Neglected signal when required
0	\$20	39-10-52.1	Moving	Driving upon sidewalk
0	\$20	39-10-54	Moving	Obstruction to driver's view or driving mechanism
0	\$20	39-10-56	Moving	Coasting prohibited
0	\$20	39-10-57	Moving	Following emergency vehicle when prohibited
0	\$20	39-10-58	Moving	Drove across fire hose when prohibited
0	\$20	39-10-59	Moving	Depositing rubbish on the roadway
0	\$20	39-10-64	Moving	Drove through safety zone when prohibited
0	----	39-10-65	B Misd	Operated motor vehicle on protective flood works when prohibited
24	----	39-10-71	A Misd	Fleeing or attempting to elude a police officer (1st offense - A Misd; subsequent offense within 3 years - C Felony; fleeing after or in the commission of a felony - C Felony)
0	----	39-26-03	A Misd	Abandoned motor vehicle without receiving consent of the owner

CRIMINAL (Criminal Offenses Include Infractions, Misdemeanors, Felonies)

0	----	12.1-02-02	B Felony	Operating a "chop shop"
0	----	12.1-08	A Misd	Harboring a runaway minor
0	----	12.1-08-02	A Misd	Resisting arrest (if offense involves an A, B, or C Felony - C Felony)
0	----	12.1-08-03	A Misd	Hindering law enforcement (C Felony under certain circumstances)
0	----	12.1-08-06	A Misd	Escape (B or C Felony under certain circumstances)
0	----	12.1-08-11	B Misd	Refusing to halt (non-driver; third or subsequent offense - A Misd)
0	----	12.1-11-03	A Misd	False information to a police officer
0	----	12.1-16-03	C Felony	Negligent homicide
0	----	12.1-17-11	A Misd	Contact by body fluids or excrement if the individual is reckless; C Felony if knowingly causes contact
0	----	12.1-17-12	B Felony	If negligently causes serious bodily harm while fleeing a peace officer; A Felony if negligently causes death
0	----	12.1-23-05	C Felony	Disarming or attempting to disarm a law enforcement officer
0	----	12.1-31-01	A Misd	Violated restraining order under section 4 or 5
0	----	12.1-31-01	B Misd	Disorderly conduct
0	----	12.1-31-01.1	B Misd	Disorderly conduct within 300 feet of funeral (subsequent offense - A Misd)
0	----	14-10-06	A Misd	Contributing to the delinquency of a minor (sexual conduct under 16 - C Felony)
0	----	19-03-1-22.1	B Misd	Inhalation of volatile chemical vapors
0	----	19-03-1-23	A Misd	Possession of a controlled substance - marijuana (felony for Class I - IV)
0	----	19-03-4-03	A Misd	Possession of drug paraphernalia - marijuana (Class I, II, III - C Felony)
0	----	19-03-4-04	A Misd	Unlawful manufacture or delivery of drug paraphernalia (Class I, II, III - C Felony)
0	----	19-03-4-05	C Felony	Unlawful delivery of drug paraphernalia to a minor (at least 3 years the deliverer's junior)
0	----	20.1-01-06	B Misd	Being afield with gun, firearm, or bow and arrow while under the influence of intoxicating liquor and/or drugs
0	----	20.1-13-07	B Misd	Operating a motorboat or vessel while under the influence of intoxicating liquor and/or drugs
0	----	23-29-05.1	Infra	Littering (more than one cubic foot, furniture, or appliance - B Misd)
0	----	24-15-05	B Misd	Proceeded or traveled through established roadblock
0	----	62.1-02-10	B Misd	Carrying a loaded firearm in a vehicle
0	----	62.1-03-01	A Misd	Carrying a handgun other than permitted by law
0	----	62.1-04-02	A Misd	Carrying a concealed weapon

SPEED

6	\$30	39-09-01	Moving	Careless driving in violation of basic rule
2	\$30	39-09-01.1	Moving	Care required in operating vehicle
		39-09-02	Moving	Exceeded speed limit (fee as provided)
	\$40+	39-09-02(1b)	Moving	Exceeded speed limit in school zone (fee as provided)
	\$80+	39-09-02(2)	Moving	Exceeded speed limit in construction zone (with signs & workers present)
0	\$20	39-09-04.1	Moving	Drove in excess of special speed limitations
0	\$20	39-09-09	Moving	Impeding traffic or operating slower than minimum posted speed

FEES AND POINTS FOR SPEEDING IN 55 ZONES

MHP	FEE	PT	MPH	FEE	PT									
56-60	\$5	0	69	\$14	1	78	\$34	5	87	\$61	9	96	\$88	12
61	\$6	0	70	\$15	1	79	\$37	5	88	\$64	9	97	\$91	12
62	\$7	0	71	\$17	3	80	\$40	5	89	\$67	9	98	\$94	12
63	\$8	0	72	\$19	3	81	\$43	9	90	\$70	9	99	\$97	12
64	\$9	0	73	\$21	3	82	\$46	9	91	\$73	12	100	\$100	12
65	\$10	0	74	\$23	3	83	\$49	9	92	\$76	12	101	\$105+	15
66	\$11	1	75	\$25	3	84	\$52	9	93	\$79	12	+ \$5 for each mph over 101 mph		
67	\$12	1	76	\$28	5	85	\$55	9	94	\$82	12			
68	\$13	1	77	\$31	5	86	\$58	9	95	\$85	12			

FEES AND POINTS FOR SPEEDING IN 65 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
66	\$2	0	76	\$25	1	86	\$75	5	96	\$125	9	106	\$175	12
67	\$4	0	77	\$30	1	87	\$80	5	97	\$130	9	107	\$180	12
68	\$6	0	78	\$35	1	88	\$85	5	98	\$135	9	108	\$185	12
69	\$8	0	79	\$40	1	89	\$90	5	99	\$140	9	109	\$190	12
70	\$10	0	80	\$45	1	90	\$95	5	100	\$145	9	110	\$195	12
71	\$12	0	81	\$50	3	91	\$100	9	101	\$150	12	111	\$200+	15
72	\$14	0	82	\$55	3	92	\$105	9	102	\$155	12	+ \$5 for each mph over 111 mph		
73	\$16	0	83	\$60	3	93	\$110	9	103	\$160	12			
74	\$18	0	84	\$65	3	94	\$115	9	104	\$165	12			
75	\$20	0	85	\$70	3	95	\$120	9	105	\$170	12			

FEES AND POINTS FOR SPEEDING IN 70 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
71	\$5	0	81	\$55	3	91	\$105	7	101	\$155	12	111	\$205	15
72	\$10	0	82	\$60	3	92	\$110	7	102	\$160	12	112	\$210	15
73	\$15	0	83	\$65	3	93	\$115	7	103	\$165	12	113	\$215	15
74	\$20	0	84	\$70	3	94	\$120	7	104	\$170	12	114	\$220	15
75	\$25	0	85	\$75	3	95	\$125	7	105	\$175	12	115	\$225	15
76	\$30	1	86	\$80	5	96	\$130	10	106	\$180+	15	116	\$230	15
77	\$35	1	87	\$85	5	97	\$135	10	107	\$185	15	+ \$5 for each mph over 106 mph		
78	\$40	1	88	\$90	5	98	\$140	10	108	\$190	15			
79	\$45	1	89	\$95	5	99	\$145	10	109	\$195	15			
80	\$50	1	90	\$100	5	100	\$150	10	110	\$200	15			

FEES AND POINTS FOR SPEEDING IN 75 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
76	\$5	0	86	\$55	3	96	\$105	7	106	\$155	12	116	\$205	15
77	\$10	0	87	\$60	3	97	\$110	7	107	\$160	12	117	\$210	15
78	\$15	0	88	\$65	3	98	\$115	7	108	\$165	12	118	\$215	15
79	\$20	0	89	\$70	3	99	\$120	7	109	\$170	12	119	\$220	15
80	\$25	0	90	\$75	3	100	\$125	7	110	\$175	12	120	\$225	15
81	\$30	1	91	\$80	5	101	\$130	10	111	\$180+	15	121	\$230	15
82	\$35	1	92	\$85	5	102	\$135	10	112	\$185	15	+ \$5 for each mph over 111 mph		
83	\$40	1	93	\$90	5	103	\$140	10	113	\$190	15			
84	\$45	1	94	\$95	5	104	\$145	10	114	\$195	15			
85	\$50	1	95	\$100	5	105	\$150	10	115	\$200	15			

ATTACHMENT 1 page 4

		55 mph limit			65 mph limit		70 mph limit		75 mph limit		
Over speed limit		Current	House Proposed \$2	Senate @\$3	House eliminates	Current		Current		Current	Senate @\$6
12 mph over	67 mph	\$12	\$24	\$36	77 mph	\$30	82 mph	\$60	87 mph	\$60	\$72
22 mph over	77 mph	\$31	\$44	\$66	87 mph	\$80	92 mph	\$110	97 mph	\$110	\$132
32 mph over	87 mph	\$61	\$64	\$96	97 mph	\$130	102 mph	\$160	107 mph	\$160	\$192
42 mph over	97 mph	\$91	\$84	\$136	107 mph	\$180	132 mph	\$210	147 mph	\$210	\$252

ATTACHMENT #2

Speed limit times
\$1 plus \$3 per
mph over speed
limit

Speed limit MPH	Actual Speed	Proposed Fine	Current Fine
25	30	\$40	\$5
	31	\$43	\$6
	32	\$46	\$7
	33	\$49	\$8
	34	\$52	\$9
	35	\$55	\$10
	36	\$58	\$11
	37	\$61	\$12
	38	\$64	\$13
	39	\$67	\$14
40	\$70	\$15	
40	45	\$55	\$5
	46	\$58	\$6
	47	\$61	\$7
	48	\$64	\$8
	49	\$67	\$9
	50	\$70	\$10
	51	\$73	\$11
	52	\$76	\$12
	53	\$79	\$13
	54	\$82	\$14
55	\$85	\$15	
55	60	\$65	\$10
	61	\$68	\$12
	62	\$71	\$14
	62	\$74	\$16
	64	\$77	\$18
	65	\$80	\$20
	66	\$83	\$25
	67	\$86	\$30
	68	\$89	\$35
	69	\$92	\$40
70	\$95	\$45	

Speed limit	Actual Speed	Proposed Fine	Current Fine
65	70	\$85	\$10
	71	\$88	\$12
	72	\$91	\$14
	73	\$94	\$16
	74	\$97	\$18
	75	\$100	\$20
	76	\$103	\$25
	77	\$106	\$30
	78	\$109	\$35
	79	\$112	\$40
	80	\$115	\$45
75	80	\$90	\$25
	81	\$93	\$30
	82	\$96	\$35
	83	\$99	\$40
	84	\$102	\$45
	85	\$105	\$50
	86	\$108	\$55
	87	\$111	\$60
	88	\$114	\$65
	89	\$117	\$70
	90	\$120	\$75

13.0120.03003
Title.

Prepared by the Legislative Council staff for
Senate Transportation Committee
April 3, 2013

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

Page 2, line 16, after "of" insert "a dollar amount equal to the posted limit plus"

Renumber accordingly

/

FEES AND POINT DEMERITS FOR TRAFFIC OFFENSES - BACKGROUND MEMORANDUM

House Concurrent Resolution No. 3005 (attached as Appendix A) directs a study of the fees and point demerits for traffic offenses. The resolution states that the present system for the disposition of traffic offenses was created as the result of a Legislative Council study during the 1971-72 interim and has not been reviewed by the Legislative Council since the 1973-74 interim. Since 1973 there have been numerous individual changes to the fee and point demerit system. The legislative history of House Concurrent Resolution No. 3005 reveals the resolution resulted from a concern with the fees and points for driving in excess of the lawful speed limit and was broadened in scope to encompass any other area of concern for fees or demerit points for traffic offenses.

TRAFFIC OFFENSES

In 1973 this state changed from a criminal to a noncriminal system of enforcing most traffic offenses. However, criminal dispositions were retained for certain severe offenses. In 1973 these offenses were:

1. Driving while under the influence of intoxicating liquor or narcotic drugs;
2. Operating while a habitual user of narcotic drugs;
3. Reckless driving or aggravated reckless driving;
4. Negligent homicide;
5. Manslaughter resulting from the operation of a motor vehicle;
6. Hit-and-run offenses;
7. Driving while license or driving privilege is suspended or revoked; and
8. Drunken or reckless driving of a snowmobile.

Since that time, the list contained in North Dakota Century Code (NDCC) Section 39-06.1-05 has expanded to include unlawfully modifying a motor vehicle, driving without liability insurance, and driving an unsafe vehicle such as to endanger another person. In addition, other criminal offenses, e.g., altering an odometer, have been added to the law with disregard to the convention of listing the offense in NDCC Section 39-06.1-05.

The noncriminal point and fee system has expanded greatly since 1973. For example, initially there was a list of 18 offenses for which demerit points were assigned for noncriminal offenses and six for criminal violations. Under NDCC Section 39-06.1-10(3), the present point list assigns points to 35 noncriminal traffic offenses and 13 criminal offenses.

Points

Under NDCC Section 39-06.1-10(1), if the number of points assigned to a violation are not more than two, the violation and the points may not be entered on the driving record but must be recorded separately. This separate record is not available to the public and thus is not reported to the operator's insurance company or anyone else. However, these points do apply for the purposes of license suspension. Under Section 39-06.1-10(2), an operator's license is suspended if an operator accumulates 12 or more points. Under Section 39-06-01.1, acts committed by a minor resulting in an accumulated point total in excess of five points will result in having that minor's license canceled by the Department of Transportation.

The following list of offenses have more than two points assigned for a violation. The following table does not include basic speeding offenses. The type of offense in bold is meant as an aid in comparing similar offenses. The table is based on the table used by the Highway Patrol and the North Dakota Peace Officers Association in the document *Classification of Offenses*. A copy of this document is attached as Appendix B. The asterisk denotes a criminal offense.

Points	Violation (Type of Offense)
3	Exhibition driving (speed/style)
3	Violating eye lens restrictions (driver's license)*
3	Failing to stop for an automatic railroad crossing signal (railroad)
3	Failing to stop for railroad crossing marked with a stop sign (railroad)
4	Driving without operator's license (driver's license)
4	Violating or exceeding restrictions contained in temporary restricted driving certificate (driver's license)
4	Driving vehicle other than permitted by class of license (driver's license)
4	Violating driver's license or work permit restrictions (driver's license)*
4	Violating driver's license restriction as a juvenile (driver's license)
4	Clinging to a vehicle (bicycle and motorcycle)
6	Careless driving in violation of basic rule (speed/style)
6	Careless driving causing damage to snow removal equipment (speed/style)*
6	Overtaking or passing stopped schoolbus (overtaking)

Points	Violation (Type of Offense)
6	Improperly using schoolbus signs (overtaking)
6	Driving without liability insurance (insurance)*
6	Failing to give immediate notice of a reportable accident (accident)*
8	Reckless driving (speed/style)*
10	Drag racing (speed/style)
10	Racing (speed/style)
12	Aggravated reckless driving (speed/style)*
12	Driving without liability insurance, second offense within 18 months (insurance)*
14	Driving without liability insurance and involved in an accident (insurance)*
14	Leaving the scene of an accident involving an attended vehicle involving property damage (accident)*
14	Leaving the scene of an accident involving an unattended vehicle (accident)*
14	Leaving the scene of an accident with a fixed object (accident)*
18	Leaving the scene of an accident involving injury (accident)*
24	Fleeing or attempting to allude a police officer (other)*

The following is a list of traffic offenses for which not more than two demerit points are assigned:

Points	Violation
2	Permitting an unauthorized minor to drive (driver's license)
2	Permitting an unauthorized person to drive (driver's license)
2	Open receptacle containing an alcoholic beverage in a vehicle (liquor)
2	Care required in operating a vehicle (speed/style)
2	Disregarding traffic control device (right of way)
2	Driving through red light (right of way)
2	Failing to stop or yield for flashing red light at an intersection (right of way)
2	Failing to exercise caution at flashing yellow light at intersection (right of way)
2	Failing to yield at intersection (right of way)
2	Failing to yield right of way when entering a freeway (right of way)
2	Turning left in front of approaching traffic (right of way)
2	Failing to yield at stop intersection (right of way)
2	Violating yield right-of-way sign (right of way)
2	Failing to yield entering highway from private road or highway (right of way)
2	Failing to yield to emergency vehicle (right of way)
2	Disregarding stop sign (right of way)
2	Violating right of way to funeral procession (right of way)

Points	Violation
2	Driving on the left half of roadway not in overtaking (wrong side/wrong way)
2	Driving on the left half of roadway on hill or curve (wrong side/wrong way)
2	Driving on left half of roadway at intersection or railroad crossing (wrong side/wrong way)
2	Driving wrong way on one-way roadway (wrong side/wrong way)
2	Driving onto restricted access highway other than entrance or exit (wrong side/wrong way)
2	Driving to the right before safe when passing (overtaking)
2	Failing to give way when overtaken (overtaking)
2	Overtaking vehicle on the right when prohibited or unsafe (overtaking)
2	Overtaking when unsafe (overtaking)
2	Overtaking where prohibited (overtaking)
2	Failing to yield to pedestrian at lighted traffic-controlled intersection (pedestrian)
2	Failing to yield right of way to pedestrian (pedestrian)
2	Pedestrian suddenly moving into path of vehicle creating hazard (pedestrian)
2	Pedestrian walking wrong way on roadway or on the roadway (pedestrian)
2	Pedestrian failing to yield right of way to vehicle (pedestrian)
2	Driver failed to yield right of way to blind or incapacitated person (pedestrian)
2	Riding more than designated for or interfering with the operator of a motorcycle (motorcycle)
2	Overtaking or passing vehicle in same lane or more than two abreast on a motorcycle (motorcycle)
2	Failing to wear a helmet on a motorcycle (motorcycle)
2	Carrying passengers on motorcycle not equipped with passenger footrest (motorcycle)
2	Illegal parking outside business or residential district (parking)
2	Failing to dim headlights for approaching vehicles (equipment)
2	Failing to dim headlights when following another vehicle (equipment)
2	Defective brakes on motor vehicle (equipment)
2	Defective brakes or no safety chain on trailer (equipment)
2	Failing to maintain brakes (equipment)
2	Improperly modifying a motor vehicle (equipment)*
2	Operating an unsafe vehicle (equipment)*
2	Failing to comply with a lawful order of police officer (other)
1	Failing to display current registration (registration)

Points	Violation
1	Parking where prohibited (parking)
1	Improperly parking unattended motor vehicle (parking)
1	Opening door on vehicle when unsafe (parking)
1	Failing to provide child restraint device (equipment)

All other offenses not previously listed have no points assigned to them. The offenses that are not listed include most criminal offenses and most noncriminal motor vehicle equipment offenses.

Fees

In 1973 offenses were divided between moving and nonmoving. The only fees were \$10 for a nonmoving violation, \$20 for a moving violation, and \$30 for careless driving. Presently, the general rule is that moving and nonmoving violations are \$20. Various exceptions have been made to this rule. The following are tables of these exceptions—a table of fees in excess of \$20 and a table of fees under \$20. The following tables do not include basic speeding offenses or motor carrier regulation violations. Again, the type of offense is meant as an aid in comparing similar offenses. The tables are based on the table used in *Classification of Offenses*. Criminal offenses are denoted by an asterisk.

FEES IN EXCESS OF \$20	
Fees	Violation (Type of Offense)
\$40+	Exceeding speed limit in school zone or construction zone (speed/style)
\$50	Failing to give immediate notice of reportable accident (accident)*
\$50	Open container (liquor)
\$50	Overtaking or passing stopped schoolbus (overtaking)
\$50	Improperly using schoolbus signs (overtaking)
\$50	Registered owner permitted overtaking or passing of schoolbus (overtaking)
\$50	Failing to yield to pedestrian at lighted traffic-controlled intersection (pedestrian)
\$50	Failing to yield right of way to pedestrian (pedestrian)
\$50	Failing to stop for automatic railroad crossing signal (railroad)
\$50	Failing to stop for railroad crossing marked with stop sign (railroad)
\$50	Failing to register snowmobile (snowmobile)
\$50	Failing to register all-terrain vehicles (ATV)*
\$50	Exhibition driving (speed/style)
\$100	Violating parking of mobility impaired through the use of illegal permit or plate (parking)*

\$100	Violating parking of mobility impaired (parking)
\$100	Drag racing (speed/style)
\$100	Racing (speed/style)
\$150	Driving without liability insurance (insurance)*
\$300	Driving without liability insurance for second time within 18 months (insurance)*

FEES OF LESS THAN \$20	
Fees	Violation
\$5	Clinging to a vehicle on a bicycle (bicycle)
\$5	Riding on the roadway when bicycle paths are provided (bicycle)
\$5	Not prominently displaying mobility-impaired certificate or license plate (parking)
\$5	Improperly parking vehicle on Capitol grounds when prohibited (parking)
\$10	Operating an all-terrain vehicle while under 16 years of age (ATV)*

Unlike point demerits, fees in the North Dakota Century Code may be different from fees charged in cities or home rule cities. Under NDCC Section 40-05-06, in the city, a fee may be established which may not exceed the limits for equivalent categories of violations of state law. However, under Section 40-05.1-06, home rule cities create their own fees for violations of city ordinances. One exception is created under Section 39-06.1-06(c)(2). This provision of law provides that no fee may be imposed by "a city or county operating under a home rule charter" for a violation of Section 39-21-41.2. Section 39-21-41.2 requires a child restraint system for each child under age 4 and a child restraint system or seatbelt for a child aged 4 to 17. Another exception was created in 2001 House Bill No. 1239. This sets the fee for speeding in a school zone in all places in this state, including home rule cities.

SPEEDING

Beginning in 1979 there were a number of changes to the scale of fees and demerit points for speeding in 55-mile-per-hour zones and 65-mile-per-hour zones. However, between 1991 and 2001, no changes were made to those scales. In 1997 a new scale of fees and demerit points for speeding in a 70-mile-per-hour zone was created. In addition, higher fees for speeding in a construction zone were created in 1997.

Three bills that relate to this study were introduced during the 2001 legislative session. One failed to pass, one passed and was vetoed, and one was enacted into law. As introduced, House Bill No. 1443, which failed to pass, would have altered the fees and point demerits for driving in excess of the lawful speed limit and would

Miles Per Hour (MPH) Over Limit	1973	1997		2001			House Bill No. 1443		
	All Zones	55 MPH and Lower Zones	65 MPH and 70 MPH Zones	55 MPH and Lower Zones	65 MPH and 70 MPH Zones	70 MPH Plus Zones	Lower Than 55 MPH Zones	55 MPH Zones	55 MPH Plus Zones
1-5	\$20	\$5	\$11-\$15	\$5	\$11-\$15	\$20	\$5	\$5	\$11-\$15
6-10	\$20	\$6-\$10	\$17-\$25	\$6-\$10	\$17-\$25	\$40	\$6-\$10	\$6-\$10	\$17-\$25
11-15	\$20	\$11-\$15	\$28-\$40	\$11-\$15	\$28-\$40	\$60	\$11-\$15	\$21-\$25	\$53-\$65
16-20	\$40	\$17-\$25	\$43-\$55	\$17-\$25	\$43-\$55	\$80	\$17-\$25	\$32-\$40	\$83-\$110
21-25	\$40	\$28-\$40	\$58-\$70	\$28-\$40	\$58-\$70	\$100	\$28-\$40	\$53-\$65	\$83-\$110
26-30	\$40	\$43-\$55	\$73-\$85	\$43-\$55	\$73-\$100	\$125	\$43-\$55	\$83-\$120	\$143-\$170
31-35	\$40	\$58-\$70	\$88-\$100	\$58-\$70	\$73-\$100	\$150	\$58-\$70	\$83-\$120	\$143-\$170
36-45	\$40	\$73-\$100		\$73-\$100	\$125-\$170		\$73-\$100	\$143-\$170	
36+	\$40		\$105 + \$5			\$155 + \$5			\$205 + \$5
46+	\$40	\$105 + \$5		\$105 + \$5	\$175 + \$5		\$105 + \$5	\$205 + \$5	

RECENT CHANGES

During the 2001 legislative session, two bills passed that changed the points and fee system--House Bill No. 1239 and Senate Bill No. 2088. Senate Bill No. 2088 provides for noncriminal fees for violation of motor carrier safety rules and regulations. The fees for the violation of motor carrier safety rules are \$100 for driving too long or not having a record of driving, \$250 for falsifying records of driving, and \$500 for operating a vehicle after the driver or vehicle is placed out of service. All other violations of motor carrier safety rules are \$50. In addition, the bill provides for a two-point penalty for violation of the rules for transporting hazardous materials and a \$250 fee for a violation of these rules. House Bill No. 1239 sets the penalty for speeding in a school zone at \$40 for 1 through 10 miles over the posted speed and \$40 plus \$1 for each additional mile over 10 miles per hour over the limit unless a greater fee would be applicable under other speed limits.

OTHER STATES

Other states use a variety of methods in enforcing traffic rules. Some use a criminal system and some use a combination criminal and noncriminal system like this state. Most states have a point system whether criminal or combination states; however, there is no uniformity on assessing points. Some states suspend licenses after a certain number of offenses. For example, Minnesota suspends a license when an individual has four traffic citations in one year. South Dakota has a point system but only for hazardous moving traffic violations like driving while under the influence but not for speeding.

As for fees or fines, states with criminal systems have fine and bond schedules. However, as in Minnesota, these fines and bond schedules may change from

county to county. Of the surrounding states, none has a fee system comparable to North Dakota.

SUGGESTED STUDY APPROACH

The development of standards to review the present system is the first step in studying the present traffic offense system. Two standards of evaluation may be deterrent effect and fairness. In short, the goal of the fee and point system is to provide safe roadways by deterring unsafe behavior in a fair and equitable manner.

The second step is to compare the present system to the standards. For the standard of deterrent effect, this may include evaluating the fee and point system to determine what is an effective deterrent to unsafe driving behavior. This requires a ranking of which behavior is more unsafe than others and a ranking of what level of fees and points provide the proper level of deterrence considering the safety level of a certain act. Safety may be measured by the possible results of a certain behavior, i.e., the loss of life of another by doing a behavior is more unsafe than doing a behavior that results in the inconvenience of another. What is unsafe can be determined through statistical analysis of results of certain behavior.

What will deter this unsafe behavior comes from the point demerits and fees under the present system. Accumulation of points can result in the loss of a license and higher insurance premiums. Higher fees are an economic issue. The committee may also balance other factors that promote safety besides deterrence, including engineering safer roadways and vehicles, better training of drivers, and the raising of revenue.

Third, a review of fairness is required. The committee could compare offenses of a certain point or

fee level to other offenses to see if like or equally unsafe behavior has equal fees and points. Fairness is a subjective and purely policy matter that may be addressed by the committee without much further information.

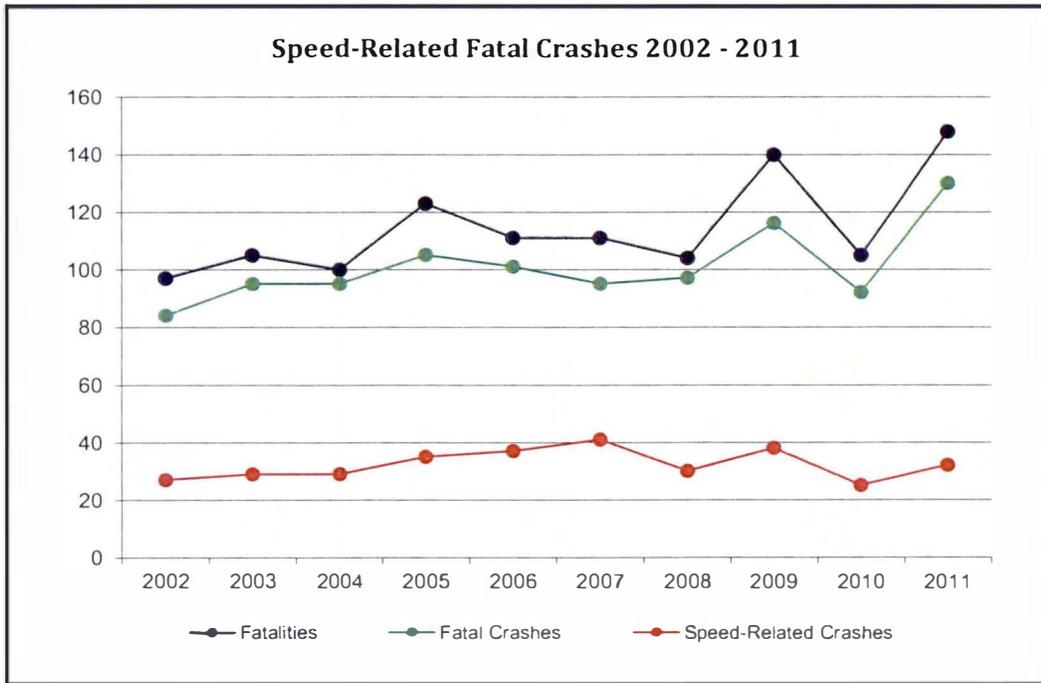
In reviewing deterrence safety and fairness, the committee may want to receive testimony from the

Department of Transportation, the Highway Patrol, organizations that promote safety on the highways, and the driving public.

ATTACH:2

SPEED-RELATED CRASHES

Speed-Related Fatal Crashes 2002 - 2011										
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Fatalities	97	105	100	123	111	111	104	140	105	148
Fatal Crashes	84	95	95	105	101	95	97	116	92	130
Speed-Related Crashes	27	29	29	35	37	41	30	38	25	32
Percent of Speed-Related Crashes	32.14%	30.53%	30.53%	33.33%	36.63%	43.16%	30.93%	32.76%	27.17%	24.62%
Too Fast for Conditions - Related Crashes	Contributing factor "Too Fast for Conditions" was seperated from "Speeding" in 2010								9	15
Percent of Too Fast for Conditions - Related Crashes									9.78%	11.54%



- ❖ In 2010, the contributing factor "Too Fast for Conditions" began being captured separately from "Speed."
- ❖ 24.62 percent of fatal crashes in 2011 were speed-related. When combined with "Too Fast for Conditions" crashes the percent of fatal crashes is 36.15 percent.
- ❖ On average, 32.18 percent of fatal crashes over the past 10 years have been speed-related.

#3

Speed limit times \$1 plus \$2 per mph over speed limit				
Speed limit MPH	Actual Speed	Proposed Fine	Current Fine	
25	30	\$35	\$5	
	31	\$37	\$6	
	32	\$39	\$7	
	33	\$41	\$8	
	34	\$43	\$9	
	35	\$45	\$10	
	36	\$47	\$11	
	37	\$49	\$12	
	38	\$51	\$13	
	39	\$53	\$14	
	40	\$55	\$15	
40	45	\$55	\$5	
	46	\$57	\$6	
	47	\$59	\$7	
	48	\$61	\$8	
	49	\$63	\$9	
	50	\$65	\$10	
	51	\$67	\$11	
	52	\$69	\$12	
	53	\$71	\$13	
	54	\$73	\$14	
	55	\$75	\$15	
55	60	\$65	\$5	
	61	\$67	\$6	
	62	\$69	\$7	
	62	\$71	\$8	
	64	\$73	\$9	
	65	\$75	\$10	
	66	\$77	\$11	
	67	\$79	\$12	
	68	\$81	\$13	
	69	\$83	\$14	
	70	\$85	\$15	

Speed limit	Actual Speed	Proposed Fine	Current Fine
65	70	\$75	\$10
	71	\$77	\$12
	72	\$79	\$14
	73	\$81	\$16
	74	\$83	\$18
	75	\$85	\$20
	76	\$87	\$25
	77	\$89	\$30
	78	\$91	\$35
	79	\$93	\$40
75	80	\$95	\$45
	80	\$85	\$25
	81	\$87	\$30
	82	\$89	\$35
	83	\$91	\$40
	84	\$93	\$45
	85	\$95	\$50
	86	\$97	\$55
	87	\$99	\$60
	88	\$101	\$65
	89	\$103	\$70
90	\$105	\$75	

4/17

10:00
Mtg.

#1

Conference Committee HB 1048

Speed limit MPH	Actual Speed	Senate Version	Current Fine	House Version	Sinner's Version
25	30	\$35	\$5	\$10.00	\$10.00
25	31	\$37	\$6	\$12.00	\$12.00
25	32	\$39	\$7	\$14.00	\$14.00
25	33	\$41	\$8	\$16.00	\$16.00
25	34	\$43	\$9	\$18.00	\$18.00
25	35	\$45	\$10	\$20.00	\$20.00
25	36	\$47	\$11	\$22.00	\$22.00
25	37	\$49	\$12	\$24.00	\$24.00
25	38	\$51	\$13	\$26.00	\$26.00
25	39	\$53	\$14	\$28.00	\$28.00
25	40	\$55	\$15	\$30.00	\$30.00
40	45	\$50	\$5	\$10.00	\$10.00
40	46	\$52	\$6	\$12.00	\$12.00
40	47	\$54	\$7	\$14.00	\$14.00
40	48	\$56	\$8	\$16.00	\$16.00
40	49	\$58	\$9	\$18.00	\$18.00
40	50	\$60	\$10	\$20.00	\$20.00
40	51	\$62	\$11	\$22.00	\$22.00
40	52	\$64	\$12	\$24.00	\$24.00
40	53	\$66	\$13	\$26.00	\$26.00
40	54	\$68	\$14	\$28.00	\$28.00
40	55	\$70	\$15	\$30.00	\$30.00
55	60	\$65	\$5	\$10.00	\$10.00
55	61	\$67	\$6	\$12.00	\$12.00
55	62	\$69	\$7	\$14.00	\$14.00
55	62	\$71	\$8	\$14.00	\$14.00
55	64	\$73	\$9	\$18.00	\$18.00
55	65	\$75	\$10	\$20.00	\$20.00
55	66	\$77	\$11	\$22.00	\$22.00
55	67	\$79	\$12	\$24.00	\$24.00
55	68	\$81	\$13	\$26.00	\$26.00
55	69	\$83	\$14	\$28.00	\$28.00
55	70	\$85	\$15	\$30.00	\$30.00

Speed limit	Actual Speed	Proposed Fine	Current Fine		
65	70	\$75	\$10	\$10.00	\$25.00
65	71	\$77	\$12	\$12.00	\$30.00
65	72	\$79	\$14	\$14.00	\$35.00
65	73	\$81	\$16	\$16.00	\$40.00
65	74	\$83	\$18	\$18.00	\$45.00
65	75	\$85	\$20	\$20.00	\$50.00
65	76	\$87	\$25	\$22.00	\$55.00
65	77	\$89	\$30	\$24.00	\$60.00
65	78	\$91	\$35	\$26.00	\$65.00
65	79	\$93	\$40	\$28.00	\$70.00
65	80	\$95	\$45	\$30.00	\$75.00
75	80	\$85	\$25	\$25.00	\$25.00
75	81	\$87	\$30	\$30.00	\$30.00
75	82	\$89	\$35	\$35.00	\$35.00
75	83	\$91	\$40	\$40.00	\$40.00
75	84	\$93	\$45	\$45.00	\$45.00
75	85	\$95	\$50	\$50.00	\$50.00
75	86	\$97	\$55	\$55.00	\$55.00
75	87	\$99	\$60	\$60.00	\$60.00
75	88	\$101	\$65	\$65.00	\$65.00
75	89	\$103	\$70	\$70.00	\$70.00
75	90	\$105	\$75	\$75.00	\$75.00

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

That the Senate recede from its amendments as printed on page 1249 of the House Journal and page 1099 of the Senate Journal and that Engrossed House Bill No. 1048 be amended as follows:

Page 2, after line 3, insert:

"i. A violation for the failure to obey a red traffic-control signal, stop sign, or yield sign under section 39-10-05 or 39-10-24, a fee of forty dollars."

Page 2, line 16, replace "per" with "an"

Page 3, line 17, overstrike "sixty-five" and insert immediately thereafter "fifty-five"

Page 3, line 17, overstrike "104.61" and insert immediately thereafter "88.51"

Page 3, line 18, after "hour" insert "but lower than than seventy miles [112.65 kilometers] an hour"

Page 3, line 19, overstrike the first "five" and insert immediately thereafter "four"

Page 3, line 19, overstrike "per" and insert immediately thereafter "an"

Page 3, line 19, after the period insert "On a highway on which the speed limit is posted at seventy miles [112.65 kilometers] an hour or higher, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile an hour over the limit."

Re-number accordingly

AMENDED HB 1048, FEES FOR SPEEDING

#2
4/18

The amended HB 1048 proposes a speeding fine of a dollar amount equal to the posted limit plus \$2 for each mile per hour over the limit. The amendment eliminates the home rule charter that would have allowed cities to charge three times more than district court speeding fines.

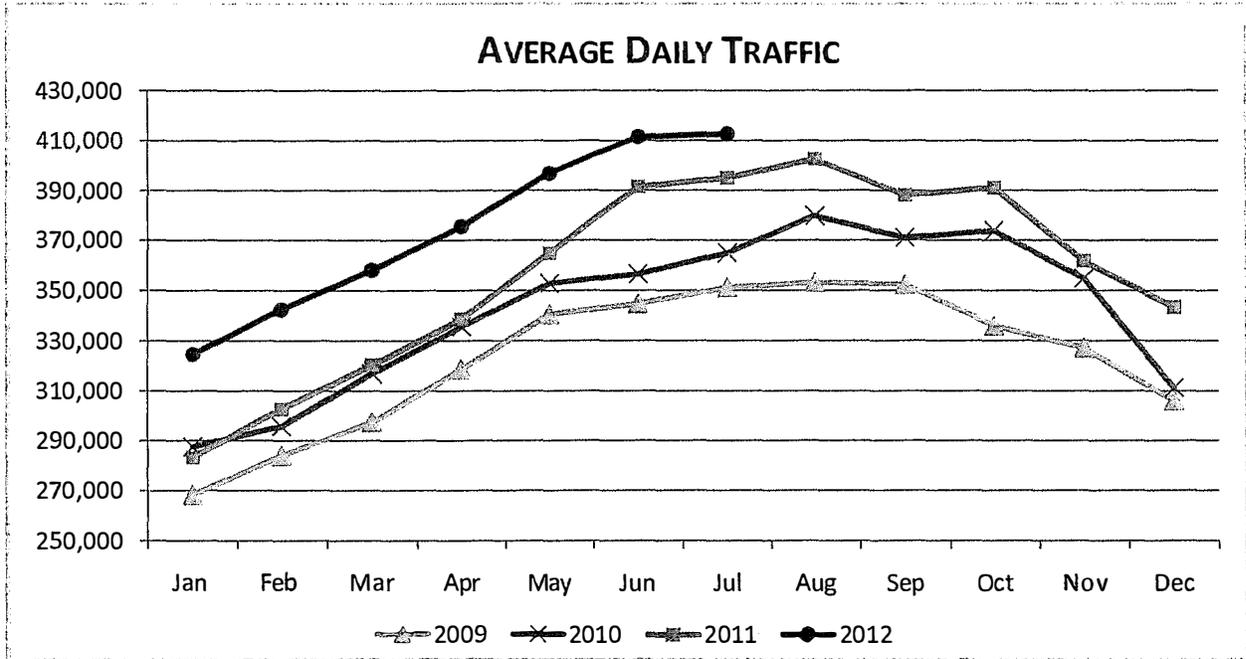
- Speeding is one of the most prevalent factors contributing to traffic crashes.
- Higher speeds reduce the ability of vehicles and restraint systems to protect occupants. Crash severity increases disproportionately with vehicle speed. A frontal impact at 35 mph is one-third more violent than one at 30 mph. (Insurance Information Network of California)
- Speeding almost triples the odds of being involved in an accident. (AAA)
- Speed is involved in about one out of three fatal crashes in North Dakota. (NDDOT)
- Speeding is the most common moving violation in North Dakota. (NDDOT)

CURRENT AND PROPOSED FEES									
Speed	55 Zone		65 Zone		70 Zone		75 Zone		
65	\$10	\$75	-	-	-	-	-	-	
70	\$15	\$85	\$10	\$75	-	-	-	-	
75	\$25	\$95	\$20	\$85	\$25	\$80	-	-	
80	\$40	\$105	\$45	\$95	\$50	\$90	\$25	\$85	
85	\$55	\$115	\$70	\$105	\$75	\$100	\$50	\$95	
90	\$70	\$125	\$95	\$115	\$100	\$110	\$75	\$105	

Proposed fees in gray.

SOUTH DAKOTA SPEED LIMIT FINES (SDCC, 2012)			
	MPH Over Limit	Fine	Total
Speeding on state highway, interstate highway, and other roads (includes municipal streets & county roads)	1-5	\$19	\$85
	6-10	\$39	\$105
	11-15	\$59	\$125
	16-20	\$79	\$145
	21-25	\$99	\$165
	26 & Up	\$154	\$220
Speeding in construction zone	1-5	\$34	\$100
	6-10	\$74	\$140
	11-15	\$114	\$180
	16-20	\$154	\$220
	21-25	\$194	\$260
	26 & Up	\$304	\$370

SPEEDING CITATIONS ISSUED BY THE NDHP		
	2011	2012
Exceeded Speed Limit	35,306	41,326
Exceeded Speed Limit (Construction Zone)	681	641
Total	35,987	41,967



Data provided by the ND Department of Transportation's *Automatic Traffic Data* report

Vehicle Miles Traveled in ND	
2009	7.9 Billion
2010	8.3 Billion
2011	9.2 Billion
2012	Not Available

Legislation History (NDCC 39-06.1-06)	
1973	\$40 for speed in excess of 15 mph over limit
1979	Established current fee structure

2011 Speed-Related Crashes			
Type of Crash	Speed-Related		Total
Fatal	32 24.6%		130
Injury	495 14.0%		3,548
Property	1,148 7.6%		15,145
Total	1,675 8.9%		18,823

2012 Speed-Related Crashes			
Type of Crash	Speed-Related		Total
Fatal	39 26.5%		147
Injury	556 14.9%		3,729
Property	1,049 7.2%		14,480
Total	1,644 9.0%		18,356