

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1047

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford  
Operator's Signature

10/2/03  
Date

2003 HOUSE TRANSPORTATION

HB 1047

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

House Transportation Committee

Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
2	xx		1.4-30.4
Committee Clerk Signature <i>Laura L. Ford</i>			

**Minutes:**

**Chairman Weisz:** We will open the hearing on HB 1047. A bill for an act to amend and reenact sections 39-06.1-05, 39-06.1-06, 39-07-09, 39-08-21, 39-21-16, and 39-21-46 of the North Dakota Century Code, relating to the fees for driving in excess of the speed limit.

**Rep. Delmore:** Introduced the bill. This is not a difficult bill. In the past, law enforcement has had to carry a huge book when they wanted to pass out fines, they had to decide what type of road it was, etc. and has been difficult to enforce and to get the right amount. You've also heard that our fines are not as high as they should be to prevent some of the problems we have in our state. We simplified this process with this bill. It sets the rate of fine at \$5/mile for each mile over, regardless of the road. We also studied the point system, and decided not to do anything with it. We opted not to change the statutes because there were a number of insurance concerns with premium increases for the citizens of our state. I believe 1047 is a good bill.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Yalosta Rickford*  
Operator's Signature

10/2/03  
Date

Page 2  
House Transportation Committee  
Bill/Resolution Number HB 1047  
Hearing Date 1-16-03

**Chairman Weisz:** I have a question. When you discussed the increasing the fines part, we had increased fines in the past session, was there any discussion if that was having an effect or anything before we looked at raising them again in this bill.

**Rep. Delmore:** There was a lot of discussion on what to do and this seemed to simplify the process and we felt that when you get up to the higher numbers of miles over the speed limit, it will also compensate, because there will be more money to look at the fiscal note that will go to the state.

**Rep. Bernstein:** \$5/mile per mile over the limit, if you're going 10 miles over the limit, 20 miles over the limit.

**Rep. Delmore:** Yes.

**Rep. Bernstein:** I would have went further. When it got to be 10 miles over the speed limit, it would increase to \$10 per mile and that would go back to the beginning of the first one. So there would be no \$5/mile, it would be all \$10/mile if they were going over 10 miles over the speed limit.

**Chairman Weisz:** Thank you. Further testimony in support.

**Tim Dawson, Legislative Council:** I am not here to testify in support or opposition, but merely to explain it. Everything that this bill draft does is on page 2, line 28. For a violation of 39-02, it would be \$5 for each mile per hour over the speed limit. Everything else is removing the other scales that we have in our code for speeding right now. Then when you hit, § 4 at the bottom of section 3 and through the rest of this, all that is changing the reference that was changed in making those previous changes, in other words, clean up.

**Chairman Weisz:** Thank you.

Page 3

House Transportation Committee

Bill/Resolution Number HB 1047

Hearing Date 1-16-03

**Rep. Price:** Where are we in comparison to other states under this bill. Did you have that testimony during the interim.

**Mr. Dawson:** Yes, we did have that testimony. I do not have it in front of me. I could get that for the committee.

**Chairman Welsz:** Thank you.

**Rep. Grovdal:** I am David Skip Grovdal, I am a representative of District 39. I was on the Judiciary interim committee. This was one of the studies we were charged with as a committee to take a look our fines and our speed laws and try to make them a little more understandable by the average citizens. It simplifies and unifies. It unifies all our speed into one fine system. We did get studies from other states. We did get a fiscal note on it, it did increase some of the income because they do think that some people won't listen to us, and will continue to drive fast. We know speed contributes to accidents, and accidents contribute to death. If we can reduce the number of speeders, that's a good thing. Those people getting killed may be your friends and my friends and relatives.

**Chairman Welsz:** Did you have any testimony that compared our compliance rates with the speed limits with the surrounding states that you were using as a comparison for the fine structure.

**Rep. Droydal:** I believe there are some expert witnesses who are waiting to testify. I don't recall that particular question.

**Rep. Ruby:** I'm not going to challenge the prices and the fees that you have. I certainly appreciate the uniformity that this offers. One thing though is that if we decide to present the bill to deter something, and then we count on how much it is going to bring into the general fund, we

Page 4  
House Transportation Committee  
Bill/Resolution Number HB 1047  
Hearing Date 1-16-03

put a price on how much we're going to make, so do we really believe it's going to deter them, or just making more money.

**Rep. Grovdal:** As I mentioned earlier, when I proposed this idea, there was no intent at all to raise money. It turned out after the second meeting we went to, they came with a fiscal note that did have it. That can be amended if it is a major problem. The money for fines does not go to the general fund, I believe it goes to the courts or to the education trust fund. We are not planning to spend this money but that can be clarified by someone else.

**Rep. Galvin:** I had a couple of constituents that wanted more uniformity on the speed limit from one highway to another and I'm not talking about the interstates. I do think it is pretty confusing, every time you turn on to a new road, you might drive 10 miles before you know what the speed limit is. I don't see any reason for not having a uniform speed limit, both day and night on all the secondary roads. Did that come up at all during your discussions.

**Rep. Droydal:** I believe you have a bill coming up this afternoon, 1046, that eliminates the 55 mph speed limit. That discussion was held, again we need to determine if the roads have the capability, the DOT needs to determine that and we do need to listen for recommendations. But some of our roads are not up to speed as far as being able to handle safely 65 mph speed limit. Some of the older roads need to be improved. We need some flexibility.

**Chairman Weisz:** Thank you.

**Rep. Schmidt:** I've always resisted every effort to increase speed limits in the past sessions on interstates. You say that they don't fine you if you go 72. They do. You get picked up once in a while. Now before I only paid \$5.00. Now, I'm going 73 mph, I pay \$5 plus \$30. Is that correct?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Yalosta Rickford*  
Operator's Signature

10/2/03  
Date

Page 5  
House Transportation Committee  
Bill/Resolution Number HB 1047  
Hearing Date 1-16-03

**Rep. Delmore:** \$15 for the fine.

**Rep. Schmidt:** Nonetheless, it's more. So I'm inclined now when that bill comes up to raise the speed limit so that I don't pay extra.

**Rep. Droydal:** You have two solutions there, one is slow down a little bit, the second one is, if you recall, we did pass a 75 mph speed limit and we increased the fine for that particular speed limit. The Governor kept the fine in place but vetoed the speed limit.

**Rep. Schmidt:** I think what this bill is going to do is, and those of us that resist raising the speed limit, I believe now that there might be a change of heart and more people will want to raise the speed limit to 75 mph.

**Rep. Droydal:** If I would rather raise the speed limit and just have people break the law. If the speed limit is wrong, we should correct it, and we want people to follow the law.

**Chairman Weisz:** Thank you. Further testimony in support.

**Col. Hughes, ND Highway Patrol:** We've come a long way from where we started at the beginning of the hearing. Our point of view is that any law that is passed in the state, needs to be clearly communicated, it needs to have some strong deterrent effect. We need to be consistent. The laws on speeding didn't get this way in one session or two session. It got this way after 20 to 30 years of process, where things were added and taken away until we had a conglomeration of years of work and some of that was due to the fact that when I started on the patrol 30 years ago, the speed limit was changed to 55 mph because of the oil embargo in 1974. We wrote 54,000 written warnings, not all of them citations. If we can have a significant enough penalty that the faster you go, the costlier it will be and it is a consistent penalty, then odds are that voluntary compliance will outweigh the risks that will be taken. If there are no significant risks, then why

