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ROLL NUMBER

DESCRIPTION

1113

2007 HOUSE TRANSPORTATION

HB 1113

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1113

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-12-2007

Recorder Job Number: 1006

Committee Clerk Signature

Lisa M Thomas

Minutes:

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

Rep. Gruchalla introduced the bill.

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

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

See written testimony.

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

Thorson: I don't think so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rep. Delmore: They have raised theirs already.

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

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

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

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

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

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

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

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

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

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

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

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

There were no questions from the committee.

Chairman Weisz allowed time for opposition to HB 1113

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

There were no questions from the committee.

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

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

There were no questions for Potter.

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

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1113

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-19-2007

Recorder Job Number: 1451

Committee Clerk Signature

Lisa M. Thomas

Minutes:

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

HB 1113 relates to traffic fees.

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

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

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

Rep. Weisz: How come we removed the overstrike?

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

Rep. Thorpe: I believe that's right.

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

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

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

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

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

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

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

Carrier: Rep. Weisz

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

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

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

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

Page 1, remove lines 5 through 21

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

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

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

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

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

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

Page 4, remove lines 15 through 31

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

Page 5, remove lines 1 through 30

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

Page 6, remove lines 21 through 29

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

Page 7, remove lines 1 through 3

Page 7, remove lines 22 through 29

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

Page 8, remove lines 1 through 22

Renumber accordingly

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

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

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken move to add amendment

Motion Made By Thorpe Seconded By Myxter

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

Total Yes 10 No 3

Absent 0

Floor Assignment Weisz

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

Pass

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

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

#2

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Rep. Thorpe Seconded By Rep. Myxter

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

Total Yes 5 No 5

Absent Motion failed

Floor Assignment _____

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

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

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

#3

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Kelsch Seconded By Ruby

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

Total Yes 8 No 5

Absent _____

Floor Assignment Rep. Weisz

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

REPORT OF STANDING COMMITTEE

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

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

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Page 8, remove lines 1 through 22

Renumber accordingly

2007 TESTIMONY

HB 1113

TESTIMONY IN FAVOR OF HOUSE BILL 1113

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

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

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

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

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

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

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

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

1113



Fargo Police Department

Non-Criminal Traffic Fine Increase Proposal 2006

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

Introduction

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

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

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

Non-Criminal Traffic Fine Comparison:

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

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

