

2019 HOUSE TRANSPORTATION COMMITTEE

HB 1151

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1151
1/18/2019
#31061

- Subcommittee
 Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A BILL relating to the fee for failure to stop at a stop sign and failure to display lighted headlamps, tail lamps, and illuminating devices; and to provide penalty.

Minutes:

Attachment #1

Chairman Ruby opened the hearing in HB 1151.

Representative Tveit, District 33, introduced HB 1151 and provided written testimony. See attachment #1. (7:25)

Chairman Ruby: Why do we have two sections of code, what is the difference?

Rep. Tveit: I do not know.

Donnell Preskey, North Dakota Association of Counties, spoke in support of HB 1151. This topic has often been discussed with county officials and sheriffs while looking at fines and fees.

Blake Crosby, North Dakota League of Cities: We also stand in support of HB 1151. It is time we understand that fees are a deterrent. We need those deterrents because driving is a dangerous activity.

Vice Chairman Rick C. Becker: One of my concerns when we keep raising fines and penalties, is that when some people are unhappy that a certain activity keeps occurring, even though there is statute against it, then we think the answer is to make the penalty worse. The question that I have with each of these instances is, does it really matter if it is not being enforced? Littering was referenced. Is there any indication that littering has decreased since we increased the fee? Is there any evidence that increasing a fine like this, is going to make a difference, when people feel that the likelihood of getting caught is so low?

Blake Crosby: There is a difference between enforcement and the fees. Now the fees are so low, that enforcement may not be what it should be because it is a waste of money to write the ticket. About ten years ago I was picked up in Minnesota. I wasn't going that much

over the speed limit. The fine was \$124. I can assure you when I go to Minnesota; I pay attention to the speed limit. The fine is a deterrent.

There was no further support for HB 1151.
There was no opposition on HB 1151.

Chairman Ruby: Could we get law enforcement to explain the difference in the two sections?

Tom Iverson, Chief of Operations for the North Dakota Highway Patrol: 39-10-24 is applies more for failing to yield at a stop sign. 39-10-44 is just failing to come to a stop.

Chairman Ruby: That is why they are defined separately?

Tom Iverson: Yes.

Chairman Ruby: Do you treat a yield sign the same as a stop sign?

Tom Iverson: If a vehicle fails to yield at a yield sign, maybe they do slow down or not, but they pull out in front of a vehicle that is coming, that would be cited under 39-10-24.

Chairman Ruby: I don't see anything in code that says how long we need to stop. Is that more of a guide?

Tom Iverson: There is no time in Century Code. A vehicle just needs to come to a complete stop.

The hearing on HB 1151 was closed.

Committee took a break.

Chairman Ruby called HB 1151 back for discussion. We have another bill that is similar. What is the committee's thoughts on this one?

Representative Owens: What is the headlight part?

Chairman Ruby: It is using your headlights when it is foggy or dark. The fine increases from \$20 to \$100.

Representative O'Brien: Do you think if you left your brights on, would you get a \$100 ticket?

Vice Chairman Rick C. Becker: 39-21-01 read the section for clarity.

Chairman Ruby: What do we want to do with this bill? I wouldn't support \$100, but I don't mind that the fines be increased.

Representative Owens moved an amendment to change the fines from \$100 to \$40. Representative Hager seconded the motion.

A voice vote was taken. Motion carried.

**Representative Nelson move a DO PASS as amended on HB 1151.
Representative Jones seconded the motion.**

Vice Chairman Rick C. Becker: I am going to resist the motion. If we kill this bill and amend it in the next bill; it is probably more reasonable. There are gray areas like: using headlights at sunrise and sunset, or how far is 1000 feet?

Representative Kading: I would support the second bill with the stop signs and stop lights. I don't like this light section and will vote no on HB 1151.

Chairman Ruby: I would agree with that, but I do like it more with \$40 rather than \$100 as a fine. I have told law enforcement many times that some of our fines are too low. I wouldn't have targeted it like this is. I will resist the motion for a DO PASS.

**A roll call vote was taken on a DO PASS on HB 1151: Aye 3 Nay 8 Absent 3
The motion failed.**

**Representative Owens moved a DO NOT PASS as amended on HB 1151.
Representative Paulson seconded the motion.**

**A roll call vote was taken: Aye 9 Nay 2 Absent 3
The motion passed. Representative Kading will carry HB 1151.**

DA 1/18/19

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Title.02000

Adopted by the Transportation Committee

January 18, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1151

Page 2, line 5, replace "one hundred" with "forty"

Renumber accordingly

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1151**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Owens Seconded By Hager

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

*Voice vote
 Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

fine \$100 to \$40

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1151**

House Transportation Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Nelson Seconded By Jones

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

Total (Yes) 3 No 8

Absent 3

Floor Assignment Motion failed

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

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB-1151**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Owens Seconded By Paulson

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

Total (Yes) 9 No 2

Absent 3

Floor Assignment Kading

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

REPORT OF STANDING COMMITTEE

HB 1151: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "one hundred" with "forty"

Renumber accordingly

2019 TESTIMONY

HB 1151

(For Tveit, Bill)

Scratch Pad for: HB 1151

Mr. Chairman and committee members, for the record, I am Representative Bill Tveit from District 33.

HB 1151 is a constituent driven bill. It is a bill about when to drive and when not to drive. It is also a bill about failure to allow others to see that you are in fact driving in the same area or space during certain times and under certain conditions. It is about adjusting the fee or penalty for failing to follow these regulations.

HB 1151 adds a new sub-paragraph 'm' to Section 2 of NDCC 39-06.1-09. Section 2 currently reads: "For a moving violation as defined in section 39-06.01-09, a fee of twenty dollars, except for:";

The requested exception under the new sub-paragraph 'm' in HB 1151, will change the fee to \$100.00 when failing to stop/yield as NDCC 39-10-24 & 39-10-44 require. It will also change the fee to \$100.00 for failing to display "lighted lamps" as required.

While this is a huge per of increase request, and because both offenses create a possible life and death situation, I believe both of these fees should be at \$500.00 or even \$1,000.00. But I have been told that is too ambitious and would never pass. (HOWEVER, we do currently site littering as "likely to injure a person, animal or vehicle", and the fee is \$500.00 in NDCC 39-10-59). If you can agree littering is correct at the fee of \$500.00, I would then encourage you to consider amending HB 1151 to these higher fees of \$500.00 or \$1,000.00 at the end of this presentation.

I believe most of us understand the stop/yield regulation, I will not spend time reading that section of Century Code. However, I would like to spend some time reading thru:

NDCC 39-21-01. When lighted lamps are required.

Subject to the exceptions for parked vehicles, every vehicle upon a highway within this state must display lighted headlamps, taillamps, and illuminating devices as required in this chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleeting, or hailing or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead;
or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead.
Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of these devices.

Many drivers seem to be very conservative and drive to avoid a costly brake repair bill or as if there is a huge electric meter under the hood billing them for each amp drawn from the battery. Let's make the brake repair or the electric bill to be less costly than the fee for offense.

Mr. Chairman and committee members, I urge you to possible amend HB 1151 as suggested and give this bill a DO Pass.

Thank You Mr. Chairman and I will stand for questions at this time.