

2019 HOUSE TRANSPORTATION

HCR 3052

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HCR 3052
2/28/2019
#33008

- Subcommittee
 Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A concurrent resolution requesting the Legislative Management to study traffic fines and penalties imposed by state and local governments, including implementation of methods and mechanisms to improve traffic safety, decrease motor vehicle crashes, fatalities, and injuries, and discourage impaired driving, speeding, distracted driving, and lack of seatbelt use in North Dakota.

Minutes:

Attachment #1-3

Chairman Ruby opened the hearing on HCR 3052.

Representative Mock, District 18, introduced HCR 3052 and provided written testimony. See attachment #1.

4:38

Chairman Ruby: Would the risk in doing this would be the possibility that raising fines does not improve traffic safety?

Representative Mock: That could be a risk. We may be surprised in what we learn. From my experience more information will benefit the process.

Chairman Ruby: I do like the idea of an expansion of looking at Title 39. There have been some ambiguities.

8:00

Major Tom Iverson, Chief of Operations for North Dakota Highway Patrol, spoke in support of HCR 3052, provided written testimony. See attachment 2. An amendment was suggested that will be provided to committee.

Chairman Ruby: Is it possible to look over the whole Code in one interim or would it be better to focus on certain areas?

Major Tom Iverson: It would be a heavy task. In 2013 the Highway Patrol did work with the Department of Transportation and address quite a few areas that we saw as inconsistencies

and could be updated. So, a lot of the work on our end has been done. I would like to revisit it because a lot has changed from 2013 until now.

There was no further support for HCR 3052.
There was no opposition on HCR 3052.

The hearing was closed on HCR 3052.

HCR 3052 was brought back before the committee after a break.

An amendment was provided. See attachment #3,19.3027.02001.

Chairman Ruby reviewed the amendment.

Representative Weisz moved the amendments.

Representative Owens seconded the motion.

A voice vote was taken. The motion carried.

Representative Nelson: Is this calling for us to do a complete go through rewrite on the transportation code?

Chairman Ruby: That is the way I see it. It is very comprehensive.

Representative Owens moved a DO PASS as amended on HCR 3052.

Representative Hanson seconded the motion.

A roll call vote was taken: Aye 9 Nay 4 Absent 1

The motion carried. Representative Owens will carry HCR 3052.

DE 2/28/19

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3052

Page 1, line 1, after "study" insert "North Dakota Century Code Title 39, including"

Page 1, line 2, remove "including"

Page 1, line 19, replace the period with "; and

WHEREAS, there may be several chapters within North Dakota Century Code Title 39 in need of updating or further review due to inconsistencies or statutory conflicts, including definitions of emergency vehicles, terminology related to Highway Patrol, title registration, and equipment and lighting requirements;"

Page 1, line 23, after "governments" insert "and conduct a complete analysis of North Dakota Century Code Title 39"

Page 1, line 24, after "assessment" insert "addressing any inconsistencies, conflicting chapters or sections, or lack of clarity within North Dakota Century Code Title 39"

Page 1, line 24, after the first "and" insert "a"

Renumber accordingly

Date: 2-28-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3052**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 19, 3027.02001 Attach. 3

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 Weisz Seconded By Owens

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

Voice Vote Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-28-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3052**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 19, 3027.02001

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 Hanson

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		X	REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING		X			
REP EMILY O'BRIEN	A				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ		X			
REP GREG WESTLIND	X				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Owens

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

REPORT OF STANDING COMMITTEE

HCR 3052: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3052 was placed on the Sixth order on the calendar.

Page 1, line 1, after "study" insert "North Dakota Century Code Title 39, including"

Page 1, line 2, remove "including"

Page 1, line 19, replace the period with "; and

WHEREAS, there may be several chapters within North Dakota Century Code Title 39 in need of updating or further review due to inconsistencies or statutory conflicts, including definitions of emergency vehicles, terminology related to Highway Patrol, title registration, and equipment and lighting requirements;"

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Page 1, line 24, after "assessment" insert "addressing any inconsistencies, conflicting chapters or sections, or lack of clarity within North Dakota Century Code Title 39"

Page 1, line 24, after the first "and" insert "a"

Re-number accordingly

2019 SENATE TRANSPORTATION

HCR 3052

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HCR 3052
3/21/2019
34074

- Subcommittee
 Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A concurrent resolution requesting the Legislative Management to study including traffic fines and penalties imposed by state and local governments, implementation of methods and mechanisms to improve traffic safety, decrease motor vehicle crashes, fatalities, and injuries, and discourage impaired driving, speeding, distracted driving, and lack of seatbelt use in North Dakota.

Minutes:

2 Attachments

Representative Corey Mock, District 18, Grand Forks: Please see **Attachment #1** for testimony.

Senator Bakke: We had a similar study that was on a bill that came out of the Senate, do you know if it passed?

Representative Mock: I know that this is a study that is very unique, especially as a result of the amendment that would do the title 39 review. I don't know if there was any existing study language that would review our traffic fines and safety practices, if there were any overlap what would happen is, when Legislative Management would have the list of authorized studies they would likely merge or accept concepts of each. Really what this is, is just giving Legislative Management the ability, the authority to conduct this study; but they can make any modifications as deemed necessary.

Major Tom Iverson: Please see **Attachment #2** for testimony.

(7:04) Donnell Preskey, North Dakota Association of Counties, North Dakota Sheriffs and Deputies Association: The North Dakota Associations of Counties has had a resolution for several years supporting the increase of traffic fines and fees. Acknowledging that they are extremely low in the state and really don't serve as a deterrent to our motoring public. This issue has been discussed many times with our law enforcement community as well as our commissioners. Just that they are almost a joke, because of how low they are.

Chairman Rust: Did we pass a law that allows, and I presume it's only cities, to increase fines beyond those imposed by the state? Because in the past we had a bill that was

passed, I believe, that the city could not have a fine greater than what the state has. I think the bill we had passed, had no restrictions to it really, right?

Ms Preskey: I was in the House chambers yesterday and that bill was voted on, I believe it passed. I could be wrong.

Senator Fors: Where do the traffic fines, what pot of money do they go into? If you want to increase all these fines, where does that money go?

Chairman Rust: The common schools trust fund. Sports education. So if you should happen to get a DUI, just remember that your money that you get fined goes to educate kids.

Senator Fors: All of it goes to...

Chairman Rust: If I remember right the fines that go into the common schools trust funds; I haven't looked at it lately, but at one point in time those funds were distributed the next year, it might be calendar year. They're actually distributed fairly quickly to schools. The fines went into the common schools trust fund, now why is that? The theory behind that, if I'm remembering correctly, is that we don't put those in the highway patrol's fund because then the highway patrol will deliberately go out there and stop as many as they can to increase their coffers. I think that was the theory. I think the one with the city is different, I think that goes in the city's coffers.

Senator Bakke: I move a **Do Pass**

Senator Dwyer: I **Second** the motion

Chairman Rust: It has been a long time. Periodically we get these laws we keep passing them, we keep changing some and then all of a sudden after a period of time you've got some conflicts and you've got some things that just need to kind of be relooked at and shored up and removed. Again, the other with this is it that it does tell Legislative Management that they shall consider. Which means they can do with it as they seem fit.

Senator Patten: I think it's important to recognize that it's a review of both the fines and the charges I believe. To bring back Senator Larsen's comment about the failure to transfer a title in a timely manner resulting in being handcuffed and a misdemeanor. I think this is an appropriate place to deal with that. While it may be an increase in fines it may be a decrease or it may be a change in the charge that may be levied as well to make it more in line with what may be more appropriate as well.

Chairman Rust: To go along with that, obviously what will happen here is, if they come up with something there will be legislation that will be proposed. Again the Senate can either give a thumbs up or a thumbs down on it.

Senator Dwyer: I was just going to add, in addition to what Senator Patten said if you do a study, it's nice to have not only the highway patrol, but BCI and DOT and legislators so that you don't get a bill that there is no other input than just the sponsor.

Chairman Rust: When you look at the things they're supposed to study it is a fairly lengthy, it's nine lines.

Senator Fors: Who pays for this study?

Chairman Rust: These are studies that are done when you serve on an interim committee. When we get done Legislative Management will choose which studies will go to interim committees and interim committees study more than one thing. Chances are that there will not be an interim committee that will study just this. It may be one of five or six things they are charged with studying. What it is, it's legislators from both houses, both sides of the aisle, that are appointed by Legislative Management to meet. They'll meet anywhere from a few times, three, four times to sometimes you meet ten, twelve times if it's a large charge. It's a real education process for the legislators that are on that committee. It does a good job a lot of times of studying an issue, the unfortunate thing about interim committees is, they have a rather poor history of getting things through the legislature.

Roll Call Vote Taken:

6-0-0 Do Pass

Carrier: Senator Bakke

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3052**

Senate 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 Senator Bakke Seconded By Senator Dwyer

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE

HCR 3052, as engrossed: Transportation Committee (Sen. Rust, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HCR 3052 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HCR 3052

NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
P.O. Box 12542
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COMMITTEES:
Appropriations

HB 3052
2-28-19
#1
P.1

To: Chairman Dan Ruby and Members of the House Transportation Committee

Date: February 28, 2019

Support Testimony for HCR 3052 -- Traffic Safety Study

Good morning, Mr. Chairman and members of the committee. My name is Corey Mock, representative for District 18 in Grand Forks, ND, and I am here today as one of the sponsors of HCR 3052.

This resolution originated at the request of a constituent in Grand Forks who contacted her legislator -- former Rep. Rich Becker -- who put her in touch with me. This individual was concerned that North Dakota had not updated our traffic fines and regulations much over the last several years.

Instead of introducing legislation to increase specific fines or modify certain penalties, I worked with former Rep. Becker to study all traffic fines and safety measures during the next interim session.

HCR 3052 is very simple in its purpose: give legislative management the option to not only study traffic fines, but also the efficacy of our laws and safety programs.

Upon introducing the measure, I was able to speak with members of the ND Highway Patrol. They indicated they'd be supporting the resolution, but also informed me they had reviewed sections within Title 39 of the North Dakota Century Code that may be in need of updating or further review.

According to NDHP, ambiguity, inconsistency, and need for general study could benefit several sections within Title 39. Some of those inquiries and suggestions include, but are not limited to:

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#1
P.2

- NDCC 39-01: Definitions of Emergency Vehicles
- NDCC 39-03: Terminology related to highway patrol; procurement of equipment
- NDCC 39-05: Title registration
- NDCC 39-06: Senior drivers, out-of-state suspended licenses, texting while driving
- NDCC 39-06.1: Reviewing moving and nonmoving violations
- NDCC 39-09: Speeding fines and structure of fines
- NDCC 39-10: Clarifying general rules of the road, especially related to modern traffic control devices
- NDCC 39-16.1: Proof of insurance and dollar amounts were last updated in 1985
- NDCC 39-20: Administrative hearings and clarity of implied consent related to intoxication
- NDCC 39-21: Equipment and lighting requirements
- NDCC 39-24: Consistency related to minimum insurance coverage of snowmobiles operating in a highway right-of-way
- NDCC 39-26: Authorized uses of the abandoned motor vehicle fund

I am supportive of any amendments NDHP may offer that would extend the scope of this study to give legislative management the authority to review additional sections within Title 39, as it would be germane and within our intention to review traffic fines, safety, and laws governing the operation of motor vehicles in North Dakota.

As mentioned in the beginning, this resolution was designed to give legislative management the ability to take a closer look in Title 39 of NDCC and, if necessary, make recommendations to the 67th Legislative Session.

Thank you again, Mr. Chairman and members of the committee. I hope you will review the scope of this study, make any adjustments you believe are necessary, and extend the option to study our traffic laws to legislative management with favorable passage of HCR 3052. I'd be happy to entertain any questions the committee may have.

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2-28-19
2

**House Concurrent Resolution 3052
House Transportation Committee
Representative Ruby, Chairman
February 28, 2019**

Good morning Mr. Chairman and members of the House Transportation Committee. My name is Major Tom Iverson, Chief of Operations for the North Dakota Highway Patrol. I am here in support of House Concurrent Resolution 3052. This resolution is requesting Legislative Management to study traffic fines and penalties imposed by state and local governments, including implementation of methods and mechanisms to improve traffic safety.

As a public safety agency, much of what we do is concentrated on traffic safety. From enforcing traffic laws to providing safety talks to a kindergarten class, the North Dakota Highway Patrol focuses their attention on keeping our roadways safe for the motoring public while trying to save lives.

Our agency supports a comprehensive assessment and review of North Dakota's traffic fines, as well as an analytical evaluation of methods to improve traffic safety. We look forward to participating in this study and providing any assistance that may be requested of us.

Mr. Chairman, this concludes my testimony, and I would be happy to answer any questions.

19.3027.02001
Title.

Prepared by the Legislative Council staff for
Representative Mock
February 28, 2019

HC R 3052
2-28-19
#3

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3052

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Renumber accordingly

HCR 3052 #1
3/21/19 Pg1

NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Appropriations

Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
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To: Chairman David Rust and Members of the Senate Transportation Committee

Date: March 21, 2019

Support Testimony for HCR 3052 -- Traffic Safety Study

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This resolution originated at the request of a constituent in Grand Forks who contacted her legislator -- former Rep. Rich Becker -- who put her in touch with me. This individual was concerned that North Dakota had not updated our traffic fines and regulations much over the last several years.

Instead of introducing legislation to increase specific fines or modify certain penalties, I worked with former Rep. Becker to study all traffic fines and safety measures during the next interim session.

HCR 3052 is very simple in its purpose: give legislative management the option to not only study traffic fines, but also the efficacy of our laws and safety programs.

Upon introducing the measure, I was able to speak with members of the ND Highway Patrol. They indicated they'd be supporting the resolution, but also informed me they had reviewed sections within Title 39 of the North Dakota Century Code that may be in need of updating or further review.

According to NDHP, ambiguity, inconsistency, and need for general study could benefit several sections within Title 39. Some of those inquiries and suggestions include, but are not limited to:

- NDCC 39-01: Definitions of Emergency Vehicles
- NDCC 39-03: Terminology related to highway patrol; procurement of equipment
- NDCC 39-05: Title registration
- NDCC 39-06: Senior drivers, out-of-state suspended licenses, texting while driving
- NDCC 39-06.1: Reviewing moving and nonmoving violations
- NDCC 39-09: Speeding fines and structure of fines
- NDCC 39-10: Clarifying general rules of the road, especially related to modern traffic control devices
- NDCC 39-16.1: Proof of insurance and dollar amounts were last updated in 1985
- NDCC 39-20: Administrative hearings and clarity of implied consent related to intoxication
- NDCC 39-21: Equipment and lighting requirements
- NDCC 39-24: Consistency related to minimum insurance coverage of snowmobiles operating in a highway right-of-way
- NDCC 39-26: Authorized uses of the abandoned motor vehicle fund

As a result of their thorough analysis, the House Transportation amended HCR 3052 at the request of Highway Patrol and with my full support. Amendments include adding the WHEREAS clause beginning on Page 1, Line 20 and expanding the scope of the study to allow Legislative Management to review Title 39 for inconsistencies, conflicts, and ambiguous statutes.

Thank you again, Mr. Chairman and members of the committee. I hope you will review this study, visit with members of the Highway Patrol (if necessary), and give HCR 3052 favorable consideration. I'd be happy to entertain any questions the committee may have.

**House Concurrent Resolution 3052
Senate Transportation Committee
Senator Rust, Chairman
March 21, 2019**

Good morning Mr. Chairman and members of the Senate Transportation Committee. My name is Major Tom Iverson, Chief of Operations for the North Dakota Highway Patrol. I am here in support of House Concurrent Resolution 3052. This resolution is requesting Legislative Management to study traffic fines and penalties imposed by state and local governments, including implementation of methods and mechanisms to improve traffic safety, as well as a complete analysis of NDCC Title 39.

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Our agency supports a comprehensive assessment and review of North Dakota's traffic fines, as well as an analytical evaluation of methods to improve traffic safety. We look forward to participating in this study and providing any assistance that may be requested of us.

Mr. Chairman, this concludes my testimony, and I would be happy to answer any questions.