

2019 SENATE POLITICAL SUBDIVISIONS

SB 2304

2019 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

SB2304
1/24/2019
Job # 31369

- Subcommittee
 Conference Committee

Committee Clerk Signature Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relating to the effect of state law on city or county ordinances and limits on city fines and penalties

Minutes:

Written attachment #1 p.1-3 Senator Oban Written attachment #2 p.1-2 Dave Draovitch Written attachment #3 p.1-2 Jeff Solemsaas Written attachment # 4 Bill Wocken
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Chairman Burckhard opened the hearing on SB2304. All senators are present.

Senator Erin Oban introduced SB2304. (:42-4:31) Written attachment # 1.

Chairman Burckhard: It is simple as this then, when this bill passes, the city councils or the city commissions then will have the authority to raise those fees to whatever they feel is appropriate.

Senator Oban: That's correct.

Senator Anderson: Where does the money for traffic fines usually go and I am not just talking about here in Bismarck, but for example if I go to Wilton, Highway 83 runs through Wilton, and it runs through Washburn. If I get picked up by the local deputy there going through Washburn, where does the stand to go?

Senator Oban: I am fairly confident that they all go in the Common Schools Trust Fund, but then again I could stand corrected if that's not right.

Dave Draovitch, Chief of Police for the City of Bismarck, in support of SB2304. (6:53-12:29) Written attachment # 2.

Senator Anderson: I am from a small town. I am all in favor of Bismarck raising their traffic fines and then maybe people will stay home and shop. Apparently it didn't bother the City Commission any when they supported the bill. The other thing we hear in the rural areas and one of the reasons that the traffic meter business got killed, is because people from the rural

area don't like to come to Bismarck and then have to pay to park their car and I am sure they don't like to come and have to pay a higher traffic fine. That's just some of the reasons. I am going to support the bill. I think you should be able to put the fine at whatever you want to. But those are a couple of the reasons why sometimes people vote against these things.

Senator J. Lee: I was particularly interested in the 36% increase in speeding tickets which I think is a pretty dramatic number. I don't think we've looked it that way before. I was disappointed that the Supreme Court ruling was what it was, but I applaud the Supreme Court had interpreted the law correctly. The law needs to be changed. I think Fargo was involved in the original lawsuit so there are cities who have tried to do this and were unsuccessful after the law was challenged in court. I think unfortunately part of it is control on the part of some legislators who just think the locals shouldn't be able to do it. On the other hand, it is the same people who are really local control nuts and I am one of those, but not in this case. The dichotomy and the philosophy is what interests me and its' sort just a provincial observation about the way it all sorts out. But there's no question that with the fines having remained the same and being set by the state it doesn't keep up.

Senator Anderson: I drive in a lot of different cities in ND. I do spend quite a bit of time in Fargo and of all of them Bismarck is the most courteous driver's and people generally obey the traffic lays. So your department should be credited. I know they feel bad about not being able to do a better job, but there are very few cities for example where people almost always stop for pedestrians crossing the street. Bismarck does that, other places don't. It's up to the pedestrian to survive when their crossing the street. So your department is to be credited for in my perception when I drive in different cities.

Chairman Burckhard: That might be total here-say what you've just heard. I can't debate that or not. Clearly the finds, do they cover your costs of the time it takes to stop, write up?

Mr. Draotvitch: Once you add the court time in there, and the process and everything I would say not.

Senator Dotzenrod: I don't know if this is appropriate to ask. The way this bill is written it says, ' Except as provided in Section 40-5:06 and then when you go 45:06 then its' got some other accept ordinances in 39: 06:01 and then when you go to 39:06:01 it's got a list that has all kinds of references to other sections'. So I am kind of curious to know and evidently what this bill does is divide offenses into two separate categories. Ones that the city is able to exceed the state statutory numbers and others that they cannot. I would like to know what offenses are on those two different lists. But I can't really tell that by reading this bill. That's what I am hoping that before the hearing is over, we'll get that information. I don't know if Dave is the appropriate person to answer that or not, but that's what I would like to be able to know. It's a little hard for me to tell by reading what this bill says.

Chairman Burckhard: So there is a question here? Or just a comment?

Senator Dotzenrod: I would like to know if we pass this bill, it appears we're going to have two lists, one list that cities and other subdivisions can exceed the limits that are provided in statute and another list of things that are violations of law that they cannot. I think that's what I am getting out when I look at this bill. I would like to know what those two lists are?

Senator Larson: Chief Draovitch, I don't know if your old enough to remember like I do when I was younger everybody that I went to college with knew that if you crossed the border into Montana you had better be obeying the law, the speeding law. North Dakota is fine, but if you get into Montana they are going really hit you with a high fine. I know that everybody that I knew that was the case and so you better obey the law there. Have you found that people kind spreads the work people know you better obey this law because of, the fine?

Mr. Dave Draovitch: We have experienced that. It's not Montana, though its' more Minnesota. People who get into Minnesota they know they better toe the line because their fines are way higher. I did look up every one of those statutes. You're correct. I understand it the same way as you. There would be some laws that the cities could not change, and some we could It's mostly the ones that could not be changed are criminal violations and so those would be set by the state and a city could not change them. The other ones are more moving violations such as speeding, red light enforcements, stop signs that sort of thing.

Chairman Burckhard: Can you give us an example of criminal violation, where it would not effect?

Mr. Dave Draovitch: It would be driving under suspension, one was dealing with snow mobiles, DUI was another one, so those kind of criminal offenses.

Mr. Jeff Solemsaas: (20:39-25:17) Lieutenant with the Bismarck Police Department. Support for SB2304. Written attachment # 3.

Chairman Burckhard: So, we all know there's a lot of distracted drivers out there. It's almost scary every time you stop at a red light. There is a lot of reasons to be bad drivers today. Hopefully this bill if it's passed would help that.

Senator Dotzenrod: Maybe you can tell me. I am curious about is right turn on red an automatically permitted procedure all over the state unless it's signed that you can't do it? Is that a state-wide, that's our law in ND?

Mr. Jeff Solemsaas: Yes, that is correct. Unless it's otherwise prohibited you are allowed to mark a right turn on a red light.

Senator Dotzenrod: If someone does turn right on red, when there is sign there that says you're not supposed to do it, is that treated the same as running a stop sign?

Mr. Jeff Solemsaas: That would be correct. It can be considered two ways. It's either a traffic signal violation; or a red light violation.

Chief Jason Ziegler, City of Mandan (26:45-) I am here to support the bill as the sister city to Bismarck. We are experiencing vary similar responses amongst our driving community. I've sit down with a couple of our citizens, one who is pretty vocal in the tribune doing articles about speeding and he lives in a school zone. Even though the officers do tickets for speeders in the school zone, when the officers leave the speeding continues. There is really not a whole lot we can do to help in the school zone area. I know my officers are frustrated too. They stop the same people over and over. It also sends the wrong message to our

younger generation on their driving behaviors. It seems like now a- days, everybody is in a rush to get places. Sometimes they have to think about the safety. The miles per hour makes a difference in lives. So I am here to support. I don't really have a lot of statistics to give you. I know that back in 2015 we wrote about 2000 traffic citations, and in 2018 we wrote 3600 traffic citations. The problem is it continues to grow throughout our communities and it impacts your community no matter what size it is.

Senator Anderson: I just wanted to say that I did see in the paper that Mandan was one of the best places to live in North Dakota. So, congratulations, you're doing something right over there.

Senator Dotzenrod: Do you see any changes in this phenomena of road rage? Is it really something that is more in a larger urban setting, and not so much in our part of the country? When you have someone who behaves in such a way that there mad and cut somebody else off or get in front of somebody, and hit the brakes or do something that really indicated their mad about something, do you have a way to charge that person with something and what do you charge them with?

Chief Ziegler: I know with my background I came up from the state of Florida. I lived in the Orlando area. I did 26 years in law enforcement down there. What I've noticed is road rage is road rage regardless of where you did law enforcement. Now the fines down there you're lucky if you get stopped and walk away for under \$150 for a fine down there. To me that is a little excessive and law enforcement has a hard time writing somebody a \$150 base fine ticket. So in that aspect, you would probably see some of the citations drop off, but for more serious offenses yes, it's a phenomenon throughout our country. It's not just exclusive and when people get in that road rage or they get emotional they do things they normally wouldn't do. If we can try to deter that, for my agency, we have a special detail and we get supplemented from the state of North Dakota to help pay for the overtime for that. But that's only once or twice a month that they will go out there and look for the distracted driving or the road rage incidents. My department including myself is 37 sworn officers. At any given time, I will have about 4 or 5 officers out on the street, on a good day on a day of vacations or injuries. I have two officers out on light duty right now, so three officers are working the streets. They are handling over 15,000 call for service to include all of the report of concern, traffic complaints that come in, and then I try to field all of those complaints. It's not slowing down.

Senator Dotzenrod: Generally, would it be reckless driving?

Chief Ziegler: It just depends on, what offense occurs. It could be reckless driving, distracted driving.

Senator Dotzenrod: I am thinking where somebody cuts somebody else off and gets in front of them and then brakes. That's what I've seen with the experiences I've had where somebody gets mad at somebody there and they don't stop and no one really gets violent but indicating to somebody else their mad at the way that they behave, so they pull in front of them and slow down or do something like that. Maybe there is no infraction of the law.

Chief Ziegler: It just depends on it. If you cut somebody off and then you could get reckless, care required. It just depends on the situation. What happens the officer has to come there,

and a lot of those we have to observe. We can't just guess at it. We have to see the violation to be able to charge the violator. So if there is not an officer there, we can't testify that is what happened, then it makes it difficult for us to say what charge actually is.

Senator J. Lee: I looked up what 39-06.1-05 has in it and the exceptions to the rule as was earlier stated, I am asking if there is a comment from the city police ever though some of this certainly may not be some they don't want to comment on. Driving or being in actual physical control vehicle in violation of this section, reckless driving, aggravated reckless driving, leaving the scene of an accident, driving while you're driving privileges or license is suspended, operating an unsafe vehicle and causing an accident with an authorized emergency vehicle. The point is about that, those are separate kinds of things that we are talking about. The speeding and the red lights, and all of those kinds of things. When I am driving down I-94 somebody who wants to drive faster than I am, I will have some great honking 4-wheeler, who's sitting on my bumper and I have an automobile, and then when they pass which they ultimately will, and we're driving fast, they cut right in because they're going to be in the right lane now that they are in front me. I move to the other lane, but where are people coming from that they have the highway there. Why can't they go farther? Why are we so bad at driving and not recognizing the kind of space? If I taped my brakes they wouldn't have time to do anything when they are doing that. I wouldn't when they cut in front of me, if something stepped in. It's an ongoing issue and we are all doing poorly in many ways. Some of us are doing poorer than others I think. It's a frustrating thing. I would be interested in your observation, and you don't have to worry about it being a sexist observation.

Chief Ziegler: I am the father of two daughters and my wife so I am going to plead the 5th.

Senator Dotzenrod: Just for clarification. This list that Senator Lee was reading is 39:06:1.05 that essentially is the list of things that subdivisions cannot raise and put higher penalties in place out of this list, if I understand it right?

Mr. Bill Wocken: Lobbyist for ND League of Cities (35:35-37:31) in Support of SB2304. Written attachment # 4.

Senator Anderson: Are there cities out there now who just don't pass anything and defer to the state law for the fines that might be going through a stop light in their city?

Mr. Bill Wocken: I am not sure of all the cities. But I know that anything that is taken care of by the sheriff or the highway patrol does go through the state system and through the state fines. The city has an opportunity to arrest either on the state law or on city ordinance. Typically, we would go to city ordinance in a city and those fines are the same as the state. That is just the disposition of the fine on the state level that goes to the School Trust Fund and on the city level, it would go into the city general fund.

Senator Anderson: Subsequently, then you don't see this as forcing any cities to pass ordinances that they don't now have in order to get people stopped at a red light?

Mr. Bill Wocken: I don't see this forcing anyone in any city to pass an ordinance. I think it gives them the opportunity to decide if they need to more aggressive if you will, in fining than the state law allows.

Chairman Burckhard: Asked for those who wanted to speak in opposition or neutral testimony on SB2304. No one came forward. He closed the hearing on SB2304.

Senator Judy Lee: I move do pass on SB2304

Senator Diane Larson: 2nd

Committee Discussion:

Senator Anderson: I heard that now, Bill said that fines that are levied by the county or the state go into the Common Schools Trust Fund. But apparently if I am going through Washburn and the city policeman picks me up that fine goes to the city. Am I correct in that?

Mr. Bill Wocken: My understanding is that it is, how your arrested, whether they use the state law, or the city ordinance that determines where your fine will go. So they have an opportunity in Washburn to charge you with a city ordinance violation or a state law violation. That's my understanding of how that is accomplished. They verified that is correct.

Senator D. Larson: Is that then, is speeding can that be state or city ordinance? Speeding is that a city ordinance? **Mr. Wocken:** replied Yes.

Senator J. Lee: That was interesting. I appreciate Sen. Anderson's question. I also think the city police its' their law enforcement people who are out there patrolling the streets of Bismarck, Washburn, or where ever, it is a budget item for that community. I don't have a lot of trouble with the money from the fines that is levied under a city ordinance going to the city whose law enforcement officials are the ones who are doing the work. So.

Chairman Burckhard: If the Supreme Court rule against us, in 2008, what's going to change them from doing it this time?

Senator J. Lee: What happened then is that somebody who ordered to pay a fine higher than what these little dinky fines are protested it in court. The city lost. It wasn't that the City of Fargo filed the complaint, it was that somebody filed a complaint against the city of Fargo and the Supreme Court said, "Yes that's what the law says". So that's where all cities had to return to the long ago when those fines were originally set. I think a little inflation since then.

Senator Anderson: About three of us have asked questions about this now and I think I am getting different answers. In order to move this forward, and to carry it on the floor and so forth, we need to understand where the fine money goes in every case. Right now I am not clear whether all the fines go in the Common Schools Trust Fund or if they are picked up under a city ordinance and then go into the city coffer, because that's going to make a difference to a lot of the people who are voting on this thing. So I think we need to be clear about that. I am not sure it will change our vote based on it but when we're carrying the bill forward we need to be clear if we're picked up under the state law I think I am clear that goes into the Common Schools Trust Fund; but if the City of Bismarck passes an ordinance that

says you can't run stop lights, and then I get picked up in the City of Bismarck, does that money go to the Common Schools Trust Fund or does it go to the city coffers. I think that is important in the discussion here.

Mr. Bill Wocken: The question you're asking is where do the fines eventually end up. If your picked up under state law, I am very sure that the fines go into the Common School Trust Fund; if you're picked up in a city ordinance violation you go through Municipal Court and Municipal Court fines goes into the city's general funds in most cases, in all cases I am aware of. The general fund of course funds the police department and other city operations. I know that the cost of enforcement and the cost of the court action are much more than any of the fines that we assessed, but that's where they go.

Senator Anderson: We just heard a little bit ago, from the law enforcement people that said we don't get any of that money. If it's going to the city they are getting it, because the city pays their salaries. See, that's what the voters are interested in.

Mr. Bill Wocken: I spent 23 years as City Administrator, and I remember during budget time, we had this discussion. The fines that are raised in Municipal Court do go to the General Fund, the General Fund does fund the Police Department. I believe the officer said that they don't get any of that money directly into their department. But it does go to the department through the General Fund.

Senator D. Larson: So, is there state law against running a red light?

Mr. Bill Wocken: Yes, there is a state law against running a red light.

Senator D. Larson: So if there is a state law against running a red light, then if there is a city law against running a red light, why, so you have both right now. You have one that you could do versus the other right now and so right now is the fine for running a red light in state law?

Mr. Bill Wocken: My understanding is there is a fine in state law for running a red light and city ordinances may have a fine for running that red light as well. When a person is picked up for that violation, the officer will charge them either under state law or under city ordinance. Most often I would believe the city police would charge under the city ordinance.

Senator D. Larson: So I am confused then about it. I am 100% behind the concept of this, but the logistics of it then. So, there's already state law and city law, addressing these things.

Mr. Bill Wocken: That is correct. **Senator D. Larson:** The only thing that this one would do would be to allow the cities to increase the penalty from what the state law is, but then there are other state laws that they can't do that?

Mr. Bill Wocken: I believe you're correct. I can tell you that before the Fargo decision, a red light violation in Bismarck was either \$60 or \$75 dollar fine. Under state law its \$20.00 fine. So the city of Bismarck said, we don't like red light violations and we want to accentuate that part of the enforcement process, so there was a heftier fine and that tend to hold down the incidents of red light violations.

Senator D. Larson: So basically this bill would allow for enhanced penalties for the local jurisdictions?

Mr. Bill Wocken: It would allow the cities to set a different fine than what state law allows. Typically, we've heard from law enforcement community that they think the state fines are way too low.

Chairman Burckhard: A do pass motion on this bill. Do we need to do the research still Senator Anderson? Are you convinced?

Chairman Burckhard: We have a Do Pass Motion on SB2304.

Roll call vote: 6-0-0

Carrier: Senator Diane Larson

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2304**

Senate Political Subdivisions 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 Sen. J. Lee Seconded By Sen. D. Larson

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee	X				
Sen. Jordan Kannianen	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Dianne Larson

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

REPORT OF STANDING COMMITTEE

SB 2304: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

2019 HOUSE POLITICAL SUBDIVISIONS

SB 2304

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

SB 2304
3/7/2019
Job #33404

- Subcommittee
 Conference Committee

Committee Clerk Signature	Carmen Hickle
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Explanation or reason for introduction of bill/resolution:

Relating to the effect of state law on city or county ordinances and limits on city fines and penalties

Minutes:

1,2,3,4,5,6

Vice Chairman Pyle: Opened the hearing on SB 2304.

Sen. Oban: Introduced the SB 2304. (Handout #1). Read her testimony.

Rep. Longmuir: This bill is just talking fines not points on a driver's license?

Sen Oban: That is correct.

Rep K. Koppelman: Would this put more localities in legal jeopardy similar to the lawsuit in Fargo?

Sen. Oban: They lost the lawsuit because it was against the law and this would change the law.

Rep K. Koppelman: The reason they lost the lawsuit was because of an equal protection argument because if you were stopped on a city street in that community and it was Highway Patrol, Sherriff or Police it could be a different amount depending on who pulled you over. That would be the case of this bill passes and that would raise fines.

Sen. Oban: The League of Cities has more details on those conflicts.

Rep. Ertelt: What would you say to the effect of any law enforcement agency by not pulling over and ticketing people today even if it is a low fine? What is that effect when they are not being ticketed when they are already breaking the law?

Sen. Oban: When we look at the resources dedicated to law enforcement there is a choice to be made about how they are going to spend the resources. If it is a decision to stop

someone and give them a ticket or go after something that is more dangerous to the public. I don't think the public is worried about getting a ticket.

Rep. Ertelt: It sounds like it is two- fold, its finances and public safety I don't see how that will change if cities increase their fines except on the financial end. We were told it was not a financial issue.

Sen. Oban: I disagree with that and there are people here who can talk about the connection between fines for violations and public safety.

Rep K. Koppelman: Does this bill affect parking tickets?

Sen Oban: It doesn't.

Rep. D. Ruby. I signed on to this bill because this has been a discussion that has happened for a long time. This comes to us time and time again and it costs more to issue the ticket than they are getting compensated for. In response to Rep. Koppelman it wouldn't be who stopped you it would be what street you are on. In the past with the state system certain roads had different fines and they had a book to check to see which road they were on and apply that to the fine. Then we went to the uniform fines and it was changed. If there is more of a fine, there is deterrence. I think it is time to allow the cities to raise fines. The issue in Fargo was they were charging over what the state allowed and they did have to do a reimbursement.

Rep K. Koppelman: Do you favor a limit on amount of deviation from the state law that the city could do?

Rep. Ruby: I support the bill as it is. I would like to see it pass so there is the ability to go higher than what the state level is. The state doesn't have any roads at 25mph, so why do we care about having it at \$10. If the committee thinks it would pass with some kind of limit then let's do what is best to get it passed.

Rep K. Koppelman: This would only solve that with some cities because only home rule cities can supersede state law. So we would have a patchwork of some communities that could do this and some that could not, correct?

Rep. Ruby: I think some cities will go varying levels anyway. There might be some patchwork, if they all go to the cap there would be consistency.

Rep K. Koppelman: We passed the study on fines and that will be occurring so is this premature?

Rep. Ruby: I think the study is important because it is a statewide study. Not only DOT but other agencies has found a lot of ambiguities in that section and areas of contradiction.

Rep. Guggisberg: In your line of business how do you think it would go over if the state told you how much to change for garbage pickup across the state? Would that go over well?

Rep. Ruby: Probably not, but the landfill I use always has set fees.

Rep. Guggisberg: The point is different communities have different needs and different organization accomplish those needs in different ways.

Rep. Ruby: I agree.

Rep. Magrum: Do you know when the state got involved with the city fines and why did they get involved?

Rep. Ruby: As long as I have been here it has always been this way. I can't answer the history on this.

Rep K. Koppelman: Looking at this it's not an issue for the state telling cities what to do but state law is state law. What legislation did a few years ago was if they were home cities they could deviate from the state law.

Steve Marquardt: Bismarck City Commissioner. (Handout #2) Stated the Police Chief and Lieutenant would be testifying.

Dave Draovitch: Bismarck Police Chief. (Handout # 3).

Vice Chairman Pyle: On average what does it cost for a traffic stop for the officer, the time, and equipment?

Chief Davoitch: The time is the big thing; sometimes it can take minutes sometimes an hour. But then our records people have to process the citation, then the clerk of courts has to process it.

Rep. Ertelt: The statistics you shared do you have any data on the miles traveled verses the number of people?

Chief Davoitch: The miles in our city?

Rep. Ertelt: Traffic miles traveled by the people in Bismarck?

Chief Davoitch: The miles in our city is 300 miles but that has grown.

Rep. Ertelt: Do you have data on the tickets issued if there are repeat offenders and what that break down is? If we are going to assess how effective citing someone is, I think we need to see if it is a deterrent and you would see if it was a deterrent if that same individual is not continually ticketed.

Chief Davoitch: There is lots of repeat offenders but we might be able to pull that out of our record management system.

Rep K. Koppelman: In 2007 the city of Bismarck increased the fines, do you what percentage the state fine was in 2007?

Chief Davoitch: The fine was \$20 for a stop sign or red light violation and we were fining them \$50. If a deputy or a trooper would stop someone in the city limits they cite them in district court, they could cite them in municipal court but they choose not to.

Jeff Solemsaas: Lieutenant Bismarck Police Department. (Handout #4). Read his handout. The point system is not a deterrent for some drivers, but the point system is not affected by this bill.

Rep K. Koppelman: The number of citations for driving under suspension are most of those for losing their license because of the number of tickets or is it DUI's?

Lieutenant Solemsaas: The vast majority of drivers lose their license for either an accumulation of points for frequent violations or for a criminal offense.

Rep K. Koppelman: Has the 24/7 program helped with the DUI driving under suspension violations?

Lieutenant Solemsaas: In my opinion no it has not.

Rep K. Koppelman: You were talking about the \$10 tickets. Rep. Ruby said there is a base fine of \$10 plus \$1 a mile. So it is a \$20 ticket?

Lieutenant Solemsaas: That is correct. The fines start at \$1 per mile per hour up to 15. At 15 miles over the speed limit it becomes \$15 ticket.

Rep K. Koppelman: But there is not a base?

Lieutenant Solemsaas: \$1 per mile up to 15.

Rep K. Koppelman: There is no flat base fee plus the \$1 per mile.

Lieutenant Solemsaas: That is correct.

Rep K. Koppelman: What efforts work for deterrents?

Lieutenant Solemsaas: The visual appearance of an officer is a deterrent.

Rep K. Koppelman: Is there punitive effect but also deterrents? What percentage of the public do you think pay attention to and think I am going to obey the law because the fines are high?

Lieutenant Solemsaas: Using the speed trailers the majority of people see the speed and slow down. But there are thousands of pages of data where people try to get a high number and speed up.

Vice Chairman Pyle: When we talk about the deterrents what level would you put the fines at?

Lieutenant Solemsaas: I would leave that to the city commission.

Rep. Ertelt: What is the penalty for driving suspension?

Lieutenant Solemsaas: The current penalty for the first offense is \$350 and maybe a suspended jail sentence, plus additional points on their driver's license.

Rep. Simons: What is your philosophy on raising the price of tickets?

Lieutenant Solemsaas: By increasing the fines it is providing more of an incentive for a driver to voluntarily comply with the law. We don't have open spaces in the city of Bismarck, there are a lot of vehicle traveling through the area, we have people walking and riding bikes and having people drive in that manner I think we need an incentive for that driver to comply with the ordinance.

Rep. Hatlestad: What is a confirmation light?

Lieutenant Solemsaas: It's a blue light on top of the traffic signal, it is hardwired into the traffic signal so when the light turns red that blue light comes on so an officer can be at an angle to the traffic signal and see if a car enters an intersection while the light is red. Under North Dakota law a driver is allowed to enter an intersection and complete their maneuver as long as the light is not red. If they have entered the intersection and the light turns red afterwards it is not a considered a violation. So in order for it to be a violation we have to prove that the driver entered the intersection after the light turned red. It is a visual confirmation for an officer.

Rep. Hatlestad: What about the stop lights that have the countdown so you know how many seconds before the light is going to change? Does that cause the person to accelerate?

Lieutenant Solemsaas: That has not been my experience. We completed the project last summer I don't know if a driver can see the countdown unless you are close.

Aaron Moss: Sergeant in Crime Prevention Officer City of Minot: (Handout #5). Read his testimony.

Rep. Ertelt: Has the police departments ever considered publishing the picture and name of the person in the paper or on the website? Public awareness of those breaking the law is a substantial deterrent?

Sergeant Moss: That is out of my job wheelhouse. Public shaming would be somewhat of a deterrent but the reality is we write thousands of tickets a year and if we are going to publish every person photograph it might turn into a records management issue.

Rep K. Koppelman: What we are doing when reading this bill is several years ago we allowed cities and counties to become home rule cities, within that was the power to deviate from state law. We are being asked to add another exception but it is a big decision from a state government standpoint.

Sergeant Moss: The analogy wasn't meant to be an identical mandate from federal government to state government. The similarity I was drawing was that local jurisdictions are often better suited to handle local concerns.

Bill Wocken: North Dakota League of Cities. (Handout #6). Read his testimony.

Rep K. Koppelman: How many Home Rule cities are there in the state? How many are not Home Rule cities?

Mr. Wocken: I am unsure of that number but I can get that for you.

Greg Levlin: Chief of Police in Lincoln. We are dealing with what has been referred to as a patchwork situation. When you look at effective enforcement and economic impact and the financial impact it might have to motivate people to comply and I appreciate the committee looking at a solution that allows local control and the health, safety and welfare of our citizens.

Mr. Marquart: One of the topics discussed was the possible cap, we are not going to do something extravagant so there would be a natural cap.

Chairman J. Dockter: Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee

Prairie Room, State Capitol

SB 2304
3/14/2019
Job # 33719

- Subcommittee
 Conference Committee

Committee Clerk Signature	Carmen Hickle
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Explanation or reason for introduction of bill/resolution:

Relating to the effect of state law on city or county ordinances and limits on city fines and penalties

Minutes:

1,2

Chairman J. Dockter: Opened for committee work. Explained the bill. Mentioned the handout from Bill Wocken that had been requested during the first hearing on SB 2304. (Handout #1).

Vice Chairman Pyle: (Handout #2) The proposed amendment allows cities to double the fine in your jurisdiction. Rep. Koppelman was right if you are stopped by Highway Patrol, county Sheriff or city Police it's three different amounts you can be fined for the same offense. That is a complication of doing it this way. The bill had an unlimited amount and the amendment is "by up to one hundred percent". Made a motion to adopt the amendment.

Rep K. Koppelman: Second the motion.

Rep. Hatlestad: During the testimony the city commissioner said the city commission would be a natural cap that we didn't need an amendment to that affect.

Rep. Adams: I agree but putting the amendment in place and capping it lets them know they can't go over. It also lets people know how much the fines are.

Chairman J. Dockter: Talking to some individuals in order to get it back to 2007 when they could charge \$60 we would have to go up to three times.

Rep K. Koppelman: What they did back then was illegal, unconstitutional and struck down by the courts. It is wise to have a limit.

Rep. Johnson: Up to 100% so on a \$50 fee they can charge \$50? These are caps we are presuming that everyone is at the cap but we are at a patchwork now. All the people need to know what the fine is in their jurisdiction anyway. I do like the limit but why not just double the fines?

Chairman J. Dockter: This is a way to take baby steps. We do have a state law for \$100 for texting and driving. When they are texting they usually go through a stop sign.

Rep K. Koppelman: Most law enforcement will say that law is unenforceable. When that bill was proposed we introduced a bill for distracted driving. My theory is if you are swerving on the road no matter what you are doing it is distracted driving that should be the offense.

Voice vote carried.

Rep K. Koppelman: Made a do pass as amended motion.

Rep. Adams: Second the motion.

Rep. Ertelt: Public testimony that we heard, the most striking was with regard to driving under suspension which is \$350 fine. Which is more than any of these other violations even if they are doubled. It doesn't seem to curb driving under suspension.

Vote yes 11, no 2, absent 1.

Rep. Adams: Will carry the bill.

Chairman J. Dockter: Closed the hearing.

19.0815.01001
Title.02000

Prepared by the Legislative Council staff for
Representative Pyle
March 7, 2019

DA 3/19/19

PROPOSED AMENDMENTS TO SENATE BILL NO. 2304

Page 1, line 20, after "exceed" insert ", by up to one hundred percent."

Renumber accordingly

Date: 3-14-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2304

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: 19.0815.01001

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 Rep. Pyle Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:					
Vice Chairman Pyle:					
Rep. Ertelt:					
Rep. Fegley:					
Rep. Hatlestad:					
Rep. Johnson					
Rep K. Koppelman:					
Rep. Longmuir					
Rep. Magrum:					
Rep. Simons:					
Rep. Toman:					
Rep. Strinden:					
Rep. Adams:					
Rep. Guggisberg					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carried

Date: 3-14-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2304**

House Political Subdivisions 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 Rep. Koppelman Seconded By Rep. Adams

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:	/				
Rep. Ertelt:		/			
Rep. Fegley:	/				
Rep. Hatlestad:	/				
Rep. Johnson:	/				
Rep K. Koppelman:	/				
Rep. Longmuir:	/				
Rep. Magrum:	/				
Rep. Simons:	/	/			
Rep. Toman:		/			
Rep. Strinden:	/				
Rep. Adams:	/				
Rep. Guggisberg:	/				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Rep. Adams

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

REPORT OF STANDING COMMITTEE

SB 2304: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 20, after "exceed" insert ", by up to one hundred percent."

Renumber accordingly

2019 TESTIMONY

SB 2304

SB 2304
1.24.2019
Written att #1
p.1

SB 2304

Senate Political Subdivisions Committee

Hearing: January 24, 2019 | 9:15 am

Testimony provided by Sen. Erin Oban

Good morning, Chairman Burckhard, members of the Committee. For the record, I'm Erin Oban, Senator for Bismarck's District 35, here to introduce SB 2304.

The bill in practice is much easier to understand than the language appears on paper. Essentially, if SB 2304 were to become law, rather than the state setting the cap on fines and fees associated with certain traffic violations, it would have the state set the floor and allow cities to determine whether or not to increase fines for traffic violations above that.

I'm sure it comes as no surprise to your members that North Dakota's traffic violations have not been increased in decades. The last change of any kind I could find was in 1997, but I'd be happy to stand corrected if that's inaccurate. To one degree or another, relatively recent past efforts to amend the sections of code dealing with fines and fees for traffic violations include SB 2392 in 2007, HB 1278 in 2011, and HB 1048 in 2013.

I'd call your attention to an attached AP article from January 2007, 12 years ago, that begins, "North Dakota's speeding and traffic fines are so low they make drivers laugh, and are out of step with penalties in several cities that set their own fines."

And another, an online post from 2016 from someone who traveled through North Dakota, "If you get pulled over for speeding in North Dakota, you are fined one dollar for every mile per hour over the speed limit you're driving. In other words, if you get caught going 14 miles per hour over the limit, your fine is \$14. This is the type of fine you'd expect to pay in Monopoly."

Though I don't much like North Dakota being the butt of anyone's jokes, I'm bringing this forward for consideration for a number of reasons a bit better than that one:

First, this is a public safety issue. Like it or not, fines and fees actually are and can be deterrents for behavior.

Secondly, this is a local control issue. My brother-in-law serves as a city commissioner here in Bismarck, and he is constantly asked by people in Bismarck why they won't make violations for things like running red lights or speeding through school zones or neighborhoods. His response is always the same: "The Legislature won't let us."

Thirdly, this is an effort to represent dozens of requests by individuals right here in my district who asked me to do *something* to make our roads and communities safer. Whether they're runners or parents of little kids or older folks or law enforcement or state employees who work every day on initiatives like Vision Zero, I heard about it way more than I was expecting over the last year.

SB 2304

1.24.2019

Att #1

P.2

And lastly, I believe this is the right thing to do. It's become increasingly clear to me based on the debates we've had in these chambers and in multiple public comments from and press interviews with members of the Legislature or the current administration that there is little to no chance that we'll pass an increase in fines, fees, or taxes at the state level. Philosophically, I think that rigid position is doing not only doing a disservice to the work we're elected to do, but it's also, at times, putting our communities and our people at risk. If we are unwilling or unable to do this, we shouldn't stand in the way of local leaders who are.

You'll notice not one of those reasons is about money. I don't view these decisions or discussions as a way to raise revenue. And I would just remind the committee that there is a really easy way to never have to pay a dime if this bill passes: don't break the law. 😊

Mr. Chairman, that ultimately concludes my testimony, but I know there are others here today who can provide data, specifics, historical perspectives, and, likely, firsthand examples of how this policy change can benefit their communities and the public in general.

Thank you for your thoughtful consideration, and I'll stand for any questions.

12.1-01-05. Crimes defined by state law shall not be superseded by city or county ordinance or by home rule city's or county's charter or ordinance.

No offense defined in this title or elsewhere by law shall be superseded by any city or county ordinance, or city or county home rule charter, or by an ordinance adopted pursuant to such a charter, and all such offense definitions shall have full force and effect within the territorial limits and other jurisdiction of home rule cities or counties. This section shall not preclude any city or county from enacting any ordinance containing penal language when otherwise authorized to do so by law.

40-05-06. City fines and penalties limited.

1. Except as provided in subsections 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating 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.
3. For every violation of a city ordinance enforcing the requirements of 40 CFR 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both such fine and imprisonment.

This section does not prohibit the use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02.

39-06.1-05. Offenses excepted.

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

*L. B2304
1-24-2019
written att #1
p. 4*

N.D. traffic fines are called a joke

DALE WETZEL Associated Press Writer | Jan 12, 2007

North Dakota's speeding and traffic fines are so low they make drivers laugh, and are out of step with penalties in several cities that set their own fines, law enforcement officers say.

"I don't doubt that there's somewhat of a reputation out there," said Fargo Police Chief Keith Ternes. "As soon as you hit the border in North Dakota, press on the accelerator, because even if you get caught, the fine is little to nothing."

Ternes spoke Friday at a House Transportation Committee hearing on legislation, introduced by Rep. Ed Gruchalla, D-Fargo, to greatly increase fines for speeding and other traffic violations. Gruchalla is a retired Highway Patrol sergeant.

The fines in North Dakota law prevail in regions where the local government has not established its own. State fines go into a trust fund that benefits schools, and they often are much lower than those in Fargo, Bismarck, Minot and other cities, which may set their own fines and keep the money.

For example, running a stop sign in most of rural North Dakota now carries a \$20 fine. Gruchalla's bill would raise the fine to \$50. Bryan Klipfel, the commander of the North Dakota Highway Patrol, said the fine has not been changed since he joined the patrol in 1977.

In Fargo, a stop sign violation is now \$100. In Jamestown and West Fargo, the current fine for running a stop sign is \$30; in Dickinson and Minot, \$40; in Bismarck, \$50; and in Grand Forks, \$71.

Two Bismarck men, Dwayne Wahl and Jack Potter, said there was nothing wrong with differences in the traffic fines charged by the state and local governments.

"Let them decide what they need to do for Fargo. But don't let them decide what to do for Linton or Hazen or Beulah. Let each entity decide what is good for their people," Wahl said. "It sounds like Fargo needs what they have. It sounds like a dangerous place."

Drivers worry more about penalty points on their licenses - which can lead to a suspension - and getting slapped with an insurance rate increase than they do about traffic fines, Wahl said.

Potter said to "raise fines for parity, or balance, makes no sense."

SB2304

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att #1

p.5

"How many people that (Gruchalla) represents have called him and asked him to raise the fines?" Potter said.

Gruchalla's legislation would also fine speeders \$5 for every mile per hour they are above the limit. That matches the present fine for speeding on interstates and divided highways, such as U.S. Highway 83, but it would increase the penalty on two-lane roads.

Someone speeding 70 mph on a two-lane road where the limit is 55 mph, for example, is fined \$15 under current law. Under Gruchalla's bill, the offender would get a \$75 ticket.

The patchwork of state and local rules can create some odd situations, because the amount of a fine also depends on who writes the ticket.

Mitchell Rumble, a North Dakota highway patrolman, told legislators at Friday's hearing that he once pulled over a driver who was speeding 63 mph in a Fargo neighborhood's 35-mph zone.

Had he written the ticket, Rumble said, it would have cost the driver \$49. A Fargo police officer was behind Rumble and stopped to back him up. Rumble turned the ticket-writing over to the Fargo officer when he was told the city fine would be \$150.

"The other day, I stopped a fella ... for 67 in a 55 zone. The fine was \$12. He absolutely couldn't believe it," Rumble said. "During the last 10 years, I just can't tell you how many times people have told me, 'I can't afford not to speed in your state. First off, the chances of getting caught are minimal. And then if you do get caught, the fine is nothin'.'"

The bill is HB1113.

LB2304
1-19-2019
Written attachment #1
p.6

North Dakota Speeding Fines Are Hilarious

by Doug DeMuro | October 2016

<https://www.autotrader.com/car-news/north-dakota-speeding-fines-are-hilarious-257713>

As many of you know, I recently drove my Aston Martin across the United States and back. On this trip, I hosted a meet up in Fargo, North Dakota, at North Dakota State University, which has, in its official seal, several stalks of wheat. None of this is very interesting.

What is interesting is that while I was at NDSU, the people who attended the meet up told me something amazing about speeding fines in the area. Namely, you're fined one dollar for every mile per hour over the limit you drive.

Allow me to repeat that, for effect: If you get pulled over for speeding in North Dakota, you are fined one dollar for every mile per hour over the speed limit you're driving. In other words, if you get caught going 14 miles per hour over the limit in North Dakota, your fine is \$14. This is the type of fine you'd expect to pay in Monopoly.

Now, initially, I was skeptical of this, because it sounds like something people would make up when they're being self-deprecating about their home state, so I went to my hotel that night and searched it online, thinking I'd find some base fine of \$100, *plus* the fines my viewers and readers told me about.

But, there is no base fine. Speeding tickets really are that cheap in North Dakota.

In fact, if you search for "North Dakota speeding fines," you'll likely be led to a [2007 article from the Bismarck Tribune](#), entitled "N.D. traffic fines are called a joke," wherein a North Dakota highway patrolman is quoted, after pulling over a driver for going 67 mph in a 55-mph zone and issuing him a \$12 ticket, as saying that the driver told him: "I can't afford *not* to speed in your state."

Fortunately, it appears North Dakota has done something to combat these low fines. Since the article was released in 2007, speeding ticket fines have increased. Now, it's one dollar for every mile per hour over the speed limit you go up to 15 mph over, then two dollars for every mile per hour until 20 mph over, then three dollars until 25 mph over and so on.

In other words, nearly a decade after the 2007 article came out, that ticket for 12 mph over would still cost \$12.

Bismarck Police Department

SB 2304
1.24.2019
Writtman #2
p.1

January 24, 2019

From: Dave Draovitch
Chief of Police

To: Senator Randy Burckhard, Chairman, and Members of the Political Subdivisions Committee

Subj: SB 2304

I come before you today to seek your support of SB 2304. If passed, this bill will provide City leaders across our State the ability to determine appropriate traffic fines to provide a deterrent to violating certain traffic ordinances.

The Bismarck Police Department receives many complaints everyday about people violating City Ordinance. The two violations most often complained about are Speeding and Failing to Stop for Traffic Control Devices (Red Lights). Our citizens do not feel safe when driving due to their concern of people failing to stop for red lights. Our citizens do not feel safe at home due to people excessively speeding in their neighborhoods. We take efforts to proactively deter such behavior by doing special red light enforcement and speed enforcement operations but the fines are so low that people do not see the need to change their behavior. Lieutenant Jeff Solemsaas (BPD Traffic Commander) will be speaking to you soon to provide examples of what he has encountered when taking enforcement actions regarding these issues.

The City of Bismarck issued 3,654 speeding tickets in 2007. The ordinance was changed in the City in May 2008 to drop the fines due to a ND Supreme Court ruling. In 2013, the City issued 5,345 speeding tickets and in 2018, issued 4,980 tickets. The City has issued 36% more speeding tickets since before the law was changed, and our population increased only 20% from 2007 to 2018. Prior to change, the City actually wrote fewer tickets, so the increased fines did not increase the tickets. In reality, when speeding tickets only get a very small fine, there is much more behavior evidencing more speeding done in the City.

Since traffic fines have not been a deterrent, but speed and failure to stop for traffic signals has been an increasing risk to lives in Bismarck, the City installed blue light confirmation lights to provide a better method of confirming red light violators. In 2017, there were 328 traffic tickets for red light violations and in 2018 there were 445 tickets issued for light violations. While enforcement has been up, anecdotally citizens feel the amount of people running red lights has not changed.

I can tell you the men and women of the Bismarck Police Department are very concerned that without a deterrent the citizens we serve are to continue to be at great risk of serious injury and death. We have many injury and serious injury crashes every year due to people failing to stop for red lights. We also have fatal crashes on occasion due to someone failing to stop for a red light.

Dave Draovitch, Chief of Police

Phone: 701-223-1212 ★ FAX: 701-355-1861 ★ Tdd: 701-221-6820 ★ 700 S. Ninth Street ★ Bismarck, ND 58504-5899



B2304
1-24-2019
Wittwer #2
p.2

Lieutenant Solemsaas ran some numbers for contributing factors for all crashes and found that in the last 3 years (Jan2016- Dec 2018) there were:

436 Red Light (8 involved serious bodily injury)
123 Stop Sign (2 involved serious bodily injury)
89 speed with an additional 148 too fast for conditions
3,045 Operated in an Inattentive, Careless, Negligent or Erratic Manner (This is Care Required most of the time).

The numbers for the injury crashes are certainly low due to the changes in crash reporting as the only injuries that are reported are incapacitating injuries (serious bodily injury). If the non-incapacitating injuries were to be factored in the number would definitely be much higher.

I can also tell you the men and women of the Bismarck Police Department are very frustrated. They feel they are not able to adequately protect our citizens because there is no deterrent due to the traffic fines being so low. They feel their efforts are in vain. As stated earlier we do special traffic operations and they are successful but they are only successful during the time we are doing the special operation. As soon as people realize we are out of the area and the operation is complete the deterrent, our officers, is gone. We do not have the resources to do special operations everyday throughout the entire City.

The Bismarck Board of City Commissioners voted unanimously to support this Bill.

A common misperception when Bills of this nature are introduced is that Law Enforcement wants to raise revenue for their Department. Law Enforcement does not receive any money from traffic fines.

Although I cannot speak to specifics, many of the Chiefs of Police across the State of North Dakota experience similar issues and have similar concerns as we do in Bismarck.

I thank you for the time I have been allowed to provide information about this very important Bill and I thank you for considering supporting it. Giving our City leaders the ability to determine appropriate traffic fines will be a great tool to help address the issues noted.

If you have any questions feel free to contact me at your convenience. I may be reached at ddraovitch@bismarcknd.gov or 701-223-1212.

Respectfully,



DAVE DRAOVITCH
Chief of Police

*S.B. 2304
1.24.2019
Written attachment #3
p.1*

Chairman Burckhard and members of the Political Subdivisions committee,

For the record, my name is Jeff Solemsaas. I'm here to voice support for Senate Bill 2304. I am a Lieutenant with the Bismarck Police department and have been in law enforcement for 26 years. The vast majority of my career has been in the traffic enforcement area and I currently am the Commander of the department's Traffic section. Because of my position I frequently field complaints and questions from members of the community. I also have a large concern for the safety of the public and motorists using our streets. I have seen firsthand too many times the carnage and devastation that results from drivers of vehicles involved in collisions. The most common reason for the collision is a lack of attention. By enhancing the penalties for violations driver would want to drive with more prudence and caution.

The most frequent complaint that I receive from citizens of Bismarck is for either speeding or red light violations. The residents of mainly residential neighborhoods are frustrated with the driving behavior of those traveling through. During the summer months I receive around 5-10 complaints each day with the most common statement from the resident being "we have children here". The follow up comment generally involves "You better do something before someone gets killed".

The other most common complaint I receive is for Red light violations. To many times the complaints are as result of a collision. Others are generally frustrated that other drivers show such a disregard for others with the selfish and dangerous habit of failing to stop for a red light.

I have often received the comment that the penalty for these violations should be increased as a deterrent to the current structure. When I explain that we cannot raise the fines the response is an obvious frustration making the statement that the current fines have no deterrent effect on driver behavior and frequently stating that the fines need to be increased. I often am asked how the process would be to have the fines raised and I have directed them to their local legislators. I think that all too often there is no follow through with that course however.

I frequently speak with officers and I myself have had numerous instances in which the violating driver cannot believe the fines are so low. This is usually an out of state driver. I have had several occasions in which that driver has commented that the low fines make the risk of receiving a citation nonexistent. I have had several drivers ask what the fine is for a particular violation and upon informing them of the fine, receiving the response "That's nothing, I'll take my chances".

I had one driver, after being stopped for a red light violation inform me that he always run through red lights. His philosophy was "if I run 20 red lights and only get stopped for 1, it only costs me a dollar for each red light".

Any officer I speak with has similar stories and would share the frustration with the low penalty for violations. Any officer I know is greatly concerned for public safety and knowing that a speeding, selfish or careless driver places other people at risk. There needs to be a fear of punishment. I cannot think of another way to gain voluntary compliance with the traffic laws that have been established.

I cannot think of how many times I have heard someone say "when I go to another state I slow down and obey the laws". Because the driver wants to avoid the citation knowing that the penalty will "sting" a little bit causes them to drive more safely. I know that personally, I drive much safer in other states because I don't want to receive a citation.

At this time the fines are almost encouraging the driver to violate the laws. The fines currently give the appearance that driving violations are not concern. If we want to be truly serious about driver and public safety the fines would reflect that level of concern.

The point system was designed to encourage safer driving by suspending the license of a driver that has received frequent violations. I have yet to see the driver that even remotely cares about having a suspended license, they continue to drive. The problem then becomes that that driver cannot obtain insurance and upon becoming involved in a collision leaves the other driver or property owner responsible for the damage caused. I frequently receive calls from the person that is left paying for the damage from an uninsured motorist. I found that the Bismarck Police have issued over 5,500 citations for driving under suspension in the last 3 years.

I encourage you to support this bill.

*S.B. 2304
1-24-2019
Written Attachment
#4*

Testimony in Support of Senate Bill 2304
January 24, 2019
Senate Political Subdivisions Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good Morning Mr. Chairman and members of the Senate Political Subdivisions Committee. For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2304.

Senate Bill 2304 seeks to allow cities to enact traffic fines for moving violations that may be in excess of the state specified fines for the corresponding offenses. You may recall that cities were able to set their own traffic fines under city ordinance until 2008 when a Fargo lawsuit determined that state law prohibited city traffic fines that exceed the state fines for corresponding moving offenses. After this decision all city moving violation fines were reverted to the state level.

Since the Fargo decision cities have reduced fines to match those of state law. Many cities have seen moving violations increase significantly. State traffic fines are very low. Many law enforcement officers feel the current fines do not create a deterrent to moving violations like speeding and running red lights. Points assessed against one's driving record have not proven as effective at deterrence as a monetary penalty.

More importantly, the safe operation of traffic within cities has been compromised since word got around that a moving violation merited a mere slap on the wrist. Red light violations in Bismarck have risen to epidemic proportions and a real traffic safety concern exists. Red light violations produce a particularly violent and dangerous vehicle collision that carries a high likelihood of significant injury or death.

Senate Bill 2304 returns to cities the control of community safety and establishment of a significant enough traffic fine to constitute a deterrent to motor vehicle traffic violations. The North Dakota League of Cities requests a Do Pass recommendation on this bill.

#1

NORTH DAKOTA SENATE



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Erin Oban

District 35
1319 Apache Street
Bismarck, ND 58501-2632
C: 701-955-3188
eoban@nd.gov

COMMITTEES:

Education
Government and Veterans Affairs

SB 2304

House Political Subdivisions Committee

Hearing: March 7, 2019 | 9:45 am
Testimony provided by Sen. Erin Oban

Good morning, Chairman Dockter, members of the Committee. For the record, I'm Erin Oban, Senator for Bismarck's District 35, here to introduce SB 2304.

The bill in practice is much easier to understand than the language appears on paper. Essentially, if SB 2304 were to become law, rather than the state setting the cap on fines and fees associated with certain traffic violations, it would have the state set the floor and allow cities to determine whether or not to increase fines for certain traffic violations above that.

I'm sure it comes as no surprise to your members that North Dakota's traffic violations have not been increased in decades. The last change of any kind I could find was in 1997, but I'd be happy to stand corrected if that's inaccurate.

I'd like to call your attention to an attached AP article from January 2007, 12 years ago, that begins, "North Dakota's speeding and traffic fines are so low they make drivers laugh, and are out of step with penalties in several cities that set their own fines."

And another, an online post from 2016 from someone who traveled through North Dakota, "If you get pulled over for speeding in North Dakota, you are fined one dollar for every mile per hour over the speed limit you're driving. In other words, if you get caught going 14 miles per hour over the limit, your fine is \$14. This is the type of fine you'd expect to pay in Monopoly."

Though I don't much like North Dakota being the butt of anyone's jokes, I'm bringing this forward for consideration for a number of reasons maybe a bit better than that one:

First, this is a public safety issue. Like it or not, fines and fees actually are deterrents for behavior, IF those fines and fees are at a level that matter.

Secondly, this is a local control issue. My brother-in-law serves as a city commissioner here in Bismarck, and he is constantly asked by people in Bismarck why they (the city commissioners) won't make violations for things like running red lights or speeding through school zones or neighborhoods. His response is always the same: "The Legislature won't let us even if we want to." I know there are lots of legislators who hang their hats on supporting local control, and this is another opportunity to prove it.

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Thirdly, this is an effort to represent dozens of requests by individuals right here in my district who asked me to do *something* to make our roads and communities safer. Whether they're runners or parents of little kids or older folks or law enforcement or state employees who care very much about their every day work on initiatives like Vision Zero, I heard about it way more than I was expecting over the last year.

And lastly, I believe this is the right thing to do. It's become increasingly clear to me based on the debates we've had in these chambers and in multiple public comments from and press interviews with members of the Legislature that there is little to no chance that we'll be increasing fines, fees, or taxes at the state level. Philosophically, I think that rigid position is doing not only doing a disservice to the work we're elected to do, but it's also, at times, putting our communities and our people at risk. If we are unwilling or unable to do this, that's fine, but we shouldn't stand in the way of local leaders who are.

You'll notice not one of the reasons I provided is about money. I don't view these decisions or discussions as a way to raise revenue. And I would just remind the committee that there is a *really* easy way to never have to pay a dime if this bill passes: don't break the law.

Mr. Chairman, that ultimately concludes my testimony, but I know there are others here today who can provide data, specifics, historical perspectives, and, likely, firsthand examples of how this policy change is needed and supported.

Thank you for your thoughtful consideration, and I'll stand for any questions.

12.1-01-05. Crimes defined by state law shall not be superseded by city or county ordinance or by home rule city's or county's charter or ordinance.

No offense defined in this title or elsewhere by law shall be superseded by any city or county ordinance, or city or county home rule charter, or by an ordinance adopted pursuant to such a charter, and all such offense definitions shall have full force and effect within the territorial limits and other jurisdiction of home rule cities or counties. This section shall not preclude any city or county from enacting any ordinance containing penal language when otherwise authorized to do so by law.

40-05-06. City fines and penalties limited.

1. Except as provided in subsections 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating 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.
3. For every violation of a city ordinance enforcing the requirements of 40 CFR 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both such fine and imprisonment.

This section does not prohibit the use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02.

39-06.1-05. Offenses excepted.

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

#1
SB 2307
3-7-19

N.D. traffic fines are called a joke

DALE WETZEL Associated Press Writer | Jan 12, 2007

North Dakota's speeding and traffic fines are so low they make drivers laugh, and are out of step with penalties in several cities that set their own fines, law enforcement officers say.

"I don't doubt that there's somewhat of a reputation out there," said Fargo Police Chief Keith Ternes. "As soon as you hit the border in North Dakota, press on the accelerator, because even if you get caught, the fine is little to nothing."

Ternes spoke Friday at a House Transportation Committee hearing on legislation, introduced by Rep. Ed Gruchalla, D-Fargo, to greatly increase fines for speeding and other traffic violations. Gruchalla is a retired Highway Patrol sergeant.

The fines in North Dakota law prevail in regions where the local government has not established its own. State fines go into a trust fund that benefits schools, and they often are much lower than those in Fargo, Bismarck, Minot and other cities, which may set their own fines and keep the money.

For example, running a stop sign in most of rural North Dakota now carries a \$20 fine. Gruchalla's bill would raise the fine to \$50. Bryan Klipfel, the commander of the North Dakota Highway Patrol, said the fine has not been changed since he joined the patrol in 1977.

In Fargo, a stop sign violation is now \$100. In Jamestown and West Fargo, the current fine for running a stop sign is \$30; in Dickinson and Minot, \$40; in Bismarck, \$50; and in Grand Forks, \$71.

Two Bismarck men, Dwayne Wahl and Jack Potter, said there was nothing wrong with differences in the traffic fines charged by the state and local governments.

"Let them decide what they need to do for Fargo. But don't let them decide what to do for Linton or Hazen or Beulah. Let each entity decide what is good for their people," Wahl said. "It sounds like Fargo needs what they have. It sounds like a dangerous place."

Drivers worry more about penalty points on their licenses - which can lead to a suspension - and getting slapped with an insurance rate increase than they do about traffic fines, Wahl said.

Potter said to "raise fines for parity, or balance, makes no sense."

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"How many people that (Gruchalla) represents have called him and asked him to raise the fines?" Potter said.

Gruchalla's legislation would also fine speeders \$5 for every mile per hour they are above the limit. That matches the present fine for speeding on interstates and divided highways, such as U.S. Highway 83, but it would increase the penalty on two-lane roads.

Someone speeding 70 mph on a two-lane road where the limit is 55 mph, for example, is fined \$15 under current law. Under Gruchalla's bill, the offender would get a \$75 ticket.

The patchwork of state and local rules can create some odd situations, because the amount of a fine also depends on who writes the ticket.

Mitchell Rumble, a North Dakota highway patrolman, told legislators at Friday's hearing that he once pulled over a driver who was speeding 63 mph in a Fargo neighborhood's 35-mph zone.

Had he written the ticket, Rumble said, it would have cost the driver \$49. A Fargo police officer was behind Rumble and stopped to back him up. Rumble turned the ticket-writing over to the Fargo officer when he was told the city fine would be \$150.

"The other day, I stopped a fella ... for 67 in a 55 zone. The fine was \$12. He absolutely couldn't believe it," Rumble said. "During the last 10 years, I just can't tell you how many times people have told me, 'I can't afford not to speed in your state. First off, the chances of getting caught are minimal. And then if you do get caught, the fine is nothin'.'"

The bill is HB1113.

5

North Dakota Speeding Fines Are Hilarious

#1
SB2304
3-7-19

by Doug DeMuro | October 2016

<https://www.autotrader.com/car-news/north-dakota-speeding-fines-are-hilarious-257713>

As many of you know, I recently drove my Aston Martin across the United States and back. On this trip, I hosted a meet up in Fargo, North Dakota, at North Dakota State University, which has, in its official seal, several stalks of wheat. None of this is very interesting.

What is interesting is that while I was at NDSU, the people who attended the meet up told me something amazing about speeding fines in the area. Namely, you're fined one dollar for every mile per hour over the limit you drive.

Allow me to repeat that, for effect: If you get pulled over for speeding in North Dakota, you are fined one dollar for every mile per hour over the speed limit you're driving. In other words, if you get caught going 14 miles per hour over the limit in North Dakota, your fine is \$14. This is the type of fine you'd expect to pay in Monopoly.

Now, initially, I was skeptical of this, because it sounds like something people would make up when they're being self-deprecating about their home state, so I went to my hotel that night and searched it online, thinking I'd find some base fine of \$100, *plus* the fines my viewers and readers told me about.

But, there is no base fine. Speeding tickets really are that cheap in North Dakota.

In fact, if you search for "North Dakota speeding fines," you'll likely be led to a 2007 article from the Bismarck Tribune, entitled "N.D. traffic fines are called a joke," wherein a North Dakota highway patrolman is quoted, after pulling over a driver for going 67 mph in a 55-mph zone and issuing him a \$12 ticket, as saying that the driver told him: "I can't afford *not* to speed in your state."

Fortunately, it appears North Dakota has done something to combat these low fines. Since the article was released in 2007, speeding ticket fines have increased. Now, it's one dollar for every mile per hour over the speed limit you go up to 15 mph over, then two dollars for every mile per hour until 20 mph over, then three dollars until 25 mph over and so on.

In other words, nearly a decade after the 2007 article came out, that ticket for 12 mph over would still cost \$12.

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#2

House of Representatives Political Subdivisions Committee

Representative Jason Dockter, Chair

Representative Brandy Pyle, Vice-Chair

March 7, 2019

Chairman Dockter, Members of the House Political Subdivisions Committee:

My name is Steve Marquardt and I am a City Commissioner for the City of Bismarck.

I am providing written testimony in support of Senate Bill 2304.

The Bismarck City Commission voted unanimously to support SB 2304.

The Bismarck Police Department receives many complaints everyday about people violating City Ordinance. One of the most often complained about is Failing to Stop for Traffic Control Devices (Red Lights). Our citizens do not feel safe when driving due to their concern of people failing to stop for red lights. Our Police Department takes a proactive approach to deter such behavior by doing special red light enforcement operations but the fines are so low that people do not see the need to change their behavior.

Since traffic fines have not been a deterrent, failure to stop for traffic signals has been an increasing risk to lives in Bismarck. The number of tickets for red light violations has increased by 117 from 2017 to 2018. While enforcement has been up, anecdotally citizens feel the amount of people running red lights has not changed. We have many injury and serious injury crashes every year due to people failing to stop for red lights. We also have fatal crashes on occasion due to someone failing to stop for a red light.

The men and women of the Bismarck Police Department are very frustrated as am I. We are not able to adequately protect our citizens because there is no deterrent due to the traffic fines being so low. It seems are efforts are in vain. Providing the City the authority to determine appropriate traffic fines will definitely help address the issues associated with red light violations.

I urge you to give SB 2304 a DO PASS recommendation.

Thank you for the opportunity to provide testimony in support of Senate Bill 2304.

Steve Marquardt, City Commissioner
City of Bismarck
701-355-1300
smarquardt@bismarcknd.gov

Bismarck Police Department

#3

March 7, 2019

From: Dave Draovitch
Chief of Police

To: Representative Jason Dockter, Chair, and Members of the Political Subdivisions Committee

Subj: SB 2304

I come before you today to seek your support of SB 2304. If passed, this bill will provide City leaders across our State the ability to determine appropriate traffic fines to provide a deterrent to violating certain traffic ordinances.

The Bismarck Police Department receives many complaints everyday about people violating City Ordinance. The two violations most often complained about are Speeding and Failing to Stop for Traffic Control Devices (Red Lights). Our citizens do not feel safe when driving due to their concern of people failing to stop for red lights. Our citizens do not feel safe at home due to people excessively speeding in their neighborhoods. We take efforts to proactively deter such behavior by doing special red light enforcement and speed enforcement operations but the fines are so low that people do not see the need to change their behavior. Lieutenant Jeff Solemsaas (BPD Traffic Commander) will be speaking to you soon to provide examples of what he has encountered when taking enforcement actions regarding these issues.

The City of Bismarck issued 3,654 speeding tickets in 2007. The ordinance was changed in the City in May 2008 to drop the fines due to a ND Supreme Court ruling. In 2013, the City issued 5,345 speeding tickets and in 2018, issued 4,980 tickets. The City has issued 36% more speeding tickets since before the law was changed, and our population increased only 20% from 2007 to 2018. Prior to change, the City actually wrote fewer tickets, so the increased fines did not increase the tickets. In reality, when speeding tickets only get a very small fine, there is much more behavior evidencing more speeding done in the City.

Since traffic fines have not been a deterrent, but speed and failure to stop for traffic signals has been an increasing risk to lives in Bismarck, the City installed blue light confirmation lights to provide a better method of confirming red light violators. In 2017, there were 328 traffic tickets for red light violations and in 2018 there were 445 tickets issued for red light violations. While enforcement has been up, anecdotally citizens feel the amount of people running red lights has not changed.

I can tell you the men and women of the Bismarck Police Department are very concerned that without a deterrent the citizens we serve are to continue to be at great risk of serious injury and death. We have many injury and serious injury crashes every year due to people failing to stop for red lights. We also have fatal crashes on occasion due to someone failing to stop for a red light.

Dave Draovitch, Chief of Police

Phone: 701-223-1212 ★ FAX: 701-355-1861 ★ Tdd: 701-221-6820 ★ 700 S. Ninth Street ★ Bismarck, ND 58504-5899



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Lieutenant Solemsaas ran some numbers for contributing factors for all crashes and found that in the last 3 years (Jan2016- Dec 2018) there were:

- 436 Red Light (8 involved serious bodily injury)
- 123 Stop Sign (2 involved serious bodily injury)
- 89 speed with an additional 148 too fast for conditions
- 3,045 Operated in an Inattentive, Careless, Negligent or Erratic Manner (This is Care Required most of the time).

The numbers for the injury crashes are certainly low due to the changes in crash reporting as the only injuries that are reported are incapacitating injuries (serious bodily injury). If the non-incapacitating injuries were to be factored in, the number would definitely be much higher.

I can also tell you the men and women of the Bismarck Police Department are very frustrated. They feel they are not able to adequately protect our citizens because there is no deterrent due to the traffic fines being so low. They feel their efforts are in vain. As stated earlier we do special traffic operations and they are successful but they are only successful during the time we are doing the special operation. As soon as people realize we are out of the area and the operation is complete the deterrent, our officers, is gone. We do not have the resources to do special operations everyday throughout the entire City.

The Bismarck Board of City Commissioners voted unanimously to support this bill.

A common misperception when bills of this nature are introduced is that Law Enforcement wants to raise revenue for their Department. Money from traffic fines does not directly go into our budget.

Although I cannot speak to specifics, many of the Chiefs of Police across the State of North Dakota experience similar issues and have similar concerns as we do in Bismarck.

I thank you for the time I have been allowed to provide information about this very important bill and I thank you for considering supporting it. Giving our City leaders the ability to determine appropriate traffic fines will be a great tool to help address the issues noted.

If you have any questions feel free to contact me at your convenience. I may be reached at ddraovitch@bismarcknd.gov or 701-223-1212.

Respectfully,



DAVE DRAOVITCH
Chief of Police

Chairman Dockter and members of the Political Subdivisions committee,

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3-7-19

For the record, my name is Jeff Solemsaas. I'm here to voice support for Senate Bill 2304. I am a Lieutenant with the Bismarck Police department and have been in law enforcement for 26 years. The vast majority of my career has been in the traffic enforcement area and I currently am the Commander of the department's Traffic section. Because of my position I frequently field complaints and questions from members of the community. I also have a large concern for the safety of the public and motorists using our streets. I have seen firsthand too many times the carnage and devastation that results from drivers of vehicles involved in collisions. The most common reason for the collision is a lack of attention. By enhancing the penalties for violations driver would want to drive with more prudence and caution.

The most frequent complaint that I receive from citizens of Bismarck is for either speeding or red light violations. The residents of mainly residential neighborhoods are frustrated with the driving behavior of those traveling through. During the summer months I receive around 5-10 complaints each day with the most common statement from the resident being "we have children here". The follow up comment generally involves "You better do something before someone gets killed".

The other most common complaint I receive is for Red light violations. To many times the complaints are as result of a collision. Others are generally frustrated that other drivers show such a disregard for others with the selfish and dangerous habit of failing to stop for a red light.

I have often received the comment that the penalty for these violations should be increased as a deterrent to the current structure. When I explain that we cannot raise the fines the response is an obvious frustration making the statement that the current fines have no deterrent effect on driver behavior and frequently stating that the fines need to be increased. I often am asked how the process would be to have the fines raised and I have directed them to their local legislators. I think that all too often there is no follow through on the part of the callers to contact their legislator and voice the concerns that they have shared with me.

I frequently speak with officers and I myself have had numerous instances in which the violating driver cannot believe the fines are so low. This is usually an out of state driver. I have had several occasions in which that driver has commented that the low fines make the risk of receiving a citation nonexistent. I have had several drivers ask what the fine is for a particular violation and upon informing them of the fine, receiving the response "That's nothing, I'll take my chances".

I had one driver, after being stopped for a red light violation inform me that he always run through red lights. His philosophy was "if I run 20 red lights and only get stopped for 1, it only costs me a dollar for each red light".

Any officer I speak with has similar stories and would share the frustration with the low penalty for violations. Any officer I know is greatly concerned for public safety and knowing that a speeding, selfish

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3-7-19

or careless driver places other people at risk. There needs to be a fear of punishment. I cannot think of another way to gain voluntary compliance with the traffic laws that have been established.

I cannot think of how many times I have heard someone say "when I go to another state I slow down and obey the laws". Because the driver wants to avoid the citation knowing that the penalty will "sting" a little bit causes them to drive more safely. I know that personally, I drive much safer in other states because I don't want to receive a citation.

At this time the fines are almost encouraging the driver to violate the laws. The fines currently give the appearance that driving violations are not concern. If we want to be truly serious about driver and public safety the fines would reflect that level of concern.

As an example of the consequences of violators of traffic control lights I need only point to two recent examples of collisions that resulted in a death. In the most recent case a driver of a motorcycle was seen and heard of rapidly accelerating when his traffic signal turned yellow, clearly trying to "beat" the red light. The collision resulted in his death. Another brief example involved a large passenger vehicle that, again, was attempting to accelerate through an intersection when the traffic light had turned yellow. This vehicle struck a large fire department vehicle causing a serious and potentially career ending injury to a firefighter. In both of these cases the drivers had felt that there was not deterrent effect by stopping for the red light, their time was more important than the potential injuries and death. There are obviously more examples of this happening than there is time to discuss but I hope that the point has been made.

The point system was designed to encourage safer driving by suspending the license of a driver that has received frequent violations. I have yet to see the driver that even remotely cares about having a suspended license, they continue to drive. The problem then becomes that that driver cannot obtain insurance and upon becoming involved in a collision leaves the other driver or property owner responsible for the damage caused. I frequently receive calls from the person that is left paying for the damage from an uninsured motorist. I found that the Bismarck Police have issued over 5,500 citations for driving under suspension in the last 3 years.

I encourage you to support this bill.

NORTH DAKOTA HOUSE OF REPRESENTATIVES, POLITICAL SUBDIVISIONS COMMITTEE

3/7/2019

Senate Bill 2304

TO: Chairman Jason Dockter and Members of the Political Subdivisions Committee

FROM: Aaron Moss, City of Minot, Police Department – Crime Prevention Officer (aaron.moss@minotnd.org)

Thank you for the opportunity to testify on SB 2304. The City of Minot Police Department supports this bill and urges a committee recommendation of DO PASS to the House Floor. Like most every law enforcement entity in North Dakota, the Minot Police Department has seen a sharp, and annually increasing, rise in all calls for service. Traffic related crashes, complaints, and incidents invariably take up the majority of assigned incident numbers and our Patrol Officers' time. This bill addresses the long-debated issue of determining a fair balance of individual liberty on our roads and people's interest in deterring and preventing dangerous driving behaviors that lead to so much needless death, injury, and property damage.

In previous legislative sessions, members in favor of increasing traffic fines statewide were often met with resistance with the underlying belief that what might work, by raising traffic fines, in one area may not work in another. I couldn't agree more. I also offer that such an argument is a "two-way street". Restricting political subdivisions attempting to address traffic problems unique to their area by prohibiting them from employing reasonably determined fines, unduly burdens those subdivisions responsibility to ensure their communities' safety. Refusing to raise uniform statewide traffic fines because it might unfairly effect some North Dakotans at less risk of traffic safety issues experienced in other areas AND refusing subdivisions the authority to reasonably set fines to address specific traffic safety challenges in their areas, are two sides of the same inefficient coin.

A one-size-fits-all approach to governance is rarely effective. Particularly true in a state as geographically large as ours with extraordinarily different traffic challenges location to location. Local determination of traffic fines doesn't mean a blind ceding of authority by the legislature. Rather, it recognizes that the elected officials in city councils and commissions are in an ideal position to efficiently and directly address problems unique to their communities, while placing trust in the voters that put them there.

The current traffic fines in North Dakota contribute to a disrespect of the rules of the road. A disrespect that leads many drivers to choose risky behaviors behind the wheel, after determining that the potential financial consequence isn't really a factor to consider. These choices lead to more crashes and the above described loss of lives, sustained injuries, and property damage. When ticketed, the fine is simply without the "teeth" necessary to encourage better safer choices in most instances.

I understand fines are not a stand-alone solution to reducing traffic related dangers. Traffic and vehicle engineering, early driver education and driver improvement courses by safety experts, strong fair enforcement by law enforcement, balanced application of law in our courts, and yes, a strong deterrent with effective fines ALL contribute to safer roads and sound behavioral choices behind the wheel. Preventing one effort from being vigorously but reasonably applied, causes the other efforts struggle to pick up the slack. We ask that you recommend a DO PASS on this bill so that political subdivisions can better address this critical part of the "bigger picture" of traffic safety in our local communities.

Testimony in Support of Senate Bill 2304
March 7, 2019
House Political Subdivisions Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good Morning Mr. Chairman and members of the House Political Subdivisions Committee. For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2304.

Senate Bill 2304 seeks to allow cities to enact traffic fines for moving violations that may be in excess of the state specified fines for the corresponding offenses. You may recall that cities were able to set their own traffic fines under city ordinance until 2008 when the supreme court determined that city traffic fines could not exceed the fines set by the state for corresponding moving violations. After this decision all city moving violation fines were reverted to the state level.

Since this decision many cities have seen moving violations increase significantly. State traffic fines are very low. Many law enforcement officers feel the current fines do not create a deterrent to moving violations like speeding and running red lights. Points assessed against one's driving record have not proven as effective at deterrence as the monetary penalties assessed prior to 2008.

More importantly, the safe operation of traffic within cities has been compromised since word got around that a moving violation merited a mere slap on the wrist. Red light violations in Bismarck have risen to epidemic proportions and a significant traffic safety concern exists. Red light violations produce a particularly violent and dangerous vehicle collision that carries a high likelihood of significant injury or death.

Senate Bill 2304 returns to cities a tool to enhance community vehicular safety and the responsibility to set traffic fines that will deter motor vehicle traffic violations. The North Dakota League of Cities respectfully requests a Do Pass recommendation on this bill.

#1
SB2304
3-14-19

Bill Wocken
North Dakota League of Cities
410 East Front Avenue
Bismarck, ND 58504

Representative Jason Dockter
North Dakota House of Representatives
Chair, House Political Subdivisions Committee
State Capitol Building
Bismarck, ND 58505

March 9, 2019

Dear Chairman Dockter:

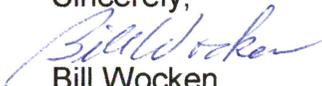
Last week, during discussion of Senate Bill 2304, you asked if the League of Cities had information on the number of cities in the state and how many of those cities are operating under a home rule charter. You also asked for the corresponding information for counties.

There are 357 cities in North Dakota and 157 of them operate under a home rule charter. There are 53 counties and 10 of them are home rule counties.

It should be pointed out that the home rule charters for both cities and counties vary considerably in content and scope. Some are meant for a single purpose such as establishing a local sales tax or some other single objective while others are quite complex and multipurpose.

I hope this will answer your question. If you would like any other information please let me know of your needs.

Sincerely,



Bill Wocken

North Dakota League of Cities

19.0815.01001
Title.

Prepared by the Legislative Council staff for
Representative Pyle
March 7, 2019

#2
3-14-19

PROPOSED AMENDMENTS TO SENATE BILL NO. 2304

Page 1, line 20, after "exceed" insert "up to one hundred percent of"

Renumber accordingly