

2021 HOUSE TRANSPORTATION

HB 1502

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1502
2/11/2021
AM

A bill relating to the amount of statutory fees, entries against a driving record, and moving violations and to the amount of statutory fees and moving violations; and to provide a penalty.

10:36 AM **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	A
Representative Greg Westlind	P

Discussion Topics:

- Clarifying changes in Title 39.
- Changes in fees.
- Definition of moving violation.
- Point changes.

Rep. Mock introduction and testimony #6320 on ZOOM and amendments # 6321.

Sergeant Wade Kadrmas, Safety and Education Officer for the ND Highway Patrol, supportive testimony #6364.

Discussion.

11:08 **Chairman Ruby** closed the hearing.

11:09 Adjourned.

Jeanette Cook, Committee Clerk



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

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COMMITTEES:
Appropriations

6320

February 11, 2021

HB 1502 – Title 39 Partial Rewrites

Chairman Dan Ruby and members of the House Transportation Committee,

I'm honored to join representatives from North Dakota Highway Patrol and others in our effort to address some inconsistencies and ambiguities that exist in our Motor Vehicles statutes (title 39.)

Last legislative session we passed HCR 3052 which authorized a study to review and rewrite title 39 after several years of amendments and new sections. The purpose of that resolution was spend time during the interim so we could more thoroughly dig into this section of law and possibly rewrite all sections so it's more logically laid out.

Since the study was not selected by Legislative Management, transportation officials begin doing some work on the most notable conflicts within title 39 and brought them forward to be addressed this session.

HB 1502 is a product of that work, and I'd like to thank Col. Brandon Solberg, Maj. Tom Iverson, and Sgt. Wade Kadmas, all of NDHP, for their work on this legislation.

Instead of going through each section I'm going to go through each change, explain why it's included, and reference sections appropriately:

Sections 1, 5, and 7 remove ambiguity in our failure to register a motor vehicle laws. There are two types of registrations we're dealing with: registering your motor vehicle as a permanent resident of the state (\$20 moving violation); registering your motor vehicle as an individual working in North Dakota temporarily (\$100 non-moving violation.) This section does not create or enhance current penalties; only creates new sections to separate the two types of registration offenses.

Sections 2 and 4 align the time to provide proof of registration and a drivers license with the time to provide proof of insurance (14 days – same time required to pay the bond if ticketed.) It also states that you must provide that documentation to the "office of the prosecutor where the matter is pending," which matches the court's requested language for providing proof of insurance.

Section 3 adds "of the date the vehicle was purchased" and "of receiving the title" to clarify when the 30-day window to transfer title begins.

Section 6 decriminalizes a violation of our reciprocal use of highways laws by reducing the fine from a criminal infraction (up to \$1,000 fine) and making it a \$50 fine.

Section 8 makes the violation of the following laws a moving violation: displaying license plates and tabs (39-04-11); class D learner's permit restrictions (39-06-04); reciprocal use of highways (39-19-03); and motorcycle equipment laws (39-27).

Section 9 transfers the current 2 point penalty when violating instructional permit restrictions for class D instruction permit holders. (NDHP will be offering an amendment to make this change for all classes of instructional permits.)

Section 10 is a technical correction that has created confusion in some counties. The change is subtle (page 4 line 14) – by adding the comma it clarifies that vehicles must move over for stopped emergency vehicles on any interstate road (within or outside of city limits) and multilane highways outside of city limits. Because of this missing comma, some jurisdictions have argued that drivers do not need to move over for stopped emergency vehicles on the interstate when within city limits, which was never the intent.

Section 11 clarifies that merging into or from traffic is considered a turn or lane change for the purposes of signaling your actions.

Section 12 clears up a likely technical error by adding the word "or" on page 6 line 1 (requiring farm equipment to have at least one red lamp or reflector, since 'red lamp reflector' cannot be found anywhere else in state code.

Thank you for your time and consideration of HB 1502, Chairman Ruby and members of the committee. I'd be happy to answer any questions you may have.

PROPOSED AMENDMENTS TO House Bill No. 1502

Page 3, line 25, after "39-06-16," add "39-06.2-07"

Page 4, line 5, after "of", remove "a class D instruction", add "an instructional permit"

Page 4, line 6, remove "permit"

Page 6, after line 11, insert:

SECTION 13. AMENDMENT. Paragraph 10 of subdivision b of subsection 3 of section 39-06.1-10 is amended and reenacted as follows:

39-06.1-10. Entries against driving record - Director duties - Hearings – Demerit schedule - Suspension.

3. Points must be assigned and accumulated on the basis of the following schedule:

b. Criminal Violations

Conviction of: Points Assigned:

- | | |
|--|---------------------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance | 8 points |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance | 18 points |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving | 3 points |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 | 4 points |
| (7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance | 2 points |
| (8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance | 24 points |
| (9) 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, or equivalent ordinance | 2 points |
| (10) Driving in violation of the conditions of an instructional permit | 2 points |

House Bill 1502
House Transportation Committee
Representative Ruby, Chairman
February 11, 2021

Chairman Ruby and members of the House Transportation Committee, my name is Sergeant Wade Kadrmias and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today representing my agency in support of House Bill 1502, which makes changes to Title 39. House Concurrent Resolution 3052, which requested a study of Title 39, was passed during the 66th Legislative Assembly. The study of Title 39 was not selected by Legislative Management during the interim. Since it wasn't selected as a study, the highway patrol brought forth this session Senate Bill 2100 in an attempt to address parts of Title 39 that were inconsistent with current practices or laws in order to bring clarification due to varying interpretations. SB 2100 consisted of 23 sections, so it covered a lot of ground. The bill passed the Senate Transportation Committee, but it failed on the Senate floor. Representative Mock was kind enough to work with our agency to determine which sections of the bill were most critical, and those 12 sections are included in HB 1502.

Sections 1, 5 and 7 of the bill are intended to help clarify a law that was passed in 2011 following the 62nd Legislative Assembly to charge out-of-state residents a higher fine for failing to register upon gainful employment. After this law was implemented, it was discovered the higher fine could be applied to a North Dakota resident who had registered their vehicle in North Dakota but had let the vehicle registration lapse. There are also confusing areas such as failing to register being listed as both a moving and non-moving violation. The wording used in subdivision f of subsection 2 of section 39-06.1-06 states, "*A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.*" This wording directs individuals to subsection 1 of section 39-04-37, which has no reference to the temporary registration requirements for those who are gainfully employed under subsection 1 of section 39-04-18.2 or the term "resident" as defined under subdivision e of subsection 2 of section 39-04-18 which covers gainful employment. The patrol believes these three changes will provide the desired clarification so that current residents would only be charged \$20 for failing to renew registration while those who are gainfully employed and fail to register would still be charged \$100.

Sections 2 and 4 pertain to providing proof of current registration or a valid operator's license in order to have a citation dismissed for failing to have a registration card or an operator's license in possession. The ability of law enforcement to check the status of vehicle registration and driver's licenses has evolved due to software advancements. Law enforcement can now access this information in real time either from the computer in their vehicle or by requesting dispatch to check the status. NDHP policy directs troopers to verify registration and drivers' license status and issue a warning if the registration and driver's license are current. The only time a citation is recommended is when an individual has had multiple warnings for not having this information in their possession and no card or license is in immediate possession at the time of the stop.

From 2017 to present, troopers have taken enforcement action for failing to have a registration card present just over 2,700 times; only eleven of those actions were citations. From 2017 to present, troopers have taken enforcement action for failing to have a driver's license in possession just over 6,100 times; only 151 of those actions were citations. The proposed change in this bill would give an individual 14 days to provide a physical registration card or driver's license to the office of the prosecutor to have a citation dismissed. The 14-day period would match the time allowed to pay a citation. This change would be matching the process in SB 2056 which was submitted by the Supreme Court for providing proof of current liability insurance.

Section 3 relates to the current 30-day time period defined by law for the transfer of a vehicle title. The additions to this section help clarify when the 30-day time limit starts. This change will help sellers and buyers, and it will give law enforcement and prosecutors guidance if there is an issue with the transfer of title.

Sections 6 and 8 affect the law relating to reciprocal use of highways which requires commercial motor vehicles over 26,000 pounds to be registered or have a trip permit. The subdivision being added would assign a fine of \$50 and give the individual 14 days to either pay the citation or request a hearing. This option would eliminate the requirement for an out-of-state commercial motor vehicle driver to appear in court. Section 8 would list this as a moving violation since it is only considered a violation if the vehicle is being driven on roadways in North Dakota. These changes would reduce reciprocal use violations from an infraction to a \$50 moving violation. Several sections of this bill cover violations that don't have a specific penalty

listed so they default to an infraction as stated under 39-07-06. An infraction requires a court appearance, and a fine of up to \$1,000 may be assessed.

Section 7 clarifies non-moving violations. The display of number plates and tabs under 39-04-11 isn't a violation unless an individual operates a vehicle upon a public roadway so this bill would change it to a moving violation. This change would make it consistent with other registration violations which are defined as moving violations such as exceeding the gross weight for which a vehicle is registered (39-04-22); failing to register a motor vehicle (39-04-37); and failing to carry a registration card in a motor vehicle (39-04-55).

Two other changes in this section reduce minor violations for failing to update your address from an infraction to a non-moving violation. Individuals are required to update the address listed on their vehicle registration (39-04-02.1) and their driver's license (39-06-20). This information is important when the ND DOT Driver's License or Motor Vehicle Division needs to contact the individual. It is also important when an individual is cited or arrested since this information is used in reports and shared with courts. If an individual is cited or arrested with outdated address information, the individual may not receive important notifications from the courts or NDDOT. Addresses can be updated online, by e-mail, or by phone, and a new registration card or operator's license is not required.

Section 8 clarifies moving violations. The display of number plates and tabs (39-04-11) was added after being crossed out in section 7 of this bill. A violation of a class D instructional permit (39-06-04) was added so that the offense would be a \$20 dollar moving violation rather than an infraction. The proposed amendment would add commercial motor vehicle instruction permit violations (39-06.2-07) to the definition of a moving violation as well to reduce it from an infraction. A violation of a motorcycle instruction permit (39-06-14.1) is already listed as a moving violation and assessed a fine of \$20.

Motorcycle equipment violations (39-27) are added as moving violations to be consistent with passenger vehicle equipment violations (39-21). This allows a \$20 citation to be issued for a motorcycle equipment violation rather than the requirement of the individual to appear in court with a possibility of a \$1,000 fine.

Section 9 moves the two points listed for class D instruction permits from the “criminal violations” section to the “noncriminal violations” section. The proposed amendment would move all instruction permit violations (class D, commercial motor vehicle, and motorcycle) to the non-criminal violations section.

Section 10 clarifies the requirement for moving over for emergency vehicles on the interstate system within city limits. The lack of a comma has led to misinterpretation that the violation only applies to the interstate system outside of city limits. This law is meant to protect emergency personnel working on the interstate system regardless if the work occurs within or outside of city limits. The current law is written so it does not apply to multilane highways within city limits such as State Street/Highway 83 in Bismarck, ND Highway 2 in Minot, or Gateway Drive/Highway 2 in Grand Forks.

Section 11 clarifies the requirement of using turn signals when merging into or out of traffic or when changing lanes. The current terminology “move right or left upon a roadway” is vague and allows for differing interpretations. An example of differing interpretation occurs when a vehicle enters the interstate from an on-ramp. It has been argued that on-ramps naturally flow into normal lanes of traffic and therefore no turn signal is needed. Law enforcement views this action as a vehicle moving either left or right from the on-ramp into a separate roadway since the on-ramp lane ends. Vehicles already on the main road are not required to move over, and vehicles entering the roadway must yield to traffic already on the road. Utilizing a turn signal is necessary to warn other traffic of the intention to enter the roadway. Once on a roadway, drivers should also signal their intention to change lanes to alert other drivers of the vehicle’s movement.

Section 12 clarifies that a red light or reflector can be used on an implement of husbandry that extends beyond the extreme left portion of the towing unit. This entire section provides direction on the use of a lamp or reflector. For example, line 28 and 29 on page five states, “...must be equipped with at least one amber lamp or reflector”. The word “or” was likely left out under subdivision b of subsection 1 of section 39-21-15 on line 1 of page 6.

Mr. Chairman and members of the committee, the highway patrol has been tracking issues with Title 39 for several years, and we’d appreciate your consideration of this bill to clean up several areas. This concludes my testimony and I would be happy to answer any questions.

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1502
2/11/2021 PM

A bill relating to the amount of statutory fees, entries against a driving record, and moving violations and to the amount of statutory fees and moving violations; and to provide a penalty.

3:05 PM **Chairman Ruby** brought the bill back before the committee.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	A
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Amendments
- Review

Discussion

Representative Paur moved the amendments. LC: 21.1061.02001 Title: 03000

Representative Hagert seconded.

Voice vote. Carried.

Representative Christensen moved a Do Pass as amended.

Representative Jones seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P

Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	A
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Motion carried. 12-0-2 **Representative Paur** carrier.

3:15 Adjourned.

Jeanette Cook, Committee Clerk

Handwritten initials and date: 2/11/21

February 11, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1502

Page 1, line 6, after the third comma insert "subdivision b of subsection 3 of section 39-06.1-10,"

Page 1, line 8, after "violations" insert "and entries against driving record"

Page 3, line 25, after the fourth comma insert "39-06.2-07,"

Page 4, line 5, remove "a class D instruction"

Page 4, line 6, replace "permit" with "an instructional permit"

Page 4, after line 6, insert:

"SECTION 10. AMENDMENT. Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations	Points Assigned:
Conviction of:	
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points
(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points
(9) 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	2 points

system in violation of subsection 5 of section 39-10-26,
or equivalent ordinance

(10) ~~Driving in violation of the conditions of an instruction
permit"~~

2 points

Handwritten initials
2/11/21

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1502: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1502 was placed on the Sixth order on the calendar.

Page 1, line 6, after the third comma insert "subdivision b of subsection 3 of section 39-06.1-10,"

Page 1, line 8, after "violations" insert "and entries against driving record"

Page 3, line 25, after the fourth comma insert "39-06.2-07."

Page 4, line 5, remove "a class D instruction"

Page 4, line 6, replace "permit" with "an instructional permit"

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(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points
(9) 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, or equivalent ordinance	2 points

- (10) ~~Driving in violation of the conditions of an instruction permit" 2 points~~

Renumber accordingly

2021 SENATE TRANSPORTATION

HB 1502

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1502
3/11/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations and entries against driving record; and to provide a penalty.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:01]

Discussion Topics:

- Registering motor vehicles
- Proof of insurance
- Transferring titles
- Moving violations
- Point penalties
- Farm equipment
- Red lamps and reflectors
- Reciprocal use of highways

Representative Corey Mock [9:01], representing District 18, introduces the bill and submits testimony #8719.

Sergeant Wade Kadrmas [9:28], Safety and Education Officer for the ND Highway Patrol, testifies in favor and submits testimony #8658.

Chair Clemens adjourns the public hearing. [9:49]

Sheldon Wolf, Committee Clerk



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#8719



Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
C: 701-732-0085
crmock@nd.gov

COMMITTEES:
Appropriations

March 11, 2021

HB 1502 – Title 39 Updates and Clarifications

Chairman David Clemens and members of the Senate Transportation Committee,

I'm honored to join representatives from North Dakota Highway Patrol and others in our effort to address some inconsistencies and ambiguities that exist in our Motor Vehicles statutes (title 39.)

Last legislative session we passed HCR 3052 which authorized a study to review and rewrite title 39 after several years of amendments and new sections. The purpose of that resolution was spend time during the interim so we could more thoroughly dig into this section of law and possibly rewrite all sections so it's more logically laid out.

Since the study was not selected by Legislative Management, transportation officials begin doing some work on the most notable conflicts within title 39 and brought them forward to be addressed this session.

As this committee will recall, SB 2100 was introduced earlier this session by the ND Highway Patrol to adopt technical clarifications and consistencies, along with some other recommendations that had come up in their discussions. The bill received favorable recommendation but was ultimately defeated due to some of the additional provisions that were included in SB 2100.

HB 1502 is a partial resurrection of that bill. Specifically, this bill is entirely technical changes for consistency and clarification. I'd like to thank Col. Brandon Solberg, Maj. Tom Iverson, and Sgt. Wade Kadrmas, all of NDHP, for their work on this legislation during the interim.

Instead of going through each section I'm going to go through each change, explain why it's included, and reference sections appropriately:

Sections 1, 5, and 7 remove ambiguity in our failure to register a motor vehicle laws. There are two types of registrations we're dealing with: registering your motor vehicle as a permanent resident of the state (\$20 moving violation); registering your motor vehicle as an individual working in North Dakota temporarily (\$100 non-moving violation.) This section does not create or enhance current penalties; only creates new sections to separate the two types of registration offenses.

Sections 2 and 4 align the time to provide proof of registration and a drivers license with the time to provide proof of insurance (14 days – same time required to pay the bond if ticketed.) It also states that you must provide that documentation to the “office of the prosecutor where the matter is pending,” which matches the court’s requested language for providing proof of insurance that was located in SB 2056 (*passed ND House 92-0 on March 10, 2021*).

Section 3 adds “of the date the vehicle was purchased” and “of receiving the title” to clarify when the 30-day window to transfer title begins. This does not change current law; adding this language establishes a legal benchmark with which to measure the 30-day title period.

Section 6 decriminalizes a violation of our reciprocal use of highways laws by reducing the fine from a criminal infraction (up to \$1,000 fine) and making it a \$50 fine.

Section 8 makes the violation of the following laws a moving violation: displaying license plates and tabs (39-04-11); class D learner’s permit restrictions (39-06-04); CDL learner’s permit restrictions (39-06.2-07); reciprocal use of highways (39-19-03); and motorcycle equipment laws (39-27).

Sections 9 and 10 aligns the current 2 point penalty for violating class D and CDL instructional permit restrictions with current class M violations. Section 9 adds the point penalty to our noncriminal violations and Section 10 removes these penalties from our criminal violations.

Section 11 is a technical correction that has created confusion in some counties. The change is subtle (page 5 line 20) – by adding the comma it clarifies that vehicles must move over for stopped emergency vehicles on any interstate road (within or outside of city limits) and multilane highways outside of city limits. Because of this missing comma, some jurisdictions have argued that drivers do not need to move over for stopped emergency vehicles on the interstate when within city limits, which was never the intent.

Section 12 clarifies that merging into or from traffic is considered a turn or lane change for the purposes of signaling your actions.

Section 13 clears up a likely technical error by adding the word “or” on page 7 line 9 (requiring farm equipment to have at least one red lamp or reflector, since ‘red lamp reflector’ cannot be found anywhere else in state code.

Thank you for your time and consideration of HB 1502, Chairman Clemens and members of the committee. I’d be happy to answer any questions you may have.

House Bill 1502
Senate Transportation Committee
Senator Clemens, Chairman
March 11, 2021

Chairman Clemens and members of the Senate Transportation Committee, my name is Sergeant Wade Kadrmaz and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today representing my agency in support of House Bill 1502, which makes changes to Title 39. House Concurrent Resolution 3052, which requested a study of Title 39, was passed during the 66th Legislative Assembly. The study of Title 39 was not selected by Legislative Management during the interim. Since it wasn't selected as a study, the highway patrol brought forth this session Senate Bill 2100 in an attempt to address parts of Title 39 that were inconsistent with current practices or laws in order to bring clarification due to varying interpretations. SB 2100 consisted of 23 sections, so it covered a lot of ground. The bill passed this committee, but failed on the Senate floor. Representative Mock was kind enough to work with our agency to determine which sections of the bill were most critical, and those sections are included in HB 1502.

Sections 1, 5 and 7 of the bill are intended to help clarify a law that was passed in 2011 following the 62nd Legislative Assembly to charge out-of-state residents a higher fine for failing to register upon gainful employment. After this law was implemented, it was discovered the higher fine could be applied to a North Dakota resident who had registered their vehicle in North Dakota but had let the vehicle registration lapse. There are also confusing areas such as failing to register being listed as both a moving and non-moving violation. The wording used in subdivision f of subsection 2 of section 39-06.1-06 states, "*A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.*" This wording directs individuals to subsection 1 of section 39-04-37, which has no reference to the temporary registration requirements for those who are gainfully employed under subsection 1 of section 39-04-18.2 or the term "resident" as defined under subdivision e of subsection 2 of section 39-04-18 which covers gainful employment. The patrol believes these three changes will provide the desired clarification so that current residents would only be charged \$20 for failing to renew registration while those who are gainfully employed and fail to register would still be charged \$100.

Sections 2 and 4 pertain to providing proof of current registration or a valid operator's license in to have a citation dismissed for failing to have a registration card or an operator's license in possession. The ability of law enforcement to check the status of vehicle registration and driver's licenses has evolved due to software advancements. Law enforcement can now access this information in real time either from the computer in their vehicle or by requesting dispatch to check the status. NDHP policy directs troopers to verify registration and drivers' license status and issue a warning if the registration and driver's license are current. The only time a citation is recommended is when an individual has had multiple warnings for not having this information in their possession and no card or license is in immediate possession at the time of the stop.

From 2017 to present, troopers have taken enforcement action for failing to have a registration card present just over 2,700 times; only eleven of those actions were citations. From 2017 to present, troopers have taken enforcement action for failing to have a driver's license in possession just over 6,100 times; only 151 of those actions were citations. The proposed change in this bill would give an individual 14 days to provide a physical registration card or driver's license to the office of the prosecutor to have a citation dismissed. The change matches the process in SB 2056, submitted by the Supreme Court for providing proof of current liability insurance, which was passed by the Senate and House floors.

Section 3 relates to the current 30-day time period defined by law for the transfer of a vehicle title. The additions to this section help clarify when the 30-day time limit starts. This change will help sellers and buyers, and it will give law enforcement and prosecutors guidance if there is an issue with the transfer of title. Once the title is transferred there is no time limit to have the vehicle registered. Individuals just have to have it registered before it is operated on a public roadway.

Sections 6 and 8 affect the law relating to reciprocal use of highways which requires commercial motor vehicles over 26,000 pounds to be registered or have a trip permit. The subdivision being added would assign a fine of \$50 and give the individual 14 days to either pay the citation or request a hearing. This option would eliminate the requirement for an out-of-state commercial motor vehicle driver to appear in court. Section 8 would list this as a moving violation since it is only considered a violation if the vehicle is being driven on roadways in North Dakota. These changes would reduce reciprocal use violations from an infraction to a \$50 moving violation. Several sections of this bill cover violations that don't have a specific penalty

listed so they default to an infraction as stated under 39-07-06. An infraction requires a court appearance, and a fine of up to \$1,000 may be assessed.

Section 7 clarifies non-moving violations. The display of number plates and tabs under 39-04-11 isn't a violation unless an individual operates a vehicle upon a public roadway so this bill would change the status to a moving violation. This change would make it consistent with other registration violations which are defined as moving violations such as exceeding the gross weight for which a vehicle is registered (39-04-22); failing to register a motor vehicle (39-04-37); and failing to carry a registration card in a motor vehicle (39-04-55).

Two other changes in this section reduce minor violations for failing to update a residential address from an infraction to a non-moving violation. Individuals are required to update the address listed on their vehicle registration (39-04-02.1) and their driver's license (39-06-20). This information is important when the ND DOT Driver's License or Motor Vehicle Division need to contact an individual. It is also important when an individual is cited or arrested since this information is used in reports and shared with courts. If an individual is cited or arrested with outdated address information, the individual may not receive important notifications from the courts or NDDOT. Addresses can be updated online, by e-mail, or by phone, and a new registration card or operator's license is not required.

Section 8 clarifies moving violations. The display of number plates and tabs (39-04-11) was added after being crossed out in section 7 of this bill. A violation of a class D instructional permit (39-06-04) was added so that the offense would be a \$20 dollar moving violation rather than an infraction. The House approved the amendment which added commercial motor vehicle instruction permit violations (39-06.2-07) to the definition of a moving violation as well to reduce it from an infraction. A violation of a motorcycle instruction permit (39-06-14.1) is already listed as a moving violation and assessed a fine of \$20 so these changes will make it consistent when dealing with any instructional permit violation.

Motorcycle equipment violations (39-27) are added as moving violations to be consistent with passenger vehicle equipment violations (39-21). This allows a \$20 citation to be issued for a motorcycle equipment violation rather than the requirement of the individual to appear in court with a possibility of a \$1,000 fine.

Section 9 and 10 moves the two points listed for instructional permit violations from the “criminal violations” section to the “noncriminal violations” section. The House approved the amendment to move all instruction permit violations (class D, commercial motor vehicle, and motorcycle) to the non-criminal violations section for consistency.

Section 11 clarifies the requirement for moving over for emergency vehicles on the interstate system within city limits. The lack of a comma has led to misinterpretation that the violation only applies to the interstate system outside of city limits. This law is meant to protect emergency personnel working on the interstate system regardless if the work occurs within or outside of city limits. The current law is written so it does not apply to multilane highways within city limits such as State Street/Highway 83 in Bismarck, ND Highway 2 in Minot, or Gateway Drive/Highway 2 in Grand Forks.

Section 12 clarifies the requirement of using turn signals when merging into or out of traffic or when changing lanes. The current terminology “move right or left upon a roadway” is vague and allows for differing interpretations. An example of differing interpretation occurs when a vehicle enters the interstate from an on-ramp. It has been argued that on-ramps naturally flow into normal lanes of traffic and therefore no turn signal is needed. Law enforcement views this action as a vehicle moving either left or right from the on-ramp into a separate roadway since the on-ramp lane ends. Vehicles already on the main road are not required to move over, and vehicles entering the roadway must yield to traffic already on the road. Utilizing a turn signal is necessary to warn other traffic of the intention to enter the roadway. Once on a roadway, drivers should also signal their intention to change lanes to alert other drivers of the vehicle’s movement.

Section 13 clarifies that a red light or reflector can be used on an implement of husbandry that extends beyond the extreme left portion of the towing unit. This entire section provides direction on the use of a lamp or reflector. For example, line 28 and 29 on page five states, “...must be equipped with at least one amber lamp or reflector”. The word “or” was likely left out under subdivision b of subsection 1 of section 39-21-15 on line 1 of page 6.

Mr. Chairman and members of the committee, the highway patrol has been tracking issues with Title 39 for several years, and we’d appreciate your consideration of this bill to clean up several areas. This concludes my testimony and I would be happy to answer any questions.

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1502
3/19/2021

A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations and entries against driving record; and to provide a penalty.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:22]

Discussion Topics:

- Temporary motor vehicle registration
- Proof of insurance
- Transferring titles
- Moving violations
- Parking fines
- "red lamp reflector"

Chair Clemens [9:36] takes a brief recess.

Chair Clemens [9:47] calls the meeting to order. All are present except for Vice Chair Fors.

Representative Mock [9:47] is called to the podium to discuss the bill.

Vice Chair Fors [9:49] returns to the meeting.

Senator Conley [10:04] motions to adopt an amendment. [Removes section 3 from the bill]
Senator D. Larsen [10:04] seconds.

Senators	Vote
Senator David Clemens	N
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y

Senator Doug Larsen	Y
Senator JoNell Bakke	N

Motion passes 4-2-0. [10:04]

Senator Bakke [10:34] motions DO PASS AS AMENDED.
Senator D. Larsen [10:34] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0 [10:35]

Senator Bakke will carry.

Chair Clemens adjourns the meeting. [10:36]

Sheldon Wolf, Committee Clerk

March 19, 2021

CS
3/19
1041

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1502

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, remove the second comma

Page 1, line 5, replace "subsections 2 and 4 of section 39-05-17, section" with "and"

Page 2, remove lines 18 through 29

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1502, as engrossed: Transportation Committee (Sen. Clemens, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1502
was placed on the Sixth order on the calendar.

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, remove the second comma

Page 1, line 5, replace "subsections 2 and 4 of section 39-05-17, section" with "and"

Page 2, remove lines 18 through 29

Renumber accordingly

2021 CONFERENCE COMMITTEE

HB 1502

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1502
4/8/2021
Conference Committee

A bill relating to the amount of statutory fees, entries against a driving record, and moving violations and to the amount of statutory fees and moving violations; and to provide a penalty.

3:30 PM **Chairman Paur** opened the conference committee. All present.

Discussion Topics:

- Dealership accountability
- Thirty-day transfer
- Protection of buyers

Discussion of Senate amendments.

Senator Bakke moved that the Senate recede from the Senate amendments.
Representative Paulson seconded the motion.

Roll Call Vote (attached) Motion carried. 6-0-0

Senator Bakke carrier for Senate.
Representative Paur carrier for House.

3:50 PM **Representative Paur** adjourned.

Jeanette Cook, Committee Clerk

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1502 as (re) engrossed

House Transportation Committee

- Action Taken**
- HOUSE accede to Senate Amendments
 - HOUSE accede to Senate Amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Bakke Seconded by: Representative Paulson

Representatives	4/8		Yes	No		Senators	4/8		Yes	No
Chairman Paur	x		x			Chairman Larsen	x		x	
Representative Paulson	x		x			Senator Bakke	x		x	
Representative Hager	x		x			Senator Clemens	x		x	
Total Rep. Vote			3			Total Senate Vote			3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Representative Paur Senate Carrier Senator Bakke

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1502, as engrossed: Your conference committee (Sens. D. Larsen, Bakke, Clemens and Reps. Paur, Paulson, Hager) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1281 and place HB 1502 on the Seventh order.

Engrossed HB 1502 was placed on the Seventh order of business on the calendar.