

**2023 HOUSE TRANSPORTATION**

**HB 1325**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

HB 1325  
1/26/2023

A bill relating to the fee for failure to adhere to right of way offenses.
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**Chairman D. Ruby** opened the hearing at 9:00AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Murphy, Timmons, Wagner, Weisz, Dakane.  
**Members absent:** Representative Koppelman and Dobervich.

**Discussion Topics:**

- Traffic fines, fees, and citations
- Traffic offenses
- Traffic points

**Representative Mock** introduced the bill in support (#17074, 17076).

**Wade Kadrmas, Safety and Education Officer for the North Dakota Highway Patrol,** testified in support (#16871).

**Jeff Solemsaas, Law Enforcement Officer with Bismarck Police Department,** testified in support (#17119).

**Stephanie Dassinger Engebretson, representing Chiefs of Police Association of North Dakota,** testified in support (#17022).

**Chairman Ruby** closed the hearing at 9:53AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

HB 1325  
2/2/2023

A bill relating to the fee for failure to adhere to right of way offenses.

**Chairman D. Ruby** opened the meeting at 10:45AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

**Discussion Topics:**

- Fines for violations
- Proposed amendment 23.0605.01001
- Committee vote

**Chairman D. Ruby** distributed a proposed an amendment 23.0605.01001 (#18824)

**Representative Koppelman** moved a **Do Not Pass**.

**Representative Frelich** seconded the motion.

**Representative Koppelman** withdrew his motion.

**Representative Frelich** withdrew her second.

**Representative Koppelman** moved an amendment to remove the allowance of cities to double fines and then unify the fees. (23.0605.01004) (#19043)

**Representative Christensen** seconded the motion.

**Roll call vote:**

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	N

Representative Kelby Timmons	Y
Representative Scott Wagner	N
Representative Robin Weisz	AB

**Motion Carried 10-3-1**

**Representative B. Koppleman moved a Do Pass as amended.  
Representative Christensen seconded.**

Roll Call Vote

<b>(Representatives</b>	<b>Vote</b>
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	N
Representative Kelby Timmons	Y
Representative Scott Wagner	N
Representative Robin Weisz	AB

**Motion Carried 10-3-1 Carrier: Representative Grueneich**

**Chairman D. Ruby** adjourned at 11:14 AM.

This bill was reconsidered on 2/3/23, so no Standing Committee Report was added for this vote.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

HB 1325  
2/3/2023

A bill relating to the fee for failure to adhere to right of way offenses.

**Chairman D. Ruby** opened the meeting at 9:02 AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, and Dobervich. Members absent: none.

**Discussion Topics:**

- Reconsideration
- Amendment 23.0605.01004
- Traffic offense fines set by cities
- 

**Representative Koppelman** moved to reconsider our actions.

**Representative Murphy** seconded the motion.

**Voice vote-motion carried.**

**Representative B. Koppelman** discussed a possible amendment change. 23.0605.01004 (#19043)

**Representative Koppelman** moved a Do Pass as Amended (same as 2-2-23 with the amendment 23.0605.01002).

**Representative Grueneich** seconded the motion.

**Roll call vote:**

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	N
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	AB
Representative Kelby Timmons	Y

Representative Scott Wagner	N
Representative Robin Weisz	N

**Motion Carried 9-4-1**

**Carrier: Representative Grueneich**

**Chairman D. Ruby** adjourned at 9:44 AM

*Mary Brucker, Committee Clerk*

February 2, 2023

4/22/23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

Page 1, line 1, after "reenact" insert "section 12.1-01-05,"

Page 1, line 1, after "39-06.1-06" insert ", and subsection 2 of section 40-05-06"

Page 1, line 2, after "the" insert "effect of state law on city or county ordinances,"

Page 1, line 2, after "offenses" insert ", and limits on city fines and penalties"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is amended and reenacted as follows:

**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.**

~~Except as provided in section 40-05-06, an~~An offense defined in this title or elsewhere by law may not 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 does not preclude any city or county from enacting any ordinance containing penal language when otherwise authorized to do so by law."

Page 1, line 5, after the third period insert ""

**"SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may not exceed, ~~by up to one hundred percent,~~ the limit, for an equivalent category of violation, set forth in section 39-06.1-06."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1325: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 12.1-01-05,"

Page 1, line 1, after "39-06.1-06" insert ", and subsection 2 of section 40-05-06"

Page 1, line 2, after "the" insert "effect of state law on city or county ordinances,"

Page 1, line 2, after "offenses" insert ", and limits on city fines and penalties"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-01-05 of the North Dakota Century Code is amended and reenacted as follows:

**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.**

~~Except as provided in section 40-05-06, an~~ An offense defined in this title or elsewhere by law may not 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 does not preclude any city or county from enacting any ordinance containing penal language when otherwise authorized to do so by law."

Page 2, after line 8, insert:

**"SECTION 3. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may not exceed, ~~by up to one hundred percent,~~ the limit, for an equivalent category of violation, set forth in section 39-06.1-06."

Renumber accordingly



**2023 SENATE TRANSPORTATION**

**HB 1325**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1325  
3/16/2023

Relating to the effect of state law on city or county ordinances, fee for failure to adhere to right of way offenses, and limits on city fines and penalties.
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**9:31 AM Chairman Clemens** opened the hearing.  
Senators Present: **Clemens, Conley, Rummel, Paulson, Larsen.**

**Discussion Topics:**

- Study option
- City authority

**9:32 AM Representative Mock** introduced HB 1325.

**9:48 AM Wade Kadrmas, Vision Zero Group**, verbally testified neutral.

**9:51 AM Stephanie Engebretson, Chiefs of Police Association**, testified in opposition.  
#25513

**10:01 Chairman Clemens** adjourned the hearing.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1325  
3/23/2023

Relating to the effect of state law on city or county ordinances, fee for failure to adhere to right of way offenses, and limits on city fines and penalties.
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**10:19 AM Chairman Clemens** opened hearing.

Senators Present: **Clemens, Conley, Rummel, Paulson, Larsen.**

**Discussion Topics:**

- Speed limits
- Fees
- Other related bills

**Senator Conley** provided information. No written testimony.

**10:28 AM Chairman Clemens** adjourned meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1325  
3/23/2023

relating to the effect of state law on city or county ordinances, fee for failure to adhere to right of way offenses, and limits on city fines and penalties; and to provide a penalty.

**11:42 AM Chairman Clemens** opened the meeting.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

**Discussion Topics:**

- Fine Schedule

**11:43 AM Stephanie Dassinger Engebretson, ND League of Cities,** provided additional information.

**11:52 AM Senator Rummel** moved Amendment. "Remove sections 1 and 3" #27074

11:52 AM Senator Conley seconded.

Roll call vote

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Passed 5-0-0

**11:54 AM Chairman Clemens** closed the meeting.

*Nathan Liesen, Committee Clerk*

3-30-23  
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1325

Page 1, line 1, remove "section 12.1-01-05,"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "and subsection 2 of section 40-05-06"

Page 1, line 2, remove "effect of"

Page 1, line 3, remove "state law on city or county ordinances,"

Page 1, line 3, remove ", and"

Page 1, line 4, remove "limits on city fines and penalties"

Page 1, remove lines 6 through 15

Page 2, remove lines 20 through 26

Renumber accordingly

# 2023 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1325  
3/30/2023

Relating to the effect of state law on city or county ordinances, fee for failure to adhere to right of way offenses, and limits on city fines and penalties.
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**10:23 AM Chairman Clemens** opened hearing.

Senators Present: **Clemens, Conley, Rummel, Paulson, Larsen.**

### Discussion Topics:

- Committee action

**10:35 AM Senator Rummel** moved a Do Pass as amended LC 23.0605.02001. #27074

**10:35 AM Senator Larsen** seconded.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

**10:36 AM Senator Rummel** will carry.

**10:36 AM Chairman Clemens** adjourns meeting.

*Nathan Liesen, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1325, as engrossed: Transportation Committee (Sen. Clemens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "section 12.1-01-05,"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "and subsection 2 of section 40-05-06"

Page 1, line 2, remove "effect of"

Page 1, line 3, remove "state law on city or county ordinances,"

Page 1, line 3, remove ", and"

Page 1, line 4, remove "limits on city fines and penalties"

Page 1, remove lines 6 through 15

Page 2, remove lines 20 through 26

Renumber accordingly

**TESTIMONY**

**HB 1325**





68<sup>th</sup> Legislative Assembly

Testimony in **Support** of

**House Bill No. 1325**

**House Transportation Committee**

January 26, 2023

TESTIMONY OF

**Sergeant Wade Kadrmas**

Good morning, Chairman Ruby and members of the House Transportation Committee, my name is Wade Kadrmas, and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today on behalf of my agency in support of House Bill 1325, which focuses on traffic violations relating to intersections.

The Highway Patrol is in support of this bill because the current fee for most moving violations dates back to at least 1973, during the 43<sup>rd</sup> Legislative Assembly. That year, the legislature passed [Senate Bill 2033](#), the link is to the legislative history for the bill showing the \$20 moving fine. It can be found in Chapter 301 under section 6. If the legislature felt at that time that \$20 was an adequate deterrent to encourage drivers to drive safely and obey traffic laws; then \$20 today won't even come close to the monetary value of \$20 in 1973. A \$20 bill today is only worth about \$3.32 in 1973. If we took \$20 from 1973 and applied it to fines, at what it is worth today; a person could pay for six of the violations listed in this bill. Back then, the \$20 must have served as a deterrent, today that deterrent has lost its value.

Many people cite points are a bigger deterrent because points can affect insurance rates. Currently, none of the listed violations are required to be reported to insurance companies if an insurance company requests a person's driving record. In addition, points can be removed by taking an insurance point reduction course; and there is a possibility to not even have points assigned to a driving record for violations of 5 points or less.

During this ongoing debate, there is often discussion that traffic fees may be considered a tax or punishment on North Dakota citizens. Keep in mind, these fees are only assessed to individuals who commit violations of state or city traffic laws. Members of the public, who choose to responsibly obey the traffic laws, won't ever see these fees. The violations listed in this bill are related to hundreds, if not thousands, of crashes each year that cause property damage, injuries, and fatalities across North Dakota. I have no doubt that increasing fees for these moving violations will act as a deterrent to the vast majority of drivers on our roadways like it was intended to do in 1973.

Another point of discussion when the topic of speeding fines is discussed involves where collected fees go. Under section two of article nine in the [North Dakota Constitution](#), relating to trust lands, it states "net proceeds of all fines for violation of state laws and all other sums which may be added by law, must be faithfully used and applied each year for the benefit of the common schools of the state". [Click here to view the 2019-2021 North Dakota Trust Lands Biennial Report](#).

North Dakota Century Code (NDCC) determines where fines for city ordinances are deposited. Under [NDCC 40-11-13](#), *relating to fines and forfeitures for violation of ordinances paid into treasury*, says, "All fines, penalties, and forfeitures collected for offenses against the ordinances of a city, including those fines, penalties, and forfeitures collected as a result of a judgment of a district court rendered pursuant to section 40-18-19, must be paid into the city's treasury at such time and in such manner as may be prescribed by ordinance."

That concludes my testimony in support of HB 1325, and I would be happy to answer any questions.

### **Additional Information:**

#### North Dakota Point System

- Driving privileges are suspended upon an accumulation of 12 points.
- For each point over 11 accumulated, driving privileges are suspended for a period of 7 days.
- Drivers under the age of 18 have their licenses canceled upon an accumulation of 6 points.
- One point is removed every 90 days of violation-free driving.
- Three points can be reduced if a driver takes an approved defensive driving course, which can only be done once every 12 months.
- Drivers issued a citation with a penalty of five points or less may elect to attend an approved driving course in lieu of entry of points on their driving record. The driver must notify the court at the time they post their bond and provide proof of course completion to NDDOT within 30 days.
- Insurance companies are provided records of violations assigned 3 points or more unless the driver signs a waiver for the insurance company to view their entire driving record.
- The spreadsheet below includes a list of points for various violations. If the violation isn't listed, then there is no point assigned to that violation. The spreadsheet is a list of the violations in HB 1325 and the number of citations that were processed through district court in the past 5 years (2017-2021).

#### **North Dakota Licensed Drivers (NDDOT)**

- 561,246 licensed ND drivers
- Approximately 132,551 suspended ND non-commercial licensed drivers.
- Approximately 2,400 suspended ND CDL licensed drivers.

House Bill 1325									
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total
39-10-04	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711
39-10-05	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961
39-10-07	Failure to exercise caution at flashing yellow/red light/intersections	\$ 20	2	7	12	10	8	5	42
39-10-22	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621
39-10-22.1	Failure to yeild right of way when entering a freeway	\$ 20	2	14	19	26	21	18	98
39-10-23	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470
39-10-24	Failure to yield right of way stop/yield sign	\$ 40	2	156	184	182	134	133	789
39-10-25	Failure to yield entering roadway from any place other than another roadway	\$ 20	2	22	23	23	18	20	106
39-10-37	Failure to yield from stopped or parked position	\$ 20	0	10	13	12	7	6	48
39-10-44	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480
39-10-45	Emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway	\$ 20	0	7	8	2	3	2	22
39-10-68	Entered intersection or RR grade crossing when roadway was obstructed	\$ 20	0	4	1	6	2	1	14
39-10-72	Violated right of way to funeral procession	\$ 20	2	?	?	?	?	?	?
Already Assigned Fine of \$40									

January 26, 2023  
House Transportation Committee  
HB 1325  
Rep. Dan Ruby, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in support of HB 1325. The bill increases the penalty to \$40 for intersection related violations. With the exception of a stop sign violations, the penalty for intersections has not been raised since 1973. In 2019, the Legislature passed a bill that raises the penalty for stop sign violations to \$40. HB 1325 would move all intersection violations to \$40.

When you look at the data related to intersections and crashes it becomes quite obvious that we need to do everything we can to try to change behavior at intersections.

From 2017 to 2021 there were 72,483 crashes and 25,327 of those crashes occurred at an intersection. In other words, just over one-third of the crashes occurred at intersections. However, if you dig down into the types of crashes, from 2017 to 2021 there were a total of 107 fatality crashes in North Dakota. All 107 of those fatality crashes occurred at intersections.

One issue that always comes up when we talk about traffic fines is that in 2019, the Legislature decided to give cities the discretion to double the fines for moving violations. In other words, cities can increase the fine for running a red light from \$20 to \$40. Antidotally, we know that generally there is denser traffic in our cities and that traffic violations are more likely to result in a crash. This discretion to double fines is also justified by the data.

As I stated earlier, from 2017 to 2021 there were 72,483 crashes in North Dakota. 64,566 of those crashes were in cities. In other words, just over 89% of the crashes from 2017 to 2021 occurred in cities. Further, of the total 25,327 intersection crashes in North Dakota, 22,680 of those intersection crashes occurred in cities. In other words, 89% of the intersection crashes in North Dakota occurred in cities.

In order to try to deter traffic violations at intersections and decrease crashes in North Dakota, the Chiefs of Police Association of North Dakota respectfully requests a DO PASS recommendation.

Thank you for your consideration.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Corey Mock

District 18  
P.O. Box 12542  
Grand Forks, ND 58208-2542  
C: 701-732-0085  
[crmock@ndlegis.gov](mailto:crmock@ndlegis.gov)

**COMMITTEES:**  
Appropriations

26 January 2023

House Transportation Committee  
North Dakota State Capitol Building – Room 327E  
HB 1325 – Right of Way Offenses

Chairman Dan Ruby and Members of the House Transportation Committee,

Good morning, Mr. Chairman and members of the committee. My name is Corey Mock and I'm a Representative from District 18 in Grand Forks, as well as the prime sponsor for House Bill 1325.

Understanding there are many new(er) members of this committee, this bill is what experienced legislators may call "an old friend." With this committee's diligent work and commitment to public safety, I hope this bill represents one final time – at least for a generation – we need to review traffic fines.

Admittedly, HB 1325 is not as broad as it could be. You'll be met with a cooperative and supportive bill sponsor if you're inspired to expand this measure's scope.

### How did we get to now?

Highways and bridges have been interwoven in the fabric of our legislature since statehood. Between 1889 and 1945, our legislature sent road and traffic bills to a Highways & Bridges Committee. A consolidated "transportation Committee" was born in 1947 and remains one of our most established standing committees.

Our traffic laws underwent a significant rewrite in 1973 – creating a foundation of fines and ordinances which will be celebrating their 50<sup>th</sup> anniversary this summer.

At the risk of oversimplification: violations of state law or municipal ordinance are either criminal (infractions, misdemeanors, and felonies) or noncriminal (monetary fine.) Most traffic violations became noncriminal offenses with the 1973 statutory rewrite.

Traffic ordinances are generally categorized as moving or non-moving violations. Members of this committee likely understand the importance of those distinctions; further elaboration is unnecessary for the purposes of this bill. There are some traffic related noncriminal violations that are neither moving nor non-moving.

Beginning in 1973, noncriminal traffic offenses were assigned a fine based on the type of violation:

Nonmoving violation: \$10

Moving violation: \$20

Careless driving: \$30

Today, the general rule for fines associated with moving and nonmoving violations is \$20, unless otherwise specified.

Attached to my testimony is a spreadsheet that quantifies the number of various offenses and the categorized fee associated with each violation. This chart does not include any speeding or overweight fines, as those vary with each offense.

### **Why go through all this history and context for a relatively simple bill?**

As a governing body, understanding the large picture is critical when making even small adjustments to law. HB 1325 is a modest update that aligns fines for each “right of way” moving violation and makes them (mostly) consistent across the board. And with this context, my hope is the committee lays a new foundation that will someday become a new standard for traffic violations and enforcement.

State law currently contains 18 right of way violations:

\$20 fine – 12

\$40 fine – 3

\$50 fine – 2

Criminal infraction with variable fine – 1

In 2019, this committee increased the penalty of running a stop / yield sign from \$20 to \$40. The bill sponsor originally sought a fine of \$100, but some felt that size of an increase was excessive.

Little discussion was made regarding other similar offenses. With the passage of HB 1327 in 2019, running a stop sign carries a \$40 fine while running a red light is only a \$20 citation. These are the modest inconsistencies HB 1325 hopes to address.

Could more be done to adjust the standard fine for moving and nonmoving traffic offenses? Presumably yes, and I know comprehensive adjustments would be met with broad support. And I offer my complete assistance should the committee choose to expand the scope of this bill.

HB 1325 is a modest adjustment that aligns similar violations with the penalties we enhanced four years ago. Experts and public safety professionals will speak to the human cost these violations — specifically, right of way violations — can have. And that, Mr. Chairman, is the underlying reason why I'm here today.

Thank you for your work, expertise, and creativity. I'm hopeful our discussion and subsequent efforts will be marked as a watershed moment in traffic safety... one that is celebrated and lauded over the next 50 years.

<b>Moving Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	
129	31	3	
<b>Nonmoving Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	
15	3	2	
<b>Other Noncriminal Traffic Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	Variable
2	5	3	2
<b>Criminal: Infractions</b>			
Fine: \$20	Greater than \$20	Less than \$20	Variable
12	2	2	7*
<b>B Misdemeanor</b>	<b>A Misdemeanor</b>	<b>C Felony</b>	
32	12	3	
*13 infractions with variable fines listed; 6 are criminal code citations and not limited to traffic offenses			





**NORTH DAKOTA  
CLASSIFICATION OF OFFENSES**

*Making a difference every day  
by providing high quality law enforcement services to  
keep North Dakota safe and secure.*

*August 1, 2021*

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>ACCIDENT</b>				
18	----	39-08-04	A Misd	Leaving the scene of an accident involving personal injury (serious personal injury - C felony; death - B felony)
14	----	39-08-05	B Misd	Leaving the scene of an accident involving an attended vehicle, property damage
14	----	39-08-07	A Misd	Leaving the scene of an accident involving an unattended vehicle
14	----	39-08-08	Infrac	Leaving the scene of an accident with a fixed object
6	\$50	39-08-09	Non-Crim	Failure to give immediate notice of reportable accident (undomesticated animal/vehicle crash is exempt)
6	----	39-09-01	Infrac	Careless driving – causes and inflicts injury upon operator of snow removal equipment or causes damage in excess of \$1000
<b>ALCOHOL</b>				
0	----	5-01-05.1	Non-Crim	Intoxicated person (de-tox)
0	----	5-01-08	Infrac	Possessing, purchasing, furnishing money to purchase, or consuming an alcoholic beverage by an individual under 21(3 <sup>rd</sup> offense in 1 year B Misd)
0	----	5-01-09	A Misd	Delivering alcoholic beverages to an individual under 21
0	----	5-01-18	B Misd	Illegal to possess or sell alcohol vaporizing device
0	----	5-01-22	B Misd	Illegal to possess, sell, purchase, or consume powdered alcohol
0	----	5-02-05	A Misd	Violation of hours for licensed liquor establishment
----	----	39-08-01	B Misd	Drove or in actual physical control of a vehicle while under the influence of alcohol or drugs and/or with an alcohol concentration of at least .08 and/or refusal (1st & 2nd offense in 7-year period); A Misd – 3rd offense in a 7-year period; C Felony – 4th and subsequent offense in 15 year period
0	----	39-08-01.2	C Felony	Serious bodily injury while violating 39-08-01 or 39-08-03 (death - A Felony)
0	----	39-08-01.4	A Misd	DUI by person 21 or older with minor present; C Felony – 2 <sup>nd</sup> or subsequent offense
2	\$50	39-08-18	Non-Crim	Open receptacle containing an alcoholic beverage in or on vehicle (moving—if operator) (0 points if passenger)
<b>BACKING</b>				
0	\$20	39-10-52(1)	Moving	Backing so as to interfere with traffic
0	\$20	39-10-52(2)	Moving	Backing vehicle on controlled access highway
<b>BICYCLE</b>				
0	\$5	39-10.1-04	Moving	Clinging to a vehicle
0	\$5	39-10.1-05	Moving	Failure to ride as near to the right as possible
0	\$5	39-10.1-05.1	Moving	Yielding and stopping while operating a bicycle on a roadway
<b>DRIVER LICENSE</b>				
4	\$20	39-06-01	Moving	Drove without operator's license
4	\$20	39-06.1-03	Non-Crim	Violated or exceeded restrictions contained in temporary restricted driving certificate
2	\$20	39-06-04	Moving	Failure to comply with requirements of Class D instruction permit (age requirement, points, and the prohibition on electronic communication devices)
4	\$20	39-06-14	Moving	Drove vehicle other than permitted by class license
2	\$20	39-06-14.1(1)	Moving	Violated restrictions of class M learner's permit (may not operate when use of headlights are required or carry a passenger)
2	\$20	39-06-14.1(2c)	Moving	Violated restriction of class M license (restricted to 510cc or less if under 16 years old)
0	\$20	39-06-16	Moving	Failure to have driver's license in possession or to physically surrender DL
4	----	39-06-17	B Misd	Violated driver's license or work permit restrictions (Violated eye lens restrictions – 3 points)
4	\$20	39-06-17(4a-d)	Non-Mov	Violated provisions of restricted driver's license (juvenile)
0	\$20	39-06-20	Non-Mov	Failure to change address

**Classification of Offenses – Effective August 1, 2021**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
0	-----	39-06-40	B Misd	Unlawful use of license—lending/use someone else's/refuse to surrender any operator's license, permit, or ID card
0	-----	39-06-40.1	B Misd	Reproducing or altering operator's or driver's license, ID card, or permit – display or have in possession an altered driver's license
0	-----	39-06-42	B Misd	Driving while license suspended or revoked (fourth or subsequent offense within 5 years - A Misd)
2	\$20	39-06-44	Non-Mov	Permitting unauthorized minor to drive
2	\$20	39-06-45	Non-Mov	Permitting unauthorized person to drive
2	\$20	39-06.2-07	Moving	Violation of CDL instructional permit

**EQUIPMENT**

0	\$20	39-10-39	Moving	No signal lamps or signals by hand or arm when required
0	\$20	39-21-01	Moving	Drove without headlamps when required
0	\$20	39-21-03	Moving	No headlamps (not operated - \$10 Non-Mov)
0	\$20	39-21-04(1)	Moving	Drove without taillamps when required
0	\$20	39-21-04(3)	Moving	No license plate light when required
0	\$20	39-21-05	Moving	Operated new vehicle upon roadway without required reflectors (not operated - \$10 Non-Mov)
0	\$20	39-21-06	Moving	Operated motor vehicle not equipped with stop lamps or turn signals
0	\$20	39-21-06.1	Moving	Operated motor vehicle while backup lights lighted
0	\$20	39-21-08	Non-Mov	No clearance lamps or reflectors when required
0	\$20	39-21-08	Non-Mov	No stop lamp – bus, truck, trailer, or semitrailer
0	\$10	39-21-09	Non-Crim	Improper color of clearance side marker, backup lamps, or reflectors
0	\$10	39-21-09(3)	Non-Crim	Only red light permitted to rear (see exemptions)
0	\$20	39-21-10	Non-Mov	Improper mounting of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-11	Non-Mov	Visibility of reflectors, clearance lamps, and marker lamps
0	\$20	39-21-12	Moving	Operated vehicle in combination with insufficient/improper lights
0	\$20	39-21-13	Moving	No flag or lamp on projecting load (not operated - \$10 Non-Mov)
0	\$20	39-21-14	Non-Mov	No lamps or headlamps on high beam while parked
0	\$20	39-21-15	Moving	No lamps on farm tractor, equipment, or implements when required
0	\$20	39-21-16	Moving	No lamps on other vehicles and equipment
0	\$20	39-21-17	Moving	Operated vehicle with improperly aimed or mounted spot, fog, passing, or driving lamp
0	\$20	39-21-18(4)	Moving	School bus not equipped with flashing signal lights/stop arm
0	\$20	39-21-18.1	Moving	Improper use of flashing lights by mail carrier
0	\$20	39-21-19	Moving	No signal lamps or stop lamps (not operated - \$10 Non-Mov)
0	\$20	39-21-20(3)	Moving	Vehicle not equipped with high beam indicator
1	\$20	39-21-21(1)	Moving	Failure to dim headlamps for approaching vehicles within 500 ft
1	\$20	39-21-21(2)	Moving	Failure to dim headlamps when following another vehicle within 300 ft
0	\$20	39-21-22	Moving	Vehicle equipped with improperly aimed or adjusted headlamps
0	\$20	39-21-25	Moving	Operated vehicle while equipped with excessive number of lamps
0	\$20	39-21-26(2)	Moving	Unauthorized red or green light visible from the front
0	\$20	39-21-26(3)	Moving	Unauthorized flashing light
0	\$20	39-21-27	Moving	Improperly operated school bus warning equipment or special lighting
0	\$20	39-21-28(2)	Moving	Operated snow removal equipment upon highway without displaying proper lights
0	\$20	39-21-29	Moving	Vehicle equipped with lamp which has not been approved
2	\$20	39-21-32	Moving	Defective brakes on motor vehicle (not operated - \$10 Non-Mov)
2	\$20	39-21-32(3)	Moving	Defective brakes or no safety chains on trailer
2	\$20	39-21-33	Moving	Maintenance of brakes required
0	\$20	39-21-36(1)	Moving	No horn
0	\$20	39-21-36(2)	Moving	Operated vehicle equipped with unauthorized siren, whistle, or bell
0	\$20	39-21-37	Moving	Defective muffler or no muffler (not operated - \$10 Non-Mov)
0	\$20	39-21-38	Moving	No mirror
0	\$20	39-21-39(1)	Moving	Drove vehicle with obstructed windshield or no windshield (not operated - \$10 Non-Mov)

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
0	\$20	39-21-39(3)	Moving	Operated vehicle with faulty or no windshield wipers
0	\$20	39-21-39(4)	Moving	Tinted windshield or windows (windows behind the operator are exempt if the vehicle is equipped with outside mirrors on each side)
0	\$20	39-21-40(3)	Moving	Drove with studded tires when illegal (legal period - October 15 to April 15)
0	\$20	39-21-40(3)	Moving	Operated vehicle with cleat, spike, or metal flange in contact with road surface (exceptions for farm machinery, school buses, and tire chains)
1	\$25	39-21-41.2	Moving	Operator failed to provide child restraint device
0	\$20	39-21-41.4	Moving	Front seat occupant not properly restrained (secondary offense only – mail carriers, implements of husbandry, and certain medical conditions are exempt)
0	\$20	39-21-42	Moving	Certain vehicles to carry flares or other warning devices
0	\$20	39-21-43	Moving	Failure to display flares
0	\$20	39-21-44.1	Moving	Drove vehicle with leaking or sifting load
0	\$20	39-21-44.2	Moving	Improper drawbar or connection between vehicles (not operated - \$10 Non-Mov)
1	\$20	39-21-45.1	Moving	Driving a modified motor vehicle
2	----	39-21-46(2)	Infrac	Operated an unsafe vehicle
0	\$20	39-21-50	Moving	Failure to display slow moving emblem or flashing amber light
0	----	39-21-51	B Misd	Altered odometer or mileage recorders (more than one vehicle or a subsequent offense - C felony)

### FOLLOWING

0	\$20	39-10-18(1)	Moving	Following too close
0	\$20	39-10-18(2)	Moving	Failure to leave sufficient distance between trucks
0	\$100	39-10-18(4)	Moving	CMV driver found to be operating in a platoon without approved plan or operating in violation of plan guidelines. (Ref. 39-10-74)

### HEIGHT, WEIGHT, LENGTH

0	\$100	39-12-08	Non-Crim	Operating without permit
0	\$20	39-12-04	Moving	Overwidth, height, and length limitations
0	\$100	39-12-04(1d)	Moving	Seasonal permit violation
0	\$20	39-12-05	Moving	Overweight limitations on interstate system
0	\$20	39-12-05.3	Moving	Overweight limitation on roads other than the interstate system
0	\$20	39-12-06	Moving	Extended load on side of vehicle
0	\$20	39-12-09	Moving	Operating or owner allowing the operation of a vehicle in violation of size or weight limitations
0	----	39-12-21	B Misd	Driver failed to stop or submit vehicle to weighing when ordered to do so by a police officer

### HIGHWAY

0	----	24-03-05	A Misd	Defacing, removing, or traveling through any barricade on highway
0	----	24-03-11	B Misd	Failure to erect warning signs at culvert, bridge, or on public roadway under repair
0	----	24-06-27	B Misd	Obstructed or caused damage to highway ditch
0	----	24-10-03	Infrac	Failure to close gates authorized on highway
0	----	24-12-01	B Misd	Destruction to highway, rest area, bridge, picnic area, etc.
0	----	24-12-02	B Misd	Obstructed or plowed up highway right of way
0	----	24-12-04	B Misd	Caused damage to highway signs and markings

### MOBILE HOME

0	\$20	39-10-52.2	Moving	Riding in housetrailer when prohibited
0	\$100	39-18-01	Non-Crim	Mobile home dealer license violation
0	----	39-18-03	B Misd	Failure to register mobile home, travel trailer, or housetrailer
0	----	39-18-04	B Misd	Mobile home not equipped with adequate brakes, taillights, or stoplights

### MOTOR VEHICLE DEALERS

0	----	39-04-17	Infrac	Certificate of notary violation
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**Classification of Offenses – Effective August 1, 2021**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>MOTORCYCLE AND MOPEDS</b>				
2	\$20	39-10.2-02	Moving	Riding more than designed for or interfering with the operator
2	\$20	39-10.2-03	Moving	Overtaking or passing vehicle in same lane or more than two abreast
4	\$20	39-10.2-04	Moving	Clinging to a vehicle
2	\$20	39-10.2-05	Moving	Carrying passengers on motorcycle not equipped with passenger footrests
2	\$20	39-10.2-06	Moving	No helmet worn - driver or passenger under 18 (if the driver is required to wear protective headgear, any passenger must also regardless of age)
<b>MOTORCYCLE EQUIPMENT</b>				
0	\$20	39-27	Moving	39-27-03 through 39-27-21
<b>OFF-HIGHWAY VEHICLES (OHV)</b>				
0	\$50	39-29-02	Infrac	Failure to register off-highway vehicle
0	\$20	39-29-09(1)	Infrac	Operated on roadway, shoulder, or inside bank or slope where prohibited
0	\$20	39-29-09(1)	Infrac	Operated OHV on paved highway with speed limit greater than 55 mph
0	\$20	39-29-09(1)	Infrac	Only class III OHV with a licensed driver age 16 or older may operate on a paved highway posted at a speed not exceeding 65 mph
0	\$20	39-29-09(2a)	Infrac	Crossed roadway other than 90-degree angle
0	\$20	39-29-09(2b)	Infrac	Failure to stop before crossing roadway
0	\$20	39-29-09(2c)	Infrac	Failure to yield right of way to oncoming traffic
0	\$20	39-29-09(2d)	Infrac	Crossing divided highway at other than an intersection
0	\$20	39-29-09(3)	Infrac	No brakes, headlamp, or taillamp (except for class I OHV)
0	----	39-29-09(5b)	B Misd	Careless, reckless, or negligent operation of OHV
0	----	39-29-09(5c)	B Misd	Drove OHV while under the influence of intoxicating liquor or drugs
0	----	39-29-09(5g)	B Misd	Operating on posted land
0	\$20	39-29-09(6)	Infrac	No valid driver's license in possession while operating an OHV
0	\$20	39-29-09(9)	Infrac	No helmet worn - operator or passenger under 18 years
0	\$20	39-29-09(10)	Infrac	Carried passenger on OHV
0	\$10	39-29-09.1	Infrac	Operated OHV on paved roadway w/o mirror, horn, speedometer, odometer, brake light, headlamp or motor of at least 350 cc
0	\$10	39-29-10	Infrac	Age 12 or over operating OHV without safety certificate or license
<b>OVERTAKING</b>				
2	\$20	39-10-11(1)	Moving	Drove to the right before safely clear while passing
2	\$20	39-10-11(2)	Moving	Failure to give way when overtaken
0	\$20	39-10-11.1	Moving	Overtaking and passing a bicycle
2	\$20	39-10-12	Moving	Overtook vehicle on the right when prohibited or unsafe
2	\$20	39-10-13	Moving	Overtook when unsafe
2	\$20	39-10-15	Moving	Overtook where prohibited
6	\$100	39-10-46(1)	Moving	Overtook or passed stopped school bus
6	\$50	39-10-46(2)	Moving	Improper use of school bus (school bus signs)
0	\$100	39-10-46.1	Moving	Registered owner permitted overtaking or passing of school bus
<b>PARKING</b>				
0	\$5	39-01-15(6)	Non-Mov	Mobility impaired certificate or license plate not prominently displayed
0	\$100	39-01-15(8)	Infrac	Mobility impaired certificate improperly used
0	\$100	39-01-15(10)	Non-Mov	Stopping, standing, or parking in mobility impaired designated parking space
2	\$20	39-10-47	Non-Mov	Stopping, standing, or parking outside of business or residential district upon the paved or main-traveled portion of a highway
0	\$5	39-10-48(4)	Non-Mov	Vehicle improperly parked on Capitol Grounds when prohibited
1	\$20	39-10-49	Non-Mov	Stopping, standing, or parking where prohibited
0	\$20	39-10-50	Non-Mov	Additional parking regulations
0	\$50	39-10-50.1	Non-Mov	Unauthorized parking in a designated electric parking space or obstructing the space

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
1	\$20	39-10-54.1	Non-Mov	Opening door on vehicle when unsafe
<b>PEDESTRIANS</b>				
2	\$50	39-10-05	Moving	Failure to yield to pedestrian at a lighted traffic-controlled intersection
2	\$50	39-10-28	Moving	Failure to yield right of way to pedestrian in crosswalk
0	\$20	39-10-30	Moving	Driver failed to exercise due care upon approaching pedestrian
0	\$20	39-10-33.1	Moving	Driver failed to yield right of way to pedestrian on sidewalk
0	\$20	39-10-33.2	Moving	Pedestrian failure to yield right of way to authorized emergency vehicle
2	\$20	39-10-33.3	Moving	Driver failed to yield right of way to blind or visually impaired person
0	\$20	39-10-33.4	Moving	Pedestrian under influence of alcohol or drugs creating a hazard on roadway
0	\$20	39-10-34	Moving	Pedestrian standing on roadway soliciting ride or business
<b>RAILROAD CROSSINGS</b>				
3	\$50	39-10-41	Moving	Failure to stop for automatic RR crossing signal, flagman, or train; drove around crossing gate or barrier
3	\$50	39-10-42	Moving	Failure to stop for RR crossing marked with stop sign
0	\$20	39-10-43	Moving	Passenger bus, school bus, or vehicle carrying certain hazardous materials failure to stop at RR crossing
0	\$20	39-10-67	Moving	Improper movement of heavy equipment at RR grade crossing
<b>REGISTRATION</b>				
0	\$20	39-04-02.1	Non-Mov	Failure to change address
1	\$20	39-04-11	Moving	Failure to display number plates/tabs
0	\$20	39-04-22	Moving	Exceeded gross weight for which registered
0	\$20	39-04-37(1)	Moving	Failure to register motor vehicle
0	\$100	39-04-37(6)	Non-Mov	Operating motor vehicle without temporary registration (upon gainful employment)
0	----	39-04-37	B Misd	Unlawful use of license plate or tab – Section 2, 3, 4, 5
0	\$20	39-04-55	Moving	Failure to carry registration card in vehicle
0	----	39-05-17	B Misd	Failure to transfer title of vehicle
0	----	39-05-28	C Felony	Fraudulently defacing, destroying, or altering motor vehicle identification numbers
0	\$50	39-19-03	Moving	Reciprocal use of highways (Failure to obtain trip permit when required)
<b>RIGHT OF WAY</b>				
2	\$20	39-10-04	Moving	Disregarded traffic control device
2	\$20	39-10-05	Moving	Drove through red light
2	\$20	39-10-07	Moving	Failure to stop or yield for flashing red light/intersection
2	\$20	39-10-07	Moving	Failure to exercise caution at flashing yellow light/intersection
2	\$20	39-10-22	Moving	Failure to yield at intersection
2	\$20	39-10-22.1	Moving	Failure to yield right of way when entering a freeway
2	\$20	39-10-23	Moving	Turned left in front of approaching traffic
2	\$40	39-10-24(2)	Moving	Failure to yield right-of-way at intersection marked with a stop sign
2	\$40	39-10-24(3)	Moving	Failure to yield right-of-way at intersection marked with a yield sign
2	\$20	39-10-25	Moving	Failure to yield entering roadway from any place other than another roadway
2	\$50	39-10-26	Moving	Failure to yield to emergency vehicle or highway maintenance vehicle
2	\$50	39-10-26(2)	Moving	Failure to change lanes for authorized emergency vehicle
2	----	39-10-26(5)	Infrac	Failure to yield to emergency vehicle and causes an accident
0	\$20	39-10-37	Moving	Failure to yield from stopped or parked position
2	\$40	39-10-44(3)	Moving	Disregarded stop sign
0	\$20	39-10-45	Moving	Driver emerging from alley, driveway, private road, or building failed to stop prior to entering crosswalk or roadway
0	\$20	39-10-68	Moving	Entered intersection or RR grade crossing when roadway was obstructed
2	\$20	39-10-72	Moving	Violated right of way to funeral procession

**Classification of Offenses – Effective August 1, 2021**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
<b>SNOWMOBILE</b>				
0	\$50	39-24-02	Moving	Failure to register snowmobile
0	\$20	39-24-09(1)	Moving	Operated on shoulder of street, highway, or interstate when prohibited
0	\$20	39-24-09(2a)	Moving	Crossed roadway other than 90-degree angle
0	\$20	39-24-09(2b)	Moving	Failure to stop before crossing roadway
0	\$20	39-24-09(2c)	Moving	Failure to yield right of way to oncoming traffic
0	\$20	39-24-09(2d)	Moving	Crossed divided highway at other than an intersection
0	\$20	39-24-09(3)	Moving	No brakes, headlamps, or taillamps
0	----	39-24-09(5b)	B Misd	Careless, reckless, or negligent operation of snowmobile
0	----	39-24-09(5c)	B Misd	Drove snowmobile while under the influence of intoxicating liquor or drugs
0	----	39-24-09(5g)	B Misd	Operating on posted land
0	\$20	39-24-09(6)	Moving	No valid driver's license in possession while operating snowmobile
0	\$20	39-24-09(10)	Infrac	No helmet worn—operator or passenger under 18 years
0	----	39-24-09(11)	B Misd	Operating or owner permitting operation of snowmobile without liability insurance
0	\$100	39-24-09(12)	Moving	Operating within right of way of interstate
0	\$10	39-24-09.1	Non-Crim	Age restriction of operating snowmobile without certificate or license
0	----	39-24.1-06	Non-Crim	Revocation of privilege to operate snowmobile upon refusal to submit to testing (schedule hearing to determine noncriminal statutory fee)
0	----	39-24.1-12	A Misd	Operating snowmobile during period of prohibition
0	----	39-24.1-13	B Misd	Fleeing or attempting to elude a peace officer (third or subsequent offense – A Misd)
<b>TURNING</b>				
0	\$20	39-10-35(1)	Moving	Turned right from wrong lane or turned too wide
0	\$20	39-10-35(2)	Moving	Turned left from wrong lane or turned too wide
0	\$20	39-10-36	Moving	Improper turn around (interfered with traffic or on a hill or curve)
0	\$20	39-10-38	Moving	Neglected signal when required
<b>WRONG SIDE OR WRONG WAY</b>				
2	\$20	39-10-08	Moving	Drove on left half of roadway not in overtaking
2	\$20	39-10-14(1a)	Moving	Drove on left half of roadway on hill or curve
2	\$20	39-10-14(1b)	Moving	Drove on left half of roadway at intersection or RR crossing
2	\$20	39-10-16	Moving	Drove wrong way on one-way roadway
0	\$20	39-10-17	Moving	Changed lanes without regard for other traffic
0	\$20	39-10-19	Moving	Crossing the median
2	\$20	39-10-20	Moving	Drove onto controlled-access highway other than entrances or exits
0	\$250	39-10-21.1	Moving	Knowingly entered road closed due to hazardous conditions which is posted with a traffic-control device at the point of entry
0	\$20	39-10-55	Moving	Driver failed to stay to the right while traveling through defiles or canyons or failed to give audible warning
<b>MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS</b>				
2	\$250	39-21-44(1)	Non-Crim	Vehicle transporting explosives or hazardous materials – not equipped with at least one fire extinguisher, filled, ready and in convenient location
<b>MISCELLANEOUS</b>				
0	\$25	12.1-31-03	Non-Crim	Use of tobacco products by an individual under 21 yoa (juvenile referral under 14 years old)
0		23.1-15-02	A Misd	Any person that abandons a MV on any public or private property, without consent of the person in control of the property is in violation.
0	----	39-03-11	A Misd	Impersonating patrolman
0	----	39-07-08	B Misd	Violated written promise to appear
8	----	39-08-03	B Misd	Reckless driving
12	----	39-08-03	A Misd	Aggravated reckless driving
10	\$100	39-08-03.1	Moving	Drag racing (2.a)
3	\$50	39-08-03.1	Moving	Exhibition driving (2.b)

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
10	\$100	39-08-03.1	Moving	Racing (2.c)
0	----	39-08-19	B Misd	Willfully harassing or frightening any domestic animal with a motor vehicle
6	\$150	39-08-20	Moving	Driving without or failure to provide proof of liability insurance (in crash & owner—14 pts); 2 <sup>nd</sup> and subsequent offense w/in 3 years \$300 (12 points if w/in 18 months of first offense)
0	----	39-08-20(4)	B Misd	Failure to turn over plates by court order—result of second offense 3 yrs
0	\$150	39-08-20.2	Infrac	Failure to provide liability insurance for special mobile equipment (\$300 for 2 <sup>nd</sup> and subsequent offense in 3 years)
0	\$100	39-08-23	Moving	Used a wireless communications device to compose, read, or send electronic message while operating a motor vehicle
0	\$20	39-08-24	Moving	Used an electronic communication device while operating a motor vehicle – Class D license holder at least 16 and under 18
0	\$100	39-08-25	Moving	Failure to maintain control of motor vehicle while distracted
2	\$20	39-10-02	Moving	Failure to comply with a lawful order of police officer
0	\$20	39-10-38	Moving	Neglected signal when required
0	\$20	39-10-52.1	Moving	Driving upon sidewalk
0	\$20	39-10-54	Moving	Obstruction to driver's view or driving mechanism
0	\$20	39-10-56	Moving	Coasting prohibited
0	\$20	39-10-57	Moving	Following emergency vehicle when prohibited
0	\$20	39-10-58	Moving	Drove across fire hose when prohibited
0	\$500	39-10-59	Moving	Depositing rubbish on the roadway
0	\$20	39-10-64	Moving	Drove through safety zone when prohibited
0	----	39-10-65	B Misd	Operated motor vehicle on protective flood works when prohibited
24	----	39-10-71	A Misd C Felony	Fleeing or attempting to elude a police officer 1st offense Any subsequent offense within 3 years; or fleeing after or in the commission of a felony; or driver operates vehicle in a manner that creates inherent risk of death or serious injury to 3 <sup>rd</sup> person
0	----	39-21-56	A Misd	Sell, install, or sell a vehicle installed with a counterfeit or knowingly inoperative or previously deployed airbag
0	\$20	62.1-04-04	Non-Mov	Failure to produce concealed carry license upon request
<b>CRIMINAL (Criminal Offenses Include Infractions, Misdemeanors, Felonies)</b>				
0	----	12.1-02-02	B Felony	Operating a "chop shop"
0	----	12.1-08	A Misd	Harboring a runaway minor
0	----	12.1-08-02	A Misd	Resisting arrest (if offense involves an A, B, or C Felony - C Felony)
0	----	12.1-08-03	A Misd	Hindering law enforcement (C Felony under certain circumstances)
0	----	12.1-08-06	A Misd	Escape (B or C Felony under certain circumstances)
0	----	12.1-08-11	B Misd	Refusing to halt (non-driver; third or subsequent offense - A Misd)
0	----	12.1-11-03	A Misd	False information to a police officer
0	----	12.1-16-03	C Felony	Negligent homicide
0	----	12.1-17-01.2	B Misd	Domestic Violence – Bodily Injury; A Misd for subsequent offense; (Substantial bodily injury; A Misd; B Felony if victim under 12);(Serious bodily injury; C Felony; B Felony if victim under 12)
0	----	12.1-17-02	C Felony	Aggravated assault (B Felony if victim is under the age of 12, permanent loss or impairment of bodily member or organ, law enforcement or correctional institution employee)
0	----	12.1-17-11	A Misd	Contact by body fluids or excrement if the individual is reckless; C Felony if knowingly causes contact
0	----	12.1-17-12	B Felony	If negligently causes serious bodily harm while fleeing a peace officer; A Felony if negligently causes death
0	----	12.1-23-02.1	C Felony	Disarming or attempting to disarm a law enforcement officer
0	----	12.1-23-06	A Misd	Unauthorized use of a vehicle (C Felony if vehicle is an aircraft or recovery/restoration costs exceed \$1,000)
0	----	12.1-31-01	A Misd	Violated restraining order under section 4 or 5
0	----	12.1-31-01	B Misd	Disorderly conduct
0	----	12.1-31-01.1	B Misd	Disorderly conduct within 300 feet of funeral (subsequent offense - A Misd)
0	----	14-10-06	A Misd	Contributing to the delinquency of a minor (sexual conduct under 16 - C



## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
				Felony)
0	----	19-03.1-22.1	B Misd	Inhalation of volatile chemical vapors (A Misd for 3 <sup>rd</sup> or subsequent offense within 1 year of 1 <sup>st</sup> offense)
0	----	19-03.1-22.3	B Misd	Unlawful ingestion of marijuana/THC under 21 and not a medical card holder
0	----	19-03.1-22.3	A Misd	Unlawful ingestion of a controlled substance not marijuana
0	----	19-03.1-23	A Misd	Possession of a controlled substance – other than marijuana (C Felony for 2 <sup>nd</sup> or subsequent offense)(B Felony if on school property, or delivery or manufacturing)
0	----	19-03.1-23	Infrac	Possession of a controlled substance – < ½ oz marijuana (C Felony for delivery or manufacturing)
0	----		B Misd	Possession of controlled substance - ½ oz to 500g of marijuana
0	----		A Misd	Possession of controlled substance – > 500g of marijuana
0	----	19-03.1-23(7)	Infrac	Possession of controlled substance – THC < 2 gm (2 to 6 gm B Misd; > 6 gm A Misd)
0	----	19-03.4-03	Infrac	Possession of drug paraphernalia – marijuana/THC (A Misd for manufacturing and growing related(B Misd only after 2 prior convictions)
0	----	19-03.4-03	A Misd	Possession of drug paraphernalia – Sch. 1-3 (C Felony for 2 <sup>nd</sup> and subsequent offense or manufacturing and growing related)
0	----	19-03.4-04	A Misd	Unlawful manufacture or delivery of drug paraphernalia (Class I, II, III-C Felony)
0	----	19-03.4-05	C Felony	Unlawful delivery of drug paraphernalia to a minor (at least 3 years the deliverer's junior)
0	----	20.1-01-06	B Misd	Being afield with gun, firearm, or bow and arrow while under the influence of intoxicating liquor and/or drugs
0	----	20.1-13-07	B Misd	Operating a motorboat or vessel while under the influence of intoxicating liquor and/or drugs
0	----	23.1-08-07	Infrac	Littering (more than one cubic foot, furniture, or appliance - B Misd)
0	----	24-15-05	B Misd	Proceeded or traveled through established roadblock
0	----	62.1-02-10	Infrac	Carrying a loaded firearm in a vehicle (Class 2 non-criminal under 20.1-01-30 if while hunting)
0	----	62.1-02-05	Infrac	Possession of a firearm at public gathering (knowingly violated)
0	----	62.1-03-01	A Misd	Carrying a handgun other than permitted by law
0	----	62.1-04-02	A Misd	Carrying a concealed weapon

Juvenile Court has jurisdiction over all criminal traffic related offenses including felonies, misdemeanors, and infraction law violations. The Juvenile Court does not have jurisdiction over non-criminal traffic related offenses including moving and non-moving violations. Non-moving violations are defined under 39-06.1-08 and moving violations are defined under 39-06.1-09.

### SPEED

6	\$30	39-09-01	Moving	Careless driving in violation of basic rule
2	\$30	39-09-01.1	Moving	Care required in operating vehicle
		39-09-02	Moving	Exceeded speed limit (fee as provided)
	\$40+	39-09-02(1b)	Moving	Exceeded speed limit in school zone (fee as provided)
	\$80+	39-09-02(2)	Moving	Exceeded speed limit in construction zone (with signs & workers present)
0	\$20	39-09-04.1	Moving	Drove in excess of special speed limitations
0	\$20	39-09-09	Moving	Impeding traffic or operating slower than minimum posted speed

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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### FEES AND POINTS FOR SPEEDING IN 55 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
56-60	\$5	0	69	\$14	1	78	\$34	5	87	\$61	9	96	\$88	12
61	\$6	0	70	\$15	1	79	\$37	5	88	\$64	9	97	\$91	12
62	\$7	0	71	\$17	3	80	\$40	5	89	\$67	9	98	\$94	12
63	\$8	0	72	\$19	3	81	\$43	9	90	\$70	9	99	\$97	12
64	\$9	0	73	\$21	3	82	\$46	9	91	\$73	12	100	\$100	12
65	\$10	0	74	\$23	3	83	\$49	9	92	\$76	12	101	\$105+	15
66	\$11	1	75	\$25	3	84	\$52	9	93	\$79	12	+ \$5 for each mph over 101 mph		
67	\$12	1	76	\$28	5	85	\$55	9	94	\$82	12			
68	\$13	1	77	\$31	5	86	\$58	9	95	\$85	12			

### FEES AND POINTS FOR SPEEDING IN 65 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
66	\$2	0	76	\$25	1	86	\$75	5	96	\$125	9	106	\$175	12
67	\$4	0	77	\$30	1	87	\$80	5	97	\$130	9	107	\$180	12
68	\$6	0	78	\$35	1	88	\$85	5	98	\$135	9	108	\$185	12
69	\$8	0	79	\$40	1	89	\$90	5	99	\$140	9	109	\$190	12
70	\$10	0	80	\$45	1	90	\$95	5	100	\$145	9	110	\$195	12
71	\$12	0	81	\$50	3	91	\$100	9	101	\$150	12	111	\$200+	15
72	\$14	0	82	\$55	3	92	\$105	9	102	\$155	12	+ \$5 for each mph over 111 mph		
73	\$16	0	83	\$60	3	93	\$110	9	103	\$160	12			
74	\$18	0	84	\$65	3	94	\$115	9	104	\$165	12			
75	\$20	0	85	\$70	3	95	\$120	9	105	\$170	12			

### FEES AND POINTS FOR SPEEDING IN 70 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
71	\$5	0	81	\$55	3	91	\$105	7	101	\$155	12	111	\$205	15
72	\$10	0	82	\$60	3	92	\$110	7	102	\$160	12	112	\$210	15
73	\$15	0	83	\$65	3	93	\$115	7	103	\$165	12	113	\$215	15
74	\$20	0	84	\$70	3	94	\$120	7	104	\$170	12	114	\$220	15
75	\$25	0	85	\$75	3	95	\$125	7	105	\$175	12	115	\$225	15
76	\$30	1	86	\$80	5	96	\$130	10	106	\$180+	15	116	\$230	15
77	\$35	1	87	\$85	5	97	\$135	10	107	\$185	15	+ \$5 for each mph over 106 mph		
78	\$40	1	88	\$90	5	98	\$140	10	108	\$190	15			
79	\$45	1	89	\$95	5	99	\$145	10	109	\$195	15			
80	\$50	1	90	\$100	5	100	\$150	10	110	\$200	15			

### FEES AND POINTS FOR SPEEDING IN 75 ZONES

MHP	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT	MPH	FEE	PT
76	\$5	0	86	\$55	3	96	\$105	7	106	\$155	12	116	\$205	15
77	\$10	0	87	\$60	3	97	\$110	7	107	\$160	12	117	\$210	15
78	\$15	0	88	\$65	3	98	\$115	7	108	\$165	12	118	\$215	15
79	\$20	0	89	\$70	3	99	\$120	7	109	\$170	12	119	\$220	15
80	\$25	0	90	\$75	3	100	\$125	7	110	\$175	12	120	\$225	15
81	\$30	1	91	\$80	5	101	\$130	10	111	\$180+	15	121	\$230	15
82	\$35	1	92	\$85	5	102	\$135	10	112	\$185	15	+ \$5 for each mph over 111 mph		
83	\$40	1	93	\$90	5	103	\$140	10	113	\$190	15			
84	\$45	1	94	\$95	5	104	\$145	10	114	\$195	15			
85	\$50	1	95	\$100	5	105	\$150	10	115	\$200	15			

## Classification of Offenses – Effective August 1, 2021

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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### FEE AND POINT SCHEDULE FOR SPEEDING

Speed (mph)	Speed Zones 55 or less	Speed Zones greater than 55 but less than 70 mph	PT
	Fee (\$)	Fee (\$)	
1–5 mph over limit	\$5	\$2/each mph over limit	0
6–10 mph over limit	\$5+ \$1/each mph over 5 mph over limit	\$2/each mph over limit	0
11–15 mph over limit	\$10+ \$1/each mph over 10 mph over limit	\$20+ \$5/each mph over 10 mph over limit	1
16–20 mph over limit	\$15+ \$2/each mph over 15 mph over limit	\$45+ \$5/each mph over 15 mph over limit	3
21–25 mph over limit	\$25+ \$3/each mph over 20 mph over limit	\$70+ \$5/each mph over 20 mph over limit	5
26–35 mph over limit	\$40+ \$3/each mph over 25 mph over limit	\$95+ \$5/each mph over 25 mph over limit	9
36–45 mph over limit	\$70+ \$3/each mph over 35 mph over limit	\$145+ \$5/each mph over 35 mph over limit	12
46+ mph over limit	\$100+ \$5/each mph over 45 mph over limit	\$195+ \$5/each mph over 45 mph over limit	15

### FEES AND POINTS FOR SPEEDING IN SCHOOL ZONES

20 Zone	Fee	Pts
21-30	\$40	0
31	\$41	1
32	\$42	1
33	\$43	1
34	\$44	1
35	\$45	1
36	\$46	3
37	\$47	3
38	\$48	3

20 Zone	Fee	Pts
39	\$49	3
40	\$50	3
41	\$51	5
42	\$52	5
43	\$53	5
44	\$54	5
45	\$55	5
46	\$56	9
47	\$57	9

20 Zone	Fee	Pts
48	\$58	9
49	\$59	9
50	\$60	9
51	\$61	9
52	\$62	9
53*	\$63	9

\*Regular fee becomes greater

**School Zone Criteria:** During recess; during opening and closing hours of the school

**Fees:** 1-10 mph over - \$40; 11 mph and higher - \$40 plus \$1 for each mph over 10 mph over the limit – unless a greater fee is applicable

### FEES AND POINTS FOR SPEEDING IN CONSTRUCTION ZONES

35 Zone	55 Zone	60 Zone	Fee	Pts
36-45	56-65	61-70	\$80	0
46	66	71	\$82	1
47	67	72	\$84	1
48	68	73	\$86	1
49	69	74	\$88	1
50	70	75	\$90	1
51	71	76	\$92	3
52	72	77	\$94	3
53	73	78	\$96	3
54	74	79	\$98	3
55	75	80	\$100	3
56	76	81	\$102	5
57	77	82	\$104	5

35 Zone	55 Zone	60 Zone	Fee	Pts
58	78	83	\$106	5
59	79	84	\$108	5
60	80	85	\$110	5
61	81	86	\$112	9
62	82	87	\$114	9
63	83	88	\$116	9
64	84	89	\$118	9
65	85	90	\$120	9
66	86	91	\$122	9
67	87	92	\$124	9
68	88	93	\$126	9
69	89	94	\$128	9

**Construction Zone Criteria:** 1) Must be signed "Minimum Fee \$80" 2) Construction workers must be present at the time and place of the violation

**Fees:** 1-10 mph over—\$80; 11 mph and higher—\$80 plus \$2 for each mph over 10 mph over the limit

**Classification of Offenses – Effective August 1, 2021**

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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<b>Extraordinary Road Use Fee Schedule (39-12-17 NDCC)</b>			
<b>Pounds</b>	<b>Fee</b>	<b>Pounds</b>	<b>Fee</b>
1 to 1,000	\$20	15,001 to 16,000	\$1,920
1,001 to 2,000	\$40	16,001 to 17,000	\$2,550
2,001 to 3,000	\$60	17,001 to 18,000	\$2,700
3,001 to 4,000	\$140	18,001 to 19,000	\$2,850
4,001 to 5,000	\$220	19,001 to 20,000	\$3,000
5,001 to 6,000	\$305	20,001 to 21,000	\$4,200
6,001 to 7,000	\$380	21,001 to 22,000	\$4,400
7,001 to 8,000	\$495	22,001 to 23,000	\$4,600
8,001 to 9,000	\$575	23,001 to 24,000	\$4,800
9,001 to 10,000	\$655	24,001 to 25,000	\$5,000
10,001 to 11,000	\$1,100	25,001 to 26,000	\$5,200
11,001 to 12,000	\$1,200	26,001 to 27,000	\$5,400
12,001 to 13,000	\$1,300	27,001 to 28,000	\$5,600
13,001 to 14,000	\$1,680	28,001 to 29,000	\$5,800
14,001 to 15,000	\$1,800	29,001 to 30,000	\$6,000

An additional charge of \$200 for every 1,000-pound increase over 30,000 pounds consistent with the above formula.

**MOTOR CARRIER SAFETY REGULATIONS – NDHP ONLY**

0	\$20	39-06.2-10.9	Moving	Violation of out-of-service orders
0	\$500	39-21-46(3)	Moving	Operating vehicle: after driver placed out-of-service; with 10 or more out-of-service defects; or prior to repair after vehicle has been placed out of service
0	\$250	39-21-46(3)	Moving	False record of duty status/log book; operating vehicle with 7-9 out-of-service defects
0	\$100	39-21-46(3)	Moving	Driving excess hours; duty status/log book violations; operating vehicle with 4-6 out-of-service defects
0	\$50	39-21-46(3)	Moving	Motor carrier safety regulation violations not listed above

**MOTOR CARRIER HAZARDOUS MATERIALS REGULATIONS – NDHP ONLY**

2	\$250	39-21-44(2)	Non-Crim	Violations involving the transport of haz-mat or explosives
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NORTH  
**Dakota** | Highway Patrol  
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January 24, 2023

From: Lt. Jeff Solemsaas

To: House Transportation Committee

Re: HB 1325

Chairman Ruby and Representatives of the House Transportation,

My name is Jeff Solemsaas, I'm here to voice our support for HB 1325. This bill would increase the fees assigned to right of way violations. This bill is strongly supported by the Bismarck Police Department

I have been a law enforcement officer for almost 30 years, for the last 10 I have been assigned as the Traffic Commander for the City of Bismarck Police Department. Currently we investigate approximately 3000 traffic collisions each year. A large portion of those collisions involve a right of way violation. By increasing the fees associated with these violations you are providing a deterrent for drivers to exercise care and caution while driving.

The attitude among many drivers is that traffic violations are not important and that violations carry no real penalty. Many drivers have the mentality that if they are caught by law enforcement for a violation there is no effect other than a minor fee. I have spoken with numerous drivers that have reported that they feel the chances of getting caught are minimal and if they are the penalties are even smaller. It should be noted that the fees assigned to traffic violations have not changed in the last 50 years.

There is no benefit to law enforcement from the enhanced penalties as none of the funds received from traffic violations are distributed to law enforcement. Bismarck has an ordinance that requires all fees from traffic violations be distributed to the general fund. The most important factor to consider is that you are providing a deterrent to bad driving. If the fees associated with traffic violations had some type of effect on drivers, they may choose to drive with more caution to avoid a financial consequence.

Any law enforcement officer would be able to relate a story in which they have stopped a driver for another state for a traffic violation. Upon receiving the citation and having the consequences explained the common response is disbelief that the fees are so low. I have had numerous encounters with drivers from other states that have laughed at the extremely low fees.

In other sessions other legislators have made comments that they know they are safer drivers when they leave ND due to the fact that they want to avoid traffic citations. I frequently receive complaints from citizens relating to traffic violations in the community. The most common statement I receive is that "you have to raise the fees for these violations". I always explain to them that they need to contact their legislators. I'm quite certain they never do.

I appreciate your consideration and time relating to this bill.

23.0605.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Mock  
February 1, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

Page 1, line 1, after "39-06.1-06" insert "and section 39-10-38"

Page 1, line 2, after "offenses" insert "and signaling before exiting a roundabout"

Page 2, after line 8, insert:

**"SECTION 2. AMENDMENT.** Section 39-10-38 of the North Dakota Century Code is amended and reenacted as follows:

**39-10-38. Turning movements and required signals.**

1. ~~No person~~An individual may not turn a vehicle, move right or left upon a roadway, or merge into or from traffic unless and until ~~such~~the movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided under this section.
2. A signal of intention to turn, move right or left, or merge into or from traffic must be given continuously during not less than the last one hundred feet [30.48 meters] traveled by the vehicle before turning, moving right or left, or changing lanes.
3. ~~No person~~An individual operating a vehicle may not exit from any position within a roundabout without first giving a signal of intention to exit the roundabout.
4. An individual may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- ~~4.5.~~ The signals required on vehicles by subsection 2 of section 39-10-39 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section."

Renumber accordingly

23.0605.01004  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
February 2, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

Page 1, line 1, after "39-06.1-06" insert "and section 40-05-06"

Page 1, line 2, after "offenses" insert "and limits on city fines and penalties"

Page 2, after line 8, insert:

**"SECTION 2. AMENDMENT.** Section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

**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.
  - a. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06.
  - b. If a city establishes an ordinance with a fee exceeding the limit for an equivalent category of violation as set forth in section 39-06.1-06, the city, at least annually, shall submit to the state treasurer for deposit into the state tuition fund a payment of the total amount collected.
3. For every violation of a city ordinance enforcing the requirements of title 40, Code of Federal Regulations, section 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 five hundred dollars, imprisonment for thirty days, or both such fine and imprisonment.
4. 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."

Renumber accordingly

March 16, 2023  
Senate Transportation Committee  
HB 1325  
Sen. David A. Clemens, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in opposition of HB 1325. In its initial form, HB 1325 only increased the penalty to \$40 for right of way related violations and the Chiefs of Police supported the bill. The House Transportation Committee added sections 1 and 3 to the bill which take away a city's ability to increase traffic fines by 100 percent.

Except for stop sign violations, the penalty for right of way violations has not been raised since 1973. In 2019, the North Dakota Legislature passed a bill that raised the penalty for stop sign violations to \$40. HB 1325 would increase the penalty for all right of way violations to \$40. The right of way violation that the Chiefs of Police are most concerned about are stop light violations. The current statewide penalty for a red light violation is \$20. Some cities have raised that penalty to \$40.

As mentioned earlier, sections 1 and 3 remove a cities' ability to double traffic fines; however, the denser traffic in our cities increases the likelihood for traffic violations occurring resulting in a crash. The crash data supports giving cities the authority to double traffic fines in cities.

From 2017 to 2021 there were 72,483 crashes in North Dakota. 64,566 of those crashes were in cities. In other words, just over 89% of the crashes from 2017 to 2021 occurred in cities.

The Chiefs of Police respectfully request that you amend the bill to remove sections 1 and 3, leaving a city's ability to double traffic fines in law. Further, the Chiefs of Police are open to amending section 2 to only address red light violations to narrowly tailor the bill to the problem the Chiefs most want to address.

Thank you for your consideration.



23.0605.02001  
Title.

Prepared by the Legislative Council staff for  
the Senate Transportation Committee  
March 23, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1325

Page 1, line 1, remove "section 12.1-01-05,"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "and subsection 2 of section 40-05-06"

Page 1, line 2, remove "effect of"

Page 1, line 3, remove "state law on city or county ordinances,"

Page 1, line 3, remove ", and"

Page 1, line 4, remove "limits on city fines and penalties"

Page 1, remove lines 6 through 15

Page 2, remove lines 20 through 26

Re-number accordingly