

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2013**

Bill/Resolution No.: HB 1189

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$7,100,000	\$0	\$7,100,000
<b>Expenditures</b>	\$0	\$0	\$174,000	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$7,100,000	\$0	\$7,100,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Speeding citations would be issued to nonresidents at an average rate much higher than the current ND statutory fee schedule for speeding violations. The difference in fees would be deposited separately in the state treasury and distributed to the state or county agency issuing the citation.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

According to data from the National Highway Traffic Safety Administration (NHTSA), the average national maximum speeding citation fee is approximately \$287. Based on ND Highway Patrol speeding citations issued to drivers with out-of-state addresses during the most recent two calendar years, the current estimate of new revenue is \$7.1 million for the 2013-2015 biennium. It is currently unknown what the impact would be for county law enforcement agencies.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

A \$287 average was calculated based on data from NHTSA Summary Table of State Speed Laws (see attached). No funding is included in the executive budget. Revenue is estimated to be \$7.1 million for the operating fund of the Highway Patrol during the 2013-2015 biennium and potentially \$7.1 million for the 2015-2017 biennium. It is currently unknown what the impact would be for county law enforcement.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

NDHP costs for ITD reprogramming of the citation system are estimated at \$25,000. Costs for reprogramming a software interface for the Supreme Court Administrators Office are estimated at \$98,000. The ND Department of Transportation estimates \$51,000 for reprogramming citation software used by many county law enforcement agencies. A few local law enforcement agencies may be using their own software that would also need to be updated

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Under the bill, a continuing appropriation is provided which would be based on revenues received.

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**Date Prepared:** 01/18/2013

Summary Table of State Speed Laws

S T A T E	Sanctions for Exceeding the Speed Limit			Sanctions for Reckless Driving			Sanctions for Racing on the Highways		
	First Offense			First Offense			First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
AL	NMT 10 D	NMT 100	S-NMT 1 Y <sup>(1)</sup>	NMT 90 D	25-500	S-NMT 6 M	5-90 D	25-500	S-6 M
AK		NMT 300	S-NMT 1 M <sup>1</sup>	NMT 1 Y	NMT 1,000	R-NLT 30 D		NMT 300	S-1 M <sup>1</sup>
AZ		NMT 250	S-NMT 1 Y <sup>1</sup>	NMT 4 M	NMT 750	S-NMT 90 D	NMT 4 M	NMT 750	S-NMT 90 D
AR	NMT 10 D	NMT 100	S-NMT 1 Y <sup>(2)</sup>	5-90 D	25-500	S-NMT 1 Y <sup>2</sup>	NMT 1 Y	NMT 1,000	S-NMT 1 Y <sup>2</sup>
CA		NMT 100	S-NMT 30 D	5-90 D	145-1,000	S-NMT 30 D	90 D <sup>(3)</sup>	355-1,000	S-6 M <sup>3</sup>
CO		15-100	S-NMT 1 Y <sup>1</sup>	10-90 D	10-300	S-NMT 1 Y <sup>1</sup>		10-300	S-NMT 1 Y <sup>1</sup>
CT		NMT 50 <sup>(4)</sup>	S-NMT 30 D <sup>1</sup>	NMT 30 D	100-300	S-30 to 90 D	NMT 1 Y	75-600	S-NMT 30 D <sup>1</sup>
DE		20	S-2 to 12 M <sup>1</sup>	10-30 D	100-300	S-2 to 12 M <sup>1</sup>	10-30 D	25-200	S-NMT 6 M
DC		15-100	S-2 to 90 D <sup>(5)</sup>	NMT 3 M	NMT 250	R-6 M			
FL		25-250	S-30 D <sup>(6)</sup>	NMT 90 D	25-500	S-30 D <sup>6</sup>		NMT 500	S-30 D <sup>6</sup>
GA	NMT 12 M	NMT 1,000	S-1 to 5 Y <sup>(7)</sup>	NMT 12 M	NMT 1,000	S-1 to -5 Y <sup>7</sup>	NMT 12 M	NMT 1,000	S-1 to-5 Y <sup>7</sup>
HI		NMT 200	S-1 to 5 Y <sup>(8)</sup>	NMT 30 D	NMT 1,000	S-1 to 5 Y <sup>8</sup>	NMT 6 M	NMT 500	S-1 to 5 Y <sup>(9)</sup>
ID		NMT 100	S-NMT 1 Y <sup>1</sup>	5-90 D	25-300	S-30 D	NMT 6 M	NMT 300	S-NMT 1 Y <sup>1</sup>
IL		NMT 1,000	S-NMT 1 Y <sup>(10)</sup>	NMT 1 Y	NMT 2,500	S-NMT 1 Y <sup>10</sup>	NMT 30 D	NMT 1,500	R-1 Y
IN		NMT 500	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y
IA	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	R-6 M
KS		NMT 500	S-NMT 1 Y <sup>(11)</sup>	5-90 D	25-500	R-NMT 1 Y	NMT 1 M	NMT 500	S-NMT 1 Y <sup>11</sup>
KY		NMT 100 <sup>(12)</sup>	S-90 D to 2 Y <sup>(13)</sup>		20-200	S-90 D to 2 Y <sup>13</sup>	NMT 30 D	60-200	S-90 D to 2 Y <sup>13</sup>
LA	NMT 30 D	NMT 175	S-NMT 1 Y <sup>(14)</sup>	NMT 90 D	NMT 200	S-NMT 1 Y <sup>14</sup>	NMT 30 D	NMT 175	S-NMT 1 Y <sup>14</sup>
ME		25-250	S-15 D <sup>1</sup>	(NMT 6 M <sup>(15)</sup> )	(NMT 1,000 <sup>15</sup> )	(S-30 to 180 D <sup>15</sup> )			
MD		NMT 500	S-NMT 2 Y <sup>1</sup>		NMT 1,000	S-NMT 2 Y <sup>1</sup>		NMT 500	S-NMT 2 Y <sup>1</sup>
MA		NLT 50 <sup>(16)</sup>		2 W-2 Y	20-200	R-NLT 60 D	2 W-2 Y	20-200	R-NLT 60 D
MI		NMT 100	S-NMT 1 Y <sup>1</sup>	NMT 90 D	NMT 100	S-90 D <sup>(17)</sup>	NMT 90 D	NMT 100	S-1 year <sup>1</sup>
MN		NMT 200	S-NMT 1 Y	NMT 90 D	NMT 700	S-NMT 1 Y			
MS	NMT 10 D	NMT 100	S <sup>(18)</sup>		5-100	S <sup>18</sup>			
MO	NMT-6 M	NMT 500	S-30 D to-1 Y <sup>1</sup>	(NMT 6 M <sup>(19)</sup> )	(NMT 500 <sup>19</sup> )	(S-30 D-1 Y <sup>1&amp;19</sup> )			
MT		10-100	S-6 M <sup>(20)</sup>	NMT 90 D	25-300	S-6 M <sup>20</sup>	NMT 6 M	50-500	S-6 M <sup>20</sup>
NE		10-200	R-6 M <sup>1</sup>	NMT 3 M	NMT 500	R-6 M <sup>1</sup>	NMT 6 M	NMT 1,000	R-6 M <sup>1</sup>
NV	NMT 6 M	NMT 1,000	S-NMT 1 Y <sup>(21)</sup>	NMT 6 M	NMT 1,000	S-NMT 1 Y <sup>21</sup>	NMT 6 M	NMT 1,000	S-NMT 1 Y <sup>21</sup>
NH		NMT 1,000	S-NMT 30 D <sup>(22)</sup>		250-500	R-60 D		NMT 1,000	S-NMT 30 D <sup>22</sup>
NJ	NMT 15 D	50-200	S-30 to 180 D <sup>1</sup>	NMT 60 D	50-200	S-30 to 180 D <sup>1</sup>		25-100	S-30 to 180 D <sup>1</sup>
NM	NMT 90 D	NMT 300	S-NMT 1 Y <sup>1</sup>	5-90 D	25-100	S-NMT 90 D	NMT 90 D	NMT 300	S-NMT 1 Y <sup>1</sup>
NY	NMT 30 D	30-400	S/R <sup>(23)</sup>	NMT 30 D	NMT 200	S/R <sup>23</sup>	NMT 30 D	200-350	R-6 M
NC	NMT 60 D	100-1,000	NMT 1 Y <sup>1</sup>	1-60 D	NMT 1,000	NMT 1 Y <sup>1</sup>	1-60 D <sup>(24)</sup>	NMT 1,000 <sup>24</sup>	S-NMT 1 Y <sup>24</sup>
ND		5->100	S-7 D <sup>1</sup>	NMT 30 D	NMT 500	S-7 D <sup>1</sup>		50-100	S-7 D <sup>1</sup>
OH		NMT 100	S-6 M <sup>1</sup>		NMT 100	S-6 M <sup>1</sup>		NMT 100	S-6 M <sup>(25)</sup>

Summary Table of State Speed Laws

OK	5-30 D	10-200	S-NMT 1 Y <sup>1</sup>	5-90 D	25-500	S-NMT 1 Y <sup>1</sup>			
OR		75-600	..(26)	NMT 1 Y	NMT 5,000	S-90 D		NMT 600	..26
PA		35(27)	S-NMT 1 Y <sup>1</sup>		200	S-6 M		200	S-6 M
RI		50	S-NMT 1 Y(28)	NMT 1 Y	NMT 500	S-NMT 1 Y <sup>28</sup>	NMT 1 Y	NMT 500	S-NMT 1 Y <sup>28</sup>
SC	NMT 30 D	15-200	S-3 to 6 M <sup>1</sup>	NMT-30 D	25-200	S-3 to 6 M <sup>1</sup>	2-6 M	200-600	R-1 Y
SD	NMT 30 D	NMT 200		NMT 1 Y	NMT 1,000	S-NMT 1 Y <sup>1</sup>	NMT 30 D	NMT 200	S-NMT 1 Y <sup>1</sup>
TN	NMT 30 D	NMT 50	S-6 M <sup>1</sup>	NMT 6 M	NMT 500	S-6 M <sup>1</sup>	NMT 6 M	NMT 500	R-1 Y
TX		1-200	S-NMT 1 Y(29)	NMT 30 D	NMT 200	S-NMT 1 Y <sup>29</sup>		1-200	S-NMT 1 Y <sup>29</sup>
UT	NMT 90 D	NMT 750	S-NMT 1 Y <sup>1</sup>	NMT 6 M	NMT 1,000	S-NMT 1 Y <sup>1</sup>	NMT 90 D	NMT 750	S-NMT 1 Y <sup>1</sup>
VT		NMT 175	S-30 D <sup>1</sup>	(NMT 1 Y(30))	(NMT 1,000 <sup>30</sup> )	(S-30 D <sup>30</sup> )	(NMT 3 M(31))	(NMT 300 <sup>31</sup> )	(S-30 D <sup>1&amp;31</sup> )
VA		NMT 200	S-90 D <sup>1</sup>	NMT 12 M	NMT 2,500	S-90 D(32)	NMT 12 M	NMT 2,500	S-6 M to 2 Y
WA		NMT 250	S-NMT 1 Y(33)	NMT 1 Y	NMT 5,000	S-30 D to 1 Y	NMT 1 Y	NMT 5,000	S-30 D to 1 Y
WV		NMT 100	S-NMT 1 Y <sup>33</sup>	5-90 D	25-500	S-NMT 1 Y <sup>33</sup>		50-100	R-6 M
WI		30-300(34)	S/R-NMT 1 Y(35)		25-200	S/R-NMT 1 Y(36)		20-400	S/R-NMT 1 Y <sup>36</sup>
WY	NMT 30 D(37)	NMT 200	S-NMT 12 M <sup>33</sup>	NMT 6 M	NMT 750	S-90 D	NMT 10 D	10-100	S-NMT 12 M <sup>33</sup>
UVC		NMT 200	S-NMT 1 Y <sup>1</sup>	5-90 D	25-500	S-NMT 1 Y <sup>1</sup>		NMT 200	S-NMT 1 Y <sup>1</sup>

D = Day(s) M = Month(s) S = Suspension R = Revocation W = Week(s) Y= Year(s) NLT = Not Less Than NMT = Not More Than UVC = Uniform Vehicle Code

1. 1. Licensing action is via a point system. Under this system a person's license is not usually suspended for just one offense. However, only when they have committed numerous traffic violations are they subject to licensing action.
2. 2. Suspension via the courts is for not more than 1 year. Suspension via the Point System is 3 to 6 months.
3. 3. The jail sanction is 24 hours to 90 days and the license suspension is 90 days to 6 months.
4. 4. I. For driving >55 MPH, the fine \$35 to \$90. However, for driving >70 MPH on multiple lane limited access highways, the fine range is between \$100 and \$150. II. For persons operating trucks the following fines apply. If driving >55 MPH on multiple lane limited access highways, the fine is between \$100 and \$150. Driving in >70 MPH limit on multiple line limited access highways, the fine amount is \$100 to 200.
5. 5. A persons's license can also be revoked for 6 months. Licensing action (suspension or revocation) is via a point system.
6. 6. The suspension is via a Point System. The suspension period could be 1 year depending upon the number of points that have been accumulated.
7. 7. The licensing sanctions given are via a point system and apply (1) to persons over 21 years old and (2) to persons under such age who only commit either a 2 or 3 point speeding violation. However, persons under 21 years old who are convicted of either (1) a speeding offense requiring 4 or more points, (2) racing on the highways or (3) reckless driving are subject to license revocation. For a 1st offense, there is a 6 month mandatory revocation. And, for a subsequent offense, there is a mandatory 12 month revocation.
8. 8. Suspension is via a court order. Note: The Point System has been repealed.
9. 9. Suspension is via court order.
10. 10. License suspension or revocation is based upon the frequency of traffic law violations. A Point System is used to assist the licensing agency in determining frequency of violations. Using this system, a person's license can also be revoked for 1 year.
11. 11. The licensing agency has the authority to either suspend a person's license based on the frequency of traffic law violations.
12. 12. Fines are determined via a matrix.
13. 13. Suspension is via a Point System. If the requisite number of points are accumulated, a person's license can be suspended from 90 days to 2 years.
14. 14. The licensing agency has the authority to either suspend, revoke or cancel a person's license based on the frequency of traffic law violations.
15. 15. This State does not have a per se reckless driving law. The sanctions given are for the offense of Driving to Endanger.
16. 16. The fine is not less than \$50. If a person was driving >10 MPH over the speed limit, there is an additional fine of \$10 for every MPH over such limit.
17. 17. This State also provides for a suspension of not more than 1 year via the Point System.
18. 18. The law does not specify either a minimum or a maximum period of suspension.
19. 19. This State does not have a per se reckless driving law. The sanctions given are for a violation of the Basic Speed Rule which in this State includes driving at a rate of speed so as to endanger the life, limb or property of another person.
20. 20. The State regulations limit the suspension period to 6 months. However, the law allows for a suspension period for not more than 1 year.
21. 21. Suspension is via a Point System. A person's license can be suspended from 6 months to 1 year.
22. 22. This suspension is via court order.

Summary Table of State Speed Laws

- 23. 23. Suspension or revocation based upon a Point System. The law does not provide for specific periods of license suspension or revocation.
- 24. 24. The sanctions listed apply to the offense of Willful Speed Competition which is racing which has not been prearranged.
- 25. 25. The 6 month suspension is via a Point System. However, the court is authorized to suspend a person's license from 30 days to 3 years.
- 26. 26. License suspension for 30 days via the Driver Improvement Program. A person has to commit numerous traffic law violations before licensing action is taken.
- 27. 27. The fine is \$42.50 for exceeding the 65 MPH speed limit.
- 28. 28. A person may also be subjected to a license revocation which has an indeterminate period.
- 29. 29. A person's license may also be revoked for an indefinite period.
- 30. 30. This State does not have a per se reckless driving law. The sanctions listed are for the offense of negligent motor vehicle operation.
- 31. 31. This State does not have a law directly pertaining to racing on the highway. The sanctions listed are for the offense of excessive speeding.
- 32. 32. This 90 day suspension is via a Point System. However, the courts can also suspend a person's license from 10 days to 6 months.
- 33. 33. The suspension is based on the frequency of traffic law violations.
- 34. 34. For violating the 65 MPH speed limit, the fine is \$50 to \$300. For violating other speed limits, the fine is \$30 to \$300.
- 35. 35. Fifteen (15) day suspension or revocation via court action for driving 25 MPH over either the 55 or 65 MPH speed limit. For other speeding violations, the court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
- 36. 36. The court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
- 37. 37. There are no imprisonment sanctions either (1) for exceeding the 65 MPH speed but >66 MPH but <74 MPH or exceeding the 75 MPH speed limit.