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@nd.gov

COMMITTEES:
Appropriations

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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 Kadrmas, 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.