Senate Bill 2099
House Transportation Committee
Representative Dan Ruby, Chairman
March 5, 2021

Good morning Chairman Ruby and members of the committee, my name is Lieutenant Adam Dvorak, assistant operations commander for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2099, which was introduced at the request of the Highway Patrol.

The removal of language in sections 1 and 3, and the addition of language in sections 2 and 3, eliminates the requirement for law enforcement to provide a printed envelope for use in mailing bond to the corresponding clerk of district court. It also gives law enforcement the additional option to provide citizens with a website address or a quick response code, commonly referred to as a "QR code" to fulfill the requirements of NDCC 39-06.1-07.

Currently, the Highway Patrol provides a printed envelope when citizens are issued a citation. The envelopes are pre-printed to include information on how to pay the fines online through the ND Courts System. The envelopes are also pre-printed with the notification form which is a requirement under NDCC 39-06.1-07 requiring an individual to be notified of a violation they have been charged with as well as the procedures available for handling a citation. The notification form language, provided by the Director of the Department of Transportation, must be approved by the Attorney General. In addition to the pre-printed information, our administrative assistants also print the addresses for the 53 individual clerks of district court on the envelopes, or, troopers on the side of the road affix a pre-printed address label for the appropriate county they are working in.

This bill removes the requirement of providing the envelope to those being cited. In the case of the Highway Patrol, we would provide them with the website address or the quick response code that electronically links them to the required notification form. That, along with the address of the appropriate clerk of district court, is printed on the citation. Section 3 changes the language of "person" to "an individual", and changes "shall" provide the person with an envelope for use in mailing the bond to "shall, upon request". If another law enforcement agency does not want to change their procedure regarding issuing citations and providing bond envelopes, this bill does not change that, and they can continue conducting business as they have been.

During the initial testimony of the bill in front of the Senate Transportation Committee, there were concerns raised by Jackson Lofgren who represents the ND Association of Criminal Defense Lawyers. Mr Lofgren felt that the original bill may have an adverse impact on current law regarding the temporary operator's permit, also known as the report and notice form. The intent when introducing the bill was not to impact this form in any manner, but rather just address what is known as the notification form, which is another separate form that we are currently printing on the back of envelopes but would like to provide electronically. We worked with Mr Lofgren to amend the bill in a fashion that removed the potential conflict and the bill in front of you is a result that was agreed upon and passed through the Senate.

A cost analysis was completed of the bond envelopes; our agency alone currently spends approximately $9700 a biennium for pre-printed bond envelopes. This change would also save time for both administrative assistants at our offices, and troopers on the side of the road. Our agency alone issued approximately 70,000 citations in 2020. According to the ND supreme court, for the last two years, only

approximately 24% of those citations were actually paid by mail, likely in the provided envelopes. The other 76% were paid with various methods such as online, over the phone, or in person. That means approximately 53,200 of those envelopes immediately went into the garbage.   I appreciate your support in considering the change reflected in this bill and I'd be happy to answer any questions you may have.