

Good morning, Mr. Chairman and members of the Senate Transportation Committee.

My name is Austen Schauer, District 13, West Fargo.

The intent of **House Bill 1229** is to give authorities a law enforcement tool to reduce the crime of **fleeing**.

This crime has risen **200%** in Fargo over the last five years, putting innocent people at risk from dangerous and out-of-control drivers.

Let me give you some background.

In 1986, the mother of Sen. Bryon Dorgan was killed in a car crash in Bismarck.

Police were chasing a drunk driver at speeds of 80 to 100 miles per hour when the accident happened.

After the tragedy, Sen. Dorgan called for a change in police policies concerning high-speed urban chases.

Law enforcement listened and police in urban areas no longer pursue drivers who flee. Unfortunately, the **fleeing drivers** know this and away they go.

House Bill 1229 addresses the **vehicle owner's responsibility** and is tailored like a **traffic citation** after a driver passes a school bus with its flashing red lights on.

Once police have a vehicle license plate, or give a visual or audible signal to stop, they can then follow up by locating the owner of the vehicle and issuing a \$100 dollar ticket for the first offense and a \$500 ticket on subsequent violations. (Page 1, lines 9-11).

The ticket would not be a criminal infraction, misdemeanor, or a felony and points will not be added to the driving record.

HB 1229 has police *flexibility* in issuing the citation.

Police "**may**" proceed, (page 2, line 12), "**may**" investigate, (page 2, line 16) and "**may**" issue a citation within four days of the incident, (page 2, line 20).

There are **exceptions** for the vehicle owner:

- **Subdivision 3a prevents the owner from this citation if police charge the driver, who is not the owner, with fleeing.**
- **Subdivision 3b exempts the owner if the vehicle was reported stolen.**
- **Subdivision 3c exempts the vehicle owner if he or she cooperates with the police.**
- **Subdivision 3d exempts the vehicle owner if he or she provides information showing they were not driving at the time of the offense.**
- **Subdivision 4 says the lessee of a vehicle is presumed to be the driver, and the lessor provides police with vehicle information.**
- **Subsection 5 prevents a vehicle owner who flees from being charged with both fleeing and this citation.**
- **Subsection 6 says car rental companies are not held responsible.**

Dangerous driving in the form of fleeing is a threat to public safety and is a problem getting worse.

Let's not act **after** a needless tragedy such as the Dorgan death. Let's act **now** to prevent a needless tragedy.

House Bill 1229 is built to help police find irresponsible drivers and hold them accountable for their actions.

Thank you, Mr. Chairman and committee members.

I stand open to questions.

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Mr. Chairman, I want to take a moment and address the constitutionality of this bill.

We worked with two lawyers from LC and neither one expressed any concerns about **HB 1229** being unconstitutional. And this has been a two-year journey.

This bill went through a rigorous process to make sure it is similar to the citation's police can give when a driver passes a school bus with its flashing lights on.

I don't believe any State's Attorney in the State has been involved in a legal battle over that bill.

I don't believe the **ACLU** has been involved in questioning the constitutionality of the School Bus bill and I don't believe the ACLU is involved in questioning this bill.

Just prosecutors.

Century Code is quite clear on presumption for an officer which the those in uniform will address behind me and if there was even a hint of this being a problem, I certainly would have worked with the States Attorneys Association like I have with other bills, but they chose to bring this up without my knowledge as a prime sponsor.

Thank you, Mr. Chairman and committee members.

I stand open to questions.