

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 43rd 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									