

# North Dakota House of Representatives

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## Representative Corey Mock

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**COMMITTEES:**  
Appropriations

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House Transportation Committee  
North Dakota State Capitol Building – Room 327E  
HB 1325 – Right of Way Offenses

Chairman Dan Ruby and Members of the House Transportation Committee,

Good morning, Mr. Chairman and members of the committee. My name is Corey Mock and I'm a Representative from District 18 in Grand Forks, as well as the prime sponsor for House Bill 1325.

Understanding there are many new(er) members of this committee, this bill is what experienced legislators may call "an old friend." With this committee's diligent work and commitment to public safety, I hope this bill represents one final time – at least for a generation – we need to review traffic fines.

Admittedly, HB 1325 is not as broad as it could be. You'll be met with a cooperative and supportive bill sponsor if you're inspired to expand this measure's scope.

### How did we get to now?

Highways and bridges have been interwoven in the fabric of our legislature since statehood. Between 1889 and 1945, our legislature sent road and traffic bills to a Highways & Bridges Committee. A consolidated "transportation Committee" was born in 1947 and remains one of our most established standing committees.

Our traffic laws underwent a significant rewrite in 1973 – creating a foundation of fines and ordinances which will be celebrating their 50<sup>th</sup> anniversary this summer.

At the risk of oversimplification: violations of state law or municipal ordinance are either criminal (infractions, misdemeanors, and felonies) or noncriminal (monetary fine.) Most traffic violations became noncriminal offenses with the 1973 statutory rewrite.

Traffic ordinances are generally categorized as moving or non-moving violations. Members of this committee likely understand the importance of those distinctions; further elaboration is unnecessary for the purposes of this bill. There are some traffic related noncriminal violations that are neither moving nor non-moving.

Beginning in 1973, noncriminal traffic offenses were assigned a fine based on the type of violation:

Nonmoving violation: \$10

Moving violation: \$20

Careless driving: \$30

Today, the general rule for fines associated with moving and nonmoving violations is \$20, unless otherwise specified.

Attached to my testimony is a spreadsheet that quantifies the number of various offenses and the categorized fee associated with each violation. This chart does not include any speeding or overweight fines, as those vary with each offense.

### **Why go through all this history and context for a relatively simple bill?**

As a governing body, understanding the large picture is critical when making even small adjustments to law. HB 1325 is a modest update that aligns fines for each “right of way” moving violation and makes them (mostly) consistent across the board. And with this context, my hope is the committee lays a new foundation that will someday become a new standard for traffic violations and enforcement.

State law currently contains 18 right of way violations:

\$20 fine – 12

\$40 fine – 3

\$50 fine – 2

Criminal infraction with variable fine – 1

In 2019, this committee increased the penalty of running a stop / yield sign from \$20 to \$40. The bill sponsor originally sought a fine of \$100, but some felt that size of an increase was excessive.

Little discussion was made regarding other similar offenses. With the passage of HB 1327 in 2019, running a stop sign carries a \$40 fine while running a red light is only a \$20 citation. These are the modest inconsistencies HB 1325 hopes to address.

Could more be done to adjust the standard fine for moving and nonmoving traffic offenses? Presumably yes, and I know comprehensive adjustments would be met with broad support. And I offer my complete assistance should the committee choose to expand the scope of this bill.

HB 1325 is a modest adjustment that aligns similar violations with the penalties we enhanced four years ago. Experts and public safety professionals will speak to the human cost these violations — specifically, right of way violations — can have. And that, Mr. Chairman, is the underlying reason why I'm here today.

Thank you for your work, expertise, and creativity. I'm hopeful our discussion and subsequent efforts will be marked as a watershed moment in traffic safety... one that is celebrated and lauded over the next 50 years.

<b>Moving Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	
129	31	3	
<b>Nonmoving Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	
15	3	2	
<b>Other Noncriminal Traffic Violations</b>			
Fine: \$20	Greater than \$20	Less than \$20	Variable
2	5	3	2
<b>Criminal: Infractions</b>			
Fine: \$20	Greater than \$20	Less than \$20	Variable
12	2	2	7*
<b>B Misdemeanor</b>	<b>A Misdemeanor</b>	<b>C Felony</b>	
32	12	3	
*13 infractions with variable fines listed; 6 are criminal code citations and not limited to traffic offenses			