

TESTIMONY OF

Sergeant Wade Kadrmas

Good morning, Chairman Clemens and members of the Senate 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 1061, which was introduced as an agency bill. The NDHP submitted this bill to clarify who has the right of way at intersections with multiple stop signs, as well as provide guidance for when window damage is too severe for safe driving.

Section one of the bill was amended in the house that adjusted the initial language in the bill for subsection 2 of section 39-10-24 of the North Dakota Century Code. The patrol doesn't believe the current language adequately addresses which driver has the right of way at intersections with multiple stop signs. The current language in the bill only addresses intersections controlled by two stop signs. Devils Lake Municipal Court Judge Peter Hallbach offered language that will sufficiently address the stop sign concern. The patrol would like the committee to amend the bill with the language in the proposed amendment at the end of my testimony.

Section two of the bill was added as a late request to allow tinting material or nonreflective sun screening above the AS-1 line or within the top five inches of the windshield. Federal law allows for this area to be tinted darker than the rest of the windshield. Subsection 4 of section 39-21-39 of the North Dakota Century Code doesn't allow for this tinting because century code currently states that the windshield has to allow a light transmittance of at least seventy percent. We believe this is a good change for the citizens of North Dakota, to allow tinting on the top portion of the windshield. It also provides clear guidance to law enforcement on what is allowed. An example of the AS-1 line on a vehicle's windshield is included as photo three in my testimony.

Section three of the bill addresses damaged windows that impair a driver's view of the roadway. Currently under subsection 2 of section 39-21-46 of the North Dakota Century Code, an officer can stop a vehicle if the officer believes the damaged window is in such an unsafe condition that it endangers a person by impairing the view of a driver. The current penalty for this violation is an infraction which requires a court appearance with a potential fine of two hundred and fifty dollars. The new section being created provides guidance that the front or side windows may not be broken, shattered, or distorted to the extent it impairs the vision of the driver. A violation of this new section would be a \$20 fine, no points, and it would not require a court appearance unless requested by the driver. The House did remove the word "cracked" from the initial draft because they didn't want officers stopping a vehicle for a simple crack in the windshield that doesn't impair a driver's view. There are examples of damaged windows that impair a driver's view of the roadway

included as photo one and photo two in my testimony. These window conditions can also be distractions and reflect light from the sun, streetlights, and headlights in a way that hinder a driver's vision.

The NDHP was recently approached by Chief Robyn Krile, from the Lincoln Police Department, about a situation her department encountered regarding roundabouts (rotary traffic islands) and a recent North Dakota Supreme Court ruling, in the case City of Lincoln vs Schuler. Chief Krile is here today to provide testimony on this proposed amendment. The patrol does feel the amendment will provide clear guidance to drivers on when to use a turn signal while navigating a roundabout. In short, the requirement to use a turn signal was added to section 39-10-16 of the North Dakota Century Code relating to one-way roadways and rotary traffic islands. A violation of this section would be a twenty dollar fine and no points, similar to a violation of 39-10-38 for failing to use a turn signal when required. There was conflicting opinions from the District Court and ND Supreme Court on whether 39-10-38 applied to roundabouts because of the 100 foot requirement to signal prior to making the movement. This proposed amendment also updates paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records to ensure no points are assessed for this violation.

Thank you for your time and consideration of these proposed changes. I would be happy to answer any questions.





Photo 2



Photo 3

PROPOSED AMENDMENT TO House Bill No. 1061

Page 1, after line 5 insert, "**SECTION 1. AMENDMENT.** Paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit schedule - Suspension.

3. a. (16) Driving on wrong side of road in violation of section 39-10-08, 39-10-14, or subsections 1,2, or 3 of section 39-10-16, or equivalent ordinances 2 points

SECTION 2. AMENDMENT. Section 39-10-16 of the North Dakota Century Code is amended and reenacted as follows:

39-10-16. One-way roadways and rotary traffic islands (roundabout).

1. The director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
2. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
3. A vehicle passing around a rotary traffic island must be driven only to the right of such island.
4. After a vehicle enters a rotary traffic island it shall signal to the right its intentions to exit just prior to leaving the traffic island.

Page 1, line 6, after "**SECTION**" replace "**1**" with "**3**"

Page 1, line 17, after "roadways" replace "If more than one vehicle arrives at an intersection controlled by two or more stop signs, the driver of the vehicle that comes to a complete stop first has the right of way to proceed through the intersection when the intersection is clear. The next vehicle that stopped may proceed when the intersection is clear again." with "and shall also yield the right of way to any other vehicle previously stopped for another stop sign at the intersection."

Page 2, line 10, after "**SECTION**" replace "**2**" with "**4**"

Page 2, line 14, after "**SECTION**" replace "**3**" with "**5**"