

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2088

2001 SENATE TRANSPORTATION

SB 2088

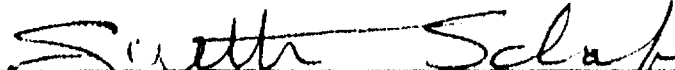
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2088

Senate Transportation Committee

Conference Committee

Hearing Date 1-18-01,1-25-01

Tape Number	Side A	Side B	Meter #
1		x	0-end
2	x		0-10.7
1-25-01	1	x	18.1-24.0
Committee Clerk Signature 			

Minutes:SB 2088 relates to fees for traffic offenses and to provide penalties.

Doyle Schulz: (Motor Carrier Operations Director/NDHP; Supports) See attached testimony.

Senator O'Connell: What's the difference between modified and unsafe vehicles?

Doyle Schulz: Modified is the little "Extras", little lights that glow, etc. and "Unsafe" is improperly working vehicles such as headlights not working.

Senator Mutch: In Section 2, you want \$250; what is this?

Doyle Schulz: It's the Hazardous Material section.

Doyle Schulz: Gives more examples of what is stated in his testimony relating to current laws on drivers and bonds.

Marv Scar: (President of PW Wiley in Fargo; Supports) States that his employees carry very little money and if they are stopped by a small town trooper, it is hard to get money there quickly. His load will set for maybe a day until they can post a bond and it is not profitable for him as a trucking company.

Page 2

Senate Transportation Committee

Bill/Resolution Number 2088

Hearing Date ~~1-25-01~~, 1-25-01

Hearing closed.

Committee meeting opened for SB 2088 on 1-25-01.

Doyle Schulz: (Director of Motor Carrier Operations for State Patrol) Gives background and summary of SB 2088. States bill does three things. It decriminalizes federal motor carrier regulations. It decriminalizes hazardous material regulations and also separates "modified" and "unsafe" motor vehicles- divides into subdivisions A & B.

Senator Stenchjem: Currently, if I have a vehicle with those extra lights underneath, it's illegal?

Doyle Schulz: Yes, according to current law.

Motion made by Senator Espegard for a "Do Pass". Seconded by Senator O'Connell. Roll call vote 6-0-0. Senator Trenbeath is floor carrier.

FISCAL NOTE
 Requested by Legislative Council
 04/26/2001

Bill/Resolution No.:

Amendment to: SB 2088

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill as amended will generate an additional \$1.1 million for the Common Schools Trust Fund.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The estimated increased amount is based upon averaging the fees paid within each speeding group, multiplied by total number of convictions for each speeding category. From January 1, 1999, through December 31, 2000, a total of \$1,431,851 was collected. An estimated \$2,553,819 will be collected during 2001-2003, based on the same number of convictions for speeding issued in speed zones greater than 70 mph. Based on this, we estimate an additional \$1,121,968 would be generated by this bill as amended.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Lynn Helbert	Agency:	NDDOT
Phone Number:	328-4352	Date Prepared:	04/26/2001

FISCAL NOTE
 Requested by Legislative Council
 04/23/2001

Bill/Resolution No.:

Amendment to: SB 2088

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

If the current amendment is passed, we are estimating additional revenue of \$33,500 per biennium, based on an average of speeding citations issued between January 1999 through December 2000. This total estimate represents both state and city revenue as there is no way of differentiating between speeding citations previously issued by either city or state.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

By using current statistics available for the period of January 1, 1999, through December 31, 2000, an estimated number of projected citations was used, then multiplied by the rate adjustment indicated on the amendment, to arrive at the \$33,500 estimate

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Lynn Helnerl	Agency:	NDDOT
Phone Number:	328-4352	Date Prepared:	04/23/2001

FISCAL NOTE
 Requested by Legislative Council
 04/20/2001

Bill/Resolution No.:

Amendment to: SB 2088

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The bill specifies violations of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. The fees listed follow a "Uniform Infraction Disposition Schedule" approved by the Council of Presiding Judges on April 15, 1999. This bill will not change the amount previously charged but will decriminalize the violations.

The Highway Patrol does not have adequate data to provide a fiscal note on the conference committee amendments. The Department of Transportation is the holder of those records.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

N/A

Name:	James M. Hughes	Agency:	Highway Patrol
Phone Number:	328-2455	Date Prepared:	04/20/2001

FISCAL NOTE

Requested by Legislative Council
12/14/2000

Bill/Resolution No.: SB 2088

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant your analysis.*

Section 2 and 3 of this bill specify fees for violations of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. The fees listed follow a "Uniform Infraction Disposition Schedule" approved by the Council of Presiding Judges on April 15, 1999. This bill will not change the amount previously charged but will decriminalize the violations.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

N/A

Name:	James M. Hughes	Agency:	Highway Patrol
Phone Number:	328-2455	Date Prepared:	12/21/2000

Date: 1-25-01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2088

Senate Transportation Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Espegard Seconded By O'Connell

Senators	Yes	No	Senators	Yes	No
1 Senator Stenehjem, Chairman	X		Senator Bercier	6	X
2 Senator Trenbeath, Vice-Chair	X		Senator O'Connell	5	X
4 Senator Espegard	X				
3 Senator Mutch	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Trenbeath

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 3:40 p.m.

Module No: SR-13-1658
Carrier: Tronbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2088: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the
Eleventh order on the calendar.

2001 HOUSE TRANSPORTATION

SB 2088

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2088

House Transportation Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
1		x	202
Committee Clerk Signature <i>Laurie L. Zide</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on SB 2088; A BILL for an Act to create and enact two new subsections to section 39-06.1-06 of the North Dakota Century Code, relating to fees for traffic offenses; to amend and reenact sections 39-06.1-05, 39-06.1-07, 39-06.1-09, and 30-06.1-10, subdivision g of subsection 2 of section 39-07-09, and subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code, relating to traffic offenses; and to provide penalties.

Doyle Schulz: I am Director of Motor Carrier Operations for the North Dakota Highway Patrol. I have a copy of my prepared remarks for each of you. A copy is attached. It explains the various sections of this bill. It is meant to decriminalize the Federal Motor Carrier Safety Regulations and Federal Hazardous Material Regulations.

Marv Skaar: I am the President of E W Wylie out of Fargo, ND. Also I am President of the North Dakota Motor Carriers Association. I am testifying for this bill primarily because of what it costs when our guys get stopped. Our guys have critical loads - - if we don't have law like this

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House Transportation Committee

Bill/Resolution Number SB 2088

Hearing Date March 15, 2001

we have to round up money -- we have round up money -- take time and talent and delay the loads to pay a fine that will simply be paid if the guy signs it and sends it in. We use -- a T - check to get emergency funds to our people -- in these small towns that is not easily done -- small town courthouses --they don't even know what a T - check is - - which is kind of like a guaranteed check -- but no everybody is familiar with them -- so a lot of time and money is spent in these situations. There are other states who are just like we are -- we had a guy in Chicago that had a 15 minute log violation and they didn't have a law like this either -- it was on Memorial Day weekend -- they put him the Cook County jail on Friday and he didn't get out until Monday for a 15 minute log violation -- the other part of this that he testified on that makes sense -- is when he signs the ticket and a guy doesn't pay they go right to the State that issued his drivers license and suspends his license --it is a very effective method of finding and getting the person who doesn't pay . As soon as he goes across the scales he gets a DOT check or whatever it is -- they check his drivers license -- if he isn't licensed the truck is stopped right there. Under the current system if there is warrant the guy gets a ??? warning and if he is from Alabama he is gone and will never be back here. I think it is more fair to our system and it is more fair to the trucking companies and it is more fair to the driver who is dealing with something he doesn't understand. Here the company just pays the bill and makes sure it is taken care of -- a lot simpler than tracking down money at 2 o'clock in the morning or 7 o'clock in the morning and paying the fine. I am in support of this bill.

Rep. Weisz - Chairman (868) if there is no other persons wishing to testify on SB 2088 either for or against the hearing is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2088 B

House Transportation Committee

Conference Committee

Hearing Date March 22, 2001

Tape Number	Side A	Side B	Meter #
1		x	1.732
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on SB 2088.

Following discussion that several years ago North Dakota did not ask for the exemptions from the federal requirements for agricultural vehicle drivers from the Medical card requirement when they drive ag vehicles of 26,000 pounds or greater whether or not you need a CDL license. The committee discussed an amendment for this purpose. This was prompted as the highway patrol has recently been stopping vehicles and enforcing the Medical card requirement. It is acknowledged there is a possibility that if the amendment is passed that the Feds will pull out \$500,000 of funds from the highway patrol funds.

Rep. Jensen: (2537) I move approval of the amendment. Rep. Mahoney: I second the motion.

Motion carried on a voice vote with 11 yeas 3 nays.

Page 2

House Transportation Committee

Bill/Resolution Number SB 2088

Hearing Date March 22, 2001

Rep. Weisz - Chairman presented for the committees consideration a series of amendments which essentially were the same provisions for increasing the fines for traffic violations but none of the speed limit increases. Most of these provisions except the speed failed in HB 1443. This was deemed not to bring 1443 back but only to get fines increased for violations. Discussion emphasized that this part of the proposed amendments to SB 2088 were to not be "pushed" to the limit detriment of the original Highway Patrol bill SB 2088 on the floor.

Rep. Jensen I move approval of these amendments. Rep. Mahoney: I second. On a voice vote

The motion carried 13 yeas 1 nays.

Rep. Hawken: (5503) I move a "Do Pass as Amended" for SB 2088.

Rep. Jensen: I second the motion.

On a roll call vote the motion carried 13 yeas 1 nay 0 absent.

Rep. Pollert - Vice Chairman was designated to carry SB 2088 on the floor.

Discussion ended (5675).

Date: 3/22
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2089

House Transportation Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Ha Seconded By Rep. Je

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt		✓
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Pollert

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2088: Transportation Committee (Rep. Welsz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, after "39-06.1-06" insert "and a new section to chapter 39-06.2"

Page 1, line 2, after "offenses" insert "and medical qualifications"

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:
- | Miles per hour over lawful speed limit | Fee |
|--|--|
| 1 - 5 | \$ 10 plus \$1/each mph over limit |
| 6 - 10 | \$ 15 plus \$2/each mph over 5 mph over limit |
| 11 - 15 | \$ 25 plus \$3/each mph over 10 mph over limit |
| <u>16 - 20</u> | <u>\$ 40 plus \$3/each mph over 15 mph over limit</u> |
| 16 <u>21 - 25</u> | <u>\$ 40</u> 60 plus \$3/each mph over 15 mph over limit |
| 26 - 35 | \$ 70 <u>90</u> plus \$3/each mph over 25 mph over limit |
| 36 + 45 | \$100 <u>120</u> plus \$5/each mph over 35 mph over limit |
| <u>46 +</u> | <u>\$170 plus \$5/each mph over 45 mph over limit"</u> |

Page 10, overstrike line 6

Page 10, line 7, overstrike "4" and insert immediately thereafter "2"

Page 10, line 8, overstrike "25" and insert immediately thereafter "20" and overstrike "7" and insert immediately thereafter "4"

Page 10, after line 8, insert:

"21 - 25 6"

Page 10, line 9, overstrike "10" and insert immediately thereafter "9"

Page 10, line 10, overstrike the plus sign and insert immediately thereafter "- 45"

Page 10, after line 10, insert:

"46 + 15"

Page 14, after line 25, insert:

"SECTION 8. A new section to chapter 39-06.2 of the North Dakota Century Code is created and enacted as follows:

REPORT OF STANDING COMMITTEE (410)
March 23, 2001 11:01 a.m.

Module No: HR-51-6522
Carrier: Pollert
Insert LC: 18056.0104 Title: .0200

Medical qualifications exemption. If a motor vehicle operator is operating a commercial motor vehicle and is not required to have a commercial driver's license, the motor vehicle operator is exempt from 49 CFR 391.41."

Renumber accordingly

2001 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2088

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2088

Senate Transportation Committee

Conference Committee

Hearing Date 4-12-01;4-16-01;4-19-01

Tape Number	Side A	Side B	Meter #
1	x		0.0-3.6
4-16	x		0.0-48.7
4-19	x		0.0-3.4
Committee Clerk Signature <i>Suzette Schafar</i>			

Minutes: SB 2088 Conference Committee was first heard on 4-12-01.

Senator O'Connell and Rep. Weisz each hand out proposed amendments.

Discussion held.

Senator Stenehjem requests the intern put together a graph with points.

Committee closed on 4-12-01.

Committee reopened on SB 2088 on 4-16-01.

The Intern's point comparison chart is handed out.

Discussion is held regarding all aspects and circumstances surrounding the points system.

Around the table discussion held involving all legislators.

A proposal for 2 categories to include 55 mph and less and over 55 mph is proposed.

Rep. Price motions to accept proposed amendment. Paragraph 34, page 9, proposed points go to 0,2,4,6,9,12,15, respectively on speed limits greater than 55 mph. Paragraph 30 & 31, proposed points go to 0,1,3,5,9,12,15, respectively on speed limits 55 mph or less. Rep. Weisz seconds.

Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2088

Hearing Date ~~4-12~~, 4-16

4-19-01

Rep. Weisz motions to withdraw the motion. Seconded by Rep. Weisz.

Senator Stenehjem requests amendments to be drafted.

Committee closed on 4-16-01.

Committee reopened on 4-19-01.

Rep. Weisz hands out proposed amendment #18056.0110.

Rep. Weisz: Basically, we are making one schedule for all speed limits except for the obvious such as construction zones. We have added the emergency clause and the liability for commercial vehicles is also in here.

Rep. Weisz motions to accept proposed amendments. Rep. Price seconds. Roll call taken. 5-0-1.

Senator O'Connell is absent.

Rep. Weisz motions to Do Pass as amended. Seconded by Senator Trenbeath. Roll call taken.

5-0-1. Floor carrier is Senator Trenbeath. Rep. Weisz on the House side.

Conference committee closed on SB 2088 on 4-19-01.

2001 SENATE STANDING COMMITTEE MINUTES

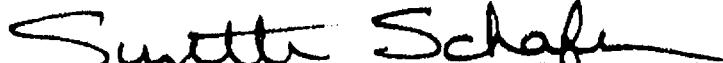
BILL/RESOLUTION NO. SB 2088

Senate Transportation Committee

Conference Committee (2)

Hearing Date 4-20-01

Tape Number	Side A	Side B	Meter #
1		x	0.0-1.6

Committee Clerk Signature 

Minutes: A new conference committee was appointed on 4-20-01 for SB 2088. The legislators appointed were Senators Stenehjem, Trenbeath, and O'Connell and Representatives Weisz, Price and Mahoney. Senator O'Connell was absent.

Senator Stenehjem handed out proposed amendment #18056.0111.

Rep. Mahoney motions to accept the proposed amendment. Seconded by Senator Trenbeath. Roll call taken. 5-0-1.

Rep. Mahoney motions to Do Pass as amended. Seconded by Rep. Weisz. Roll call taken. 5-0-1.

Floor carrier is Senator Trenbeath.

Conference committee closed.

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2088

Senate Transportation Committee

Conference Committee

Hearing Date 4-25-01

Tape Number	Side A	Side B	Meter #
I	x		0.0-6.6
Committee Clerk Signature <i>Suzetta Schafu</i>			

Minutes: SB 2088 was opened to conference committee on 4-25-01. All members were present:

Senators Stenehjem, Trenbeath, and O'Connell, and Reps. Weisz, Price, and Mahoney.

Senator Stenehjem hands out proposed amendments.

Tim Dawson: (Legislative Counsel) Explains the bill and answers questions regarding what the proposed amendment says.

Rep. Weisz motions to accept the proposed amendments. Seconded by Senator Trenbeath. Roll call taken. 6-0-0.

Rep. Mahoney motions to Do Pass as amended. Seconded by Senator Trenbeath. Roll call taken. 6-0-0. Floor carrier is Senator Trenbeath.

Conference committee closed.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, remove "create and enact two new subsections to section 39-06.1-06 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to fees for traffic offenses; to"

Page 1, line 3, after the first comma insert "39-06.1-06,"

Page 2, line 5, replace "A new subsection to section" with "Section"

Page 2, line 6, replace "created" with "amended" and replace "enacted" with "reenacted"

Page 2, after line 6, insert:

"39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.

3. ~~Except as provided in subsection 8 of section 39-06.1-06, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over lawful speed limit	Fee
1-5	\$ 5
6-10	\$ 5 plus \$1/each mph over 5 mph over limit
11-15	\$ 10 plus \$1/each mph over 10 mph over limit
16-20	\$ 15 plus \$2/each mph over 15 mph over limit
21-25	\$ 25 plus \$3/each mph over 20 mph over limit
26-35	\$ 40 plus \$3/each mph over 25 mph over limit
36-45	\$ 70 plus \$3/each mph over 35 mph over limit
46+	\$100 plus \$5/each mph over 45 mph over limit

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
5. 4. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. ~~Repealed by S.L. 1985, ch. 430, § 4.~~
7. 5. For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.

8. ~~On a highway on which the speed limit is a speed higher than fifty five miles (89.51 kilometers) an hour, for~~

6. For a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
16 - 20	\$ 40 plus \$3/each mph over 15 mph over limit
46 <u>21</u> - 25	\$ 40 <u>60</u> plus \$3/each mph over 15 mph over limit
26 - 35	\$ 70 <u>90</u> plus \$3/each mph over 25 mph over limit
36 + - <u>45</u>	\$ 100 <u>120</u> plus \$5/each mph over 35 mph over limit
<u>46</u> +	\$ <u>170</u> plus \$5/each mph over 45 mph over limit

9. 7. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.

8."

Page 2, replace lines 9 and 10 with:

"9."

Page 8, line 31, overstrike "paragraphs" and insert immediately thereafter "paragraph" and overstrike "and 34"

Page 9, after line 4, insert:

"11 - 15 mph over limit

2 points"

Page 9, line 5, overstrike "3" and insert immediately thereafter "4"

Page 9, line 6, overstrike "4" and insert immediately thereafter "6"

Page 9, line 7, overstrike "6" and insert immediately thereafter "9"

Page 9, line 8, overstrike "8" and insert immediately thereafter "12"

Page 9, line 9, overstrike "12" and insert immediately thereafter "15"

Page 9, line 27, overstrike "On a highway on which the"

Page 9, overstrike lines 28 through 31

Page 10, overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)"

Page 10, line 14, replace "~~(36)~~" with "(35)"

Page 10, line 18, replace "~~(37)~~" with "(36)"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 14, after line 29, insert:

"SECTION 8. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 11. EXPIRATION DATE. Section 8 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 12. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Re-number accordingly

4-16

Date:
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

Senate Transportation Conference Committee

Subcommittee on SB 2088
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to accept proposed amendment

Motion Made By Rep. Price Seconded By Rep. Weisz

Senators	Yes	No	Representatives	Yes	No
Senator Stenejem, Chairman			Rep. Weisz		
Senator Trenbeath			Rep. Price		
Senator O'Connell			Rep. Mahoney		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

** Paragraph 34, = P. 9 proposed 0, 24, 69, 12, 15 points goto on speed units (resp. ~~admit~~)*
** Paragraph 30 & 31, = 0, 1, 3, 5, 9, 12, 15 points 55mph higher than 55mph. or less than 55mph.*

Date: 4-14
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Conference Committee

Subcommittee on SB 2088
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken X Withdraw motion

Motion Made By Rep. Price Seconded By Rep. Welsz

Senators	Yes	No	Representatives	Yes	No
Senator Stenejem, Chairman			Rep. Welsz		
Senator Trenbeath			Rep. Price		
Senator O'Connell			Rep. Mahoney		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

4-19-01

Date:
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Conference Committee

Subcommittee on SB 2088

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to Accept ~~Proposed~~ Proposed amendments

Motion Made By Rep. Weisz Seconded By Rep. Price

Senators	Yes	No	Representatives	Yes	No
Senator Stenhjem, Chairman	X		Rep. Weisz	X	
Senator Trenbeath	X		Rep. Price	X	
Senator O'Connell			Rep. Mahoney	X	

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [38.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
16 - 20	\$ 40 plus \$3/each mph over 15 mph over limit
16 21 - 25	\$ 40 60 plus \$3/each mph over 15 mph over limit
26 - 35	\$ 70 90 plus \$3/each mph over 25 mph over limit
36 + - 45	\$ 100 120 plus \$5/each mph over 35 mph over limit
46 +	\$170 plus \$5/each mph over 45 mph over limit"

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1" and insert immediately thereafter "0"

Page 9, line 17, overstrike "2" and insert immediately thereafter "1"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

"SECTION 8. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 11. EXPIRATION DATE. Section 8 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 12. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2
Roll Call Vote #: 4-19-01

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Conference Committee

Subcommittee on SB 2088

or

Conference Committee

Legislative Council Amendment Number 18056.0110

Action Taken Do Pass as Amended

Motion Made By Rep. Weisz Seconded By Sen. Trenbeath

Senators	Yes	No	Representatives	Yes	No
Senator Stenejem, Chairman	X		Rep. Weisz	X	
Senator Trenbeath	X		Rep. Price	X	
Senator O'Connell			Rep. Mahoney	X	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Trenbeath

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE

SB 2088: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Welsz, Price, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
16 - 20	\$ 40 plus \$3/each mph over 15 mph over limit
46 21 - 25	\$ 40 60 plus \$3/each mph over 15 mph over limit
26 - 35	\$ 70 90 plus \$3/each mph over 25 mph over limit
36 + - 45	\$ 100 120 plus \$5/each mph over 35 mph over limit
46 +	\$170 plus \$5/each mph over 45 mph over limit

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

"SECTION 9. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04; ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 12. EXPIRATION DATE. Section 9 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
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11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
<u>16 - 20</u>	<u>\$ 40 plus \$3/each mph over 15 mph over limit</u>
16 <u>21 - 25</u>	\$ 40 <u>55</u> plus \$3/each mph over 15 <u>20</u> mph over limit
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 + 45	\$100 <u>120</u> plus \$5/each mph over 35 mph over limit
<u>46 +</u>	<u>\$170 plus \$5/each mph over 45 mph over limit</u>

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

"SECTION 9. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 12. EXPIRATION DATE. Section 9 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 4-20
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.

Senate Transportation Committee

Subcommittee on SB 2088

or
 Conference Committee

Legislative Council Amendment Number 18056.0111

Action Taken Accept Proposed Amendment

Motion Made By Mahoney Seconded By Treaheath

Senators	Yes	No	Representatives	Yes	No
sen. Stenehjem	X		Rep. Wells	X	
sen. Treabearth	X		Rep. Price	X	
sen. O'Connell			Rep. Mahoney	X	

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4-20
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.

Senate Transportation Committee

Subcommittee on SB 2088

or
 Conference Committee

Legislative Council Amendment Number 18056.0111

Action Taken Do Pass as Amended

Motion Made By Rep. Mahoney Seconded By Rep. Weisz

Senators	Yes	No	Representatives	Yes	No
<u>Stenehjem</u>	<u>X</u>		<u>Rep Weisz</u>	<u>X</u>	
<u>Trenbeath</u>	<u>X</u>		<u>Rep Price</u>	<u>X</u>	
<u>O'Connell</u>			<u>Rep Mahoney</u>	<u>X</u>	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Trenbeath/Weisz

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE

SB 2088: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Welsz, Price, Mahoney) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
16 - 20	\$ 40 plus \$3/each mph over 15 mph over limit
46 21 - 25	\$ 40 55 plus \$3/each mph over 45 20 mph over limit
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 + - 45	\$ 400 120 plus \$5/each mph over 35 mph over limit
46 +	\$170 plus \$5/each mph over 45 mph over limit"

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

"SECTION 9. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04; ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 12. EXPIRATION DATE. Section 9 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

4-25

Date:
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Committee

Subcommittee on SB 2088

or
 Conference Committee

Legislative Council Amendment Number 18

Action Taken ^{motions to} accept proposed amendment

Motion Made By Weiss Seconded By Trenbeath

Senators	Yes	No	Representatives	Yes	No
Sen. Stenejem	X		Rep. Weiss	X	
Sen. Trenbeath	X		Rep. Price	X	
Sen. O'Connell	X		Rep. Mahoney	X	

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, remove "create and enact two new subsections to section 39-06.1-06 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to fees for traffic offenses; to"

Page 1, line 3, after the first comma insert "39-06.1-06,"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, line 5, replace "A new subsection to section" with "Section"

Page 2, line 6, replace "created" with "amended", replace "enacted" with "reenacted", and after the colon insert:

"39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.
3. Except as provided in ~~subsection 8~~ subsections 7 and 11 of this section ~~39-06.1-06~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit

21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. ~~Repealed by S.L. 1985, ch. 430, § 4.~~
7. For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.
8. ~~7.~~ On ~~Except as provided in subsection 11, on a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
<u>16 - 20</u>	<u>\$ 40 plus \$3/each mph over 15 mph over limit</u>
16 <u>21 - 25</u>	\$ 40 <u>55 plus \$3/each mph over 45 20 mph over limit</u>
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 + 45	\$100 <u>120 plus \$5/each mph over 35 mph over limit</u>
<u>46 +</u>	<u>\$170 plus \$5/each mph over 45 mph over limit</u>

9. ~~8.~~ For a violation of section 39-21-41.4, a fee not to exceed twenty dollars."

Page 2, line 7, replace "For" with "9. For"

Page 2, remove lines 9 and 10

Page 2, line 11, replace "For" with "10. For"

Page 2, after line 24, insert:

- "11. On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, for a violation of 39-09-02, or equivalent ordinance, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
<u>1 - 5</u>	<u>\$ 20</u>
<u>6 - 10</u>	<u>\$ 40</u>
<u>11 - 15</u>	<u>\$ 60</u>
<u>16 - 20</u>	<u>\$ 80</u>
<u>21 - 25</u>	<u>\$100</u>
<u>26 - 30</u>	<u>\$125</u>
<u>31 - 35</u>	<u>\$150</u>
<u>36 +</u>	<u>\$150 plus \$5/each mph over 35 mph over limit"</u>

Page 8, line 31, overstrike "paragraphs 31 and 34" and insert immediately thereafter "paragraph 33" and remove the overstrike over "~~of this~~"

Page 9, line 1, remove the overstrike over "~~subdivision~~"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, line 27, overstrike "(34)" and insert immediately thereafter "(33)"

Page 9, line 28, overstrike "a speed higher"

Page 9, line 29, overstrike "than fifty-five miles [88.51" and insert immediately thereafter "posted in excess of seventy miles [112.65"

Page 10, after line 5, insert:

"1 - 5 0"

Page 10, line 7, overstrike "4" and insert immediately thereafter "2"

Page 10, line 8, overstrike "25" and insert immediately thereafter "20" and overstrike "7" and insert immediately thereafter "5"

Page 10, after line 8, insert:

"21 - 25 7"

Page 10, line 9, overstrike "35" and insert immediately thereafter "30"

Page 10, after line 9, insert:

"31 - 35 12"

Page 10, line 10, overstrike "12" and insert immediately thereafter "15"

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(34)"

Page 10, line 14, replace "(36)" with "(35)"

Page 10, line 18, replace "(37)" with "(36)"

Page 14, after line 29, insert:

"SECTION 7. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 10. EXPIRATION DATE. Section 7 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

Date: 4-25
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.

Senate Transportation Committee

Subcommittee on SB 2088

or
 Conference Committee

Legislative Council Amendment Number 18056.0112

Action Taken Accept ~~Proposed~~ Do Pass as Amended

Motion Made By Mahoney Seconded By Tienbeath

Senators	Yes	No	Representatives	Yes	No
Sen. Stenehewer	X		Rep. Weisz	X	
Sen. Tienbeath	X		Rep. Price	X	
Sen. O'Connell	X		Rep. Mahoney	X	

Total (Yes) _____ No _____

Absent _____

Floor Assignment Tienbeath

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE

SB 2088: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Welsz, Price, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, remove "create and enact two new subsections to section 39-06.1-06 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to fees for traffic offenses; to"

Page 1, line 3, after the first comma insert "39-06.1-06,"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, line 5, replace "A new subsection to section" with "**AMENDMENT.** Section"

Page 2, line 6, replace "created" with "amended", replace "enacted" with "reenacted", and after the colon insert:

"39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.
3. Except as provided in ~~subsection 8~~ subsections 7 and 11 of ~~this section 39-06.1-06~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit

26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. ~~Repealed by S.L. 1985, ch. 430, § 4.~~
- ~~7.~~ For a violation of any traffic parking regulations, except a violation of subsection 10 of section 39-01-15, on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.
- ~~8.~~ 7. ~~On~~ Except as provided in subsection 11, on a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

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46 +	<u>\$170 plus \$5/each mph over 45 mph over limit</u>

- ~~9.~~ 8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars."

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Page 2, remove lines 9 and 10

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Page 2, after line 24, insert:

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SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2088

Senate Bill 2088

Presented by

Mr. Doyle Schulz, Motor Carrier Operations Director/NDHP

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

The purpose of Senate Bill 2088 is to decriminalize the Federal Motor Carrier Safety Regulations and the Federal Hazardous Material Regulations which were adopted October 1, 1983. It also would clarify the difference between a modified and an unsafe vehicle.

Effective October 1, 1983, the North Dakota Highway Patrol, under general authority of section 28-32-02 of the North Dakota Century Code, adopted certain parts of the Federal Motor Carrier Safety Regulations. These regulations were adopted by reference rather than duplicating the federal regulations to ensure that any time there was a change on the federal level our rules would be current. The regulations were adopted through the administrative rule process and are part of the North Dakota Administrative Code, Article 38-03 (Hazardous Materials) and Article 38-04 (Motor Carrier Safety Regulations).

In 1987, section 39-21-46 of the North Dakota Century Code was amended to give the Highway Patrol the authority to adopt the necessary rules concerning the safe operation of motor vehicles and when and how motor carrier audits or inspections will be conducted. Section 39-21-44 directs the superintendent of the Highway Patrol to adopt rules for the safe transportation of hazardous materials; in both sections, it requires these rules shall duplicate or be consistent with current regulations of the United States Department of Transportation.

The placement of the authority to adopt these rules in NDCC 39-21-44 and 39-21-46 was determined to be an infraction if violated and this has caused many problems for enforcement, adjudication in the courts, disposition of drivers license, correct evaluations of motor carrier profiles, and the motor carrier industry in general.

Currently if these regulations are violated, the trooper must require the driver to post a bond prior to being released. This means transport to the nearest court or jail, or if the judge approves, release on a promise to appear. This action may delay the driver for hours. If the driver fails to appear in court, the case cannot be adjudicated and a warrant for his arrest is issued. Without a conviction, the drivers license division cannot take any action and neither the driver's record nor his carrier's profile will indicate a violation. We believe this process is unnecessary to achieve the goals of reducing commercial motor vehicle crashes and may actually hinder our efforts.

If this bill is enacted, it would allow the trooper to issue a traffic citation and the driver to mail in his bond; it would not require an appearance in court. If the driver failed to either post the bond or appear in court, it would be entered as a conviction and sent to the driver's license division. Based on the driver's license compact, his state of license would suspend his driving privileges until such time as he posts the bond or appears. This bill will also set a uniform fee schedule for violations, which has been difficult to institute.

In summary, this bill does three things:

- First, decriminalizes Hazardous Material Regulations. This is done in sections 1, 2, and 6. It removes it from the list of criminal violations, lists fees for violations, and assesses two points for violations.
- Second, decriminalizes Federal Motor Carrier Safety Regulations. This is done in sections 3, 4, 5, 6, and 9. It lists fees for violations, allows separate notification form, lists FMCSRs as non-moving violations, assesses no points for violation, and identifies FMCSRs as non-criminal and indicates where the fees for violation are found.
- Third, clarifies the difference between a modified and unsafe vehicle. This is done in sections 5, 6, 7, and 8. It removes unsafe vehicle as a moving violation, keeps the same points for unsafe vehicle, adds unsafe vehicle to the list of offenses under which a person halted may not be entitled to release upon promise to appear, and separates 39-21-46 subsection 1 into subdivision 1.a. modified vehicle, non-criminal and 1.b. unsafe vehicle, infraction.

This bill has the approval of the council of presiding judges, the state's attorneys association, and the North Dakota Motor Carriers Association.

4-16-01

POINT SYSTEM

MPH OVER SPEED LIMIT	CITIES	HIGHWAYS	INTERSTATE/ 65
		55	MPH 4 LANES
6-10	1	0	1 0
11-15	2	0	4 2
16-20	3	3	7 4
21-25	4	4	7 6
26-35	6	6	10 9
36-45	8	8	12 12
46 and over	12	12	12 15

* How e. passed
for this
category