2019 HOUSE TRANSPORTATION COMMITTEE

HB 1327

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1327
1/18/2019
31062

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the fee for failure to stop at a stop sign; and to provide a penalty.

Minutes:

Chairman Ruby opened the hearing on HB 1327.

Chairman Ruby: The prime sponsor is not here.

The bill does not affect the headlamps, it is just the stop signs and yields signs, the same two sections.

There was no one else to speak in support of the bill.

There was no one to speak in opposition to the bill.

The hearing was closed on HB 1327.

Chairman Ruby: This is similar to the bill that we just voted as a DO NOT PASS.

Representative Owens made a motion to amend P. 2 line 4. Replace $100 with $40.
Representative Paulson seconded the motion.

A voice vote was taken. The motion carried.

Representative Kading moved a DO PASS as amended on HB 1327.
Representative Jones seconded the motion.

A roll call vote was taken: Aye 7 Nay 4 Absent 3
The motion carried.

Representative Jones will carry HB 1327.

DP 1/18/19

19.0715.01001
Title.02000

Adopted by the Transportation Committee

January 18, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 2, line 4, replace "one hundred" with "forty"

Renumber accordingly

Date: 1-18-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1327

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0715.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Owens Seconded By Paulson

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY			REP LAURIEBETH HAGER		
VICE CHAIR BECKER			REP KARLA ROSE HANSON		
REP JIM GRUENEICH			REP MARVIN NELSON		
REP TERRY JONES					
REP TOM KADING					
REP EMILY O'BRIEN					
REP MARK OWENS					
REP BOB PAULSON					
REP GARY PAUR					
REP ROBIN WEISZ					
REP GREG WESTLIND					

Voice vote carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Change $100 to $40

Date: 1-18-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1327

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0715.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Kading Seconded By Jones

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER		X
VICE CHAIR BECKER		X	REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	A		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS		X			
REP BOB PAULSON	X				
REP GARY PAUR	A				
REP ROBIN WEISZ	A				
REP GREG WESTLIND		X			

Total (Yes) 7 No 4

Absent 3

Floor Assignment Jones

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

REPORT OF STANDING COMMITTEE

HB 1327: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 2, line 4, replace "one hundred" with "forty"

Renumber accordingly

2019 SENATE TRANSPORTATION

HB 1327

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1327
2/28/2019
33015

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to the fee for failure to stop at a stop sign; and to provide a penalty.

Minutes: 1 Attachment

Chairman Rust: Opened hearing on HB 1327.

Representative Gary Paur, District 19: Please see **Attachment #1** for testimony and other information.

Chairman Rust: Since the House decided to lower it from your original intent of $100 to $40, I'm assuming they thought $100 was too high. So let's suppose we went back to $100 and we lost the bill completely. Would you rather have the fine go to $40 or lose it altogether?

Representative Paur: I think I'd rather have it go to $100. You know, compared to the other fines I think that would be very well within line and failure to stop is serious enough. You can do what you like and I'll be happy with it, but I don't $40 is much more of a deterrent than $20 actually. I don't know if $100 is, but it's more than $20, I'm sure of that.

Chairman Rust: (Shared personal story) I think it's a pretty serious offense to run those red lights, I really do. I'd like to see the fine go up, but I'd like not to see the bill go down either.

Senator Clemens: Do you feel that part of the reason they lowered the fee to $40 was out of fear that it wouldn't pass at $100?

Representative Paur: I don't know, there's a great reluctance to raise any of the fines. There was another bill which raised, doubled most of them; just about all of them. Which would have been $40 for this one. I don't think that one passed. That one came from in the committee. Like I said, I wasn't there, so I really don't know the discussion outside of that there would be a reluctance to raise the fines at all. Except I think in this case it might be justified, that's a long time ago that it was set at $20.

Senator Bakke: Have you talked to law enforcement about this and are they supportive of this increase?

Representative Paur: Yes, they've mentioned to me several times, not specifically the dollar amount. I did speak to the highway patrol on it, and of course it was fine with them. One of my local sheriffs is who I'm quoting when he said he's had people laugh at him when he's told them what the fine was.

Jeff Solemsaas: In my 27 years of experience in law enforcement experience I can say that it is a pretty frequent occurrence, to have someone laugh at you. I did testify on the House side about this bill and I used the example of a person that I stopped a couple of years ago for running a red light. His rationale to me was, "if I run 20 red lights and I get caught one time it's cost me $1 per red light," and he said "I will never stop for a red light. I have too many things to do, it's not worth it for me to stop. It's worth the risk of getting stopped and getting a $20 fine." To answer your question about the point system, I have yet to see a driver that cares about accumulating the sufficient number of points to lose their license. Our agency writes over 3000 driving under suspension citations a year. The issue then becomes, a person accumulates so many points from traffic violations they have their license become suspended, they can't get insurance, now they become involved in an accident and the other person is left holding the bag for all the damages the have been incurred from that accident or that collision. That's a big frustration for a lot of people. In reading this bill I say that it probably doesn't go far enough. It addresses stop signs only and certain other violations. I feel that all moving violations should have a higher penalty to provide some form of deterrent effect for drivers. Again, I will say that from personal experience most drivers don't care about what the fines are, it's not a problem for them. They can pay the fine and they'll move on, not an issue.

Chairman Rust: Did you say what you do right now?

Lt. Solemsaas: I'm a Lieutenant in a local police department. Commander of the Traffic Section.

Chairman Rust: Bismarck?

Lt. Solemsaas: Yes, sir.

Senator Bakke: The movement to $40, do you think that is going to be enough of a deterrent?

Lt. Solemsaas: My personal opinion is no, it is not. I don't know that $100 is palatable for people, I maybe would suggest splitting the difference to a $50 fine. Personal opinion there.

Chairman Rust: Didn't we just pass a bill, maybe it's going through the House; that would allow cities to levy a different amount of penalty than what the state penalty is? I believe right now cities cannot levy a penalty greater than the states.

Lt. Solemsaas: That is correct, that bill did originate in the Senate, it is now in the House.

Senator Bakke: I remember that was a request of Grand Forks law enforcement, that they be given the opportunity to do that. So this would only apply to the Highway Patrol? This wouldn't apply in cities?

Lt. Solemsaas: My understanding would be, if it was adopted by the legislature then the cities could also adopt that same. Under the current home rule charter, we cannot go above what the state has dictated as the penalties.

Senator Fors: Who benefits from the fines?

Lt. Solemsaas: The fines that we right go directly into the city's general fund. They do not go directly to the police department.

Chairman Rust: What about fines if I blow a stop sign out in the country? Those go into the common schools trust fund?

Lt. Solemsaas: If my memory is correct, I think that goes into the common schools trust fund.

Chairman Rust: Those fines I think get distributed back out to schools, if I remember right. That's the way it used to be, I don't remember if we changed that or not.

Senator Bakke: Didn't we have a study that was going to look at fees? Was that just fees for the Department of Transportation or would it be looking at these as well?

Chairman Rust: I believe that there is a resolution, because I think that I'm signing onto it; to study fees.

Senator Bakke: Would these be included?

Chairman Rust: I would think so, yes. I would think so.

Senator Clemens: How does the point system work? Is that kind of prorated in accordance with the amount of the fee or what points would follow if we went to $100?

Lt. Solemsaas: The point system is based on the severity of that offense. For example, a moving violation is normally 2-points, care required I believe is 2-points, leaving the scene of an accident for example is I think 14-points, a DUI is I think 14 or 16-points. I can't remember the point system off the top of my head, I apologize.

Senator Clemens: So going from $20 to $100 won't affect the points on a stop sign violation?

Lt. Solemsaas: That is correct, it would not affect the point system.

Senator Bakke: How many points do you have to have before you lose your license?

Lt. Solemsaas: Currently when you accumulate 12 or more points your license is suspended for a period of time.

Chairman Rust: Closed hearing on HB 1327

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB1327
3/1/2019
33060

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to the fee for failure to stop at a stop sign; and to provide a penalty.

Minutes: No Attachments

Senator Bakke: I think we leave it at $40. Because now didn't we pass something that said if the cities wanted to do higher they could?

Chairman Rust: It got through the Senate, it's still in the House, it has not gotten through the House.

Senator Bakke: I think $40 is plenty at this point. Didn't we also put that study forward that they study the fees? So there's a couple of ways this could change at another time.

Chairman Rust: Yes, that's true.

Senator Bakke: I move a **Do Pass**.

Senator Patten: I **Second** the motion.

Roll Call Vote Taken:
6-0-0 Do Pass
Carrier: Dwyer

Date: 3/1/2019
Roll Call Vote #1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO: HB 1327

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Bakke Seconded By Senator Patten

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Dwyer

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

REPORT OF STANDING COMMITTEE

HB 1327, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1327

Transportation Committee
February 28, 2019 2:00 pm
HB 1327

Mr. Chairman and members of the Transportation Committee. For the record I am Representative Gary Paur from District 19 which encompasses a good part of Grand Forks and Walsh counties. I am here to ask you to raise the penalty for failure to stop from $20 to $100 which more closely, but not completely, aligns with the original intent of the penalty.

The fine of $20 was adopted in 1973 and, according to the Federal Reserve Bank of St. Paul, that fine would be the equivalent of $112.86 in 2018 dollars. This bill, while not matching the original intent, would at least bring it closer in alignment to the original fine and intent.

For comparison with some current penalties:

- Texting - $100 fine
- Passing on the right - $100
- Failure to maintain control - $100
- Exceeding width, height or length restrictions - $100
- Fraudulent vehicle registration - $100
- Entering a closed road - $100
- Littering - $500
- Failure to stop for a school bus - $100
- Registered owner of a vehicle which does not stop for a school bus even though not driving $100
- No liability insurance - $150 for a first violation and $300 for subsequent in three years

Some of these fines are for serious offenses but also some do not incur the risk to public safety which failure to stop provides.

The negligible fine for failure to stop is a point of irritation for many police officers and I have even been told that out of state individuals have laughed when told of the penalty. One of the troubles with having such low penalties is that out of state individuals are not subject to our point system and consequently do not incur those additional penalties.

I thank this esteemed committee and will stand for any questions.

crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

39-10-20. Restricted access.

No person may drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

39-10-21. Restrictions on use of controlled-access roadway.

The director may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

The director or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway on which such prohibitions are applicable and when in place no person may disobey the restrictions stated on such devices.

39-10-21.1. Closing road because of hazardous conditions - Posting of official traffic-control devices - Entering closed road prohibited.

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry.

39-10-22. Vehicle approaching or entering intersection.

1. If a vehicle approaches or enters an intersection that does not have an official traffic-control device and another vehicle approaches or enters from a different highway at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. If the intersection is T-shaped and does not have an official traffic-control device, the driver of the vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.
2. If a vehicle approaches an intersection that has traffic-control signals that usually exhibit different colored lights and the signals are not lit, the driver of the vehicle shall stop and yield as required under subsection 2 of section 39-10-24.
3. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

39-10-22.1. Entering freeways - Right of way.

A vehicle entering a freeway, as defined in section 24-01-01.1, from an acceleration lane, ramp, or any other approach road shall yield the right of way to a vehicle on the main roadway entering the merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.

39-10-23. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

39-10-24. Stop signs and yield signs.

1. Preferential right of way may be indicated by stop signs or yield signs as authorized in section 39-07-03.

2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision is deemed prima facie evidence of the driver's failure to yield the right of way.

39-10-25. Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
3. If a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the vehicle is displaying a flashing, revolving, or rotating amber or white light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
4. This section does not operate to relieve the driver of an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the

39-10-43. Certain vehicles must stop at all railroad grade crossings.

1. The driver of a bus carrying passengers, or of any schoolbus, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and may not proceed until the driver can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver may not manually shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal must be considered a police officer.
3. No stop need be made at a crossing that the director has designated as an out-of-service crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. The designation must be limited to use at crossings where track has been abandoned or its use discontinued.
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
6. All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

39-10-44. Stop signs and yield signs.

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in section 39-07-03.
2. Every stop sign and every yield sign must be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
4. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

39-10-45. Emerging from alley, driveway, private road, or building.

The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residence district shall stop such vehicle immediately prior to driving onto a