

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1266

2001 HOUSE TRANSPORTATION

HB 1266

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1266

House Transportation Committee

☐ Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
2	x		22
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1266; A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code; relating to leaving the scene of an accident; and to provide a penalty.

Rep: Aarsvold: I represent district 20. I appear as the prime sponsor of HB 1266. A copy of his prepared written remarks are attached.

Rep. Wald: I represent District 37. I wholeheartedly support the bill, -- HB 1266 -- Rep. Aarsvold asked me to sign on this and I gladly did so. You may recall a couple of years ago, right here in the city of Bismarck there was a young man who doing right around 75 - 80 mph coming down the street by the Post Office. He hit a young lady broadside at the intersection and killed her right on the spot. I think we were in session when that happened. I don't know what kind of sentence he got but I believe it was a manslaughter. And this would change that situation. I can't add anything further than the testimony you will hear. If you look at the bill it will simply makes it a Class B felony which is more serious offense than a class C.

Rep. Nottestad: I represent the 43rd District. Legislation of this type will create a situation where a problem can solve in advance rather than look at the ramifications of a death. Leaving the scene of an accident where someone was killed -- needs to have ramifications greater than just leaving the scene. That's the reason I signed onto this bill. I thoroughly support the bill.

Rep. Aarsvold: I have spoken with Mr. Lee Erickson, - I believe --I don't know what his title is --maybe he is the Executive Secretary of SADD. He couldn't be here to talk to you but he is in favor and supports this bill. With that Mr. Chairman, I want to introduce the grandparents of young Dane Rempfer who was involved in the tragic accident in Washington. Mr. And Mrs. Floyd Erickson of Galesburg, North Dakota and now Fargo. Also with them is the young Aunt of Dane, Polly Ramstad also of Fargo.

Polly Ramstad: She shared her thoughts and feelings of that experience with the committee. She spoke from her prepared remarks -- a copy of which is attached.

Rep. Mahoney: (561) Before we hear Ms. Ramstads testimony may we ask you a question?

Under current law, in circumstances like this you can also prosecute a person for negligent homicide or manslaughter, I was just wondering and I believe manslaughter is a class B felony -- is there prosecution like that in the case we're talking about or is this a quicker way to try to --

Rep. Aarsvold: The question is appropriate -- if you go the packet of materials I and also prepared for you -- I guess it articulates the series of events that followed the particular events in Washington. I also have some other materials from the sentencing hearing of this gentleman involved in the accident. I have additional materials I will give the committee as you please. There were numerous charges brought in this matter but the final penalty involved six months in jail and some minimal community service and evaluation for alcohol and drug abuse.

Sen. Stan Lyson: (1499) I am senator from District 1 in Williston. Before I became a senator as most of you know I was a Sheriff in Williams County. I sympathize with the witness who was up here before me. I would like to have you think about an accident similar to this and how terrible it is. As a sheriff I went through several of these. Where as a sheriff I went to the home to pick up the parents and took them to the hospital. I checked in with the emergency room and reported back to them to tell them how their children were doing. Then when we went to court and sat with them again in the court room. I would try to explain that this is the law that is all that you can get. Anybody who injures somebody in an accident and doesn't stop is probably causing that persons death by not rendering aid. This bill I believe will remedy this in North Dakota. I certainly do have to ask for a 'Do Pass'.

Pat Heinert: I represent the North Dakota Peace Officers Association. We are here just say that we support this bill.

Paul Hendrickson - I am a sheriff and I am president of the Sheriff's and Deputies Association for the state. We are definitely in support of this bill.

Rep. Aarsvold: There is one more handouts which I got from the North Dakota Highway Patrol. It shows the hit and runs in North Dakota. A copy is attached.

Rep. Welsz - Chairman (1818) There being no one else wishing to testify on HB 1266 either for or against, the hearing is closed. In committee action immediately following the testimony.

Rep. Mahoney moved a 'Do Pass' for HB 1266.

Rep. Ruby: I second the motion.

On a Roll call vote, the motion carried 13 yeas 0 nays and 1 absent.

Rep. Price was designated to carry HB 1266 on the floor. (1813)

Date: 1/26/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1266

House Transportation Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Mahoney Seconded By Rep. Ruby

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	A	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Price

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2001 12:39 p.m.

Module No: HR-14-1722
Carrier: Price
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1266: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1266 was placed on the
Eleventh order on the calendar.

2001 SENATE TRANSPORTATION

HB 1266

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1266

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-8-01

Tape Number	Side A	Side B	Meter #
1		x	13.6-30.7
2	x		21.9-27.7
Committee Clerk Signature <i>Suzanne Schaber</i>			

Minutes: **HB 1266** relates to leaving the scene of an accident; and to provide a penalty.

Rep. Ole Aarsvold : (District 20; Supports) See attached testimony.

Senator Stan Lyson: (District 1; Supports) I was a sheriff for many years and dealt with families of victims of accidents. You continue to let the victim's families know what is going on with the investigation. The laws of ND are embarrassing. They are too lenient on leaving the scene of an accident on hit and runs.

Rep. Nottestad: (District 43; Supports) We must take responsibility for our actions. There is no excuse for some one to leave the scene of an accident to avoid getting a DUI. I support this wholeheartedly.

Paulie Ramsted: (Supports) Her nephew, Dane Rempfer, is the 15 year old who was killed in a hit and run referred to in Re. Aarsvold's testimony. She explains the exact circumstances surrounding her nephew's death. She reads the statement by her sister (Charlotte Rempfer, the

Page 2

Senate Transportation Committee

Bill/Resolution Number HB 1266

Hearing Date 3-8-01

victim's mother) which Charlotte wrote and read to the court at the hearing of the man who killed her son. The man only received six months of jail and six months of community service.

Pat Helnert: (NDPOA; Supports) Supports this bill.

Hearing closed.

Committee reopened on 3-8-01.

Discussion held. Senator Trenbeath motions to Do Pass. Seconded by Senator Espegard. Roll call taken. 3-3-0. Failed.

Senator Trenbeath motions to Do Pass. Seconded by Senator Espegard. Roll call taken.

5-1-0. Floor carrier is Senator Trenbeath.

Committee closed.

3.8

126b

Committee

or

Legislative Council Amendment Number

Do Pass

Trenbath

Espigard

Total (Yes) 3 No 3

Q

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

intent: **FAILED**

Roll Call Vote #:

3-8

2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1-10

1266

Senate Transportation

Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Trenbeath

Seconded
By

Esperando

[illegible]

Total (Yes)

5

No

1

Absent

0

Floor Assignment

Tuesbeath

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 3:01 p.m.

Module No: SR-40-5144
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1266: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1266

TESTIMONY ON HOUSE BILL 1266
PREPARED FOR HOUSE TRANSPORTATION COMMITTEE
BY REPRESENTATIVE OLE AARSVOLD - DISTRICT 20
JANUARY 26, 2001

The need for the statutory change recommended in HB 1266 was demonstrated to me so very tragically by the hit and run death of a constituent's grandson in Washington state. Dane Rempfer, 15 years old, was struck by a driver who left the scene of the accident and who two days later went to the authorities to report the incident. Washington law, which was very much like the law we have currently in North Dakota, led to a sentence imposed on the driver of six months in jail and community service. This, even though testimony revealed that the accused had been drinking alcohol continuously for as many as nine hours prior to the violation, was driving at least as fast as 65 mph in a 35 mph zone and crossed the center line to strike

young Dane, who was walking on the left-hand side of the road. Beyond that, the accused was driving under a suspended license, had a history of speeding violations, and was driving a vehicle without the owner's consent. There is substantial reason to believe that the accused left the accident scene to avoid charges that would have resulted in more serious charges than the hit and run penalty. I have been made aware of similar events in North Dakota whereby a driver leaves the scene of an accident knowing that he faced more serious DUI charges if he remained. By leaving the scene, the blood alcohol evidence is no longer available for use by the prosecution.

HB 1266 generally mimics what the state legislature of Washington did when confronted with Dane Rempfer's case.

HB 1266 would make a hit and run that resulted in death a class B felony. Currently, the charge would be a class C felony, the same as a hit and run involving injury. This added penalty would mean a maximum of 10 years confinement and \$10,000 fine. The present penalty for the class C felony is five years confinement and \$5,000 fine.

I solicit the committee's support of HB 1266.

February 22, 2000
Information Packet

The Rempfer Bill, Senate Bill 6071

"Having a child killed is a parent's worst possible nightmare come true. It is beyond devastating. But to have him killed by an irresponsible driver and experience what is clearly a lack of justice in this state's criminal justice system is incomprehensible," testified Charlotte Rempfer before the state Senate Judicial Committee hearing on the Rempfer Bill, Senate Bill 6071.

Rempfer and her husband, Jerry, testified in support of the bill named for their 15 year old son, Dane Rempfer, who was killed by a hit and run driver in November 1998. The North Bend teen had been walking with three of his friends when he was struck and killed by a driver who fled the scene.

From their experience with the criminal justice system as a result of their son's death, the Rempfers believed the current hit and run statute was inadequate, which lead them to contact Senator Dino Rossi, R-Issaquah, who upon hearing their story immediately introduced Senate Bill 6071 during the 1999 legislative session.

"In reviewing the law, we found there is no distinct provision in the state's hit and run statute for leaving the scene of an accident when a death has resulted" stated Senator Rossi. "The Rempfer's case fell through a loophole that this bill addresses. So far my fellow Senators agree with their passage of the Rempfer Bill by a vote of 45 - 0."

"We will never forget the prosecuting attorney telling us that because the driver fled the scene, there wasn't enough evidence to charge him with vehicular homicide," said Jerry Rempfer, Dane's dad. "Despite the facts confirmed by the police investigation that the driver had been drinking alcohol prior to the accident, had been driving in a range of 60 to 72 mph in a 35 mph zone and had crossed over the center line, he could only be charged with hit and run-accident."

"The current Washington State hit and run statute does not distinguish death from injury. Dane's death was considered the same as if he had been injured," said Charlotte Rempfer. "Finding that by fleeing the scene, a driver, impaired or not, can avoid the more

(More of back)

serious vehicular homicide charge was unbelievable. Knowing that the driver who killed Dane had been drinking and speeding and subsequently received a slap on the wrist haunts us."

Under the existing state law, a driver can also be charged on two other counts of vehicular homicide—operating a vehicle in a reckless manner and by disregard for the safety of others. "The degree of recklessness and disregard for the safety of others has to be more blatant than driving 60 to 72 mph in a 35 mph zone and crossing over the center line according to precedents set by past court cases," explained Rempfer. "We had to accept the fact that the driver who killed Dane may have benefited by leaving the scene with evidence that could have lead to more serious vehicular homicide charges. We will never know."

Last February 1999 the driver pled guilty to the charge of hit and run-accident which is a class C felony and was sentenced to six months in jail and the equivalent of six weeks of community service. Under the state's felony guidelines, the maximum sentence is 9 months. In addition, he plead guilty to a gross misdemeanor for driving with a suspended license because of multiple unpaid speeding tickets receiving a 90 day jail sentence, of which all 90 were suspended. He was also required to attend a drug and alcohol program along with the unusual requirement of viewing Dane Rempfer's autopsy photos. The judge could not consider the findings of the accident investigation because it didn't directly relate to the charge of hit and run.

"We were extremely disappointed that the judge did not sentence Mr. Rhynalds to the maximum of nine months. The 90 day suspended sentence for a driving with a suspended license was a good idea because the offender will have to serve that suspended time if he breaks the law again," stated Charlotte Rempfer. "To Dane's family and friends, we were left asking what a life was worth when we hear of offenders receiving over a year in jail for breaking into mail receptacles."

The Rempfer bill adds a clause to the current hit and run law which specifically takes a resulting death into account: "Any driver failing to stop or comply...in the case of an accident resulting in death is guilty of a class B felony...." The bill classifies the crime as a class B felony and separates it from a resulting injury, which remains a class C felony.

The Washington State Senate passed the Rempfer Bill at a sentencing Level 9 as

(continued)

See note at close of article.

recommended by the Senate Judiciary Committee. The current sentence is Level 4 for hit and run-accident which has a minimum of 0 to 9 months for a first time offender. The sentence for the proposed hit and run-death is a minimum 31 months for a first time felon offender. The maximum sentence for Level 9 offenses is 11 ½ years for an offender with nine or more felonies and the maximum for Level 4 is 7 years.

"We are grateful to the bill's sponsors, particularly to Senator Rossi. We hope that the House Criminal Justice & Corrections Committee will send it to the floor of the House for a vote." Rempfer concluded. "We are in complete agreement with the bill's current Level 9 punishment as it eliminates the gap between a vehicular homicide and a hit and run charge taking away any incentive for an impaired driver to flee the scene."

According to the state Traffic Safety Commission, for six years from 1993 through 1998, 167 people have been killed in Washington State by hit and run drivers. Ninety six (96) of the 167 deaths were the result of pedestrians/cyclists being struck by vehicles.

"To think that every year in Washington State there is an average of 28 families facing the death of a loved one at the hands of a hit and run driver is horrific," concluded Charlotte Rempfer. "Passing this legislation is simply the right and just thing to do so that in the future, loved ones of victims will not have to go through what we have."

For more information, please contact Jerry and Charlotte Rempfer 425-888-3665
or Senator Dino Rossi's office at 360-786-7608.

*Final Results:
The WA State House
amended the penalty to
a Level VIII and passed
it 98-0. The WA State Senate
voted on a Level VIII and concurred
with the House unanimously. The
Rempfer Bill was signed into
law by Governor Gary Locke
on March 22, 2000. It becomes
effective July 1, 2000.
Sign of Relief...
© Rempfer
3-29-2000*

Issaquah senator wants tougher hit-and-run laws

By Tim Larson
Journal Reporter

Fifteen-year-old Dane Rempfer was killed ~~14 months~~ ago by a driver who didn't bother to stop after the accident.

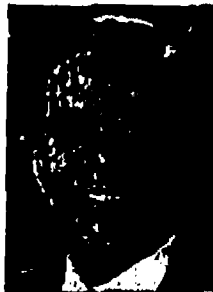
The driver, 27-year-old Michael Rhynalds, eventually turned himself in for the Nov. 7, 1998, hit-and-run. Although police said Rhynalds had been drinking before the accident, Rhynalds was sentenced to only 6 months in jail because that couldn't be proved.

Rhynalds would have been given at least a year in jail under a bill sponsored by Sen. Dino Rossi, R-Issaquah.

"This (bill) makes a lot of sense," said Dan Satterberg, who will speak in favor of the bill in Olympia Monday on behalf of the King County Prosecutor's Office. Satterberg is chief of staff for King County Prosecutor Norm Maleng.

"(The bill) makes a distinction between a hit-and-run that kills and a hit-and-run that injures."

Current law doesn't provide for tougher penalties when the victim dies. The sentencing range for a first offense is three to nine months, but there is no minimum



Dino Rossi

sentence, according to Rossi.

Rossi's bill would establish a minimum of one year in jail for those involved in deadly hit-and-runs, and allows offend-

ers with a criminal history to receive up to 7 1/2 years in jail.

Satterberg says the bill will reinforce a simple concept: "If you're involved in a collision, you have to stop."

Jerry and Charlotte Rempfer, Dane's parents, will also testify Monday when the Senate Judiciary Committee hears testimony on the bill.

Rossi successfully sponsored a different bill related to drunken driving after the 1997 death of Mary Johnsen, who died near Issaquah while walking with her husband.

Johnsen was hit by a van driven by Susan West, a chronic drunken driver who was sentenced to nine years in prison for Johnsen's death.

The Mary Johnsen Act requires

the installation of ignition interlock devices in the cars of convicted drunken drivers.

The device, which won't let the car start unless the driver passes an alcohol breath test, must be used for 10 years following a third offense.

Rossi says the Rempfer Bill also has a good chance of passing.

"We'll do our best to get it through both (bodies of the Legislature) and to the governor," he said.

The Rempfer Bill however, still does not remove the incentive for drivers under the influence to flee the scene of a collision. If a driver stays at the scene of an accident and is convicted of drunken vehicular homicide, the driver faces a first-offense sentence of 31 to 41 months in jail.

If that same driver flees and turns himself in after the alcohol is out of his system, making it impossible to prove drunken driving, the first-offense sentence under Rossi's tougher bill is still only 12 to 14 months.

Tim Larson can be reached at tim.larson@eastsidejournal.com or 425-453-4228.

'Rempfer Bill' proposes stiffer penalties

Targets

hit-and-run drivers

Parents push for action

By MICHELLE LIU
Staff Writer

OLYMPIA — The parents of Dane Rempfer — the teen who was killed during a hit-and-run accident in 1998 — are urging lawmakers to impose stiffer penalties against people who flee the scene of an accident.

Jerry and Charlotte Rempfer have been campaigning for the measure since last February when they realized that the man who killed their son would only serve about six months in jail.

"It's a difficult process for the Rempfers to go through, and unfortunately, we don't often know about these loopholes until there is a tragedy," said Sen. Dino Rossi, R-Sammamish.

Now, Senate Bill 6071 is steadily making its way through this session's legislative process. As proposed, the new law would place stiffer punishments on hit-and-run drivers who leave the scene and therefore avoid an immediate determination on whether they are impaired at the time of the accident.

"We need to get the message out to all drivers that they need to be responsible when they get behind the wheel of the car," Charlotte Rempfer said. "They need to be alert and that it needs your attention when you're driving."

The amended bill would make

felony which would increase the maximum sentence to 14 years, with a minimum of 31 months. Rossi originally proposed a maximum 7.5-year sentence, but he and other members of the Senate Judiciary Committee agreed that a higher penalty was necessary.

The current law weighs injury and death the same — as a Class C felony — with a sentence of up to five years in jail and up to \$10,000 in fines.

"They wanted to get the sentence higher so it eliminated the problem of people leaving the scene that were impaired," Charlotte Rempfer said. "They clearly felt that leaving the scene of a crime was very serious,

because you can leave a person dying and they wanted to make the message clear that if you hit someone, you stop to give them aid."

According to the Washington Traffic Safety Commission, in 1996 there were 28 fatal hit-and-run collisions — which were 28 too many, said Susan Sergojan, the executive director of MADD Washington State.

"A large percentage of people who commit felony hit and runs are driving drunk and that's why they leave," she said. "And we think the bill would save lives. If you increase the penalty for leaving the scene, we hope they won't want to leave the scene."

Earlier this week the proposed bill, also known as the "Rempfer Bill," was directed to the Rules Committee where it will either move to the Senate floor or to Ways and Means Committee. It is uncertain, however, to tell if this year's short 60-day session can accommodate the hearing of the bill.

"I am going to try and get it done this year because there's no time better than the present," Rossi said. "We don't need to have an incentive for someone to leave the scene of a crime."

"I don't think it's going to fail by the wayside — ever," added Charlotte Rempfer. "It will be addressed one way or the other."



A mother's plea: Charlotte Rempfer (middle), along with Jerry Rempfer (left) and Sen. Dino Rossi.

Courtesy photo

Remembering Dane

Volume 1, Issue 1

October, 1999

Introducing.... The Dane Rempfer Memorial Fund

Over \$10,000 have been contributed to the Dane Rempfer Memorial Fund since Dane's death in November 1998. Over 100 families, friends and organizations have made gifts in his memory. The funds are being used for scholarships and financial assistance to students and youth who live in the community where Dane grew up.

Last May the Dane Rempfer Memorial Fund became official when the Snoqualmie United Methodist Church adopted its by-laws. A five-member memorial committee was formed and began administering its funds.

Our goal is to increase the funds so that each year its earnings will support a \$500 scholarship to a local high school senior and \$500 to supplement tuition for a Children's Services's preschooler and for teens wishing to participate in our local youth HUB recreation program.

Your contributions have made it possible to remember Dane in a real, concrete way. Every year during Dane's birth month of October, we will send you an update about the fund and offer you an opportunity to make additional contributions in his memory. We thank you for remembering Dane through his fund. Your contribution is tax deductible because of the fund's non-profit status. Gifts can be sent to:

Dane Rempfer Memorial Fund
% Snoqualmie United Methodist Church
P.O. Box 458
Snoqualmie, WA 98065

"And in my heart his soul remains,
Forever it shall be...My angel walks
with me." from **My Angel**
by Byron Dill, Dane's friend.



October 1998: Dane on the soccer field

First Scholarships Awarded to Mount Si Seniors

Seniors Melanie Edwards and Michael Sturkel were the first high school seniors to receive Dane Rempfer Memorial Fund scholarships of \$500 each to be applied toward tuition or supplies at a four year approved institution.

Melanie is attending Dillard University in New Orleans, LA. Her long term goal is to earn a degree in special education. Michael plans to attend Washington State University at Pullman, WA, with teaching as his goal.

In their scholarship applications, both Melanie and Michael demonstrated the criteria which was established to reflect Dane's love of life and individuality.

JAN-23-81 THU 10:22 PULLY'S HALLMARK 2520517 7.00

Dane Rempfer Memorial Fund

Dane Rempfer Memorial Fund
% SUMC
P.O. Box 458
Snoqualmie, WA 98065

Last November Dane was killed by a hit and run driver. The police investigation determined that the driver was driving with a suspended license, had been drinking alcohol prior to the accident, was speeding and had crossed over the center line when he struck Dane.

By leaving the scene, the driver avoided the possibility of being charged with vehicular homicide while under the influence of alcohol or drugs, which has a sentencing range of two to three years in jail. In February, he plead guilty to the lesser charges of hit and run-injury and to driving with a suspended driver's license. He received the equivalent of a six month sentence plus a month of community service.

We were faced with the obvious reality that our state law had a glaring loophole in regard to a hit and run crime when a death occurs. Fortunately, Senator Dino Rossi, our district's state senator, was moved by our story. He immediately introduced a bill, the Rempfer Bill, before the close of last spring's legislative session to close the sentencing gap.

Even though closing this loophole seems obvious and logical, getting a law passed through any state legislature is a challenging and complex process. The work of passing the Rempfer Bill is just beginning. We have formed a committee to assist Senator Rossi's efforts during the upcoming 2000 Washington state legislative session. If you would like updates regarding our efforts, please send your e-mail address



About grief and suffering...

Every day over the past year, we have experienced some form of grief over Dane's death. We continue to miss him with a fierceness we didn't think possible. Too often we hear of other teens being killed in accidents, school shootings, the seemingly endless flow of suffering and sorrow of which we are now a part. Today we live in a world so different from when Dane was alive with us. Now we have only the memories which haunt us more than comfort us...memories that remind us that he is no longer here loving us. Experts and others who have moved through their grief over the course of many years claim that at some point the grief dissipates and that the memories become comforting and wonderful. For us this seems impossible for we only know today's pain. We do not write this for sympathy, nor do we expect understanding for only those who have lost a child can understand. We can ask you to acknowledge that we have been changed, not expecting us to be the same people you once knew. Our assumptions about how life was supposed to have been for us are shattered. We do not know what lies ahead. Our work for now is to move through this seemingly endless grief one hour, one day at a time.

Jerry and Charlotte Rempfer

Hit and Run Crashes
North Dakota

Statewide – All Law Enforcement Agencies
1995 to Sept. 2000

Year	Property Damage	Injury	Fatals	Total
1995	624	179	0	803
1996	717	151	0	868
1997	753	150	1	904
1998	742	149	1	892
1999	609	134	1	744
Sept. 2000	459	82	2	543

TESTIMONY ON HOUSE BILL 1266
PREPARED FOR TRANSPORTATION COMMITTEE
BY REPRESENTATIVE OLE AARSVOLD - DISTRICT 20
MARCH 8, 2001

The need for the statutory change recommended in House Bill 1266 was demonstrated to me so very tragically by the hit and run death of a constituent's grandson in Washington state. Dane Rempfer, 15 years old, was struck by a driver who left the scene of the accident and who, two days later, went to the authorities to report the incident. Washington law, which was very much like the law we currently have in North Dakota, led to a sentence imposed on the driver of six months in jail and community service. This light sentence was conferred - even though testimony revealed that the accused had been drinking alcohol continuously, for as many as nine hours prior to the violation, was driving at least as fast as 65 mph in a 35 mph zone, and crossed the center line to strike young Dane, who was walking on the left-hand side of the road. Beyond that, the accused was driving under a suspended license, had a history of speeding violations, and was using that vehicle without the owner's consent. There was substantial reason to believe that the accused left the accident scene to avoid charges and

penalties that would have resulted in more serious punishment than the hit and run penalty.

I have been made aware of similar events in North Dakota whereby a driver leaves the scene of an accident knowing that he faces more serious DUI charges if he remained. By leaving the scene, the blood alcohol evidence is no longer available for use by the prosecution. Beyond that, an injured victim might well die for lack of someone providing help or reporting the event in a timely manner.

House Bill 1266 generally mimics what the state legislature of Washington did when confronted with Dane Rempfer's case. This bill would make a hit and run conviction that results in a death a class B felony. Currently, a similar conviction would be a class C felony, the same as a hit and run involving injury. This added penalty would mean a maximum of ten years confinement and a \$10,000 fine. The present penalty for the class C felony is five years confinement and a \$5,000 fine.

I solicit the committee's support of House Bill 1266.

Hit-and-Run Fatal Crash Victims (WA), 1993-1998

DEATHS BY COUNTY

COUNTY	YEAR						Total
	93	94	95	96	97	98	
Adams	2						2
Anotin					2		2
Chelan	2						2
Cllallam					1	1	2
Clark	2			4	4		10
Ferry				1			1
Grant			1				1
Grays Harbor	2				2		4
Island				2			2
King	12	10	10	5	16	7	60
Kittitas			2				2
Lincoln					2		2
Mason		1	1				2
Okanogan			1				1
Pacific		1		1			2
Pierce		1	3	3	7	8	22
Skagit			2		1		3
Snohomish	4		2		7		13
Spokane		1			6		7
Thurston	2	9	1				12
Whatcom		2	1			1	4
Yakima	4	1	2	1		3	11
Total	30	26	26	17	48	20	167

Hit and Run Crashes North Dakota

Statewide -- All Law Enforcement Agencies
1995 to Sept. 2000

Year	Property Damage	Injury	Fatals	Total
1995	624	179	0	803
1996	717	151	0	868
1997	753	150	1	904
1998	742	149	1	892
1999	609	134	1	744
Sept. 2000	459	82	2	543