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Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1047

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Valista Rickford
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

House Transportation Committee

☐ Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
2	xx		1.4-30.4
Committee Clerk Signature <i>Laura L. Zink</i>			

Minutes:

Chairman Weisz: We will open the hearing on HB 1047. A bill for an act to amend and reenact sections 39-06.1-05, 39-06.1-06, 39-07-09, 39-08-21, 39-21-16, and 39-21-46 of the North Dakota Century Code, relating to the fees for driving in excess of the speed limit.

Rep. Delmore: Introduced the bill. This is not a difficult bill. In the past, law enforcement has had to carry a huge book when they wanted to pass out fines, they had to decide what type of road it was, etc. and has been difficult to enforce and to get the right amount. You've also heard that our fines are not as high as they should be to prevent some of the problems we have in our state. We simplified this process with this bill. It sets the rate of fine at \$5/mile for each mile over, regardless of the road. We also studied the point system, and decided not to do anything with it. We opted not to change the statutes because there were a number of insurance concerns with premium increases for the citizens of our state. I believe 1047 is a good bill.

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House Transportation Committee

Bill/Resolution Number HB 1047

Hearing Date 1-16-03

Chairman Weisz: I have a question. When you discussed the increasing the fines part, we had increased fines in the past session, was there any discussion if that was having an effect or anything before we looked at raising them again in this bill.

Rep. Delmore: There was a lot of discussion on what to do and this seemed to simplify the process and we felt that when you get up to the higher numbers of miles over the speed limit, it will also compensate, because there will be more money to look at the fiscal note that will go to the state.

Rep. Bernstein: \$5/mile per mile over the limit, if you're going 10 miles over the limit, 20 miles over the limit.

Rep. Delmore: Yes.

Rep. Bernstein: I would have went further. When it got to be 10 miles over the speed limit, it would increase to \$10 per mile and that would go back to the beginning of the first one. So there would be no \$5/mile, it would be all \$10/mile if they were going over 10 miles over the speed limit.

Chairman Weisz: Thank you. Further testimony in support.

Tim Dawson, Legislative Council: I am not here to testify in support or opposition, but merely to explain it. Everything that this bill draft does is on page 2, line 28. For a violation of 39-02, it would be \$5 for each mile per hour over the speed limit. Everything else is removing the other scales that we have in our code for speeding right now. Then when you hit, 4 at the bottom of section 3 and through the rest of this, all that is changing the reference that was changed in making those previous changes, in other words, clean up.

Chairman Weisz: Thank you.

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House Transportation Committee

Bill/Resolution Number HB 1047

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Rep. Price: Where are we in comparison to other states under this bill. Did you have that testimony during the interim.

Mr. Dawson: Yes, we did have that testimony. I do not have it in front of me. I could get that for the committee.

Chairman Welsz: Thank you.

Rep. Grovdal: I am David Skip Grovdal, I am a representative of District 39. I was on the Judiciary interim committee. This was one of the studies we were charged with as a committee to take a look our fines and our speed laws and try to make them a little more understandable by the average citizens. It simplifies and unifies. It unifies all our speed into one fine system. We did get studies from other states. We did get a fiscal note on it, it did increase some of the income because they do think that some people won't listen to us, and will continue to drive fast. We know speed contributes to accidents, and accidents contribute to death. If we can reduce the number of speeders, that's a good thing. Those people getting killed may be your friends and my friends and relatives.

Chairman Welsz: Did you have any testimony that compared our compliance rates with the speed limits with the surrounding states that you were using as a comparison for the fine structure.

Rep. Grovdal: I believe there are some expert witnesses who are waiting to testify. I don't recall that particular question.

Rep. Ruby: I'm not going to challenge the prices and the fees that you have. I certainly appreciate the uniformity that this offers. One thing though is that if we decide to present the bill to deter something, and then we count on how much it is going to bring into the general fund, we

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House Transportation Committee

Bill/Resolution Number HB 1047

Hearing Date 1-16-03

put a price on how much we're going to make, so do we really believe it's going to deter them, or just making more money.

Rep. Grovdal: As I mentioned earlier, when I proposed this idea, there was no intent at all to raise money. It turned out after the second meeting we went to, they came with a fiscal note that did have it. That can be amended if it is a major problem. The money for fines does not go to the general fund, I believe it goes to the courts or to the education trust fund. We are not planning to spend this money but that can be clarified by someone else.

Rep. Galvin: I had a couple of constituents that wanted more uniformity on the speed limit from one highway to another and I'm not talking about the interstates. I do think it is pretty confusing, every time you turn on to a new road, you might drive 10 miles before you know what the speed limit is. I don't see any reason for not having a uniform speed limit, both day and night on all the secondary roads. Did that come up at all during your discussions.

Rep. Droydal: I believe you have a bill coming up this afternoon, 1046, that eliminates the 55 mph speed limit. That discussion was held, again we need to determine if the roads have the capability, the DOT needs to determine that and we do need to listen for recommendations. But some of our roads are not up to speed as far as being able to handle safely 65 mph speed limit. Some of the older roads need to be improved. We need some flexibility.

Chairman Weisz: Thank you.

Rep. Schmidt: I've always resisted every effort to increase speed limits in the past sessions on interstates. You say that they don't fine you if you go 72. They do. You get picked up once in a while. Now before I only paid \$5.00. Now, I'm going 73 mph, I pay \$5 plus \$30. Is that correct?

Yolanda Rickford
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Hearing Date 1-16-03

Rep. Delmore: \$15 for the fine.

Rep. Schmidt: Nonetheless, it's more. So I'm inclined now when that bill comes up to raise the speed limit so that I don't pay extra.

Rep. Droydal: You have two solutions there, one is slow down a little bit, the second one is, if you recall, we did pass a 75 mph speed limit and we increased the fine for that particular speed limit. The Governor kept the fine in place but vetoed the speed limit.

Rep. Schmidt: I think what this bill is going to do is, and those of us that resist raising the speed limit, I believe now that there might be a change of heart and more people will want to raise the speed limit to 75 mph.

Rep. Droydal: If I would rather raise the speed limit and just have people break the law. If the speed limit is wrong, we should correct it, and we want people to follow the law.

Chairman Weisz: Thank you. Further testimony in support.

Col. Hughes, ND Highway Patrol: We've come a long way from where we started at the beginning of the hearing. Our point of view is that any law that is passed in the state, needs to be clearly communicated, it needs to have some strong deterrent effect. We need to be consistent. The laws on speeding didn't get this way in one session or two session. It got this way after 20 to 30 years of process, where things were added and taken away until we had a conglomeration of years of work and some of that was due to the fact that when I started on the patrol 30 years ago, the speed limit was changed to 55 mph because of the oil embargo in 1974. We wrote 54,000 written warnings, not all of them citations. If we can have a significant enough penalty that the faster you go, the costlier it will be and it is a consistent penalty, then odds are that voluntary compliance will outweigh the risks that will be taken. If there are no significant risks, then why

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not take the risk. Consistence of this and the fairness of this will be much better than what we currently have now. Regardless of what amount this is settled on, I think the philosophy of it, is far better than trying to take a sheet and explain to anybody what's going to happen when they are stopped for speeding. We did not take a position on points. We were asked our opinion on that and we gave our opinions on that to make those consistent. But it's not included in here.

Chairman Weisz: When you testified in the interim committee or even if we have available information, do we have information that shows our compliance rates compared to other states in the region as far as speeding, and also can you break it out by what you would call excessive speed, etc.

Col. Hughes: We have surveys done, we have data available, but I don't have it with me now. I can certainly provide it to you. We find generally that speeding and enforcement does depend on the time of the day, the day of the week, we know that there are more speeders on Sunday nights than there is on Saturday morning. We know there are more on Friday night, than there may be on Tuesday between 2-4 pm.

Chairman Weisz: Does that data compare, do you have other state data surveys?

Col. Hughes: We don't have their data, but common sense tells us that regardless of what we hear or what has been said, perception is far more realistic than subjectively going on. Fear dictates enforcement.

Chairman Weisz: If you could furnish that, it would be appreciated.

Col. Hughes: Yes, I will get that. We think that people generally do a pretty good job. Traffic generally moves at a pace where it is good, and we try to concentrate our efforts on the high rollers.

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Hearing Date 1-16-03

Chairman Weisz: Thank you. Support of HB 1047. Opposition to HB 1047. We will close
the hearing on HB 1047.

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047b

House Transportation Committee

☐ Conference Committee

Hearing Date February 13, 2003

Tape Number	Side A	Side B	Meter #
2	x		19.8 to end
		x	2.3 to 7.5
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes:

Rep. Weisz opened the discussion for action on HB 1047. We will vote on the amendments in order from the least restrictive to those most restrictive. I have no idea what all the amendments might be. Rep. Ruby do you have your amendments ready.

Rep. Weisz: the first set of amendments will be \$2 for each mile - 1 to 15 mile over; and, 16+ will revert to the \$5 each mile per hour over. So 15 mph over is a \$30 fine. Then we go up to the current bill and all this is higher than current law.

Rep. Delmore That means then that on the Interstate I can go 85 mph and that's a \$30 fine.

There is no other state would allow that. It is just plain wrong.

Rep. Weisz I was hoping to get the amendments out and then we can vote on them.

Rep. Weiler: Refresh my memory -- what is current law for 15 mph on the Interstate.

Rep. Weisz: Right now there is a minimum \$20 fine and 15 over is a \$25 fine.

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House Transportation Committee
Bill/Resolution Number HB 1047b
Hearing Date February 13, 2003

Rep. Weisz: I do not agree that when it comes to fines -- one size fits all -- When you are 40 mph over there is more risk than at 5 mph. It is more complicated but there is a rationale.

Rep. Zaiser: (25.9) I concur with your thoughts that when the speed goes up the level of danger goes up.

Rep Ruby: My amendments are LC ---0.0301 plus the emergency clause. the basic thing after you read two pages it raises the speed on the Interstate and increases the fines for the higher speed.

After discussion, Rep. Ruby moved amendments -- LC 0.0301 including the emergency clause. Rep. Hawken seconded the motion. On a roll call vote the motion carried 8 Ayes 5 Nays 0 Absent.

Rep. Price moved a further amendment to adopt Version A. Rep. Weiler seconded the Motion. On a roll call vote the motion lost 6 Ayes 6 Nays 1 Absent and not voting.

Rep. Weiler moved a further amendment which would set the fines at 1 - 15 mph over at \$ 3 per mile over; and 16 and over at \$ 5 per mph. Rep Hawken seconded the motion. On a roll call vote the motion failed 4 Ayes 8 Nays 1 Absent and not voting.

End side A Tape 2 .

Tape 2 side B (2.3)

Rep. Bernstein moved to lower the allowable speed of from 15 mph to 10 mph over and the rest stay the same as the previous motion. Discussion. On a roll call vote the motion carried 7 Ayes 5 Nays and 1 Absent and not voting.

Rep. Delmore moved a 'Do Pass vote as amended' for HB 1047. Rep Hawken seconded the motion.. On a roll call vote the motion carried 7 Ayes 0 Nays 1 Absent and not voting.

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House Transportation Committee
Bill/Resolution Number HB 1047b
Hearing Date February 13, 2003

Rep. Weiler was designated to carry HB 1047 on the floor.

End of record (7.5).

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10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
04/22/2003

Amendment to: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$2,639,727		\$2,639,727
Expenditures				\$30,000		
Appropriations				\$30,000		

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

There will now be three different fee schedules for violating the three specified speed zones, which are: Under 55 mph; 55-60 mph; and over 65 mph. As the fee schedule for municipalities reverts back to current law, there is no revenue realized with the new changes. All revenues are realized for county and district court speeding 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.

Based on 2000 data, we are estimating the following revenue changes:

Revenue will be realized for fee changes for 55-60 mph = \$877,146 per biennium.

Revenue will be realized for fee changes for over 65 mph = \$1,762,581 per biennium

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.

An estimate of \$10,000 for computer changes on the DDLS system (driving records) and the USIS (Unified Court Information System) is noted. Also, for the signing changes on Interstate highways - \$10,000. Signing changes for 70 mph is estimated at \$10,000.

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.

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the changes.

Name:	Linda Mathern	Agency:	NDDOT
Phone Number:	328-4359	Date Prepared:	04/22/2003

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FISCAL NOTE
Requested by Legislative Council
04/16/2003

REVISION

Amendment to: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,846,065		\$1,846,065
Expenditures				\$20,000		
Appropriations				\$20,000		

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,039,821			\$1,039,821	

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

The proposed amendments to Engrossed House Bill 1047 incorporate amendments made by HB 1046 to Section 39-09-02, regarding the increased interstate speed limit from 70 to 75 mph, and increases speed on 2-lane paved highways. The proposed amendments again change the points assessed for speeding violations of 6-10 mph over limit (1 point); and 11-15 mph over limit (3 points). The amendments differentiate speeding fees between interstate and other roads/highways in ND. Based on previous fiscal notes, the new amendments ultimately lowered the total revenues of speeding fees from other fiscal notes.

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.

Because we do not have data that differentiates speeding fees/citations between interstate vs. other roads/highways, an estimated figure of 1/3 of all speeding citations was used for interstate fees, and the higher fee was assessed to that 1/3 figure.

The remaining 2/3 of all speeding citations was assumed to be other road/highway violations

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.

There will be a cost of approximately \$20,000 for signing on the affected highways for the increased 70 and 75 mph speed limits.

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.

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the changes.

4

Name:	Linda Mathern	Agency:	NDDOT
Phone Number:	328-4359	Date Prepared:	04/16/2003

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10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
04/15/2003

Amendment to: HB 1047

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,846,065		\$1,846,065
Expenditures				\$10,000		
Appropriations				\$10,000		

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,039,821			\$1,039,821	

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

The proposed amendments to Engrossed House Bill 1047 incorporate amendments made by HB 1046 to Section 39-09-02, regarding the increased interstate speed limit from 70 to 75 mph, and increases speed on 2-lane paved highways. The proposed amendments again change the points assessed for speeding violations of 6-10 mph over limit (1 point); and 11-15 mph over limit (3 points). The amendments differentiate speeding fees between interstate and other roads/highways in ND. Based on previous fiscal notes, the new amendments ultimately lowered the total revenues of speeding fees from other fiscal notes.

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.*

Because we do not have data that differentiates speeding fees/citations between interstate vs. other roads/highways, an estimated figure of 1/3 of all speeding citations was used for interstate fees, and the higher fee was assessed to that 1/3 figure.

The remaining 2/3 of all speeding citations was assumed to be other road/highway violations

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.*

There will be a cost of approximately \$10,000 for signing on interstate highways for the increased 75 mph speed limit.

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.*

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the changes.

Name:	Linda Mathern	Agency:	NDDOT
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Phone Number: 328-4359

Date Prepared: 04/16/2003

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10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
03/26/2003

Amendment to: HB 1047

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$2,705,718		\$2,705,718
Expenditures				\$10,000		
Appropriations				\$10,000		

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,160,457			\$1,160,457	

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

This bill provides for simplified, increased fees for speeding violations. With the senate amendments, it also increases the speed limit on controlled-access, paved and divided, multilane interstate highways from the current 70 mph to 75 mph.

Finally, the senate amendments double the points for driving 6-10 and 11-15 mph over the speed limit (from 1-2 and 2-4, respectively) of posted speed limits in excess of 70 mph.

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.*

This bill is estimated to provide \$2,705,718 for "other funds," and \$1,160,457 for the cities per biennium. We have no posted speed limits in excess of 70 mph at this time; therefore, there are no statistics available to show fiscal effects generated by the senate amendments.

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.*

There will be a cost of approximately \$10,000 for signing on Interstate highways for the increased 75 mph speed limit.

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.*

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the changes.

Name:	Linda Mathern	Agency:	NDDOT
Phone Number:	328-4359	Date Prepared:	03/27/2003

FISCAL NOTE
Requested by Legislative Council
02/20/2003

REVISION

Amendment to: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$2,705,718		\$2,705,718
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,160,457			\$1,160,457	

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

This bill provides for increased fees for speeding 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.

This bill is estimated to provide \$2,705,718 of "other" funds, and \$1,160,457 for the cities per biennium.

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.

It is not anticipated the State will incur additional expenditures as a result of this bill.

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.

No additional appropriation will be necessary.

Name:	Lynn Helnert	Agency:	NDDOT
Phone Number:	325-4352	Date Prepared:	02/19/2003

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10/2/03

FISCAL NOTE

Requested by Legislative Council
02/19/2003

Amendment to: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$2,705,718		\$2,705,718	
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,160,457			\$1,160,457	

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

This bill provides for increased fees for speeding 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.

This bill is estimated to provide \$2,705,718 for the State's general fund, and \$1,160,457 for the cities per biennium.

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.

It is not anticipated the State will incur additional expenditures as a result of this bill.

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.

No additional appropriation will be necessary.

Name:	Lynn Heinert	Agency:	NDDOT
Phone Number:	325-4352	Date Prepared:	02/19/2003

Yolanda Rickford
Operator's Signature

10/2/03
Date

4

FISCAL NOTE
Requested by Legislative Council
01/17/2003

REVISION

Bill/Resolution No.: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,382,212	\$3,078,090		\$1,382,212	\$3,078,090

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

This bill provides for increased fees for speeding 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.

This bill is estimated to provide \$3,078,090 for school districts, and \$1,382,212 for the cities per biennium

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.

It is not anticipated the State will incur additional expenditures as a result of this bill.

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.

No additional appropriation will be necessary.

Name:	Shannon Sauer	Agency:	ND Dept. of Transportation
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Yolanda Rickford
Operator's Signature

10/2/03
Date

Phone Number: 328-4375

Date Prepared: 01/24/2003

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Operator's Signature

Yolanda Rickford

Date

10/2/03

FISCAL NOTE
Requested by Legislative Council
12/18/2002

Bill/Resolution No.: HB 1047

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$3,078,090		\$3,078,090	
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
				\$1,382,212			\$1,382,212	

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

This bill provides for increased fees for speeding 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.

This bill is estimated to provide \$3,078,090 for the State's general fund, and \$1,382,212 for the cities per biennium

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.

It is not anticipated the State will incur additional expenditures as a result of this bill.

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.

No additional appropriation will be necessary.

Name:	Lynn Helnert for Marsha Lembke	Agency:	ND Dept. of Transportation
Phone Number:	328-4352	Date Prepared:	01/14/2003

2/13/03

Proposed amendments to HB 1047 (VERSION A)

Page 2, line 16, remove the overstrike over "established as"

Page 2, remove the overstrike over lines 17 through 19

Page 2, after line 19, insert "1-15 \$2/each mph over limit"
 "16 + \$30 plus \$5/each mph over limit"

Page 2, remove line 28

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Yalosta Rickford
Operator's Signature

10/2/03
Date

Date: 2/13/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Ver A

Action Taken _____

Motion Made By H.R. Seconded By Wei

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore		✓
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt		✓
LeRoy G. Bernstein		✓	Elwood Thorpe	A	
Mark A. Dosch		✓	Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 6 No 6

Absent _____

Floor Assignment fail

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

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Yolanda Rickford
Operator's Signature

10/2/03
Date

30033.0301
Title.

Prepared by the Legislative Council staff for
Representative Ruby
February 11, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1047

Page 1, line 1, after the fourth comma insert "39-09-02,"

Page 1, line 2, after "to" insert "speed limitations and"

Page 6, after line 12, insert:

"SECTION 5. AMENDMENT. Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane highways if there is no speed limit posted or if within the time period of one-half hour after

Page No. 1

30033.0301

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Operator's Signature

Yalosta Rickford

Date

10/2/03

UP

sunset to one-half hour before sunrise, unless otherwise permitted, restricted, or required by conditions.

- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset and if posted for that speed, and on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
- h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply.
3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense."

Renumber accordingly

Date: 2/13/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1647

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Ruby Amended 0301

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe		✓
Mark A. Dosch		✓	Steven L. Zaiser	✓	
Pat Galvin		✓			
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 8 No 5

Absent

Floor Assignment

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

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Yolanda Rickford
Operator's Signature

10/2/03
Date

Date: 2/13/03
Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Weiler 3-15
Action Taken 95 at 0

Motion Made By Weil Seconded By Hank

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore		✓
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch		✓	Steven L. Zaiser		✓
Pat Galvin	✓				
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby		✓			
Dave Weiler	✓				

Total Yes 4 No 8
Absent 1

Floor Assignment _____

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

Salvatore Rickford 10/2/03
Operator's Signature Date

Date: 2/12/03
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Bern

1-10 -3
5-0

Action Taken _____

Motion Made By Bern

Seconded By DD

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	A	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland		✓			
Clara Sue Price	A				
Dan J. Ruby		✓			
Dave Weiler	✓				

Total Yes 7 No 4

Absent 2

Floor Assignment _____

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

Yolanda Rickford
Operator's Signature

10/2/03
Date

30033.0302
Title.0400

Adopted by the Transportation Committee
February 14, 2003

YK
2/14/03

HOUSE AMENDMENTS to HB 1047 htrn 2-14-03

Page 2, line 16, remove the overstrike over "established-as"

Page 2, line 17, remove the overstrike over lines 17 through 19

Page 2, line 28, replace "of five dollars for each mile per hour over the limit." with:

"1 - 10
11 +

\$ 3/each mph over limit
\$ 5/each mph over limit"

Renumber accordingly

Page No. 1

30033.0302

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Operator's Signature

Yolanda Rickford

10/2/03
Date

Date: 2/13/03
Roll Call Vote #: 5

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1047

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Bernstein's motion

Action Taken D P as amended

Motion Made By Rep. Hawken Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin		✓		✓	
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby		✓			
Dave Weiler	✓				

Total Yes 8 No 5

Absent 1

Floor Assignment Rep. Weiler

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

Date: 2/13/03
Roll Call Vote #: 6

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Rep Del Seconded By Rep Ham

Representatives	Yes	No	Representatives	Yes	No
Robin Weitz - Chairman		✓	Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin		✓			
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby		✓			
Dave Weiler	✓				

Total Yes 8 No 5

Absent 0

Floor Assignment Rep. Weiler

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 3:07 p.m.

Module No: HR-29-2832
Carrier: Weller
Insert LC: 30033.0302 Title: .0400

REPORT OF STANDING COMMITTEE

HB 1047: Transportation Committee (Rep. Welaz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was placed on the Sixth order of the calendar.

Page 2, line 16, remove the overstrike over "~~established as~~"

Page 2, line 17, remove the overstrike over lines 17 through 19

Page 2, line 28, replace "of five dollars for each mile per hour over the limit." with:

<u>"1 - 10</u>	<u>\$ 3/each mph over limit</u>
<u>11 +</u>	<u>\$ 5/each mph over limit"</u>

Renumber accordingly

2003 SENATE TRANSPORTATION

HB 1047

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Operator's Signature

Salvatore Rickford

Date

10/2/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
1	X		100-2230
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened the hearing on HB 1047 relating to the fees for driving in excess of the speed limit.

Representative Lois Delmore (District 43) The bill as proposed is much simpler than what the fees have been in the past. It creates consistency on fines for all roads both for the Highway Patrol and citizens. The original bill out of the interim committee put everything at \$5/each mph over the limit. The House Transportation Committee decided that the first 10 miles should be \$3/each mph over the limit. The points system was not changed.

Col. Jim Hughes (ND Highway Patrol) Distributed a reference handout. Addressed some facts and concerns of the bill in its current form. (See attached packet.) The Highway Patrol did testify in the interim committee in support of the \$5 fine per mile regardless of location in ND. It does not pertain to cities like Bismarck and Fargo because they home rule. Also supported it in the House. Since then speed limit changes have been made in both the House and Senate. There

Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1047
Hearing Date 3-06-03

has been no other input to the formula to provide for deterrent or safety. Suggest that any changes to the penalties and points also be made an emergency clause so when the speed limit changes go into effect the penalties also go into effect. Not opposed to 75 mph on the interstates of ND if the deterrent was enough that when 81 mph is reached it is 2 points against the drivers license. When 86 mph is reached, which is above what the patrol officers have to report, they ask that it be a significant fine and points to deter people from wanting to go 86 mph on the interstates. Other states have fines of \$130-\$160 at 86 mph because they can't keep it under control in any other fashion.

Senator Taylor asked if the fatality totals of the other states are on a per capita or rated against the traffic levels.

Col. Hughes replied that they are straight numbers from those states. He tried to compare a little to surrounding states that also have 75 mph speed limit. It is a good comparison because ND is saving a lot of lives compared to neighboring states. We live in the safest state in the nation.

Senator Trenbeath asked if the difference between North and South Dakota death toll is entirely due to speed limits

Col. Hughes replied it is not.

John Olson (ND Peace Officers Association) Presented an amendment. See attached.

Senator Trenbeath asked if there are separate penalties for speed limits below 60 mph.

John Olson replied that there would be separate penalties and points for those highways under 60 mph.

The hearing on HB 1047 was closed.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-13-03

Tape Number	Side A	Side B	Meter #
1		X	5925-end
2	X		0-1140
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened HB 1047 for discussion.

The committee reviewed the proposed amendments with respect to the points and fines.

Senator Nothing pointed out that the speed limit has been raised but nothing has been done with penalties.

Senator Trenbeath said that coming out of the Judiciary B Committee it was at \$5 for every mile over. By House amendment it went to \$3 per mile for every mile over. He said that the most concern he hears from people is whether the points need to be adjusted.

Tape 2 Side A

Discussion by the committee members on the points. The House did not adjust the points.

Senator Espegard pointed out that the fine for failure to report a deer crash is 6 points and \$50 but for driving 90 mph it is only 5 points and \$100.

Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1047
Hearing Date 3-13-03

Senator Espegard moved to amend fines to \$5 per mile and points, as recommended, in excess of 70 mph but only on Interstate Highways. Seconded by Senator Taylor. Roll call vote 5-0-1.

Passed.

Senator Espegard moved a Do Pass as amended and refer to appropriations. Seconded by Senator Mutch. Roll call vote 5-0-1. Passed. Floor carrier is Senator Espegard.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1		X	1990-3320
1		X	4600-5465
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened HB 1047 for discussion and presented an additional amendment, .0402, which puts the speed limit on the Interstate at 75 mph..

There was discussion on Amendment .0403 which sets the fines at \$5 for each mile an hour and set the points beginning at 6 mph over at 2 points. This is almost exactly what the patrol wanted other than that the point schedule applies only to the interstate. The existing point schedule applies to the 65 mph roads. Amendment .0402 pertaining to the 75 mph speed limit on the Interstate had not been adopted..

Senator Mutch moved to reconsider the **Do Fass as Amended on HB 1047.**

Seconded by **Senator Taylor.** Motion passed on a voice vote.

Senator Mutch moved to adopt Amendment .0402. Seconded by **Senator Espgaard.**

Discussion on Amendment .0402 clarified that it goes hand in hand with Amendment .0403

because the points adopted in .0403 apply to highways and the speed limit is posted in excess of

Page 2

Senate Transportation Committee

Bill/Resolution Number HB 1402 1047

Hearing Date 3-20-03

70 mph. There was some safety concerns with the 75 mph speed limit. It was pointed out that the Highway Patrol doesn't object to the 75 mph as long as the points and fines are in accordance with what they like.

Roll call vote 3-2-1. Amendment .0402 adopted.

Senator Mutch moved a Do Pass as amended by .0402 and .0403. No second. Held for later consideration.

Senator Espegard moved to reconsider action on Amendment .0402.

Seconded by Senator Taylor. Voice vote. (4-1-1) Passed.

Senator Nething moved a Do Pass as amended by .0403 and refer to appropriations.

Seconded by Senator Taylor. Roll call vote. 4-1-1. Floor carrier is Senator Espegard.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

Senate Transportation Committee

☐ Conference Committee

Hearing Date 03/21/03

Tape Number	Side A	Side B	Meter #
1	x		540 - 1123

Committee Clerk Signature *Mary K Monson*

Minutes:

Chairman Trenbeath opened the discussion on HB 1047.

It was moved by **Senator Espgaard**, seconded by **Senator Mutch** and passed on a voice vote to reconsider the committee action on HB 1047.

The committee now has before it the bill with amendment .0403 which brings it to \$5 and sets separate point penalties for those highways posted in excess of 70 MPH.

It was moved by **Senator Espgaard** and seconded by **Senator Mutch** that the Senate Transportation Committee adopt amendment .0402.

Senator Espgaard said the reason for the amendment because when the point system was set up we did not have that road. He thinks it will be added somewhere and this will make it a clean bill.

Senator Trenbeath has always favored 75 MPH partly because the states surrounding us have 75 MPH which is an old argument and Minnesota does not have 75 MPH. We passed this last

Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1047
Hearing Date 03/21/03

session and it was the only bill the governor vetoed and the reason he vetoed it was because we did not do anything with the fines and the points. Not that we are here to satisfy the governor because we are not, we are here to satisfy the people of North Dakota. This would seem to satisfy the people of North Dakota who want the speed limit raised and it would provide proper penalties for exceeding the speed limit.

The motion passed on a roll call vote (3 yea, 2 no, 1 absent and not voting).

It was moved by Senator Espgaard, seconded by Senator Mutch and passed on a roll call vote (4 -1-1) that the Senate Transportation Committee take a **DO PASS AS TWICE AMENDED AND RE-REFER TO APPROPRIATIONS** action on HB 1047. Senator Trenbeath will carry the bill to the floor.

Chairman Trenbeath moved on to other business of the committee.

30033.0403
Title.0500

Prepared by the Legislative Council staff for
Senate Transportation
March 20, 2003

JB
3-20-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1047

Page 1, line 1, replace the first comma with "and" and after the second comma insert
"paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma
insert "10 and", remove the overstrike over "11", and remove "subsection 10"

Page 4, line 6, after "11." insert "10." and remove the overstrike over "On a highway on which
the speed limit is posted in excess of seventy miles"

Page 4, remove the overstrike over line 7

Page 4, line 8, remove the overstrike over "ordinance, a fee"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of
section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as
follows:

- (33) On a highway on which the
speed limit is posted in
excess of seventy miles [112.65
kilometers] an hour, operating a
motor vehicle in excess of the
speed limit in violation of
section 39-09-02, or equivalent
ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	+ 2
11 - 15	+ 4
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Renumber accordingly

Page No. 1

30033.0403

Yolanda Rickford
Operator's Signature

10/2/03
Date

6P

Date: 3-13-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30033.0403 Title .0500

Action Taken Amendment 5 and points as recommended.

Motion Made By Senator Espigosa Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espigard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment ~~Senator~~

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

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Yolanda Rickford
Operator's Signature

10/2/03
Date

Date: 3-13-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate **TRANSPORTATION** Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Re pass as amended and refer to appropriations

Motion Made By Senator Espezard Seconded By Senator Mutch

[illegible]

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Espeland

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

reconsidered
by voice vote
3-26-03

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Yalosta Rickford
Operator's Signature

10/2/03
Date

30033.0402
Title.

Prepared by the Legislative Council staff for
Senator Espgaard
March 14, 2003

PROPOSED AMENDMENTS TO LONGROSSED HOUSE BILL NO. 1047

Page 1, line 1, after the third comma insert "and" and after the fourth comma insert
"subdivision h of subsection 1 of section 39-09-02, and sections"

Page 1, line 2, remove the first comma and remove "the fees for"

Page 6, after line 12, insert:

"SECTION 5. AMENDMENT. Subdivision h of subsection 1 of section
39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- h. ~~Seventy~~ ~~Seventy-five~~ miles [~~412.65~~ 120.70 kilometers] an hour on
access-controlled, paved and divided, multilane interstate highways,
unless otherwise permitted, restricted, or required by conditions."

Renumber accordingly

Date: 3-20-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment 0402

Motion Made By Senator Mutch Seconded By Senator Espgaard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor		✓
Senator Duane Mutch	✓				
Senator Dave Nething		✓			

Total (Yes) 3 No 2

Absent 1

Floor Assignment Senator

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

*reconsidered
by voice vote
3-20-03*

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Yalosta Rickford
Operator's Signature

10/2/03
Date

30033.0403
Title.0500

Prepared by the Legislative Council staff for
Senate Transportation
March 20, 2003

JB
3-20-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1047

Page 1, line 1, replace the first comma with "and" and after the second comma insert
"paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma
insert "10 and", remove the overstrike over "++", and remove "subsection 10"

Page 4, line 6, after "++" insert "10." and remove the overstrike over "On a highway on which
the speed limit is posted in excess of seventy miles"

Page 4, remove the overstrike over line 7

Page 4, line 8, remove the overstrike over "ordinance, a fee"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of
section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as
follows:

- (33) On a highway on which the
speed limit is posted in
excess of seventy miles [112.65
kilometers] an hour, operating a
motor vehicle in excess of the
speed limit in violation of
section 39-09-02, or equivalent
ordinance

Miles per hour over
lawful speed limit

1 - 5
6 - 10
11 - 15
16 - 20
21 - 25
26 - 30
31 - 35
36 +

Points

0
+ 2
2 4
5
7
10
12
15"

Renumber accordingly

Page No. 1

30033.0403

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Yalosta Rickford
Operator's Signature

10/2/03
Date

Date: 3-20-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP w/amendment .0403 and refer to appropriate

Motion Made By Senator Nething Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espesgard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch		✓			
Senator Dave Nething	✓				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Senator Espesgard

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

*reconsidered
by voice vote
3-21-03*

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Yalosta Rickford
Operator's Signature

10/2/03
Date

Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment on 0402

Motion Made By Senator Esgard Seconded By Senator Mutch

[illegible]

Total (Yes) 3 No 2

Absent 1

Floor Assignment Senator

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

Operator's Signature Yalosta Rickford Date 10/2/03

30033.0404
Title.0600

Adopted by the Transportation Committee
March 21, 2003

Jo3
3-24-03
1882

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1047

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, sections", replace the third comma with "and", and after the fourth comma insert "subdivision h of subsection 1 of section 39-09-02, and sections"

Page 1, line 2, remove the first comma and remove "the fees for"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma insert "10 and", remove the overstrike over "44", and remove "subsection 10"

Page 4, line 6, after "44" insert "10." and remove the overstrike over "On a highway on which the speed limit is posted in excess of seventy miles"

Page 4, remove the overstrike over line 7

Page 4, line 8, remove the overstrike over "ordinance, a fee"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	4 <u>2</u>
11 - 15	2 <u>4</u>
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

"SECTION 6. AMENDMENT. Subdivision h of subsection 1 of section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions."

Renumber accordingly

Date: 3-21-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1047

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30033.0404 Title 0600

Action Taken As per as twice amended refer to appropriations

Motion Made By Senator Espgaard Seconded By Senator Mitchell

[illegible]

Total (Yes) 4 No 21

Absent 1

Floor Assignment Senator Trebeath

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

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Yolanda Rickford
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
March 25, 2003 10:09 a.m.

Module No: SR-53-5636
Carrier: Trenbeath
Insert LC: 30033.0404 Title: .0600

REPORT OF STANDING COMMITTEE

HB 1047, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1047 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, sections", replace the third comma with "and", and after the fourth comma insert "subdivision h of subsection 1 of section 39-09-02, and sections"

Page 1, line 2, remove the first comma and remove "the fees for"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma insert "10 and", remove the overstrike over "44", and remove "subsection 10"

Page 4, line 6, after "44," insert "10." and remove the overstrike over "On a highway on which the speed limit is posted in excess of seventy miles"

Page 4, remove the overstrike over line 7

Page 4, line 8, remove the overstrike over "ordinance, a fee"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over
lawful speed limit

1 - 5
6 - 10
11 - 15
16 - 20
21 - 25
26 - 30
31 - 35
36 +

Points

0
+ 2
2 4
5
7
10
12
15"

Page 6, after line 12, insert:

(2) DESK, (3) COMM

Page No. 1

SR-53-5636

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Operator's Signature

Date

REPORT OF STANDING COMMITTEE (410)
March 25, 2003 10:09 a.m.

Module No: SR-53-5636
Carrier: Trenbeath
Insert LC: 30033.0404 Title: .0600

"SECTION 6. AMENDMENT. Subdivision h of subsection 1 of section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions."

Renumber accordingly

(2) DESK, (3) COMM

Page No. 2

SR-53-5636

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Yalosta Rickford
Operator's Signature

10/2/03
Date

2003 SENATE APPROPRIATIONS

HB 1047

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Operator's Signature

Calista Rickford

Date

10/2/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047 & Vote

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 3-31-03

Tape Number	Side A	Side B	Meter #
1	X		0-2100
Committee Clerk Signature <i>Sandra Davis</i>			

Minutes: CHAIRMAN HOLMBERG opened the hearing to HB 1047. Attendance roll call was taken, a quorum was established. A bill relating to the fees for driving in excess of the speed limit.

(Meter 84) TIM DAWSON, Legislative Council Interim Committee testified on HB 1047. He remains neutral on this bill, testified to explain the bill. He was the council for interim committee from where this bill came from. This bill had a fee of \$5 for all speeding offenses, the House amended it to split the fees from \$3 for 1-10 mph over and \$5 thereafter. When it got to the Senate, the 3/5 split remained but they inserted a 75 miles per hour speed limit on the interstate and for that it would be \$5 speed limit fee all the time not the 3/5 split and increased the points for over the 75 mph speed limit. He went over the bill on page 2. The House added the \$3 for 1-10 miles per hour over the speed limit on all road. The Senate on page 4, added for roads posted in excess of 70 mph which would be the 75 mph, a \$5 fee for each mph over the limit all the time. On page 5, the points have been increased for highways in which the limit is over 70

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Operator's Signature

10/2/03
Date

Page 2
Senate Appropriations Committee
Bill/Resolution Number HB 1047
Hearing Date 3-31-03

mph. On page 7, on lines 4-8, the speed limit has been increased to 75 mph on access controlled paved invited multi laned interstate highways.

(Meter 263) CHAIRMAN HOLMBERG clarified that Tim was reading from Engrossed bill with Senate amendments. The committee had the engrossed bill with the amendments on the following pages. He continued to explain the fees and points on the bill and the clean up.

(Meter 360) SENATOR TRENBEATH explained the engrossed house bill should read just the \$5 mph fee not a split \$3/\$5. TIM stated the \$5 is strictly for the 75 mph speed limit. The split remains and there are increased fees for 75 mph speed limit.

(Meter 471) SENATOR ROBINSON asked if you would extract the 75 mph speed limit increase out of the bill, what's left is the increased fees fines for speeding but not at \$5 per mile over but at \$3. TIM replied that if you pulled out just the section on the 75 mph speed limit, there would be no roads posted at that and it would be exactly the same as the House version.

(Meter 514) SENATOR BOWMAN asked for clarification of the points system. TIM explained on page 1, the amendments Section 3, those will be the points posted in excess of 75 mph. On those roads (the interstate) you will get 2 points for 6-10 mph over the limit and 4 points for 11-15 where it use to 1 and 2 points. SENATOR BOWMAN stated under current law if you were picked up going 67 mph would you lose 2 points. TIM explained the point schedule that people operate under now, is not in the bill.

(Meter 662) CHAIRMAN HOLMBERG clarified that the bill just has the fines included except for the additions in the Senate. TIM stated it has increased points for 75 mph limits and increased fees.

Page 3
Senate Appropriations Committee
Bill/Resolution Number HB 1047
Hearing Date 3-31-03

(Meter 693) CHAIRMAN HOLMBERG restated the bill came over just concerning fees, when the Senate had it, the 75 mph speed limit, then they added the new points and TIM agreed.

CHAIRMAN HOLMBERG stated the two white pages and the fiscal note goes with the 75 mph speed limit.

(Meter 738) SENATOR CHRISTMANN asked if this does anything at the top end, as far as a 90-100 mph penalty, that stays the same? TIM DAWSON answered yes, it is going to be under the scale of \$5 for every mile per hour over the 75 mph (\$25 X 5 would be \$125).

(Meter 791) SENATOR CHRISTMANN asked TIM to generally explain what the fines are now on the regular highways. TIM DAWSON answered to look at Subsection 3 of 3906.106 in your bill will be the crossed off language and Subsection 7 at which the fee is higher than 55 mph. So the crossed off part is what is law now.

(Meter 894) CHAIRMAN HOLMBERG asked if we have as of today no highways posted over 70, even though in statute that provision that says if they are over 70, this is what your fine is.

TIM stated that is correct.

(Meter 929) SENATOR MATHERN asked the amendments on the second page, section 6, does it change the speed limit to 75 mph or is it just the issue of the fine? TIM DAWSON replied it is the section that changes the speed limit.

(Meter 990) SENATOR TRENBEATH, District 10 and Chairman of the Transportation committee testified on HB 1047. He clarified the explanation of the points. When they talk about 6 miles per hour over the speed limit with 2 points would be 81 mph.

(Meter 1050) SENATOR ROBINSON asked if there was much concerned expressed about the 75 mph speed limit. SENATOR TRENBEATH stated there was not much concern. SENATOR

Yolanda Rickford
Operator's Signature

10/2/03
Date

Page 4
Senate Appropriations Committee
Bill/Resolution Number HB 1047
Hearing Date 3-31-03

ROBINSON stated that the important part is the shortage of highway patrol across the state. The fines and the points become immaterial in light of the inability to assist it. SENATOR TRENBEATH stated his opinion is differently..

(Meter 1215) SENATOR MATHERN stated in response to SENATOR BOWMAN'S question of what would be the points before and after the bill being past? It appears going 76 mph on the present law would be 2 points assessment and on this bill there would be no point assessment, is that accurate? TIM DAWSON referred to the bill and the old point schedule still would be 1-5 miles per hour would be 0 points, rather that 75 mph 0 points you would be at 80 miles per hour at 0 points. But the fine would be more and escalates.

(Meter 1347) SENATOR THANE asked at what point do you lose your license because you have points. TIM DAWSON answered at 12 points your license are suspended, your driving privileges are suspended. The points aren't as much about suspension as they are about insurance.

(Meter 1505) SENATOR ROBINSON asked a policy question but reports will state that speed kills and the last time we had a 75 mph speed limit, fatalities were up and we got larger trucks, bigger trucks, the roads are in no better condition. We know from past experience we will have an increase in traffic fatalities, why do we want to go down this road?

(Meter 1611) SENATOR TRENBEATH stated that if we raise the 65 from 55 and raise the interstate from 65 to 75, he is not going to get home any quicker, just more legal. There are besides the bigger trucks, automobiles with 5 times the headlight power, 5 times the braking power and 4 times the safety feature.

Yalosta Rickford
Operator's Signature

10/2/03
Date

Page 5

Senate Appropriations Committee

Bill/Resolution Number HB 1047

Hearing Date 3-31-03

(Meter 1810) SENATOR KRINGSTAD stated if you drive 100 miles a hour, you don't lose your licenses, you lose 7 points and if you drive 105 mph you lose 10 points and and 110 mph you lose your licenses.

(Meter 1395) SENATOR THANE wanted to know if in his committee, did anyone testify on the average age, the older age drive with slower reaction a problem. Now they will be competing with a 75 mph driver. Anyone testifying about that? SENATOR T RENBEATH stated there was not any testimony on age differential reaction time.

(Meter 1986) A motion was made of DO NOT PASS by SENATOR MATHERN and seconded by SENATOR ROBINSON. A voice vote of 6 yeas, 5 nays and 3 absent. The bill will be carried by SENATOR THANE.

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Operator's Signature

Salvatore Rickford

Date

10/2/03

Date: 3/31/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1047

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Mathum Seconded By Rabunism

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman		✓			
Senator Bowman, Vice Chair		✓			
Senator Grindberg, Vice Chair					
Senator Andrist					
Senator Christmann					
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad		✓			
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger		✓			
Senator Tallackson		✓			
Senator Thane	✓				

Total (Yes) 6 No 5

Absent 3

Floor Assignment Thane

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

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Yolanda Rickford
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
March 31, 2003 9:03 a.m.

Module No: SR-57-6143
Carrier: Thane
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1047, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1047, as amended, was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-57-0143

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Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1047

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Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047 conf

House Transportation Committee

☒ Conference Committee

Hearing Date April 8, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.2 to 35.2
Committee Clerk Signature <i>Lauren H. Zink</i>			

Minutes:

Chairman Rep. Ruby opened the conference committee with a call of the roll:

Rep. Ruby

Sen. Trenbeath

Rep. Headland

Sen. Espegard

Rep. Delmore

Sen. Taylor

responded as present.

Rep. Ruby requested that the senate conferees review the Senate amendments and the rationale.

Sen. Trenbeath discussed the Senate's amendments and their position on points, penalties, etc.

Most of their amendments were the result of the ND Highway Patrol having expressed some concerns with the House version particularly with the fine schedules. The Senate felt that most people were concerned more with the points than the fine thus the points were probably more of a deterrent.

Page 2

House Transportation Committee

Bill/Resolution Number HB 1047 conf.

Hearing Date April 8, 2003

Rep. Delmore asked whether there was much attention to the insurance company reactions were to the points issue.

In the discussion that followed each of the parties expressed concern for speed limits changes, fines schedules, and the relative point systems. Concern for what North Dakota was proposing in relation to surrounding state laws caused the committee to allow the Chairman to investigate the speed limits, the points system and the fine scheduled for surrounding states. The conference committee recessed to reconvene at the call of the Chair.

End (35.2)

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Yalosta Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1047

House Transportation Committee

☒ Conference Committee

Hearing Date APRIL 9, 2003

Tape Number	Side A	Side B	Meter #
TWO	x		00 TO 24.9
Committee Clerk Signature <i>Lauren L. Felt</i>			

Minutes:

REPRESENTATIVE RUBY:: Conference Committee Members, we will open on HB 1047

The attendance roll was taken and all committee members were present.

SENATOR TRENBEATH: Chairman Ruby, I put this together based on some conversations that I had had. This is not complete and I will explain why. The conversation that I have with respect to the points as to speed limits led me to have a amendment prepared and this amendment would basically say that Senate would recede from it's amendments and then further amend.

And really the only change in this amendment is two fold. First of all in the points. Where it Used to read 02457 it would now read 01357 and the second part would be on page three.

Which would be seventy five miles an hour on paved and divided multilane highways unless otherwise permitted, restricted, or required by conditions. That is basically Highway 83 and Highway 2. The state four lane highways. So it would seventy on those. The amendment that I also think that we should talk about that is not included in this is one I think we are all aware of

Page 2

House Transportation Committee

Bill/Resolution Number HB 1047

Hearing Date 4---09---03

now and that is respect with the previously passed Bill 1046. It set the 65 mile per hour speed limit. Apparently the counties are dissatisfied with that. It sets at 65 as a default speed limit on there county and township paved roads. Apparently those roads don't accommodate the Federal guide lines to that speed limit because of shoulders and slopping. So at present they are just not signed because of the default. They are talking about the cost of signing them to fifty five miles per hour because they don't want them to be default at sixty five. It just seem to me that if we were to tack that amendment on this bill also. It might frankly enhance it's chance of passage. It might also add a little bit towards a veto because the executive signed that other bill.

REPRESENTATIVE DELMORE: Asked a question but I could not understand her statement.

REPRESENTATIVE RUBY: That is no longer the law. 1046 Basically if I had, some of this is lined out with that one and to the amendment would need to remove the overstrike on that. I think Representative Weisz is got that in the works. I think that is something that we would have to attach. One thing I did, the speed limit increase was 80 and the fine increases. The first column the speed over the limit and then you have the next five of them are all some versions. The fifth one is subsection seven which in the bill on page three with the original language comparing it to that to see if either one of these we can see how it compares with existing speed limits on the speed limits that are over fifty five. So this was basically the sixty five mile per hour speed limit. We have the three and five in the first column that was three miles up to ten and five after that. I remember that on the House Side in the Committee, Representative Weisz had an idea that was because of the ten mile and hour and the eleven mile an hour on the first column you will see a \$25.00 dollar jump for one mile an hour more.

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Under the three four you will see a \$14.00 dollar jump and of course just on the three it just gradually goes up by three. His thought was if you went three miles up to ten and then basically Some of the language it is thirty dollars plus five dollars a over ten miles. Then you go in five dollar increments over that. If you compare the three mile straight across the board compared to subsection seven. All of these proposals increases it. But we are increasing the speed so I believe the thought process is to put the fine up a little bit so they are not going to excessive.

SENATOR TRENBEATH: So Mr. Chairman if we were to compare the three dollars to ten Mile per hour and thirty dollars plus five dollars per mile per mile after that to the existing It would be a difference of Seven dollars, thirty five dollars compared to present twenty eight. One of the other

REPRESENTATIVE RUBY: I think that three dollars to ten miles per hour then five dollars per mile per hour after that is probably the way a lot of people look at that.

SENATOR TRENBEATH: He has a good point. The twenty five dollar jump for one mile over. Now some will say they won't go over they won't go that fast. Deterrent argument.

REPRESENTATIVE RUBY: That is why I wanted to have that for the committee to consider and then I did get the information on South Dakota. If you go there the first column under South Dakota. The first column is seventy five miles per hour. Compare any of the stuff that we were just talking about. {the conversation is comparing ND to SD.} The five miles per hour over, as these brackets go from one to five, six to ten on the original bill the five mile per hour comes in there

SENATOR TRENBEATH: Mr. Chairman, from the perception stand point I don't know how we would go any lower then five dollars per hour per hour on the interstate. We are talking

Yolanda Rickford
Operator's Signature

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Five miles per hour for a dollar per mile per hour.

CHAIRMAN RUBY: That is just something that I mention that I would bring but listen to a real contentious issue. As you can see South Dakota shows pretty low. If you are doing six miles per hour over the speed limit it is thirty five dollars. One thing I did find out on the points as to speeding it is three points that affect your insurance. Any thing over two. That is something to consider. I think it would probably be more of a pattern that the insurance company would look at. That is the information that I received. I guess we should break this up. We have two different issues. We have to decide what we want to do on the regular state highways and county highways. Or where ever the highway patrol is ticketing. Make a decision on that and then go over to the interstate side and decide what we want to do with the points. Any thoughts on any of these brackets.

SENATOR TRENBEATH: My feeling is Mr Chairman is that we ought to exactly what we were saying the other day and that is three dollars to 10 miles per hour and five dollar per hour after. We should decide what we want to do on the seventy. Whether we reword the points an fines sections, or whether we reword the others. As we saw on the state highways you know At eleven miles over sixty five at 86 miles per hour you are going to loose [please see chart as to speed limits and points. This is the conversations that is going on comparing]

REPRESENTATIVE: RUBY: We need to entertain a motion on which bracket we want to go under which proposal.

SENATOR TRENBEATH: Are we going to deal with these one at a time. We should come to some kind of a concessus on each one and then vote on the whole thing if we could.

REPRESENTATIVE RUBY: Yes we can.

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REPRESENTATIVE RUBY: From what I gathered the idea was the three to ten and five dollars over. {{there was agreement on the above idea}}

Then as far as speeding on the interstate at 75 miles per hour, if you are doing ten miles per hour over it is fifty dollars. If you are doing six it is thirty. So it is about in between what it used to be at forth dollars. It somewhat graduates up.

Any other thoughts.

REPRESENTATIVE DELMORE: Mr Chairman. I think we have to sell this to the general public and the highway patrol.

REPRESENTATIVE RUBY: Ok, so the amendment would be five dollars per mile over the limit. It allows a higher speed and a higher fine. Please see the amendment that is attached as to what the committee adopted. I think it makes some sense to have some balance between the state system. The best we can hope for is to have a point system that is roughly equal. So at 11 miles over you would be at three points and sixty five dollars. Both of these are five dollar per mile.

REPRESENTATIVE RUBY: Give me a run down on what's all in this again. We have the points 013, the points on 70 and 75 also with the five dollars per mile on 70 and 75 and then we have the three up to ten and five dollars over thirty dollars from eleven on and that is on state highways. Then seventy five mile per hour speed limit is on there. The county highways where they won't have to change signs. It will be 55 on non posted county high way.

READY FOR A VOTE: THE CLERK WILL TAKE THE ROLL.

THERE WERE 6 YES 0 NO AND NO ABSENT

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House Transportation Committee

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There was emergency clause put on this amendment.

REPRESENTATIVE RUBY: WE WILL CLOSE ON HB 1047

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Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047 conf

House Transportation Committee

☒ Conference Committee

Hearing Date April 16, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.1 to 4.5
Committee Clerk Signature <i>Laurie B. Zick</i>			

Minutes:

Chairman Rep. Weisz opened this session of the conference committee with a call for the roll;

Rep. Weisz

Sen. Trenbeath

Rep. Ruby

Sen. Espegard

Rep. Delmore

Sen. Taylor

responded to call of the roll.

The House had rejected the previous conference committee report thus the bill was returned for further conference committee consideration. The make up of the committee membership was the same as the previous committee except that Rep. Ruby served in place of Rep. Headland who had served before. Rep. Weisz stated he realized that the bill had a number of this for somebody to like and for somebody to hate. In reviewing the vote and talking with House members who voted against the bill there seemed to be three areas where people did not like the bill as it came out of the conference committee. These were the fine structure on the 55 mile per hour section;

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House Transportation Committee
Bill/Resolution Number HB 1047 conf
Hearing Date April 16, 2003

the were some who still did not like the point system increase (and it was noted that the Senate would most likely not approve anything without some stiffer point penalty); and some few were still opposed to the 75 mile per hour speed but did not object to the new category of 70 mph highways which are the multi-lane divided highways in the state. Rep. ruby pointed out and discussed the wider and stiffer penalties which under the previous bill imposed on the 55 mile per hour highway. It was in excess of 20 mph over the limit. Rep. Weisz suggested that the better way for better acceptance would be to leave the current law in place and not change the fine and penalties on the 55 mph highways; to increase the fines as previously provided for the 65 mph highways but for both the 65 and the 75 mph highways reduce the points to 1, 2 and 5 over over the speed limits. Sen. Trenbeath felt that this was a more acceptable solution and that perhaps with a little tweaking in the bill and with keeping the provisions for the counties kept from the previous bill they could go along with that proposal. Sen. Espegard moved approval of these proposal as the amendments from this committee. Rep. Delmore seconded the motion . The motion carried.

SEn. Espegard moved that the Senate recede from its previous amendments and a 'Do Pass as amended' motion for HB 1047. Rep. Ruby seconded the motion. On a roll call vote the motion carried 5 Ayes 1 Nays 0 Absent. Rep. Weisz was designated as the carrier for HB 1047.

End of record (4.5).

Proposed amendments to Engrossed House Bill 1439 (from Conf. Comm.)

30663.0300

Page 1, line 1, remove "to create and enact a new paragraph to subdivision b of subsection 3 of"

Page 1, line 2, remove "section 39-06.1-10;" and remove ", sections"

Page 1, line 3, remove "39-08-01 and 39-09-02,"

Page 1, line 4, remove "speed limits and"

Page 1, line 5, replace "a penalty" with "for a legislative council study"

Page 1, remove lines 7 through 13

Page 1, line 21, replace "sixteen" with "eighteen"

Page 1, line 22, remove ". The director shall waive the"

Page 1, remove line 23

Page 2, remove line 1

Page 2, line 2, remove "vehicle"

Page 2, line 5, remove the second "last"

Page 2, line 6, replace "sixteen" with "eighteen"

Page 2, line 9, remove "last"

Page 2, line 10, replace "sixteen" with "eighteen"

Page 2, line 13, remove "last"

Page 2, line 14, replace "sixteen" with "eighteen"

Page 2, line 17, remove "last"

Page 2, line 18, replace "sixteen" with "eighteen"

Page 2, line 22, remove the second "last"

Page 2, line 23, replace "sixteen" with "eighteen"

Page 2, replace lines 24 through 30 with:

"SECTION 2. AMENDMENT. Section 39-20-04 of the NDCC is amended and reenacted as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing.

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:
 - a. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
 - b. ~~Two~~ Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once

- previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
- c. ~~Three~~ **Four** years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination ~~thereof or the~~ **and** the suspensions, revocations, or denials resulted from at least two separate arrests.
2. A person's driving privileges are not subject to revocation under this section ~~subdivision a of~~ **subdivision 1** if all of the following criteria are met:
- a. ~~No~~ **An** administrative hearing is ~~not~~ held under section 39-20-05;
- b. The person mails an affidavit to the director within twenty-five days after the temporary operator's permit is issued. The affidavit must state that the person:
- (1) Intends to voluntarily plead guilty to violating section 39-08-01 or equivalent ordinance within twenty-five days after the temporary operator's permit is issued;
 - (2) Agrees that the person's driving privileges must be suspended as provided under section 39-06.1-10;
 - (3) Acknowledges the right to a section 39-20-05 administrative hearing and section 39-20-06 judicial review and voluntarily and knowingly waives these rights; and
 - (4) Agrees that the person's driving privileges must be revoked as provided under this section without an administrative hearing or judicial review, if the person does not plead guilty within twenty-five days after the temporary operator's permit is issued, or the court does not accept the guilty plea, or the guilty plea is withdrawn;
- c. The person pleads guilty to violating section 39-08-01 or equivalent ordinance within twenty-five days after the temporary operator's permit is issued;
- d. The court accepts the person's guilty plea and a notice of that fact is mailed to the director within twenty-five days after the temporary operator's permit is issued; and
- e. A copy of the final order or judgment of conviction evidencing the acceptance of the person's guilty plea is received by the director prior to the return or reinstatement of the person's driving privileges.
3. The court must mail a copy of an order granting a withdrawal of a guilty plea to violating section 39-08-01, or equivalent ordinance, to the director within ten days after it is ordered. Upon receipt of the order, the director shall immediately revoke the person's driving privileges as provided under this section without providing an administrative hearing.

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 30

Page 10, remove lines 1 through 26

Page 11, line 15, replace "sixteen" with "eighteen"

Page 11, line 16, remove "The director shall waive the suspension if the alcohol concentration"

Page 11, remove lines 17 and 18

Page 11, line 22, replace "sixteen" with "eighteen"

Page 11, line 28, replace "sixteen" with "eighteen"

Page 12, line 1, overstrike ", or"

Page 12, overstrike line 2

Page 12, line 3, overstrike "resulted from at least two separate arrests" and remove "with the 1st violation or"

Page 12, line 4, remove "suspension"

Page 12, line 11, replace "sixteen" with "eighteen"

Page 12, line 19, replace "sixteen" with "eighteen"

Page 12, after line 20, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY - PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUGS OR SUBSTANCES NOT TO OPERATE VEHICLE - PENALTY.

LP

The legislative council shall consider studying, during the 2003-04 interim, the administrative and criminal laws of driving under the influence of intoxicating liquour, the effects of adopting and implementing a graduated penalty for offenders with a high level of blood alcohol content and repeat offenders, as well as other general deterrents to driving under the influence. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

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Operator's Signature

Salvatore Rickford

Date

10/2/03

30033.0409
Title.0800

Adopted by the Conference Committee
April 11, 2003

Conference Committee Amendments to Engrossed HB 1047 - 04/14/2003

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and page 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39 09-02,"

Page 1, line 2, remove "the fees for"

Page 1, line 3, after "limit" insert "; and to declare an emergency"

Conference Committee Amendments to Engrossed HB 1047 - 04/14/2003

Page 2, line 15, remove the overstrike over "~~subsections~~", after the first overstruck comma insert "10 and", remove the overstrike over "~~44~~", and remove "subsection 10"

Page 2, line 29, replace "5/each" with "30 plus \$5/each" and after "over" insert "10 mph over"

Conference Committee Amendments to Engrossed HB 1047 - 04/14/2003

Page 4, line 6, after "44." insert "10.", remove the overstrike over "On a highway on which the speed limit is posted in excess of", after "seventy" insert "sixty-five", and remove the overstrike over "miles"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "44.65" insert "104.61", and remove the overstrike over "kilometers] an hour, for a violation of section 39-09-02, or equivalent"

Page 4, line 8, remove the overstrike over "ordinance, a fee"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles [~~44.65~~ 104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over
lawful speed limit

1 - 5
6 - 10
11 - 15
16 - 20
21 - 25
26 - 30
31 - 35
36 +

Points

0
1
2 3
5
7
10
12
15"

Conference Committee Amendments to Engrossed HB 1047 - 04/14/2003

Page 6, after line 12, insert:

"SECTION 6. AMENDMENT. Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways~~ if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled~~, paved and divided, multilane ~~interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.

1. Seventy-five miles (120.70 kilometers) an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.

2. The director may designate and post special areas of state highways where lower speed limits apply.
3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense."

Conference Committee Amendments to Engrossed HB 1047 - 04/14/2003

Page 7, after line 30, insert:

"SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE (420)
April 14, 2003 5:41 p.m.

Module No: HR-67-7687

Insert LC: 30033.0409

REPORT OF CONFERENCE COMMITTEE

HB 1047, as engrossed: Your conference committee (Sens. Trenbeath, Espgaard, Taylor and Reps. Ruby, Headland, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1047 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and page 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

Page 1, line 3, after "limit" insert "; and to declare an emergency"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma insert "10 and", remove the overstrike over "44", and remove "subsection 10"

Page 2, line 29, replace "5/each" with "30 plus \$5/each" and after "over" insert "10 mph over"

Page 4, line 6, after "44" insert "10", remove the overstrike over "~~On a highway on which the speed limit is posted in excess of~~", after "seventy" insert "sixty-five", and remove the overstrike over "miles"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "442.65" insert "104.61", and remove the overstrike over "~~kilometers] an hour, for a violation of section 39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10" with "11."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles [~~442.65~~ 104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over
lawful speed limit

Points

(2) DESK, (2) COMM

Page No. 1

HR-67-7687

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Operator's Signature

Date

1 - 5	0
6 - 10	1
11 - 15	2 3
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

"SECTION 6. AMENDMENT. Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township

highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.

- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways if posted for that speed,~~ unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled,~~ paved and divided, multilane ~~interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.
 - i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
- 2. The director may designate and post special areas of state highways where lower speed limits apply.
 - 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 - 4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense."

Page 7, after line 30, insert:

"SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1047 was placed on the Seventh order of business on the calendar.

30033.0411
Title.0900

Adopted by the Conference Committee
April 18, 2003

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

Page 1, line 3, after "limit" insert "; and to declare an emergency"

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

Page 2, line 15, remove the overstrike over "subsections 7", after the first overstruck comma insert "and", remove the overstrike over "44", and remove "subsection 10"

Page 2, remove the overstrike over lines 20 through 27

Page 2, remove lines 28 and 29

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

Page 3, line 6, after the first "on" insert "On" and remove the overstrike over "a highway on which the speed limit is a"

Page 3, remove the overstrike over lines 7 through 10

Page 3, line 11, remove the overstrike over "4-", after "5" insert "10", after "\$4/each" insert "\$2/each", and remove the overstrike over "mph over limit"

Page 3, line 13, remove the overstrike over "44", after "45" insert "±", remove the overstrike over the overstruck dollar symbol, after "25" insert "20", remove the overstrike over "plus", after "\$2/each" insert "\$5/each", and remove the overstrike over "mph over 40 mph over limit"

Page 3, line 19, remove the overstrike over "8."

Page 3, line 20, remove the overstrike over "9." and remove "8."

Page 3, line 22, remove the overstrike over "40." and remove "9."

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

Page 4, line 6, remove the overstrike over "~~11. On a highway on which the speed limit is posted in excess of~~", after "~~seventy~~" insert "sixty-five", and remove the overstrike over "~~miles~~"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "~~112.65~~" insert "104.61", and remove the overstrike over "~~kilometers~~ an hour, for a violation of section ~~39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, remove the overstrike over "~~12~~" and remove "10."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles [~~112.65~~ 104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit

1 - 5
6 - 10
11 - 15
16 - 20
21 - 25
26 - 30
31 - 35
36 +

Points

0
1
~~2~~ 3
5
7
10
12
15*

Yolanda Rickford
Operator's Signature

10/2/03
Date

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

Page 6, after line 12, insert:

"SECTION 6. AMENDMENT. Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways and on paved and divided multilane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled~~, paved and divided, multilane ~~interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.

3 of 4

30033.0411

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Operator's Signature

10/2/03
Date

1. Seventy-five miles (120.70 kilometers) an hour on access-controlled,
paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or
required by conditions.

2. The director may designate and post special areas of state highways
where lower speed limits apply.
3. Except as provided by law, it is unlawful for any person to drive a vehicle
upon a highway at a speed that is unsafe or at a speed exceeding the
speed limit prescribed by law or established pursuant to law.
4. In charging a violation of the provisions of this section, the complaint must
specify the speed at which the defendant is alleged to have driven and the
speed which this section prescribes is prima facie lawful at the time and
place of the alleged offense."

Conference Committee Amendments to Engrossed HB 1047 - 04/21/2003

Page 7, after line 30, insert:

"SECTION 9. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE (420)
April 21, 2003 5:05 p.m.

Module No: SR-72-7957

Insert LC: 30033.0411

**Corrected by Karen*

REPORT OF CONFERENCE COMMITTEE

HB 1047, as engrossed: Your conference committee (Sens. Trenbeath, Espegard, Taylor and Reps. Weisz, Ruby, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1047 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

Page 1, line 3, after "limit" insert "; and to declare an emergency"

Page 2, line 15, remove the overstrike over "~~subsections 7~~", after the first overstruck comma insert "and", remove the overstrike over "~~44~~", and remove "~~subsection 10~~"

Page 2, remove the overstrike over lines 20 through 27

Page 2, remove lines 28 and 29

Page 3, line 6, after the first "~~on~~" insert "On" and remove the overstrike over "~~a highway on which the speed limit is a~~"

Page 3, remove the overstrike over lines 7 through 10

Page 3, line 11, remove the overstrike over "~~4~~", after "~~5~~" insert "10", after "~~\$1/each~~" insert "\$2/each", and remove the overstrike over "~~mph over limit~~"

Page 3, line 13, remove the overstrike over "~~44~~", after "~~45~~" insert "±", remove the overstrike over the overstruck dollar symbol, after "~~25~~" insert "20", remove the overstrike over "~~plus~~", after "~~\$3/each~~" insert "\$5/each", and remove the overstrike over "~~mph over 10 mph over limit~~"

Page 3, line 19, remove the overstrike over "~~8~~."

Page 3, line 20, remove the overstrike over "~~9~~." and remove "8."

Page 3, line 22, remove the overstrike over "~~40~~." and remove "9."

Page 4, line 6, remove the overstrike over "~~44. On a highway on which the speed limit is posted in excess of~~", after "~~seventy~~" insert "sixty-five", and remove the overstrike over "~~miles~~"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "~~442.65~~" insert "104.61", and remove the overstrike over "~~kilometers per hour, for a violation of section 39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page No. 1

SR-72-7957

Yalosta Rickford
Operator's Signature

10/2/03
Date

Page 4, line 19, remove the overstrike over "42." and remove "10."

Page 4, after line 29, insert:

"SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles ~~[44.65 104.61]~~ kilometers) an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	1
11 - 15	2 3
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15

Page 6, after line 12, insert:

"SECTION 6. AMENDMENT. Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
 - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.

- c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways and on paved and divided multilane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled~~, paved and divided, multilane ~~interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.
 - i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply.
 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense."

Page 7, after line 30, insert:

"SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Reengrossed HB 1047 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

HB 1047

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Operator's Signature

10/2/03
Date

NORTH DAKOTA SPEED LIMIT HISTORY

DATE OF CHANGE	MILES PER HOUR
Primary and Secondary Systems	
1927	35 mph
1931	Increased to 50 mph
1935	50 mph
1947	50 mph (local jurisdictions and Highway Commissioner could designate higher or lower)
1957	55 mph unless otherwise posted
05-10-58	Day/65 Night/55 Trucks/55
11-28-73	55 mph
06-24-96 (US Hwys 2, 83, 85, and 281)	Day/65 Night/55 All Others/55 mph
08-01-97 (4-lane Divided Highways)	65 mph (day and night) (except where posted)
08-01-97 (2-lane Paved Highways)	Day/65 Night/55 (except where posted)
History of Established Speeds on I-94	
Opened 11-22-58	Day/70 Night/60 Trucks/60
Increased 04-18-67	Day/75 Night/65 Trucks/60
Decreased 11-28-73	60 mph
Decreased 02-10-74	55 mph
Increased 04-08-87	65 mph maximum authorized by Senate Bill 2202
Increased 06-10-96	70 mph
History of Established Speeds on I-29	
Opened 12-05-59	Day/65 Night/55 Trucks/55
Increased 11-30-67	Day/70 Night/60 Trucks/60
Increased 09-23-70	Day/75 Night/65 Trucks/60
Decreased 11-28-73	60 mph
Decreased 02-10-74	55 mph
Increased 04-08-87	65 mph maximum authorized by Senate Bill 2202
Increased 06-10-96	70 mph

Yalosta Rickford
Operator's Signature

10/2/03
Date

SAFETY POINTS

- ❖ All ages 14 years old plus
- ❖ 80 mph 120 feet per second -- football field would be 2.5 seconds
- ❖ All vehicles day and night -- semis/road equipment/campers/boats/ farm equipment/bicycles
- ❖ All weather -- rain/snow/ice/road construction, etc.
- ❖ Never in North Dakota State History have we had 75 mph day and night for all vehicles
- ❖ 1967 -- 1975 -- Interstate was 75 mph during the day and 65 mph at night; trucks were 60 mph at night
- ❖ Deaths during 1967 -- 1973 averaged 194 per year for the seven years
- ❖ Last seven years averages 91 deaths per year
- ❖ Five of the highest six years in total traffic deaths occurred during the seven years the speed limit was 75 mph (1927 -- 2000)

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10/2/03
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Two Year Fatality Totals 2001-2002	
North Dakota	202
South Dakota	346
Wyoming	362
Montana	499
Nebraska	553

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Valosta Rickford
Operator's Signature

10/2/03
Date

01/16/2003

Page 1 of 1

North Dakota Highway Patrol
Citation Summary Report
01/01/2002 - 12/31/2002

Speed(MPH)	(03) MCSAP	(06) Construction Zone	(13) Under Age Drinking	(14) Sobriety Check Point Enforcement	(15) Seatbelt	(17) Alcohol Saturation	(87) Regular	(88) OT Earned	(89) CT Earned
1-55	2	278	22	1	69	9	605	1	
56-60		157	10	1	51	5	419	2	
61		19	1		2		44		
62		24			2		46		
63		15	2		7		72		
64		16			6		68		
65	1	51	58	1	57	1	953	4	
66		16	29		27	12	366	1	
67	1	23	39		22	13	640	2	
68	1	30	33	4	28	11	783	2	
69	1	37	38		20	13	782	1	
70	2	84	83	1	109	27	2,384	4	
71-75	10	121	181	3	537	55	11,340	10	2
76-80	21	79	108	6	542	33	12,307	20	
81-85	10	50	58	4	226	16	6,673	12	
86-90	1	8	26	2	60	6	2,033	1	
Over 90	1	2	15	4	25		827	1	
Grand Total	51	1,615	713	27	1,790	220	40,392	64	4

2496 81mph or over

54% for 76 mph and over

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Operator's Signature Yolanda Rickford

Date 10/2/03

Amend 39-06.1-10 subsection 33

(33) On a highway on which the speed limit is posted in excess of ~~seventy six~~ ~~miles~~ [112.65 96.54 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points	
1 - 5	0	
6 - 10	4	2
11 - 15	2	4
16 - 20	5	
21 - 25	7	
26 - 30	10	
31 - 35	12	
36 +	15	

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Operator's Signature

10/2/03
Date

Insert changes to subsection 10 on page 4 of HB 1047

Remove strikethrough on 11 and renumber as "10"
Renumber 10 to 11.

Also, requires change to subsection 3 on page 2 "Except as provided in subsections 10 and 11 of this section"

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

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

of five dollars for each mile per hour over the limit.

Current Speed Penalties 65 Zone			Points Proposed Fee for 65 Zone from HB 1047			Points Proposed 75 Zone - fee of \$5 per mile			Current
Speed	Fee	Points	Speed	Fee	Points	Speed	Fee	Points	
66	11	0	66	3	0				
67	12	0	67	6	0				
68	13	0	68	9	0				
69	14	0	69	12	0				
70	15	0	70	15	0				
71	17	0	71	18	2				
72	19	0	72	21	2				
73	21	0	73	24	2				
74	23	0	74	27	2				
75	25	0	75	30	2				
76	28	1	76	55	4	76	5	0	0
77	31	1	77	60	4	77	10	0	0
78	34	1	78	65	4	78	15	0	0
79	37	1	79	70	4	79	20	0	0
80	40	1	80	75	4	80	25	0	0
81	43	3	81	80	5	81	30	2	1
82	46	3	82	85	5	82	35	2	1
83	49	3	83	90	5	83	40	2	1
84	52	3	84	95	5	84	45	2	
85	55	3	85	100	5	85	50	2	1
86	58	5	86	105	7	86	55	4	2
87	61	5	87	110	7	87	60	4	2
88	64	5	88	115	7	88	65	4	2
89	67	5	89	120	7	89	70	4	2
90	70	5	90	125	7	90	75	4	2
91	73	9	91	130	10	91	80	5	5
92	76	9	92	135	10	92	85	5	5
93	79	9	93	140	10	93	90	5	5
94	82	9	94	145	10	94	95	5	5
95	85	9	95	150	10	95	100	5	5
96	88	9	96	155	12	96	105	7	7
97	91	9	97	160	12	97	110	7	7
98	94	9	98	165	12	98	115	7	7
99	97	9	99	170	12	99	120	7	7
100	100	9	100	175	12	100	125	7	7
101	125	12	101	180	15	101	130	10	10
102	130	12	102	185	15	102	135	10	10
103	135	12	103	190	15	103	140	10	10
104	140	12	104	195	15	104	145	10	10
105	145	12	105	200	15	105	150	10	10
106	150	12	106	205	15	106	155	12	12
107	155	12	107	210	15	107	160	12	12
108	160	12	108	215	15	108	165	12	12
109	165	12	109	220	15	109	170	12	12
110	170	12	110	225	15	110	175	12	12
111	175	15	111	230	15	111	180	15	15

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Yolanda Rickard
Operator's Signature

10/2/03
Date

Not Voted on

Proposed amendments to HB 1047 (VERSION B)

Page 2, line 16, remove the overstrike over "established as"

Page 2, remove the overstrike over lines 17 through 19

Page 2, after line 19, insert	"1-20	\$2/each mph over limit"
	"21 +	\$40 plus \$5/each mph over limit"

Page 2, remove line 28

Yalosta Rickford
Operator's Signature

10/2/03
Date