



## **TESTIMONY ON HOUSE BILL 1279**

### **Senate Transportation Committee**

**March 10, 2021**

**Daniel L. Gaustad, City Attorney, City of Grand Forks, ND**

Chairman Clemens and members of the Senate Transportation Committee, my name is Daniel L. Gaustad and I am the City Attorney for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express the City of Grand Forks' opposition for HB 1279.

I understand that HB 1279 was introduced as a means in which to increase and make North Dakota's speeding fines more consistent throughout the state. In so doing, it was determined that removal of a city's ability to double the state fine for speeding violations would be removed since the fines for speeding were increasing. However, HB 1279 goes beyond the removal of a city's ability to determine locally the appropriate level of fines for speeding violations within the city's jurisdiction, as it also removes a city's ability to determine a local fine structure for most, if not all, non-criminal traffic violations.

The unintended consequence of HB 1279 is to remove the local control of traffic violations granted to cities last biennium. N.D.C.C. § 40-05-06 was amended in 2019 by SB 2304 (2019) to grant cities local control to determine the appropriate fine structure, not to exceed the statutory cap of twice the state fine, for speeding violations and at least 62 other non-criminal traffic violations such as driving the wrong way on a one way street, impeding traffic, improper left turn, unlawful U-Turn, failure to yield to a pedestrian when emerging from/entering driveway, driving on wrong side of roadway, unlawful passing of a school bus, or unlawful riding/clinging to a vehicle. HB 1279 removes this local control for violations within city. However, local control of traffic violations – that involve speeding or other non-speeding traffic violations - is critical to city's ability to ensure the safety and security of its citizens.

Accordingly, the City of Grand Forks respectfully asks for a DO NOT PASS as currently presented for HB 1279. The City of Grand Forks would not be opposed to HB 1279 if an amendment to the bill was made that only removes the ability of cities to double speeding fines, if the legislation would continue to allow local control of other non-speeding traffic violations.