



Zero fatalities. Zero excuses.

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Wade Kadrmas, and I serve as the Chair for the Vision Zero Speeding/Aggressive Driving Priority Emphasis Area Team. I am here today on behalf of the Speeding/Aggressive Driving Team, in support of Senate Bill 2169. I have been in law enforcement for over 25 years. I served three years as a correctional officer in Dickinson, three years as a police officer for the City of Dickinson, and the past 18 years as a trooper for the North Dakota Highway Patrol, with the last five serving as the agency's Safety and Education Officer, focusing on traffic safety and outreach.

The mission of the Speeding/Aggressive Driving Team is to explore ways to address the driving behavior of motorists that lead to serious injury/fatality crashes. Drivers are taught and encouraged to drive defensively, not aggressively. Aggressive driving can include exceeding the speed limit; running stop signs and red lights; turning/passing violations; improper lane changes; following too close; and distracted driving. Drivers who frequently engage in these driving behaviors choose to ignore the safety of other roadway users.

Senate Bill 2169 is designed to add an additional fine of one-hundred dollars if a driver is stopped for one of the listed violations and has three convictions for any combination of the violations listed within a five-year period. These violations relate to three of the six priority emphasis areas identified by Vision Zero. These areas include lane departure, intersections, and speeding/aggressive driving. This bill was written so cities wouldn't be able to double the enhanced penalty.

The bill initially started out with a list of over forty violations. The Senate Transportation Committee reviewed those violations and narrowed down the list to the most common crash causing violations. On page three of my testimony, under North Dakota Licensed Drivers, NDDOT provided the approximate number of drivers the bill would potentially affect if passed. Also, the handout at the end of my testimony lists the violations covered in this bill as passed by the Senate. You can click on the century code notation to review the current law.

In order for all motorists to be protected by safer roadways in North Dakota, we need to address the dangerous driving behaviors of those who consistently put others at risk. Allowing drivers to continually break traffic laws without facing an enhanced penalty discourages safe driving and adds unnecessary risk on our roadways.

Past arguments against increasing fines includes the argument that North Dakota's point system serves as a deterrent, especially for frequent offenders. Drivers can face license suspension if they accumulate 12 points or 6 points for minors. It takes numerous citations or a significant violation for a suspension to occur. There are instances when drivers never face a suspension because some violations are not assigned points. I have included a list of violations which includes the assessed fee and points assigned to each violation. The speeding penalties are broken down in the spreadsheets on pages five, six, and seven.



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Page four of my testimony denotes crash statistics from the North Dakota Department of Transportation (NDDOT) and North Dakota State University Upper Great Plains Traffic Institute (UGPTI) relating to speeding/aggressive driving; intersection crashes; and lane departure crashes. Page three includes statistics from North Dakota Driver's License Department regarding licensed drivers and drivers' record retention as well as information on North Dakota's point system.

The bill before you would require officers to check an individual's driving history to see if the driver has had any prior convictions for the risky driving offenses listed in the bill. Officers can search for previous offenses in a few ways, the first is to do a driving record history on the driver. This can be done by an officer in their car if they have a mobile data computer or by contacting a local dispatch center. A driving record history retains convictions of the listed violations in the bill for three years. Officers can also search via internet access using the [North Dakota Courts System](#) site to see if an individual has previous convictions.

Speeding/Aggressive Driving, Lane Departures, and Intersections continue to be a factor in serious injury and fatal crashes across the state. This bill doesn't affect the average driver. It affects drivers who have consistently been stopped for committing traffic violations that are known to endanger other motorists. In 2021, thirty-four percent of fatal crashes involved a form of speeding/aggressive driving. During the past five years (2017-2021), there have been 367 fatalities and 8,569 injuries related to lane departure crashes. During the same time frame, there have been 107 fatalities and 3,680 injuries attributed to intersection crashes.

Reducing injury and fatality crashes won't be easy because there isn't one single driving behavior that leads to every crash. A broad approach needs to be taken by the state to address the issue. Many of the fees associated with the list of violations in this bill have been in place for over 40 years and several of them for as many as 50 years. Can you think of any other product, service, or fee that hasn't changed in 5 decades? Adjusted for inflation, \$20.00 in 1973 is equal to \$139.67 today.

On behalf of the Vision Zero Speeding/Aggressive Driving Team, I respectfully ask for your support on SB 2169 to enhance penalties for drivers who have 3 or more convictions for any combination of the violations listed in the bill.



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North Dakota Driver's License Information

North Dakota Licensed Drivers (NDDOT)

- 561,246 licensed ND drivers
- Approximately 1,400 (*Initial Version – 1,450*) drivers have 3 convictions in 5 years.
- Approximately (4,245 – *Initial Version*) drivers have 2 convictions in 3 years.
- Approximately (7,453 – *Initial Version*) drivers have 2 convictions in 5 years.

Driver's License Record Retention

- Non-criminal violations stay on a non-commercial driver's license record for 3 years.
- Speeding, reckless driving, texting, using a handheld device, and railroad crossing violations stay on a commercial driver's license record for 4 years.

Commercial		Non-Commercial	
Major	Permanent	Crashes	7 years
Out of Service	15 years	DUI	7 years
Crashes	10 years	DUS/DUR	5 years
Serious	4 years	Non-Criminal	3 years
Railroad	4 years		
All Others	3 years		

Major Convictions	55 years from the conviction date
Serious Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
RRGC Convictions	4 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
Out of Service Convictions	15 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
All other convictions	3 years from the conviction date or for as long as any resulting withdrawal is retained - whichever is longer
Withdrawal actions	Length of time the record of any underlying conviction is retained (specified above) and for a minimum of 3 years from the effective date, eligibility date or reinstatement date, whichever is later. MCSIA requires that jurisdictions be able to tie their withdrawals to the underlying conviction(s), so the same mechanism may be used for determining retention periods of the withdrawal and will ensure that a new SOR will not impose a second withdrawal on an underlying conviction. For withdrawals that do not require underlying convictions, the withdrawal must be retained for 3 years (as specified above) or for as long as any underlying convictions are retained, whichever period is longer. A W00 withdrawal has no corresponding underlying convictions mapping to a conviction ACD; the W00 must be retained while the withdrawal is in effect.

North Dakota Point System

- Driving privileges are suspended upon an accumulation of 12 points.
- For each point over 11, the license is suspended for a period of 7 days.
- Drivers under the age of 18 will have their license canceled upon an accumulation of 6 points.
- One point is removed every 90 days of violation-free driving.
- Three points can be reduced if a driver takes an approved defensive driving course, which can only be done once every 12 months.
- Drivers issued a citation with a penalty of five points or less may elect to attend an approved driving course in lieu of entry of points on their driving record. The driver must notify the court at the time bond is posted and provide proof of course completion to NDDOT within 30 days.
- Insurance companies only see violations assigned 3 points or more unless the driver signs a waiver for the insurance company to view their entire driving record.



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North Dakota Crash Statistics

Speed/Aggressive Driving Crashes (NDDOT)

- Speeding or traveling too fast for conditions is a factor in about 30-40 percent of all fatal crashes in North Dakota each year.
- There were 160 fatal crashes on North Dakota roadways from 201-2021. Of these, 33.8 percent (160 or 473) were related to speed/too fast for conditions.
- 178 people have died in speed/aggressive driving-involved crashes in North Dakota over the past five years (2017-2021).
- Speeding and/or aggressive driving has been a factor in 34% of fatal crashes in North Dakota.

Lane Departure Crashes (NDDOT)

Year	Crashes	Fatalities	Injuries
2016	5,604	62	1,497
2017	5,725	69	1,555
2018	5,656	60	1,386
2019	5,198	63	1,460
2020	3,510	56	1,278
2021	3,642	57	1,393

Intersection Crashes (UGPTI)

Intersection crashes from 2017 - 2021		Inside and Outside city limits		
		CRSSEV	Frequency	Cumulative Frequency
CRSSEV	Crash Severity	1	107	107
1 =	Fatal	2	3130	3237
2 =	Non-Incapacitating Injury	3	18394	21631
3 =	PDO	4	550	22181
4 =	Incapacitating Injury	5	3146	25327
5 =	Possible Injury			

Ser. No	City Name	Crash Frequency
1	FARGO	5972
2	GRAND FORKS	2818
3	BISMARCK	5339
4	MINOT	1618
5	JAMESTOWN	690
6	DICKINSON	932
7	WILLISTON	1172
8	MANDAN	745
9	VALLEY CITY	180
10	DEVILS LAKE	300
11	WAHPETON	191
12	GRAFTON	136
13	WEST FARGO	1255
14	BOTTINEAU	39
15	CARRINGTON	36
16	WATFORD CITY	176
17	NEW TOWN	39
18	HAZEN	36
	Total	21674



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North Dakota Speeding Penalties								
	55 mph and less			60-65 mph			70 mph and greater	
MPH Over	Fine	Points		Fine	Points		Fine	Points
1 mph	\$ 5	0		\$ 2	0		\$ 5	0
2 mph	\$ 5	0		\$ 4	0		\$ 10	0
3 mph	\$ 5	0		\$ 6	0		\$ 15	0
4 mph	\$ 5	0		\$ 8	0		\$ 20	0
5 mph	\$ 5	0		\$ 10	0		\$ 25	0
6 mph	\$ 6	0		\$ 12	0		\$ 30	1
7 mph	\$ 7	0		\$ 14	0		\$ 35	1
8 mph	\$ 8	0		\$ 16	0		\$ 40	1
9 mph	\$ 9	0		\$ 18	0		\$ 45	1
10 mph	\$ 10	0		\$ 20	0		\$ 50	1
11 mph	\$ 11	1		\$ 25	1		\$ 55	3
12 mph	\$ 12	1		\$ 30	1		\$ 60	3
13 mph	\$ 13	1		\$ 35	1		\$ 65	3
14 mph	\$ 14	1		\$ 40	1		\$ 70	3
15 mph	\$ 15	1		\$ 45	1		\$ 75	3
16 mph	\$ 17	3		\$ 50	3		\$ 80	5
17 mph	\$ 19	3		\$ 55	3		\$ 85	5
18 mph	\$ 21	3		\$ 60	3		\$ 90	5
19 mph	\$ 23	3		\$ 65	3		\$ 95	5
20 mph	\$ 25	3		\$ 70	3		\$ 100	5
21 mph	\$ 28	5		\$ 75	5		\$ 105	7
22 mph	\$ 31	5		\$ 80	5		\$ 110	7
23 mph	\$ 34	5		\$ 85	5		\$ 115	7
24 mph	\$ 37	5		\$ 90	5		\$ 120	7
25 mph	\$ 40	5		\$ 95	5		\$ 125	7
26 mph	\$ 43	9		\$ 100	9		\$ 130	10
27 mph	\$ 46	9		\$ 105	9		\$ 135	10
28 mph	\$ 49	9		\$ 110	9		\$ 140	10
29 mph	\$ 52	9		\$ 115	9		\$ 145	10
30 mph	\$ 55	9		\$ 120	9		\$ 150	10
31 mph	\$ 58	9		\$ 125	9		\$ 155	12
32 mph	\$ 61	9		\$ 130	9		\$ 160	12
33 mph	\$ 64	9		\$ 135	9		\$ 165	12
34 mph	\$ 67	9		\$ 140	9		\$ 170	12
35 mph	\$ 70	9		\$ 145	9		\$ 175	12
36 mph	\$ 73	12		\$ 150	12		\$ 180	12



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Construction Zone Fines				Construction Zone Penalties			
55 mph and less zones				60-65mph zones			
MPH Over	Fine	Workers Present	Points	MPH Over	Fine	Workers Present	Points
1 mph	\$ 5	\$ 80	0	1 mph	\$ 2	\$ 80	0
2 mph	\$ 5	\$ 80	0	2 mph	\$ 4	\$ 80	0
3 mph	\$ 5	\$ 80	0	3 mph	\$ 6	\$ 80	0
4 mph	\$ 5	\$ 80	0	4 mph	\$ 8	\$ 80	0
5 mph	\$ 5	\$ 80	0	5 mph	\$ 10	\$ 80	0
6 mph	\$ 6	\$ 80	0	6 mph	\$ 12	\$ 80	0
7 mph	\$ 7	\$ 80	0	7 mph	\$ 14	\$ 80	0
8 mph	\$ 8	\$ 80	0	8 mph	\$ 16	\$ 80	0
9 mph	\$ 9	\$ 80	0	9 mph	\$ 18	\$ 80	0
10 mph	\$ 10	\$ 80	0	10 mph	\$ 20	\$ 80	0
11 mph	\$ 11	\$ 82	1	11 mph	\$ 25	\$ 82	1
12 mph	\$ 12	\$ 84	1	12 mph	\$ 30	\$ 84	1
13 mph	\$ 13	\$ 86	1	13 mph	\$ 35	\$ 86	1
14 mph	\$ 14	\$ 88	1	14 mph	\$ 40	\$ 88	1
15 mph	\$ 15	\$ 90	1	15 mph	\$ 45	\$ 90	1
16 mph	\$ 17	\$ 92	3	16 mph	\$ 50	\$ 92	3
17 mph	\$ 19	\$ 94	3	17 mph	\$ 55	\$ 94	3
18 mph	\$ 21	\$ 96	3	18 mph	\$ 60	\$ 96	3
19 mph	\$ 23	\$ 98	3	19 mph	\$ 65	\$ 98	3
20 mph	\$ 25	\$ 100	3	20 mph	\$ 70	\$ 100	3
21 mph	\$ 28	\$ 102	5	21 mph	\$ 75	\$ 102	5
22 mph	\$ 31	\$ 104	5	22 mph	\$ 80	\$ 104	5
23 mph	\$ 34	\$ 106	5	23 mph	\$ 85	\$ 106	5
24 mph	\$ 37	\$ 108	5	24 mph	\$ 90	\$ 108	5
25 mph	\$ 40	\$ 110	5	25 mph	\$ 95	\$ 110	5
26 mph	\$ 43	\$ 112	9	26 mph	\$100	\$ 112	9
27 mph	\$ 46	\$ 114	9	27 mph	\$105	\$ 114	9
28 mph	\$ 49	\$ 116	9	28 mph	\$110	\$ 116	9
29 mph	\$ 52	\$ 118	9	29 mph	\$115	\$ 118	9
30 mph	\$ 55	\$ 120	9	30 mph	\$120	\$ 120	9
When workers present a minimum of \$80 unless greater fee applicable				When workers present a minimum of \$80 unless greater fee applicable			



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School Zone Penalties			
All Zones			
MPH Over	Fine	Children Present	Points
1 mph	\$ 5	\$ 40	0
2 mph	\$ 5	\$ 40	0
3 mph	\$ 5	\$ 40	0
4 mph	\$ 5	\$ 40	0
5 mph	\$ 5	\$ 40	0
6 mph	\$ 6	\$ 40	0
7 mph	\$ 7	\$ 40	0
8 mph	\$ 8	\$ 40	0
9 mph	\$ 9	\$ 40	0
10 mph	\$ 10	\$ 40	0
11 mph	\$ 11	\$ 41	1
12 mph	\$ 12	\$ 42	1
13 mph	\$ 13	\$ 43	1
14 mph	\$ 14	\$ 44	1
15 mph	\$ 15	\$ 45	1
16 mph	\$ 17	\$ 46	3
17 mph	\$ 19	\$ 47	3
18 mph	\$ 21	\$ 48	3
19 mph	\$ 23	\$ 49	3
20 mph	\$ 25	\$ 50	3
21 mph	\$ 28	\$ 51	5
22 mph	\$ 31	\$ 52	5
23 mph	\$ 34	\$ 53	5
24 mph	\$ 37	\$ 54	5
25 mph	\$ 40	\$ 55	5
26 mph	\$ 43	\$ 56	9
27 mph	\$ 46	\$ 57	9
28 mph	\$ 49	\$ 58	9
29 mph	\$ 52	\$ 59	9
30 mph	\$ 55	\$ 60	9

When children present a minimum of \$40 unless greater fee applicable

Violations Affecting Enhanced Penalty				District Court Citations - Past 5 years					
NDCC	Violation	Fine	Points	2017	2018	2019	2020	2021	Total
<u>39-08-03.1</u>	Drag Racing/Exhibition Driving	\$ 100	10	215	204	150	207	151	927
<u>39-08-23</u>	Used Wireless Device - compose, read, or send electronic message	\$ 100	0	680	553	484	459	412	2588
<u>39-08-24</u>	Used an electronic device while operating mv - at least 16 and under 18	\$ 20	0	32	54	34	30	34	184
<u>39-08-25</u>	Failure to maintain control of mv while distracted	\$ 100	0	117	425	363	345	382	1632
<u>39-09</u>	Speed related violations	See below spreadsheets		52600	53125	48170	57509	60456	271860
<u>39-10-04</u>	Disregarded traffic control device	\$ 20	2	466	467	338	262	178	1711
<u>39-10-05</u>	Drove through red light violations	\$ 20	2	568	535	700	597	561	2961
<u>39-10-08</u>	Drove on left half of roadway not in overtaking	\$ 20	2	59	70	55	44	39	267
<u>39-10-12</u>	Overtaking vehicle on the right when prohibited or unsafe	\$ 20	2	24	26	22	21	25	118
<u>39-10-13</u>	Overtook when unsafe	\$ 20	2	69	68	69	42	45	293
<u>39-10-14</u>	Drove on left half of roadway on hill or curve or at intersection or RR crossing	\$ 20	2	15	19	25	22	32	113
<u>39-10-15</u>	Overtook where prohibited	\$ 20	2	181	163	145	100	124	713
<u>39-10-16</u>	Drove wrong way on one-way road	\$ 20	2	122	131	118	121	179	671
<u>39-10-17</u>	Changing lanes without regard to other traffic	\$ 20	0	214	244	223	231	278	1190
<u>39-10-18</u>	Following to close - failure to leave sufficient distance between trucks	\$ 20	0	409	393	400	296	335	1833
<u>39-10-22</u>	Failure to yield at intersection	\$ 20	2	147	121	130	114	109	621
<u>39-10-23</u>	Turned left in front of approaching traffic	\$ 20	2	106	87	108	95	74	470
<u>39-10-24</u>	Failure to yield right of way stop/yield sign	\$ 40	2	156	184	182	134	133	789
<u>39-10-26</u>	Failure to yield to emergency vehicle, change lanes, or causes crash	\$ 50	2	352	419	382	411	373	1924
<u>39-10-35</u>	Turned right or left from wrong lane	\$ 20	0	77	92	82	91	92	434
<u>39-10-38</u>	Neglected signal when required	\$ 20	0	137	141	115	92	75	560
<u>39-10-44</u>	Disregarded stop sign	\$ 40	2	2984	3012	2780	2963	2741	14480
<u>39-10-46</u>	Overtook school bus	\$ 100	6	31	25	39	15	20	130