

VISION ZERO

Zero fatalities. Zero excuses.

Good morning, Chairman Clemens and members of the Senate 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 agencies Safety and Education Officer, focusing on traffic safety.

For members of the committee who aren't familiar with Vision Zero, it is [North Dakota's Strategic Highway Safety Plan](#) that has been in place since 2018. The state is required to submit a highway safety plan every five years to Federal Highway Administration. The [Strategic Highway Safety Plan](#) is a major component and requirement of the Highway Safety Improvement Program. The plan provides a comprehensive framework for reducing highway fatalities and serious injuries on public roads.

The Speeding/Aggressive Driving Team originated from an analysis of North Dakota's serious crash data that pointed to the most common types of crashes and contributing factors that cause those crashes. This team is one of six that reflect the priority safety emphasis areas of the Vision Zero Plan. The other five focus areas are lane departure; intersections; alcohol and/or drug related driving; unbelted vehicle occupants; and young drivers.

The mission of the Speeding/Aggressive Driving Priority Emphasis Area Team is to address the behaviors of motorists who choose to drive aggressively and/or ignore North Dakota's speed limit laws. Aggressive driving is a combination of moving violations to include speeding; 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, putting themselves and other motorists at risk of being involved in a serious crash.

The current Speeding/Aggressive Driving Team is comprised of traffic engineers; driver's education instructors; and work force safety, law enforcement, and private corporation representatives. As elected officials, I encourage you to participate in one or more of the Vision Zero Priority Area Emphasis teams, your role as an elected officials is vital in helping create safer roadways in our great state.

Prior to detailing how this bill will affect motorists who chose to drive at dangerously excessive speeds, I will provide information where fees collected for these violations are deposited. Under section two of article nine in the [North Dakota Constitution](#), relating to trust lands, it states "net proceeds of all fines for violation of state laws and all other sums which may be added by law, must be faithfully used and applied each year for the

benefit of the common schools of the state”. [Click here to view the 2019-2021 North Dakota Trust Lands Biennial Report.](#)

North Dakota Century Code (NDCC) determines where fines for city ordinances are to be deposited. [NDCC 40-11-13](#), relating to fines and forfeitures for violation of ordinances paid into treasury, states, “All fines, penalties, and forfeitures collected for offenses against the ordinances of a city, including those fines, penalties, and forfeitures collected as a result of a judgment of a district court rendered pursuant to section 40-18-19, must be paid into the city’s treasury at such time and in such manner as may be prescribed by ordinance.”

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 safety emphasis areas identified by Vision Zero. These areas include lane departure, intersections, and speeding/aggressive driving.

The violations listed in section one of this bill are focused on driver behaviors that can lead to serious injury or death of other roadway users. North Dakota needs to start moving forward in creating safer roads by addressing dangerous driving behaviors, especially when these behaviors are consistently being exhibited by the same driver. Allowing drivers to continually abuse traffic laws without facing an enhanced penalty only encourages their continued risky driving behaviors, putting other roadway users at risk.

An argument in the past against raising fees for traffic violations is that North Dakota’s point system serves as a deterrent. If it is a deterrent, it isn’t an effective one in today’s society. Drivers can face license suspension if they accumulate 12 points (6 points for minors), but it takes numerous citations or a significant violation for this to occur. There are even instances where drivers may never face a suspension because there are no points assigned to a violation. The handout I provided with my testimony is a spreadsheet of the violations listed in this bill along with the current fee and points assigned to each violation. Also provided are 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.

The bill before you today 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 have a few ways to search for previous offenses. The first is to do a driving record history on the driver. This can be done by officers in their car if they have a mobile data computer or by local dispatch centers. A driving record history retains convictions, of the listed violations in the bill for three years. Officers can also search, if they have internet access, the [North Dakota Courts System](#) to see if an individual has had a previous conviction.

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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 caught 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. Also, during the last five years 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. A majority of the fees associated with the list of violations in this bill have been around for over 40 years and several of them for as many as 50 years. In 1973, during the 43rd Legislative Assembly, the legislature passed Senate Bill 2033. Section 6 of SB 2033 set the following fees: moving violations \$20, careless driving \$30, and exceeding the speed limit by more than 15 miles per hour at \$40. Many moving violations and careless driving still have that same fee today. In order to reach a fee of \$40 for speeding on roads with a speed limit of 55 mph and less, a driver is allowed to go 25 mph over the limit before reaching a \$40 fee.

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.

Statutory Links:

[N.D.C.C. 39-06.1-06 Amount of statutory fees.](#)

[N.D.C.C. 40-05-06 Cities fines and penalties limited.](#)