

2025 SENATE TRANSPORTATION

SB 2253

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2253
2/6/2025

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| Relating to the definition of a moving violation; and to provide a penalty. |
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10:46 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Fine amount and comparison to similar fines
- Safety details regarding engine compression breaking

10:46 a.m. Senator Rummel, District 37, introduced SB 2253 and testified in favor.

10:57 a.m. Evan Savageau, Lieutenant, ND Highway Patrol, testified in favor.

11:02 a.m. Scott Meske, Lobbyist, ND Motor Carriers Association, testified in favor.

11:04 a.m. Kurtis Martin, Owner, Martin Construction, testified in favor.

11:22 a.m. Kory Peterson, Former Mayor, City of Horace, testified in favor.

11:25 a.m. Chairman Clemens closed the hearing.

11:25 a.m. Chairman Rummel moved a Do Pass.

11:25 a.m. Senator Hogan seconded the motion.

| Senators | Vote |
|--------------------------|------|
| Senator David A. Clemens | Y |
| Senator Claire Cory | Y |
| Senator Kathy Hogan | Y |
| Senator Jerry Klein | Y |
| Senator Bob Paulson | Y |
| Senator Dean Rummel | Y |

Motion passed 6-0-0.

Senator Rummel will carry the bill.

Additional written testimony:

Jerol Gohrick, Chair, District 2, submitted written testimony in opposition #35710.

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11:27 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2253 ([25.1025.02000](#))

Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

Dear Committee Members:

My Name is Jerol Gohrick, I have been in the trucking industry over 25 years, and I don't understand how you can issue a violation for using part of an industry standard for stopping a truck!! On trucks without engine brakes, you replace the brakes about 5 times faster on average compared to trucks with an engine brake!! It costs \$100.00 for a set of brakes X 8=\$800.00 + Labor at \$180.00/hr, an hour per brake=\$1440+\$800.00=\$2240.00. You will spend that every 25,000 miles versus using an engine brake and running a set of brakes to 125,000 miles! How can the government step in and affect my bottom line like that when this issue all falls on the cities for building too close to the interstate!! The interstate was there long before these cities moved out to the road, so how do you penalize companies for doing what they have done for years just because our city managers are too ignorant to build away from the road?? I have several trucks that make no extra noise when the engine brake is on, so how do you tell me not to use it?? We already have noise ordinances in place to protect from the noise! Use that law, it makes more sense to everyone!! Or is there another reason to not use engine brakes?? We don't need another ridiculous law to limit my ability to do business!!

Jerol Gohrick
D2 Chairman

2025 HOUSE TRANSPORTATION

SB 2253

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2253
3/13/2025

Relating to the use of an engine compression brake device; to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation; and to provide a penalty.

11:24 a.m. Chairman D. Ruby opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Hendrix, Kasper, Koppelman, Maki, Morton, Osowski, Schatz

Discussion Topics:

- Citation issuance
- Noise ordinance
- Safety

11:24 a.m. Senator Dean Rummel, District 37, introduced the bill

11:33 a.m. Sergeant Evan Savageau, Planning Officer, ND Highway Patrol, testified in favor.

11:42 a.m. Cory Peterson, former Mayor of Horace, ND, testified in favor.

11:45 a.m. Scott Meske, ND Motor Carriers Association, testified in favor.

11:46 a.m. Chairman D. Ruby closed the hearing.

Janae Pinks, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

SB 2253
3/14/2025

Relating to the use of an engine compression brake device; to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation; and to provide a penalty.

9:46 a.m. Chairman D. Ruby opened the meeting.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Frelich, Hendrix, Koppelman, Maki, Morton, Osowski, Schatz
Members Absent: Representatives Finley-DeVile, Johnston, Kasper

Discussion Topics:

- Current penalty
- Noise ordinance
- Residential areas
- Safety
- Widespread law
- Commercial vehicle

9:54 a.m. Representative Frelich moved a Do Not Pass.

9:54 a.m. Representative Hendrix seconded the motion.

9:56 a.m. Representative Koppelman proposed an amendment to rewrite to specify the bill to commercial vehicles.

9:57 a.m. Representative Frelich withdrew the Do Not Pass motion.

9:59 a.m. Representative Koppelman moved the proposed amendment LC#25.1025.02001.

9:59 a.m. Representative Frelich seconded the motion.

9:59 a.m. Voice vote - motion passed.

10:00 a.m. Representative Frelich moved a Do Not Pass as Amended.

10:00 a.m. Motion failed - lack of second.

10:00 a.m. Representative Koppelman moved a Do Pass as Amended.

10:00 a.m. Representative Christianson seconded the motion.

| Representatives | Vote |
|------------------------------------|-------------|
| Representative Dan Ruby | Y |
| Representative Jim Grueneich | Y |
| Representative Nels Christianson | Y |
| Representative Ty Dressler | Y |
| Representative Lisa Finley-DeVille | AB |
| Representative Kathy Frelich | N |
| Representative Jared Hendrix | N |
| Representative Daniel Johnston | AB |
| Representative Jim Kasper | AB |
| Representative Ben Koppelman | Y |
| Representative Roger A. Maki | Y |
| Representative Desiree Morton | N |
| Representative Doug Osowski | N |
| Representative Mike Schatz | N |

10:03 a.m. Motion passed 6-5-3.

10:03 a.m. Representative Koppelman will carry the bill.

10:03 a.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

March 14, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2253

Introduced by

Senators Rummel, Klein, Cory

Representatives Dressler, O'Brien

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06,
2 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the use of an
3 engine compression brake device and cities and counties posting a zone prohibiting the use of
4 an engine compression brake device; to amend and reenact section 39-06.1-09 of the North
5 Dakota Century Code, relating to the definition of a moving violation; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota
8 Century Code is created and enacted as follows:

9 A violation of section 3 of this Act, a fee of fifty dollars.

10 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-06.1-09. Moving violation defined.**

13 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
14 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,
15 39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24,
16 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,
17 section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, section 3 of this Act,
18 section 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09,
19 or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or
20 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44,

1 and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which
2 are specifically listed in subsection 1 of section 39-06.1-08.

3 **SECTION 3.** A new section to chapter 39-21 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Engine compression brake device - Prohibited - Posting.**

- 6 1. An operator of a commercial motor vehicle may not use an engine compression brake
7 device that creates a noise disturbance in a zone posted as prohibiting the use of an
8 engine compression brake device.
- 9 2. Subsection 1 does not apply to the use of an engine compression brake device during
10 an emergency situation.
- 11 3. A city or county may adopt an ordinance prohibiting the use of an engine compression
12 brake device in a designated zone and may post the prohibition in the designated
13 zone.

**REPORT OF STANDING COMMITTEE
SB 2253**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.1025.02001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 5 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2253 was placed on the Sixth order on the calendar.