



Zero fatalities. Zero excuses.

Good Afternoon Chairman Ruby and members of the House Transportation Committee. My name is Wade Kadrmaz, and I serve as the Chair for the Vision Zero Speeding/Aggressive Driving Priority Area Emphasis Team. I am here today on behalf of the Speeding/Aggressive Team to provide neutral testimony on HB 1475 and to offer an amendment. 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 education and outreach.

I want to provide information on where fees collected for violations of state law and city ordinances 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) also determines where fines for city ordinances are to be deposited. Under [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.”

The speed limit increase to 80 miles per hour (mph) has been attempted the past three legislative sessions. In 2017 [House Bill 1184](#) and [Senate Bill 2057](#) attempted to raise the speed limits. In 2019 [House Bill 1264](#) and in 2021 [House Bill 1315](#) attempted to raise the speed limits, all of these attempts have been unsuccessful. I have included links to the legislative history for these bills in my testimony if new members of the committee are interested in the past discussions on this topic.

There is plenty of information in the histories regarding the associated costs to increasing the speed limits, engineering concerns, as well as discussion about increasing speeding fines. The general overview is that an increase in the speed limit will result in additional funds being needed by NDDOT to update signs as well as eventually improving sections of I-29 and I-94 so the road can handle an 80 mph speed limit. Also, an increase in fines was mentioned in these histories as well for those that still wished to exceed the speed limit.

There are varying arguments for and against the raise in the speed limit. Some of the past arguments in favor of the increase have stated it will save tax payers time and money by reducing the fine and getting them home to their family sooner. I can’t disagree it will reduce the fine for going 80 mph from \$25 to \$0 since 80 mph would be the new limit. It would also reduce the fine for going 85 mph from \$50 to \$25. The same

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risk is there at 85 mph regardless of the speed limit being 75 or 80. Motorists who were choosing to go 85 mph before shouldn't benefit from this bill by it reducing the speeding fine. The raise in the speed limit could also save time. At 75 mph a vehicle is traveling one mile in about 48 seconds, at 80 mph it travels one mile in about 45 seconds. This 3 second difference would save about 5 minutes every 100 miles if a driver were able to maintain a constant speed. So, from Bismarck to Fargo you roughly save 9 minutes and 30 seconds and from Fargo to Grand Forks you save about 3 minutes and 39 seconds, that is if you can maintain a constant speed between locations.

Arguments against the increase have been focused on the current engineering of the roadway and what it would cost to upgrade it over time as well as what the initial cost would be to change speed limit signs on current sections of the interstates that can handle the speeds. The other argument is what safety measures are being taken to ensure other motorists are safe, especially those who don't want the speed limit to increase, are we willing to ask every user of our interstate system to accept an 80 mph speed limit. Regardless of the speed limit being 75 mph or 80 mph anybody driving on the interstate must be willing to accept the danger of the higher speeds.

Members of the Speeding/Aggressive Driving Team have mixed feelings on this bill, some can see the benefits, some don't feel the extra 5 mph is worth it, and some will accept what the legislature decides. The main concern of the team is when higher speeds carry over into lower speed zones. The current three system fee schedule for speeding doesn't adequately address speeding when drivers continue the higher speeds into lower zones. There are several different speed zones connected to the interstate system that have reduced speeds of 65 mph, 60 mph, 55 mph and lower. The speed zones include reduced speeds on the interstate through urban areas, as well as secondary roads as motorists come off the interstate. These speed zones are currently assigned a lower fee schedule for exceeding the speed limit. In a three year time period from 2020 through 2022 the 65 mph and less zones accounted for roughly 87.5 percent of all severe crashes in the state. The map at the end of my testimony was prepared by the North Dakota Department of Transportation showing where these crashes occurred across the state.

In 2003, during the 58th Legislative Assembly, [House Bill 1047](#) was passed. This bill initially attempted to create one fee schedule but, in the end, it created three different fee schedules, along with increasing the speed limit on the interstate to 75 mph. In the bill history there was discussion about points and fees and how they both act as a deterrent. Many motorists today weigh these deterrents differently, that is why speeding fees and points should be set equally to act as an equal deterrent, regardless of the roadway, considering 87.5 percent of serious crashes occur in the lower speed zones.

The Speeding/Aggressive Driving Team asks that you consider the proposed amendments, which is included with my testimony, if the committee moves forward with the 80 mph speed limit. The proposed amendments would create one fee schedule and set it at the fee schedule for the interstate and divided highways such as

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US Highway 2 and US Highway 83, where the speed limit is 70 mph. The fee for all zones would be set at five dollars for every mile per hour over the posted speed limit. A spreadsheet is attached to my testimony showing the fees for exceeding the speed limit in our current three system fee schedule.

The proposed amendments will increase the safety on the interstate system to limit the number of times motorists encounter varying speeds on the interstate, which a trooper from the North Dakota Highway Patrol will testify about later. It will also create an equal deterrent for exceeding the speeding limit in any speed zone, especially in the lower zones along the interstate. We hope the committee considers these amendments that are meant to enhance safety. Thank you for the opportunity to speak and I would be willing to answer any questions.

North Dakota Speeding Penalties						
	55 mph and less 39-06.1-06 (4) Since 1983		60-65 mph 39-06.1-06 (5) Since 1985		70 mph and greater 39-06.1-06 (7) Established 2003	
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

PROPOSED AMENDEMNT TO House Bill No. 1475

Page 1, after line 4, add

“SECTION 1. AMENDMENT. Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

~~4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

~~Miles per hour over
lawful speed limit Fee~~

~~1-5 \$ 5~~

~~6-10 \$ 5 plus \$1/each mph over 5 mph over limit~~

~~11-15 \$ 10 plus \$1/each mph over 10 mph over limit~~

~~16-20 \$ 15 plus \$2/each mph over 15 mph over limit~~

~~21-25 \$ 25 plus \$3/each mph over 20 mph over limit~~

~~26-35 \$ 40 plus \$3/each mph over 25 mph over limit~~

~~36-45 \$ 70 plus \$3/each mph over 35 mph over limit~~

~~46 +\$100 plus \$5/each mph over 45 mph over limit~~

~~5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

~~Miles per hour over
lawful speed limit Fee~~

~~1-10 \$2/each mph over limit~~

~~11-2 +\$0 plus \$5/each mph over 10 mph over limit~~

4. 6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:

a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;

c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and

d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

5. 7. On a highway on which the speed limit is posted in excess of sixty five miles [104.61 kilometers] an hour, ~~f~~or a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.

~~6. 8.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

~~7. 9.~~ For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

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

39-09-09. Minimum speed limits.

1. An individual may not drive a motor vehicle at a reduced speed so as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

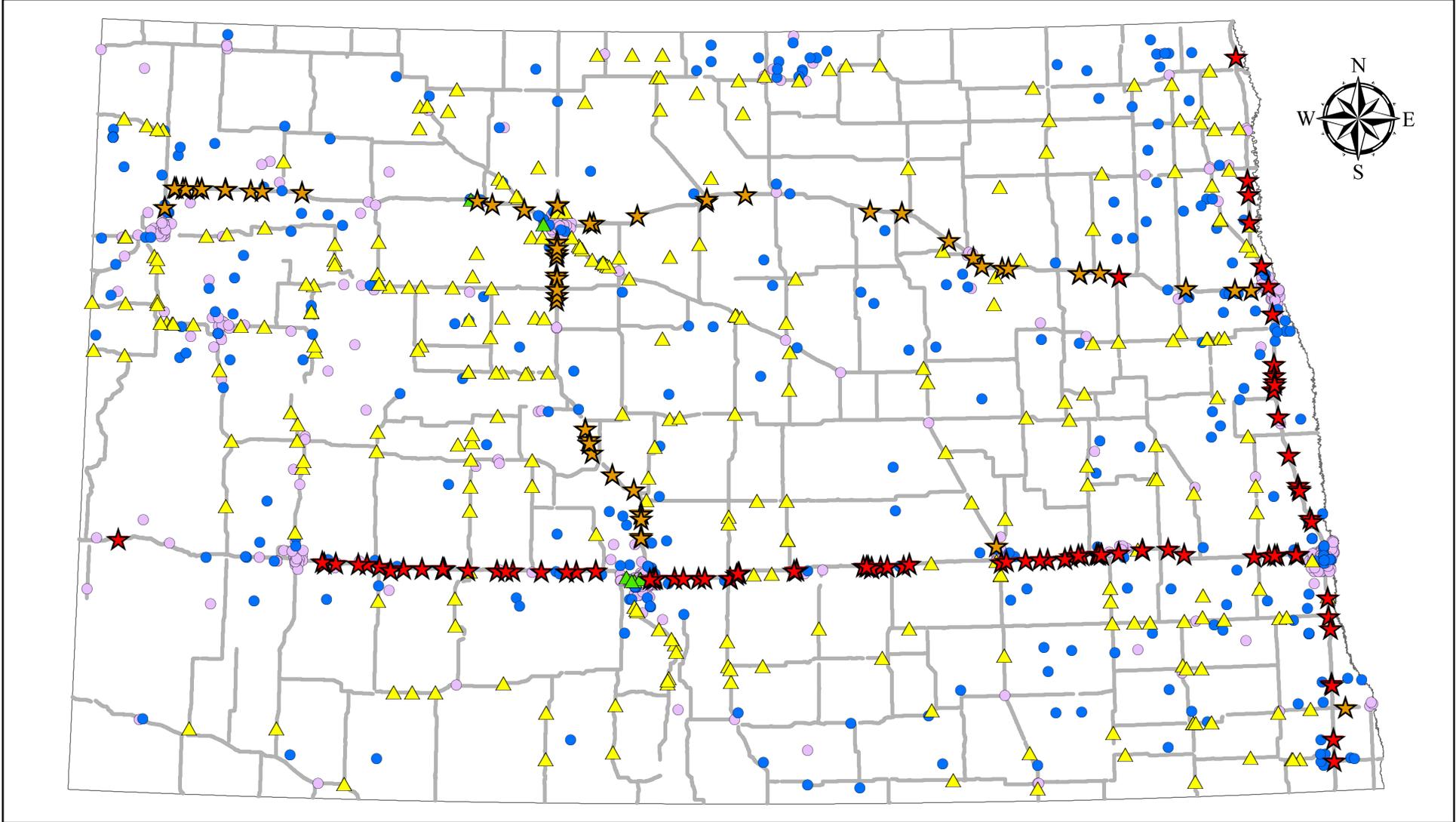
2. ~~If~~Subject to subsection 3, if the director and the superintendent of the highway patrol, acting jointly, or a local authority within the authority's jurisdiction, determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the safe, normal, and reasonable movement of traffic, the director and superintendent or the local authority may determine and declare a minimum speed limit below which an individual may not drive a vehicle except when necessary for safe operation or in compliance with law, and that limit is effective when posted upon appropriate fixed or variable signs.

3. Except as otherwise authorized by law, an individual may not drive a motor vehicle at a speed of less than forty miles (64.37 kilometers) an hour while on an access-controlled, paved and divided, multilane interstate highway unless the hazard lights on the vehicle are activated and operational, and the vehicle is driven as far to the right upon the paved portion of the roadway. This section does not apply to department of transportation highway operations.

Page 1, line 5, after "**SECTION**" replace "1" with "3"

Severe Crashes by Speed Limit

23 USC § 407 Documents
NDDOT Reserves All Objections



3yr Time Period = 1/1/2020 - 12/31/2022* *preliminary data
Severe Crashes = crash severity of Fatal or Incapacitating Injury.

Severe Crashes by Posted Speed Limit					
★	★	▲	▲	●	●
75mph	70mph	65mph	60mph	55mph	<55mph
100	63	277	7	307	552
7.7%	4.8%	21.2%	0.5%	23.5%	42.3%

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