

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1389

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to release of motor vehicle operator records; to provide a penalty; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

39-16-03. Abstract Driving records - Not admissible in evidence - Fee - Penalty.

1. The director upon request shall furnish any person a certified abstract of the operating record of any person, source document therefor, or record of clearance, subject to the provisions of this chapter which title. The abstract must include the convictions, adjudications, and admissions of commission of traffic offenses of any driver and suspensions, revocations, and restrictions of a person's driving privileges. Any person, except the subject of the record and law enforcement or judicial officers functioning in their official capacity, requesting the abstract or record of clearance shall indicate in writing the reason for the request and shall identify the person or firm for whom or which the request is made and the intended recipient of the abstract record.

Copies of abstracts are not admissible as evidence in any civil or criminal trial arising out of a motor vehicle accident. Upon request and subject to the provisions of this title, the director shall furnish an operating record or complete operating record to the subject of the record or to law enforcement or judicial officers.

2. A fee of three dollars must be paid for each abstract of any operating record, operating record, complete operating record, or record of clearance, and a reasonable fee must be paid for each source document, except no fee ~~will~~ may be assessed to law enforcement agencies or judicial officers. The director shall send an additional copy of the abstract or record of clearance to the driver whose ~~abstract record~~ was requested, accompanied by a statement identifying the person making the request, identifying the person or firm for whom or which the request is made, identifying the intended recipient of the ~~abstract record,~~ and providing the reason for the request. No additional copy of the abstract or statement record of clearance may be sent to a driver where if the request for the driver's abstract record was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency of this state, or of its political subdivisions or judicial officer.
3. A requester obtaining source documents in aggregate form from the department shall send an additional copy of each source document to the subject of the record, accompanied by a statement identifying the requester and the reason the record was obtained. If the requester provides a source document, or any information therein, to any other person or firm, the requester shall send to the subject of the record a statement identifying the

person or firm and the source document and a copy of any compilation derived from source documents provided to the person or firm. Any person or entity obtaining source documents in aggregate form under this section shall comply with the confidentiality and nondisclosure of information provisions of chapter 39-33 and sections 39-06-14, 39-06.1-10, and 39-16-03.1. A record compiled from source documents obtained in aggregate form under this section is not admissible as evidence in any civil or criminal trial arising out of a motor vehicle accident. A person violating this subsection is guilty of a class A misdemeanor.

4. As used in this section, "reasonable fee" includes:
 - a. The actual cost of making or mailing a copy of the source document, or both, including labor, materials, postage, and equipment; and
 - b. Notwithstanding subsection 2 of section 44-04-18, in response to a request for source documents in aggregate form, the cost associated with locating, reviewing, or providing access to the source document and any cost associated with excising confidential or closed materials under section 44-04-18.8.

SECTION 2. RETROACTIVE APPLICATION OF ACT. This Act is retroactive in application.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly