

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1389

Introduced by

Representatives Clark, Pollert

1 A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code,
2 relating to release of motor vehicle operator records; to provide for retroactive application; and
3 to declare an emergency.

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

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

7 **39-16-03. ~~Abstract~~ Driving records - Not admissible in evidence - Fee.**

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

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

22 2. A fee of three dollars must be paid for each abstract of any operating record,
23 operating record, complete operating record, or record of clearance, and a
24 reasonable fee must be paid for each source document, except no fee will may be

1 assessed to law enforcement agencies or judicial officers. The director shall send
2 an additional copy of the abstract, source document if requested in aggregate
3 form, or record of clearance to the driver whose ~~abstract~~ record was requested,
4 accompanied by a statement identifying the person making the request, identifying
5 the person or firm for whom or which the request is made, identifying the intended
6 recipient of the ~~abstract~~ record, and providing the reason for the request. No
7 additional copy of the abstract or ~~statement~~ record of clearance may be sent to a
8 driver ~~where~~ if the request for the ~~driver's abstract~~ record was made by the federal
9 bureau of investigation or the United States central intelligence agency, or their
10 agents, or by any law enforcement agency ~~of this state, or of its political~~
11 ~~subdivisions~~ or judicial officer.

12 3. A requester may provide the department with a list of names of drivers and may
13 request any source documents from the department relating to the listed drivers for
14 a set time period. The department shall provide this information in hard copy or
15 electronic format. If in order to provide the information by electronic format the
16 department sets up a computer program, the department may charge a requester
17 a reasonable charge for a setup fee. This charge may not exceed the actual cost
18 to set up the computer program. A requester of source documents in aggregate
19 form shall pay the director a reasonable fee for making and mailing to the driver
20 whose record was requested an additional copy of the document as it relates to
21 that driver.

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

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