

Testimony
Senate Bill 2099
Senate Transportation Committee
Senator Clemens, Chairman
January 14, 2021

Chairman Clemens and Members of the Senate Transportation Committee, my name is Major Aaron Hummel, chief of staff for the North Dakota Highway Patrol (NDHP). I am here to provide additional information related to Senate Bill 2099 along with a proposed amendment.

Based on the initial hearing of the bill, we at the Highway Patrol felt it was appropriate to visit with the opposition to the bill, Mr. Jackson Lofgren, who represented the North Dakota Association of Criminal Defense Lawyers. As you may recall, the opposition centered around conflict the bill language may have with the temporary operator's permit form. The purpose of bringing this bill to the assembly was certainly not to change or disrupt the process surrounding the temporary operator's license, also known as the report and notice form, SFN 9362. We are in agreement with Mr. Lofgren in the hope that the language can be clarified to separate the form known as the "notification form" which is a form (SFN 5775) that must contain language informing the individual charged with a traffic violation of the procedures available to them.

The amendment I have provided clearly separates the two forms and the procedure required of each form. The original bill language will still allow for the "notification form" to be delivered to the individual in writing, by providing a website, or providing a quick response code, which was the original intent when submitting the bill.

In addition to the amendment addressing the two forms, I am also providing an amendment to address concerns of some of the committee members relating to providing a bond envelope. The amendment changes the language in the bill from *an officer "may" provide the individual with an envelope for use in mailing bond* to *an officer shall, upon request, provide the individual with an envelope for use in mailing the bond*. I have contacted the North Dakota Supreme Court to inquire about how citations are currently being submitted by individuals today. For 2019-2020, 24% of citations are being paid by mail, 47% are being paid by using the online payment system, 11% are being paid over the phone, 6% are being paid using their automated phone system, and 12% are being paid in person. The NDHP only accounts for a fraction of citations issued statewide, but these statistics for the NDHP alone demonstrate that over \$7,000/biennium is being thrown away. This does not include the time spent by our administrative staff and troopers printing, labeling, and preparing the envelopes, which is certainly much higher. To put things into perspective, the Highway Patrol issued nearly 70,000 citations in 2020, each of those require an envelope to either be printed for each of the 53 counties or labeled. As part of efforts to maximize resources and save taxpayer dollars, the NDHP has multiple bill introductions which are meant to address tasks that we believe can be transformed, this is one of those tasks. Our budget bill does include a reduction and reprioritization of our administrative staffing.

Thank you for the opportunity to visit with you today, I hope these amendments alleviate any concerns and I urge you to support the bill. I would be happy to answer any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2099

Page 1, Lines 18 and 19, remove "and a temporary operator's permit under section 39-20-03.1 or 39-20-03.2"

Page 1, Line 24 through Page 3, Line 3, after 39-06.1-03 remove "and informing an individual who refuses a chemical test or onsite screening test under chapter 39-20 or who, on taking a chemical test, is found to be in violation of subdivision a of subsection 1 of section 39-08-01, of the procedures available under chapter 39-20."

Page 2, Line 9, insert:

- "2. The director shall prepare a temporary operator's permit under section 39-20-03.1, 39-20-03.2, and 39-20-04. The temporary operator's permit must inform the driver of the procedures available under chapter 39-20 and must be issued in accordance with that chapter. The temporary operator's permit may not be delivered by mail or electronic means unless specifically authorized in chapter 39-20."

Page 2, Line 26, replace "may" with "shall, upon request,"

Page 2, Line 27, replace "person" with "individual"

Renumber accordingly