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January 21, 2023

The Honorable David A. Clemens  
Chair, ND Senate Transportation Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

**Submitted electronically only:**

**Re: Testimony in support of SB 2219**

Dear Chairman Clemens and members of the Senate Transportation Committee,

I write individually in support of SB2219. I am an attorney in private practice in Fargo. I am a lifelong North Dakota resident, currently residing in Legislative District 45. Prior to law school, I served as a Bismarck Police officer. I retired from the North Dakota Army National Guard after serving twenty-four years.

Senate Bill 2219 would amend and reenact N.D.C.C. § 14-08.1-07 and ancillary statutes. Current statute permits suspension or withholding of driver's licenses of child support obligors who are in arrears in an amount greater than three times the monthly support obligation. Likewise, current law allows suspension or withholding of a driver's license for failure to comply with a subpoena related to a paternity or child support matter.

If adopted, SB2219 would permit driver's license suspensions, but not for delayed payment of support obligations or failure to comply with a subpoena related to the nonpayment of support. While personally I would go much farther, this is a good start!

Suspension of driver's licenses for support obligations exasperates the problem. To pay support, the obligor must work. Public transportation in North Dakota is limited; workers must drive to get to work.

It's not just money: support included providing for minor children by driving them to school and school events, trips to the doctor, driving to after school activities, etc. Suspending a driver's license because of arrears mostly hurts those it is purported to protect—the children.

Reinstatement of driver's licenses is oftentimes difficult. Fees for reinstatement, applying to the court for an order authorizing reinstatement, and then meeting the Department of Transportation's reinstatement requirements oftentimes takes months. I have been retained

on multiple occasions to assist drivers who have been unable to effectively reinstate their own driving privileges due to bureaucracy and inefficiency. I have initiated legal action against the Department of Transportation on multiple occasions because of demonstrated unwillingness to issue a restricted license when required to do so by statute.

Obtaining a temporary restricted license is cumbersome and if granted, is very limited in scope. A restricted license permits driving only for “necessities,” and driving for many routine obligations for children (swimming lessons, sporting events, church, social gatherings, etc.) is not permitted, even with a restricted license.

This bill will not only protect children, but also the motoring public. Suspended drivers are unlikely to secure liability insurance—most, if not all companies refuse to insure suspended drivers. My daughter, while driving as a new adult, was struck by an uninsured driver. She incurred extensive damage, and regrettably, carried only liability insurance on her own vehicle. While her mother and I purchased a replacement vehicle for her, I cannot begin to imagine the extent of damage this type of experience would have on a young working family.

Statistics show more than 75% of drivers continue to drive notwithstanding a license suspension. Public policy ought to favor licensed and insured drivers. The aim of compelling an obligor to catch up on child support arrears is laudable, but it should not come at the expense of creating the risk of uninsured loss to the entirety of the motoring public.

Nothing in this bill limits a court’s inherent and statutory authority to impose contempt sanctions. If an obligor intentionally refuses to comply with a court order, under N.D.C.C. Ch. 27-10, the court retains exceedingly broad authority to impose punitive and remedial sanctions, which include payment of money, forfeitures, or even imprisonment.

### CONCLUSION

Policy in law should be logical and based on sound reasoning. Suspension or withholding of driving privileges to leverage those with child support arrears is illogical. It exasperates the problem it is purporting to address. It impairs the obligor’s ability to work and care for his or her children. And suspending a driver’s license endangers the entire motoring public because it results in suspended drivers operating vehicles without liability insurance.

Respectfully submitted,

*/s/ Mark A. Friese*

Mark A. Friese  
MAF:hs

cc: Sen. Ronald Sorvaag, *via email only*  
Rep. Carrie McLeod, *via email only*  
Rep. Scott Wagner, *via email only*