

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1191

2001 HOUSE TRANSPORTATION

HB 1191

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1191

House Transportation Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1	x		3,501
		x	3701
Committee Clerk Signature <i>Lauren L. Ford</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1191; A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to the disposition of traffic offenses for diplomats.

Rep. George Keiser explained that he sponsored this bill at the request of the United States State Department, Office of Foreign Missions in Washington, D.C. And that is his testimony. A copy of that letter is attached.

Rep. Weisz - Chairman (4342) Is the (US) State Department - --will it be the DOT's responsibility to furnish the information of the vehicle, police reports, or the officer's responsibility?

Rep. Keiser: That is the Officer's responsibility. Right now the DOT doesn't get an accident report. They have notice of an accident if there is one but they don't get the report from the enforcing officers. That is filed in the court of jurisdiction.

Rep. Thoreson: If the diplomat is intoxicated, do we still not have any jurisdiction?

Rep. Keiser: That is my understanding -- we do not. They often will stop, be charged, etc. But leave the state and ignore our processes. They don't have to appear or they may appear in absentia.

Rep. Jensen: Have you visited with law enforcement on this?

Rep. Keiser: I have not. I don't think they will welcome it but yet we have to provide safety on our state highways.

Rep. Weisz - Chairman: If I understood you correctly an officer may possibly remove a diplomat from his vehicle -- he can only cite him?

Rep. Keiser: I don't know the answers to some of these things. If he were drunk, he may be able to require him not to proceed in that vehicle. He could cite him all he wanted but as soon as he is able to drive he can get in that car and leave.

Keith Magnusson, DOT, we don't have position on this, it is national in origin and as far as I know it doesn't involve us.

Rep. Mahoney: There is no fiscal note on this, is that because it doesn't effect you?

Keith Magnusson: That is correct.

Rep. Weisz - Chairman (5340) closed the hearing for testimony on HB 1191 being no other persons appeared to speak for or against HB 1191.

Discussion followed: Tape 1 Side B meter 3701

Rep. Mahoney: I move a 'Do Pass' for HB 1191.

Rep. Jensen: I second that motion.

Roll Call Vote: motion carried - 12 yeas 0 nays 2 absent.

Date:
Roll Call Vote #: **1191**

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House Transportation Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Ma Seconded By Jen

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	A				
Dan Ruby	A				
Laurel Thoreson	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Mahoney

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 19, 2001 11:48 a.m.

Module No: HR-09-1284
Carrier: Mahoney
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1191: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1191 was placed on the
Eleventh order on the calendar.

2001 SENATE TRANSPORTATION

HB 1191

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1191

Senate Transportation Committee

Conference Committee

Hearing Date 3-2

Tape Number	Side A	Side B	Meter #
1	x		42.1-48.0

Committee Clerk Signature *Suzette Schaefer*

Minutes: **HB 1191** relates to the disposition of traffic offenses for diplomats.

Kelth Magnusson: (NDDOT; Neutral) This is a national effort. The State Department wrote to all states. This bill requires law enforcement to do certain things for diplomatic licenses and send information directly to the state department. They would like information on citations, warnings, traffic reports, etc. This is an effort by the state department to find out what diplomatic drivers are doing. They are trying to get every state involved so they can get a complete report.

Hearing closed.

Senator Bercier motions to Do Pass. Seconded by Senator Espgaard. Roll call taken. 6-0-0. Floor carrier is Senator Bercier.

Date: 3-2
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1191

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Berrier Seconded By Espegard

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercler	X	
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Berrier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 2, 2001 1:05 p.m.

Module No: SR-36-4714
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1191: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1191



United States Department of State
Office of Foreign Missions
Washington, D.C. 20520

August 14, 2000

Representative George J. Keiser
422 Toronto Drive,
Bismarck, ND 58501-0276

Dear Representative Keiser,

The Diplomatic Motor Vehicles Division (OFM/DMV) located within the Office of Foreign Missions at U.S. Department of State is seeking your cooperation in a legislative project designed to insure that members of diplomatic missions abide by United States traffic laws and regulations. As of July 1, 1988, this office has assumed responsibility for the issuance of driver licenses to and the exercise of driver control over the members of the foreign mission community and their *bona fide* dependents. This mandate was taken on with the support of the American Association of Motor Vehicle Administrators. In accordance with this mandate, OFM/DMV has enforced court ordered actions against the driving privileges of its licensees; and has imposed administrative sanctions against the privileges of those whose driving records display a pattern of dangerous driving practices.

Although a great majority of members of foreign missions operate motor vehicles responsibly and in compliance with traffic regulations, there have been a few distressing incidents. As you may be aware, on January 3, 1997 a Georgian diplomat, who was intoxicated and driving recklessly, drove his vehicle into the rear of a small car that had stopped for a red signal. The force of the impact propelled the struck car several yards into the air before it landed atop a convertible tragically killing a 16 year-old girl and injuring four others.

The diplomat had been in the United States approximately 26 months. Within a few days of his arrival, he fulfilled the requirements for licensing in this country, applied for and received a U.S. Department of State driver license. In the following months, police officers from various jurisdictions stopped and cited him for moving violations, each one more serious than the last. The diplomat pleaded guilty to each charge *in absentia* and remitted the statutory fine to the responsible court. Unfortunately, however, none of these incidents were reported to the Department of State. The courts processed the convictions and forwarded the notices of conviction to their servicing motor vehicle administrations assuming that this information would be forwarded to the individual's driver licensing authority (OFM/DMV).

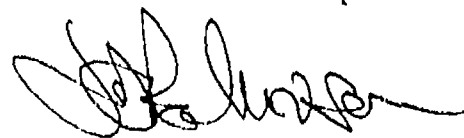
Had this office been informed, the point accrual on this individual's driving record by mid summer 1996 would have resulted in the initiation of driver control measures by OFM/DMV. Regrettably, OFM/DMV had not been made aware of this person's recklessness, thus had to assume he was a responsible driver. Circumstances such as this one have prompted the Department of State to urge the adoption of legislation ensuring that all motor vehicle related incidents involving foreign mission personnel, who enjoy some level of immunity from the police and judicial jurisdiction, are reported to this office in a timely manner.

At the request of his constituency, the chairman of the Maryland Legislature's Judiciary Subcommittee and Committee Counsel collaborated with OFM/DMV personnel to draft and introduce such a bill. HB1194, which passed both legislative houses without opposition, went into effect October 1, 1998. I have included model legislation, based on Maryland Bill 1194, for your consideration.

The Diplomatic Motor Vehicle office is committed to collaborating with you in a legislative initiative designed to address this issue. In order to ensure that you and your staff receive any and all support needed I have appointed Ana Maria Meles as your contact in OFM/DMV.

I greatly appreciate your assistance in this matter, and we look forward to hearing from you.

Sincerely,



Jacqueline D. Robinson
Director
Diplomatic Motor Vehicles

Enclosed: 1. Contact Sheet
2. Model Legislation