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ROLL NUMBER

DESCRIPTION

2149

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Operator's Signature

Yherosa d. Lee

Date

10-16-03

2003 SENATE TRANSPORTATION

SB 2149

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Yheresa J. Ace
Operator's Signature

10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
1	X		3188-end
1		X	0-530
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

The hearing on SB 2149 was opened by **Chairman Senator Thomas Trenbeath**.

Keith Magnusson: (Deputy Director for Driver and Vehicle Services) A cleanup bill. See attached testimony.

Senator Trenbeath: (Meter 3715) The wording is confusing in Section 2 beginning with line 6 page 2. Would the intent be for it to read "...in another state and has a license that is not presently or is not in the process of being revoked...."

Keith Magnusson: Agreed that it would make it more clear and is the intent.

(Meter 4200) Discussion concerning the terms "gross vehicle weight" and "actual weight".

The wording is the same as the federal regulation.

Senator Trenbeath: Wondered why we would waive a knowledge and skills test for a person who is driving an agricultural truck.

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10-16-03
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Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2149

Hearing Date 1-16-03

Syndi Worrel: (Chief Examiner for Drivers Licensing) (Meter 4990) It has already been the practice in North Dakota. Explained the history of the agribusiness license.

(Meter 5160) Discussion pertaining to Section 7 concerning submitting uncertified copies of records.

Senator Bercler: (Side B Meter 0) The tribes cannot revoke drivers licenses because they are state licenses. Stated that the language in Section 3, subsection 7 allows for tribes to send information about DUI cases to the state so that the state can revoke the licenses.

Keith Magnusson: Pointed out that the law already will allow the tribal courts to send in convictions.

(Meter 215) Discussion on Section 7 with respect to reciprocity. This section only deals with commercial drivers licenses.

No Opposition.

The hearing on SB 2149 was closed.

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Yvonne A. Lee
Operator's Signature

10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-13-03

Tape Number	Side A	Side B	Meter #
2		X	1880-2558
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened SB 2149 for discussion.

Committee members reviewed the wording on the proposed amendment.

Senator Espegard moved to adopt the amendment. Seconded by **Senator Bercier**. Roll call vote 6-0-0.

Senator Espegard moved a **Do Pass as Amended**. Seconded by **Senator Bercier**.

Roll call vote 6-0-0. **Passed**. Floor carrier is **Senator Trenbeath**.

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Y. Theresa d. Lee
Operator's Signature

10-16-03
Date

FISCAL NOTE
Requested by Legislative Council
04/08/2003

Amendment to: SB 2149

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill has no fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Linda Mathern	Agency:	NDDOT
Phone Number:	328-4359	Date Prepared:	04/08/2003

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Operator's Signature

Yvonne J. Lee

Date

10-16-03

JB
2-14-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2149

Page 1, line 1, remove "subsection 1 of section 39-06-01.1,"

Page 1, line 4, remove "minor operators of motor vehicles,"

Page 1, line 6, replace "fees for certified driver records for" with "issuance of a temporary certificate after granting a"

Page 1, remove lines 11 through 21

Page 2, line 8, remove "has not been or" and after the second "not" insert "revoked, suspended, or canceled or"

Page 4, line 17, remove the overstrike over "two" and remove "three"

Page 4, line 19, after "which" insert "immediately"

Page 6, overstrike line 15

Page 6, line 16, overstrike "sufficient evidence of the conviction."

Page 6, line 31, overstrike "such" and insert immediately thereafter "the"

Page 7, line 1, overstrike "such" and insert immediately thereafter "the"

Page 7, line 2, overstrike "such" and insert immediately thereafter "the"

Page 7, line 4, overstrike "said" and insert immediately thereafter "the"

Page 7, line 6, overstrike "Said" and insert immediately thereafter "The"

Page 7, line 9, overstrike "Said" and insert immediately thereafter "The", overstrike "such" and insert immediately thereafter "the", and overstrike "shall be"

Page 7, line 10, overstrike "deemed to"

Page 7, line 13, overstrike "said"

Page 7, line 14, overstrike "agreements" and insert immediately thereafter "agreement"

Page 7, line 15, overstrike "said" and insert immediately thereafter "the", overstrike "theretofore", and after "filed" insert "up to that time"

Page 7, line 16, overstrike "such" and insert immediately thereafter "the"

Renumber accordingly

Date: 2-13-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2149

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number LC 38162.0101 Title 0200

Action Taken on Amendment

Motion Made By Sen. Espgaard Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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Yvonne A. Lee
Operator's Signature

10-16-03
Date

Date: 2-13-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2149

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number LC 38162.0101 Title .0200

Action Taken Do pass as amended

Motion Made By Sen. Espigard Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espigard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Trenbeath

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

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Yvonne A. Lee
Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
February 17, 2003 11:14 a.m.

Module No: SR-30-2894
Carrier: Trenbeath
Insert LC: 38162.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2149: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of section 39-06-01.1,"

Page 1, line 4, remove "minor operators of motor vehicles,"

Page 1, line 6, replace "fees for certified driver records for" with "issuance of a temporary certificate after granting a"

Page 1, remove lines 11 through 21

Page 2, line 8, remove "has not been or" and after the second "not" insert "revoked, suspended, or canceled or"

Page 4, line 17, remove the overstrike over "two" and remove "three"

Page 4, line 19, after "which" insert "Immediately"

Page 6, overstrike line 15

Page 6, line 16, overstrike "sufficient evidence of the conviction."

Page 6, line 31, overstrike "such" and insert immediately thereafter "the"

Page 7, line 1, overstrike "such" and insert immediately thereafter "the"

Page 7, line 2, overstrike "such" and insert immediately thereafter "the"

Page 7, line 4, overstrike "said" and insert immediately thereafter "the"

Page 7, line 6, overstrike "Said" and insert immediately thereafter "The"

Page 7, line 9, overstrike "Said" and insert immediately thereafter "The", overstrike "such" and insert immediately thereafter "the", and overstrike "shall be"

Page 7, line 10, overstrike "deemed to"

Page 7, line 13, overstrike "said"

Page 7, line 14, overstrike "agreements" and insert immediately thereafter "agreement"

Page 7, line 15, overstrike "said" and insert immediately thereafter "the", overstrike "theretofore", and after "filed" insert "up to that time"

Page 7, line 16, overstrike "such" and insert immediately thereafter "the"

Renumber accordingly

2003 HOUSE TRANSPORTATION

SB 2149

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Cherene L. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

House Transportation Committee

☐ Conference Committee

Hearing Date March 6, 2003

Tape Number	Side A	Side B	Meter #
1	x		7.1 to 26.6
2	x		39.9 to 51.9
Committee Clerk Signature <i>Laurenz Fink</i>			

Minutes:

Rep. Weisz a bill for an Act to amend and reenact sections 39-06-13 and 39-06-32, subdivision b of section 39-06.1-03, subsection 17 of section 39-06.2-02, sections 39-06.2-02 and 39-06.2-16, section 3 of section 39-08-13, and section 39-16.6-10 of the North Dakota Century Code, relating to examination of applicants, evidence of actions against drivers received from other jurisdictions, issuance of a temporary certificate after granting a stay pending appeal, definition of gross vehicle weight rating, seasonal exemption from commercial driver's license requirements, time for submission of accident of accident reports by law enforcement, and proof of future financial responsibility by nonresidents.

Keith Magnusson: Deputy Director for Driver's Licensing and Vehicle Services spoke for the DOT who was the sponsor for this legislation. He explained that between Legislative Sessions while working with the laws find things which need attention, correcting or in some cases eliminated for duplication, etc. This bill is a compendium to these types of things. A copy of his

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Yvonne J. Doe
Operator's Signature

10-16-03
Date

Page 2
House Transportation Committee
Bill/Resolution Number SB 2149
Hearing Date March 6, 2003

testimony in written form is attached. He also had some amendments to propose. A copy of those are also attached. Each section of his write-up addresses sections of the bill.

Rep. Delmore: If you have a group of teenagers that caught somewhere where alcohol is present -- that means that all of them there will loose their license ?

Keith Magnusson: (19.3) No -- in fact revoking driving privileges only applies to a driver. If they are picked-up as minors in possession, normally you don't even know about it-- unless the driver with an open container in the vehicle then his license will be canceled -- they others in the vehicle don't look at it as a driving offense.

Rep. Weisz: As I read this they (the Senate) took out the administrative procedure for CDL?

Keith Magnusson: When the law was drafted this were moving fast and furious and some things were left out, so we wanted to add this in so be clear -- it seems that at least one individual in the senate committee just didn't like the administrative procedure -- so they took it out -- but when I presented it like I did just for them -- no one seemed to care. They took it out because they didn't want the administrative system in here but we think it is very effective. Without it we would be killing a lot more people on the road -- we can identify problem drivers very quickly compared to the criminal system -- our action takes thirty days or less but a criminal prosecution can take a year or a year and a half. That's where we identify the problem whereas in the criminal system with plea bargaining you may not.

Rep. Weisz: If pleads guilty to a lessor offense -- so that the reason you pulled the license administratively doesn't apply -- it doesn't effect your pulling the license-- correct?

Keith Magnusson: the correct -- there have been plenty of court cases that have addressed that.

We can effect only the administrative ones and the courts address the criminal ones.

Page 3

House Transportation Committee

Bill/Resolution Number SB 2149

Hearing Date March 6, 2003

Rep. Ruby: About section 4 -- dealing bringing the language in line with the federal -- what this would do would be the gross weight of the vehicle by the manufacturer --

Keith Magnusson: There are a couple of things in there -- gross vehicle weight rating by the manufacturer -- when you get into the combination weight ratings there adding the total weight of the actual units.

Rep. Ruby: In the case where somebody bought a truck and the manufacturer gross rating was there and they added heavier axles so they could haul more within the legal limits of the load restrictions -- so the load is not the manufacturers rate load -- this change would take away the discretion for your office to OK a registration for how it should be rated.

Keith Magnusson: I wish our expert on CDL was here -- I would like to get you some better information on that.

Rep. Ruby: I would like that because sometimes with the modifications they carry more than the manufacturers rating. You pay for the heavier registration and then this would not allow you to legally carry the loads.

Keith Magnusson: I will get you more information but this is in the Drivers license law and the vehicle registration law.

Rep. Delmore: (25.6) You indicate in here there are certain states that don't require liability insurance -- how many are there and which ones are they?

Keith Magnusson: May I have Lynn Heinert from our office answer that?

Lynn Heinert: It is a very limited number -- I would say 2 or 3 and they are east coast states.

There being no other persons wishing to testify on SB 2149 either for or against, Chairman

Weisz closed the hearing. End of hearing record (26.6).

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House Transportation Committee

Bill/Resolution Number SB 2149

Hearing Date March 6, 2003

Action on SB 2149 Tape 2 Side A (39.9)

Rep. Weisz opened the discussion on SB 2149 for action. Rep. Thorpe moved to approve the amendments which would restore the administrative procedure which had been removed and to remove "immediate" in line 5 page 4. Rep. Bernstein seconded the motion. The motion carried on a voice vote. Rep. Price moved a 'Do Pass as Amended' motion for SB 2149. Rep. Ruby seconded the motion. On a roll call vote the motion carried 12 Ayes 0 Nays 1

Absent and not voting. Rep. Weisz was designated to carry SB 2149 on the floor.

End of Record (51.9)

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Y. Theresa J. Deo
Operator's Signature

10-16-03
Date

Date: 3/6/03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB - 2149

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38162.0200

Action Taken Do Pass as amended

Motion Made By Rep. Price Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser		
Pat Galvin	✓			✓	
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Rep. Price

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

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Operator's Signature Y. Hernandez

Date 10-16-03

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 10:44 a.m.

Module No: HR-41-4207
Carrier: Welsz
Insert LC: 38162.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2149, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" Insert "subsection 1 of section 39-06-01.1,"

Page 1, line 4, after "to" Insert "minor operators of motor vehicles,"

Page 1, after line 9, Insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-06-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 ~~or~~, has committed an alcohol-related offense while operating a motor vehicle, or has had driving privileges suspended or revoked under chapter 39-20, if:
 - a. The acts or offenses were committed while the individual was a minor; and
 - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense."

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Page 4, line 5, remove "immediately"

Renumber accordingly

2003 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2149

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Cherene L. Lee
Operator's Signature

10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Transportation Committee

■ Conference Committee

Hearing Date 4-04-03

Tape Number	Side A	Side B	Meter #
1	X		0-1570
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Senator Trenbeath opened the Conference Committee on SB 2149. All committee members were present.

Senator Trenbeath asked if it was correct that the House put everything back in the bill that the Senate took out.

Representative Welsz replied that they did put back in all the parts under the graduated drivers license for minors. They put \$3 in at the suggestion of the Department of Transportation based on the argument that the \$3 across the board was for uniformity.

Senator Trenbeath asked about page 4 line 5 where the House took out the word "immediately". He explained that the Senate put it in because the Department wants everyone to file things immediately but they don't respond immediately.

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Operator's Signature

10-16-03
Date

Page 2
Senate Transportation Committee
Bill/Resolution Number SB 2149
Hearing Date 4-04-03

Representative Weisz said there was some concern with what immediate meant and if there should be further clarification so they took the language out. He didn't have a problem with putting the language back in.

Senator Trenbeath thought what was implied was that, in the normal course of business, it has to be taken care.

Senator Trenbeath addressed Section 1. Chapter 39-20 deals with administrative sanctions. He reads it to say, if a person under 18 is convicted of driving under the influence of alcohol or if found, from an administrative standpoint, to have had a blood alcohol content in excess of .02, his license is canceled. He feels the question becomes, with respect to this, "Should it be allowed to be done administratively."

Representative Weisz said this, the graduated drivers license, was passed out of the House in 1999. He was not a fan of it in 1999 but became a believer in it since then. The intent at the time was to have it at 39 points. The House feels it has been a good deterrent because the kids seem to be aware of it.

Senator Trenbeath said there is no commensurate law for adult drivers.

(Meter 800) The graduated drivers license is not what is in front of them---just the administrative parts.

Representative Weisz said that all this is going to do is, if they are picked up with a .03, there will be an instant loss of license. (Meter 835)

Senator Trenbeath pointed out that it wasn't instant, they still had go through the hearing process.

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Yubereza
Operator's Signature

10-16-03
Date

Page 3

Senate Transportation Committee

Bill/Resolution Number SB 2149

Hearing Date 4-04-03

(Meter 900) The administrative is not current law, 39-20 is not on the books now . There doesn't seem to be a compromise area. Right now kids know that if they get a DUI or 5 points they can have their license canceled. .They have to be convicted of the DUI.

Senator Trenbeath feels that the drivers license is a valuable enough privilege to where you have to convict before taking it away, before canceling it.

Representative Weisz understood his point and said that the House looked at it from basically the same argument. It's such an important privilege, especially for teenagers. They felt it was such a deterrent that they would think twice before drinking and driving.

Senator Taylor suggested that we could be extending into an area where some good old fashioned parenting would work.

Senator Trenbeath felt there was room for parenting.

Representative Weisz wondered if there was room for a compromise.

Senator Trenbeath made a motion that the House recede from the House amendments and adopt an amendment changing "two" to "three" on page 4, line 3. The motion was seconded by **Senator Espegard**.

(Meter 1335) Discussion for clarification purposes. The license can be suspended administratively now. At .02 they can have it suspended. There is a per se law for minors. It is not canceled because it does not allow for that administratively. After going to court, if convicted, the license can be revoked. If not convicted, the suspension still plays out.

Representative Schmidt said that the young drivers are creating a high percentage of the accidents.

Roll call vote 6-0-0. **Passed.**

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Yubereza S. Doe
Operator's Signature

10-16-03
Date

38162.0202
Title.0400

Adopted by the Conference Committee
April 4, 2003

[Handwritten signature]
4-4-3

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149

That the House recede from its amendments as printed on page 753 of the Senate Journal and pages 820 and 821 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

Page No. 1

38162.0202

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Yherosa d. Lee
Operator's Signature

10-16-03
Date

Date: 4-04-03
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2149

Senate TRANSPORTATION Committee

☒ Check here for Conference Committee

Legislative Council Amendment Number 38162.0202 Title .0400

Action Taken Recede from House amendments & adopt amendments pg 4 - line 3

Motion Made By Senator Trenbeath Seconded By Senator Espgaard

Senators	Yes	No	Representatives	Yes	No
Sen. Trenbeath	✓		Rep. Weisz	✓	
Sen. Espgaard	✓		Rep. Headland	✓	
Sen. Taylor	✓		Rep. Schmidt	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Trenbeath

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

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Yubereca d. Lee
Operator's Signature

10-16-03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 7, 2003 8:13 a.m.

Module No: SR-62-6887

Insert LC: 38162.0202

REPORT OF CONFERENCE COMMITTEE

SB 2149, as engrossed: Your conference committee (Senis. Trenbeath, Espegard, Taylor and Reps. Weisz, Headland, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 753, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 753 of the Senate Journal and pages 820 and 821 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

Engrossed SB 2149 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

SB 2149

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Y. Herrera J. Lico
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10-16-03
Date

SENATE TRANSPORTATION COMMITTEE

January 16, 2003

**North Dakota Department of Transportation
Keith C. Magnusson, Deputy Director for Driver and Vehicle Services**

SB 2149

The North Dakota Department of Transportation prefiled SB 2149 as an agency bill. This bill cleans up and clarifies a number of drivers license issues.

Section 1 clarifies that a violation of NDCC 39-20 (administrative implied consent system) will result in cancellation of driving privileges for a minor. This supports the legislative intent that any alcohol offense, criminal or otherwise, would result in a cancellation, and is how the law has been administered since its passage. Recently, there have been technical questions about the meaning of the law and this amendment would make it clear.

Section 2 allows us to waive the written test for drivers who come in from another state and hold a valid license from that state. We now have the authority to waive the driving test in the same situation. Waiving the written test appears to be the trend nationally, and we have had an inquiry from a legislator on the issue. We feel that a permissive waiver is much more appropriate than a mandatory one, because there will be situations where we should not waive the written test. Highway safety and national security could be compromised if we do not have the authority to require the exam in questionable situations.

Section 3 continues our process of updating out-of-date provisions in laws as they are brought to our attention. This amendment allows use of convictions or records from another state that are transferred to North Dakota electronically or by paper copy, whether or not they are certified. Current law in several areas seems to call for a certified copy, which is not the way most states do business in this electronic age. The language used for this amendment is identical to that already in other sections of the law.

Section 4 changes the cost of a certified copy of the driving record, accompanying a request to a court to stay a suspension pending an appeal, from \$2 to \$3. It would then be the same as all other regular certified copies of the driving record, as found in another section of the law, and would eliminate confusion.

Section 5 conforms the definition of "gross vehicle weight rating" to the federal definition. This term is defined under the Commercial Drivers License law, and no longer is identical to the federal definition because that definition was changed slightly. This is also intended to eliminate confusion.

Section 6 adds to North Dakota law a farm-related service industry waiver for seasonal 180-day permits. This is allowed under the federal commercial drivers license regulations and has been the practice in North Dakota, although it is not specifically spelled out in our law.

Section 7 has the same purpose as section 3 and uses the identical language to be consistent.

Section 8 changes the time period for submitting the crash report to the department from five days to after completion of the investigation to ten days after the crash. Under the present language, many reports are not received on a timely basis and it is difficult for us to tell exactly when the investigation was completed. Under this proposed change, there would be certainty as to when the crash report is due, and, in cases where there is need for more investigation, a supplementary report can be submitted. Current delays are detrimental to the insurance industry. This proposal has been agreed to by the Attorney General, Insurance Commissioner, Highway Patrol, North Dakota Peace Officers Association, and the largest auto underwriter in the state.

Section 9 concerns accepting proof of liability insurance, required in certain instances by NDCC 39-16.1, from residents of another state. It also waives strict compliance with North Dakota insurance requirements by non-resident drivers if they meet the insurance liability requirements in their home state. It is sometimes a problem for drivers from other states to meet our requirements for proof of liability insurance. If their home state does not have a liability insurance requirement, they may not have liability insurance and would obviously not be able to show us proof of such insurance. Our suggested change to this section would not release them from the requirement altogether, but would allow them to go under the existing law.

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Yvonne J. Lee
Operator's Signature

10-16-03
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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149

Page 1, line 1, after "reenact" insert "subsection 1 of section 39-06-01.1,"

Page 1, line 4, after "to" insert "minor operators of motor vehicles,"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-06-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense or has had driving privileges suspended or revoked under chapter 39-20 while operating a motor vehicle, if:
 - a. The acts or offenses were committed while the individual was a minor; and
 - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense."

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

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Operator's Signature

10-16-03
Date

HOUSE TRANSPORTATION COMMITTEE
March 6, 2003

North Dakota Department of Transportation
Keith C. Magnusson, Deputy Director for Driver and Vehicle Services

SB 2149

The North Dakota Department of Transportation prefiled SB 2149 as an agency bill. This bill cleans up and clarifies a number of drivers license issues.

The original Section 1 of SB 2149 clarified that a violation of NDCC 39-20 (administrative implied consent system) will result in cancellation of driving privileges for a minor. This supports the legislative intent that any alcohol offense, criminal or otherwise, would result in a cancellation, and is how the law has been administered since its passage. Recently, there have been technical questions about the meaning of the law; this amendment would make it clear. The amendment was removed by the Senate Transportation Committee because of a dislike of the administrative system. We are asking that it be reinstated.

Section 1 allows us to waive the written test for drivers who come in from another state and hold a valid license from that state. We now have the authority to waive the driving test in the same situation. Waiving the written test appears to be the trend nationally, and we have had an inquiry from a legislator on the issue. We feel that a permissive waiver is much more appropriate than a mandatory one, because there will be situations where we should not waive the written test. Highway safety and national security could be compromised if we do not have the authority to require the exam in questionable situations.

Section 2 continues our process of updating out-of-date provisions in laws as they are brought to our attention. This amendment allows use of convictions or records from another state that are transferred to North Dakota electronically or by paper copy, whether or not they are certified. Current law in several areas seems to call for a certified copy, which is not the way most states do business in this electronic age. The language used for this amendment is identical to that already in other sections of the law.

Section 3 originally changed the cost of a certified copy of the driving record, accompanying a request to a court to stay a suspension pending an appeal, from \$2 to \$3. It would then be the same as all other regular certified copies of the driving record, as found in another section of the law, and would eliminate confusion. The Senate Transportation Committee took out the change and inserted the word "immediately," for an unknown reason. We are asking that our original change be reinstated.

Section 4 conforms the definition of "gross vehicle weight rating" to the federal definition. This term is defined under the Commercial Drivers License law, and no longer is identical to the federal definition because that definition was changed slightly. This is also intended to eliminate confusion.

Section 5 adds to North Dakota law a farm-related service industry waiver for seasonal 180-day permits. This is allowed under the federal commercial drivers license regulations and has been the

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practice in North Dakota, although it is not specifically spelled out in our law.

Section 6 has the same purpose as section 2 and uses the identical language to be consistent.

Section 7 changes the time period for submitting the crash report to the department from five days after completion of the investigation to ten days after the crash. Under the present language, many reports are not received on a timely basis and it is difficult for us to tell exactly when the investigation was completed. Under this proposed change, there would be certainty as to when the crash report is due, and, in cases where there is need for more investigation, a supplementary report can be submitted. Current delays are detrimental to the insurance industry. This proposal has been agreed to by the Attorney General, Insurance Commissioner, Highway Patrol, North Dakota Peace Officers Association, and the largest auto underwriter in the state.

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