

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1097

2005 HOUSE TRANSPORTATION

HB 1097

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. 1097

House Transportation Committee

Conference Committee

Hearing Date January 7, 2005

Tape Number	Side A	Side B	Meter #
1	X		31-47.4

Committee Clerk Signature



Minutes:

Chairman Weisz opened the hearing on HB 1097 A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to assessing points for non criminal traffic violations committed in another jurisdiction.

Keith Magnusson, Deputy Director with DOT: (See attached testimony) I would like Lynn to come up first and give you some examples of traffic violations that we have.

Lynn Heinert: (37.0) Had 10 out of state traffic violations with no actions on them and they are probably paying the same insurance premium as the rest of the drivers are paying because they do not appear on the driving record. What scared me the most was a commercial driving record.

The highlights ones are the out of state driving record that were reported to us by chamber. With the electronic drivers when we have violations in another state under federal law they are required to report it to us electronically. (Showed a paper with allot of violations highlighted for a driver) In 2003 we had approximately 11,000 out of state violations that came into ND. In

2004 that reduced just a little bit to 10,000. We are looking at this from a safety stand point.

Asked for questions.

Chairman Weisz (38.5) How many did you have with 10 or more violations?

Lynn Heinert: I had 14 with 10 or more violations.

Rep. Thorpe The commercial one was most of those out of Kansas.

Lynn Heinert: (39.3) These were all from North Dakota, but at the time he got them he was not a North Dakota driver.

Rep. Thorpe Discussed issue with harvester from Kansas. Harvesters from North Dakota and Canada could hardly move without getting a violation from Kansas because they were taking it out on the northern operators.

Rep. Delmore(40.7) Overload or over weight is not a criminal offense for a number of things. If you pulled out allot of them that had 3 would they be one was 5 miles over the speed limit. In Minnesota you can be 2 miles over the speed limit; they don't do very much with flexibility. If someone is traveling a lot of time between cities for their jobs; aren't we going to have some people that are going to fall through the cracks on this are not necessarily unsafe drivers on the road?

Lynn Heinert: Points are assessed according to the ND points schedule so those individuals who are driving 10 miles an hour or less are either zero or one point violations. The ones I have on those records; the majority of them are speeding violations. One record I have careless driving, speeding, following too close, disregarding a traffic control device, over taking where prohibited. etc.

Rep. Delmore (42.6) You are choosing to share one of the very worst. What I am saying is there may be some people. Why 3? Why is 3 the magic number, why not 10 and those people that really are going to be a hazard on the road.

Keith Magnusson: (43.0) They are basically treated like the offense had happened in ND and if some body is normally speeding; if they are only 2 miles over they will have no points. Discussed fact that the speed limit needs to be obeyed and that I have traveled recently to Minneapolis and everyone was passing me on I-94.

Rep. Delmore Do we send records to other states?

Keith Magnusson: Under the drivers license contract we send out our violations to other states and expect them to take action. They do the same. We don't set up a driving record for those folks unless they have a criminal record. We are all suppose to take care of our own drivers.

Chairman Weisz I thought with a commercial drivers license that could not happen? We are still allowed not to count. Keith said when a firm is hiring a driver they get their whole record. If a driver is hired in ND they will know what his record is. Can insurance companies excess their records.

Keith Magnusson: Insurance companies can not excess private parts of the record. They searched the records where the driver is licensed. They won't know where else to search. that is why we are responsible for that driver.

Chairman Weisz Anyone else in support of HB 1097. Any one in opposition to HB 1097.

Closed 47.4

Discussion (Side B 12.4)

Rep. Iverson I think there is an attempt to get the chronic abuser, not the one that gets a few speeding tickets.

Rep. Meyer I have to disagree with that when there are only 14 people with 10 or more violations. In our area we have a large oil field on the eastern Montana line. They are desperate for anyone with a CDL. As our guys are over there it is just kind of fun for the Montana Highway Patrol to pickup our guys. If this law was passed we are going to have that many more people who will loose their CDL license. Woody has a very good point. They stop ND guys and that is what funds their general fund; if you have a North Dakota plate you are going to get stopped. We only have 14 people in the state with these violations so we are going to penalize the other 600,000 in the state.

Rep. Thorpe Here is a following up on that. When they were testifying and presenting this bill. The reality is the best of drivers may get a ticket on a long trip and they don't show up.

Rep. Owens What bothers me is 14 people in three years. Even the law talks about the last 12 months. That tells me they didn't get enough so they went back three years. The insurance bothers me too because what is going to happen it is going to raise the rates of everyone across the state and it won't take them very long.

Rep. Ruby No sure on this; why are interested in other states?

Rep. Thorpe (17.0) As far as insurance, I think it will go up according to violation. I was hoping we would have a little more time to think this over. I am not 100% sure what I am going to vote on this bill.

Chairman Weisz Explained do not pass. A yes will kill the bill. Called for a Do Not Pass.

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House Transportation Committee
Bill/Resolution Number 1097
Hearing Date January 7, 2005

Motion made by Rep. Meyer Seconded by Rep. Delmore

Do Not Pass 11 Yes 4 No 0 Absent Carrier Rep. Thorpe

Date: 1-7-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1097

House **Transportation Committee**

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *do Not Pass*

Motion Made By *Rep. Meyer* Seconded By *Rep. Delmore*

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	✓		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson		✓			
Rep. Kelsch		✓			
Rep. Owens	✓				
Rep. Price		✓			
Rep. Ruby	✓				
Rep. Vigesaa		✓			
Rep. Weiler	✓				

Total (Yes) 11 No 4

Absent 0

Floor Assignment *Rep Thorpe*

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

11th ballot

REPORT OF STANDING COMMITTEE (410)
January 7, 2005 11:09 a.m.

Module No: HR-04-0169
Carrier: Thorpe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1097: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS
(11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the
Eleventh order on the calendar.

2005 TESTIMONY

HB 1097

HOUSE TRANSPORTATION COMMITTEE

~~January 7, 2005~~

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

~~HB 1097~~

The North Dakota Department of Transportation prefiled HB 1097 as an agency bill. This bill concerns assessing points for noncriminal traffic violations committed in another jurisdiction.

Current law, found at NDCC 39-06-27, prohibits the assessing of points against a resident driver's record for something that happens in another jurisdiction, except for criminal offenses. The real effect is to preclude points being put on a driving record for out-of-state noncriminal traffic violations, such as speeding. Under the Drivers License Compact, which North Dakota and most other states have entered into, all traffic convictions or violations are reported to the "home" state of the driver. The home state, in this case North Dakota, is presumed to take action as it would for any North Dakota driver committing these offenses within the state. Under our law, this is not happening for noncriminal traffic violations. The result is that these noncriminal traffic violations do not show up on the public record, because another section of the law prohibits posting any two point or less violation on the public record. These are still available to law enforcement and the courts as part of the complete record.

The reasoning for this prohibition appears to go back to those days when it was perceived that other states had too many speed traps and were catching unsuspecting North Dakotans. This was deemed to be unfair and that this should not show up in the public record so that insurance companies could get ahold of the information. It is interesting to note, that many years ago, North Dakota also had speed traps! The absurdity of this prohibition and the effect it has today, is that a few drivers, who really do not live in North Dakota any more, but somehow have a North Dakota address and driver's license, are getting by with really a terrible driving record and unsafe driving habits. One example is a driver, with a North Dakota license, who has received many speeding violations in Kansas, which are then reported to North Dakota as the home state, but his public record is clear in North Dakota. This person really lives in Kansas and should get a driver's license there, but is not eligible because of his terrible record in that state. Fines or fees for speeding in Kansas are substantially greater than in North Dakota, but this person is willing to pay those because he knows that his actual driving record shows no points in North Dakota. This is really an unsafe situation and also defrauds his insurance carrier.

What we are proposing, is to get at the habitual offender and put those points on the North Dakota driving record. The specific proposal would allow the department to assess the proper points if it is the third or subsequent noncriminal disposition received from another jurisdiction within the last 12 months. We believe this is an approach that should be tried. It will not get at someone who has an occasional speeding ticket in another jurisdiction, but will hit those that really have a safety problem.