

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1037

2007 HOUSE TRANSPORTATION

HB 1037

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1037

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-05-2007

Recorder Job Number: 670

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz** opened the hearing on HB 1037. Rep. Delmore was absent.

**HB 1037** relates to proof of insurance relating to criminal procedure for driving without liability insurance.

**Lynn Heinert**, Traffic Records Manager of the Office of Traffic Safety, introduced the bill. See attached testimony.

**Chairman Weisz:** You have no administrative function with a DUI outside of possession of the plates and returning them when the court requests, is that correct?

**Lynn:** That is correct.

**Chairman Weisz:** The court makes whatever decision it does.

**Lynn:** Correct, the court takes the plates and motor vehicle gets them.

**Lori Pavlicek, NDDOT, MV:** In response to that question, we simply do take possession of those plates. We hold them until they show us proof of release from the court that they can get their plates back. If the plate has expired by that time, they just need to re-register and pay those fees to activate new tabs.

**Rep. Ruby:** Lynn, since this would remain under the criminal code, wouldn't that be the same as with a DUI where the courts would still remove the plates and then hand them over to the DOT?

**Lynn:** The way the bill is written, it would be the responsibility of the DOT upon receiving the conviction. So we notify the owner that they have to surrender the plates and if they have x amount of time to surrender the plates.

**Lori:** Responding to your question regarding ownership of the vehicle, if an individual's name appears on the title, they are an owner of that vehicle, so in response to your previous question related to that, we would consider that individual an owner.

**Rep. Owens:** I just want to clarify one thing. You are concerned that the administration and the amount of work it would be to figure out the owners of all of the vehicles. So if was restricted to the vehicle that was being driven, that simplifies everything, does it not?

**Lori:** It partially simplifies the matter, in that we know exactly vehicle's plates to use if we are going to impound. But there are still the administrative duties of notifying the driver and if he doesn't surrender the plates, they have to suspend the driving privileges, and to get the privileges reinstated, they have to provide proof insurance, which is a requirement. Based on a conviction already it would be then send the plates to motor vehicle. Motor vehicle would then have to flag the records that those plates have been impounded and can't be returned until the driver's license division gives the okay for those plates.

**Rep. Owens:** Doesn't a lot of that occur with the DUI when they are mailed in to you, once the court says they have to turn them in, don't you have to go through a lot of this administration in order to ensure that the plates are there?

**Lori:** When the court impounds those plates, they ship them directly to motor vehicle. Driver's license division does not have anything to administer in reference to the impoundment of the

plates under DUI. Unfortunately, motor vehicle's computer system does not talk to driver's license computer system and vice versa. So it becomes a nightmare between the two.

And the fiscal note is to correct that software deficiency.

**Rep. Thorpe:** I have other vehicles that for instance, my wife's car is listed in her or my name, and she has another vehicle currently, of course that would be affective, but the one in both names, if I screw up, I could lose my plates, they can also take the plates off the one that is in both names, is that right?

**Lori:** As it is written now, any vehicle that has your name on the registration of title, the plates would be pulled.

**Rep. Thorpe:** I understand that. My other question would be, the only way then that my wife is going to be upset with me. She would have to transfer it to her name only, would that be a solution?

**Lori:** The solution would be for you to file proof of liability insurance on your vehicles and then you wouldn't have to worry about it. Once you filed the proof of liability insurance on the vehicle, then the suspension of your driving privileges would be removed.

**Rep. Thorpe:** I am relating back to our family vehicles, and they have different insurance policies. It could be a problem.

**Lori:** There is a safe guard for the driver built in to the suspension of the plates. Before we used to suspend driving privileges and we would send the driver a notification and order suspension. We give that driver twenty days in which to comply with providing proof of liability insurance for that vehicle before we would suspend the driving privileges. They would also have the opportunity for an administrative hearing before we suspend the privileges. Then they could provide proof of insurance.

**Rep. Price:** There is language in this bill that absolutely merits DUI language.

**Lori:** I am not sure what the language is on the DUI bill exactly, but I do believe the DUI law, it is the court that requires the impoundment of plates.

**Rep. Price:** That's what I'm saying, if we do that with the same procedures?

**Lori:** We would be, yes.

**Rep. Dosch:** First off, I don't have a fiscal note, do we have that?

**Chairman Weisz:** It didn't get out to everybody. The fiscal note is \$146,000.

**Rep. Dosch:** I know it's a hassle, but unfortunately, when you look at a motor vehicle, you don't know if that vehicle has insurance or not. Here I understand we are talking about second or subsequent violations of that, so they've already been picked up without insurance and this is the second go around. And you pull license plates off of a car and at least it's a visible way that maybe that person can be stopped or something else happens again.

**Lori:** I agree with you that are a way to make that offense possibly more visible, the other thing the fiscal note is based upon approximately four hundred second convictions per year. So it's not that we are dealing with a large number of offenders. It is limited.

**Chairman Weisz** explains the fiscal note to the committee.

**Rep. Ruby:** Under both provisions they removed the twenty day allowable time to prove the insurance.

**Lynn:** That is only after a conviction.

**Rep. Ruby:** It doesn't say after the second offense, it could be for the first offense.

**Lynn:** The intent of the bill was to eliminate that twenty days that you have to show the officer. And change it to showing the court and after conviction, showing the proof to the DOT.

**Rep. Gruchalla:** The money that is attached to the fiscal note, is that going to take care of the problem between the computers with Motor Vehicle Dept. and Driver's License Division, in all cases, or just this?

**Lynn:** That would only take care of the liability in the impoundment of plates.

**Pat Ward**, Assoc. of North Dakota Insurers, spoke in support of the bill, although not officially taking a position to the extent that one or the other might be passed, they would prefer HB 1037.

**Ward:** The interim committee decided to present two bills to this session and try to sort out what would be the best thing to do, from the two bills by getting a larger audience.

**There were no questions for Pat Ward.**

**Sandy Clark** of North Dakota Farm Bureau spoke on the concepts of the bill.

**Sandy:** North Dakota Farm Bureau has two policies on dealing with uninsured motorist. One of them calls for stricter penalties and the other one call for stricter enforcement. We would just like to stand today in support of HB 1037. We don't have policy on impounding plates as such.

**Chairman Weisz** allowed for opposition at this time.

**There was no opposition. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1037

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-05-2007

Recorder Job Number: 673

Committee Clerk Signature

*Lisa Thomas*

Minutes:

**Chairman Weisz opened committee discussion on HB 1037. All Representatives were present. HB 1037 relates to proof of insurance relating to criminal procedure for driving without liability.**

**Chairman Weisz:** In talking with Lieutenant Rogers and getting some clarification on the court and the law enforcement issue that he brought up, they are comfortable because if we had the interim committee that was one of the main reasons these bills showed up, because of the concern that law enforcement had with this twenty day window where they can't issue a citation, but they have to show proof and if they don't then it's up to the law enforcement officer to go forward with that. So I wanted to be clear that they are comfortable with issuing the citation. They would prefer that the proof would still go to the law enforcement agency. Legally this misdemeanor requires an arrest and bond be posted. If we leave it criminal, right now, it would say we are issuing a citation. So I think we need to find a way to make this work. This got a lot of support on keeping the impoundment of the plates.

**Rep. Ruby:** Initially, I supported impounding the plates, but I think as Rep. Price mentioned, it should be similar to the DUI statute where the courts pull it and then turn them over to the



DOT. I don't see how that is so much of a Burdon. Of course there is some other language that would have to be cleaned up in dealing with that. I am in favor of keeping that.

**Rep. Dosch:** I concur with that. We have been struggling with this for a long time and like I mentioned earlier, you can't tell by looking at a car whether or not they have liability insurance and this is one way of putting some teeth in it and making them noticeable to law enforcement. And it is only for the second offense, it seems reasonable for me. When we talk about the misdemeanor, it is my understanding currently, isn't it a criminal offense now?

**Chairman Weisz:** That is correct, but you have twenty days to provide proof before the officer will write the citation. Now he is going to write you a citation on the spot. Does he now have to arrest the individual, where before he's got the twenty day window? We never did discuss it in interim.

**Rep. Ruby:** I agree with that and we should clarify that it's within a period of time so it isn't a second one in ten years; it's in a three year period.

**Chairman Weisz:** Any other concerns or issues with HB 1037 that we may need to work on? For those of you who want to change or be ready for next week.

**Rep:** (not identified) - There were 417 arrests made last year?

**Chairman Weisz:** No not arrests, convictions.

**Rep. Schmidt:** Wouldn't we have a record to get the Trans. Dept. a check on those? I have a little concern on the multiple vehicles. I would be willing to bet all four hundred only own one vehicle. Is there a record so we don't get a guy here with ten vehicles?

**Rep. Dosch:** This liability insurance basically is tied to a vehicle, don't you have to say what vehicle you are insured by. Wouldn't just be the vehicle that they are driving?

**Chairman Weisz:** That was my suggestion. You could have your other vehicles insured.

**Rep. (whom did not identify himself):** Didn't that language say owned and operated by? So wouldn't that mean it would be the vehicle you were stopped in?

**Chairman Weisz:** It's the same language. Both motor vehicles owned and operated by the driver. I know you run into issues.

There is a group discussion at this time and everyone is speaking without identifying themselves, refer to recording.

**Chairman Weisz:** Is there any other thing in the bill to discuss?

**Rep. Price:** In the discussion with the DOT, if we were to remove the plate fee, on page two, line twenty one, with that the fact that they would be picking more people because they don't have to track them, that would be a definite step in the right direction and catching more of them.

**Rep. Ruby:** Would that mean that the offense would be criminal?

**Rep. Price:** If we took the plate fee out, just the fact that the law enforcement has to try to find the person. A little bit more teeth.

**Chairman Weisz closed discussion on HB 1037 until next week. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1037

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-11-2007

Recorder Job Number: 951

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1037. All Representatives were present.**

**HB 1037 relates to proof of insurance relating to criminal procedure for driving without liability.**

**Chairman Weisz:** The twenty day period, on the criminal, what is going to happen if you get stopped you are going to have to go to jail and post bond, and the other issue has to do with confiscation of license plates and the amendment that's in front of you to address that posting bond if you don't have a card in your glove box. Under the bill, the way it was sitting, that would be a possibility. Now it does appear that this amendment would address that.

**Rep. Delmore:** What if I just bought the vehicle and I don't have the registration card yet?

**Chairman Weisz:** I think that is a concern. They don't care why you don't have it; you are supposed to be allowed twenty days to produce it, if for some reason you don't. HB 1037 will allow them to issue the citation for a Class B misdemeanor at that time. Then our intent was, well you have got twenty days to produce proof and then it's dismissed. Mr. Rogers of the Highway Patrol testified that the court on a class B misdemeanor, you haul them to jail and

they can post bond. I have a feeling we've had a few phone calls from constituents who for whatever reason, and this is an attempt to address it. I'm not sure it does, as I read it.

We have a couple of options, we can go back to the current law is in that area, which I know the frustration for law enforcement under the other.

**Rep. Kelsch:** We can go back to the way it is right now, if the intent is that we want to extend the period of time for the second violation. The driver's license division really doesn't want to have that burden.

**Rep. Thorpe:** In regards to the amendments, under the D "operating a modified vehicle" , it doesn't say that you have to be stopped for any offense, but it sounds like if you are operating a modified vehicle, you are in non-compliance with some law and it doesn't seem right. There are a lot of modified vehicles on the road today that are completely legal.

**Rep. Gruchalla:** Modified motor vehicle would mean that it is illegally modified vehicle.

**Rep. Thorpe:** It doesn't say that.

**Rep. Gruchalla:** Well, that was the intent of the language.

**Rep. Thorpe:** There is no mention of illegal under D.

**Rep. Ruby:** I wonder if you could explain the process. What would happen without the amendment? I'm confused about the process at the time of the stop is made and there is no card.

**Chairman Weisz:** Currently, you get stopped; you don't have the proof of insurance. You have twenty days to deliver that proof to the law enforcement. If you don't produce that in that time period, then he is supposed to serve you with a citation for a Class B misdemeanor. But it's now law enforcement's job to go and serve you and it's not uncommon they just lose it in the shuffle. That is current. Under HB 1037, it takes it away, but then the problem was brought up about having twenty days to produce it, but the courts are saying the Class B misdemeanor,

you are supposed to haul them off to jail and they can post bond. There is frustration with that because they feel people aren't producing the proof, but then they never get in trouble about it.

**Rep. Dosch:** Maybe we should turn it into a study and let them study it.

**Chairman Weisz:** We will take it up next week. Is there anything else on HB 1037?

**Chairman Weisz closed the discussion on HB 1037. No action was taken at this time.**

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1037

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1960

Committee Clerk Signature

*Jana M Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1037. Representative Kelsch was absent. HB 1037 relates to proof of insurance relating to criminal procedure for driving without liability.**

**Chairman Weisz:** I had amendments drawn up that changed the section having to do with Class B misdemeanor to an infraction and then I was informed that didn't work either. I visited with Col. Klipfel today on this. They visited with the state's attorney on that issue and I visited with Keith Magnusson about this and it seemed to be a unanimous opinion to leave that section alone. The state's attorney is animate about having to issue a citation of infraction. They highway patrol says it's not a big issue, it's working as far as, if they don't send in the proof. So everyone feels to leave that section of the bill where it's at. They don't want to keep a file on everyone of those citations because you have twenty days to get dismissed, so they have to keep that separate to make sure it's dismissed.

**Rep. Delmore:** We are talking safety issues. Many of these people are hazardous to have on the road. There is a reason they can't get liability insurance. We are doing a whole lot about keeping, you know, you talk about people who are driving and don't have any problems adding penalties and these people get off scott free.

**Chairman Weisz:** At this point, none of the rest of the bill, am I referring to but just that the mechanical side of it, so if you leave it alone, it's still a Class B misdemeanor, but law enforcement does have to, but there is no issue with the highway patrol.

**Rep. Gruchalla:** Just for clarification, all this bill was going to do is make it easier to arrest and for law enforcement. It's not weakening the bill. The bill is still going to be as strong as it ever was. In essence, if we were going to do the infraction, it wouldn't be taking away any jail time.

**Chairman Weisz:** One of the reasons the bill came to interim committee was that we had heard from some law enforcement personnel who didn't like keeping tabs on the twenty days. So the intent was to make it easier to make sure that if someone didn't have liability insurance that it got pursued.

**Rep. Gruchalla:** I really don't think there is a solution. I think that leaving it alone is the easiest answer. It is a pain to run these people down, but like you said, now its law enforcement, then it will be the court or state's attorney. It's working now. It's just that they want to make it easier.

**Rep. Owens:** If I read this, it's not talking about somebody driving without liability insurance, this is talking about the insured not providing proof of insurance because it keeps referring back to a violation of subsection one. Explain to me how for a second or subsequent violation of subsection one, which is an insurer...

**Rep. Sukut:** That is section one, not subsection one.

**Rep. Owens:** Never mind.

**Rep. Price:** I realize it's very , very rare that section one is needed because most of insurers do it, but I don't feel harm in doing that in page 2 line 21, the possibility of going to a three years, vs. eighteen months.

**Chairman Weisz:** The DOT did suggest that we keep that on page one. To require the insured to provide proof. There was some discussion on what we are coming down the line; with in five years, electronically, it may be possible to do something of that nature. You don't get your vehicle tag; right now it's still not there.

**Rep. Ruby:** So if I understand, Reps. Gruchalla and Price, We would remove the overstrike in section 2 and basically remove the new language.

**Rep. Price:** I am waiting to see the amendments on subsection 5.

**Rep. Ruby:** I don't have a copy for everyone. *(goes over his attached amendment)*

**Roll Call Vote: voice vote:** *All representatives were in favor of adopting the amendments.*

**Rep. Price moved a DO PASS AS AMENDED. Rep. Vigessa seconded.**

**Roll Call Vote: 12 yes. 0 no. 1 absent.**

**Carrier: Rep. Price**



# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1037

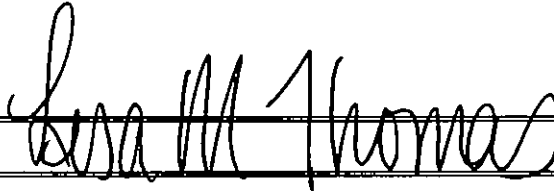
House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-01-2007

Recorder Job Number: 2553

Committee Clerk Signature



Minutes:

**Chairman Weisz allowed committee discussion on HB 1037. Rep. Price was absent.**

**HB 1037 relates to criminal procedure for driving without liability insurance.**

**Rep. Weisz:** We approved amendments that address the twenty dollars for the plates and changing the department to the court and if you recall, the court would take the plate out. Well, it turns out, legislative council had some problems with the language in that section because by the time we got to that section, there was no court. We are already done with the court, so you couldn't have the court impounding the plate anymore and so I'll hand out the amendment. They supposedly do the very same thing and I felt the committee needs to look at these amendments and they assured me they do the same thing, but we need to look at them and if we agree with them, we will have to reconsider our actions on HB 1037 and adopt these amendments.

**Rep. Ruby moved to reconsider the committee's action. Rep. Kelsch seconded.**

**Voice vote: 12 yes. 0 no. 1 absent.**

**Rep. Kelsch moved to adopt the amendments. Rep. Ruby seconded.**

**Voice vote: 12 yes. 0 no. 1 absent.**

**Rep. Delmore moved a DO PASS AS AMENDED. Rep. Owens seconded.**

Page 2

House Transportation Committee

Bill/Resolution No. "[Click here to type Bill/Resolution No.](#)"

Hearing Date: "[Click here to type Hearing Date](#)"

**Roll Call Vote: 12 yes. 0 no. 1 absent.**

**Carrier: Rep. Price.**

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/06/2007

Amendment to: HB 1037

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$9,912		\$10,408
Appropriations				\$9,912		\$10,408

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for the impoundment of license plates for a second or subsequent conviction of violating State driver's liability insurance laws.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Based on an estimated 860 occurrences per biennium, this bill would result in an additional \$9,912 of staffing, storage, and shipping costs the first biennium and an estimated \$10,408 the second biennium.

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.*

It is estimated this bill would result in additional costs to the DOT of \$9,912 the first biennium and \$10,408 the second biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The DOT would require an addition to its appropriation in the amount of \$9,912 for the 2007-2009 biennium.

<b>Name:</b>	Lorrie Pavlicek	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	02/07/2007

# FISCAL NOTE

Requested by Legislative Council

12/26/2006

Bill/Resolution No.: HB 1037

**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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$146,000		\$137,000
Appropriations				\$146,000		\$137,000

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for the impoundment of license plates for a second or subsequent conviction of violating State driver's liability insurance laws.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Based on an estimated 860 occurrences per biennium, this bill would result in an additional \$131,000 of staffing, storage, and shipping costs the first biennium and an estimated \$137,000 the second biennium. In addition, during the first biennium we would incur one time computer programming charges of approximately \$15,000.

**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.*

It is estimated this bill would result in additional costs to the DOT of \$146,000 the first biennium and \$137,000 the second biennium.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The DOT would require an addition to its appropriation in the amount of \$146,000 for the 2007-2009 biennium.

<b>Name:</b>	Lorrie R. Pavlicek	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	01/03/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 2, replace "section" with "sections 39-07-09 and"

Page 1, after line 10, insert:

**"SECTION 2. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

1. Section 39-07-07 does not apply to ~~a person~~ an individual if:
  - 4- ~~The~~ the halting officer has good reason to believe the ~~person~~ individual is guilty of any felony or if the ~~person~~ individual is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. ~~The~~ Section 39-07-07 does not apply to an individual if the halting officer, acting within the officer's discretion, determines that it is inadvisable to release the ~~person~~ individual upon a promise to appear and if the ~~person~~ individual has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. Operating a modified vehicle.
  - e. ~~Driving without liability insurance in violation of section 39-08-20.~~
  - f. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g- f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
3. The halting officer ~~forthwith~~ without delay shall take ~~any person~~ an individual not released upon a promise to appear before the nearest or most accessible magistrate."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

page 1, line 21, remove the overstrike over "~~shall~~" and remove "may"

Page 1, line 24, remove the overstrike over "~~this section if that person fails to submit satisfactory evidence of the~~"

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~administration fee for violation of this section~~"

Page 2, line 6, remove "A person charged with a violation of subsection 1 may not be found to have"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "court."

Page 2, line 21, overstrike "an eighteen-month" and insert insert immediately thereafter "a three year"

Page 3, line 1, replace "department" with "court"

Page 3, line 2, remove "all" and replace "vehicles" with "vehicles"

Page 3, line 4, replace "department" with "court"

Page 3, line 7, replace "department" with "court", after "guilty" insert "of a", and after "." insert "The court shall charge a fee of twenty dollars."

Renumber accordingly

Date: 1-25-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1037

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt Amendments - voice vote

Motion Made By Price Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No			
Chairman Weisz	}	}	Rep. Delmore	}				
Vice Chairman Ruby			Rep. Gruchalla					
Rep. Dosch			Rep. Myxter					
Rep. Kelsch			Rep. Schmidt					
Rep. Owens			Rep. Thorpe					
Rep. Price								
Rep. Sukut								
Rep. Vigesaa								

Total Yes 12 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

Date: 1-25-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1037

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Dolass As Amended

Motion Made By Price Seconded By Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	A		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Price

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



Date: 2-1-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1037

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number VOICE VOTE

Action Taken reconsider Action

Motion Made By Ruby Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No	
Chairman Weisz	}		Rep. DeImore	}		
Vice Chairman Ruby		Rep. Gruchalla				
Rep. Dosch		Rep. Myxter				
Rep. Kelsch		Rep. Schmidt				
Rep. Owens		Rep. Thorpe				
Rep. Price						
Rep. Sukut						
Rep. Vigesaa						

Total Yes 12 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 2, line 22, after the period insert "For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the court. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor."

Page 2, line 30, remove "For a second or"

Page 2, remove line 31

Page 3, remove lines 1 through 7

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 2, line 22, after the period insert "For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the  
*department* ~~court~~. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor."

Page 2, line 30, remove "For a second or"

Page 2, remove line 31

Page 3, remove lines 1 through 7

Renumber accordingly

*The court shall deliver  
the <sup>number</sup> plates to the  
department.*

Date: 2-1-07  
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. #1037

House Transportation Committee

Check here for Conference Committee

VOICE VOTE

Legislative Council Amendment Number 70123.0204

Action Taken Adopt Amendments - further Amend

Motion Made By Kelsch Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	12		Rep. DeImore	12	
Vice Chairman Ruby		Rep. Gruchalla			
Rep. Dosch		Rep. Myxter			
Rep. Kelsch		Rep. Schmidt			
Rep. Owens		Rep. Thorpe			
Rep. Price					
Rep. Sukut					
Rep. Vigasaa					

Total Yes 12 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

**House Amendments to HB 1037 (70123.0205) - Transportation Committee 02/01/2007**

Page 1, line 21, remove the overstrike over "~~shall~~" and remove "may"

Page 1, line 24, remove the overstrike over "~~this section if that person fails to submit satisfactory evidence of the~~"

**House Amendments to HB 1037 (70123.0205) - Transportation Committee 02/01/2007**

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~administration fee for violation of~~"

Page 2, line 6, remove "A person charged with a violation of subsection 1 may not be found to have"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "court."

Page 2, line 21, overstrike "an eighteen-month" and insert immediately thereafter "a three-year"

Page 2, line 22, after the period insert "For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the department. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the department. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor."

Page 2, line 30, remove "For a second or"

Page 2, remove line 31

**House Amendments to HB 1037 (70123.0205) - Transportation Committee 02/01/2007**

Page 3, remove lines 1 through 7

Renumber accordingly

Date: 2-1-07  
Roll Call Vote #: 3 40

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1037

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Delmore Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Welsz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	A				
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Price

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

**REPORT OF STANDING COMMITTEE**

HB 1037: 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). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~shall~~" and remove "may"

Page 1, line 24, remove the overstrike over "~~this section if that person fails to submit satisfactory evidence of the~~"

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~administration fee for violation of~~"

Page 2, line 6, remove "A person charged with a violation of subsection 1 may not be found to have"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "court."

Page 2, line 21, overstrike "an eighteen-month" and insert immediately thereafter "a three-year"

Page 2, line 22, after the period insert "For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the department. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the department. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor."

Page 2, line 30, remove "For a second or"

Page 2, remove line 31

Page 3, remove lines 1 through 7

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1037



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1037

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3626

Committee Clerk Signature *Jody Hauze*

Minutes:

**Senator Gary Lee** opened the hearing on Engrossed HB 1037 relating to proof of insurance; relating to the criminal procedure for driving without liability insurance; and to provide a penalty.

There were 5 senators present and 1 absent.

**Tim Dawson** from Legislative Council introduced and explained HB 1037. They were neutral on the bill. The engrossed version says that you must have proof of insurance. As introduced the bill removed the twenty days you had to provide proof of insurance to the law enforcement officer after he pulled you over, that was removed in the initial bill and is no longer in the engrossed version. Then everything else in the engrossed version is on page 2, all the underscored language as introduced in the bill. The engrossed version requires the court to impound the plates of the vehicle owned and operated by the violator. The court sends those plates to the Department and the Department keeps those plates until the violator provides proof of subsequently purchased insurance to the Department along with the twenty dollar fee. The engrossed version added the increase from 18 months to 3 years for the period of which a second or subsequent violation and results in a fine of \$300 instead of \$150.

**Senator Bakke** asked why they removed the 20 days.

**Mr. Dawson** said he did not know why.

**Senator Potter** said on line 23 of the second page it doesn't give a provision for how it goes back to the person except until that person provides proof of Insurance and a \$20 fee. What if the person gives up on the car and sells it or gives it away. There is no provision to turning it over to the new owner.

**Mr. Dawson** said that the Department would apply common sense.

**Pat Ward**, State Farm Insurance testified in favor of Engrossed HB 1037. They support strengthening laws in the state to make people more accountable in carrying their liability insurance. He said that they support proof of insurance, and support impounding license plates. He said that they support this bill.

**Senator Potter** asked who the Insurance providers were that didn't supply proof of insurance to their customers.

**Mr. Dawson** replied that maybe a few small insurance companies aren't supplying proof of insurance to carry in your vehicle. Most providers supply proof of insurance.

**Senator Potter** also asked who the uninsured are.

**Mr. Dawson** said in various studies he has seen numbers from 7% to 15% of North Dakotans are not carrying liability insurance.

**Senator Lee** said that in terms of the 18 months extended to 3 years period was the rational to eliminate the points and extend the time.

**Mr. Dawson** said that the rational was to have a stiffer penalty over a broader length of time for second violators.

**Sandy Clark** of the North Dakota Farm Bureau testified in favor of Engrossed HB 1037. They have two policies against driving without liability insurance: They call for stiffer penalties and support stricter enforcement of the law. They also commented on the Fiscal Note.

**Lynn Heinert**, NDDOT said that the department is monitoring the bill. They supported the bill but we did oppose the surrender of the license plate. The larger fiscal note on the first version of the bill was due to the surrender of the plates. With the amendment on HB 1037 we are now neutral on engrossed HB 1037.

**Senator Potter** asked what would happen if the people sold the car.

**Lynn Heinert** said that this is not a problem. The plates follow the person, not the vehicle.

**Senator Potter** asked about the fiscal note.

**Lynn Heinert** replied that \$20,000. was DOT cost of \$9,912 the first biennium and \$10,408 the second biennium.

**Kelly Roger**, ND Highway Patrol gave some background on the enforcement of the interim study. They had some concern with the 20 days waiting period. Through the process the 20 days was taken out but the State Attorney had some problems with that so 20 days was put back in but a warrant would be served and the patrolmen would not have to track down the driver that did not carry proof of insurance.

**Senator Lee** said that if he understood correctly, both bills would not allow officers to sight on the spot.

**Mr. Roger** said that is correct.

Closed hearing on HB 1037.

Discussion followed on the fiscal note.

**Senator Fiebiger** moved a Do Pass on HB 1037 as engrossed.

**Senator Nething** seconded the motion.

The clerk called the roll it was 5-0-1.

**Senator Fiebiger** will carry the bill.



**REPORT OF STANDING COMMITTEE**

HB 1037, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1037

HOUSE TRANSPORTATION COMMITTEE

January 5, 2007

North Dakota Department of Transportation  
Lynn Heinert, Traffic Records Manager, Office of Traffic Safety

HB 1037

The North Dakota Department of Transportation is in support of this bill. We have worked with the legislature, for at least the last 10 years, to strengthen the statutes regarding driving without liability insurance. Driving without liability insurance is a serious enough violation to warrant remaining a criminal traffic offense. This bill keeps a violation of NDCC 39-08-20 a criminal traffic offense, and simplifies the process for law enforcement.

However, the Department opposes the amendment in Section 2, paragraph 5, requiring the impoundment of motor vehicle number plates of all the motor vehicles owned and operated by the person for a second or subsequent violation. Currently an individual is not required to register a motor vehicle in their legal name. Because of this practice, determining which vehicle plates the offender is required to surrender would be very time consuming and difficult to administer.

The Department would like to see HB 1036 and HB 1037 reconciled, with the best of both bills kept, and the impoundment of motor vehicle plates removed.