

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1069

2007 HOUSE TRANSPORTATION

HB 1069

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-12-2007

Recorder Job Number: 1010

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1069. All Representatives were present. HB 1069 relates to unlawful use of a license, points entered against a driving record, addiction evaluation for a temporary chemical test, and an advisory given before a screening test.**

**Keith Magnusson**, Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation spoke in support of the bill. See written testimony. Also, please see attached amendment that was given to the committee by Keith.

**Rep. Delmore:** Has the words criminal and non criminal been there before?

**Magnusson:** Yes.

There were no other questions for Keith.

**There was no other support given for HB 1069.**

**Dwayne Wahl**, spoke on behalf of himself, in opposition.

**Wahl:** I just want to share some insight on what should be done here. My employees sometimes wonder why I do things a certain way and I say it's in my book of things that happened to me in Chapter 10, page 2. If something happened to one of boys, and he was a minor, so he was at four points.

**Chairman Weisz:** This bill doesn't change anything.

**Wahl:** I know that but it relates to the possibility of tacking something on to this that directly could affect what we are talking about. I'll make it short. What should happen here is there's a problem when you take these driver's safety courses and reduce your points the entity that does this is not required by law to notify motor vehicle that the course has been completed and a certificate has been issued. What happened to us is, we didn't know we had to turn something in. We found out after he lost his license basically that we had to send this in, in order to get his points reduced. Well, I think there should be something to where by law these agencies are mandated to turn or notify motor vehicle that a class has been completed by this person. Say for instance we have a situation where I can run copies of this program and put it on Ebay. How does motor vehicle know that that certificate is official, because they didn't get contacted by the people who did the safety course? There should be mandated communication that that happens.

**There were no questions from the committee.**

**There was no further opposition. Chairman Weisz closed the hearing on HB 1069. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-19-2007

Recorder Job Number: 1436

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz** allowed for committee discussion on HB 1069. All Representatives were present. HB 1069 is a bill relating to seizure of an operator's license.

**Chairman Weisz:** There was a question on page four having to do with a fiscal note on the ability to be able to subpoena the individual. Rep. Ruby did check with the indigent defense commission and we have an email here from her that says, "Any fiscal effect would be negligible", so they are not concerned. I don't believe they were aware of this.

**Rep. Ruby:** They were aware.

**Rep. Sukut** moved a DO PASS. **Rep. Owens** seconded.

**The motion was withdrawn, as was the second.**

**Chairman Weisz:** There was some amendments does everyone have a copy?

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

**Voice vote: 13 yes. 0 no. 0 absent. Motion carried.**

**Rep. Vigesaa** moved a DO PASS AS AMENDED. **Rep. Owens** seconded the motion.

**Roll Call Vote: 13 yes. 0 no. 0 absent.**

**Carrier: Rep. Myxter**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-01-2007

Recorder Job Number: 2552

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz presented HB 1037 as returned to the committee. Rep. Price was absent. HB 1037 relates to the seizure of an operator's license.**

**Chairman Weisz:** HB 1069, was a housekeeping bill to start with and they had made some changes to a subsection and we amended it and sent it out, LC sent it back and said it was right to start with, that it was referencing the right subsections, so we don't need the amended and sent out.

**Rep. Ruby moved to reconsider the committee's actions. Rep. Gruchalla seconded.**

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

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

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

**Rep. Kelsch moved a DO PASS. Rep. Sukut seconded.**

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

**Carrier: Rep. Myxter**

Date: 1-18-07  
Roll Call Vote #: HB 1069

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

House Transportation Committee

Check here for Conference Committee

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

Action Taken Do not pass

Motion Made By Rep. Ruby Seconded By Rep. Vigesaa

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 13 No 0

Absent 0

Floor Assignment Rep. Dosch

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

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1069

Page 2, line 19, <sup>8, after of</sup> before "~~subsection~~" insert "subdivision a of"

Page 2, line 29, replace "2" with "4"

Renumber accordingly



Date: 1-19-07  
Roll Call Vote #: HB 1069

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

House Transportation Committee

Check here for Conference Committee

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

Action Taken Do pass as amended

Motion Made By Sukut Seconded By Owens

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. Vigasaa	✓				

Total Yes 13 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Myxter

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

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

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB1069

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number VOICE VOTE

Action Taken reconsider Action

Motion Made By Ruby Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Welsz	S		Rep. Delmore	S	
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 N/A

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

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

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1069

House Transportation Committee

Check here for Conference Committee

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

Action Taken remove Amendments - voice vote

Motion Made By Ruby Seconded By Kelsch?

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. Vigasaa					

Total Yes 12 No 0

Absent 1

Floor Assignment N/A

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

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

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB1069

House Transportation Committee

Check here for Conference Committee

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

Action Taken DO PASS

Motion Made By Kelsch Seconded By Sukut

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	A				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Myxter-

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

**REPORT OF STANDING COMMITTEE**

**HB 1069: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1069 was placed on the  
Eleventh order on the calendar.

2007 SENATE TRANSPORTATION

HB 1069

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: 4181

Committee Clerk Signature

*Jody Blauze*

Minutes:

**Senator Gary Lee** opened the hearing on HB 1069 relating to unlawful use of a license, points entered against a driving record, addiction evaluation for a temporary restricted license, witnesses for interpretation of a chemical test, and an advisory given before a screening test; and; relating to seizure of an operator's license.

**Keith Magnusson**, Deputy Director for Driver and Vehicle Services at the NDDOT testified in favor of HB 1069. Testimony is enclosed.

**Senator Fiebiger** asked that in Section 5 he talked about the States Attorneys asking for this provision that an indigent defendant may subpoena a person who drew the defendant's blood for use in a criminal DUI proceeding. He asked, can't they already do this.

**Mr. Magnusson** said that the States Attorneys asked for this clarification because they were anticipating problems because they had a problem in a similar case and they wanted to make it clear.

**Senator Fiebiger** asked if they didn't run the risk of being less clear if you are signaling out one specific person that they can subpoena. What if there is someone else involved. His question is that if it is already in the law why do anything more.

**Keith Magnusson** said that they put the bill in at the request of the States Attorneys. They wanted to make sure in a criminal proceeding that this was clear.

**Senator Lee** closed the hearing on HB 1069.

**Senator Andrist** moved a Do Pass on HB 1069.

**Senator Bakke** seconded the motion.

The clerk called the roll 6-0-0.

**Senator Fiebiger** will carry the bill.



Date: 3-1  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1069

Senate Transportation Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Senator Andrist Seconded By Senator Bakke

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator JoNell Bakke	✓	
V Ch John Andrist	✓		Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Fiebiger

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

**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2007 2:20 p.m.

**Module No: SR-39-4239**  
**Carrier: Fieblger**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1069: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1069 was placed on the  
Fourteenth order on the calendar.

2007 TESTIMONY

HB 1069

## HOUSE TRANSPORTATION COMMITTEE

January 12, 2007

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

HB 1069

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Good morning, Mr. Chairman and members of the committee. I'm Keith Magnusson, Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation has pre-filed House Bill 1069 as an agency bill. This bill cleans up and clarifies a number of driver's license issues.

**Section 1** clarifies that the possession of a suspended license by a driver is not a criminal offense. The 2005 legislature deleted the requirement that a driver turn in their license before a suspension would start. This reference to the suspended license was missed at that time. This change will clear up confusion and unintended consequences for licensed drivers.

**Section 2 and Section 3** remove an outdated reference in two paragraphs. In the provisions providing for points against a driving record for a violation, one paragraph deals with non-criminal violations and the other with criminal violations for driving with defective or unsafe equipment. The particular subdivisions referenced had been deleted during a revision to the underlying law, Section 39-21-46, and this cross-reference was missed at that time. In its processing of our pre-filed bill, the Legislative Council omitted three words in Section 2 and inserted an incorrect number in Section 3. I have prepared amendments to correct this oversight.

**Section 4** updates a reference that was not changed when "addiction facility" was changed to "appropriate licensed addiction treatment program" in the chapter definitions. This particular reference was not changed at that time.

**Section 5** specifically provides that an indigent defendant may subpoena a person who drew the defendant's blood for use in a criminal DUI proceeding. An indigent defendant already has the right to subpoena the state toxicologist in the same type of proceeding. State attorneys asked for this to be included in our cleanup bill in order to cease problems with future cases.

**Section 6** continues the cleanup, from HB 1539 from the 2003 session, by harmonizing the required information on refusal to submit to a screening test, with a substantive statute. This reference was missed when we did some language cleanup last session. The substantive statute already allows for up to a four-year revocation for refusal and it should also be made clear in this reference to the advisory for screening tests.

**Section 7** repeals NDCC 39-16.1-20, which requires that a driver return their driver's license to the NDDOT director if their driving privileges are suspended due to an insurance policy or bond being cancelled. With the change in statute last session that no longer requires the surrender of the driver's license for general suspensions, this section of the law should be repealed to prevent confusion.

Mr. Chairman, I would be happy to answer any questions at this time. Thank you.

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**SENATE TRANSPORTATION COMMITTEE**

March 1, 2007

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

**HB 1069**

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