

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2405

2007 SENATE TRANSPORTATION

SB 2405

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2405

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2702

Committee Clerk Signature

*Jody Hange*

Minutes:

**Senator Gary Lee** opened the hearing on SB 2405 relating to point reduction for a driver training course; and to provide a penalty.

There were five committee members present and one absent.

**Senator O'Connell** introduced SB 2405. Senator O'Connell said that the reason that there aren't any other sponsors is because of the limits on the bills to be introduced and he has no limit. Senator O'Connell's written testimony is included.

**Dwayne Wall** testified in favor of SB 2405. He told a personal story about his son who had lost 5 points on his license and attended a driver training course to get some point back. He completed the course, brought the certificate home and his father and the son assumed that the agency that does the course communicated with the Department. As it turned out they don't and are not required to. His son later lost his license and when they looked into it, they realized he did not receive the points from the drivers training course because they were not reported to the Department. They also find out that it was his son's responsibility to let the Department know that he had attended the course and to present the certificate. Mr. Wall supports this bill because he believes the sponsoring agency or organization of the driver training course should present the proof to the department. He also believes that the

certificates that the individuals receive could be reproduced and sent to the Department without even attending the training. He urged the committee to support this bill.

**Senator Fiebiger** asked how his son's situation was resolved.

**Mr. Wall** said that the Director of Motor Vehicles told him that as the law was written he couldn't do anything about it even though Mr. Wall could prove that he had successfully completed the drivers training course before it was required by him to take Mr. Wall's son's license. He said even if he was the governor he couldn't change things.

**Chuck Clairmont**, representing the North Dakota Safety Council testified in opposition to SB 2405. He explained the process that currently takes place. (Testimony is attached #2)

**Senator Nething** said that he understands that three days by mail might be a problem but could he explain why they couldn't use a computer to notify the proof of attendance.

**Mr. Clairmont** said right now we are required to send a letter telling what participants need to do. He said that they could work to make this better but he still feels this bill does not address the issues.

**Senator Fiebiger** asked how big of a problem this was and have there been other people complaining.

**Mr. Clairmont** said that they hadn't had complaints. He said that they are providing a service and on occasion when someone has asked, they have faxed information up to the Department. He said that they try to help when people make a special request and it does not happen often.

**Bob Graveline** appeared on his own behalf to testify in opposition to SB 2405. He was a certified instructor and instructor trainer and has taught hundreds of courses across the state.

As a past instructor he always went through the protocol right at the start of the training. The class was designed to help people become better drivers. The course was not intended to

keep chronic offensive drivers on the road. The responsibility to take the training and present the certificate is on the person who wants relief from either the insurance company or from the DOT.

**Keith Magnusson**, representing the NDDOT testified against SB 2405. He said that most of the people that take these courses want an insurance discount. Also state employees who are going to use the fleet vehicles have to take the course once every three years. Most who are taking the class, aren't taking it for point reduction. He testified that if they were going to get a certificate from the Safety Council for everyone that took the course they would need another FTE to handle it and there is no fiscal note on this bill.

**Dean Richter**, a lobbyist for State Farm Insurance and also an instructor of DDT spoke in opposition to SB 2405. He said in the last 6 years he has had one person take the course for point deduction. State Farm will not be teaching classes if this bill passes and all the paperwork is rerouted through the Safety Council and DOT. He said that they make sure that the attendees know that they are responsible for sending the paperwork in themselves. He said that they tell the attendees at the beginning of the class and the end of the class.

**Kelly Rogers**, Safety Education Officer for the State Highway Patrol said that this bill could be handled through administrative rule change.

**Senator Lee** asked Mr. Rogers if he thought this bill was necessary.

**Mr. Rogers** said it wasn't necessary and changes could be handled through administrative rules.

**Senator Lee** asked if this would provide some relief for what Mr. Wall was talking about.

**Mr. Rogers** said it would still put the burden of the responsibility to ask for the discount on the consumers. It would require the course providers to notify that consumer that point reduction or insurance discounts is a possibility upon successful completion of the course.

**Senator Lee** closed the hearing on SB 2405

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2405

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3121

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Senator Gary Lee** opened the committee hearing at 9:30 A.M. All members of the committee were present.

**Senator Lee** gave a summary of SB 2405 relating to point reduction for a driver training course; and to provide a penalty.

**Senator Fiebiger** said that he sensed that this was more an individual issue with this particular person. He sensed that there was a letter sent out. He also said that Mr. Magnusson said in his testimony that if this bill passed they would need another fee and there is no fiscal note. He said he didn't think there was a problem except for this isolated incident.

**Senator Bakke** said that the letters they do send out seem very clear on responsibilities.

**Senator Fiebiger** moved a Do Not Pass on SB 2405.

**Senator Bakke** seconded the motion.

**Senator Lee** asked the clerk to call the roll. 6-0-0

**Senator Fiebiger** will carry the bill.

Date: 2-8-07  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2405

Senate Transportation Committee

Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Senator Fiebiger 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**

**SB 2405: Transportation Committee (Sen. G. Lee, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2405 was placed on the Eleventh order on the calendar.**



2007 TESTIMONY

SB 2405

## SB 2405 Summary

Senator David P. O'Connell

SB 2405 relates to a point reduction for a driver training course, and to provide a penalty.

If an individual elects to take a driver's course to reduce points off their driver's license, the sponsoring agency of the driver's training course shall present the proof that the driver passed the course within three days of the course or face a fine of \$100.00 (line items 20-23, pg. 1, line items 24-26, pg. 2).

The department shall reduce one point for each three month period the driver does not accumulate points on their driver's record (line items 11-13).

2/

**TESTIMONY BEFORE THE  
SENATE TRANSPORTATION COMMITTEE**

February 2, 2007

Senate Bill No. 2405

Testimony-Presented by:  
Chuck Clairmont - North Dakota Safety Council

Mr. Chairman and members of the Senate Transportation Committee, my name is Chuck Clairmont and I am the Executive Director of the North Dakota Safety Council and I'm here to testify in opposition to SB2405.

I think it is extremely important for you to understand the entire process that is involved in the Defensive Driving Course (DDC) in order for you to make a knowledgeable vote on this bill. The DDC is National Safety Council program where the North Dakota Safety Council (NDSC) is the only authorized training center in North Dakota. The NDSC is a non-government, non-profit organization whose mission is to create a safer and healthier environment in the state of North Dakota. In addition to the DDC courses that the NDSC teaches, we also have a number of sub-agency agreements with other organizations in North Dakota that allows certified DDC trainers to teach the class for these organizations. All of the DDC Certificates of Completion are processed by the NDSC in our office in Bismarck.

In 2006, there were 489 DDC classes offered throughout the state of North Dakota. The classes were attended by 10,458 individuals. The reasons for people attending this class vary from employee safety training to insurance discounts to civic group programs, but this bill specifically refers to those individuals taking the course for point reduction.

One of the problems with this bill is that it shifts the administrative burden to deliver the Certificate of Completion from the licensee to the sponsoring agency or organization. It is the *licensee* who violated one or more than one of North Dakota's traffic laws that caused them to have points entered on their driving record not the sponsoring agency.

The Certificate of Completion is a three part form (See Attached) that is provided by the National Safety Council. It contains a personal copy part, an insurance discount part, and a point reduction part. This bill will increase the cost for the sponsoring agency in two ways. The first is because of the increased administrative time required for having to distribute the certificate to the licensee *and* to the department and secondly because the postage costs could potentially be doubled. Using 2006 numbers, if the NDSC were

required to *mail* the certificate to the department, it would add \$4,079 (10,458 individuals x \$.39) in expense burden. According to the bill, the sponsoring agency would also be able to *deliver* the certificate to the department. Since the NDSC receives DDC registration forms daily, we still would have the time and mileage burden of sending someone to the Department of Transportation (DOT) daily to drop the point reduction part of the certificate off.

In the unfortunate case that the bill would pass, it would clearly be unfair to expect the sponsoring agency or organization to present the proof (Certificate of Completion) to the DOT within three days of the course or be guilty of an infraction for which a fine of one hundred dollars would be imposed. With classes being offered throughout the state, it is absolutely unrealistic to expect the DDC registration forms to be mailed by the instructors after the classes are completed to the NDSC in Bismarck, the NDSC staff to enter the forms into our DDC data base, print the three-part certificate, and mail or deliver the point reduction part of the certificate to the DOT. Over 35% of the individuals taking the DDC are located in the Williston, Devils Lake, Grand Forks, or Fargo areas. It is not unrealistic to expect just the delivery time of the DDC registration forms in these areas to Bismarck to be three days. Again using 2006 statistics, the NDSC would have potentially been fined \$366,030 (10,458 x 35% x \$100).

In summary Mr. Chairman we would encourage you to recommend a "do not pass" for SB2405 since it would shift the burden of responsibility away from the violating offender which in this case would be the licensee as well as add an unreasonable financial burden to the sponsoring agency or organization. We would also add that the DDC is a great program for the state of ND and we should look for other ways to improve it rather than the ones outlined in this bill. Thank you and I will gladly answer any questions you may have.

SECURITY  
CONTROL NO.



**National Safety Council  
Defensive Driving Course  
Certificate of Completion**

DRIVER'S LICENSE NUMBER

COURSE COMPLETION DATE

D.O.B. -

has successfully completed the  
Defensive Driving Course as presented by:  
**NORTH DAKOTA SAFETY COUNCIL, INC.**

INSTRUCTOR

- PERSONAL COPY -

SECURITY  
CONTROL NO.



**National Safety Council  
Defensive Driving Course  
Certificate of Completion**

DRIVER'S LICENSE NUMBER

COURSE COMPLETION DATE

D.O.B. -

has successfully completed the  
Defensive Driving Course as presented by:  
**NORTH DAKOTA SAFETY COUNCIL, INC.**

INSTRUCTOR

- INSURANCE DISCOUNT -

SECURITY  
CONTROL NO.



**National Safety Council  
Defensive Driving Course  
Certificate of Completion**

DRIVER'S LICENSE NUMBER

COURSE COMPLETION DATE

D.O.B. -

has successfully completed the  
Defensive Driving Course as presented by:  
**NORTH DAKOTA SAFETY COUNCIL, INC.**

INSTRUCTOR

- POINT REDUCTION -