

2011 HOUSE TRANSPORTATION

HB 1103

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1103
01/13/2011
Job #12874

Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to relates to definitions and anatomical gifting; and relating to non-driver photo identification, operator's licenses, and motorcycle safety and body requirements.

Minutes:

Attachment s #1, #2

Glen Jackson, Director, Driver's License Division, North Dakota Department of Transportation, provided testimony for HB 1103. He described it as being a diverse cleanup bill. See attached testimony #1 which explains each section of this bill.

Chairman Ruby: Are there non-immigrants that are not eligible for Social Security?

Glen Jackson: There are non-immigrants who are here working, and they are not eligible for a Social Security number. At this time we could not issue them a driver's license. So, we have an exception to that rule. We needed to codify in statute that a non-immigrant who is not eligible does not require that. We then fall back to their immigration paperwork to see how long they are allowed to be here by their visa dates. Then we can allow them to drive in North Dakota and get them a license.

Chairman Ruby: Will this always be for people that are on work visas?

Glen Jackson: Yes, that is correct.

Representative R. Kelsch: In section 10 it clarifies a credit or debit card. Is that to codify what you are currently doing, or is it to add in addition to, because more people are using the debit cards and the credit cards?

Glen Jackson: We do this now for insufficient fund checks. We do have more and more people who are using credit cards and have people who will stop payment after we issue them a license. At that point in time, we have to go through a process to suspend their license again. We want to be able to do the same thing with credit and debit cards that we do with insufficient funds. If they stop payment, we will immediately take action.

Chairman Ruby: In Section 12 why don't you use debit and credit card, to use the same language as Section 10?

Glen Jackson: Section 12 should have said debit and credit card as well.

Chairman Ruby: In some areas it says that with a permit they must hand it over before they can receive their license. Is that different than when someone's license is suspended? You do not take physical control of the license anymore, even if they are suspended, right?

Glen Jackson: In section 2 it refers to issuing a new North Dakota license. Currently, if you have a driver's license from any other state or a North Dakota license, before we can issue a new one, we have to take physical possession of that unless it is lost. We are adding permits to this as well. If you are coming in from another state and have a permit, you have to hand in that permit as well.

Chairman Ruby: Do you have issues where people have lost it and can't give it to you, so they are unable to get a license?

Glen Jackson: We won't deny someone a license if they report that they have lost their license. If they have it in their possession, it is required that they hand it in.

Representative Louser: Regarding Section 5, the non-immigrant who is eligible for a Social Security number could get a non-driver photo ID card. Under what circumstances would someone need one of those, and would that allow someone to vote who normally wouldn't be able to vote?

Glen Jackson: If you have in your possession a valid license, I believe that is what you need to vote in this state. It will have non-immigrant on the face of the ID and on the face of the driver's license. It is determinable that this is not a resident of the state.

Representative R. Kelsch: Is it a different color like we do for the minors, or does it just have non-immigrant on it?

Glen Jackson: It is not a different color. It just says non-immigrant.

Chairman Ruby: Could you explain again the reasoning to change the medical definition?

Glen Jackson: Currently in order to provide medical information to the director we can only accept information from a physician or optometrist. We created the definition in Section 1 of a licensed medical care provider to include more than just a physician and an optometrist. It includes a doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, nurse practitioner, or a physician's assistant who is licensed certified. So, we have expanded who we can get information from. We have individuals who at times are not under the care of a MD. They are under care of a chiropractor or someone else outside of the very strict definition we previously had. In order to get information on their health and ability to safely drive, we need to be able to get information from all licensed sources that we can. That is why we expanded the definition.

Representative Onstad: In section 15, what would be the disqualifiers, and could you further explain the dates were in accordance with who, and why the different dates?

Glen Jackson: Two or more DUI violations will equate to a lifetime CDL ban. The date that we were originally using to include that second event for non-CDL offenses was different from the date FMCA said we could use. So, since we had a couple of cases where we did a lifetime ban on someone using a date before that, they came out with a rule that told us that this is the date that you can use for non-CDL DUI violations in order to apply that towards a lifetime CDL ban. Therefore, we can't go any further back than this. That is what this clarifies, so that we are all using the same date, the same way, and applying the same standards.

Representative Onstad: If you were driving your car when getting a couple of DUIs, can that can be used to disqualify you from your commercial driver's license, even though you weren't utilizing it when you got the DUI?

Glen Jackson: That is correct.

Chairman Ruby: In section 17 is the term protective headgear too broad? Is that why you are changing it to safety helmets?

Glen Jackson: This change that was brought to us by the motorcycle safety division said that the standard usage in that field was a safety helmet not just a protective head gear. Protective head gear is too general, and safety helmet is specifically defined and has specific standards that go with it.

Chairman Ruby: Could you explain Section 19 that is dealing with the weight limits of the axles? What is the change doing?

Glen Jackson: We are trying to insure that the load carrying capacity of trikes is correct. We didn't have this so we have two wheels at the front; it was always geared with two wheels at the back. So, we are changing it so that the rear with a single wheel as the load carrying capacity is sufficient for that vehicle.

Chairman Ruby: I understand the change for that. I was questioning Section 19 where it talks about motorcycle and two wheeled motor vehicle, the single tire of the front or rear of the 3 wheeled motorcycle must have a load capacity rating.... What is the change?

Glen Jackson: If you read it without the changes it would have said, "tires on two wheeled motorcycles and the front tire on a three wheel motorcycle." We know now that three wheel motorcycles may have two wheels in the front and one in the back. So, we had to change that so we are referencing configurations that currently do exist.

Chairman Ruby: I understand. The last change on the page about the handlebars, is that because there is no vertical adjustment on handlebars?

Glen Jackson: is sufficient for that vehicle. So we have been told. I think the handlebars themselves can move, but the stem of the bike does not adjust vertically. That was the concern, that this implies that this has to be adjustable vertically which it cannot.

Chairman Ruby: Do you want an amendment changing the one area to debit and credit cards?

Glen Jackson: I will put an amendment together for that.

Representative Delmore: There are two areas with that wording on page 7.

Kris Todd-Reisnour, a Nurse Practitioner, provided supporting testimony for HB 1103. See attached testimony #2.

Chairman Ruby: Has your association ever made this request in the past?

Kris Todd-Reisnour: We did have a bill sponsored by Judy Lee that was going to be presented until we became aware of this bill.

Nancy Kopp, Executive Director for the North Dakota Optometric Association spoke to support HB 1103. We agree with the amendment offered by the Department of Transportation to delete Section 9 of the bill because not all health care providers are trained or have the instrumentation to make statements as to corrected or uncorrected vision.

Representative Karen Rohr, District 31, indicated her support for her colleague, **Kris Todd-Reisnour,** and for the change that indicates the health care provider. I support it because of rural access to health care people.

There was no further support for HB 1103.

There was no opposition to HB 1103.

The hearing was closed on HB 1103.

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1103
01/14/2011
Job # 12907

Conference Committee

Committee Clerk Signature *Jeanette Cook*

Explanation or reason for introduction of bill/resolution:

Minutes:

Chairman Ruby indicated that we have two sets of amendments for HB 1103.

Representative R. Kelsch moved the amendments that were included with Mr. Jackson's testimony on 01/13/11.

Representative Weisz seconded the motion.

A voice vote was taken. All were in favor and the motion carried.

Chairman Ruby: The other amendment was written to include "debit and credit card" in all areas.

Representative Delmore moved the amendment.

Representative Owens seconded the motion.

A voice vote was taken. All were in favor and the motion carried.

Representative Delmore moved a **DO PASS** on HB 1103 as amended.

Representative R. Kelsch seconded the motion.

A roll call vote was taken. Aye 14 Nay 0 Absent 0

Motion passed. DO PASS as amended.

Representative Sukut will carry HB 1103.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

Page 1, line 5, remove "subsection 4 of section 39-06-19,"

Page 1, line 14, replace "medical" with "health"

Page 4, line 7, replace "medical" with "health"

Page 4, line 14, replace "medical" with "health"

Page 4, line 17, replace "medical" with "health"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 7

Renumber accordingly

Date: 1-14-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1103

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Kelsch Seconded By R Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigesaa					
Representative Weisz					

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

*voice vote
ammendment*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

Page 7, line 1, after "credit" insert "or debit"

Page 7, line 20, after "credit" insert "or debit"

Renumber accordingly

Date: 1-14-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1103

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Delmore Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigesaa					
Representative Weisz					

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

- additional ammendment
voice vote

January 14, 2011

VR
1/15/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

Page 1, line 5, remove "subsection 4 of section 39-06-19,"

Page 1, line 14, replace "medical" with "health"

Page 4, line 7, replace "medical" with "health"

Page 4, line 14, replace "medical" with "health"

Page 4, line 17, replace "medical" with "health"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 7

Page 7, line 1, after "or" insert "a"

Page 7, line 1, after "credit" insert "or debit"

Page 7, line 20, after "or" insert "a"

Page 7, line 20, after "credit" insert "or debit"

Renumber accordingly

Date: 1-14-11

Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1103

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Delmore Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Sukut

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

REPORT OF STANDING COMMITTEE

HB 1103: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1103 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "subsection 4 of section 39-06-19,"

Page 1, line 14, replace "medical" with "health"

Page 4, line 7, replace "medical" with "health"

Page 4, line 14, replace "medical" with "health"

Page 4, line 17, replace "medical" with "health"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 7

Page 7, line 1, after "or" insert "a"

Page 7, line 1, after "credit" insert "or debit"

Page 7, line 20, after "or" insert "a"

Page 7, line 20, after "credit" insert "or debit"

Renumber accordingly

2011 SENATE TRANSPORTATION

HB 1103

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1103
March 31, 2011
16240

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to definitions and anatomical gifting; relating to nondriver photo identification, operator's licenses, and motorcycle safety and body requirements.

Minutes:

Written Testimony

Chairman Senator Lee opened the hearing on HB 1103.

Glenn Jackson, Director of the Drivers License Division at the Department of Transportation introduced HB 1103. The North Dakota Department of Transportation pre-filed HB 1103 as an agency bill. This bill is a cleanup bill. See written testimony and amendment #1.

Senator Nodland asked him to explain where section 5 and 6 would apply.

Mr. Jackson said that we have out of state non immigrants who come here to work and they need to get identification. He explained they are not eligible for a social security card because they are not immigrating to this country. We still need to get them a driver's license or an identification card that they can use for these purposes. Section 5 is the identification card and section 6 is the driver's license.

Senator Mathern asked if the five day notice on page 8, line 5 is given by certified mail. He asked what the process was for notification.

Mr. Jackson said that the notice goes out regular mail to the address that is in the driving record. The five days notice on page 8, line 5 is to give us time to notify someone that there license is going to be suspended.

There was discussion on whether five days was enough with people moving around, and addresses changing. The present statues require notification of "a change in address" within ten days. This can be done on line, telephone, and letters or in person.

There is a wide range of thought on licensed health care providers. The intent was to include professionals that could give the DOT information on someone's health to help the DOT determine if they should be allowed to drive.

Senator Sitte asked for an overview of the mandatory suspensions. She asked for more background.

Mr. Jackson replied that it is a very complex process on how certain situations apply to each individual. Each individual circumstance is different. What is being addressed in this bill is regardless of the reason for suspension there is a reinstatement fee. In order to get your license back the reinstatement fee has to be paid. What part of the bill is trying to address is a loop hole where some individuals are charging the fees on credit cards and then calling the company and telling them it is not a legitimate charge and because of this, the process has to start over.

Senator Nething had a question on wording in the amendment.

Mr. Jackson said that is keeping with the language in SB 2143.

Section 13 was explained and how that notification is given to CDL drivers.

Senator Nething asked if an out of service could be used now.

Mr. Jackson replied that they can currently use an out of service order.

Senator Mathern voiced his concerns for citizen getting or not getting the actual notices of suspension. He said there is that assumption by DOT that someone is getting that suspension letter.

Mr. Jackson replied that the letters are sent first class and if they move and they have given an address to the post office the letter will get forwarded. He said that they do get some letters back. We have the technology for people to update their addresses very easily. He pointed out that certified mail would be a huge financial cost.

Discussion followed on the appeal system if someone feels they have not been notified in a fair way. These are very isolated cases.

Cal Rolfson, represented the North Dakota Nurse Practitioner's Association appeared in support of HB 1103 and recommended a house-cleaning amendment to correct a small oversight that was not included on the House side. Mr. Rolfson's amendment replaces "nurse practitioner" with "advance practice registered nurse". See written testimony and amendment #2.

Discussion followed on who qualifies as a licensed health care provider and those included in that description and minimum education requirements.

No opposing testimony.

Senator Lee closed the hearing on HB 1103.

Senator Nething moved to adopt the Jackson amendment.

Senator Oehlke seconded the motion.

Roll call vote: 6-0-0. **Amendment adopted.**

Committee Work/Action
March 31, 2011

Senator Nething moved a **Do pass as amended.**

Senator Sitte seconded the motion.

Senator Nething said this is primarily a housekeeping bill.

Senator Mathern concern is the inconsistency in time allowed. Citizens have ten days to change their addresses and only five days for notification of a suspended license. He gave an example of a person who did not get the notice. He supports the bill but has concerns on notification and would like to see it consistent.

Senator Nething pointed out that there are inconsistencies across the code.

Senator Oehlke said it is our responsibility to make sure the address on our driver's license or in our driving record is correct and up-to-date.

Roll call vote: 6-0-0. **Motion passed.**

Senator Mathern is the carrier.

Date: 3-31-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1103

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number Jackson amendment

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Nething Seconded By Senator Oehlke

Senators	Yes	No	Senators	Yes	No
Senator Gary Lee	✓		Senator Tim Mathern	✓	
Senator Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1103, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1103 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "nurse practitioner" with "advanced practice registered nurse"

Page 4, line 9, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 12, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 16, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "shall" and insert immediately thereafter "does not"

Page 4, line 18, overstrike "no" and insert immediately thereafter "any"

Page 4, line 20, overstrike "pursuant"

Page 4, line 21, overstrike the first "to" and insert immediately thereafter "under"

Page 4, line 27, overstrike "pursuant to" and insert immediately thereafter "under"

Renumber accordingly

2011 TESTIMONY

HB 1103

**HOUSE TRANSPORTATION COMMITTEE
January 13, 2011, 10:00 AM ; Fort Totten Room**

**North Dakota Department of Transportation
Glenn Jackson, Director, Drivers License Division**

HB 1103

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License Division 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 pre-filed House Bill 1103 as an agency bill. This bill is a cleanup bill.

Section 1: provides a definition of a "Licensed medical care provider." The purpose of this definition is to clarify the specific health care providers who may provide advice to the Director on the medical aspect of driver's ability to safely operate a motor vehicle during the process of determining whether an individual should remain eligible for driving privileges. In addition, after the bill was submitted, members of the health care community requested we change the title of the definition to "Licensed health care provider," without changing the definition itself. The Department supports this change and is providing the amendment to clarify this definition title.

Section 2: includes permits as a document to be surrendered to the Director before issuance of a valid driving license.

Section 3: adds drug related offenses to the current alcohol related offenses statute for minors.

Section 4: is essentially the movement of anatomical gifting from various locations in the statute to one single location.

Section 5: clarifies that a nonimmigrant who is not eligible for a social security number does in fact not need one to get a photo identification card, as well as deleting references to anatomical gifting.

Section 6: clarifies that a nonimmigrant who is not eligible for a social security number does in fact not need one to get a drivers license, as well as deleting references to anatomical gifting.

Section 7: provides for the licensed medical care provider, to be changed to licensed health care provider, as applied in the statute.

Section 8: also deletes anatomical gifting.

Section 9: was changed to reference a licensed medical care provider. However, after discussion with the NDMA, it was determined that this section refers directly to optometry, therefore it should remain as is. An amendment is provided to delete this section.

Section 10: clarifies that a credit or debit card used to pay a fee can have their license cancelled in the same manner as an insufficient fund check.

Sections 11 and 12: provides for reimposition of a suspension should an individual provide an insufficient fund check or stop payment on a debit or credit card used to pay a fee.

Section 13: deletes the immediate revocation of a license and provides for a five day time period, which provides for necessary time for notification to the individual of action to be taken.

Section 14: clarifies the intention to suspend an individual's driving privileges in the event of notification from the court of a conviction after the 90 day administrative suspension has expired, until treatment requirements are satisfied.

Section 15: clarifies the date the Department may use in the application of a lifetime commercial motor vehicle disqualification. This date was provided by the Federal Motor Carrier Safety Administration to all states as guidance for implementation of the FMCSA rule.

Section 16: provides for the provision of an out-of-service order or the issuance of a temporary drivers permit, versus the taking of the license for a violation, thereby allowing the individual to retain their license until either their hearing or suspension. This is similar to standard DUI situation in which an individual is given a Report & Notice form valid for 25 days to provide for driving while the individual either completes a hearing or other action before a suspension begins.

Section 17: clarifies the requirement to comply with the US Department of Transportation standards, as the ND Department of Transportation does not set these standards. It further clarifies the term to use as safety helmet, versus protective headgear.

Section 18: clarifies the intent to suspend an offenders license, if in fact, the conviction notification occurs when the license is not suspended.

Section 19: clarifies the load carrying capacity of front and rear wheels for three wheeled motorcycles.

Section 20: clarifies the alignment of front and rear wheels for three wheeled motorcycles, as well as eliminates the requirement for vertical adjustment of handlebar grips, as industry has informed the NDDOT they do not vertically adjust.

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

#2
ND
NPA

North Dakota
Nurse Practitioner Association

Chairman Ruby and members of Transportation Committee

My name is Kris Todd-Reisnour. I am a Nurse Practitioner and here to testify in favor of House Bill 1103.

I am Secretary of the North Dakota Nurse Practitioner Association. Our association is in favor of the language change in this bill.

When a person is no longer able to drive safely due to seizure activity, previous stroke, dementia, vision changes or other serious health issues they pose a risk to those around them. There have been reported instances where patients in communities without physicians had to travel to other communities for an evaluation to be done. This may take more than one appointment as the physician may not be familiar with the patient.

The language change will allow nurse practitioners to make the evaluation and sign the appropriate documentation. This change will also assist by increasing public safety.

Thank you for listening and I encourage you to vote in favor of the change in House Bill 1103.

ktodd@bis.midco.net

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

Page 1, line 5, remove "subsection 4 of section 39-06-19,"

Page 1, line 14, replace "medical" with "health"

Page 4, line 7, replace "medical" with "health"

Page 4, line 14, replace "medical" with "health"

Page 4, line 17, replace "medical" with "health"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 7

Page 6, line 8, replace "10" with "9"

Page 6, line 21, replace "11" with "10"

Page 7, line 1, after the first "or" insert "a"

Page 7, line 1, after "credit" insert "or debit"

Page 7, line 6, replace "12" with "11"

Page 7, line 20, after the first "or" insert "a"

Page 7, line 20, after "credit" insert "or debit"

Page 7, line 26, replace "13" with "12"

Page 8, line 20, replace "14" with "13"

Page 9, line 8, replace "15" with "14"

Page 9, line 16, replace "16" with "15"

Page 10, line 26, replace "17" with "16"

Page 11, line 9, replace "18" with "17"

Page 11, line 20, replace "19" with "18"

Page 11, line 27, replace "20" with "19"

Renumber accordingly

SENATE TRANSPORTATION COMMITTEE
March 31, 2011, 9:00 AM ; Lewis & Clark Room

North Dakota Department of Transportation
Glenn Jackson, Director, Drivers License Division

HB 1103

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License Division 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 pre-filed House Bill 1103 as an agency bill. This bill is a cleanup bill. The bill has been amended and my comments refer to the engrossed version 11.8048.02000.

Section 1: provides a definition of a "Licensed health care provider." The purpose of this definition is to clarify the specific health care providers who may provide advice to the Director on the medical aspect of a driver's ability to safely operate a motor vehicle during the process of determining whether an individual should remain eligible for driving privileges.

Senate Bill 2143 also addresses this specific definition. Whereas we had originally added the word "nurse practitioner" to the definition, we are now supporting the terminology of "advanced practice registered nurse" as it is broader in scope. As such, NDDOT is providing an amendment to HB 1103 to match the verbiage between these two bills.

Section 2: includes permits as a document to be surrendered to the Director before issuance of a valid driving license.

Section 3: adds drug related offenses to the current alcohol related offenses statute for minors.

Section 4: is essentially the movement of anatomical gifting from various locations in the statute to one single location.

Section 5: clarifies that a nonimmigrant that is not eligible for a social security number does in fact not need one to get a photo identification card, as well as deleting references to anatomical gifting.

Section 6: clarifies that a nonimmigrant that is not eligible for a social security number does in fact not need one to get a driver's license, as well as deleting references to anatomical gifting.

Section 7: provides for the licensed health care provider, as applied in the statute. In addition, there were several changes to the language in this section of the bill from Senate Bill 2143. They

have also been incorporated in the amendment submitted to bring this section into alignment with Senate Bill 2143.

Section 8: also deletes anatomical gifting.

Section 9: clarifies that a credit or debit card used to pay a fee can have their license cancelled in the same manner as an insufficient fund check.

Sections 10 and 11: provides for reimposition of a suspension should an individual provide an insufficient fund check or stop payment on a debit or credit card used to pay a fee.

Section 12: deletes the immediate revocation of a license and provides for a five day time period, which provides for necessary time for notification to the individual of action to be taken.

Section 13: clarifies the intention to suspend an individual's driving privileges in the event of notification from the court of a conviction after the 90 day administrative suspension has expired, until treatment requirements are satisfied.

Section 14: clarifies the date the Department may use in the application of a lifetime commercial motor vehicle disqualification. This date was provided by the Federal Motor Carrier Safety Administration to all states as guidance for implementation of the FMCSA rule.

Section 15: provides for the provision of an out-of-service order or the issuance of a temporary drivers permit, versus the taking of the license for a violation, thereby allowing the individual to retain their license until either their hearing or suspension. This is similar to standard DUI situation in which an individual is given a Report & Notice form valid for 25 days to provide for driving while the individual either completes a hearing or other action before a suspension begins.

Section 16: clarifies the requirement to comply with the US Department of Transportation standards, as the ND Department of Transportation does not set these standards. It further clarifies the term to use as safety helmet, versus protective headgear.

Section 17: clarifies the intent to suspend an offenders license, if in fact, the conviction notification occurs when the license is not suspended.

Section 18: clarifies the load carrying capacity of front and rear wheels for three wheeled motorcycles.

Section 19: clarifies the alignment of front and rear wheels for three wheeled motorcycles, as well as eliminates the requirement for vertical adjustment of handlebar grips, as industry has informed the NDDOT they do not vertically adjust.

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

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103

Page 1, line 15, replace "nurse practitioner" with "advanced practice registered nurse"

Page 4, line 9, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 12, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 16, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "pursuant to" and insert immediately thereafter "under",
overstrike "shall" and immediately thereafter insert "does not" and overstrike "no"
and immediately thereafter insert "any"

Page 4, line 20, overstrike "pursuant"

Page 4, line 21, overstrike "to" and immediately thereafter insert "under"

Page 4, line 27, overstrike "pursuant to" and insert immediately thereafter "under"

Renumber accordingly

TESTIMONY
TO
SENATE TRANSPORTATION COMMITTEE
NORTH DAKOTA LEGISLATIVE ASSEMBLY
BY
CALVIN N. ROLFSON
RE:
HB 1103
MARCH 31, 2011

My name is Cal Rolfson. I represent the North Dakota Nurse Practitioner's Association. I appear in support of HB 1103, and recommend a house-cleaning amendment to correct a small oversight that was not included on the House side.

The NDDOT has wisely and properly added additional health care providers to the list of those upon whom the DOT Director may rely and from whom the Director may seek professional medical advice when considering whether to renew, suspend, revoke or otherwise sanction driver's licenses in North Dakota. Currently, only a physician or optometrist may supply that advice to the Director, which limits the ability of the Director to protect the public.

For over the past two decades, Advance Practice Registered Nurses (APRNs) have been providing entry level, primary health care to patients in North Dakota – particularly in the rural parts of our state. I am attaching a map showing the locations through the State where APRNs practice.

There are 4 categories of APRNs that are regulated by the North Dakota Board of Nursing. They are: Nurse Practitioners (NPs), Certified Nurse Midwives (CNMs), Clinical Nurse Specialists (CNSs) and Certified Registered Nurse Anesthetists (CRNAs). Because North Dakota is predominantly rural in its demography, so many of our citizens and their families rely on these APRNs. For example, about 70% of the anesthesia in North Dakota hospitals are provided by CRNAs and many critical care access hospitals in our State would close without APRNs admitting and caring for their patients.

The reason for this background is to point out why the DOT needed to make this change in the definition of those that can provide medical information to the Director. Essentially the DOT is missing data or his data is incomplete when making decisions about driver's safety issues in North Dakota. If only physicians and optometrists can provide this valuable safety data to the Director when considering the medical safety of a driver, the safety of all North Dakota citizens may be short changed.

Therefore, we support the expansion of the definition in Section 1 on Page 1 of the Bill and as it relates to those that may provide medical advice to the Director as set out in Section 7, Page 4 of the Bill.

Finally, when this Bill was in the House, we were simply late in catching the use of the term "nurse practitioner" on Page 1, line 15. The drafters intended to include all advance practice registered nurses, but in using the limiting term "nurse practitioner", they are only catching

one-fourth of the categories of advance practice registered nurses, as I have explained above.

I had previously visited with the Chairman of the House Transportation Committee (Rep. Ruby) explaining to him this oversight. Apparently by the time I visited with him about this, it was a bit too late for him to incorporate this additional change into the Bill, and he told me that he would gladly concur with this additional if it comes back to him with this addition from the Senate Committee. If this Proposed Amendment is approved by this Committee, I will mention that to Rep. Ruby to alert him.

I will respond to your questions, with my thanks for considering this testimony and the Proposed Amendment.

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Calvin N. Rolfson (Lobby #38)

*change in form
amendment*

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT OF
ENGROSSED HOUSE BILL NO. 1103

Page 1, line 15, replace "nurse practitioner" with "advance practice registered
nurse"

Renumber accordingly