

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1196

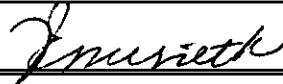
2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB 1196
1/20/ 2011
13172

Conference Committee

Committee Clerk Signature



Relating to operating a snowmobile while under the influence of alcohol or drugs; and to provide a penalty.

Minutes;

Rep. Porter: We will the hearing for HB 1196

Rep. Dahl: I did have an officer come to me wanting some clarification, after reading the statue with regard to DUI's on snowmobiles. After your first offense of a DUI on a snowmobile with your BAC at a .1 which is higher than any other vehicle, it is a infraction, a fine of \$500.00. The statue sets out guidelines or mandatory minimum of what your fine is. The second offense within five years is also an infraction. That's what this bill does. It changes that second offense to a class B misdemeanor I believe a third offense is also a class B misdemeanor. In the 12.1 code which is the criminal code talks about infractions. The maximum fine of \$500.00 may be imposed. Any person with an infraction who has been convicted of an infraction who has within one year prier of the conviction may be sentenced as though convicted as a class B misdemeanor. Liability Insurance is only required if you are on state trails.

Rep. Kelsh: Does the court have an discretion in going beyond these guidelines?

Rep. Dahl: I am not sure that they would under these guidelines. With a class B misdemeanor I think they have more flexibility because you can hold some jail time over them.

Rep. Porter: On the motor vehicle side of things, what is the fine for the second offense?

Rep. Dahl: That fine would be the same. At least a \$350.00 fine, which could go up to \$1000.00 fine and thirty days in jail which is the upper limit of the class B misdemeanor.

Rep. Porter: We will close the hearing on HB 1196.

Rep. Hanson: Is a class B misdemeanor \$1000.00 fine and a year in jail or both?

Rep. Porter: Up to.

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB 1196
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Minutes;

Rep. Porter: We will open the hearing on HB 1196. Are there any questions?

Rep. DeKrey: I move a do pass on HB 1196 and not consider the liability amendments not because any time you take a bill to the floor that has more than one subject in it you usually get into trouble.

Rep. Porter: We have a motion, do we have a second?

Rep. Clark: Seconded on a do pass

Rep. Porter: Motion carries on a do pass motion.

Yes 12 No 0 Absent 3 Do Pass Carrier: DeKrey

Date: 1-21-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1196

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

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

Motion Made By De Krey Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson	✓	
Vice Chairman Damschen	✓		Rep. Hunskor	✓	
Rep. Brabandt	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Nelson	✓	
Rep. DeKrey	✓				
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep. DeKrey

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

REPORT OF STANDING COMMITTEE

HB 1196: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
HB 1196 was placed on the Eleventh order on the calendar.

2011 SENATE TRANSPORTATION

HB 1196

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2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1196
March 17, 2011
15613

Conference Committee

Hauge

Explanation or reason for introduction of bill/resolution:

Relating to operating a snowmobile while under the influence of alcohol or drugs.

Minutes:

Chairman Senator G. Lee opened the hearing on HB 1196.

Representative Dahl, District 42, introduced HB 1196. This bill is a relatively simple bill. It shifts a second DUI on a snowmobile, within five years, to a Class B misdemeanor. The way the law reads currently, the first offense is an infraction which is punishable by fine only and the second offense within five years is also considered an infraction. Her position is that the second offense within a five year period should be a Class B misdemeanor.

Senator Mathern asked what precipitated her to bring this bill forward.

Representative Dahl replied that she is a municipal prosecutor and one of their officers had a question regarding that enforcement and she started to look into how to interpret the penalty for the second offense. This bill would make the law more consistent for a second offense in a time period.

Senator Nething asked why she didn't want to change the fine for the second DUI.

Representative Dahl replied that she would interpret that to be that there would be a minimum fine of \$350 but with a Class B misdemeanor that would be left up to the court.

Senator Nething said that it has been \$350 as an infraction.

Representative Dahl replied yes. The minimum on a second offense is an infraction punishable by a fine only of \$350. The way she interprets the bill is that they will still have to pay \$350 with the possibility of jail time.

Senator Nething pointed out that as a Class B misdemeanor it could carry a fine up to \$1000.

Representative Dahl said that is correct.

There was no opposition to HB 1196.

Senator Lee closed the hearing on HB 1196.

Senator Nething moved a **Do Pass**.

Senator Sitte seconded the motion.

There was discussion on if the DUI on a snowmobile would affect your operator (car) license. Eric Dietrich, ND Parks and Recreation said it would not affect your operator's license if you have a DUI with a snowmobile. Penalties are more serious for a car or vehicle DUI.

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

Senator Nething is the carrier.

Date: 3-17
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1196

Senate 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 Senator Nething Seconded By Senator Sitte

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Nething

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

REPORT OF STANDING COMMITTEE

HB 1196: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1196

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1196

Page 1, line 1, after "reenact" insert "subsection 11 of section 39-24-09 and"

Page 1, line 2, after the first "to" insert "snowmobile insurance and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 11 of section 39-24-09 of the North Dakota Century Code is amended and reenacted as follows:

11. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property maintained, leased, or owned by the state parks and recreation department to which the public has a right of access for snowmobile or other vehicular use or upon public property including a highway, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days."

Renumber accordingly