

2013 SENATE TRANSPORTATION

SB 2039

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SENATE BILL 2039
JANUARY 10, 2013
RECORDING JOB NUMBER 17062

Conference Committee

Drew & Perez

Explanation or reason for introduction of bill/resolution:

To create and enact new subsections to section 39 of the North Dakota Century Code relating to definitions and motorcycle and commercial licenses; to amend and reenact sections relating to the privilege to operate a motor vehicle in this state and to repeal sections relating to the privilege to operate a motor vehicle in this state.

Minutes:

Attached testimony : 2

Chairman Senator Oehlke opened the hearing on SB 2039

Senator Gary A. Lee, Chairman of the Interim Transportation Committee.

My intent is to offer a little bit of information as Chairman of the Interim Transportation Committee. House Bill 1442, regarding modification of vehicles, ended up being a study bill which was really broad in scope and asked us to take a look at title 39 in terms of clarifying and upgrading some of the language. We put a process in place with the help of Mr. Dawson getting constituencies in place that helped do and describe where we should start. The bills that you will have are from that process. The bills were all supported by the Interim Committee I hope they will be looked on favorably by you as they come to you. I will like Mr. Dawson to introduce the bill to you.

Mr. Timothy J Dawson, Legislative Council, staffed the Interim Transportation Committee I am here to explain the bill draft and not for or against the bill draft. I handed out, for bills 2039 and 2040, the portions of the final report that was done by the committee, and approved by the Legislative Management Committee, that relate to these bill drafts. For a forty eight page bill you will see where it says NDCC Chapter 39-06 Bill Draft I describe it in two paragraphs. It is only clean up, there is nothing substantive in this bill and the fees for driver's licenses have been consolidated near the end of this bill draft. That makes it easier to see and compare those fees as a legislator. I will point out the highlights of this cleanup language: Section 1 we moved those definitions from one section to another, we deleted the section and just moved it, so that is not new language. In section 3 we switched the word person to individual, person includes corporations and body politic, an individual is a human being. Persons don't drive cars individuals drive cars. In section 4 we switched all the terms to operator's license which includes permits and any privilege to drive and, where possible, that is the preferred term. In page 20 we took all the provisions relating to motorcycle operator licenses that were in different areas of the code and put them in one

section of law. Page 45 you can see the consolidation of fees instead of having them strewn throughout the code. See attached testimony #1.

Mr. Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (NDDOT)
In support of the bill. See Attached testimony #2.

No additional testimony in favor. No testimony in opposition.

Chairman Oehlke : Closed the hearing on SB 2039

Senator Flakoll: Moved to approve the bill

Senator Campbell: Seconded the motion.

Roll call vote: Do Pass 7-0

Carrier: Senator Sitte

Date: 01/10/2013
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/ NO. 2039

Senate _____ TRANSPORTATION _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Flakoll Seconded By Senator Armstrong

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	x		Senator Tyler Axness	x	
Vice Chairman Kelly Armstrong	x		Senator George Sinner	x	
Senator Margaret Sitte	x				
Senator Tim Flakoll	x				
Senator Tom Campbell	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Sitte

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

REPORT OF STANDING COMMITTEE

SB 2039: Transportation Committee (Sen. Oehlke, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the
Eleventh order on the calendar.

2013 HOUSE TRANSPORTATION

SB 2039

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2039
03-08-13
Job # 19623

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to definitions and motorcycle and commercial licenses; relating to the privilege to operate a motor vehicle in this state; and relating to the privilege to operate a motor vehicle in this state.

Minutes:

Attachment 1

Chairman Ruby opened the hearing on SB 2039.

Glen Jackson, Director, Driver's License Division, North Dakota Department of Transportation introduced SB 2039. He reviewed the bill and explained that the many of the changes are movement, and there are no substantive changes in code. There are some wording changes for clarification. The single biggest change is on page 45. The various fees are consolidated into one place. It will make it easier to see all of the fees for services provided by the Department of Transportation in one place. He provided written testimony. See attachment # 1.

Representative Sukut: Can you refresh my memory on the A, B, and C licenses?

Glen Jackson: Class D license is the basic operator's license that all of us have to drive a noncommercial vehicle. Classes A, B, and C are different levels of commercial licenses for different types of vehicles. Class A is for a semi-trailer.

Discussion of license types.

Representative Becker: Is there nothing at all that changes or needs to be considered when the language "paid into the state treasury" is struck in the bill and "deposited in the State Highway Fund" is added?

Glen Jackson: No.

Chairman Ruby: On page two it changes from ten to twenty-five thousand dollars for insurance liability. What about that change?

Glen Jackson: That was changed to bring that number in line with the \$25,000 in line 17. It has been incorrect.

Questions on some of word changes and reasons for changes. Explanation and reassurance from Glen Jackson that changes are not substantive.

Discussion on motorized bicycle permits and three wheeled tractors. (18:30) There are no changes to existing code.

There was no further testimony or discussion on SB 2039.

Representative Vigesaa moved a DO PASS on SB 2039.
Representative Delmore seconded the motion.
A roll call vote was taken. Aye 13 Nay 0 Absent 1
Representative Fransvog will carry SB 2039.

Date: 3-8-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2039**

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 Vigesaa Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Kylie Oversen	✓	
Rep. David Drovdal	✗				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Frantsvog

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

REPORT OF STANDING COMMITTEE

SB 2039: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2039 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

SB 2039

The committee was informed much of the permitting is for 10 percent overweight permits, and the 10 percent overweight permit could be removed by adding a fee to registration. Because the 10 percent permits are allowed for so many months out of the year, it was argued permits may not make administrative sense. Because the purpose of the fee is to maintain roads, a registration fee would meet the purpose without the administration of the permit.

Representatives of law enforcement recommended statutory fees should be increased. The committee was informed the issuance of a ticket takes approximately 15 minutes and costs law enforcement approximately \$79 in salary and overhead.

NDCC Chapter 39-06 Bill Draft

The committee considered a bill draft to improve the consistency and clarity of NDCC Chapter 39-06 on operator's licenses and provide for fee consolidation. The sole purpose for the fee schedule was to consolidate the fees in the chapter, and no fee amounts were changed. The bill draft was meant to provide improvement without substantive changes.

The committee considered a second version of the bill draft for purposes of improving the consistency and clarity of the chapter. All of the changes made to the first draft were to improve clarity. An example of the type of change made in the second draft was to change "impose" to "reimpose".

Commercial Driver's License Fees Bill Draft

The committee considered a bill draft to consolidate the fees for commercial driver's licenses. The bill draft consolidated the fees and clarified the language in sections that provide for fees. The Department of Transportation requested the bill draft and supported it before the committee.

The committee was informed that after 30 days of being in this state and becoming a North Dakota resident, a person with a commercial driver's license needs a North Dakota license. Unless a person is stopped and law enforcement has reason to believe that person is living in this state, it is difficult to enforce the North Dakota commercial driver's license requirement. However, the committee was informed the increase in the number of commercial driver's licenses in this state shows a good level of compliance.

The committee was informed the Department of Transportation will not push for increased fees when there is a budget surplus unless the Legislative Assembly directs an increase in fees. However, the department incurs a "loss" of \$3 on average for the issuance of each license. Committee discussion included the fees for licenses are low, and each license fee should be raised at least \$5 and up to 3.5 times based on inflation.

The committee considered a second version of the bill draft to consolidate the fees for commercial driver's licenses. The bill draft contained further changes to improve the consistency and clarity. Examples of the changes made in the second bill draft include changing

"this or another" to "a" and replacing "person" with "individual".

Number Plates Destruction Bill Draft

The committee considered a bill draft to provide for the destruction of license plates for driving while under the influence and driving under suspension or revocation, instead of impoundment. The Department of Transportation requested the bill draft and supported it before the committee.

Destruction is preferred to impoundment because impoundment creates a storage issue with the Department of Transportation, and impounded plates are rarely requested to be returned. The committee was informed usually a person who has a plate impounded gives the vehicle to a family member, and the credit for registration goes to that family member. There is a provision of law for the impoundment of a number plate for driving without liability insurance; but in this instance, impoundment was kept because the impoundment could be for a very short duration.

The Department of Transportation has 46 boxes of impounded plates, and if the bill draft becomes law, the plates will be sent to Roughrider Industries to be recycled. If a license plate is destroyed and not used for three years and one month, the plate number may be used by another citizen. The numbers on the plates that have been impounded will never be reused.

The Department of Transportation recommended a change in the language of the bill draft so that the court would communicate to the department that a plate has been destroyed. As a result, the committee considered a second version of the bill draft. The only change in the second bill draft was to add a notification to the department.

During review of the bill draft, the committee discovered the use of the term "sheriff" for the person that destroys the number plates for driving while under suspension or revocation and the term "police officer" for the destruction of number plates for driving while under the influence. The committee included an amendment of NDCC Section 39-06-42(4) to provide that a city, may by ordinance, authorize its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 3. Under the definitions under Section 39-01-01, a police officer is anyone who enforces traffic laws. With the amendment, the court would give the plate to the sheriff with respect to a city that contracts with the sheriff for law enforcement.

Certificate of Title for Out-of-State Vehicles Bill Draft

The committee considered a bill draft to prohibit the Department of Transportation from issuing a certificate of title or transferring a certificate of title to an out-of-state vehicle with a marked title. A marked title includes a certificate of destruction or a notation on the title that the vehicle is scrapped, parts-only, junk, unrepairable, not rebuildable, a dismantler, or any other similar notation. The bill draft was based on 2011 Senate Bill No. 2076.

SENATE TRANSPORTATION COMMITTEE
January 10 2013, 10:30 AM; Lewis and Clark Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division

SB2039

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

The NDDOT had the opportunity to work with the committee during the interim and is in agreement with the bill. There are no substantive changes affecting the licensing process.

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

HOUSE TRANSPORTATION COMMITTEE
March 8 2013, 9:00 AM; Fort Totten Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division

SB2039

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