

2013 SENATE TRANSPORTATION

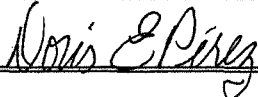
SB 2046

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2046
January 10, 2013
Recording job number 17077

Conference Committee



Explanation or reason for introduction of bill/resolution:

To amend and reenact sections 39.06.2 of the North Dakota North Dakota Century Code relating to commercial driver's licenses.

Minutes:

Attached testimony: 2

Chairman Senator Oehlke opened the hearing on SB 2046

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. In page 305, where it says Commercial Driver's License Conformity with Federal Law Bills Drafts: that is the draft for SB 2046. It provides commercial driver's license cleanup and consistency with federal law changes. The larger changes in this bill relate to using a cell phone while driving and that is made a serious traffic violation (page 4, line 24 and page 5 lines 16 thru 18). Page 6, lines 14 thru 20 refer to third party testing and third party definitions. In between, there is a lot of cleanup and a few minor changes. On the last page it provides for reciprocity with Licencia Federal de Conductor issued by Mexico. Attached testimony 1: copy of page 305

Chairman Oehlke: If we don't approve these changes, will it affect federal funding?

Mr. Timothy J Dawson : Yes, it does relate to federal motor carriers safety funding gets cut if those are not followed and, sometimes, it calls our driver's license system into question if they are severe enough other states will not recognize our driver's licenses.

Senator Flakoll On page 6 lines 24 thru 26; I am not quite certain what an example would be, is that similar to distracted driving or as if you drop your phone and you are going after it ...

Mr. Timothy J Dawson: Yes, that is the situation. The rules are now very difficult to enforce. I think they are putting in some "bright line rules" i.e. never leave your seat or take off your seatbelt while driving. If you dropped your phone, you dropped your phone.

Vice Chairman Armstrong: Is this language your language or federal compliance language?

Mr. Timothy J Dawson This language came to the committee in pretty much this form from the Department of Transportation. They supported and proposed it in response to the changes in federal regulations.

Senator Campbell Is this bill making it illegal to operate a phone, or redefining mobile phones as a hazard?

Mr. Timothy J Dawson It makes it a serious traffic violation, which carries consequences on your driver's license. A person driving a semi cannot use a cell phone unless they follow these rules

Senator Sitte In page 4 line 19 we change nonresident to nondomiciled, why? Why not say foreign commercial drivers, would it violate federal law to change that?

Mr. Timothy J Dawson The definition was changed on page 4 line 19 to more clearly describe who we are talking about, someone from a foreign country. The Department was trying to make this mesh really well with federal law so they used the exact same term to avoid confusion.

Mr. Glen Jackson, Director of Driver's License Division at the North Dakota Department of Transportation. The changes we are discussing come from a final rule that was published on July 8, 2011 and must be complied with by July 8 2014. Nondomiciled is the word the federal government has used to replace nonresident so they can apply different standards to individuals because now we are looking at more foreign drivers; now Mexico has reciprocity. To mirror language used in the final rule we use that same language. During the Interim there were some substantive changes to this bill. I listed those in the testimony I provided. **See attached testimony 2.**

Senator Flakoll Where does On-Star fit into this?

Mr. Jackson: It is okay if it is a one button communications device

Senator Flakoll Page 8, lines 14 and 15, what is the reason for the fourteen day waiting period?

Mr. Jackson: There needs to be time in to make sure someone gets their permit and has time to drive before they are actually allowed to become licensed.

Senator Sitte Do we have any way of checking how many foreign trucks are on our roads, if they are causing more accidents than others, and if they meeting the same safety regulations?

Mr. Jackson: I don't have that type of data. I know there is a reporting process being developed by FMTSA (Federal Motor Carriers Safety Administration) so that whenever a foreign carrier has a serious traffic violation it must be reported.

Senator Flakoll This bill seems to relate not so much to the rig as to the driver

Mr. Jackson This applies to commercial interstate truckers, intrastate truck drivers have to comply with state laws and some federal laws depending on the endorsement they have.

Mr. Tom Balzer North Dakota Motor Carriers Association

We support this change and hope we can provide some clarity. The one touch is a hands free band, you can answer as long as it is one touch, if you have to dial out you cannot do that while driving if pulled over you are fined as long as you are driving you can only answer the phone. We have some concerns as far as safety and emergency services but it is still something the federals saddled us with as a state. The issue with On-Star is true it is one touch we do not have On-Star in most trucks, but as long as it is hands free you are fine. The violation fine is \$2,600 for the driver and \$10,000 for the company. This is the decision of the US Department of Transportation. The domicile issue is perplexing for us in that we look at domicile as where that company is located, but this is a term the federal government used to refer to out of state folks. As far as out of country drivers the statistics in North Dakota are staggering because of location near Canada. There is a term called cabotage in which a foreign company can deliver a load that originates in their own country and drops it off in the USA and can pick up a load that originates in the USA and dropped off back in their own country; but it cannot be picked up and delivered inside the USA. This restriction is meant to be an international kind of thing. The fourteen day period is because there is a two part test: written and skills and the number of no-shows are pretty significant. Page 8 line 5 changes from six months to a hundred eighty days; is this appropriate? Is there a longer term that could be there? We do not want to have out there people with permits, who cannot pass a practical exam on multiple tries, still driving beyond that two year limit. Other than that, this is a very solid bill that brings us into compliance with federal regulation.

Vice Chairman Armstrong Page 5 lines 16 through 18. If a political subdivision passed a stricter law they might be subject to immediate suspension of their commercial driver's license even if in compliance with this law.

Mr. Tom Balzer: This will need to be looked into because we are mixing different parts of sections in there. I do not know if a political subdivisions law holds the same penalty as the less restrictive federal law

Senator Campbell If this bill is passed this would be a new law for commercial semi drivers, they cannot use cell phones unless it is one touch. To enforce it would be a real challenge

Mr. Tom Balzer In North Dakota yes but, right now because of the federal law and because this is specific to interstate carriers, they are already bound by the federal law. This would be something new to the state but not to the industry, the industry is operating

right now under this law all you are doing is bringing North Dakota Law in compliance. Texting enforcement would require an investigation of records. They have no way of knowing if someone was really texting.

Senator Sitte We need to more thoroughly research what happens when the individual communities pass more restrictive laws. For someone just passing thru it can be devastating. Maybe we can delete that section.

Mr. Jackson: I was looking thru the actual federal rule and did not see the specific wording "local ordinance". I am not specific about where that came from.

No additional testimony in favor. No testimony in opposition. Chairman Oehlke closed the hearing.

Discussion followed regarding political subdivisions passing more restrictive laws subjecting commercial drivers to immediate suspension even though they are in compliance with federal and state law. Senator Sitte wants to know if the words "or ordinance of a political subdivision" can be removed. Chairman Oehlke concluded that since the loss of a commercial driver's license is a big deal Vice Chairman Armstrong and the intern will research if eliminating those words is possible. Committee adjourned until next week.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2046
January 11, 2013
Recording Job Number 17102

Conference Committee

Doris E. Porez

Explanation or reason for introduction of bill/resolution:

To amend and reenact sections of the North Dakota North Dakota Century Code relating to commercial driver's licenses

Minutes:

Attached testimony: none

Chairman Oehlke Opened discussion on Bill 2046 regarding page 5 subsection h, where "violating a state law or ordinance of a political subdivision" is a serious traffic violation. **Vice Chairman Armstrong** reported that no municipality has a law so onerous that, when there is a serious traffic violation, there is an immediate suspension of a commercial driver's license for a period of time. **Senator Flakoll** suggested establishing a penalty or amend to remove section h, or to consider a second offense a serious traffic violation. **Senator Campbell** wondered if this is a frivolous bill and if it would be better to recommend a do not pass. **Chairman Oehlke** emphasized that this bill is needed in order to satisfy federal requirements and federal funding of highway projects. He instructed Vice Chairman Armstrong and the intern to see Mr. Dawson and get started on amendments

Chairman Oehlke closed the discussion

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2046
January 17, 2013
Recording job number 17327

Conference Committee

Down & Pires

Explanation or reason for introduction of bill/resolution:

To amend and reenact sections 39.06.2 of the North Dakota Century Code relating to commercial driver's license.

Minutes:

Attached testimony: none

Chairman Oehlke Opened the discussion on amendments to SB 2046

Vice Chairman Armstrong Move to amend to strike out page 5, line 16 "or ordinance of a political subdivision". For commercial driver's license cell phone use is considered already a serious offense with very large fines and very significant insurance impact.

Senator Sinner I second the amendment

Chairman Oehlke All in favor of the amendment say "aye".

Yes: 7 No: 0

Vice Chairman Armstrong I move to pass Senate Bill 2046 as amended.

Senator Axness Second

Do pass as amended roll call votes: Yes: 7 No: 0

Carrier: Senator Armstrong

13.0123.03001
Title.04000

Prepared by the Legislative Council staff for
Senate Transportation Committee
January 17, 2013

1/17/13
TJ

PROPOSED AMENDMENTS TO SENATE BILL NO. 2046

Page 5, line 14, overstrike " or"

Page 5, line 15, overstrike the second period and insert immediately thereafter "or"

Page 5, line 16, remove "or ordinance of a political subdivision"

Renumber accordingly

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL NO. 2046**

Senate _____ TRANSPORTATION _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0123.03001

Action Taken DO ADOPT AMMENDMENT

Motion Made By Vice Chairman Armstrong Seconded By Senator Sinner

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

Total (Yes) ALL IN FAVOR BY VOICE No 0
 VOTE

Absent 0

Floor Assignment Senator Armstrong

If the vote is on an amendment, briefly indicate intent:
 Considering the possibility that a "political subdivision" might enact a more onerous or restrictive law or ordinance resulting immediate suspension of a commercial driver's license in page 5 line 16 "or ordinance of a political subdivision" was removed.

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL NO. 2046**

Senate _____ **TRANSPORTATION** _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By Senator Armstrong Seconded By Senator Axness

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 Armstrong

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

REPORT OF STANDING COMMITTEE

SB 2046: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 5, line 14, overstrike " or"

Page 5, line 15, overstrike the second period and insert immediately thereafter "or"

Page 5, line 16, remove "or ordinance of a political subdivision"

Renumber accordingly

2013 HOUSE TRANSPORTATION

SB 2046

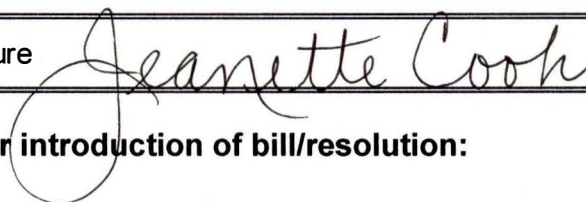
2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2046
03-14-13
Job # 19957

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to commercial driver's licenses.

Minutes:

Attachments 1-2

Chairman Ruby opened the hearing on SB 2046.

Glenn Jackson, Director, Driver's License Division, North Dakota Department of Transportation, introduced SB 2046. It is suggestions that the Department of Transportation had for bringing commercial driver's license federal rules and state statutes into harmony. At the same time Legislative Council was going through the process of making verbiage changes. Written testimony and amendments were provided. See attachments # 1 and #2. Mr. Jackson explained the bill.

Glenn Jackson: Senator Armstrong has a concern that because our computer systems are all talking to each other, we get these notifications of convictions of violations automated. If we received a conviction of a communication's violation, it could trigger our system to generate a potential suspension or identify it as a serious traffic violation and generate a suspension on a commercial driver who did not violate the local ordinance when we are specifically talking of **hands free** ordinances. There are no state or federal rules about **hands free**. There are hands free local ordinances that are beginning to appear. We want to make sure that we don't accidentally penalize a North Dakota driver by applying that. So, we have implemented an automated process. If we are notified in our computer system of a violation of a M-86 or a M-85 communications violation, a separate report automatically generates that notifies about five people that this violation came in. We are now required to manually process it. It will validate that the route violation was a state or federal ordinance and not a hands free ordinance. That is one step that should protect the driver. The second step is that before we process any suspensions or suspension hearings for a violation of the communication ordinance we will again validate that the route violation was a state or federal violation and not a local hands free local ordinance. I think we have covered that problem, and Senator Armstrong concurred with that. The correction is included in this amendment. (10:05)

Representative Fransvog: How long has that been in effect and how many have you processed?

Glenn Jackson: None yet, we have had no notifications.

Chairman Ruby: Can a semi driver legally be talking on a phone that is hand held?

Glenn Jackson: No, not on hand held.

Glenn Jackson: So, the changes are here to address the previous concern, to change the phraseology, updating the statute with rule requirements, and to keep the verbiage the same in all states, so it doesn't cause conflicts in interpretation. 12:00

Glenn Jackson reviewed the amendments.

Representative Gruchella: If a commercial driver gets a texting violation, what are the penalty and the suspension periods?

Tom Balzer, Director of North Dakota Motor Carriers: The fine is \$2,600 to the driver and \$10,000 to the company. I am not sure what the time frame is on the suspension. I am hearing from others that it is up to six months. It is a federal law.

Glenn Jackson: I believe the amendments are logical and straight forward.

Senator Armstrong: My concern was that you have over-the road drivers that go through many different municipalities. I want them to have to follow state law and federal law, but when a municipality has an incredibly stricter law, and a driver gets a violation, we don't want the computer to show a suspension or serious violation. Now that this is being looked at by a human being to make sure that it doesn't happen, I have no problem with the original language.

Chairman Ruby: Do we need to put something in language that states that those will be checked separately? Will it be administrative rule or policy, or how will this be done?

Glenn Jackson: It has been put into the software, so that it is there. It is a process rule in the software. Even if we upgrade to a new system, it will be one of our business rules that will stay.

There was no further supporting testimony on SB 2046.
There was no opposing testimony on SB 2046.

The hearing was closed on SB 2046

Representative Delmore moved a DO PASS on the amendments. (Attachment #2)
Representative Vigesaa seconded the motion.
A voice vote was taken. All aye. The motion carried. (Vote sheet #1)

Representative Delmore moved a DO PASS on SB 2046.
Representative Fransvog seconded the motion.

House Transportation Committee

SB 2046

03-14-13

Page 3

A roll call vote was taken. Aye 13 Nay 0 Absent 1 The motion carried. (Vote sheet #2)

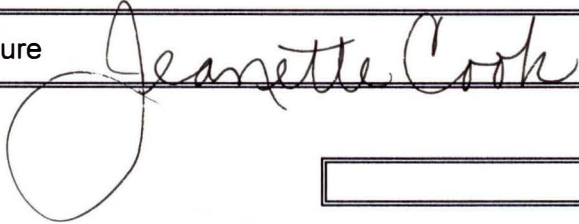
Representative Becker will carry SB 2046.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2046
03-15-13
Job # 19987

Conference Committee

Committee Clerk Signature 

Minutes:

Chairman Ruby brought SB 2046 back before the committee.

Vice Chairman Owens moved that we reconsider our actions on SB 2046 for the purpose of further amending for clarification.

Representative Delmore seconded the motion.

A voice vote was taken. All aye. The motion carried. (Vote sheet #1)

Vice Chairman Owens: We would like to add on page 12, line 7, "to the Department of Transportation", so it clarifies to whom the information would be provided.

Representative Weisz moved the amendment.

Representative Heller seconded the motion.

A voice vote was taken. All aye. The motion carried. (Vote sheet #2)

Vice Chairman Owens moved a DO PASS as amended on SB 2046.

Representative Weisz seconded the motion.

A roll call vote was taken. Aye 13 Nay 0 Absent 1 The motion carried. (Vote sheet #3)

Representative Becker will carry SB 2046.

March 14, 2013

13.0123.04001
86

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2046

Page 1, line 1, after "reenact" insert "subsection 7 of section 39 06-04 and"

Page 1, line 1, after the first comma insert "39-06.2-06,"

Page 1, line 1, after the second comma insert "39-06.2-08, 39-06.2-08.1,"

Page 1, line 2, after the second comma insert "39-06.2-10.5, 39-06.2-12,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

7. The director may issue a commercial ~~driver's instruction~~learner's permit under section 39-06.2-07."

Page 1, line 15, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 2, line 2, replace "11793.40" with "11793.86"

Page 2, line 3, replace "combination" with "vehicle"

Page 3, line 10, remove the overstrike over ~~"Driver's license" means a license issued by a state to an individual which authorizes~~

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "44."

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "46."

Page 3, line 17, remove "14."

Page 3, line 20, remove the overstrike over "47."

Page 3, line 20, remove "15"

Page 3, line 22, remove the overstrike over "48."

Page 3, line 22, remove "16."

Page 3, line 24, remove the overstrike over "49."

Page 3, line 24, remove "17."

Page 3, line 25, remove the overstrike over "20."

Page 3, line 25, remove "18."

Page 4, line 1, remove the overstrike over "24."

Page 4, line 1, remove "19."

09/8

- Page 4, line 5, remove the overstrike over "22."
- Page 4, line 5, remove "20."
- Page 4, line 10, remove the overstrike over "23."
- Page 4, line 10, remove "21"
- Page 4, line 14, replace "22." with "24."
- Page 4, line 17, replace "23." with "25."
- Page 4, line 19, replace "24." with "26."
- Page 4, line 20, after "license" insert "or a commercial learner's permit"
- Page 4, line 22, replace "25." with "27."
- Page 4, line 24, replace "26." with "28."
- Page 5, line 4, replace "driver's instruction" with "learner's"
- Page 5, line 6, replace "driver's instruction" with "learner's"
- Page 5, line 9, remove "driver's"
- Page 5, line 10, replace "instruction" with "learner's"
- Page 5, line 12, replace "driver's instruction" with "learner's"
- Page 5, line 16, after "law" insert "or local law or ordinance"
- Page 5, line 18, replace "27." with "29."
- Page 5, line 19, replace "28." with "30."
- Page 5, line 20, replace "a tank" with "one or more tanks"
- Page 5, line 27, overstrike "29." and insert immediately thereafter "31."
- Page 6, line 14, replace "30." with "32."
- Page 6, line 17, replace "31." with "33."
- Page 6, line 21, replace "32." with "34."
- Page 6, line 22, replace "33." with "35."
- Page 6, after line 27, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Except when driving under a commercial ~~driver's instruction~~learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, ~~no person~~an individual may not drive a commercial motor vehicle on the highways of this state unless the ~~person~~individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the ~~person~~individual is driving. This subsection does not apply:

- a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
- b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
- c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c)."

Page 7, line 23, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 1, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 4, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, after line 15, insert:

"SECTION 5. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial ~~driver's instruction~~learner's permit must include the following:
 - a. The full name and current mailing address of the applicant;
 - b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a ~~nonresident~~non-domiciled commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71;
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial ~~instruction~~learner's permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
4. An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

- 5. Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 6. AMENDMENT. Section 39-06.2-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08.1. Commercial driver's license medical certification requirements.

- 1. The director may issue a commercial ~~driver's instruction~~ learner's permit or commercial driver's license to a North Dakota resident who meets the medical qualification and certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.
- 2. Every individual who makes application for a commercial ~~driver's instruction~~ learner's permit or commercial driver's license ~~must~~ shall certify that the individual meets the qualification requirements contained in 49 CFR part 391 or certify that the individual's commercial transportation is entirely in intrastate commerce and is not subject to 49 CFR part 391.
- 3. The application will contain the following categories to comply with the commercial driver's certification requirements:
 - a. Interstate and subject to 49 CFR part 391.
 - b. Interstate, but operating exclusively in transportation or operations excepted under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.
 - c. Intrastate and subject to state driver's qualification requirements.
 - d. Intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver's qualification requirements.
- 4. Every individual who makes application for or holds a commercial ~~driver's instruction~~ learner's permit or commercial driver's license ~~must~~ shall submit a copy of the individual's medical certificate to the director unless the commercial transportation is not subject to 49 CFR part 391.
- 5. The director will downgrade or remove the commercial driving privilege from the license if the medical certificate expires and the driver does not change the driver's certification if the driver is no longer subject to 49 CFR part 391.
- 6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Page 9, line 5, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 12, line 7, after "than" insert "sixty days for providing false information to the department related to the issuance of a commercial permit or commercial license or for a period of not less than"

5/6

Page 13, line 25, replace "instruction" with "learner's"

Page 13, line 30, replace "instruction" with "learner's"

Page 14, line 3, replace "instruction" with "learner's"

Page 14, line 7, replace "instruction" with "learner's"

Page 14, line 11, replace "instruction" with "learner's"

Page 14, line 15, replace "instruction" with "learner's"

Page 14, line 20, replace "instruction" with "learner's"

Page 15, line 9, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 15, line 11, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 15, after line 11, insert:

"SECTION 10. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any ~~nonresident~~nondomiciled commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 11. AMENDMENT. Section 39-06.2-12 of the North Dakota Century Code is amended and reenacted as follows:

6/8/2

39-06.2-12. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any ~~nonresident~~nondomiciled holder of a commercial driver's license for any violation of state or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the director shall notify the driver's licensing authority in the licensing state of the conviction."

Page 15, line 17, overstrike "driver's license instruction" and insert immediately thereafter "learner's"

Renumber accordingly

Date: 3-14-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2046

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 Vigesaa

Amendments

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					

Voice Vote Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Attachment # 2

Date: 3-14-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2046

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 Frantsvog

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	A				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Becker

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

Date: 3-15-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2046**

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 Owens 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					

*Roll call
all day*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

Motion carried

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

Date: 3-15-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2046**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

6:45 Rerefer to Appropriations Reconsider

Motion Made By Weiss Seconded By Heller
Amendment

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 Weiss					

Vote
all
Motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Further amend
p. 12 line 7 add "to the department"

Date: 3-15-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2046

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 Owens Seconded By Weisz

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 Frantsovog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No 0

Absent _____

Floor Assignment Becker

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

REPORT OF STANDING COMMITTEE

SB 2046, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 7 of section 39 06-04 and"

Page 1, line 1, after the first comma insert "39-06.2-06,"

Page 1, line 1, after the second comma insert "39-06.2-08, 39-06.2-08.1,"

Page 1, line 2, after the second comma insert "39-06.2-10.5, 39-06.2-12,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

7. The director may issue a commercial ~~driver's instruction~~learner's permit under section 39-06.2-07."

Page 1, line 15, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 2, line 2, replace "11793.40" with "11793.86"

Page 2, line 3, replace "combination" with "vehicle"

Page 3, line 10, remove the overstrike over ~~""Driver's license" means a license issued by a state to an individual which authorizes"~~

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "~~14.~~"

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "~~16.~~"

Page 3, line 17, remove "14."

Page 3, line 20, remove the overstrike over "~~17.~~"

Page 3, line 20, remove "15"

Page 3, line 22, remove the overstrike over "~~18.~~"

Page 3, line 22, remove "16."

Page 3, line 24, remove the overstrike over "~~19.~~"

Page 3, line 24, remove "17."

Page 3, line 25, remove the overstrike over "~~20.~~"

Page 3, line 25, remove "18."

Page 4, line 1, remove the overstrike over "~~21.~~"

Page 4, line 1, remove "19."

- Page 4, line 5, remove the overstrike over "22."
- Page 4, line 5, remove "20."
- Page 4, line 10, remove the overstrike over "23."
- Page 4, line 10, remove "21"
- Page 4, line 14, replace "22." with "24."
- Page 4, line 17, replace "23." with "25."
- Page 4, line 19, replace "24." with "26."
- Page 4, line 20, after "license" insert "or a commercial learner's permit"
- Page 4, line 22, replace "25." with "27."
- Page 4, line 24, replace "26." with "28."
- Page 5, line 4, replace "driver's instruction" with "learner's"
- Page 5, line 6, replace "driver's instruction" with "learner's"
- Page 5, line 9, remove "driver's"
- Page 5, line 10, replace "instruction" with "learner's"
- Page 5, line 12, replace "driver's instruction" with "learner's"
- Page 5, line 16, after "law" insert "or local law or ordinance"
- Page 5, line 18, replace "27." with "29."
- Page 5, line 19, replace "28." with "30."
- Page 5, line 20, replace "a tank" with "one or more tanks"
- Page 5, line 27, overstrike "29." and insert immediately thereafter "31."
- Page 6, line 14, replace "30." with "32."
- Page 6, line 17, replace "31." with "33."
- Page 6, line 21, replace "32." with "34."
- Page 6, line 22, replace "33." with "35."
- Page 6, after line 27, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Except when driving under a commercial ~~driver's instruction~~learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, ~~no person~~an individual may ~~not~~ drive a commercial motor vehicle on the highways of this state unless the ~~person~~individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the ~~person~~individual is driving. This subsection does not apply:

- a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
- b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
- c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c)."

Page 7, line 23, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 1, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 4, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, after line 15, insert:

"SECTION 5. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial ~~driver's instruction~~learner's permit must include the following:
 - a. The full name and current mailing address of the applicant;
 - b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a ~~nonresident, nondomiciled~~ commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71;
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial ~~instruction~~learner's permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
4. An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
5. Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation,

cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 6. AMENDMENT. Section 39-06.2-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08.1. Commercial driver's license medical certification requirements.

1. The director may issue a commercial ~~driver's instruction~~learner's permit or commercial driver's license to a North Dakota resident who meets the medical qualification and certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.
2. Every individual who makes application for a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall certify that the individual meets the qualification requirements contained in 49 CFR part 391 or certify that the individual's commercial transportation is entirely in intrastate commerce and is not subject to 49 CFR part 391.
3. The application will contain the following categories to comply with the commercial driver's certification requirements:
 - a. Interstate and subject to 49 CFR part 391.
 - b. Interstate, but operating exclusively in transportation or operations excepted under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.
 - c. Intrastate and subject to state driver's qualification requirements.
 - d. Intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver's qualification requirements.
4. Every individual who makes application for or holds a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall submit a copy of the individual's medical certificate to the director unless the commercial transportation is not subject to 49 CFR part 391.
5. The director will downgrade or remove the commercial driving privilege from the license if the medical certificate expires and the driver does not change the driver's certification if the driver is no longer subject to 49 CFR part 391.
6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Page 9, line 5, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 12, line 7, after "than" insert "sixty days for providing false information to the department related to the issuance of a commercial permit or commercial license or for a period of not less than"

Page 13, line 25, replace "instruction" with "learner's"

Page 13, line 30, replace "instruction" with "learner's"

Page 14, line 3, replace "instruction" with "learner's"

Page 14, line 7, replace "instruction" with "learner's"

Page 14, line 11, replace "instruction" with "learner's"

Page 14, line 15, replace "instruction" with "learner's"

Page 14, line 20, replace "instruction" with "learner's"

Page 15, line 9, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 15, line 11, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 15, after line 11, insert:

"SECTION 10. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any ~~nonresident~~nondomiciled commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 11. AMENDMENT. Section 39-06.2-12 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-12. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any ~~nonresident~~nondomiciled holder of a commercial driver's license for any violation of state or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the director shall notify the driver's licensing authority in the licensing state of the conviction."

Page 15, line 17, overstrike "driver's license instruction" and insert immediately thereafter "learner's"

Re-number accordingly

2013 TESTIMONY

SB 2046

SB 2046

Testimony I
T Dawson I

Committee discussion included speeding offenses should be reasonably increased. The committee considered a bill draft to increase speeding fees. The bill draft contained two concepts. The first concept is a basic fee added to the schedule. The other concept is to reduce the schedules from three to two and make the schedules easier to explain and understand. The fees

were changed in the bill draft to keep the fees in the proportion the fees were under the previous tables and to provide simplicity. In addition, the bill draft treats speeding in a school zone the same as speeding in a construction zone for the purposes of consistency.

The following table lists the fees under the bill draft:

MPH Over Limit	65 MPH and Lower Limit	70 and 75 MPH Limit
1-5	\$2 - \$10 + \$20 = \$22 - \$30	\$6 - \$30 + \$20 = \$26 - \$50
6-10	\$18 - \$30 + \$20 = \$38 - \$50	\$42 - \$70 + \$20 = \$62 - \$90
11-15	\$44 - \$60 + \$20 = \$64 - \$80	\$88 - \$120 + \$20 = \$108 - \$140
16-20	\$80 - \$100 + \$20 = \$100 - \$120	\$144 - \$180 + \$20 = \$164 - \$200
21-25	\$126 - \$150 + \$20 = \$146 - \$170	\$210 - \$250 + \$20 = \$230 - \$270
26-35	\$186 - \$245 + \$20 = \$206 - \$265	\$260 - \$350 + \$20 = \$280 - \$370
36-45	\$288 - \$360 + \$20 = \$308 - \$380	\$360 - \$450 + \$20 = \$380 - \$470
46+	\$460 + \$20 = \$480 + \$10 for each additional mph over the limit	\$460 + \$20 = \$480 + \$10 for each additional mph over the limit

Committee discussion included state highways are engineered to be driven with higher speeds. Whereas 15 miles per hour over may be safe for the road design on a highway, 15 miles per hour over on a city street would be very dangerous and may not be as dangerous on a highway. Committee discussion included most officers do not give a ticket until 10 miles over the limit, so fees for speeding in a city should be higher than in other areas. Because cities are limited to state law for fees, it was thought the cities would be pleased the amounts are increasing. Committee discussion included support for any reasonable increase, and the bill draft is a good starting point.

The committee was informed the bill draft has had favorable comments from law enforcement. It was argued these fees truly would be a deterrent and would save lives.

Commercial Driver Training Schools Bill Draft

The committee considered a bill draft to transfer the regulation of commercial driver training schools from the Highway Patrol to the Department of Transportation. The Department of Transportation requested the bill draft and supported it before the committee.

The committee was informed that until the 1980s the Highway Patrol officers were the driver's license examiners. At that time, these duties of the Highway Patrol were moved to the Department of Transportation, but regulation of commercial driver training schools remained with the Highway Patrol. The Highway Patrol supported transferring this duty to the Department of Transportation, and the Department of Transportation supported the transfer. This program is a small program, and the transfer will not require any additional staff.

Commercial Driver's License Conformity With Federal Law Bill Drafts

The committee considered a bill draft to make commercial driver's license laws consistent with federal regulations. The Department of Transportation requested the bill draft and supported it before the committee.

The Department of Transportation requested changes to the first draft so the language would track

federal language, e.g., after "or more" insert "whichever is greater".

Recommendations

The committee recommends Senate Bill No. 2039 to improve the consistency and clarity of NDCC Chapter 39-06 on operator's licenses and provide for fee consolidation.

The committee recommends Senate Bill No. 2040 to consolidate the fees for commercial driver's licenses.

The committee recommends Senate Bill No. 2041 to provide for the destruction of license plates for driving while under the influence and driving under suspension or revocation instead of impoundment.

The committee recommends Senate Bill No. 2042 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.

The committee recommends House Bill No. 1047 to make technical corrections to the International Registration Plan, the Unified Carrier Registration System, and the Single State Insurance Registration System.

The committee recommends Senate Bill No. 2043 to define a Class III off-highway vehicle to include Argos and SnoBears and to prevent SnoBears from being registered as snowmobiles or operating on snowmobile trails.

The committee recommends Senate Bill No. 2044 to provide consistency and clarity in NDCC Chapter 39-06.1, which relates to the disposition of traffic offenses, fees, and points for traffic offenses.

The committee recommends House Bill No. 1048 to increase speeding fees.

The committee recommends Senate Bill No. 2045 to transfer the regulation of commercial driver training schools from the Highway Patrol to the Department of Transportation.

The committee recommends Senate Bill No. 2046 to make commercial driver's license laws consistent with federal regulations.

SPECIAL ROAD FUND STUDY

House Concurrent Resolution No. 3032 (2011) directed a study of the needs of, economic values of,

**SENATE TRANSPORTATION COMMITTEE
January 10 2013, 11:15 AM; Lewis and Clark Room**

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

SB2046

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.

This bill essentially updates statute in order for us to be in compliance with federal regulatory changes provided by the Federal Motor Carrier Safety Administration, as well as some phraseology changes to update the statute. The substantive changes include:

Page 4, line 21: a "mobile phone" is defined.

Page 5, line 4, 6, 9 and 12: a commercial driver's instruction permit is added for serious traffic violations.

Page 5, line 16: makes violation of state law or ordinance regarding mobile phone use a serious traffic violation.

Page 5, line 28: adds a definition of a "tank vehicle."

Page 5, line 31: clarifies texting in regards to using a phone with a single use button.

Page 6, line 14 – 20: adds definitions for third party skills test examiners.

Page 6, line 22: clarifies what the "use of a hand-held mobile telephone" means.

Page 8, line 14 – 15: clarifies that a driver must hold a permit for 14 days before being eligible for licensing.

Page 12, line 7: provides that an individual is disqualified for not less than one year for a fraud conviction related to issuance of a CDL or commercial permit.

Page 15, line 18: adds a license issued in Mexico to reciprocity.

Several places throughout the bill changes nonresident to non-domiciled and person to individual.

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

#1

**HOUSE TRANSPORTATION COMMITTEE
March 14 2013, 2:45PM; Fort Totten Room**

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

SB2046

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.

This bill essentially updates statute in order for us to be in compliance with federal regulatory changes provided by the Federal Motor Carrier Safety Administration (FMCSA), as well as some phraseology changes to update the statute.

Since the bill passed the Senate Transportation Committee we have discovered, through conversation with our federal partners, that there are a couple of changes we made that negatively impact the regulatory enforcement process they manage with several states and is reflective of the specific language in the federal rule.

To correct this impact, changes are included in an amendment attached to this testimony, and while the list looks extensive, most of the changes are changing the driver's instruction to the commercial learner's permit.

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

#2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2046

- Page 1, line 15, remove "driver's instruction"
- Page 1, line 15 after "Commercial" insert "learner's"
- Page 2, line 2, remove overstrike over "11794"
- Page 2, line 2, remove "11793.40"
- Page 2, line 3, remove the second "combination"
- Page 2, line 3 after "gross" insert "vehicle"
- Page 3, line 10, remove overstrike over "'Driver's license" means a license issued by a state to an individual which authorizes"
- Page 3, line 11, remove overstrike over "the individual to drive a motor vehicle"
- Page 3, line 15, remove overstrike over "'Electronic device" includes a cellular telephone, personal digital assistant, pager,"
- Page 3, line 16, remove overstrike over "computer, or any other device used to input, write, send, receive, or read text."
- Page 4, line 20, after "license" insert "or a commercial learner's"
- Page 5, line 4, remove "driver's instruction"
- Page 5, line 4 after "Commercial" insert "learner's"
- Page 5, line 6, remove "driver's instruction"
- Page 5, line 6 after "Commercial" insert "learner's"
- Page 5, line 9, remove "driver's instruction"
- Page 5, line 9 after "Commercial" insert "learner's"
- Page 5, line 12, remove "driver's instruction"
- Page 5, line 12 after "Commercial" insert "learner's"
- Page 5, line 16 after "law" insert "or local law or ordinance"
- Page 5, line 20, after "tank" insert "or tanks"
- Page 5, line 28, after "includes" insert "but is not limited to"
- Page 6, line 17, after "including" insert "but not limited to"
- Page 9, line 5, remove "nonresident"
- Page 9, line 5, after "marked" insert "nondomiciled"
- Page 12, line 7, after "than" insert "sixty days for providing false information related to the issuance of a commercial permit or commercial license or for a period of not less than"