

FISCAL NOTE
Requested by Legislative Council
12/23/2016

Bill/Resolution No.: SB 2122

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill eliminates the exception for non-licensed drivers to drive for 30 days without licensing.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill has no fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Glenn Jackson

Agency: ND Dept of Transportation

Telephone: 328-4792

Date Prepared: 01/04/2017

2017 SENATE TRANSPORTATION

SB 2122

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

SB 2122
1/6/2017
Job Number 26658

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Mary Munder

Preventing nonresident, non-licensed individuals from driving.

Minutes:

Attachment #1

Chairman Laffen: Opened the hearing on SB 2122.

Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation: See attachment #1. We had a phone call from an officer that had made a traffic stop to an individual that had just a passport and no driver's license, as his country didn't require one. Our current bill states that you can come from a foreign country and drive in the U.S. for 30 days. We need to change it to read if you came from a foreign country that had no driver's license ruling you cannot drive for 30 days. You would have no knowledge of driving and would be a danger on our roads.

Senator Nelson: If they come into the country without a previous driver's license how would they even rent a car?

Glenn Jackson: I do not know. It is not my area.

Senator Casper: Would there be a penalty then?

Glenn Jackson: I don't know, but they would be driving without a license and there is a penalty for that.

Senator Rust: Would this pertain to all license driven vehicles? Motorcycles and CDL driver's too?

Glenn Jackson: Yes

Senator Nelson: If they come from a foreign country and do not have a driver's license but need to get one in a hurry so they can drive, how would they accomplish that?

Glenn Jackson: They would have to pass the knowledge test and the skill test just like everyone else.

Senator Nelson: We have people that move here from other states and do not change their license plates in the required amount of time. Why are we going after the few people with no driver's license and not enforcing the penalty on license plates?

Glenn Jackson: I only handle the driver's license area.

Chairman Laffen: This is about driver's licenses only. So in summing up; if you come from another country and have a driver's license you can drive here for 30 days. If you haven't had a license from another country, then you can't drive here for 30 days. You need to go through our process here to obtain one.

Glenn Jackson: Correct.

Senator Clemens: Does our current bill say anything about the 30 days?

Glenn Jackson: No.

Chairman Laffen: Are there any more questions? Is there any opposition to bill #2122?

Christopher Dodson, Executive Director and General Consul of the North Dakota Catholic Conference: I really didn't think I would be opposing this bill. I thought there would be a genuine public safety concern for the change and I didn't hear one. What I heard was just a decision to discriminate against people from another country, because of the country they came from. The person does not have an operator's license through no fault of his own and most likely came from one of the poorest countries with the least functional governments. The current law says you have 30 days to get a driver's license if you come to this country. So they have to get an operator's license, something they never had the opportunity to do before. Consider it is based upon the origin of the country solely, I think we have to oppose this bill. We have not heard of any problems with the current law.

Senator Rust: Why is it discrimination when you are asking someone to conform to the rules and regulations of this country.

Christopher Dodson: The current law is good; the new bill will say you can't drive at all for 30 days if you have no license. I repeat it is through no fault of their own that they don't have a license so I feel we should not discriminate them for that.

Senator Rust: They will still need the license to operate a vehicle in this country, so I see no discrimination.

Senator Casper: Under your logic, any law in a foreign country that is not the same as ours means they don't have to comply with our laws if they are given a 30-day time period. Is this true?

Christopher Dodson: I don't think that's true. We are talking about them getting a traffic violation. They should be given an opportunity to get their operator's license, that's all we are saying. Just like the person coming from a country that had a license.

Senator Casper: So in the same way of thinking are you holding having a driver's license in a higher standard than holding a license for anything else? Do you think we should give the ones with no license a particular pass and a period of time to get that license?

Christopher Dodson: What we are doing here is basing the needs upon the country that the person came from, whether they could have a license or not, and we should be basing it on if the individual can learn to operate a vehicle and get driver's license, giving them an equal opportunity.

Senator Casper: We are talking about two different things. You talk about the quality of the licensing and I am talking about the pure logic if we are going to let someone violate our law, because we have a law in place where they don't have one in place. I am wondering if in this one area of government we should allow this exception and use words like discrimination.

Christopher Dodson: Our concern is for the person, the immigrant, who has come to this country needing a driver's license to provide for his family. We are deeply concerned about the way they will have to go about getting a driver's license. In this specific situation we did not hear justification in treating these individuals differently merely because of their country origin's governmental system.

Chairman Laffen: We don't allow anyone on the roads driving a vehicle without an operator's license.

Christopher Dodson: Except the others from a different country that haven't had a chance to have a driver's license.

Chairman Laffen: Well my argument is that at least they have been in a car and someone has tested them for their ability to operate that car. We are saying that there is some trust level here as opposed to never having been tested. Any other opposition to SB 2122?

Glenn Jackson: I just have to add to my testimony that we do think this will become a severe hazard to our highways and that is why we are looking to change the bill. Thank you.

Senator Nelson: You did say this bill was introduced because of this one highway stop. I guess I have a problem with that as being the only incident that we are basing this bill on.

Glenn Jackson: This one stop is what we caught and it brought it to our attention that this is a very unsafe process. We shouldn't let people have 30 days to drive if they have no demonstration of any ability to operate a vehicle from anywhere.

Senator Rust: Do you know when section C of 390602 was put into the code. Was it put in for motorcycles, cars, or what?

Glenn Jackson: We will check on that section as they go back many years starting in 1943, 55, 63 etc.

Chairman Laffen: Asked for any additional testimony and there was none. Closed the hearing on SB 2122.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2122
1/26/2017
27459

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Mary Mundy

Explanation or reason for introduction of bill/resolution:

Preventing non-resident, non-licensed individuals from driving.

Minutes:

Chairman Laffen: Reopened SB 2122. This bill allows a non-resident with no license in process to immediately get and keep a license in North Dakota.

Senator Nelson: Where are these countries that we are talking about that these non-residents are coming from?

Chairman Laffen: Senator Nelson, I don't believe we heard that from anybody, we didn't ask that question. My assumption is that there are some Old World countries out there that don't require a driver's license.

Senator Nelson: I think it deals more with custom than that they don't have driver's license.

Chairman Laffen: Mr. Dodson didn't specifically say that but that might have been more his objection, that does make more sense where he was coming from.

Senator Rust: If we don't pass this bill then we are going to allow someone else to do something that we don't allow our people to do. To me that seems absolutely absurd. It just seems to me to be wrong.

Chairman Laffen: Senator Rust, that's how I felt too, in fact like it was discrimination the other way. What we are trying to do is make everybody be a little bit more uniformed.

Senator Rust: I would move a Do Pass.

Senator Casper: Seconded

Chairman Laffen: Discussion?

Senator Campbell: Can you explain the bill?

Chairman Laffen: The bill says that if you come to our country from a country that doesn't have licensing you get a license automatically for 30 days in our state. If I understand this right, North Dakota is going to require everybody to have a test somewhere before you can drive in our state.

Senator Nelson: So if they come here they go through the permit and test like everyone else. If you have a license you better get a new one quick.

Chairman Laffen: Correct.

Roll Call taken: Yeas-6, Nays-0, Absent-0

Senator Rust will carry

Date: 1-26-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." 2/22

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rust Seconded By Casper

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rust

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

REPORT OF STANDING COMMITTEE

SB 2122: Transportation Committee (Sen. Laffen, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the
Eleventh order on the calendar.

2017 HOUSE TRANSPORTATION

SB 2122

2017 HOUSE STANDING COMMITTEE MINUTES

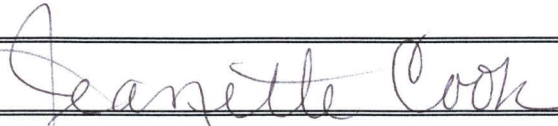
Transportation Committee Fort Totten Room, State Capitol

SB 2122
2/17/2017
#28503

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to preventing nonresident, non-licensed individuals from driving on the highway.

Minutes:

Attachment #1

Chairman Ruby opened the hearing on SB 2122.

Glen Jackson, Director, Driver's License Division, North Dakota Department of Transportation, spoke to support SB 2122 and provided written testimony. See attachment #1.

Chairman Ruby: Do you have examples of countries that don't require drivers' licenses?

Glen Jackson: There are multiple countries that don't require it. However, we did have a trooper stop an individual late last year. He was here legally, had a correct visa, but had no operator license. He had never been licensed to operate because his home country doesn't have any process to do that. Our citizens can't do that; you have to have a license. People from other countries have operators' licenses from their countries and have been through a process for training. We believe someone who has not had any training shouldn't be on the highway for 30 days, just because they can be.

Chairman Ruby: What are some of these other exemptions for?

Glen Jackson: The other exemptions, for example, A, they would not get that vehicle, unless they have an operator's license. We are certain that the rest of these have valid licenses at least in another state. The only exemption that we want to get rid of is the one that says you can drive without an operator's license.

Chairman Ruby: On the second page there are references to 60 days and 90 days. I thought that our state citizenship was 30 days for voting.

Glen Jackson: That is a completely separate world for voting requirements. For the purposes of this chapter you are deemed a resident after you are here for 90 consecutive days. After 90 days you are deemed a resident, then you have 30 days in which to get a license.

Representative Nelson: I was noticing the 16-year limitation. If 15-year-old came from another state with an operator's license, they can't legally drive here?

Glen Jackson: If someone came here with a license, and they were 15, they would have to go through our process.

There was no further support for SB 2122.
There was no opposition to SB 2122.

The hearing on SB 2122 was closed.

Representative Owens moved a DO PASS on SB 2122.
Representative Dobervich seconded the motion.

A roll call vote was taken on SB 2122: Yea 13 Nay 0 Absent 1

Representative O'Brien will carry SB 2122.

Date: 2-17-17
Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2122**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Owens Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	A				
Rep. Greg Westlind	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment O'Brien

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

REPORT OF STANDING COMMITTEE

SB 2122: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2122 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

SB 2122

SENATE TRANSPORTATION COMMITTEE
January 6, 2017; 9:30 AM, Lewis & Clark Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
Senate Bill 2122

Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

SB2122 corrects a process wherein a person from another country, where licensing of operators is not required, is allowed to drive in North Dakota for thirty days. The Department believes this could create a significant safety hazard on the highway and supports ending this exception.

At this time I would like to review the bill.

Mr. Chairman that concludes my testimony, I would be happy to answer any questions.

HOUSE TRANSPORTATION COMMITTEE
February 16, 2017; 10:00 AM, Ft. Totten Room

SB2122
2-17-17
#1

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
Senate Bill 2122

Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

SB2122 corrects a process wherein a person from another country, where licensing of operators is not required, is allowed to drive in North Dakota for thirty days. The department believes this could create a significant safety hazard on the highway and supports ending this exception.

Mr. Chairman that concludes my testimony, I would be happy to answer any questions.