

**2019 HOUSE TRANSPORTATION COMMITTEE**

**HB 1094**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1094  
1/10/2019  
30654

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Jeanette Cook
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### Explanation or reason for introduction of bill/resolution:

A bill relating to personalized plates for motor vehicles.

### Minutes:

Attachments 1-2
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**Chairman Ruby:** Opened the hearing on HB 1094. (00:31)

Roll call. **Chairman Ruby** shortly addressed the committee (1:08)

(3:30)

**Lindi Michlitsch, Motor Vehicle Division Director, North Dakota Department of Transportation,** introduced the bill and provided written testimony. See attachment #1.  
(5:03)

**Representative Owens:** The issue is a software issue that won't let a license number be recognized by law enforcement when it has an ampersand in the plate number? Is it state software?

**Lindi Michlitsch:** State Radio will be able to answer that question.

**Chairman Ruby:** What does it mean in your testimony where it says, "unable to return the owner's registration information,"?

**Lindi Michlitsch:** When law enforcement query through their system, it hits our system, and their system doesn't recognize it. If law enforcement can't return the plate, they have to call us. We are not open twenty-four hours a day for contact.

**Representative Nelson:** What will happen to people who already have plates with ampersands? Is a section of code that says when you have a personalized license plate, you have the rights to it? Would that need to be changed?

**Lindi Michlitsch:** New requests for plates with ampersands will not be approved. Those that have the plates will keep them until they need new plates. We are still working that out.

**Representative Jones:** What do the ampersands include?

**Lindi Michlitsch:** An ampersand is only the & sign. We don't use any other signs.

**Vice Chairman Rick C. Becker:** If law enforcement could not get what they need, and it is a big problem, wouldn't we have heard about it before now? Can you clarify this further?

**Lindi Michlitsch:** I think over time, law enforcement has gotten used to the fact that the ampersand doesn't return. They may just eliminate it. For example: If the plate is Bob & Bob, they just run Bob Bob. It would then return, but the issue is that there may be two plates with Bob Bob. The officer would then have to try to decipher which is the correct vehicle. When we say return, it is the return of the owner information and registration information on a plate.

**Chairman Ruby:** Why can't their system be upgraded to recognize the ampersand?

**Lindi Michlitsch:** It is nationwide law enforcement, and it would be a big change. It is not just North Dakota.

**Representative Jones:** Is the problem that out-of-state officers are not trained to enter the plate without the ampersand? How often does this occur?

**Lindi Michlitsch:** I don't have the number. The issue has just recently come up.

**Chairman Ruby:** You stated that most states don't allow ampersands. Do you know how many do?

**Lindi Michlitsch:** I don't have that information, not very many.

(11:30)

**Jennifer Curtis, Information Security Officer for the State of North Dakota at the Division of State Radio,** spoke to support HB 1094 and provided written testimony. See attachment #2. (13:22)

**Representative Owens:** Is this a national software issue?

**Jennifer Curtis:** That is correct. It is NCIC (National Crime Information Center). With every system, they have to make a policy that all users run things exactly the same. If they run different ways, we would never get a complete return back. In the NCIC policy it tells what symbols will be accepted.

**Representative Owens:** Without this change does it put the officer in additional jeopardy?

**Jennifer Curtis:** That is absolutely correct.

**Vice Chairman Rick C. Becker:** Do you have a good approximation of the number of times in a year that law enforcement needs to call in, and then get two exact license plates, which are the exact same vehicle?

**Jennifer Curtis:** There are several calls to the dispatchers. Sometimes they will call Department of Transportation and try to get the information to provide to law enforcement. I don't have the number of calls because I don't have the number of calls from out-of-state. I do know that a plate with the ampersand will be rejected by the FBI as a stolen plate.

**Representative Jones:** Could you see if the NCIC could change their system to accept the ampersand?

**Jennifer Curtis:** We have checked with the FBI, the answer was NO. It is a security policy because all fifty states would have to reprogram.

**Chairman Ruby:** When was the last time that a person requested a new plate with an ampersand? Has the number increased or stayed the same?

**Lindi Michlitsch:** The numbers have been fairly stable. It has been typical if someone wanted a plate that was already taken, they would just add an ampersand to it.

**Chairman Ruby:** If someone has plates with ampersands and one is destroyed, would they be able to have a new one made?

**Lindi Michlitsch:** Going forward we would not allow that plate. They would have to choose something different. We are still having discussions about how to handle the 1200 plates that have the ampersand on.

**Vice Chairman Rick C. Becker:** When you say that Department of Transportation will still have to figure out how to handle the plates with ampersands, then Grandfathering is not on the table, correct?

**Lindi Michlitsch:** If this bill passes we will still have to evaluate how to handle the plates now in existence. No new plates with ampersands will be issued going forward. I don't know if we will take those plates back and request that they choose something different. Grandfathering may not have been the right word to use for people who have plates with ampersands now. We want to eliminate the ampersands on plates over time. Originally we thought that we would leave the ones on the current licenses, and slowly over time decrease that amount until they were no longer on any plates. Any new or duplicate plate will no longer be valid with an ampersand.

There was no further support for HB 1094.  
There was no one to speak in opposition to HB 1094.

The hearing on HB 1094 was closed.

**Vice Chairman Rick C. Becker made a motion for a DO NOT PASS on HB 1094. Representative Paur seconded the motion.**

**Vice Chairman Rick C. Becker:** I don't see this as a big problem. The grandfathering thing is a problem to me. The fact that it is problematic in other states is not problematic to me.

Ampersands comprise less than 2% of personalized plates and only a tiny percentage of all plates. The only potential problem is if you have two extraordinarily similar vehicles that have nearly the same license plate except for the ampersand sign.

**Representative Owens:** I see this from a different stand point. We cannot force the national government to change or the NCIC. It is about getting all the other states to accept it too. Also we cannot report the stolen vehicles with license plates with ampersands. At this point we jeopardize an officer's life as they approach a car that may be stolen. Even one officer's life is too many. I would be inclined to not grandfather at all.

**Vice Chairman Rick C. Becker:** I would suggest that any officer with minimal training is going to be extraordinarily cautious if he cannot get a plate to come back. Representative Owens is using an extreme example as a reason for a vote, when it doesn't necessarily apply.

**Representative Jones:** I would look at this from the perspective of a person who has a personalized plate on their vehicle. If the vehicle has been stolen and is in another state, it will not be located as easily because it does not come out of the data base.

**Chairman Ruby:** I know that personalized plates are important to some people. I also hate it when we have to conform with the other states and the federal government, but there are some situations that it may be necessary to do it. Especially when law enforcement is involved.

**Representative Westlind:** I am going to vote against the DO NOT PASS. I feel that this could possibly be a problem for law enforcement. Anything we can do to help them stay out of harm's way, we should do.

**Representative Jones:** Can they leave a space on a plate between numbers and letters?

**Lindi Michlitsch:** No.

**Representative Nelson:** I am confused. The ampersand is on the approved symbol list in the NCIC system. This does not seem to be consistent with the information we have received. Could we hold this longer and make an inquiry to find out exactly what is going on? If it isn't acceptable then I don't think we should grandfather any plates.

**Lindi Michlitsch:** The ampersand symbol is in the code manual, but they will not be allowed for license plates. They put in the code manual for other things. I just talked to the FBI the other day, and they said, no, it will not be allowed on a license plate. There will be a new manual in the next 2-3 years that will be easier to understand.

This is a huge officer concern.

**Chairman Ruby:** Do you think ampersands will be allowed in the future?

**Lindi Michlitsch:** No. We have tried, but it will not be allowed. Everyone is going to go to the same look, so everyone will get a return for officer safety.

**Representative Nelson:** I will oppose passing this out of committee if it is not amended. If this is a problem with officer safety, I don't want to send it out either DO PASS or DO NOT PASS. I would like to see an amendment that gets rid of it.

**Chairman Ruby:** I will resist the motion for DO NOT PASS. I would support passing it out, because by the gradual elimination of the ampersand sign, that would be the best way to solve this.

**A roll call vote was taken on a DO NOT PASS on HB 1094. 2-11-1**  
**The motion failed.**

**Representative Owens moved an amendment to HB 1094. In line 11 after the words: "... no additional charge." (Insert) "No personalized plates containing a restricted character may be renewed."**  
**Representative Westlind seconded the motion.**

**Representative Nelson:** When is says "renewed", does that mean a yearly renewal?

**Chairman Ruby:** Yes.

**A roll call vote was taken on the amendment to HB 1094. 12-1-1**  
**The motion carried.**

**Representative Owens moved a DO PASS as amended on HB 1094.**  
**Representative Westlind seconded the motion.**

**A roll call vote was taken: 11-2-1**  
**The motion carried.**

**Representative Westlind will carry HB 1094.**

January 10, 2019

CH  
1/10/19  
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1094

Page 1, line 11, after the period insert "A personal plate containing a restricted character may not be renewed."

Renumber accordingly

Date: 1-10-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1094

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 Becker Seconded By Paur

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY		X	REP LAURIEBETH HAGER		X
VICE CHAIR BECKER	X	X	REP KARLA ROSE HANSON		X
REP JIM GRUENEICH		X	REP MARVIN NELSON		X
REP TERRY JONES		X			
REP TOM KADING		X			
REP EMILY O'BRIEN		X			
REP MARK OWENS		X			
REP BOB PAULSON		X			
REP GARY PAUR	X				
REP ROBIN WEISZ	X				
REP GREG WESTLIND		X			

Total (Yes) 2 No 11

Absent 1

Floor Assignment \_\_\_\_\_

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

Failed



Date: 1-10-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1094

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.8071-01001

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 Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER		X	REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ	A				
REP GREG WESTLIND	X				

Total (Yes) 12 No 1

Absent 1

Floor Assignment \_\_\_\_\_

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

Line 11 -  
- No personalized plates containing a  
restricted character may be  
renewed.

Date: 1-10-19  
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1094

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.8071.01001

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 Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER		X	REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR		X			
REP ROBIN WEISZ	A				
REP GREG WESTLIND	X				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Westlind

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

**REPORT OF STANDING COMMITTEE**

**HB 1094: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1094 was placed on the Sixth order on the calendar.

Page 1, line 11, after the period insert "A personal plate containing a restricted character may not be renewed."

Renumber accordingly

**2019 SENATE TRANSPORTATION COMMITTEE**

**HB 1094**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

HB 1094  
2/7/2019  
32339

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Liz Stenehjem

### Explanation or reason for introduction of bill/resolution:

A bill relating to personalized plates for motor vehicles.

### Minutes:

2 Attachments

**Chairman Rust:** Opened hearing on HB 1094.

**Lindi Michlitsch, Director, Motor Vehicle Division, North Dakota Department of Transportation:** See **Attachment #1** for testimony.

**Chairman Rust:** In other sections of the law there are collector plates and there are antique plates, and I think in both of those cases you can have ampersands in them. The collector's plates I think is at 25-years old and the antiques are 40-years old. I believe antique plates are a one time, one fee. I think you can get a personalized plate that is forever for \$100. When I looked at the law the ampersands are in there too. I don't know how many plates that would mean that there are out there, collector's or antiques that might have ampersands in them. Can you find out?

**Ms Michlitsch:** I can find that out. I did not break that down.

**Chairman Rust:** Most of those are driven to and from parades; I think that's the thing with collector's plates if I remember right and antique plates, a lot of people the same thing. I don't know, since this didn't address that I didn't know if it was an issue or it'd be so few and used so little. Although, they could get stolen and you might want to run that plate then. I'm wondering does that create any issues at all?

**Ms Michlitsch:** I'm not sure how many were antique and collector. But there was an amendment on the House side that included that plates that have an ampersand would have to be replaced when they renew. So that would not; the way it is drafted, would not include the collector or antiques.

**Senator Patten:** The question on like the antique plates, because it's not renewable if they've got it right now it will stay in place. However, they might be able to identify it as one of the few 1929 that are running around the state. The necessity to change anything like

that I don't think is there. So basically I think the law is written fine with renewals, because that's going to cover anything more modern.

**Jennifer Curtis, Information Security Officer, Division of North Dakota State Radio:**  
See **Attachment #2** for testimony.

**Senator Dwyer:** What does an Information Security Officer for the State Radio do?

**Ms Curtis:** I work with the state and the federal government on the technical side of the FBI security policies. So I make sure North Dakota law enforcement is following policy for the federal laws. So any technical policies, any computers, anything like that. There are certain standards that they have to follow with the FBI. So I'm the person who makes sure that's done in North Dakota.

**Chairman Rust:** So that's the connection. Because I was kind of wondering why would state radio be here?

**Ms Curtis:** Right, so we are the agency that actually runs the message switch which holds the NCIC, NLETS and NDLETS that officer gains that information. So I manage that message switch. So any changes that need to be done, anything that they have access to North Dakota State Radio right now at this time is in charge of that.

**Chairman Rust:** So, run me through, officer stops, runs a plate; what happens, he makes a call?

**(10:45) Ms Curtis:** Most of them have mobile computers in their cars now days, so they run the plate. If there's a "hit" meaning if it's a stolen vehicle or a wanted person, anything like that, they would get a notification. If that's the case they contact dispatch, dispatch confirms; they call the state where it's stolen and make sure that all that information is confirmed. Then they approach the vehicle.

**Chairman Rust:** How does the radio get involved then?

**Ms Curtis:** The officer, if they do it on their computer, they'll call on their radio to dispatch to confirm the "hit".

**Chairman Rust:** That's where you get involved?

**Ms Curtis:** I do not work dispatch I actually manage the computer system that houses the message switch. So the officers and dispatch who have access to that information, I'm the one in charge of running that system.

**Senator Bakke:** If I'm understanding right, when you're saying radio you're not meaning the radio we turn on out dial you're talking about the radio that would be going out to police.

**Chairman Rust:** Yes, I understood that I was just kind of wondering the chain of events. So you've got an officer runs a plate on his computer and it would come up as a hit or not

so he would know if its stolen or not. I'm still wondering where radio comes into that process.

**Ms Curtis:** State Radio holds the message switch and then the radio, if the officer were to get a hit, or a stolen vehicle, they could use their radio in the vehicle to call dispatch to confirm that information. So there's always contact between dispatch and an officer, especially if there's a hit on a stolen vehicle, or a wanted person or a missing person anything like that they always contact that dispatch agency. Then the dispatch agency will call the agency where the stolen vehicle, missing person anything like that is out of to confirm that that is correct information. I just manage the message switch.

**(13:21) Senator Fors:** How many years has this been a problem?

**Ms Curtis:** It has been a problem for several years. Now that the rules have come out where everybody in the United States are going to an xml format and a name format, they're trying to get every state to follow the policy. There aren't very many states left with the ability to have special characters in their license plates, so they're trying to get everybody to follow standard within the states. To make sure that everybody is following the same guidelines.

**(14:07) Senator Dwyer:** Are all law enforcement, like City, State Highway Patrol and Game and Fish, are they all connected to state radio?

**Ms Curtis:** Yes, they are.

**Chairman Rust:** Closed hearing on HB 1094.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Lewis and Clark Room, State Capitol

HB 1094  
2/8/2019  
32447

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Liz Stenehjem
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## **Explanation or reason for introduction of bill/resolution:**

A bill relating to personalized plates for motor vehicles.

## **Minutes:**

1 Attachment
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**Chairman Rust:** See **Attachment #1** for information regarding numbers of antique and collector vehicles impacted.

**Senator Dwyer:** I move a **Do Pass**

**Senator Patten:** I **Second** the motion

**Roll Call Vote Taken:**

**Motion Passed: 6-0-0**

**Carrier: Senator Bakke**



**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO: HB 1094**

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 Senator Dwyer Seconded By Senator Patten

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bakke

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

**REPORT OF STANDING COMMITTEE**

**HB 1094, as engrossed: Transportation Committee (Sen. Rust, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1094 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1094**

HB 1094  
1-10-19  
#1

**HOUSE TRANSPORTATION COMMITTEE**

**Date: January 10, 2019 at 9:00 a.m.**

**North Dakota Department of Transportation  
Lindi Michlitsch, Motor Vehicle Division Director**

**House Bill 1094**

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Good morning, Mr. Chairman and members of the committee. I'm Lindi Michlitsch, Motor Vehicle Division Director at the North Dakota Department of Transportation. Thank you for giving me the opportunity to discuss this proposed bill and answer any questions.

House Bill 1094 proposes to remove ampersands from a personalized plate requested under 39-04-10.3 of the North Dakota Century Code. North Dakota State Radio notified the Motor Vehicle Division that ampersands in license plates are unable to return the owner's registration information when law enforcement enters the plate number through law enforcement's system. In addition, I have received calls from other states that they are unable to run a plate in their system when a plate has an ampersand. When researching this further, it was found only a low percentage of states allow the ampersand. Most states, including Minnesota, do not allow any characters in their personalized plates.

Out of the 64,674 number of personalized plates, 1,223 have personalized plates with ampersands so the impact would be low.

The fiscal impact of this bill is minimal. There are just some minor programming changes that would need to occur since our current system assists us with enforcing the plate rules already in place.

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

HB 1094  
1-10-19  
#2

Testimony – HB 1094  
Transportation Committee  
January 10, 2019  
By Jennifer Curtis

Division of North Dakota State Radio  
Information Security Officer, Division of North Dakota State Radio

Good morning, Mr. Chairman and members of the committee, my name is Jennifer Curtis. I am the Information Security Officer for The State of North Dakota at the Division of State Radio I offer this testimony in support of HB 1094.

House Bill 1094, was filed to address issues with ampersand signs on North Dakota license plates; currently, North Dakota Century Code 39-04010.3 allows North Dakota license plates to have numbers, letters and ampersands. Therefore, if an officer were to query any license plates with an ampersand sign you would not get a return on the owner's information for that vehicle from NLETS (The International Justice and Public Safety Network) and NCIC (National Crime Information Center), and the officer would not get any notification whether that vehicle was a stolen vehicle/license plate. NCIC, and NLETS will reject the query, and say **NCIC: REJECT - FIELD ERROR LIC**. This makes it very difficult for any in-state or out of state law enforcement to get data on that license plate/vehicle. Many times, they would have to call North Dakota DOT to find out the owner of that vehicle, which is not a 24-hour service.

Not only does the ampersand sign not allow law enforcement to search a license plate/vehicle, it will not allow you to put a stolen license plate into the NCIC (National Crime Information Center) system with an ampersand sign. That means anytime an officer tries to run that plate; it will never come back stolen. The response will come back **NCIC: REJECT - FIELD ERROR LIC**. This response could be a danger to law enforcement when performing a traffic stop, because they are unable to retrieve any data about the vehicle they are pulling over.

On behalf of the Department of North Dakota State Radio, I recommend HB 1094 to receive a Do Pass.

Thank you for your time; I will do my best to answer any questions you may have.

**SENATE TRANSPORTATION COMMITTEE**

**Date: February 7, 2019 at 9:00 a.m.**

**North Dakota Department of Transportation  
Lindi Michlitsch, Motor Vehicle Division Director**

**House Bill 1094**

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Good morning, Mr. Chairman and members of the committee. I am Lindi Michlitsch, Motor Vehicle Division Director at the North Dakota Department of Transportation (DOT). This bill is a DOT Agency bill. Thank you for allowing me to explain this bill and answer any questions.

House Bill 1094 proposes to remove ampersands from a personalized plate requested under 39-04-10.3 of the North Dakota Century Code. North Dakota State Radio notified the Motor Vehicle Division that when an ampersand is included in license plates, they are unable to provide the owner's registration information when law enforcement runs the plate number through law enforcement's system. In addition, I have received calls from other states notifying us they are unable to run a North Dakota plate in their system when a plate has an ampersand. When researching this further, it was determined that only a low percentage of states allow the ampersand. Most states, including Minnesota, do not allow any characters in their personalized plates.

Out of the 64,674 number of personalized plates currently registered in North Dakota, only 1,223 have personalized plates with ampersands.

The fiscal impact of this bill is minimal. There are just some minor programming changes that would need to occur since our current system assists us with enforcing the plate rules already in place.

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

Testimony – HB 1094  
Transportation Committee  
February 7, 2019  
By Jennifer Curtis  
Division of North Dakota State Radio  
Information Security Officer, Division of North Dakota State Radio

Good morning, Mr. Chairman and members of the committee, my name is Jennifer Curtis. I am the Information Security Officer for The State of North Dakota at the Division of State Radio, I offer this testimony in support of HB 1094.

House Bill 1094 was filed to address issues with ampersand signs on North Dakota license plates; currently, North Dakota Century Code 39-04010.3 allows North Dakota license plates to have numbers, letters and ampersands. Therefore, if an officer were to query any license plates record with an ampersand sign the system would not return the owner's information for that vehicle from NLETS (The International Justice and Public Safety Network) and NCIC (National Crime Information Center), and the officer would not get a notification whether the vehicle was a stolen vehicle/license plate. NCIC, and NLETS will reject the query, and say **NCIC: REJECT - FIELD ERROR LIC**. This makes it very difficult for any in-state or out of state law enforcement to get information related to the license plate/vehicle. Many times, the officer would have to call North Dakota DOT to find out the owner of that vehicle. DOT is not currently staffed outside of normal business hours.

Not only does the ampersand sign not allow law enforcement to search a license plate/vehicle, it will not allow you to put a stolen license plate into the NCIC (National Crime Information Center) system with an ampersand sign. That means anytime an officer tries to query that plate; it will not indicate that the vehicle is stolen. The response will come back **NCIC: REJECT - FIELD ERROR LIC**. This response could be a danger to law enforcement when performing a traffic stop, because they are unable to retrieve any information about the vehicle.

On behalf of the Department of North Dakota State Radio, I recommend HB 1094 to receive a Do Pass.

Thank you for your time; I will do my best to answer any questions you may have.

From: Michlitsch, Lindi J. [ljmichlitsch@nd.gov](mailto:ljmichlitsch@nd.gov)  
Subject: Ampersand Numbers for HB 1094  
Date: Feb 7, 2019 at 1:08:59 PM  
To: Rust, David S. [drust@nd.gov](mailto:drust@nd.gov)

Senator Rust –

Please see the numbers regarding the Antique and Collector plates with an ampersand. Also, Pam provided additional information as to how to get the same plate meaning without the ampersand.

Let me know if you have questions or need additional information. Thanks!

**Lindi J. Michlitsch**  
Motor Vehicle Division  
[701-328-2734](tel:701-328-2734)  
[ljmichlitsch@nd.gov](mailto:ljmichlitsch@nd.gov)

**From:** Nemeth, Pamela J. <[pjnemeth@nd.gov](mailto:pjnemeth@nd.gov)>  
**Sent:** Thursday, February 07, 2019 10:12 AM  
**To:** Michlitsch, Lindi J. <[ljmichlitsch@nd.gov](mailto:ljmichlitsch@nd.gov)>  
**Subject:** & Numbers for HB 1094

Hi Lindi,

Below are the numbers for Antique and Collector vehicles that currently have an & in the license plate:

Antique – 82  
Antique Motorcycle - 11  
Collector – 3

As a suggestion the Chairman mentioned the license plate 1&2&23 for a Lawrence Welk reference. In this instance, we would suggest 1N2N3 to the customer. This way the customer can keep the same reference in their plate without the &.

Thanks and let me know if you need anything additional.

**Pamela Nemeth**  
Support Operations Manager  
Motor Vehicle Division  
North Dakota Dept of Transportation