

2009 HOUSE HUMAN SERVICES

HB 1038

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1038

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 7, 2009

Recorder Job Number: 6659 24 min. 53 sec.

Committee Clerk Signature

*Vicky Crabtree*

Minutes:

**Chairman Weisz:** I'll call the committee to order. We will open the hearing on HB 1038.

**Vonette Richter, Attorney with the Legislative Council** provided an explanation of 1038.

She stated there was some question what the term "restrict" meant and whether the department had the authority to issue "to work permits". The committee proposed to define the word restrict to make it clear that restrict does mean use of the motor vehicle during the licensees normal working hours.

**Chairman Weisz:** Thank you Vonette. Are there any questions from this committee?

**Rep. Uglem:** Does normal working hours include time to and from work?

**Vonette Richter:** I believe it does. People from transportation can probably clarify that. If it applies to, to and from work on current restricted license under Title 39 it will apply under this.

**Chairman Weisz:** Representative Hofstad.

**Rep. Hofstad:** Thank you Mr. Chairman. Vonette, how would you handle a CDL operator, someone that is over the road trucker for example? How would that apply because obviously his hours would vary sometimes if he is a long distance trucker? How would that work?

Vonette Richter: I don't know if I can answer that.

**Chairman Weisz:** We will get a qualification from DOT on that one. If you want to hold that question?

**Rep. Hofstad:** Sure.

Chairman Weisz: Any other questions for Vonette at this time. If not, thank you very much.

Anyone else in support of HB 1038?

**James Fleming, Deputy Director and Chief Legal Counsel of Child Support Enforcement**

**Division of the DHS:** neutral testimony. **See attachment #2.** Collection efforts are done on the arrears on the 25% that hasn't been paid. Administrative license suspension is one of the most successful collections we have. We send an obligor a notice that says the amount they are behind and that their license will be suspended unless they pay their arrearage or negotiate a payment plan with our office. If an obligor is \$5,000 behind and not making \$8 or \$9 an hour, is unlikely to get that full \$5,000 up front. If you press that situation too hard you will make them run and harder to collect from them. The Child Support Division works with the obligor so they have the ability to work and pay their child support.

**Chairman Weisz:** Thank you. Will there be any questions from the committee? To clarify this, restrictions only occur if there is not a suspension, then the new language would allow you to restrict without a suspension. Is that correct?

**James Fleming:** Mr. Chairman, that is correct, this would let us authorize to give back a suspended license, but hang on to those restrictions.

**Chairman Weisz:** Currently if you give it back, there is no restrictions. You don't have the ability to restrict it if you give it back.

**James Fleming:** There is a danger of mixed messages there, if you give a license back the person's natural reaction is going to be, I must be ok with child support.

**Chairman Fleming:** Any further questions? Thank you.

**Chairman Weisz:** Is there anyone else with a neutral?

**Linda Butts, Deputy Director for Driver and Vehicle Services at the NDDOT** gave neutral testimony. **See attachment #3.**

**Chairman Weisz:** Thank you Linda. Are there any questions from the committee?

**Linda Butts:** I did hear the question, do we allow you to drive back and forth to work. That is correct. The other question that I heard was, what does someone do with an over road trucker who drives long hours. We do give them 12 hours on a temporary drivers license.

**Chairman Weisz:** Does that include going to and from?

**Linda Butts:** When the policy was made, it gave ample time to go to and from work.

**Patti Rothmann, Manager of Driver Improvement Services at the NDDOT.** We do post a notation on the restricted license that they are allowed ample driving time to and from work.

**Chairman Weisz:** Thank you. Any further questions from the committee? If not, thank you.

**Chairman Weisz:** Is there anyone here in opposition to HB 1038? If not we will close the hearing on HB 1038.

**Chairman Weisz:** Let's take up HB 1038. Representative Porter.

**Representative Porter:** Thank you Mr. Chairman. The past couple of sessions has given the department the authority to have a tool chest in the collection process. I think this takes it to the next step to clarify one more tool that they can use in their ability to collect and work with the obligors as they get into a situation of arrears. Some people in arrears, and to get current with the support issue, is to have their drivers license to get to and from work. Know of an individual in Mandan who had a revoked license from the department on a non-payment issue, who now is back driving over the road and in full compliance once they worked out the situation.

Rep. Porter moved for a Do Pass.

**Rep. Potter seconded.**

**Chairman Weisz:** Is there any discussion on the motion? Representative Conrad.

**Rep. Conrad:** Thank you Mr. Chairman. I'm not sure what kind of problem we are trying to solve here?

**Chairman Weisz:** I think it is more of a clarification. They feel that they probably have the authority to do this, but it is not clear, so they want it to get into the tool chest. Any further discussion on this? Before we take a vote, to clarify for the freshman, if you vote yes on this, you are voting for the do pass. If you vote against this, you are voting against the do pass recommendation.

A Roll Call vote was taken. **YEA: 13, Nay: 0, Absent: 0**

**Representative Uglem will carry the bill.**

Date: 1-7-09 HB1038

Roll Call Vote #:

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB1038**House HUMAN SERVICES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ AmendedMotion Made By Rep. PORTER Seconded By Rep. POTTER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 13 No 0

Absent \_\_\_\_\_

Bill Carrier Rep. Uglem

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

**REPORT OF STANDING COMMITTEE**

**HB 1038: Human Services Committee (Rep. Weisz, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1038 was placed on the  
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1038

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1038

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10798

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Chairman Gary Lee** opened the hearing on HB 1038 relating to restrictions on an individual's operator's license for nonpayment of child support or failure to obey a subpoena.

**Representative Shirley Meyer** introduced HB 1038. She said HB 1038 is an attempt to keep obligors working and paying their child support. Written testimony attachment #1

**Senator Fiebiger** had a question on page 2, lines 4-8

**Rep. Meyer** said that Vonette Recter was here and could explain. It is her understanding that when we talk about the subpoena it is the one being issued for child support cases.

**Vonette Richter**, Legislative Council explained the bill and said she was here to answer questions. She gave the committee a hand out of Excerpts from 2009 Legislative Council Report on HB 1038 from Judicial Process Committee-Child Custody and Visitation Study and this committee recommended HB 1038 to authorize the Department of Human Services to issue a restricted operator's license to an obligor or an individual who fails to comply with a subpoena which may be used only during that obligor's or individual's normal working hours..

Attachment #2

**Senator Fiebiger** question on the language on page 2, line 10 and as he reads it, he thinks that any subpoena would fall into this.

**Richter** said that it refers to 2 (a) in Section 1 on page 2.

**Senator Lee** asked if there was any discussion on the enforcement of this kind of action like a driver driving on non work hours.

**Richter** said there was limited discussion but she believes it would fall under the same restrictions as current authority to suspend a license.

**Senator Nodland** asked how many people does this affect.

**Richter** replied that she could not answer that.

**No Opposition**

**Neutral**

**Jim Fleming**, Deputy Director and Chief Legal Counsel of the Child Support Enforcement Division of the Department of Human Services gave neutral testimony before the committee.

Attachments #3 and #4

**Senator Nodland** asked if they now have the flexibility to work with the example of the gentleman who needed his CDL so he could continue to work and allowing him to earn money to pay child support.

**Fleming** answered that they already do this and that they have done this in the past.

**Senator Fiebiger** said that this seems to be another tool and asked if there was any downside to this bill.

**Fleming** said there is no downside.

**Senator Lee** asked if the restricted license looks different and if the restricted license recognized in other states?

**Fleming** said he didn't know.

**Linda Butts**, Deputy Director for Driver and Vehicle Services at the ND Department of Transportation gave information to the committee that relates to commercial driving privileges.

Attachment #5

**Senator Lee** closed the hearing on HB 1038.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1038

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 13, 2009

Recorder Job Number: 10887

Committee Clerk Signature

*Jody Hauge*

Minutes:

Committee work on HB 1038

**Senator Nething** moved a Do Pass.

**Senator Fiebiger** seconded.

**Senator Nodland** said that from the testimony he is ok with the bill but he isn't sure that it really does anything to the existing law.

**Senator Nething** said that he believed the contrary. This now gives a permit process in law, other than CDL, that they can go back to work and it will help to keep them working so they can pay their child support.

**Senator Fiebiger** said it will help some people. "It gives us another tool."

Roll call vote on a Do Pass for HB 1038: 5-0-1 Senator Marcellais was absent.

Senator Nething will carry the bill.

Date: 3-13-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1038

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other

Motion Made By Senator Nething Seconded By Senator Nodland

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebiger	✓	
Senator George Nodland	✓		Senator Richard Marcellais		
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Nething

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

**REPORT OF STANDING COMMITTEE (410)**  
March 13, 2009 11:42 a.m.

**Module No: SR-48-4794**  
**Carrier: Nething**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1038: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1038 was placed on the  
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1038

*Same testimony  
given to Senate.*

*Vonnette Richter*  
#1

## **Excerpt from 2009 Legislative Council Report**

### **House Bill No. 1038**

#### **Judicial Process Committee - Child Custody and Visitation Study**

During the course of the committee's study of child custody and visitation issues, the committee received testimony from an individual who was concerned about discrepancies in the amount of his child support obligation and the difficulty in obtaining an accounting from the Department of Human Services. In response to these concerns, the committee received testimony from the Department of Human Services on the issue of obtaining an accounting of child support obligations as well as on the issue of the suspension of an operator's license for the nonpayment of child support. Regarding driver's license suspensions, driver's licenses can be suspended for nonpayment of child support by the courts as part of the contempt proceedings and by Child Support Enforcement as part of the enforcement process. In 2003 the Legislative Assembly authorized administrative license suspension, including driver's licenses, as part of the simplification of enforcement activities and to better work with obligors before arrearages reached the point of being unmanageable. This legislation led to an increase in the number of suspended licenses as well as an increase in child support payments. Because many obligors are unable to immediately satisfy their arrears, the tool of driver's license suspension helps in efforts to negotiate a payment plan that will enable the obligor to pay the outstanding balances over a 10-year period. The flexibility Child Support Enforcement was given has allowed the program to reinstate suspended licenses for cooperative obligors. It was noted that there may be a limited need for restricted driver's licenses or "work permits." As of June 2, 2008, there have been 955 administratively and 63 judicially suspended driver's licenses. Child Support Enforcement has payment plans with 688 obligors who know their licenses will be suspended if they do not follow through on their payment plans. It was noted that Child Support Enforcement does not want licenses, but they do want parents to take care of their children. The department contended that it is unclear whether Child Support Enforcement currently has the authority to issue restricted driver's licenses. As a result of the information regarding the suspension of operator's licenses for the nonpayment of child support or the failure to obey a subpoena, the committee considered a bill draft that authorized the state agency, which is the Department of Human Services, to issue a restricted operator's license to an obligor or an individual who fails to comply with a subpoena which could only be used during that obligor's or individual's normal working hours. The committee noted that the state agency would likely work with the Department of Transportation to address the implementation issues of the bill draft. The testimony regarding the bill draft indicated that when a restricted operator's license is issued, the Department of Transportation limits the times that the driver may be driving and the routes a driver may drive.

The committee recommended House Bill No. 1038 to authorize the Department of Human Services to issue a restricted operator's license to an obligor or an individual who fails to comply with a subpoena which may be used only during that obligor's or individual's normal working hours.

**Testimony**  
**House Bill 1038 – Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
**January 7, 2009**

Chairman Weisz, members of the House Human Services Committee, I am James Fleming, Deputy Director and Chief Legal Counsel of the Child Support Enforcement Division of the Department of Human Services. I am here to provide neutral testimony and background information regarding House Bill 1038.

Current law allows either a court (judicial) or the Department (administrative) to suspend a person's drivers license for non-payment of child support. North Dakota law contains the following provision:

Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

N.D.C.C. § 39-16-19(3). The Department currently applies a similar good-faith standard to reinstating drivers licenses without restrictions.

The law addressed in the bill, on page 2 line 9, already gives the Department the authority to restrict a license that has not yet been suspended. As we testified before the Interim Judicial Process Committee, the law is unclear on whether we can reinstate a suspended license with restrictions.

An administrative license suspension action by the Department very often results in a payment plan that is signed by the obligor. Subsection 8 of the law addressed in the bill, which starts on page 3 line 23, describes the terms and conditions of a payment plan. This subsection gives the Department the flexibility to work with an obligor who perhaps did not immediately recognize the consequences of failing to pay child support, and now wants to make good faith efforts to support his or her children.

As long as an obligor is willing to pay the court-ordered child support obligation for the current month, which is based on the obligor's actual income or earning ability, the Department can waive or delay some or all of the down payment. We do not insist on full satisfaction of the arrearage unless for some reason the obligor can afford to pay it, such as if we have identified a savings account containing sufficient funds. Once a payment plan is signed, the license is reinstated without restrictions. This allows the obligor to return to normal activities with a minimal amount of government oversight.

One of the reasons that the Department can be flexible in entering a payment plan is that upon breach of a payment plan, which is easy to identify since all payments are required to be paid through our State Disbursement Unit, the license can be immediately re-suspended under subdivision 2(c) of the law (found on page 2 line 14 of the bill).

The current bill draft is unclear whether responsibility for monitoring an obligor's compliance with the license restrictions rests with the Department of Human Services or another agency. If we are to do the monitoring, there would be an added cost which is not in the Department budget. Also, use of the authority is discretionary and not mandated.

The existing law has been in place since 2003 and, to date, we have not had the need to just restrict a license.

Mr. Chairman, we appreciate the interim committee's interest in this area, and I would be happy to address any questions the committee may have.

# HOUSE TRANSPORTATION COMMITTEE

January 7, 2009

North Dakota Department of Transportation  
Linda Butts, Deputy Director for Driver and Vehicle Services

## HB 1038

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Good morning, Mr. Chairman and members of the committee. I'm Linda Butts, Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

This bill relates to restrictions on an individual's operator's license for nonpayment of child support or failure to obey a subpoena. As this bill relates to NDDOT's issuance of a temporary operator's license, the Department wants to share information with the committee that relates to commercial driving privileges.

If a commercial drivers license holder is suspended for non-payment of child support and there are **no other moving violations requiring the suspension or disqualification of driving privileges**, a temporary restricted license may be issued to a commercial license holder for operating a commercial motor vehicle.

However, under the Code of Federal Regulations Chapter 49, Section 384.210 and the implementation of the Motor Carrier Safety Improvement Act of 1999, the NDDOT cannot issue a temporary restricted license (also known as a work permit) to commercial drivers license (CDL) holders to operate a commercial motor vehicle in the majority of situations.

If a commercial drivers license holder loses his or her privileges for any of the disqualifying offenses (For example: DUI, Leaving the Scene, Violating an Out-of-Service order, and committing a felony using a motor vehicle. Or a disqualification for too many serious driving offenses such as: speeding 15 or more miles per hour over the limit, following too close, Reckless Driving, Driving a commercial motor vehicle without a CDL or any other reason related to motor vehicle traffic control violations, including failure to appear/post bond on tickets), he/she **cannot** be allowed to operate a commercial motor vehicle. This includes operating with a temporary restricted license.

A person who has a commercial drivers license and is suspended or disqualified, could get a temporary restricted license for NON-Commercial driving privileges only. NDDOT currently issues temporary restricted licenses to holders of a commercial drivers license but only for operating non-commercial vehicles.

In summary, if the work they do requires them to drive a commercial motor vehicle, a temporary restricted license cannot be issued. Doing so would put the state of North Dakota out of compliance with the federal guidelines and would put North Dakota's Commercial Drivers License Program at risk of rendering all commercial drivers licenses invalid for crossing state lines.

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

Testimony for HB 1038

Senate Transportation Committee

Senator Gary Lee, Chairman

Mr. Chairman and members of the Senate Transportation Committee, for the record my name is Shirley Meyer and I represent District 36.

HB 1038 comes to you from the Interim Judicial Process Committee. During the course of the committee's study of child custody and visitation issues, the committee received testimony from an individual who was concerned about discrepancies in the amount of his child support obligation and the difficulty in obtaining an accounting from the Department of Human Services. In response to these concerns, the committee received testimony from the Department of Human Services on the issue of obtaining an accounting of child support obligations as well as on the issue of the suspension of an operator's license for the nonpayment of child support.

Driver's licenses can be suspended for nonpayment of child support by the courts as part of the contempt proceedings and by Child support Enforcement as part of the enforcement process. In 2003 the Legislative Assembly authorized administrative license suspension, including driver's licenses, as

part of the simplification of enforcement activities and to better work with obligors before arrearages reached the point of being unmanageable. This legislation led to an increase in the number of suspended licenses as well as an increase in child support payments. Although it was noted that there may be a limited need for restricted driver's licenses or "work permits", the department contended that it is unclear whether Child Support Enforcement currently has the authority to issue restricted driver's licenses.

As a result of the information received, the committee considered a bill draft that authorized the Department of Human Services to issue a restricted operator's license to an obligor or an individual who fails to comply with a subpoena which could only be used during that obligor's or individual's normal working hours.

When a restricted operator's license is issued, the Department of Transportation limits the times that the driver may be driving and the routes a driver may drive.

HB 1038 is an attempt to keep obligors working and paying their child support.

I would respectfully ask for a "Do Pass Recommendation"

### 39-06.1-11. Temporary restricted license — Ignition interlock device.

1. Except as provided under subsection 2, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.

2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application of the offender the director may issue for good cause a temporary restricted license that takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20. The director may not issue a temporary restricted license to any offender whose operator's license has been revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary restricted license may be issued for good cause if the offender has not committed an offense for a period of two years before the date of the filing of a written application that must be accompanied by a report from an appropriate licensed addiction treatment program or if the offender is participating in the drug court program and has not committed an offense for a period of three hundred sixty-five days before the date of the filing of a written application that must be accompanied by a recommendation from the district court. The director may conduct a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may also require that an ignition interlock device be installed in the offender's vehicle.

3. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17 or section 39-06-31. A temporary restricted license may be issued for suspensions ordered under subsection 7 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.

4. A restricted license issued under this section is solely for the use of a motor vehicle during the licensee's **normal working hours** and may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.

**Testimony**  
**House Bill 1038 – Department of Human Services**  
**Senate Transportation Committee**  
**Senator Gary Lee, Chairman**  
**March 12, 2009**

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Current law allows either a court (judicial) or the Department (administrative) to suspend a person's drivers license for non-payment of child support. North Dakota law contains the following provision:

Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

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An administrative license suspension action by the Department very often results in a payment plan that is signed by the obligor. Subsection 8 of the law addressed in the bill, which starts on page 3 line 23, describes the terms and conditions of a payment plan. This subsection gives the Department the flexibility to work with an obligor who perhaps did not immediately recognize the consequences of failing to pay child support, and now wants to make good faith efforts to support his or her children.

As long as an obligor is willing to pay the court-ordered child support obligation for the current month, which is based on the obligor's actual income or earning ability, the Department can waive or delay some or all of the down payment. We do not insist on full satisfaction of the arrearage unless for some reason the obligor can afford to pay it, such as if we have identified a savings account containing sufficient funds. Once a payment plan is signed, the license is reinstated without restrictions. This allows the obligor to return to normal activities with a minimal amount of government oversight.

One of the reasons that the Department can be flexible in entering a payment plan is that upon breach of a payment plan, which is easy to identify since all payments are required to be paid through our State Disbursement Unit, the license can be immediately re-suspended under subdivision 2(c) of the law (found on page 2 line 14 of the bill).

The current bill draft is unclear whether responsibility for monitoring an obligor's compliance with the license restrictions rests with the Department of Human Services or another agency. If we are to do the monitoring, there would be an added cost which is not in the Department budget. During the consideration of the bill in the House of

Representatives, the Department of Transportation indicated that it would be willing to monitor compliance with the restrictions on a license, and this helps address our concern.

Also, use of the authority is discretionary and not mandated. The existing law has been in place since 2003 and, to date, we have not had the need to just restrict a license.

Mr. Chairman, I would be happy to address any questions the committee may have.

- 24 5

**SENATE TRANSPORTATION COMMITTEE**  
**March 12, 2009, Lewis & Clark Room**

**North Dakota Department of Transportation**  
**Linda Butts, Deputy Director for Driver and Vehicle Services**

**HB 1038**

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Good morning, Mr. Chairman and members of the committee. I'm Linda Butts, Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

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If a commercial drivers license holder loses his or her privileges for any of the disqualifying offenses (For example: DUI, Leaving the Scene, Violating an Out-of-Service order, and committing a felony using a motor vehicle. Or a disqualification for too many serious driving offenses such as: speeding 15 or more miles per hour over the limit, following too close, Reckless Driving, Driving a commercial motor vehicle without a CDL or any other reason related to motor vehicle traffic control violations, including failure to appear/post bond on tickets), he/she **cannot** be allowed to operate a commercial motor vehicle. This includes operating with a temporary restricted license.

A person who has a commercial drivers license and is suspended or disqualified, could get a temporary restricted license for NON-Commercial driving privileges only. NDDOT currently issues temporary restricted licenses to holders of a commercial drivers license but only for operating non-commercial vehicles.

In summary, if the work they do requires them to drive a commercial motor vehicle, a temporary restricted license cannot be issued. Doing so would put the state of North Dakota out of compliance with the federal guidelines and would put North Dakota's Commercial Drivers License Program at risk of rendering all commercial drivers licenses invalid for crossing state lines.

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