

2009 HOUSE TRANSPORTATION

HB 1069

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/16/09

Recorder Job Number: 7125

Committee Clerk Signature

*Jeannette Cook*

Minutes

**Representative DeKrey** was present to explain HB 1069.

**Representative DeKrey:** This is a technical correction. It was found in Code that ten one hundredths had not been changed to eight hundredths.

**Chairman Ruby:** This is a civil action not a criminal action, correct?

**Representative DeKrey:** Yes, it matches up with what our criminal procedure is now: .08.

**Representative Potter:** What are exemplary damages?

**Tim Dawson, Legislative Assembly:** Exemplary damages are punitive damages. This says that if you have been previously convicted in the last five years and again get another DUI; then you don't have to go through the procedures of proving malice or whatnot to file for punitive damages after you file for the case. It is a secondary motion that you make in a civil proceeding. You have to overcome some burdens in subsection 1; and those burdens are met if you can show this fact scenario: two DUI's in five years.

There was no opposition to HB 1069.

**Chairman Ruby** closed the hearing on HB 1069. He asked the committee's wishes.

**Representative R. Kelsch** moved a Do Pass on HB 1069.

**Representative Delmore** seconded the motion.

A roll call vote was taken. **Yea 14 Nay 0 Absent 0**

**Representative Griffin** will carry the bill.

Date: 1-16-09

Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 1069

House TRANSPORTATION Committee

☐ Check here for Conference Committee

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

Action Taken ☒ Do pass ☐ Don't Pass ☐ Amended

Motion Made By Kelsch Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 14 No 0

Absent 0

Bill Carrier Griffin

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

**REPORT OF STANDING COMMITTEE**

**HB 1069: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1069 was placed on the  
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1069

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1069

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 19, 2009

Recorder Job Number: 11259

Committee Clerk Signature

*Jody Hange*

Minutes:

**Chairman Gary Lee** opened the hearing on HB 1069 relating to exemplary damages.

**Representative De Krey** introduced the bill and said it came about when he was researching another bill and he found a code that was missed in the DUI code. Tim Dawson found the place missed in code when we went from ten one-hundredths of one percent by weight to eight one-hundredths of one percent by weight. This bill stands alone to correct this oversight. The Highway Patrol testified in the House in support of this bill because they have lost 4 DUI cases because of the technicality.

**Senator Fiebiger** asked how long the eight one-hundredth has been in law.

**Senator Lee** said it has been over two sessions.

### **Opposing testimony**

**Senator Lee** closed the hearing on HB 1069.

**Senator Nething** moved a Do Pass on HB 1069.

**Senator Fiebiger** seconded.

**Senator Nething** said that we know what the law is and he said we are just trying to make it uniform across the board.

Roll call vote: 6-0-0

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Senate Transportation Committee

Bill/Resolution No. "Click here to type Bill/Resolution No."

Hearing Date: "Click here to type Hearing Date"

Senator Marcellais will carry the bill.



Date: 5-19-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1069

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) 6 No 0

Absent 0

Floor Assignment Senator Marcellais

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

**REPORT OF STANDING COMMITTEE (410)**  
March 19, 2009 4:11 p.m.

**Module No: SR-50-5427**  
**Carrier: Marcellais**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1069: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1069 was placed on the  
Fourteenth order on the calendar.