

2009 HOUSE TRANSPORTATION

HB 1132

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1132

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: January 09, 2009

Recorder Job Number: 6744

Committee Clerk Signature

Jeannette Cook

Minutes:

The hearing was called to order for HB 1132 and the title of the bill was read by the clerk.

Linda Butts, Deputy Director for Driver and Vehicle Services at the NDDOT testified in support of HB 1132. See attachment #1.

Introductions were made by Linda for Glen Jackson: the Director of the Motor Vehicle Division and Interim Director for Driver's License, and a subject witness: Patti Rothman, head of Driver Improvement Services.

Chairman Ruby: Are there any questions?

Representative Griffin: What's the purpose of not having an officer take the driver's license at the time?

Linda Butts: It was my assumption that when you are pulled over for a DUI the license was taken. That was the case in the past. It is now left with the person to be used as a means of identification.

Patti Rothman, head of Driver Improvement Services: Actually, it was the result of a State Audit. The requirement to allow the operator to retain the license was for the purpose for helping the individual because they could keep that as a form of photo identification, rather than surrender the license, and then have to come in and get photo ID for cashing checks and

various business transactions. The Driver's License Division had file cabinet drawers full of collected licenses. The State Auditors felt that it would be much better if the operator could keep the license and use it for ID.

Representative Thorpe: On Section 6, the new language in here, could you share with us the reasoning for the three days difference in there?

Linda Butts: The reason for the delay is, we use presort here at the Department of Transportation, and so if we use the postmarked date of when it actually leaves DOT, sometimes there is a day or two delay before it gets through presort. So, this again was trying to come down in favor of the driver and notification, that we gave them and extra three days to get through our system.

Chairman Ruby: Linda, what are we repealing here in Section 8?

Patti Rothman: What we are repealing is a part of the Century Code that had previously required that an operator who **bailed** (not sure of word) to provider, keep on file proof of financial responsibility and would have to surrender their license as well. Again, it is the driving privilege that is being suspended, we still suspend the license, they just don't have to surrender it.

Chairman Ruby: Is there anyone else here to speak in support of HB 1132? There being none, is there anyone here to speak in opposition of HB 1132?

There was no opposition to HB 1132.

Chairman Ruby: There being none, we will close the hearing on HB 1132.

Representative Vigesaa moved **Do Pass** on HB 1132.

Representative Potter seconded the motion.

A Roll Call vote was taken. **Yea: 14 Nay: 0 Absent: 0**

Representative Potter will carry the bill.

Date: 1-9-08

Roll Call Vote #: 1132

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1132

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Vigesaa Seconded By Potter

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 Vigesaa	✓				
Representative Weisz	✓				

Total Yes 14 No 0

Absent 0

Bill Carrier Potter

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

REPORT OF STANDING COMMITTEE

HB 1132: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1132

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1132

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10237

Committee Clerk Signature

Jody Hauge

Minutes:

Chairman Gary Lee opened the hearing on HB 1132 relating to licensing.

Linda Butts, Deputy Director for Driver and Vehicle Services at the ND Department of Transportation testified in support of HB 1132. This bill is a Drivers License bill that will amend and repeal language in several sections of North Dakota Century Code. It contains items that were overlooked in previously passed legislation, recommendations as a result of a State Performance Audit, a Federal Commercial Driver's License Review, and clarification to existing state statute. Written testimony #1

Senator Lee questioned the language in section 7 of changing "operator's license" to "driving privileges". Is there something were saying beyond that other than just physically taking the license away.

Linda Butts said in 2004 session it was changed so that people could keep their license as a form of ID but on the driving record it would show that the person was suspended.

Senator Lee asked about the repeal in section 8.

Linda Butts asked Patricia Rothmann of Department of Transportation to answer that.

Patricia Rothmann, Department of Transportation answered that 39-16-29 deals with proof of financial responsibility and the drivers are not required to actually surrender their driver's license to Department of Transportation because of that suspension.

Senator Nething asked what happened if they don't get insurance.

Rothmann said that their driving privileges will remain suspended.

Senator Nething said then it relates to only those that are suspended.

Rothmann correct.

Senator Lee asked if he was in a small town and was without driving privileges would they be able to reference back to that privilege loss.

Rothmann said yes, law enforcement can do a record check or call Department of Transportation.

Senator Potter asked if the driving fine was the same for driving without a license as driving under suspension.

Rothmann answered no, driving without a license you loss 4 points and driving under suspension is a criminal offence and carries stiffer penalties.

No Opposition

Senator Lee closed the hearing on HB 1132.

Senator Nething moved a do pass.

Senator Fiebiger seconded.

Roll call vote: 5-0-1

Senator Nething will be the carrier.

Date: 3-5-09
Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1132

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 Fiebiger

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 5, 2009 1:15 p.m.

Module No: SR-38-4123
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1132: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1132 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1132

Attachment #1
HOUSE TRANSPORTATION COMMITTEE
January 9th, 10:30 location Ft. Totten

North Dakota Department of Transportation
Linda Butts, Deputy Director for Driver and Vehicle Services, NDDOT.
HB 1132

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

The North Dakota Department of Transportation pre-filed House Bill 1132 as an agency bill. This bill is a Drivers License bill that will amend and repeal language in several sections of North Dakota Century Code. It contains items that were overlooked in previously passed legislation, recommendations as a result of a State Performance Audit, a Federal Commercial Driver's License Review, and clarification to existing state statute.

Section 1 adds reference 39-06.1-11 as an exception to 39-06-03(2). This is to update Century Code to cross reference all applicable areas regarding Temporary Restricted License for revocations covering refusals.

Section 2 prohibits the use of the social security number as a drivers license number. This section of code was missed when the legislation was passed in 2003 prohibiting the use of the social security number as a drivers license number.

Section 3 removes the weight and hair color from the Commercial Driver's License document and removes any reference to the social security number as a drivers license number. This will align state statute with the current Commercial Driver's License agreements.

Section 4 adds the word "disqualify" when referring to potential actions taken to remove a commercial driver's license. Currently, the code lists suspend, revoke, and cancel. Disqualify is Federal Highway terminology used when referring to suspension of commercial driving privileges.

Section 5 deletes the requirement of an officer to immediately take possession of an operator's license when a Report and Notice is issued to a driver for a test result above the legal limit. This deletion will be applied three times in the section as notes on lines 32-33 on page 2, lines 15-17 and 19-20 on page 3. This was missed in 2005 when legislation was passed in response to a State Performance Audit.

Section 6 establishes the issue date when a Report and Notice form is mailed to a non-resident operator to coincide with the issue date when mailing a Report and Notice to a resident operator.

HB 1132
Attachment #1
page 2.

Section 7 maintains consistency with the amendments proposed in Section 5 removing the requirement that the officer take possession of an operator's license. In addition a change from the words "operator's license" to "driving privileges" clarifies that it is the driving privilege not the license that is suspended.

#1

SENATE TRANSPORTATION COMMITTEE

March 5, 2009, 9:30 a.m.

Lewis & Clark Room

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

HB 1132

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

The North Dakota Department of Transportation pre-filed House Bill 1132 as an agency bill. This bill is a Drivers License bill that will amend and repeal language in several sections of North Dakota Century Code. It contains items that were overlooked in previously passed legislation, recommendations as a result of a State Performance Audit, a Federal Commercial Driver's License Review, and clarification to existing state statute.

Section 1 adds reference 39-06.1-11 as an exception to 39-06-03(2). This is to update Century Code to cross reference all applicable areas regarding Temporary Restricted License (TRL) for revocations covering refusals. It makes sure we can issue people in this category a TRL

Section 2 prohibits the use of the social security number as a drivers license number. This section of code was missed when the legislation was passed in 2003 prohibiting the use of the social security number as a drivers license number.

Section 3 removes the weight and hair color from the Commercial Driver's License document and removes any reference to the social security number as a drivers license number. This will align state statute with the current Commercial Driver's License agreements.

Section 4 adds the word "disqualify" when referring to potential actions taken to remove a commercial driver's license. Currently, the code lists suspend, revoke, and cancel. Disqualify is Federal Highway terminology used when referring to suspension of commercial driving privileges.

Section 5 deletes the requirement of an officer to immediately take possession of an operator's license when a Report and Notice is issued to a driver for a test result above the legal limit. This deletion will be applied three times in the section as notes on lines 12&13 on page 3, lines 1&2 and 5&6 on page 4. This was missed in 2005 when legislation was passed in response to a State Performance Audit.

Section 6 establishes the issue date when a Report and Notice form is mailed to a non-resident operator to coincide with the issue date when mailing a Report and Notice to a resident operator.

Section 7 maintains consistency with the amendments proposed in Section 5 removing the requirement that the officer take possession of an operator's license. In addition a change from the words "operator's license" to "driving privileges" clarifies that it is the driving privilege not the license that is suspended.

Mr. Chairman, I would be happy to respond to any questions.