

2021 SENATE JUDICIARY

SB 2056

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2056
1/6/2021

A BILL for an Act to amend and reenact subsection 2 of section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.
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Chairwoman Larson called the committee to order at 10:00am, all Senators present: Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, and Larson

Discussion Topics:

- Proof of liability insurance
- Motor vehicle insurance
- Hearing dates for violations

Sarah Behrens submitted testimony #63 in favor of SB 2056, and provided oral testimony in favor of SB 2056 (10:00am).

Senator Luick Motioned DO PASS on SB 2056 (10:11am)

Senator Dwyer seconds DO PASS on SB 2056 (10:12am)

Roll Call Vote: DO PASS ON SB 2056 Senators	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Committee Vote 7-0-0

Senator Luick carries

Chairwoman Larson closed the hearing at 10:15am.

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2056: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

Senate Bill 2056
Senate Judiciary Committee
Testimony Presented by Sara Behrens
January 6, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2056. This bill amends section 39-08-20 to require that the defendant provide proof of liability insurance to the prosecutor rather than to the clerk of court. When an individual is cited for driving without liability insurance, that person can provide proof that they did have a valid policy in effect at the time of the stop. If that proof is provided they cannot be found guilty of driving without liability insurance. Currently, the statute requires the defendant to provide the proof to the clerk of court. While the clerk can file the proof of insurance, the clerk is not in a position to determine whether the proof provided is satisfactory to prevent the conviction and it is not appropriate for the clerk to make that determination. Rather, the prosecutor is the appropriate person to make that determination. If the proof is satisfactory, the prosecutor should dismiss the charge. The clerk does not have the ability to unilaterally dismiss the charge. Use of "prosecutor" rather than "state's attorney" will cover both district court and municipal court charges. Thank you for your consideration and we urge a do pass.

2021 HOUSE TRANSPORTATION

SB 2056

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2056
3/4/2021

A bill relating to driving without liability insurance.

9:30 AM **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	A
Representative Greg Westlind	P

Discussion Topics:

- Proof of liability insurance
- Way to provide proof

Sarah Behrens, ND Supreme Court, introduction. Testimony #7288

Representative Paur request to hold the bill.

Chairman Ruby closed the hearing.

10:15 brought back.

Representative Paur stated that the Highway Patrol confirmed that this bill synchronizes with HB 1520, and they will work together.

Representative Paur moved a Do Pass.

Representative Owens seconded.

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	A
Representative Greg Westlind	Y

Motion Carried. 12-0-2 **Representative Paur**

carrier. 10:18 Adjourned

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2056: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2056 was placed on the Fourteenth order on the calendar.

Senate Bill 2056
House Transportation Committee
Testimony Presented by Sara Behrens
March 4, 2021

Good morning Chairman Ruby, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2056. This bill amends section 39-08-20 to require that the defendant provide proof of liability insurance to the prosecutor rather than to the clerk of court. When an individual is cited for driving without liability insurance, that person can provide proof that they did have a valid policy in effect at the time of the stop. If that proof is provided they cannot be found guilty of driving without liability insurance. Currently, the statute requires the defendant to provide the proof to the clerk of court. While the clerk can file the proof of insurance, the clerk is not in a position to determine whether the proof provided is satisfactory to prevent the conviction and it is not appropriate for the clerk to make that determination. Rather, the prosecutor is the appropriate person to make that determination. If the proof is satisfactory, the prosecutor should dismiss the charge. The clerk does not have the ability to unilaterally dismiss the charge. This bill amends the statute to take the clerk out of the "middleman" position and, instead, have the proof provided right to the prosecutor. Use of "prosecutor" rather than "state's attorney" will cover both district court and municipal court charges. Thank you for your consideration and we urge a do pass.