MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

2101

2005 SENATE TRANSPORTATION

SB 2101

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2101

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-06-05

Tape Number	Side A	Side B	Meter #
1	tape failed		1965-end
1		taped failed	0-250
1		x	1300-1370
Committee Clerk Signature Mary K Monson			

Minutes:

Chairman Trenbeath opened the hearing on SB 2101 relating to mobility impaired parking permits and grounds for refusing or suspending a vehicle registration; relating to registration of house mover vehicles, the definition of a damaged vehicle, and the definition of an all-terrain vehicle.

All members were present.

Keith Kiser (Motor Vehicle Director with the ND DOT) Testified in support of SB 2101. See attached testimony.

Shelly Peterson (President of ND Long Term Care Association) testified in favor of SB 2101 See attached testimony. If abuse is a concern with issuing more than one permit maybe the use of stickers would be a possible solution.

Mike Remboldt (representing HIT) Testified in favor of SB 2101. At times more than one vehicle is needed for transporting those with disabilities and using the close parking spaces is necessary for loading and unloading.

Kent Olson (ND Professional Insurance Agents) Testified in opposition to SB 2101 citing his concern to be with Section 5 and removing the $8,000 trigger point. The intent is to disclose damage and protect the buyer, but removing this would be confusing and probably would hurt both the buyer and seller.

Pat Ward (Property and Casualty Insurance) Opposed SB 2101. Section 5 was his concern. The idea was that this section would apply to newer vehicles but with the change it would bring in older ones.

Bob Lamb (ND Auto Dealers) Opposed SB 2101. He felt removing the floor of $8,000 in Section 5 would be a mistake.

Jack McDonald (Enterprise) He was opposed only to Section 5 of SB 2101. He felt the change would bring in more lower end vehicles.

Senator Nething asked Keith Kiser about the history of handicapped parking permits.

Keith Kiser reported that the law was drafted about 10-15 years ago with input from the handicapped. The statutes never addressed giving the permit to agencies, only to individuals. Agencies have started requesting the permits. In most cases multi person vehicles are used for transporting but passenger cars are also used.

Senator Nething requested that an amendment be drafted removing the limitation on the number of permits in Section 1 (4 words) and omitting Section 5 (the law would stay as is).

The hearing on SB 2101 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2101

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-27-05

Tape Number	Side A	Side B	Meter #
1	x		595-1175
Committee Clerk Signature Mary K Monson			

Minutes:

Chairman Trenbeath opened SB 2101 for discussion.

There had been questions with respect to Sections 1, 2, and 3. There were some concerns about the limitations of Section 1 with respect to no more than two for entities or care providers. There were also concerns with Sections 2 and 3 where the state wants to suspend or refuse registration when the feds have ordered them out of service. Other concerns were with defining motor vehicle body damage for purposes of a tainted title.

Senator Trenbeath offered an amendment to deal with those concerns.

Senator Nething motioned a Do Pass on the amendment. Seconded by **Senator Bercier.**

The motion passed on a voice vote.

Senator Espegard motioned a **Do Pass as Amended.** Seconded by **Senator Warner.**

Roll call vote 6-0-0. **Passed.** Floor carrier is **Senator Warner.**

Date: 1-27-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 2101

Senate **TRANSPORTATION** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Espegard Seconded By Sen. Warner

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Warner

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

REPORT OF STANDING COMMITTEE

SB 2101: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "subsection 3 of section 39-05-17.2,"

Page 1, line 7, remove ", the definition of a damaged vehicle,"

Page 1, line 12, remove "no more than two"

Page 2, remove lines 24 through 31

Page 3, remove lines 1 and 2

Renumber accordingly

2005 HOUSE TRANSPORTATION

SB 2101

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2101

House Transportation Committee

☐ Conference Committee

Hearing Date February 24, 2005

Tape Number	Side A	Side B	Meter #
1	X		27-42.2
Committee Clerk Signature			

Minutes:

Chairman Weisz opened the hearing on SB 2101 A Bill for an Act to create and enact a new subsection to section 39-01-15, a new subsection to section 39-04-05, and a new subsection to section 39-04-06 of the North Dakota Century Code, relating to mobility impaired parking permits and grounds for refusing or suspending a vehicle registration; and to amend and reenact subdivison 1 of subsection 2 of section 39-04-18, subsection 1 of section 39-29-01, and subsection 1 of section 57-40.3-01 of the North Dakota Century Code, relating to registration of house mover vehicles and the definition of an all-terrain vehicle.

Jerry Petersen:(29.1) Business Manager with Motor Vehicle Division. (see attached testimony #1)

Chairman Weisz Section 1 on the mobility impaired? We addressed that on HB 1229. Is this the same language?

Jerry Petersen: We don't mind if either bill passes. If this was done away with HB 1229 takes care of that.

Chairman Weisz On the all-terrain vehicles HB1342 take out the reference to the word also?

Jerry Petersen: HB 1342 changed the definition of all-terrain vehicle, but I think it took out the entire section of the definition and that might have taken out the weight also.

Rep. Dosch(32.8) On your change on page 2, lines 1 & 2 as far as the PFC? Are permits required if we remove this do they still need permits.

Jerry Petersen: I think they are permitted. The permits are now issued by the highway patrol whether they are over width or whatever. I think this was never taken out of here. It was due to deregulation back in 1995.

Rep. Thorpe(34.3) Is there anything in this bill we really need?

Jerry Petersen: I think the main thing here is the interstate motor carriers which would give us the authority to mark their records. That has not been addressed in another bill. When the federal motor carriers safety administration will ask the highway patrol to inspect the vehicle and they report back to them and they make a report on the Internet or they will send us a letter telling there is a safety violation or something like that.

Chairman Weisz What happens when the notice is taken off the Internet. Will you send them a notice to send the registration back to you or what?

Jerry Petersen: At that time we would make a notation on their record and send a notice out to the highway patrol in the other states stating that their credentials are not valid that they carry.

Shelly Peterson: (37.0) See attached testimony #2)

Rep. Hawken(38.0) Is there any reason at all to keep this around? I will assume you will be tracking this in the senate.

Shelly Peterson: No, I don't think so. HB 1229 is this morning so we will know, but I don't think that would be a problem.

Rep. Owens(38.7) HB 1229, I thought it gave additional guidance and was based on the number of vehicles registered, did it now?

Chairman Weisz(38.9) You are correct. It gives more guidance. It insures that they will issue based on the number of vehicles.

Shelly Peterson: Plus Mr. Chairman, you also included the language for veterans organizations and they really like the preference of being named.

Rep. Schmidt(39.3) Are those parking permits for the entities the same as for the individuals. Are they a blue card or what are they like?

Shelly Peterson:I am not sure. Would they change them when they can not legally issue to an entity? I don't know.

Rep. Schmidt We have had a problem for individuals. They pass them from car to car. There is abuse on them now.

Shelly Peterson: The handicapped parking permit must stay in the vehicle and should someone abuse that policy they would be disciplined.

Jack McDonald:(41.0)(see attached testimony #3)

I don't have a problem with either bill. Your changes with HB1229 are better and stronger.

Chairman Weisz Anyone here in opposition? None

Hearing closed (42.2)

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2101

House Transportation Committee

☐ Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
2		X	48.5-end of tap
Committee Clerk Signature			

Minutes:

Chairman Weisz reopened hearing on SB 2101.

Motion Made By Rep. Iverson Seconded By Rep. Meyer

Chairman Weisz: So everyone is clear. We are going to removed Section 1, page 1; section 5

Voice vote carried No opposition.

Motion Made By Rep. Iverson Seconded By Rep. Meyer

(Tape ended)

Do Pass As Amended 13 Yes 0 No 2 Absent Carrier: Rep. Dosch

Date: 3-17-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2101

House **Transportation Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass As Amend.

Motion Made By Rep. Iverson Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	abst		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	✓				
Rep. Owens	✓				
Rep. Price	abst				
Rep. Ruby	✓				
Rep. Vigesaa	✓				
Rep. Weiler	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Dosch

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

REPORT OF STANDING COMMITTEE

SB 2101, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 39-01-15,"

Page 1, line 2, remove the comma

Page 1, line 5, remove ", subsection 1 of section 39-29-01,"

Page 1, remove lines 9 through 14

Page 2, remove lines 22 through 28

Renumber accordingly

2005 TESTIMONY

SB 2101

SENATE TRANSPORTATION COMMITTEE
January 6, 2005

North Dakota Department of Transportation
Keith Kiser, Motor Vehicle Director

SB 2101

Chairman Trenbeath and members of the Senate Transportation Committee: NDDOT supports SB 2101. This bill:

- Creates a new statute relating to the issuance of mobility-impaired parking certificates
- Creates new statutes relating to the grounds for suspending or refusing to issue registration for a vehicle
- Amends the statute relating to the registration of vehicles owned by building movers
- Amends the definition of motor vehicle body damage
- Amends the definition of all-terrain vehicles

On page 1, lines 12 through 16, we propose to create specific authority for NDDOT to issue mobility-impaired parking certificates to people or organizations who transport a mobility-impaired person. Current statutes limit the issuance of mobility impaired parking permits to people who meet specific medical criteria, but people who transport impaired persons also need to use the designated parking spaces. NDDOT has, in the past, provided parking certificates to these entities, but we hesitate to continue doing so without statutory authority.

On page 1, lines 19 and 20, and page 1, lines 23 and 24, we propose to add a new reason for suspending or refusing to renew the registration of a vehicle. We ask for authority to suspend or refuse registration when an interstate motor carrier has been ordered out of service by the Federal Motor Carrier Safety Administration (FMCSA). An out-of-service order is a "last resort" when a motor carrier has not taken action to correct identified safety violations on vehicles it owns or operates. We believe that when the FMCSA orders a motor carrier out of service, we should make sure the vehicles do not have the credentials to continue to operate. We would restore the vehicle's registration when the motor carrier has corrected the violations that led to the out-of-service order.

On page 2, lines 3 and 4, we propose to remove the requirement that a resident building mover have a permit issued by the Public Service Commission (PSC) in order to qualify for the special registration provisions. The PSC has not issued these permits since 1995.

On page 2, lines 29 and 30, we propose to change the definition of motor vehicle body damage. Currently, motor vehicle body damage is defined as the greater of either $8,000 or 40% of the pre-damaged retail value of the vehicle. We have found this definition confusing for the public, and believe it should be simplified to include only motor vehicles where the damage equals or exceeds 40% of the pre-damaged retail value of the vehicle.

On page 3, lines 6 and 7, we proposed to change the definition of an all-terrain vehicle, for registration purposes, by deleting the reference to the weight of the vehicle. This statute was changed from 600 pounds to 1,000 pounds a few years ago, but all-terrain vehicles are getting larger and larger. We propose removing any reference to the vehicle weight in the definition.

On page 3, lines 13 through 14, we propose to make the same change, for the same reasons, in the motor vehicle excise tax statute.

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Testimony on SB 2101
Senate Transportation Committee
January 6, 2005

Chairman Trenbeath and members of the Senate Transportation Committee, thank you for the opportunity to testify on SB 2101. My name is Shelly Peterson, President of the North Dakota Long Term Care Association.

We appreciate the initiative of the Department of Transportation to introduce this legislation, allowing the issuance of mobility impaired parking permits to care providers transporting handicap individuals. Currently permits are suppose to be issued to individuals not entities. We've appreciated the Department not complying with the "exactness" of the statute. The Department has been providing two permits per care facility and SB 2101 will make this past practice "legal."

This lack of authority to issue permits to nursing facilities has been of concern to us also. Based on our concern Representative Kreidt is the prime sponsor on legislation in the House allowing the Department of Transportation to issue mobility impaired parking permits to entities and care providers. It is not limited to two permits as stated in SB 2101. Representative Kreidt's legislation does not yet have a bill number. We request that you amend Section 1 allowing for the issuing of permits rather than the limitation of two permits.

Thank you for your consideration of our proposed change to Section 1. I would be happy to answer any questions you may have.

Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660

#1

HOUSE TRANSPORTATION COMMITTEE
February 24, 2005

North Dakota Department of Transportation
Jerry Petersen, Business Manager
Motor Vehicle Division

SB 2101

Chairman Weisz and members of the House Transportation Committee: NDDOT supports SB 2101. This bill:

- Creates a new statute relating to the issuance of mobility-impaired parking certificates
- Creates new statutes relating to the grounds for suspending or refusing to issue registration for a vehicle
- Amends the statute relating to the registration of vehicles owned by building movers
- Amends the definition of all-terrain vehicles

On page 1, lines 11 through 14, we propose to create specific authority for NDDOT to issue mobility-impaired parking certificates to people or organizations who transport a mobility-impaired person. Current statutes limit the issuance of mobility impaired parking permits to people who meet specific medical criteria, but people who transport impaired persons also need to use the designated parking spaces. NDDOT has, in the past, provided parking certificates to these entities, but we hesitate to continue doing so without statutory authority.

On page 1, lines 17 and 18, and page 1, lines 21 and 22, we propose to add a new reason for suspending or refusing to renew the registration of a vehicle. We are asking for authority to suspend or refuse registration when an interstate motor carrier has been ordered out of service by the Federal Motor Carrier Safety Administration (FMCSA). An out-of-service order is a "last resort" when a motor carrier has not taken action to correct identified safety violations on vehicles it owns or operates. We believe that when the FMCSA orders a motor carrier out of service, we should make sure the vehicles do not have the credentials to continue to operate. We would restore the vehicle's registration when the motor carrier has corrected the violations that led to the out-of-service order.

On page 2, lines 1 and 2, we propose to remove the requirement that a resident building mover have a permit issued by the Public Service Commission (PSC) in order to qualify for the special registration provisions. The PSC has not issued these permits since 1995.

On page 2, lines 25 and 26, we proposed to change the definition of an all-terrain vehicle, for registration purposes, by deleting the reference to the weight of the vehicle. This statute was changed from 600 pounds to 1,000 pounds a few years ago, but all-terrain vehicles are getting larger and larger. We propose removing any reference to the vehicle weight in the definition.

On page 3, lines 2 and 3, we propose to make the same change, for the same reasons, in the motor vehicle excise tax statute.

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#2

Testimony on SB 2101
House Transportation Committee
February 24, 2005

Chairman Weisz and members of the House Transportation Committee, thank you for the opportunity to testify on SB 2101. My name is Shelly Peterson, President of the North Dakota Long Term Care Association.

We appreciate the initiative of the Department of Transportation to introduce this legislation, allowing the issuance of mobility impaired parking permits to care providers transporting handicap individuals. Currently permits are suppose to be issued to individuals not entities. We've appreciated the Department not complying with the "exactness" of the statute. The Department has been providing two permits per care facility and SB 2101 will make this past practice "legal."

This lack of authority to issue permits to nursing facilities has been of concern to us also. Based on our concern Representative Kreidt introduced HB 1229 allowing the Department of Transportation to issue mobility impaired parking permits to entities and care providers. The House passed HB 1229, 89-0 on January 26, 2005. HB 1229 states:

> **SECTION 1.** A new subsection to section 39-01-15 of the North Dakota Century Code is created and enacted as follows:
>
> > The department shall issue a mobility-impaired parking permit for a vehicle owned and operated by care providers licensed by the state, veterans-related organizations, and other entities that regularly transport mobility-impaired individuals for use by those providers and entities to park in designated parking spaces while transporting mobility-impaired individuals.
>
> **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

The only measurable difference in this specific topic, between the House and Senate version, is the emergency clause. The emergency clause will allow the Department of Transportation to operate within the law sooner rather than later.

I would be happy to answer any questions you may have.

Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660

#3

February 24, 2005

HOUSE TRANSPORTATION COMMITTEE
SB 2101

CHAIRMAN WEISZ AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of The Arc of North Dakota. The Arc is an open membership organization made up of people with mental retardation and other related developmental disabilities, their families, friends, interested citizens, and professionals in the disability field.

It is organized on three levels: local chapters, state chapters and the national organization. All three levels provide opportunities to engage policy-makers in efforts to improve public policy affecting people with mental retardation and related developmental disabilities and their families.

The Arc of North Dakota has over 1,500 committed members and friends...your neighbors and constituents...in chapters in Grand Forks, Fargo, Valley City, Jamestown, Bismarck, Dickinson and Bowman.

Our **Mission Statement** is to improve the quality of life for children and adults with mental, retardation and related developmental disabilities and their families through advocacy, education and family support services.

Public policy advocacy is an essential component of the Arc movement, and that's why we're here today. Arc members have worked together over the past 50 years to secure family support services, special education, health care, leisure opportunities, vocational training, community housing and other community support services.

The Arc strong supports SB 2101. It will help our organization and other similar groups in meeting the transportation needs of the developmentally disabled.

Therefore, we respectfully request that you give the bill a do pass. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.