

2013 HOUSE TRANSPORTATION

HB 1027

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1027
01/11/13
Job # 17104

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to driving under suspension and the issuance of temporary restricted motor vehicle operator's licenses.

Minutes:

Chairman Ruby opened the hearing on HB 1027.

John Bjornson, Legislative Council, introduced the bill. The bill came from an interim study from the Commission on Alternatives to Incarceration. He neither supports nor opposes to the bill, but was in the hearing to present the bill. He stated that the committee looks at ideas to keep people in the community rather than locked up. One of the issues that came up during the meetings was driving under suspension. The commission was told by some judges that there is a problem with the courts seeing a lot of people that have driving under suspension offenses, and they would like to find a better solution for these people. He continued to explain the bill section by section.

Representative Delmore: Is Section A about proof of financial responsibility? Is that for people having liability insurance on their vehicle?

John Bjornson, Legislative Council: Yes, and there are also other methods of showing proof of financial responsibility.

Representative Delmore: Does this bill cover making sure offenders keep liability insurance on their vehicles after they get their driving privileges back?

John Bjornson, Legislative: No, it does not go into that.

John Bjornson, Legislative Council, continued his explanation. Ended 20.00 min.

Representative Delmore: We have had a lot of success with 24/7. Was there any discussion about that?

John Bjornson, Legislative Council: Yes, there was some discussion about it. The bill makes reference to treatment programs and sobriety programs. This is designed to work

with those types of programs to bring people into compliance with the law. It is intended to help prevent some people from becoming hardcore offenders.

Representative Fransvog: If you have a conviction of DUI, then this would kick in? Is that the intent of this legislation?

John Bjornson, Legislative Council: This is to address subsequent offenses of driving under suspension. Some people tend to want to keep driving, even under suspension. This is intended to kick in down the road, to keep these people from continuing to drive when they might have the ability to drive legally. 23:21

Representative Fransvog: Is it saying, if you have lost your license for an offense, and then you get a second offense, this gives you another chance?

John Bjornson, Legislative Council: It is not intended to help me if I get more than one DUI, but if I get a DUI and I have followed the rules, my time is passed when I could get a license, but I didn't. Then if I got pulled over for driving under suspension, I could go to the court and let them know that I wasn't aware, and now I have my license. It may help me in that situation. It may also help someone who has a two year suspension. If they have followed all the rules, after a year, they may be able to get a temporary restricted license.

Brenda Heller: Why was the deletion made on page 23-24?

John Bjornson, Legislative Council: On line 17 we have reduced the period from two years to one year. This deletion will make it consistent with line 17, all one year.

Chairman Ruby: It seems like before the punishment was two years, but reduced to one year if the offender went to drug court or other court ordered treatment. Is this a shift of intent?

John Bjornson, Legislative Council: It does not remove the option of going to Drug Court, and it will still be encouraged as much as possible. The idea is that a person won't have to wait two years to get a restricted license.

Chairman Ruby: Does this cover both a person who could get back his regular license, and give offenders the ability to get a restricted license in a shorter period of time?

John Bjornson, Legislative Council: It is to provide more flexibility if they are getting a temporary restricted license, but it will also give the court the ability to dismiss a driving under suspension charge for those who already have the ability to get their license, but for some reason didn't do it.

Chairman Ruby: Is this working for both Department of Transportation and the courts?

John Bjornson, Legislative Council: Yes, that is correct.

Representative Vigesaa: Referring back to Representative Delmore's question about insurance. When it says "proof of responsibility", is that legal terminology for having insurance?

John Bjornson, Legislative Council: As I understand there are other methods of providing "proof of responsibility". I'm not totally sure of those.

Representative Delmore: Part of the problem is that it is difficult to get insurance if a person has had multiple violations. I would be interested in knowing exactly what it means also.

Representative Gruchella: "Proof of Insurance" is wording that is consistent throughout code. It means that someone who has enough capital can put up a business, for example, for collateral, and they wouldn't have to have insurance. You could show a financial statement and that would be consistent. There are also other ways.

Chairman Ruby closed the hearing on HB 1027.

Representative Weisz discussed adding an amendment to this bill that has to do with restrictions on young people. It was decided that it would be added to a Senate Bill.

Representative Weisz moved a DO PASS on HB1027.

Representative Gruchella seconded the motion.

Chairman Ruby reviewed the content of the bill.

Representative Becker: I like the part about trying to understand when a citizen has procrastinated, and suddenly they find themselves in a difficult situation. It happened to a young family member of mine. He waited until the last minute to send in a payment for a traffic ticket and assumed that it was taken care of. He continued to drive, not taking into account that it takes a few days to process. He found himself driving under suspension. I like the fact that this gives a little more leeway.

There was no further discussion.

A roll call vote for DO PASS was taken on HB1027. HB 1027 passed: 13 aye, 0 nay, and 1 absent.

Representative Gruchella will carry HB1027.

Date: 1-11-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1027**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Weisz Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	A		Rep. Edmund Gruchalla	✓	
Rep. David Drovdal	✓		Rep. Kylie Oversen	✓	
Rep. Brenda Heller	✓				
Rep. Robin Weisz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robert Frantsvog	✓				
Rep. Curtiss Kreun	✓				
Rep. Rick Becker	✓				
Rep. Mike Schatz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Gruchalla

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

REPORT OF STANDING COMMITTEE

HB 1027: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1027 was placed on the
Eleventh order on the calendar.

2013 SENATE TRANSPORTATION

HB 1027

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HOUSE BILL 1027
Feb 21 2013
Recording job number 19313

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to driving under suspension and the issuance of temporary restricted motor vehicle operator's licenses.

Minutes:

Attached testimony. 1

John Bjornson: Legislative Management; neither for or against the bill; here to explain the bill draft. The Commission on Alternatives to Incarceration is a statutory created interim committee whose responsibility is to look at ways to reduce incarceration. The commission spent the last six years examining issues related to incarceration and looking at diversion programs to keep people out of prison and transition them back in the community. This last interim the commission was informed by its members who are part of the judicial branch that they still see a lot of people come before the district courts for driving under suspension. They looked at options to address this issue; including finding some way to allow them to drive to necessary things like work, doctor appointments, etc... They examined the existing law and found that by making a few tweaks they may be able to provide flexibility to North Dakota Department of Transportation (DOT) to issue temporary restricted drivers licenses. They can be issued now but additional flexibility is needed to allow these temporary restricted licenses to be used in appropriate circumstances when they may not have been allowed under the existing law. Section 2, lines 16-18, allows courts to dismiss charges if the defendant has the license reinstated sixty days after the offense and proves to the court that the license has been in effect reinstated. Section 3 addresses the temporary restricted license prohibitions that are in law currently, now the director cannot issue a license if the offender hasn't been offending for two years. This bill reduces the period to one year. All of this is basically a privilege, not a right, the director has to find that the person is worthy, if they show proof of financial responsibility and, if referred to a treatment program, proof that they complied. When the bill went through the House we noticed that we missed a cross reference page 4 line 4 to take that cross reference out of the bill. Handed out amendment, **attachment # 1**

Glen Jackson Director of Driver's License Division North Dakota Department of Transportation (DOT) favors this bill if it doesn't apply to someone driving under suspension for an alcohol violation, but under suspension for driving under suspension.

No additional testimony Hearing closed Discussion followed: if this bill passes and a later bill contradicts this one, what happens? The code reviser will reconcile statutes, if there is conflict the last bill passed supersedes the earlier one.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1027
4/04/2013
Recording job number 20863

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to driving under suspension and the issuance of temporary restricted motor vehicle operator's license.

Minutes:

Attached testimony

Chairman Oehlke opened the discussion on HB 1027. There is an amendment 04001 page 4, line 4, to overstrike "subsection 5 of section 39-06-17". Senator Campbell summarized the bill, it deals with repeated non- alcohol related suspensions.

Vice Chairman Armstrong moved to adopt amendment

Senator Axness seconded

Voice vote: all in favor none against none absent not voting

Vice Chairman Armstrong moved DO PASS AS AMENDED

Senator Sitte seconded

Roll call vote: Yes 7 No 0 Absent not voting 0

Carrier: Vice Chairman Armstrong

13.0067.04001
Title.05000

Prepared by the Legislative Council staff

February 15, 2013

3/4/13
10

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1027

Page 4, line 4, overstrike "subsection 5 of section 39-06-17 or"

Renumber accordingly

Date: 4/04/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1027

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0067.04001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Armstrong Seconded By Senator Axness

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke			Senator Tyler Axness		
Vice Chairman Kelly Armstrong			Senator George Sinner		
Senator Margaret Sitte					
Senator Tim Flakoll					
Senator Tom Campbell					
<i>Voice Vote</i>					

Total (Yes) 7 No _____

Absent _____

Floor Assignment _____

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

Page 4, line 4, overstrike "subsection 5 of section 39-06-17 or"

Date: 4/04/13
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1027**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Armstrong Seconded By Senator Sitte

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	✓		Senator Tyler Axness	✓	
Vice Chairman Kelly Armstrong	✓		Senator George Sinner	✓	
Senator Margaret Sitte	✓				
Senator Tim Flakoll	✓				
Senator Tom Campbell	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1027: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 4, line 4, overstrike "subsection 5 of section 39-06-17 or"

Renumber accordingly

13.0067.04001
Title.

Prepared by the Legislative Council staff

February 15, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1027

Page 4, line 4, overstrike "subsection 5 of section 39-06-17 or"

Renumber accordingly