

2013 SENATE TRANSPORTATION

SB 2040

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2040
January 10, 2013
Recording job number: 17064

Conference Committee

Dawson & Pérez

Explanation or reason for introduction of bill/resolution:

To create and enact section 39.06 of the North Dakota Century Code relation to fees for commercial driver's licenses; and to amend and reenact sections relating to commercial driver's licenses.

Minutes:

Attached testimony: 1

Chairman Senator Oehlke opened the hearing on SB 2040

Mr. Timothy J Dawson, Legislative Council, staffed the Interim Transportation Committee I am here to explain the bill draft and not for or against the bill draft. This bill is in the sheet of paper I provided you under Commercial Driver's License Fees bill draft, it consolidates the fees for commercial driver's licenses. We cleaned up all the sections of law with non-substantive changes that had anything to do with fees. The end result is the last page when comparing fees for commercial driver licenses, endorsements and driving records are all on one page, under one section of law. Attached testimony 1

Mr. Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (NDDOT)
We worked with the Interim Committee on this bill; there are no substantive changes and the Department supports the bill.

No additional testimony in favor. No opposing testimony.

Chairman Senator Oehlke closed the hearing on Senate Bill 2040.

Senator Flakoll Motion to approve

Senator Sinner Seconded the motion

Roll call vote: Do Pass 7-0

Carrier: Senator Flakoll

Date: 01/10/2013
Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/ NO. 2040**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Flakoll Seconded By Senator Sinner

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Flakoll

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

REPORT OF STANDING COMMITTEE

SB 2040: Transportation Committee (Sen. Oehlke, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the
Eleventh order on the calendar.

2013 HOUSE TRANSPORTATION

SB 2040

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2040
03-14-13
Job # 19955

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to fees for commercial driver's licenses.

Minutes:

Attachment 1

Chairman Ruby opened the hearing on SB 2040.

Glenn Jackson, Director, Driver's License Division, North Dakota Department of Transportation introduced SB 2041 and explained the changes. The Department of Transportation agrees with this bill and there are no substantive changes. Written testimony was provided. See attachment #1.

Representative Kreun: On page 7 line 19, are we checking the employer's driving record?

Glenn Jackson: That is for the employer. If an employer wants to see the commercial record of an employee, it will cost them \$3.00.

Representative Delmore: What is the typical cost of a commercial driver's license?

Glenn Jackson: It depends on how many endorsements are needed. An endorsement is \$3.00.

Chairman Ruby: Is it \$3.00 each time that you renew, or just when you take the test?

Glenn Jackson: I think it is just when you take the test, and then you just pay \$15.00 for the renewal.

There was no further testimony on SB 2040.
The hearing was closed on SB 2040.

Representative Drovdal moved a DO PASS on SB 2040.

Representative Vigesaa seconded the motion.

A roll call vote was taken. Aye 13 Nay 0 Absent 1 The motion carried.

Representative Fransvog will carry SB 2040.

Date: 3-14-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2040**

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 Drovdal Seconded By Vigesaa

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

Total (Yes) 13 No 0

Absent 1

Floor Assignment Frantsvog

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

REPORT OF STANDING COMMITTEE

SB 2040: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2040 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

SB 2040

The committee was informed much of the permitting is for 10 percent overweight permits, and the 10 percent overweight permit could be removed by adding a fee to registration. Because the 10 percent permits are allowed for so many months out of the year, it was argued permits may not make administrative sense. Because the purpose of the fee is to maintain roads, a registration fee would meet the purpose without the administration of the permit.

Representatives of law enforcement recommended statutory fees should be increased. The committee was informed the issuance of a ticket takes approximately 15 minutes and costs law enforcement approximately \$79 in salary and overhead.

NDCC Chapter 39-06 Bill Draft

The committee considered a bill draft to improve the consistency and clarity of NDCC Chapter 39-06 on operator's licenses and provide for fee consolidation. The sole purpose for the fee schedule was to consolidate the fees in the chapter, and no fee amounts were changed. The bill draft was meant to provide improvement without substantive changes.

The committee considered a second version of the bill draft for purposes of improving the consistency and clarity of the chapter. All of the changes made to the first draft were to improve clarity. An example of the type of change made in the second draft was to change "impose" to "reimpose".

Commercial Driver's License Fees Bill Draft

The committee considered a bill draft to consolidate the fees for commercial driver's licenses. The bill draft consolidated the fees and clarified the language in sections that provide for fees. The Department of Transportation requested the bill draft and supported it before the committee.

The committee was informed that after 30 days of being in this state and becoming a North Dakota resident, a person with a commercial driver's license needs a North Dakota license. Unless a person is stopped and law enforcement has reason to believe that person is living in this state, it is difficult to enforce the North Dakota commercial driver's license requirement. However, the committee was informed the increase in the number of commercial driver's licenses in this state shows a good level of compliance.

The committee was informed the Department of Transportation will not push for increased fees when there is a budget surplus unless the Legislative Assembly directs an increase in fees. However, the department incurs a "loss" of \$3 on average for the issuance of each license. Committee discussion included the fees for licenses are low, and each license fee should be raised at least \$5 and up to 3.5 times based on inflation.

The committee considered a second version of the bill draft to consolidate the fees for commercial driver's licenses. The bill draft contained further changes to improve the consistency and clarity. Examples of the changes made in the second bill draft include changing

"this or another" to "a" and replacing "person" with "individual".

Number Plates Destruction Bill Draft

The committee considered a bill draft to provide for the destruction of license plates for driving while under the influence and driving under suspension or revocation, instead of impoundment. The Department of Transportation requested the bill draft and supported it before the committee.

Destruction is preferred to impoundment because impoundment creates a storage issue with the Department of Transportation, and impounded plates are rarely requested to be returned. The committee was informed usually a person who has a plate impounded gives the vehicle to a family member, and the credit for registration goes to that family member. There is a provision of law for the impoundment of a number plate for driving without liability insurance; but in this instance, impoundment was kept because the impoundment could be for a very short duration.

The Department of Transportation has 46 boxes of impounded plates, and if the bill draft becomes law, the plates will be sent to Roughrider Industries to be recycled. If a license plate is destroyed and not used for three years and one month, the plate number may be used by another citizen. The numbers on the plates that have been impounded will never be reused.

The Department of Transportation recommended a change in the language of the bill draft so that the court would communicate to the department that a plate has been destroyed. As a result, the committee considered a second version of the bill draft. The only change in the second bill draft was to add a notification to the department.

During review of the bill draft, the committee discovered the use of the term "sheriff" for the person that destroys the number plates for driving while under suspension or revocation and the term "police officer" for the destruction of number plates for driving while under the influence. The committee included an amendment of NDCC Section 39-06-42(4) to provide that a city, may by ordinance, authorize its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 3. Under the definitions under Section 39-01-01, a police officer is anyone who enforces traffic laws. With the amendment, the court would give the plate to the sheriff with respect to a city that contracts with the sheriff for law enforcement.

Certificate of Title for Out-of-State Vehicles Bill Draft

The committee considered a bill draft to prohibit the Department of Transportation from issuing a certificate of title or transferring a certificate of title to an out-of-state vehicle with a marked title. A marked title includes a certificate of destruction or a notation on the title that the vehicle is scrapped, parts-only, junk, unrepairable, not rebuildable, a dismantler, or any other similar notation. The bill draft was based on 2011 Senate Bill No. 2076.

#1

**HOUSE TRANSPORTATION COMMITTEE
March 14 2013, 2:00PM; Fort Totten Room**

**North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division**

SB2040

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

The DOT had the opportunity to work with the committee during the interim and is in agreement with the bill. There are no substantive changes affecting the licensing process.

Thank you, Mr. Chairman, I would be happy to answer any questions.