

2013 SENATE JUDICIARY

SB 2041

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2041
1/16/13
Job #17283

Conference Committee

Committee Clerk Signature



Minutes:

Attached testimony

Relating to impounding and destroying number plates for certain offenses

Senator Gary Lee - District 22 - Transportation Committee- Explains the bill and why it came about. Said it's a good bill and offers a solution for a storage problem that it is creating.

Tim Dawson - Legislative Council - Describes the bill being a storage issue. He relates different ways plates are impounded.

Senator Sitte - Asks for background and cost of the plates.

Tim Dawson - Replies they could transfer it with the credit they have on their previous registration and the person would a new plate and new registration.

Senator Hogue - Asks about tacking on the B misdemeanor onto the conduct and why the penalty wouldn't be revocation instead of making it a new offense. He asks if the interim committee had any discussion on whether to impose a new penalty.

Dawson - Responds the reason Class B misdemeanor was put in was to make all the sections read the same. The study was for consistency and clarity so it made sense.

Linda Sitz - Director of the Motor Vehicle Division at the ND Dept. of Transportation - See written testimony.

Senator Granbinger - Asks about the process now and if there is a time schedule that they are destroyed.

Sitz - Replies that she doesn't have a process for length of time. She does not have the authority to destroy the plates.

Senator Armstrong - Asks if they are kept forever.

Sitz - Responds that she did destroy some plates that were older than 7 years.

Senator Sitte - Asks why they are striking the language in the bill referring to hardship. And why they would do that now with all the people in rural areas who may need this.

Sitz - Says she has no problem with putting the language back in, they follow the decisions of the court.

Senator Hogue - Asks Tim Dawson about the language that is being struck.

Dawson - He responds that destruction is destruction and impoundment is different. If offers a little more leeway. He says none of this prohibits another person from transferring a title to another person and having them pay the registration fee and putting the car back in their name.

Senator Nelson - Says this change of must to shall makes it a little easier for the court and gives them more latitude. The court is still in charge of whether those license plates are destroyed or not.

Dawson - Recites the language and says it won't create a hardship on the person you want to have it except for paying the re-registration fees. It will create a hardship on an individual who has had a second or subsequent offense in within five years, they will not be able to get around this.

Senator Berry - Asks what percentage of plates are picked up.

Sitz - Replies in the last two years they have collected 200 per year with 3 requests to get the plate back.

Senator Grabinger - Asks if the people are aware they can get them back.

Sitz - Replies she doesn't attend the hearing and can only assume they are told.

Senator Nelson - Asks about custom plates.

Sitz - Responds that currently Motor Vehicle has a policy in place that plate is yours for 3 years plus one month. They can get that plate back in that time frame.

Close 2041

Committee discussion

Senator Armstrong explains to the committee the way it is currently written it says must so the judge has to have a specific finding on the record to not do it. When it says you must impound the plates then in order to give them back you must have a specific finding that is under this reason. By taking out the word must and turning it to shall the judge has broad discretion. He goes on to explain how this might be good for consistency in the code in actual practice if could be made subject to revocation it would be more consistent with the case if it was subject to revocation. He thinks the language was struck because there is no longer a need to find a specific finding to give them to. The committee discusses where to

put the new language and how it should read. By adding revocation instead of a Class B misdemeanor will bring it to the same judge and court it began in. Committee decides to hold the bill and get amendments ready.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2041
1/22/2013
Job #17543

Conference Committee

Committee Clerk Signature 

Minutes:

Attachment

Committee work

Senator Armstrong brings in an amendment for the bill and explains the amendment. He describes the difference in having it read revocation of probation instead of a new Class B misdemeanor it goes back to the same players. He believes revocation is the more appropriate place to put this. He said the actual cost of new plates is \$5.00. So he does not see immediate destruction when ordered by a Judge to be a problem.

Senator Armstrong moves to adopt the amendment
Senator Sitte second
Verbal vote on amendment 13.0065.04002
All yes, amendment adopted

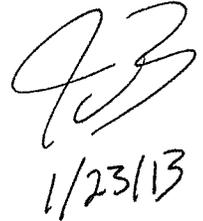
Senator Sitte proposes an amendment also and explains her amendment but withdraws it when it is covered in Senator Armstrong's amendment.

Senator Grabinger moves for a do pass as amended
Senator Berry second

Vote - 7 yes, 0 no

Senator Armstrong will carry the bill

January 22, 2013



Handwritten signature and date: 1/23/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 3, remove "and destroying"

Page 1, line 20, replace "guilty of a class B misdemeanor" with "subject to revocation of probation"

Page 2, line 4, replace "shall" with "may"

Page 2, line 6, remove the overstrike over "~~impounded for the duration of the period of suspension or revocation of the~~"

Page 2, remove the overstrike over lines 7 through 12

Page 2, line 13, remove the overstrike over "~~including the offender~~"

Page 2, line 13, remove "destroyed by the office of the police officer that made the arrest."

Page 2, remove lines 14 and 15

Page 2, line 16, remove "plates to the office and notify the department of the order"

Page 2, line 17, remove "guilty of a class B"

Page 2, line 18, replace "misdemeanor" with "subject to revocation of probation"

Renumber accordingly

Date: 1/22/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0065.04002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By S. Armstrong Seconded By S. Sitte

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	1		Senator Carolyn Nelson	1	
Vice Chairman Margaret Sitte	1		Senator John Grabinger	1	
Senator Stanley Lyson	1				
Senator Spencer Berry	1				
Senator Kelly Armstrong	1				

Total (Yes) 5 No 0

Absent Verbal vote all yes

Floor Assignment _____

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

Date: 1/22/13
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2041**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0065.04002

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

Motion Made By S. Grabinger Seconded By S. Berry

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

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

SB 2041: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and destroying"

Page 1, line 20, replace "guilty of a class B misdemeanor" with "subject to revocation of probation"

Page 2, line 4, replace "shall" with "may"

Page 2, line 6, remove the overstrike over "~~impounded for the duration of the period of suspension or revocation of the~~"

Page 2, remove the overstrike over lines 7 through 12

Page 2, line 13, remove the overstrike over "~~including the offender~~"

Page 2, line 13, remove "destroyed by the office of the police officer that made the arrest."

Page 2, remove lines 14 and 15

Page 2, line 16, remove "plates to the office and notify the department of the order"

Page 2, line 17, remove "guilty of a class B"

Page 2, line 18, replace "misdemeanor" with "subject to revocation of probation"

Renumber accordingly

2013 HOUSE JUDICIARY

SB 2041

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2041
Job # 20035
DATE: March 18, 2013

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to impounding and destroying number plates for certain offenses; and to provide a penalty.

Minutes:

Proposed amendment #1, Testimony #2

Chairman K. Koppelman opened the hearing on SB 2041.

Senator Armstrong: (See handout proposed amendment #1) When this was in the Senate they were asked to turn their physical license plates into the DOT. There was no mechanism to what the DOT ever did with these plates. They almost never asked to have them back. It has been five times in the last two years total. These plates costs \$5 and they get sent to the DOT and they all end up there. The DOT asked us to add an amendment saying they are allowed can destroy plates because of the cost and inconvenience of storage. We agreed to do that and then we didn't do it. I passed out an amendment and all it does it allow the DOT to destroy the plates upon an order of impoundment of the plates. I would like to ask the House Judiciary to do a better job than we did on the Senate side.

Rep. Lois Delmore: Will those numbers we allowed to recirculate.

Senator Armstrong: I believe so.

Rep. Randy Boehning: Why are we confiscating plates?

Senator Armstrong: Primarily for second offense DUI and driving without liability.

Rep. Randy Boehning: If someone our DUI laws pass and we have 24/7 and plates get confiscated how is that going to work out?

Senator Armstrong: This statute is cited in a couple of those bills. If either of the DUI bills pass and are close to their current form you are going to be some mechanism in place to allow you to have a restricted license upon compliance with the 24/7 program. This part of it should probably be cleaned up. It is not just DUI's it is other offenses as far as the destruction part of it.

Rep. Randy Boehning: I wasn't aware there was a whisky plate or something?

Senator Armstong: That was in the original 2240 and has been taken out.

Linda Sitz, Director of Motor Vehicle Division: (See testimony handout #2.) 08:29 - 10:10

Rep. Karen Karls: So what did the Senate do?

Linda Sitz: Page 2, Line 13 through 18, they took out that section so basically what this amendment does is giving us the authority to destroy the plate and not store them.

Rep. Karen Karls: So the Senate wanted you to store them instead of destroy them?

Linda Sitz: It was a miscommunication when they did their final bill.

Rep. Lois Delmore: Are those reissued. How many plates are we looking at?

Linda Sitz: If I have a plate and it is taken away it's still mine for 37 months. If I don't register that plate after that time than anyone can request that plate. They do come back and get personalized plates. We have about 1600 plates.

Rep. Gary Paur: Would you know if they get another DUI driving the wife's vehicle can they take that plate too? Do you know?

Linda Sitz: If they have a DUI on record they are not supposed to be driving that vehicle. The intent is to be reprimanded more severely.

Rep. Gary Paur: Could they take that plate?

Linda Sitz: Yes

Rep. Roger Brabandt: What offenses where your license plates is actually confiscated?

Linda Sitz: If they are DUI or DUS so those are the two cases.

Rep. Roger Brabandt: How long has this been in law?

Linda Sitz: I can find out.

Opposition: None

Neutral: None

Hearing closed.

House Judiciary Committee
SB 2041
March 18, 2013
Page 3

Motion Made by Rep. A. Maragos to move the amendment; Seconded by Rep. Delmore

Voice vote carried.

Do Pass As Amended Motion Made by Rep. A. Maragos; Seconded by Rep. Delmore

Vote: 11 Yes 1 No 2 Absent Carrier: Rep. Karls

Closed.

March 18, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

Page 1, line 3, after "impounding" insert "and destroying"

Page 2, line 4, overstrike "impounded for the duration of the period of suspension or revocation of the"

Page 2, overstrike lines 5 through 10

Page 2, line 11, overstrike "including the offender" and insert immediately thereafter "destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order"

Renumber accordingly

Date: 3-18-12
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2041**

House Judiciary 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 Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

VOICE VOTE - CARRIED

Date: 3-18-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0065.05001

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

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning		/	Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Rep. Karls

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

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 3, after "impounding" insert "and destroying"

Page 2, line 4, overstrike "impounded for the duration of the period of suspension or revocation of the"

Page 2, overstrike lines 5 through 10

Page 2, line 11, overstrike "including the offender" and insert immediately thereafter "destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order"

Renumber accordingly

2013 TESTIMONY

SB 2041

JUDICIARY TRANSPORTATION COMMITTEE**Date: January 16 – 10:30 a.m. – Fort Totten****North Dakota Department of Transportation
Linda Sitz, Director, Motor Vehicle Division****Senate Bill 2041**

Mr. Chairman and members of the committee - I'm Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

DOT worked with the Interim Transportation Committee on this bill and we support these changes.

Senate Bill 2041 changes the process in how these plates are handled at Motor Vehicle. Currently Motor Vehicle stores all DUI and DUS plates upon receipt of these plates from the court upon sentencing of the offender.

This law would allow the court to destroy the DUS and DUI plates upon receipt of the plate. Currently Motor Vehicle stores 1587 DUS and DUI plates. When a plate has been impounded, the majority of citizens transfer ownership of the vehicle to a spouse or child and obtain new plates. Therefore, the majority of these plates are left never to be retrieved by the owner.

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

January 21, 2013

13.0065.04000
Sixty-third
Legislative Assembly
Of North Dakota

SENATE BILL NO. 2041

Introduced by

Legislative Management
(Transportation Committee)

Page 1, line 20, overstrike "guilty of a class B misdemeanor" and replace with "subject to revocation of probation."

Page 2, line 4, replace "~~must~~shall" with "may"

Page 2, lines 6 through 13, remove overstrike

Page 2, line 17, overstrike "guilty of a class B misdemeanor" and replace with "subject to revocation of probation."

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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

Page 1, line 3, after “impounding” insert “and destroying”

Page 2, line 4, overstrike “impounded for the duration of the period of suspension or revocation of the”

Page 2, overstrike lines 5-10

Page 2, line 11, overstrike “including the offender”

Page 2, line 11, after the first “offender” insert “destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order”

Renumber accordingly.

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JUDICIARY TRANSPORTATION COMMITTEE
Date: March 18, 2013 – 9:00 a.m. – Prairie Room

North Dakota Department of Transportation
Linda Sitz, Director, Motor Vehicle Division

Senate Bill 2041

Mr. Chairman and members of the committee - I'm Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

DOT worked with the Interim Transportation Committee on this bill and we support the bill in its original form.

The bill in its original form would allow the court to destroy the DUS and DUI plates upon receipt of the plate. Currently Motor Vehicle stores 1587 DUS and DUI plates. When a plate has been impounded, the majority of citizens transfer ownership of the vehicle to a spouse or child and obtain new plates. Therefore, the majority of these plates are left never to be retrieved by the owner. Currently Motor Vehicle stores all DUI and DUS plates upon receipt of these plates from the court upon sentencing of the offender. DOT has boxes of these plates stored in our basement.

Senate Bill 2041 changes the process in how these plates are handled at Motor Vehicle and we respectfully request the amendment as presented by Senator Armstrong be adopted.

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